

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

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

The meeting was convened at 7pm.

1. Minutes

The minutes for June 2013 were approved by unanimous consent.

2. Agenda

Mr. Holmes asked to have discussion about 20 14th Street NE added to Unfinished Business; items dealing with Red Rocks, Miner principal Lavonne Bunch, and a letter of support for an Atlas Theater CDBG letter of support added to New Business; and a discussion of 1365 H Street added to Economic Development and Zoning Committee. The items were added by unanimous consent.

Mr. Holmes announced that during discussion at the meeting, he would enforce a two-minute rule on debate, and that Commissioners will only be able to speak twice unless they are presenting a motion.

3. Officers' Reports

Chair

Mr. Holmes reported that Khan's has attempted to revoke its Settlement Agreement but the ABC Board refused the request. He said that the Cusbah protest is still going on, and the XII hearing on various violations was postponed until late in June.

Vice-Chair

Mr. Mahmud reported that the Public Space Committee has developed an on-line program to enable people to track public space applications, and training will be available for ANC Commissioners in its use.

Treasurer's Report

Mr. Alberti presented the Treasurer's Report. He reported that the opening balance in the checking account was \$16,033.35, and the savings account balance was \$13,715.98. There was an interest payment to the savings account of \$.23. There were disbursements of \$200 to Heather Schoell for the June '13 agenda package (Check #1604); and \$180 to Roberta Weiner for transcription of the April '13 ANC minutes (Check #1605, leaving a balance of \$13,716.21 in the checking account, and \$13,716.21 in the savings account.

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

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

Quarterly Report

Mr. Alberti said that a summary of the Quarterly Report was included in the packet and the complete report had been circulated to the Commissioners. **Motion:** Mr. Alberti moved/Mr.

Mahmud seconded a motion to accept the Quarterly Report for the 3rd Quarter FY 13 as presented. The motion passed unanimously.

5. SMD Reports

Ms. Nauden reported that people on Linden Court are having problems with their alley.

Mr. Alberti reported that he still has ongoing concerns about the use of pocket parks. He said he plans to bring the issue to the Transportation and Public Space Committee.

Mr. Mahmud reported that Ben's has started construction, and the build-out on the street is just temporary. He also reported that there has been an uptick in crime on Alton Place, and that Commander Hickson has been very responsive.

Mrs. Phillips-Gilbert reported that DDOT held a meeting on 17th and 19th Streets, and work will begin in spring 2014. Pilgrim AME Church has a free Summer Camp for children in the Rosedale Community and surrounding area offering free breakfast and lunch. All children in the area are welcome to participate.

6. Community Presentation

Mr. Holmes introduced project manager Tina Fink of Toole Design Group, consultants being used by DDOT on plans for traffic calming on Maryland Avenue NE. All of the proposed changes when implemented will be accomplished by paint and pylons so they will be easy to modify if changes are needed. A more permanent construction will wait a year for analysis and feedback. Mr. Holmes said there have been a series of meetings, both at joint meetings between the Transportation and Public Space Committee and ANC 6C and meetings held by DDOT and their consultants. Full community participation was sought and obtained.

Ms. Fink gave a history of the project going back to 2011. Construction of the pilot project will take place during the fall. The plan includes turning the 800 block of E Street NE into a one-way street; the removal of the double traffic lights at 9th and E Streets; and the closure of the north and south stubs of E Street NE at 9th and 10th Street NE.

7. Community Outreach Committee

The report of the Committee was accepted without objection.

8. Alcohol Beverage Licensing Committee

The report of the Committee was accepted without objection.

Langston Bar and Grille - 1831 Benning Rd. NE

Motion: The Committee moved/Mr. Williams seconded a motion to take no action on the request to ABRA by the Langston Bar and Grille to change its license from CR to CT. Mrs. Phillips-Gilbert expressed her concern about the noise coming from the bar. The motion passed 7-0-1, with Mr. Alberti not voting.

RedRocks

Motion: The Committee moved/Mr. Hysell seconded a motion to accept the Committee's recommendation to accept the ABC Board's changes requested for the previously adopted Settlement Agreement for RedRocks and to amend the ANC's standard Settlement Agreement to reflect the changes required by the ABC Board. The motion passed 7-0-1, with Mr. Alberti not voting.

9. Transportation and Public Space Committee

The report of the Committee was accepted without objection.

Bicycle Lane Infrastructure

DDOT presented to a joint meeting of the committee and the ANC 6C Transportation Committee four options for bicycle infrastructure being considered for G Street and I Street NE. At that meeting Chairman Omar Mahmud took an informal vote, and Option 2 - a contra-flow bicycle lane with parallel parking on both sides of the street - received significantly more votes than any other option.

