

**Advisory Neighborhood Commission 6A**  
**Minutes**  
**Miner Elementary School September 13, 2012**

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

**Absent:** Commissioner Lawler

The meeting was convened at 7:05 PM

**1. Minutes**

The minutes for July 2012 were approved by unanimous consent.

**2. Agenda**

The agenda was approved by unanimous consent.

**3. Community Presentation**

H Street Trolley

There was a brief report on the status of the trolley line: The car barn and training center is on schedule to be ready at the end of 2013 near Spingarn High School. The curriculum for the training center is being developed. A design-build contract has been signed, and there should be drawings in late October. The next step is to work with the Historic Preservation Office to make certain the center is within preservation guidelines.

Options Public Charter School Annex

Mr. Hysell introduced the issues surrounding the moving of the Options Public Charter School Annex—the Options Academy formerly located at P Street NW, to 702 15th Street NE, close to its main campus at 1375 E Street NE. He said that Dr. Charles Vincent, the school’s executive director, had mentioned the move to him only as recently as July, and he was subsequently informed that the move was already under way. On August 13, the Community Outreach Committee held a hearing about the situation, and those attending were informed that the move was a done deal, and the annex would open with the new school year with no community awareness or consultation. Prior to the ANC meeting that evening, Hysell reported, there had been a meeting with Councilmember Wells’ staff, and now the ANC, which had not had an opportunity to previously weigh in on the issue, would have a chance to publicly discuss what is happening. The issue, he said, is the lack of process to deal with children with behavior issues in the neighborhood. Community awareness and involvement is needed to deal with it.

Options Academy representatives were introduced: the Options Academy principal, Amos Pierre, Executive Director Charles Vincent, and the school’s general counsel, Paul Dratton, were joined by Scott Pierson, Executive Director of the DC Public

Charter School Board to participate in the discussion.

Jake Wexler, president of the 14<sup>th</sup> Place Neighbors Association, began by saying that they had had very constructive meetings with Options School staff, but there were two serious issues: their main concern is that the Academy had been sited in their district without any knowledge, and until Mr. Hysell facilitated a meeting, it was a *fait accompli*. The Public Charter School Board is also at fault because it has no parameters or set process for such actions. The second concern is not just the siting of the school, but the ability of students to get to the school safely and assure the safety of the neighborhood.

Meredith Jansen said that protecting the safety of the neighborhood is critical. She said she had an incident with an Options student that was never resolved with the school and would love to hear more from the school on accountability. She said that having police involvement is good but that they can't act without the cooperation of the school. Marie Koshuta added that the school is under no obligation to notify the community. They can do whatever they want without consulting—that's the city law.

Paul Dratton, the school's general counsel said that on the incident Ms. Jansen had been addressing there had been a miscommunication—that all of the 30 students at the school's satellite campus were accounted for at the time of the incident and it could be likely that it was a student from the main building, but it was never reported to Ms. Jansen.

He then went on to say that they are now using buses with staggered arrival times to get students directly into the building to avoid students wandering the community, and he announced Dr. Vincent's cellphone number—202-497-2116—if neighbors see anything inappropriate. He said they have an all new security staff and are extremely anxious to add an MPD officer on site as well.

Another neighbor said she walks to the dog park every day and says that school employees are not regularly assigned to street patrol at 8:30 am when the students arrive. Jeff Smith of the school said that they are responding to the needs of the community, with as many as 30 staff people in the community. He said they want to open lines of communication, that they invest \$150,000 a year in security. He said that he lives in the neighborhood. He also said that they are starting new initiatives, for example they are no longer turning late students away; and they are staggering the buses, so they can monitor the students' entry into the building. He said the school has cooperated with MPD with issues that are not solely the school and accepted every recommendation they have made. He said they have asked for an assigned MPD officer in the school. They also want to apologize for things that happened on the first day of school that they weren't prepared for.

Scott Pearson, new Executive Director of the Charter School Board, said they are reaching out to the MPD school resource office. He said it is true that the PCSB has no legal authority to tell Charter Schools where they can be sited, but notification regulations were not followed. The person who was supposed to do that is no longer there. The ANC should have known a month in advance. We are very concerned that procedures be followed.

