

## Advisory Neighborhood Commission 6A

### Minutes

#### Miner Elementary School

April 14, 2011

**Present:** Commissioners Alberti, Healy, Holmes, Hysell, Lawler, Ronneberg, and Veenendaal-Selck

The meeting was convened at 7:05 pm.

#### 1. Agenda

The issue of a waiver for letters of support for the H Street Festival was added to New Business, and the agenda was accepted as amended.

#### 2. Minutes

Dr. Ronneberg said that the motion in support of tree planting at Sherwood Rec Center had not been included in the minutes and should be added. **Motion:** Dr. Ronneberg moved/Mr. Alberti seconded a motion to accept the minutes as amended. The motion was accepted without objection.

#### 3. Community Comment

Andrea Sledd announced that the planned April 30 event DC Cares was sponsoring was being postponed, but she was working with Commissioner Mack on a health fair to be held in Rosedale on May 7. She said she was looking for donations of refreshments for the event.

Chris Fitzgerald of the Mayor's Office announced that the Mayor would be holding Town Hall meetings on the budget, and the one for Ward 6 would be held on Saturday, May 7 at Miner Elementary School at 2 pm.

#### 4. Community Presentation

##### National Marathon Recap

Commissioner Holmes said that Commissioners have received an After Action Report from the Greater Washington Sports Alliance on their view of the outcome of the March 26 National Marathon. He introduced Chris Brown and Diane Thomas of the Alliance, and said they would give a brief, four-minute presentation, after which Commissioners would ask questions, followed by the community. Brief closing statements would be entertained.

Mr. Brown thanked the Commission for inviting them to recap the race and get feedback. He thanked Mr. Holmes, who, he said, was great at staying in touch during the planning. He said it was the sixth annual race that had started and finished at RFK Stadium, and there had been many variations in the route. He said that the Alliance viewed running as a privilege, not a right, and said they had strong outreach on the route design. He said they had 16,000 registered runners this year, with 13,000 finishing the race. One quarter of the runners were DC residents, most from Ward 6. He reported that 580 kids had completed their kids program. They took in \$13.1 million, and the funds are going to eight national and local causes.

He said that Mr. Alberti had provided instrumental feedback a couple of years ago and Mr. Mahmud had also been very helpful. He said that the bump crosswalks, which were new this year, seemed to work well, and he thought that the group following the runners to pick up discarded clothing worked well.

Ms. Veenendaal-Selck said that people had asked the police for alternate directions at detours, and the officers had problems telling them how to proceed. Mr. Brown said they were Special Operations officers and they were not briefed at the last minute and it was a human factor that created the difficulty.

Mr. Holmes said that the bump cross routes did not work. East Capitol Street closed at 6:20 am, first reopening at 8<sup>th</sup> Street only after he had e-mailed Mr. Brown, and the police refused to open the routes. So the first crossing was about 9:20 am, and almost entirely at 8<sup>th</sup> Street. Other streets opened up after 10 am or so. Because of the early and complete closure of the route, vehicles funneled down Massachusetts Ave. to 10<sup>th</sup> Street, down all the numbered streets to 10<sup>th</sup> Street. He said there were over 100 cars within one block of his house until about 9 am. Several buses and trucks decided to double-park while waiting for the streets to open. Most did not turn off their diesels and no officer could leave his/her station to give tickets for the violation.

As for the clean-up, an hour after the conclusion of the race, he said he and his neighbors picked up over 50 pairs of National Marathon gloves, hundreds of paper cups, many foil blankets. After 3 pm he said they picked up three large bags of clothes and one medium bag of quality clothing to be offered for a school yard sale. He suggested that there should be blowers used for 1000 feet after water stations to assure that thrown cups don't stay between and under cars.