Motion: The Committee moved/Mr. Mahmud seconded a motion that the ANC support the Committee's recommendation to send a letter to DDOT expressing support for Option 2. The letter will also express an interest in having the city prohibit sidewalk bicycling along the commercial corridor portion of H Street, request that DDOT develop additional hazard warning signs and street markings on and around H Street NE, and request street repaving where needed along portions of G and I Streets NE prior to striping for bike lanes.

Mr. Holmes said that ANC 6C had passed the resolution the previous evening. Mr. Alberti said that his preference would be a shared bike lane, which is Option 1. Mr. Mahmud said DDOT recommended Option 2, and not a single person at the committee meeting preferred Option 1. He said this will change the culture of riding bikes on the street. There will be signage and if it's not working, he said he is confident they'll change it. Mr. Holmes said that the reason they've taken this option is to slow the traffic down. The motion passed unanimously, 8-0.

Chupacabra

According to Mr. Holmes, the Chupacabra Public Space application was returned to the ANC by Public Space Committee (PSC) asking that the ANC negotiate with the applicants about the hours for use of the public space. The TPS and the full ANC both voted unanimously to require the standard hours for sidewalk cafes, found in the ANC's Settlement Agreement. Mr. Holmes and Mr. Mahmud both asked PSC staff whether Chupacabra was on the agenda. No phone call was returned, no e-mail was sent. The public agenda on the PSC website had no mention of Chupacabra. So neither Mr. Holmes or Mr. Mahmud, or interested neighbors were at the meeting. But Chupacabra was added to the agenda without public notice or communication with the ANC. Because he thought he still had time to negotiate with Chupacabra, Mr. Holmes didn't send the ANC's letter of opposition until the morning of the hearing, and it was sent only because they hadn't heard from the PSC. He introduced Matthew Marcou of the DDOT Public Space Committee.

Mr. Holmes said that the owners of Chupacabra asked that 90-120 minutes be set aside for a discussion of the issue, but, he said, he set aside as much time for discussion as the Commissioners wished to consider the issue. He pointed out that the ANC had already voted to oppose the application in the absence of any limitation on hours, because of the proximity of the public space dining area to nearby residences: the nearest home is across a ten-foot alley

Mr. Marcou pointed out that there was agreement on all the points of the agreement except the hours, and the Public Space Committee had tabled the discussion about the hours in the hope that consensus could be reached. Mr. Holmes pointed out again that he had asked whether it would be coming up at the PSC, it was not posted on the web site, and re-iterated that the ANC was excluded, and that neighbors who wanted to be there because of an interest in the hours were excluded, and expressed the hope that the PSC could do better in the future.

Chupacabra's owner said that one-third of the neighbors supported the hours. He said there are four sidewalk cafés on H Street and half are open late. He said there are no reports of violations on any of them, and Chupacabra has none either. He suggested that that they be allowed a probationary period to assess the degree of noise. None of the other cafés have any ambient noise.

Mr. Mahmud responded that the issue is the potential for noise at a sidewalk café. He said that the statement that there is no ambient noise cannot be true, and the neighbors came to the meeting to say they don't want noise until 2am. He said he could not support a probationary period. The owner said that it would be nice for the neighborhood to have the full hours for a public space. Mr. Holmes said he loved their restaurants—Dangerously Delicious Pies—but the ABL Committee is trying to be consistent and make the rules the same for all the sidewalk cafés.

Mr. Marcou said that the PSC is changing its processes and posting everything online. He also said that they have night inspectors who can do walk-throughs. He said, however, that hours are not completely within the purview of the PSC.

Mr. Holmes announced that the ABRA hearing on the use of alcohol in public space would be held in mid-July.

10. Economic Development and Zoning Committee

The report of the Committee was accepted without objection.

1255 H Street NE

The applicant asked for support for several zoning variances he requires for this property: FAR, parking requirements and loading requirements, and the committee voted unanimously to support the request, despite the fact that the applicant purchased windows for the building that are not consonant with the other buildings on the block. Subsequent to the meeting, according to Mr. Holmes, it came to the attention of Commissioners that no appropriate place has been provided for trash. A substitute motion was offered:

Motion: Mr. Holmes moved/Mr. Ward seconded a motion that the ANC support the request by 1255 H Street NE for relief from the following provisions: FAR, parking requirements and loading with the proviso that space be set aside within the properties' boundaries for trash and recycling receptacles so these are not on public space; that there be a loading area preserved at the back of the southern lot; and that the owner hire an exterminator who will make monthly visits from this point forward for the control of rodents and other vermin. The motion passed unanimously, 8-0.

