

**Advisory Neighborhood Commission 6A**  
**Minutes**  
**Miner Elementary School**  
**April 11, 2013**

**Present:** Commissioners Alberti, Holmes, Hysell, Mahmud, Nauden, Phillips-Gilbert, Ward, Williams

The meeting was convened at 7pm.

**1. Minutes**

Mrs. Phillips-Gilbert made a correction to the minutes for March 2013, which were approved by unanimous consent.

**2. Agenda**

Mr. Holmes added a discussion of Options School to Community Presentations. Mr. Mahmud asked to have a letter to the Mayor on parking revenues considered. With those additions, the agenda was approved by unanimous consent.

**3. Community Presentations**

Options School

Mr. Holmes opened by saying that this is a recent addition to the agenda, but the issue has become critical and it never pays to wait on school problems. Options came before the Commission to discuss a rash of incidents involving their students' truancy and the harassment of other children and residents. The school established two Segway patrols, provided phone numbers for complaints, and with the Charter School Board Director present, agreed to be responsive and proactive.

He said there is a current problem that duplicates past episodes, except that the Segways do not appear to be helping, the phones are not being answered, and late students are being held outside the school.

He said that they would hear from the community and the commissioners, and then have Options respond. He said the ANC has a heavy agenda and proposed 20 minutes for the discussion. The process was approved by unanimous consent.

Mr. Hysell said that he's been working with Options, that they've had lots of meetings, including a town hall meeting. He said they had negotiated an agreement, but problems still exist— a never-ending problem. Elizabeth Nelson said she was out walking her dogs and saw three students after 9am. They were smoking and the Segway guy did nothing. She said she followed them to school, where they were greeted and welcomed but not allowed into the school. Two adults watched as a large group of students smoked and socialized on the steps of the school.

One resident said she moved to the neighborhood in December, and an Options student followed her four-year-old the previous day and her 12-year-old has been chased in the past in a targeted way. She asked where the adults who were supposed to be at the corner were, monitoring the kids. Another parent, who lives across the street from Options, said she saw a young girl chasing a younger child across 14<sup>th</sup> Street. She said there was a police presence at Tennessee and 14<sup>th</sup> Street, but they are not an active presence. And they leave when the buses leave, which makes no sense because it's the kids not on the buses who need watching.

Jon Wadsworth said he begged and pleaded at the beginning of the year, saying that kids were outside the school between 9:15 and 9:30, when they shouldn't be there. He said he was told by Options that they're putting together a plan. Two days prior to the ANC meeting, he was still being

told that they're putting together a plan to drop the kids at Checkers. He said he was tired of being made to feel guilty for demanding safety and security in his own neighborhood.

Mrs. Phillips-Gilbert asked about the Task Force appointed by the school and whether it is made up of community members, and if not, why not. Options, she said, needs a "village" to work and the community has to be a part of that village, and has to be involved.

A resident who lives on 14<sup>th</sup> Street said she felt she couldn't walk out to her car with any degree of safety, and a resident named Holly said she had trouble last year with students throwing things. She said she called the school, and came to the last ANC meeting at which Options was discussed, but the safety steps they took fell off. They provided a false sense of security, when what is needed is a long-term solution.

Steve Hook of Options School said that they have found that their Segway patrols are effective, saying that at the beginning of the school year there were 50 kids outside the school, but that number is greatly reduced. He said that they do have a plan, and it's been very effective. The primary goal, he said, is to get the students into the building. But they do turn kids away who are late. He said that there are new aspects of their plan, including 1. Extending the Segway officers' hours; 2. Using their extra bus to cruise the neighborhood and pick up stragglers; 3. Getting the kids being sent home to the Metro. The idea, he said, is to keep the kids from irritating neighbors, with the goal of transporting all the kids. He said the school now has an 8.5% truancy rate. As to the current problem, there is no identifying information on the students, so they don't know if it's Options students causing the neighbors' discomfort. He said they are also planning to put teachers on the corners.