He also said that the last-minute confusion about the course helps no one. Based on an e-mail from Ms. Thomas, he said, he asked the Police Board what security concerns they had about running the race along C Street, and they said they had none, but he suspects the problem was one he had warned the Alliance about—that C Street is too narrow for the large number of runners without removing all the cars, and likely to be a problem even then: East Capitol Street with its wide lanes and two generous bike lanes was filled side to side at 9<sup>th</sup> Street.

He said there should be a sag wagon, a bus to pick up runners who have fallen to the back of the pack. It was supposed to be a time-restricted course; what happened to that? He suggested that stragglers start being cleared at the halfway point, and then continuously from that point on, perhaps at the 5:15 pace. At 11<sup>th</sup> Street during the last 40 minutes that East Capitol Street was open, there were fewer than 30-40 runners left. Some runners, he said, took more than six hours to finish the course - a heroic effort, but not a time-restricted marathon.

Ms. Lawler said that the neighbors she spoke with were pleased with the advance notification—the posters, door hangers, etc. Elizabeth Nelson produced a garbage sack of clothing that she said she had picked up from her block alone. The pick-up group, she said, should be responsible until at least mile 13. Mr. Brown responded that she is right, that there are going to be misses, and he identified that as a place where there could be improvement. He said it had not been a major issue for them, and the comments are right on.

Mr. Alberti said that every year the same thing happens—people come to visit the neighborhood, and aren't aware of the race, or if they take a dog to the cemetery to walk, they're stuck and can't get out of the neighborhood to get home.

Resident Ted Elston said there was a map showing the street closures, and the streets were closed a half hour early, and there was every attempt to avoid the race, and it couldn't be done because the streets closed early.

Mr. Alberti said the neighborhood was locked down for five or six hours. Every year, he said, he hears the same promises, and he's lost faith in the Alliance's word and its ability to plan. He asked how he can trust for next year, when the trash this year was worse, not better. He said he had asked Ms. Thomas if it would be better, and she said it would. He said he was told the switch to C Street was an improvement and it wasn't. The door hangers weren't done in time and the information was sketchy. Mr. Holmes reiterated that the cleaners were not adequate and said that clothing was thrown under cars when it should be blown into the street for the clean-up truck. He said a way should be found to not go through the community twice and find a better route.

Mr. Brown said these are difficult issues, and he disagrees about trust issues. He agreed that the trash has to be managed better, not just what's on the roadway. He said he takes the Commissioners' comments very seriously, and we can do better. Mr. Alberti said he challenges the Alliance staff to live up to just one of the commitments they make to the community for next year.

## 5. Officer Reports

### Chair

Mr. Holmes said he was going to meet with DCRA Director Nicholas Majett on April 19 in regard to the ANC's March motion on the abuse of "reasonable accommodation" regulations. He said he believes he has found criteria for effective changes, although currently there are no regulations, nor is there any person designated to evaluate the validity of claims, or any review of decisions. He said that the recommendations will be modeled on Montgomery County and similar regulations from around the country. DC just hasn't planned for this administrative problem. Contractors talk, however, and the new cases open a wide range of zoning and regulation-busting possibilities.

Mr. Holmes also announced a community meeting for an update on the H Street streetcar project at the Atlas Theatre on April 20 at 6:30 pm. DDOT Director Bellamy and Project Manager Scott Kubly will be present.

### Treasurer

Mr. Alberti presented the Treasurer's Report. It shows that the opening checking account balance was \$20,615.91 and the savings account balance was \$4,204.27. There was the payment of an allotment from the District of Columbia of \$5,555.40 and an interest payment to the savings account of \$.26. There were disbursements of \$100 to DCAccess for a web ad (Check #1501); \$230.84 to FedEx Office (Jan. 2011 statement) (Check #1502); \$250 to the US Postal Service (Yearly Post Office Box rental) (Check v#1503); \$200 to Heather Schoell for the March 2011 Agenda package (Check #1504); \$190 to Roberta

Weiner for taking and transcribing the January 2011 minutes (Check #1505); \$279.67 to FedEx Office (Feb. 2011 statement) (Check #1506); and \$1,767 to ACP for payment of funds for a grant to the Maury Elementary PTA, leaving a balance of \$23,163.80 in the checking account and \$4,204.53 in the savings account. **Motion:** Mr. Alberti moved/Mr. Hysell seconded a motion to approve the disbursements. It passed without objection. **Motion:** Mr. Alberti moved/Mr. Hysell seconded a motion to accept the Treasurer's Report. It passed without objection.