Another neighbor said they had 75-100 signatures on a petition, which contains a FOIA request to discover what happened in order to avoid it happening again. He said it takes months to go through the processes to open a bar, but there's no process to follow for schools, and there's no charge for the FOIA materials. Ms. Lim asked why the school was relocated to this neighborhood in the first place. She said that they already have a phone number at the school, but that nobody answers. Academy principal Amos Pierre said that the reason for the move is that the new building is more conducive to learning and more intensive services can be provided so that they become better students. Another neighbor stated that there were no staff people in the street when he saw ten kids in the alley.

John Wadsworth, the PTO president at Miner said that kids deserve every opportunity, but that is not kids smoking in an alley near Miner, hanging out on corners, and it's been going on for about a week. He said they were watching, and that Options should make sure they better follow through.

Elizabeth Nelson said that they may be making their best effort, but are not solving the problems. Busing sounds like a good idea, but actually doesn't help much because the kids can't be forced to

stay on the bus; they can demand to be let off at any point along the route. Another resident said that kids are walking all over the place.

Mr. Alberti said he wished to address his remarks to Mr. Pearson. He said that the operation at Options is an inability to deal with it because of a lack of oversight and he expressed a lack of confidence in the School Board's ability to handle situations like this. He pointed out that when the ANC was trying to deal with PSCB previously on AppleTree School when they found there were no agendas for meetings; when they went to meetings, there was no public comment allowed; there were no minutes for previous meetings; and they have never been able to get the Commission's FOIA request responded to. He asked whether Mr. Pearson would respond.

Mr. Holmes said that ANC 6A is extremely lucky—and unlucky—we have good neighbors like Options School, and also have the some of the worst charters with lead chips falling from the walls, and exits blocked with trash. There are problems with Options, but the school is a good neighbor.

Mr. Pearson said he had heard about the problems with 6A and changes have been made: agendas are posted on the website, there are Board books available for public viewing, there is now public compliance to regulation and can revoke charters. Mr. Pearson said he would see that the ANC received the FOIA documents it had requested.

Mr. Holmes thanked everyone for their involvement, and said he hoped it would not be back to business as usual. He said he senses there is a commitment to do things differently. A commissioner suggested the possibility of a voluntary-agreement-type document that would memorialize the conditions and processes that were discussed. Mr. Holmes added that the ANC is going to watch the situation carefully.

#### **4. Officers' Reports**

## Chair

### P'Tones Grant

Last month the ANC approved a grant to P'Tones, to purchase equipment and software for a program teaching recording techniques to young people at Sherwood Rec Center.

Mr. Holmes read from the Commission's by-laws: *(IV 9b) The Commission may approve grants to organizations that are public in nature and benefit persons who reside within the Commission area*

And

*(h) the grant recipient shall forward to the Commission a statement as to the use of the funds consistent with the grant application, complete with receipts which support the expenditures.*

He said it had become apparent that the P'Tones grant was at risk of being used to purchase equipment and/or software for conveyance to sites outside the 6A area. Therefore, he said, he stopped the issuance of the check funding this grant and conveyed his concerns that all grants must be spent for the direct benefit of, and use in, ANC 6A. He said he had yet to receive communication that the funds, if transmitted, will be spent solely for the facility in the Sherwood Rec Center. He said the matter would come up for a vote later in the meeting.

### Complaint Against ANC Dropped

The chair announced that a recommendation that ANC Commissioners not serve on other City Boards and Commissions was brought to the District's Office on Human Rights and has been dismissed. The Office on Human Rights has no authority to make any such recommendation, and there is no finding by the Office of the Attorney General that there is conflict.

### Capitol Hill Restoration Society Meeting on New Zoning Code

Mr. Holmes announced a CHRS meeting to be held on September 25 at 7pm at the Hill Center, 921 Pennsylvania Ave. SE. The program will preview the District's new zoning code that will be presented by the DC Office of Planning this Fall. Hearings on the changes are expected in 2013.

### Temporary Move for Farmer's Market

On September 20 only, the H Street Farmer's Market will be located in the rear lot of RL Christian Library .

### Treasurer's Report

Mr. Alberti presented the Treasurer's Report. He reported that the opening balance in the checking account was \$18,871.22 and the savings account balance was \$4,207.50. There were interest payments to the savings account of \$.31 and \$.22. There were disbursements of \$311.07 to FedEx Office for May photocopying (Check #1567); \$180 to

Roberta Weiner for transcription of ANC minutes (Check #1568); \$200 to Heather Schoell for the June 2012 agenda package (Check #1569; \$5000 to Miner Elementary School PTA for a grant (Check #1570); and \$310 to FedEx Office for photocopying for July (Check #1571), leaving a balance of \$12,869.49 in the checking account, and \$4,208.04 in the savings account.