Mr. Williams said that this is Options' last chance to communicate with the community. Mr. Hook repeated that people should go to the website and leave a message. He said that there had been seven or eight reports about the most recent incident. Mr. Williams said he had tried unsuccessfully to call and it was extremely frustrating. Mr. Hook said there was a temporary problem with the phones and the Blackberries had been replaced the day before the meeting. Mr. Williams responded that moving to the next step is needed and there has to be community involvement. He reiterated that he's tired of calling and needs to know where the intersection point of engagement with the community is.

**Motion:** Mr. Holmes moved/Mr. Alberti seconded the motion that the ANC take its concerns to the Public Charter School Board. The amendment was accepted 7-0-1.

Mr. Alberti addressed Mr. Hook and said that the Commission is not there to pass judgment on the kids, but here to pass judgment on the Options administration, which has not been doing very well and not being proactive or implementing workable plans. He said it's important to point out that the DC Council and the Mayor have little authority over the Public Charter School Board and they can do little to influence the oversight of charter schools by the Public Charter School Board. Mr. Holmes added that he's proud to have the school in the community, but they're not doing the job of relating to the people who live there.

Mr. Hook said he's pleased with the progress they're making, and gave out the newest reachable phone number. He said that if there's a problem he can be reached at (202) 657-1244; and that school general counsel Paul Dalton at (202) 497-2116.

The final vote was 7-0-1.

#### 4. Community Comments

##### Capitol Hill Village Housing Seminar

Vira Sisolak, representing Capitol Hill Village, the organization for people who want to stay in their own homes, or neighborhood, as they grow older, announced that the organization is sponsoring a free daylong seminar on Friday, May 3<sup>rd</sup> at the Hill Center, 901 Pennsylvania Avenue SE. The symposium will focus on issues such as preparing multi-floor townhouses for ease of use throughout life; moving to one-level living on Capitol Hill; co-housing; changing financing needs; rent, ownership or leasehold; and moving to small neighborhood skilled nursing homes when 24-hour care is the best solution. For more information, [info@capitolhillvillage.org](mailto:info@capitolhillvillage.org), or (202) 543-1778.

#### 5. Officers' Reports

##### Chair

Mr. Holmes reported that new Council-passed financial disclosure regulations will apply to ANC Commissioners and they will be required to file forms with the District. OANC Director Gottlieb Simon will have the details to present to the ANCs.

He also announced that there will be a town hall on the new water pipes that are being installed across the City. The meeting will be on April 25, 6:30-8:30pm at Watkins Elementary, 420 12<sup>th</sup> Street SE.

He noted that Commissioner Nick Alberti and Elizabeth Nelson, Community Outreach Committee Chair, will be honored by the Capitol Hill Community Foundation at its annual dinner on April 23. "Elizabeth has been the reader, the comforter-in-chief for over a generation of Maury Elementary School children, and she is known to thousands of kids as Ms. Elizabeth."

Finally, he said he has asked that the Mayor come to an ANC meeting to discuss funding for the Commission's four major street projects. He has not yet committed to come.

##### Vice Chair

Mr. Mahmud said that he represented the ANC at the April 4th Mayor's Meeting for ANC leaders. He reported that:

- He learned that DDOT has a new Public Space internet tool that will allow people to comment on issues, and there will be training in the near future.
- The Administrator of the new Health Exchange, mandated by the Affordable Care Act, will come and talk to the ANC about it.
- The Director of Fair Housing will also come.
- He said he had the opportunity to talk directly to the Mayor and told him that all his budget choices have a serious impact on 6A and hopes he will consider that.

##### Treasurer

##### Treasurer's Report

Mr. Alberti presented the Treasurer's Report. He reported that the opening balance in the checking account was \$13,858.10 and the savings account balance was \$13,715.29. There was an interest payment to the savings account of \$.23. There were disbursements of \$200 to Heather Schoell for the February '13 agenda package (Check #1592); \$180 to Roberta Weiner for transcription of the January '13 ANC minutes (Check #1593); \$330 to the US Postal Service for a post office box for one year (Check #1594); a voided check (Check #1595); \$257.58 to FedEx Office for the March '13 statement (Check # 1596), leaving a balance of \$12,890.52 in the checking account, and \$13,715.52 in the savings account.

**Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to accept the disbursements. The motion passed without objection.

**Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to approve the Treasurer's Report. The motion passed without objection.

#### Quarterly Report

Mr. Alberti presented the Quarterly Report for the 2<sup>nd</sup> Quarter of FY 13, saying that it had been circulated to the ANC prior to the meeting, and inviting questions and comments. **Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to accept the Quarterly Report as presented. The motion passed 8-0, unanimously.

#### Mid-year Budget Review

Mr. Alberti presented the mid-year budget review, saying it was to give Commission members an opportunity to see how money has been allocated and spent for the current year, and invited questions and comments.

Mrs. Phillips-Gilbert asked about the advertising budget and what it goes for in her community. She said it was an important issue, saying the Hill Rag caters to readers on the Hill and she wants to look at other options and reach people who read The Afro-American, and The Informer. Enough of this community isn't reached. Mr. Alberti responded that it's difficult to deal with weekly papers in terms of deadlines and their publication schedules. The Rag, like the ANC, is on a monthly schedule. Ms. Nauden said that media buying should be based on demographics and the ANC should look at more of a research-based model in making its decisions.

## 6. Alcoholic Beverage Licensing Committee

The report of the Committee was accepted without objection.

#### Maketto - 1351 H Street NE

The Committee moved and Mr. Williams seconded a modification of the Settlement Agreement the ANC signed with Maketto, an establishment that will open at 1351 H Street NE. The modification would delete the first sentence of §3(d), removing restrictions that could limit the hours of operation of their outdoor courtyard. Mr. Williams provided an amendment to the Committee motion, which would eliminate the entire §3(d) to further clarify the meaning of the change. The amendment passed by unanimous consent and the motion was adopted 7-0-1, with Commissioner Alberti not voting.

#### Changes in Settlement Agreement

Mr. Williams announced that he had made a few tweaks in the ANC's basic Settlement Agreement, but none that will change the meaning or substance of the document. Mr. Alberti suggested that Mr. Williams might want to run the new agreement past the ABRA general counsel to make sure it meets their standards.

#### The Elroy - 1423 H Street NE

**Motion:** The Committee moved/Mr. Williams seconded a motion to protest the license of the Elroy, 1423 H Street NE, unless there is a signed, approved Settlement Agreement before the protest date. The amendment passed by unanimous consent and the motion was adopted 7-0-1, with Commissioner Alberti not voting.

## 7. Transportation and Public Space Committee

The report of the Committee was accepted without objection.

#### Membership

**Motion:** The committee moved/Mr. Mahmud seconded a motion to approve Andrea Adleman as a member of the TPS Committee. The motion passed without objection.

**Motion:** The committee moved/Mr. Mahmud seconded a motion to approve Christine Ennis as a member of the TPS Committee. The motion passed without objection.

#### Naming of Alley

Mr. Mahmud reported that the residents of the alley just north of the 1100 block of H Street NE have problems receiving city services and receiving mail because they have no physical street addresses. The residents have a petition signed by 29 homeowners to name the alley Atlas Court.

**Motion:** The Committee moved/Mr. Mahmud seconded a motion to accept the Committee's recommendation to send a letter of support to Councilmember Wells for naming the alley north of 11<sup>th</sup> Street off H Street NE. The motion passed 8-0, unanimously.

#### Committee Goals

**Motion:** The Committee moved/Mr. Mahmud seconded a motion to accept the committee's recommendation that the ANC approve the 2013 goals of the Transportation and Public Space Committee. The motion passed 8-0, unanimously.

## 7. Economic Development and Zoning Committee

The report of the Committee was accepted without objection.

#### 1350 Maryland Avenue NE

This is a request for support of a special exception from the H Street Overlay for design, and a variance from the setback requirements for parking. DC zoning regulations require that if the ceiling of a parking structure is above grade, the spaces must be set back ten feet or must be sunk below grade. The ANC has worked closely with Valor Development, the developer of the project, on the design.

