

Advisory Neighborhood Commission 6A
Minutes
Miner Elementary School
October 9, 2014

Present: Commissioners Nick Alberti, Andrew Hysell, J. Omar Mahmud, Sondra Phillips-Gilbert, Calvin Ward

Absent: Commissioner Gloria Nauden, Chris Ward, Jay Williams

The meeting was convened at 7:00 pm. With no quorum present, Mt. Alberti began the meeting with items that did not require a vote

1. Community Presentation

Options School

Darren Woodruff, vice chair of the Public Charter School Board (PCSB), Don Soifer, PCSB member, and Sharon Hodge of Options School presented an update on the status of the school. Ms. Hodge said she is available to the community at 202-547-1028, ext. 229, and info@options.edu.

Mr. Woodruff announced that the PCSB will be meeting in mid-October to select a new operator for the school. They will select from among three applicants who have been selected because they have the background and expertise to handle the special problems of the 280-student Options School. The three candidates include the current Options School, groups called the Kingsman Academy and the Phillips School, both of which have experience with at-risk students. The final decision will be made by Jeff Kern, who has served as receiver for the school for many months.

All three speakers encouraged transparency and sought active community participation both through the school and the PCSB. They can be reached at 3333 Fourteenth (14th) Street NW, 202/328-2660 and dcpublic@dcpcsb.org.

2. Officers Reports

Chair

Capitol Hill Restoration Society

Mr. Alberti reported that the Capitol Hill Restoration Society (CHRS) is scheduling a series of public meetings presenting Capitol Hill history “beyond the boundaries” and the potential of expanding the Capitol Hill Historic District. CHRS has sponsored an architectural historian’s study of the history beyond the boundaries of the Historic District, including early geography and land conditions, early landowners, and the architecture during many periods of DC history.

The meeting covering the ANC 6A area will be on Wednesday, November 5th, from 6:45-8:30 pm, at Maury Elementary School, Thirteenth (13th) Street and Constitution Avenue NE.

The area that will be covered is generally F Street to G Street between Second (2nd) and Fifteenth (15th) Street NE and Constitution Avenue to G Street between Eleventh (11th) and Fifteenth (15th) Streets NE.

1511 A Street NE

Mr. Alberti reported that he had met with the Department of Consumer and Regulatory Affairs (DCRA) Director Rabbiah Sabbakhan (Zoning Administrator, head of Structural Engineering) to discuss construction permits for 1511 A Street NE. He said he has continuing concerns about the accuracy of the building plans and the thoroughness of DCRA’s review of the plans.

Vice Chair
Home Rule

Mr. Mahmud noted that the fortieth (40th) Anniversary of Home Rule for the District of Columbia was being marked.

At this point in the meeting, a quorum was present so that votes could take place.

3. Minutes

The September 2014 minutes were accepted without objection.

4. Agenda

The agenda for the October 2014 was accepted without additions or changes and no objections.

5. Treasurer's Report

Mr. Alberti presented the Treasurer's Report. He reported that the opening balance in the checking account was \$19,766.00 and the savings account balance was \$13,719.41. There was an interest deposit of \$0.23 to the savings account. There were disbursements of \$229.00 to FedEx Office for August 2014 expenses (Check #1667); \$180.00 to Roberta Weiner for transcription of the September 2014 ANC minutes (Check #1668); \$200.00 to Irene Dworakowski for the September 2014 agenda package (Check #1669); and \$176.48 to the DC Treasurer for monthly security for ANC meeting (Check #1670), leaving a balance of \$19,766.14 in the checking account, and \$13,719.18 in the savings account.

Motion: Mr. Alberti moved/Mr. Mahmud seconded a motion to accept the disbursements. The motion passed 4-1-0, with Mrs. Phillips-Gilbert in opposition.

Motion: Mr. Alberti moved/Mr. Mahmud seconded an allocation of \$14.26 to Mr. Williams for travel expenses. The motion passed unanimously, 5-0.

Motion: Mr. Alberti moved/Mr. Mahmud seconded a motion to accept the Quarterly Report to the DC Auditor for the Fourth (4th) Quarter of FY 2014. The motion passed 3-1-1 with Mrs. Phillips-Gilbert in opposition, and Mr. Ward abstaining.

Mr. Alberti reiterated, in answer to a question from Mrs. Phillips-Gilbert, Mr. Mahmud has currently assumed the function of Treasurer, and that he will continue to assist Mr. Mahmud with the treasurer's report until January 2015 when the next elections will take place.

Quarterly Report

Motion: Mr. Alberti moved/Mr. Williams seconded a motion to accept the Treasurer's Report as presented. The motion passed 6-0-1, with Mrs. Phillips-Gilbert abstaining.

