

Advisory Neighborhood Commission 6A  
Minutes  
Miner Elementary School  
December 10, 2011

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

The meeting was convened at 7pm.

I. Agenda

The agenda was accepted as presented by unanimous consent.

II. Minutes

The minutes as amended were accepted by unanimous consent

III. Community Comment

- A. Larry Kaufer of Sports on the Hill, a volunteer group that provides sports teams for 1000 local kids, spoke about the group's main problem, which is the availability of playing fields, one area of which is north of RFK, and is currently mostly parking lots and auxiliary playing fields. He presented a plan of what it could be, east of Metro, it's a sloping area, now concrete and could become park space, useful and permeable. It would be an analog to the Longridge space beside the River. Clean it up and make it a useful space.

Ms. Lawler asked whether they have considered improvements to the Riverwalk area, which is really unusable at this time. Mr. Holmes suggested that they start with Ward 7; that Ms. Alexander is jealous of her jurisdiction and wants to make sure her people are taken care of. Ms. Veenendaal-Selck encouraged Mr. Kaufer to work with citizens' organizations. Dr. Ronneberg asked about funding and Mr. Kaufer said that the National Park Service would be willing help once it got off the ground. Mr. Holmes mentioned the land that was given to the SEED School that they rejected because it is a brownfield site, but there is federal legislation now to mitigate the site.

- B. Zach Dubelbauer spoke about his firm, EcoHouse, located on Barracks Row, which performs free energy audits of homes, including systems, appliances, windows, and doors, and takes the information and produces energy reports, including steps that can be taken to make houses more energy efficient. He wants to let citizens know about the existence of the program. He said they've done over 500 so far and that it only takes 1.5 to 2 hours, and a week and a half to two weeks to do the report. He said it is a city program, not income restricted; it's for condos to four story rental buildings. Mr. Mahmud asked if there are companies that can make the changes, and was told that there are in Maryland and Virginia. Mr. Holmes asked if it was really free and was told that it is, the city checks, and it happens quickly; the invoice goes to the City. Mr. Holmes asked how he's getting the word out, and he said that he was at the Barracks Row Festival four years ago and was overwhelmed with clients and he's done other festivals. There are two other contractors doing this.

#### IV. Officer Reports

##### Chair

Mr. Holmes reported that DDOT is having a meeting for the Maryland Ave. Safety Project on January 28 at Sherwood Rec Center, from 1 to 3pm. It will be an interactive workshop where DDOT staff and consultants will offer proposed safety improvement alternatives to the community to solicit feedback. Proposed improvements consist of potential reconfiguration of intersections, adjustments to parking, pedestrian safety treatments, transit stop relocations and amenity options, the addition of left turn lanes, removal of travel lanes, and landscaping improvements.

He reported that an over-capacity audience attended the December 6 streetcar briefing. The best interim solution was announced by the Mayor at the meeting. Mr. Holmes said he was excited by the educational possibilities for a partnership with Spingarn to train the mechanics the system will need - truly highly employable trainees who will be able to start at a high salary.

Commissioner Healy received a FOIA for all postal and electronic correspondence relating to the possibilities of an H St. liquor moratorium. This could have been quickly filled with respect to Commissioner communications, except that he also wishes the same materials from ALL committee members. They are awaiting a response from the OANC and the OAG. It is a strange position for 6A to be in, as it is the most open of all ANCs, and indeed of all government agencies. Nevertheless, this is without precedent. The ANC has to protect the non-elected members of its committees who are so crucial to its successful functioning. Mr. Healy awaits word on how to proceed.

Mr. Holmes reported that Pho managers found themselves unable to obtain a stipulated license despite the support of 6A. However, the stipulated license was approved on December 7.

Finally, he reported that the House of God has rejected the opposition of the ANC and the HPRB to the demolition of their building. They have filed with the Mayor's Agent, the appeal mechanism from HPRB decisions. Meanwhile, demolition by neglect continues.

##### Treasurer

Mr. Alberti presented the Treasurer's Report. It showed that the opening balance in the checking account was \$23,292.63 and the savings account balance was \$4,205.94. There was an interest payment to the savings account of \$.17. There were disbursements of \$200 to Heather Schoell for the November 11 agenda package (Check #1531); \$650 to the Capitol Hill Garden Club for a grant (Check #1534); \$226.79 to FedEx Office for November 2011 copying (Check #1535); a voided check (Check #1536); a Stop Payment fee of \$30; \$3815 to Capitol Community News for Hill Rag and Fagon Community Guide ads (Check #1537); and \$180 to Roberta Weiner for October 11 minutes (Check #1538), leaving a balance of \$18,190.84 in the checking account, and \$4,206.11 in the savings account.

**Motion:** Mr. Alberti moved/Dr. Ronneberg seconded a motion to approve the disbursements. It passed without objection.

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

There were no reports from the Vice Chair or Secretary.