**Motion:** The Committee moved/Mr. Holmes seconded a motion to recommend that the ANC support the application for a special exception and variance relief and to draft a letter of recommendation to the BZA to seek a new surface for the alley, new signs that say "Not A Through Street" and Right Turn Only", and increased enforcement of the parking restrictions in the alley from DDOT.

Mr. Hysell, in whose SMD the project lies, said that he has been working with Valor, and has gotten to see how they work. But, he said, he hopes they will not use the alley as an exit. He said he doesn't want to see all the extra traffic and the harm it will do to the neighborhood.

Mr. Holmes presented his view of the project, and the issues involved:

From the earliest drawings the Valor project has shown the garage exit at the rear of the building, leading into the alley. The EDZ Committee and the ANC have discussed the drawings in open meetings. Both EDZ and Commission chairs and the local Commissioner have all participated in these discussions over the years.

The ANC agreed to delay the conversion of the western corner of 14<sup>th</sup> Street and Maryland to C-2-A from C-3-A in return for design consultation and a limitation on height and maximum density. In other words, Valor agreed not to build to the maximum height (65 feet instead of 50) and the maximum density permitted in the C-3-A zone. They have negotiated in good faith. Valor has hired lawyers to fight alongside the ANC to stop the Shell station, donated to local causes, and appear to bring welcome new neighbors to this dead and abandoned corner.

The alley is the only exit to this property. The property owners have the right to build the condos, and the right to provide an exit from their garage. The City will not permit an exit in close proximity to a busy intersection, and 14<sup>th</sup> and Maryland certainly fits that description. The bad

placement of the curb cut for the 14th Street entrance to the Shell station is one we have fought for years. It's dangerous. Cars accelerate from Florida Avenue to catch the light, either to go south on 14<sup>th</sup> or swing onto Maryland. Because of the angle formed by Maryland, this is a very short block requiring fast reaction time. Additionally, if an exit were to be approved for either street, the neighborhood would lose three street parking spaces.

Should the alley exit be closed, which is extremely unlikely because anyone who lives on an alley has the right to use the alley, then the developer could increase the number of units using the garage space, and the neighborhood would have to deal with all of the extra residents of the project seeking parking spaces.

The transportation expert hired by Valor differs from what other experts have told me. Because of the location next to the busiest Metrobus corridor and the bus line on Maryland, these new residents are unlikely to use their cars to commute. This site easily meets the new standards for zoning waivers to not provide any on-site parking. This would be great for the alley residents but would be a disaster for the neighborhood. All residents could obtain Zone 6 parking and compete with the neighbors and the businesses at the eastern end of H Street for street parking--83 condos, and maybe more if the garage becomes condos, seeking street parking.

He asked that the neighbors accept the offer, embodied in the Committee motion, to seek mitigating measures for the alley traffic, including traffic control signs, increase towing and ticketing for illegally parked vehicles, and an ANC request to DDOT that this deteriorated alley be given a new surface once construction is complete.

The ANC's reputation for fair dealing with developers is on the line here. Fairness for the other, non-alley, residents of the neighborhood is on the line here. This entire alley is zoned for commercial development and has been for decades. It is either C-2-A or C-3-A—it cannot be protected from access through the alley. Every business and every homeowner with access to parking in the alley has the right to use the alley. Period.

In summary, rejecting the Committee motion will only worsen the problems and remove our voice in the process.

Will Lansing of Valor said that a curb cut is impossible, and DDOT will not allow one. Their architect reiterated that there is zero chance of their receiving permission for a curb cut and that is why they're asking for a special exception.

Michael Hoenig said that the project will be an asset to the community, but parking is a real problem. He said the neighbors' concerns are directly related to parking, which will be a nightmare. It's already a problem, and adding 42 spaces will be a problem and will benefit no-one. The owner of Effervescence said that as more new businesses open, it will mean increased deliveries, and the whole issue will have to be revisited. Room is needed for trucks to load and unload.

Valor said that they are cognizant of problems, and they are not going to be the cause of problems that already exist. In addition, he said, their traffic study noted only one car every six minutes.