Mr. Alberti called to the Commissioners' attention that a mid-year summary of ANC expenses can be found on page 16 of the agenda packet. He said he does this every year so that the Commission can keep track of the money it is spending.

No other officers had reports.

## 6. Single Member District Reports

Mr. Hysell said that he was working with the 14<sup>th</sup> Street Block Association on its clean-up and is hoping to get as many streets as possible signed up to participate. He said he wanted to thank Andrea Sledd for inviting him to judge the pie-baking contest at her recent event. There were a lot of good pies!

Ms. Lawler said that on April 28 she was having a drop-in for her SMD at Sova from 7 to 8:30 am.

Dr. Ronneberg said that the tree planting at Sherwood Rec Center had been successful. He also announced that Khan's Barbeque was opening and it was very good.

Mr. Alberti said that he and Mr. Holmes had met with the principal at Maury Elementary School, and there will be lots of renovations going on at the school.

Mr. Healy reported that he was having SMD meetings on the first Monday of the month, and the last one had brought out about 40 people. He also said he had done a ride-along with the police on the previous Saturday evening, and it was certainly an interesting way to get to know the neighborhood.

Ms. Veenendaal-Selck announced that she had an SMD meeting on March 31, and she will be doing a community walk-through.

## 7. Committee Reports

### Community Outreach

The committee had no report.

### Alcohol Beverage Licensing

The report of the Committee was accepted without objection.

## Transportation and Public Space

**Motion:** The Transportation and Public Space moved/Mr. Hysell seconded a motion that the ANC support the Committee's recommendation to send a letter of support for the Biergarten Haus valet parking operator's application to provide valet parking provided that the operator first provide 1/ an acceptable valet parking plan and 2/proof of notification of the application to adjacent property owners, as required by the DCMR.

Mr. Mahmud said that the ANC doesn't have "great weight" with valet parking. The cars will be taken to a lot between H St. and Florida Ave. that will hold 14 cars. DDOT is going to check to make certain the parking patterns are safe. Mr. Holmes said he had attended the committee meeting and feels that the follow-up is particularly important because it's necessary to protect the residents who are adjacent to H St. The motion passed without objection, 7-0.

The report of the Transportation and Public Space Committee was accepted without objection.

## Economic Development and Zoning

### 808 9<sup>th</sup> Street NE

This is a request for support of a BZA application for a special exception for a two-story rear addition with a roof deck to an existing one-family row house, not meeting the court requirements in the R-4 district. According to Dr. Ronneberg, the property is non-conforming in that the "court" dogleg is only 4' wide. The addition will keep the dogleg, maintaining the light and air. **Motion:** The ED&Z Committee moved/Ms. Lawler seconded a motion to accept the Committee's recommendation that the ANC support the BZA application for a special exception for an addition at 808 9<sup>th</sup> Street NE. The ANC approved the motion unanimously, 7-0.

### 1329 North Carolina Avenue NE

This is a request for a special exception to permit a child development center for 24 children (nine infants from zero to 24 months old, and 15 children from two to 12 years) and eight staff in the R-4 district. There had been extensive discussion about the proposed center at the Committee meeting (see Committee minutes), resulting in the following motion:

**Motion:** The ED&Z Committee moved/Mr. Alberti seconded a motion that the ANC accept the Committee's recommendation to oppose the application for a special exception to establish a child development center at 1329 North Carolina Avenue NE as the application does not meet the requirements for a special exception for the reasons below:

1. Increase in traffic and dangerous conditions for cyclists and children being dropped off at the center;
2. Insufficient on-site parking;
3. Noise and other conditions not mitigated
4. Travel to main play area at Lincoln park is unsafe; and
5. The property has effectively been turned into a commercial use.