1102 H Street NE

This is a request for support of the installation in the front of the building of a Bank of America ATM machines. **Motion:** The committee moved/Mr. Holmes seconded a motion to accept the Committee's recommendation to not support the application of the Bank of America to construct two ATMs in a building at 1102 H Street NE. The committee felt that the use of the building was not in keeping with the H Street Overlay. The motion passed 6-0-2, with Mr. Williams and Mr. Hysell abstaining.

New Committee Member

Motion: Mr. Holmes moved/Mr. Mahmud seconded the nomination of Stephanie Frang-Zimny to be a member of the Committee. The motion passed unanimously.

New Committee Chairs

Motion: Mr. Holmes nominated/Mr. Mahmud seconded a motion to elect Dan Golden and Andrew Hysell to be co-chairs of the Economic Development and Zoning Committee. The motion passed unanimously.

Yes! Organic Market - 1365 H Street NE

Mr. Holmes said that Yes! Organic Market has been to the committee twice about their proposed location at 1365 H Street NE, the former H Street Playhouse. He presented a history of the building: Like the Atlas Theatre and the Convent, this building is on the Register of Historic

Properties and subject to oversight by the Historic Preservation Review Board with respect to exterior changes. The property is about 5000 sq. ft. and was originally a car dealership. Its interior is open, without supporting beams.

The Mott Motors and Plymouth Theater building is a rare survivor of the small-scale, inner city automobile dealerships that served a vital but largely overlooked role in the transformation of the urban and exurban landscape and American way of life through the transportation revolution made possible by the automobile. The building is also a fairly intact example of a World War II-era theater that primarily catered to African Americans, the first such facility in the Near Northeast neighborhood. As such, it remains as a reminder of the long era of legal segregation of public facilities in Washington, DC and many parts of the nation—while also having been a primary recreational venue for a generation of African American residents of Near Northeast.

At the time of its nomination, it was one of only six such early car dealership buildings in the country. The idea of dealerships itself was new at the time the building was constructed. Obviously the character of the auto showroom at 1365 is very different from showrooms now. But then, extensive display rooms weren't necessary—there were few car models.

The building was remodeled in 1943 as the new Plymouth Theater. From 1914 to 1929, the Empire Theater had operated on H Street between 9th and 10th Street NE. The Apollo Theater at 624 H Street had also opened in 1914 and remained until after World War II. And the Atlas Theater opened in 1938. But these were all “whites only”.

The Plymouth Theater became the first integrated movie theater and, therefore was the first theater to accept African American patronage in the Near Northeast section of the District. During World War II, its inner city location was particularly convenient in light of the contemporary gasoline rationing. The Atlas Theater desegregated in the early 1950s, and with its larger space and better appointments probably drew away much of the crowd from the Plymouth. A conversion to live performance was contemplated, but the Plymouth closed in 1952.

The applicant originally appeared before the Committee in May and was requested to extend its planned third floor penthouse across the entire rear of the roof, which it has done. The alley neighbors do not appear to have any objections to the additional height. **Motion:** The Committee moved/Mr. Hysell seconded a motion that the full ANC accept the Committee's recommendation to support the application of Yes! Organic Market before the HPRB with the provisos that the street aspect of the building be unmodified with the exception of a sign over the entry, which should be as small as possible in order to advertise the store's presence while avoiding overwhelming the historic façade. Additionally, any added floors should not be visible from H Street (normal for a designated historic property). The motion passed unanimously 8-0.

11. Unfinished Business

20 14th Street NE

This is a request for support for a HPRB application for a project replacing a garage structure with a parking pad for several cars. Neighbors expressed concern about ability of garbage trucks to enter the alley on which the pad will sit and about potential increased noise and traffic. There was a question as to whether there were any zoning issues involved. Pending answers to their questions about any zoning issues and a description of the lot, the EDZ Committee took no action at its meeting. It turns out, from discussions with the Zoning Administrator, that there are no zoning issues. **Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion to approve the plans for a parking pad at 20 14th Street NE, subject to setbacks from the property line shown on the plans dated June 7, 2013 and shared with the ANC, satisfying concerns that trash trucks will have insufficient turning room, that the present apron from the city alley to the parking facility be

replaced with smooth pavement, and that any dividing walls be parked or stuccoed. The motion passed unanimously, 8-0.

12. New Business

Maryland Avenue Traffic Calming Measures

This is a request for a vote of support on the plan for traffic calming measures on Maryland Avenue NE presented early in the meeting. **Motion:** Mr. Mahmud moved/Mr. Holmes seconded a motion to approve the plan that includes the conversion of the 800 block of E Street NE to one-way traffic; the removal of the doubled set of traffic lights at 9th and E Streets NE; and the closure of the road stubs of E Street between 9th and 10th Streets. The motion passed unanimously, 8-0.