6. Committee Reports

Community Outreach (COC)

As time was short due to the late arrival of a quorum, Ms. Nelson suggested that the COC business be deferred until the end of the meeting so that more urgent matters could have precedence. There was not time to approve the Committee's report and consider the recommendation that thank you notes be sent to organizations providing meeting space so those items will appear on the November 2014 agenda.

Motion: The committee moved/Mr. Alberti seconded a motion to accept the resignation of committee member Rose Williams, who is moving from the 6A area. The motion passed unanimously, 5-0-0.

Alcoholic Beverage Licensing (ABL)

The report of the Committee was accepted without objection. In the absence of Committee Chair, Mr. Williams, Mr. Mahmud assumed the chair.

Mr. Mahmud noted that Notice of Applications from RedRocks and 1101 Convenience Mart applications came to the ANC after the last ABL meeting. The protest period ends before our next meeting. The following two motions were offered:

RedRocks

Motion: Mr. Mahmud moved/Mr. Hysell seconded a motion to authorize Jay Williams to protest the application if the ABL Committee recommends protesting. RedRocks is requesting longer entertainment hours and longer Sunday hours. It is possible there will be no conflicts with the ANC due to an existing settlement agreement (SA), but this allows the ABL committee to conduct a full review. The motion passed 3-1-1, with Ms. Phillips-Gilbert opposed and Mr. Alberti not voting.

1101 Convenience Mart

Motion: Mr. Mahmud moved/Mr. Hysell seconded a motion to authorize Jay Williams to protest the application of the 1101 Convenience Mart if the ABL Committee recommends protesting. . The motion passed 3-1-1, with Ms. Phillips-Gilbert opposed and Mr. Alberti not voting.

Ocopa

Mr. Mahmud said that Ocopa has agreed to limit their outdoor hours to 11:00 pm Sunday-Thursday, and 12:00 am Friday and Saturday.

Motion: Mr. Mahmud moved/Mr. Ward seconded a motion to authorize Mr. Williams to submit an amendment to the current SA reflecting this agreement. The motion passed 3-1-1, with Ms. Phillips-Gilbert opposed and Mr. Alberti not voting

Motion: Mr. Mahmud moved/Mr. Ward seconded a motion to support a stipulated substantial change for this substantial change application, which would enable Ocopa to immediately begin using its outdoor space under the agreed-upon hours; otherwise it would have to wait until the protest period ends, even though the ANC no longer objects. The motion passed 3-1-1, with Ms. Phillips-Gilbert opposed and Mr. Alberti not voting.

XII Restaurant & Lounge Protest

Mr. Mahmud reported that the ANC had voted previously to protest this license renewal application. The Alcoholic Beverage Control (ABC) Board dismissed the application because the licensee failed to appear for a hearing. The licensee submitted a subsequent application, and the ANC must resubmit its protest petition. Although the license is purportedly being transferred, the Commission is still awaiting further details of the new establishment, and the license currently remains under XII's name. The protest will protect the ANC's rights regardless of what happens with the license going forward.

Authorization for Mr. Williams to represent ANC 6A before the Alcoholic Beverage Regulation Administration (ABRA) and the ABC Board

Motion: Authorize Jay Williams to represent ANC 6A before ABRA and the ABC Board on all alcohol licensing matter while he is Chair of the Alcohol Beverage Licensing Committee. The motion passed 3-1-1, with Ms. Phillips-Gilbert opposed and Mr. Alberti not voting

Transportation and Public Space

The report of the Committee was accepted 4-1-0, with Ms. Phillips-Gilbert opposed.

Motion: Mrs. Phillips-Gilbert moved/Mr. Ward seconded a motion that her name be removed from the inappropriate place in the minutes of the Transportation and Public Space Committee. The motion was defeated 2-3, with Mr. Alberti, Mr. Hysell and Mr. Mahmud in opposition, and Mrs. Phillips-Gilbert and Mr. Ward in favor.

1001 H Street NE (Ben's Chili Bowl)

Mr. Mahmud reported that he had worked with the principals of Ben's Chili Bowl and the impending establishment at 1380 H Street NE, and had reached agreements on outdoor cafes. He said he wished to commend the business owners who had listened to the community.