Approval of the disbursements was agreed to by unanimous consent The Treasurer's Report was agreed to by unanimous consent.

Mr. Alberti reported that the next allotment of funds from the District had been released, and should be forthcoming. He said he would have a draft budget to present at the next ANC meeting.

## **5. Single Member District Reports**

**Mr. Hysell** reported that there had been shootings at 15<sup>th</sup> and Gales St. and to date there has been no luck in finding a perpetrator. He said he had met with Councilmember Wells and others on the situation.

**Dr. Ronneberg** reported that there have been noise complaints about XII, with calls to ABRA that have had no follow-up. Apparently it falls under the new Noise Ordinance and ABRA is no longer responsible.

**Mr. Healy** reported that the JO Wilson School had a very successful fundraiser at the Atlas Theatre. He also said there had been a lead on the killing at Grace Deli. He announced that he was not seeking re-election but would continue to remain active.

**Mr. Holmes** reported that there was an increase in break-ins in his SMD, both cars and in the rear of houses—at least one a week. He said he had spoken with the commander and there will be a meeting about it.

**Mr. Alberti** reported that there had been an arrest made after a break-in in his SMD.

**Ms. Veenendaal-Selck** said she was pleased that DDOT was painting the C Street intersections. She announced that she was not seeking re-election but that there were two wonderful candidates running for her seat.

**Ms. Mack** said she was also not running because she was becoming PTA president of her son's school.

## **6. Economic Development and Zoning Committee**

The Committee report was accepted without objection.

### 1134 C Street NE

This is a request for support for a concept approval by the Historic Preservation Review Board (HPRB) for a residence at 1134 C Street NE. **Motion:** The Committee moved/Dr. Ronneberg seconded a motion to support the HRPB concept approval for 1134 C Street NE. The motion passed without objection.

### 1001 H Street NE - Ben's Chili Bowl

This was a presentation by Kamal Ali, owner of Ben's Chili Bowl, of updated plans for their new site at 1001 H Street NE, including maintaining the brick façade on 8<sup>th</sup> Street, raising the ceiling height on the bottom floor and framing the roof deck with a decorative metal railing.

Mr. Holmes said that these people are a pleasure to work with, a model business for the community, and it would be great to have that level of outreach from every new project that the ANC has to deal with. Motion: The committee moved/Dr. Ronneberg seconded a motion to accept the Committee's recommendation to ask the ANC representative for 1001 H Street to write a letter to the Zoning Administrator affirming that Ben's has been continually consulting with ANC 6A about the appearance and construction at its new site, and that the ANC sees no major issues at this point. The motion passed without objection.

### 257 Warren Street NE

This is a request for support for a BZA variance from the lot area and lot width requirements to allow the construction of two single family rowhouses in an R-4 district.

Marcus Watkins, the owner, and a principal of PGN Architects were present. The property, currently divided into three lots, would be subdivided into two lots, each containing a three-story rowhouse, with a basement rental apartment and a parking space behind it. Mr. Watkins says he has owned the property for twenty years, and the BZA had approved a similar project in 1989.

Mr. Alberti outlined the case, saying that he wants to configure three lots into two, but the lots are each too small, so the owner is asking for variance to reduce the size of each lot. Motion: The Committee moved/Mr. Alberti seconded a motion to recommend that the full ANC oppose the request unless the Applicant worked with the Committee to explore other options.

Mr. Watkins said he just wants to build two houses, and his lot is 6.5% short on length and 20% short on square footage. He said that he went to the BZA and was approved when he originally planned to build the houses and nothing is changed, all the requirements are being met - the parking in the rear, etc. He said the building is 16'9" on the street, and the 3<sup>rd</sup> story is set back.

Jake Wexler, president of the 14<sup>th</sup> Place Neighbors Association said that he wasn't aware of any new plans. He said that as many as two dozen neighbors had shown up at the committee meeting to express their opposition to the plans. Mr. Wexler said that he can build as a matter of right and there's no telling what he will do once he has a permit. Warren Street is narrow, and the architecture is fairly uniform. Four units will make an unwieldy exterior. The neighbors are concerned about the density of the project on a "cozy" block like Warren Street. Mr. Alberti said that at the Committee meeting 20-30 people were heard from, objecting to the plan. The lot area is 20%

short of requirements. And because it is matter of right, if built without rental units, the next owner could easily add them. One criterion for BZA approval is whether there is another use for the space, and yes, there is: the owner could build one unit, and perhaps not make as much money, but it would be within the current zoning parameters.