Mr. Hysell said he really feels for Valor but he has to reflect the views of his constituents and would like to move to table the motion. **Motion:** Mr. Hysell moved to table the original motion.

Mr. Holmes said he opposes the motion to table. It leaves the ANC with no voice on the matter after years of negotiation and collegial communication with Valor. The Maia is an asset, its construction of the garage exit is "by right", and the alternative would be disastrous for the wider neighborhood and the merchants.

The motion to table passed 5-3, with Mr. Alberti, Mr. Holmes and Mr. Williams in opposition.

Mr. Alberti asked rhetorically if that meant that the application to the BZA was to go forward without any recommendation at all from the ANC, and was told that was correct.

#### Manny and Olga's - 1409 H Street NE

This is a request for support for a special exception for a fast food restaurant (carry-out pizza),

**Motion:** The committee moved/Mr. Holmes seconded a motion to recommend that the ANC approve the Committee's recommendation that it support a special exception for Manny and Olga's at 1409 H Street NE with the following provisos: They have agreed to keep dumpsters and trash cans on their own property, that they will join a BID when one is organized, that they will sweep the space in front of the store at least twice a day, and they will prevent cars from double parking in the alley.

The people from Manny and Olga's say they are committed to running a clean and beautiful place. The motion passed 8-0, unanimously.

### 8. Unfinished Business

#### Lincoln Park

Dr. Joy Kinard of the National Park Service gave a progress report on the renovation of Lincoln Park. She reported there was bad news—problems have arisen with unexpected electrical work and too high water lines that will delay the park's re-opening from May 27 until June 10 or 17—and good news—they are pretty much done on the side opposite where the problems are. They are now sprucing up the playground and bringing its surfaces up to code, and finishing the eastern end steps. Mr. Alberti asked whether there was any way even one of the playgrounds could be opened, and Dr. Kinard said she would look into it. She said they had an update meeting every Wednesday at 10am. Mr. Alberti said that the delay seems to be only focused on one area and it would be good if the rest could be opened.

### 9. New Business

#### Letter on Amanda Molson

**Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion that a letter be sent to the Historic Preservation Office praising Amanda Molson for her work on behalf of the ANC, and particularly for her assistance to those Commissioners in the Historic District. The motion passed without objection.

#### Letter on Expediting Signs at 14<sup>th</sup> Street and Maryland Avenue NE

**Motion:** Mr. Hysell moved/Mr. Holmes seconded a motion that a letter be sent to the Department of Transportation urging that signs saying "Do Not Enter" and "No Left Turn" and "No Right Turn" be posted at appropriate points on 14<sup>th</sup> Street around the new Shell gas station at 14<sup>th</sup> Street and Maryland Avenue NE in an expedited fashion. DDOT has apparently said the signs may have to be delayed until fall, and entering and leaving the gas station is dangerous. The motion passed without objection.

#### Letter on Use of Enhanced Parking Revenues

Mr. Mahmud reported that revenue from Enhanced Parking program is being diverted into the city's general funds rather than being allocated for use within the area where they were collected. These funds are supposed to be used for such purposes as solar compacting trash cans, signage, identifying banners, etc.—and within the affected area. **Motion:** Mr. Mahmud moved/Mr. Holmes seconded a motion to send a letter to Mayor Gray urging that the Enhanced Parking funds be used for the purposes for which they were originally intended. The motion passed 8-0, unanimously.

## 10. Single Member District Reports

**Mrs. Phillips-Gilbert** invited the community and the Commission to a ribbon cutting for the Rosedale Field on April 19, at 10am, in honor of Mamie “Peanut” Johnson, who was discovered playing baseball at the Rosedale field at the age of 19. She was later drafted to play for the Indianapolis Clowns in the Negro Baseball League in the 1950s.

**Ms. Nauden** said that a constituent had heard Mr. Holmes talking about one-side Zone 6 parking and wants to know when it will be available in her neighborhood

**Mr. Mahmud** said that he is working with DDOT’s Damon Harvey who has laid out a plan to get one-side parking for the 900 block of L Street NE.

The meeting was adjourned at 9:10pm.