Reaffirm Support for One-Side Zone 6 Resident Parking for the 600 Block of 9th Street NE

Ms. Nauden presented a request for support of a letter to DDOT reaffirming ANC support for the request by Zone 6 residents of the 600 block of 9th Street NE for two-hour parking. Commissioner Nauden said DDOT apparently does not want to implement that plan, despite the emails that have been sent by residents. The street is also home to the Sherwood Rec Center, and the residents are willing to share the spaces with Sherwood. **Motion:** Ms. Nauden moved/Mr. Holmes seconded a motion to send a letter to DDOT reaffirming support for the plan to implement two-hour resident parking on the 600 block of 9th Street NE. The motion passed unanimously, 8-0.

RedRocks

Mr. Holmes read an email from Jack Priestley, the contractor for RedRocks: "...we are being required to supply 12 parking spaces to 'cover' the second floor space, which was previously apartments...many restaurants have opened on H Street without fulfilling this requirement. At the present time, we have been signed off on by Zoning, but only for the first and third floors. We would like the same accommodation afforded the Anacostia Playhouse, which was permitted to open pending an appeal to BZA for rescue from the parking regulation. Precedent has been set. ...We received the Zoning comments on September 24 of last year. NO mention of parking requirements was made at that time."

Mr. Holmes said it will be impossible to meet the twelve car parking minimum. When BZA considers it, we should support a waiver of this requirement as we have in the past for other H Street buildings. In the meantime, they have a problem with a question of whether or not the second floor was ever used for commercial purposes. If not, then it must go to BZA for approval. That would postpone the opening of the second floor for months. The second floor is where seating will be for pizza service.

A letter from Zoning Administrator Matt Le Grant says he met with the owner and contractor. The problem, he said, is that the Certificate of Occupancy for the building referenced only the first floor for retail use, and he hasn't received any requested documentation to the contrary. He also said the third floor was built without lawful permits, and that the owner did not conduct any due diligence in leasing the property. He said he worked out a compromise with the owner that will allow the use of the first, third and roof garden, with the second floor blocked off, which will allow the opening of the restaurant while they apply for BZA relief to open the second floor.

James O'Brien, the owner, said that while there have been several owners of the building since 1901, there is no record of use for the second floor.

Motion: Mr. Hysell moved/Mr. Mahmud seconded a motion to support a request for a temporary waiver of the parking minimum and the Certificate of Occupancy requirement until the BZA rules on the matter. Mr. Alberti said he hated the way the system is working in this case, but there is

little that can be done. Mr. Holmes added that while this is the largest restaurant on H Street, he has a problem with the fact that the owner did not do due diligence which would have avoided this situation. Mr. Mahmud said they were talking about a technicality. The vote was 6-0-2, with Mr. Alberti and Mr. Holmes in abstention.

1120 Park Street NE

This is a BZA application for construction of a garage with deck at 1120 Park Street NE that was withdrawn from consideration, then revived, but not presented to the EDZ Committee. There was some discussion about opposing the application because it had not been submitted. **Motion:** Mr. Hysell moved/Mr. Alberti seconded a motion to request a delay in judgment on the issue until the ANC has had an opportunity to act on the issue. The motion passed unanimously, 8-0.

Principal Bunch

Mr. Holmes said that he thinks that DCPS should be clear on the exact reasons for the release of Lavonne Bunch, principal at Miner School, and to date, he said, he has not received any satisfactory answer from DCPS, and he requested support for a letter to School Chancellor Kaya Henderson, stating that Ms. Bunch has been an extremely competent principal, a source of strength to the community and one who has added depth to her students' education, stating that "Her departure will be a major loss to the community and to the ANC. You should not let her go," and asking for specific reasons for her release. **Motion:** Mr. Holmes moved/Mrs. Philips-Gilbert seconded a motion to send a letter of support for Miner Principal Lavonne Bunch, urging her retention and asking specifically why she is being released. The motion passed 7-0-1, with Mr. Mahmud not present.

Support for Atlas Theater CDBG Loan

The Atlas Theater needs a letter of support for an application for a \$6.5 million Community Development Block Grant (CDBG) loan from the Department of Housing and Community Development to help repay an existing debt. The conditions of the loan require the Atlas to continue its community outreach, reduced price ticket program and occasional use of the physical plant by community groups. **Motion:** Mr. Holmes moved/Mr. Hysell seconded a motion to send a letter of support to the DC Department of Housing and Community Development in support of a CDBG loan to the Atlas Theater. The motion passed 7-0, with Mr. Mahmud not present.

The meeting was adjourned at 9:10 pm.