The motion passed unanimously, 7-0.

### 138 12<sup>th</sup> Street NE

Mr. Holmes began the discussion by saying he had spoken with Mr. Simon in the Office of ANCs, and proposed that the Commission limit discussion to ten persons in favor and ten persons opposed on any motion offered that appears ready to involve more than 20 minutes of discussion. All discussion should be directly relevant to the proposed motion. He said he intended to tightly adhere to a one minute rule on all community participants. Discussion should be germane to the language of the motion. He asked people to line up and to speak so that both the Commission and the audience can hear. He also said that no member of the Commission could speak more than twice. Finally he said that preferential recognition would be given to residents of ANC 6A, and that rudeness would not be tolerated.

A brief review of the issue of the AppleTree Learning Center and the revocation and reinstatement of their construction permits was given. It was also reported that a representative of DCRA had been invited to the EDZ Committee meeting to discuss and explain their events surrounding the issuance of building permits. However, because there may be pending litigation, DCRA declined to attend.

Elizabeth Murray of 11<sup>th</sup> St. SE said there is clearly a need for the school in the neighborhood. A resident who said he lived across the street from the school said that there is a reason there are rules and they should be followed. Karen Davenport said she has a three-year-old at the school. She said both revocations and repeals had gone on long enough and they should be allowed to finish the building. Flavia Nadan who lives at 12<sup>th</sup> and Maryland said the school is a boon to the community, and the ANC shouldn't be using her tax money to work against it. Herb Faling of 11<sup>th</sup> St. NE said that DCRA had revoked the permits but never gave a good reason as to why. A resident of 11<sup>th</sup> St. NE said that the zoning regulations were put into place for the benefit of everyone in the neighborhood. Another resident mentioned that AppleTree had a problem with its Certificate of Occupancy at its facility in Columbia Heights. Ann Malone responded that the C of O was in good shape.

Elizabeth Nelson said that DCRA should follow the law. Dr. Ronneberg said that the situation was fundamentally about a process, and DCRA wasn't following its own rules.

Mr. Alberti pointed out that if they had applied for permits now, they wouldn't have gotten them; they were improperly issued. Dr. Ronneberg said that it was a zoning issue, not a question of whether they wanted a school. It's important for other cases that come to the Commission. He said the ANC is willing to work with the owners of AppleTree to identify other locations that meet the criteria for a school.

**Motion:** The ED&Z Committee moved/Mr. Alberti seconded a motion to appeal the reinstatement of the revoked and expired building permit(s) issued for 138 12<sup>th</sup> Street NE

during February 2011. (Nominally the permits were a renewal of permits originally issued in October 2007.)

Commissioners Holmes, Alberti and Ronneberg are authorized to represent the Commission in this matter.

The motion passed 6-0-1, Commissioner Veenendaal-Selck abstaining.

The report of the Economic Development and Zoning Committee was accepted without objection.

## **8. New Business**

### Waiver for H Street Permit Signatures

Mr. Holmes said he had received a request from Anwar Saleem of H Street Main Street asking the ANC to support a waiver of the requirement that he get the signatures of every business, store and residence within 500 feet of H Street stating they have no objection to the H Street Festival closing the street. Mr. Alberti said that he had no objection to the request but believes that ANC procedures should be followed and the request should go through the Committee process. Mr. Holmes said he would refer it to the Economic Development and Zoning Committee.

Mr. Saleem said that this year's festival would also be a celebration of the completion of the streetscape. He said the festival has grown from 5,000 to 35,000 people and having the waiver would give them a jump start on their preparations.

The meeting was adjourned at 8:30 pm.