He read the texts of the newly agreed-to public space agreements, including motions:

Motion: Commissioner Mahmud moved/Mr. Alberti seconded a motion that ANC 6A send a letter of support for the sidewalk café application submitted by Ben's Chili Bowl at 1001 H Street NE and waive the DDOT thirty (30) day notice requirement for ANC input on this application, on the condition that the applicant agree to and adhere to all requirements imposed by the DDOT Public Space Committee and the following requirements:

- Only operate the sidewalk café space from 9:00 am to 11:00 pm Monday through Thursday, from 9:00 am to 12:00 am Friday, from 10:00 am to 12:00 am Saturday and from 10:00 am to 11:00 pm Sunday.
- Take reasonable efforts to contain noise within the sidewalk café space including, but not limited to, using the sidewalk cafe canopy, rolling down plastic windows and any other reasonable means to contain noise, but only to the extent allowable by applicable District laws and regulations.
- Only use the sidewalk café space for food and drink service, and not for any playing of music, amplified or otherwise, or for any other use, including live performances.
- Install attractive fencing consistent with DDOT specifications and the fencing enclosing other sidewalk cafes on H Street, which shall include fencing or bars designed to keep trash contained within the sidewalk café area (preferably by minimizing any gaps at the bottom of the fencing).
- Use easily moveable chairs and tables that shall be moved to the side and locked up when not in use.
- The sidewalk café space shall be at least twenty-five (25) feet from the nearest R-4 property line (the home located at 729 Tenth (10th) Street NE), will allow for a sidewalk (pedestrian path) width at least as wide as the rest of the sidewalk running the length of the 700 block of Tenth (10th) Street NE, and comply with any other requirements imposed by applicable District laws and regulations - as represented in the attached renderings.
- Present an acceptable trash management plan to ANC 6A which demonstrates an aggressive trash removal schedule (seven (7) days a week with pick-up times during the late morning and early afternoon hours). Applicant will ensure no trash container of any sort will be stored anywhere on public space, including on the sidewalk café itself.

- Regularly maintain the adjacent tree boxes and keep all areas in front of the business and within the sidewalk café area clean, including the adjacent sidewalk and street gutter. To further the effort to keep the surrounding neighborhood free from litter, the owners agree to contribute to a neighborhood trash removal service to be agreed to between the owners and ANC 6A.
- Close and restore to District Department of Transportation (DDOT) standards the existing curb cut that provides access to the property's adjacent public space. Any other curb cut requested by applicant shall be acceptable to ANC 6A so long as DDOT gives approval, the curb cut is no more than eight (8) feet in width and the curb cut is constructed in compliance with applicable District laws and regulations. In addition, applicant will be responsible for ensuring its customers, suppliers, employees, etc., not park any car on the sidewalk or other public space.

**Bens Chili Bowl and Bens Upstairs Restaurants
1001 H Street, NE Washington, DC
Trash Management Plan**

Ben's Chili Bowl and Ben's Upstairs trash management plan is supported by an enclosed trash receptacle room located to the rear of the first (1st) floor restaurant, on restaurant property and not on public space. It is self-contained with two (2) rolling gated doors that will only be accessed when trash is being picked up for the restaurants. The entire rear building of the restaurants (including the trash room) are also enclosed by a wooden slat fence separating the adjacent residential property and a gate entrance fence facing Tenth (10th) Street for access to the trash room area. The trash room will contain 3 (2) yard rear load trash receptacles for trash; 1 (2) yard cardboard receptacle; and 6 (96) gallon Carts for recyclables. Trash will be picked up seven (7) days a week. On weekdays trash pickup will occur between the hours of 9:00 am- 11:00 am, and on weekends between the hours of 10:00 am - 12:00 noon.

Additionally, Ben's Chili Bowl and Ben's Upstairs collectively will contribute monetary funds (amount to be determined, depending on the cost of services to be negotiated for adequate neighborhood trash removal) to the existing trash management program offered by H Street Main Street, or with any other vendor providing this service.

The motion passed 5-0, unanimously

1380 H Street NE

Motion: Commissioner Mahmud moved/Mr. Alberti seconded a motion that ANC 6A send a letter of support for the sidewalk café application submitted by the applicants concerning 1380 H Street NE on the condition that the applicant agree to and adhere to all requirements imposed by the DDOT Public Space Committee and the following requirements:

- Only operate the sidewalk café space from 9:00 am to 11:00 pm Monday through Thursday, from 9:00 am to 12:00 midnight Friday, from 10:00 am to 12:00 midnight Saturday and from 10:00 am to 11:00 pm Sunday.
- Take reasonable efforts to contain noise within the sidewalk café space including, but not limited to, using any sidewalk café removable structures it may install now or in the future (e.g., a sidewalk cafe canopy, roll-down plastic windows, etc.) and any other reasonable means to contain noise, but only to the extent allowable by applicable District laws and regulations.
- Only use the sidewalk café space for food and drink service, and not for any playing of music, amplified or otherwise, or for any other use, including live performances.