Mr. Watkins said that the neighbors don't object to a building it's just that he is being held to a higher standard. Variances like this are approved every day. Ms. Nelson said that once he has his variance, he can do anything he wants with the property. Mr. Watkins says he doesn't want to build condos, or anything else inappropriate. Mr. Wexler said the zoning code is in place for a reason to limit the amount of housing that people want to build, and he can build a single family unit. Ms. Mack added that she's seen so many developers change their plans after they have received their variances. Mr. Hysell said he is not a zoning expert and is therefore inclined to follow the committee and support its recommendations. Mr. Holmes added that he too supports the Committee's motion. Dr. Ronneberg said that what's being proposed is in keeping with the zoning regulations and is reasonable.

The vote on the motion was 3-4, with Ms. Mack, Ms. Veenendaal-Selck and Mr. Hysell in favor. The ANC will, therefore not communicate a position to the BZA.

#### 7. Community Outreach Committee

The Committee reports for July and August were accepted without objection.

#### Thank You Notes

Ms. Nelson reported that her committee wanted to send thank you notes to those organizations in the community that have been particularly helpful to the ANC. Motion: The Committee moved/Mr. Healy seconded a motion to recommend that the full ANC send thank you notes to relevant organizations. The motion passed without objection.

#### Grant Procedures

Ms. Nelson reported that the Committee had taken up a discussion of possible changes to policies and procedures for the ANC grant program and raised some possibilities of future guidelines, including dividing the grant cycle in half into Winter and Summer cycles, dividing the applications into larger (>\$300) and smaller (>\$300) requests, with smaller grants being reviewed on the monthly cycle with deadlines as they are now, and larger ones being considered in February and July/August.

She said that the Committee requested that ANC consider these potential changes and discuss them with an eye to making recommendations for a new grantmaking process.

#### **8. Alcoholic Beverage Licensing Committee**

The Committee report was accepted without objection.

#### The Spot on H Street - 1255 H Street NE

**Motion:** The committee moved/Mr. Healy seconded a motion to protest the license for the Spot on H Street at 1255 H Street NE unless there is a signed voluntary agreement prior to the petition date. This is a placeholder because the placard was issued at the end of July and the ANC didn't meet in August, and Chairman Holmes was authorized to protest the application until the Committee could meet. The motion passed 6-0, with Mr. Alberti not present.

#### Omnibus Alcoholic Beverage Regulation Amendment Act

Mr. Healy reported that the Committee had walked through Councilmember Graham's Omnibus Alcoholic Beverage Regulation Amendment Act. He said he was the ANC's representative to the Councilmember's Task Force writing the bill, along with representatives of civic associations, industry representatives and ABRA, and the legislation was consensus driven and he supports it overall as a concept. **Motion:** The committee moved/Mr. Healy seconded a motion to accept the committee's recommendation that the ANC send a letter to Councilmember Graham supporting the legislation.

#### **9. New Business**

##### 1400 Maryland Avenue NW

Dr. Ronneberg said that he was asking that the ANC's appeal of the building permit for 1400 Maryland Avenue be withdrawn, saying that the grounds on which it had been filed were corrected. He said it is a small battle in a large war, and that he doesn't mind it being built if it is done safely. **Motion:** Dr. Ronneberg moved/Mr. Hysell seconded a motion to withdraw its appeal of building permits on 1400 Maryland Avenue NE to DCRA. The motion passed without objection.

##### 7 Rivers Market - 250 C Street NE

**Motion:** Mr. Healy moved/Mr. Holmes seconded a motion to accept a change to the 7 Rivers Market Voluntary Agreement made by ABRA in its review of the document. The motion passed 5-0-1, with Mr. Alberti not voting.

##### P'Tones Grant

**Motion:** Mr. Alberti moved/Dr. Ronneberg seconded a motion to withdraw the grant to P'Tones awarded in July. Mr. Holmes said that it is a worthwhile program, but the grant is to be implemented outside the ANC 6A boundaries. The motion passed without objection.

The meeting was adjourned at 9pm.