- Install attractive fencing consistent with DDOT specifications and the fencing enclosing other sidewalk cafes on H Street, which shall include fencing or bars designed to keep trash contained within the sidewalk café area (preferably by minimizing any gaps at the bottom of the fencing).
- Use easily moveable chairs and tables that shall be moved to the side and locked up when not in use.
- The sidewalk café space shall contain a buffer of at least 8 feet from the nearest property line to the north on Fourteenth (14th) Street NE, allow for a sidewalk (pedestrian path) width at least as wide as the rest of the sidewalk running the length of the 800 block of Fourteenth (14th) Street NE, and comply with any other requirements imposed by applicable District laws and regulations - as represented in the attached renderings. The buffer space shall not have any tables or chairs or otherwise be used by patrons of the restaurant, but it may be used for quiet sidewalk cafe operations.
- Present an acceptable trash management plan to ANC 6A which demonstrates an aggressive trash removal schedule. Applicant will ensure no trash container of any sort will be stored anywhere on public space, including on the sidewalk café itself.
- Regularly maintain the adjacent tree boxes and keep all areas in front of the business and within the sidewalk café area clean, including the adjacent sidewalk and street gutter.
- The ANC would prefer that owners cover the expense of moving the bike rack and trashcan in public space to allow for the proposed sidewalk cafe, but will defer to DDOT's decision on this if DDOT decides to cover the cost.
- Food will be plated, it will not be light-weight paper or plastic that is prone to litter the area.

The motion passed unanimously, 5-0.

7. New Business

ANC Draft Budget for FY 15

Motion: Mr. Alberti moved/Mr. Ward seconded a motion to accept the draft ANC 6A budget for FY 15. The motion passed 4-1, with Mrs. Phillips-Gilbert in opposition.

Motion: Mr. Alberti moved/Mr. Ward seconded a motion to approve the allocation of funds for a) agenda package preparation in the amount of \$200.00 per month; b) ANC meeting minutes in the amount of \$200.00 per month; 4-0-1 for items a and b (Mrs. Phillips-Gilbert abstaining); and c) photocopying for ANC business in the amount of \$600.00 per month (passed 5-0).

8. Single Member District Reports

Ms. Phillips Gilbert reported that she is working on the disposition of the Gibbs School.

Mr. Mahmud reported on the following activities:

- Nuisance property: He is assisting neighbors in the 900 block of Eighth (8th) Street NE with a nuisance property, in coordination with the Metropolitan Police Department (MPD) and the Office of the Attorney General (OAG). The OAG staff has been particularly helpful in tracking down the owners and enforcing city code requirements related to the habitability at this address.
- Florida Avenue Transportation Study: DDOT has promised that we will soon see the results of the study concerning Florida Avenue NE (by this month). DDOT anticipates attending the November 2014 ANC 6A Transportation and Public Space Committee meeting to update the ANC on next steps post study release and the next round of community meetings.

- Alley Issues: We are convening a group of residents, businesses and city officials to come up with a proactive approach to deal with alley issues. Our first gathering will be at the October 20, 2014 ANC 6A Transportation and Public Space Committee meeting.
- H Street Connection update: It appears this project may be looking to start up in the next several months. A team was at the site conducting soil analysis drilling last week and this week.
- Atlas Court: Met with Atlas Court neighbors to discuss alley issues, including dumpsters being stored in public space by H Street restaurants, recent graffiti, lack of trash pick-up service, no parking enforcement and traffic calming requirements.
- Seventh (7th) Street NE traffic calming: Met with neighbors submitting a petition to DDOT to evaluate traffic calming options for the 800 block of Seventh (7th) Street NE, which will be taken up at the October 20, 2014 ANC 6A Transportation and Public Space Committee meeting.
- Massive abandoned construction hole in the 1000 block of Florida Avenue NE: Currently dealing with city inspectors on this issue. DCRA officials explained they are limited in what they can do if the hole is not causing a dangerous condition or otherwise creating an extreme nuisance situation (e.g., mosquito breeding ground). They conducted an inspection a few years ago, but found nothing they could cite the owner for. They are going out again this week at my request.
- Tenth (10th) Street and Maryland Avenue NE traffic signal: This is just outside of my single member district (SMD), but it is an important issue for residents in my SMD as well as those in Commissioner Nauden's SMD. DDOT has told us it is still working internally on the signal issue and that the hope is to have a decision for ANC 6A in the next week or so.
- Sherwood playground: This is also just outside of my SMD, but it is an amenity enjoyed by many in my SMD. I attended the dedication ceremony for the new playground the weekend before last. I want to extend special thanks to all of those that made this happen, including, but certainly not limited to Mayor Vincent Gray, Councilmember Tommy Wells, Commissioner David Holmes and Sherwood volunteer neighbors like Phil Toomajian.

The meeting was adjourned at 9:15 pm.