## V. Single Member District Reports

**Ms. Lawler** reported that the owner of a building at 12<sup>th</sup> and E Sts. NE wants to renovate a structure that is currently two units and he has an old Certificate of Occupancy that he wants to use for six units. Mr. Alberti said that if it hasn't been used, it can't be. She also said she will be having an SMD meeting at Options School.

**Mr. Healy** reported that his SMD meetings for 2012 will be at the Pilgrim Baptist Church. He said that there has been a decrease in crime in his SMD, and that Commander Hickson came to his last SMD meeting. He said the police have been responsive, and he announced the next PSA 102 meeting.

**Mr. Alberti** reported that he and Ms. Veenendaal-Selck were asked by 6B commissioner Brian Flahaven to sign onto a letter inviting Mayor Gray to come talk about Reservation 13 because there has been no progress on the development, and the Redskins practice field plan would conflict with the existing development plan. He also talked about the Gentleman's Club that has opened off Benning Road, which is a sexually-oriented establishment that he read about in The City Paper. He is concerned that BZA will rule that it doesn't meet the requirements of a sexually-oriented business, and 6A could be in the position of having a similar business come to H St. and not be able to do anything about it.

**Ms. Veenendaal-Selck** reported she had signed on to the Reservation 13 meeting letter. She expressed her concern about the volume of traffic on C Street.

**Dr. Ronneberg** reported that XII has not paid for its police detail. He also reported that the promised bike station has not been installed, but will be within the next month or two.

**Ms. Mack** said she would like to thank those folks for their support on her Thanksgiving project to feed the sick and shut-in on Thanksgiving Day: Regina Woodson - Ward 4; Tawana Corum - Ward 4; Barbara Corum - Ward 4; Shirley Worthy - Ward 6; Sondra P. Gilbert - Ward 6; and Darryl Corum - Ward 5. They fed 20 people three meals: breakfast, lunch and dinner.

## VI. Committee Reports

### Community Outreach

Ms. Nelson introduced a proposal for a grant for \$4000 for the Eliot-Hine Middle School PTSA for library books and other media. She said that when the other Hill elementary schools got stuff from the Capitol Hill Community Foundation, the middle schools were not included. Eliot had no books and those that were moved from Hine went to classrooms. **Motion:** Mr. Alberti moved/Ms. Veenendaal-Selck seconded a motion to issue a grant in the amount of \$5000 to the Eliot-Hine PTSA for the purchase of books and other media for the school library.

Dr. Ronneberg asked whether the ANC budget could take the extra expense, and Mr. Alberti responded that there is \$10,000 set aside in the budget, and there is a projected surplus of over \$25,000. Here is a middle school now combined with another and they have no books. He said he thought it was a travesty. Ms. Veenendaal-Selck said she feels very strongly about this. Mr. Alberti said there were strict requirements on receipts, and how they are paid will have to be worked out. Mr. Mahmud asked how much the total of the project was and was told it was \$6737. Ms. Mack said there was no money for the library, and that teachers' salaries had been increased. Roberta Weiner asked whether there was any way of letting DCPS know that this, which should be

their job, is being left to the community. Mr. Holmes said it is up to the ANC to make up for their failure. The motion passed 5-0-1, with Ms. Mack abstaining. The report of the Committee was accepted without objection.

### Alcoholic Beverage Licensing

#### *Pho Bar and Grill - 1360 H St. NE*

Mr. Healy said that there is one small change in the Voluntary Agreement, that we have agreed to trash pick-up once a day rather than twice, because of the nature of their menu. **Motion:** The Committee moved/Mr. Healy seconded a motion to accept the committee's recommendation to approve the standard VA for Pho Bar and Grill, with a modification requiring trash collection once a day. The motion passed without objection.

#### *Proposal on Cap on Alcohol Licensing on H Street*

As a response to community meetings regarding the possibility of capping the number of CT licenses approved for H Street, the ABL Committee produced a position paper, the conclusion of which follows:

*After listening to community comment at the ABL public meeting, conversations with many in the business community, fellow commissioners and committee members, and community members, it appears there is no clear consensus that a cap or moratorium should be pursued at this time for H St. NE. There does appear to be more agreement that the community wants to be carefully engaged in the continued redevelopment of H St. An overwhelming number of community members would like to see more retail opportunities, enhanced parking protections for residents, and a reduction in the amount of noise from patrons. In order to address these valid concerns, the ABL Committee recommends the ANC adopt the following proposal.*

### **PROPOSAL**

The amendments to the proposal accepted by the ANC are entered into the document using strikethroughs and bolding the language.

#### *Parking*

The ANC should remain actively engaged with the District Department of Transportation (DDOT) on efforts to implement the H St. performance parking program. This program is aimed at ensuring residents have better access to residential parking spaces near H St. The program is designed to have Zone 6 parking on one side of the residential blocks during certain hours (hours, days of the week, and which blocks will be included will be determined by DDOT after working with the community and will charge different rates for parking on H St., depending on the time of day). DDOT hopes the program can be implemented next spring. While this program won't solve all the parking problems, it should go a long way in reserving one-side of residential streets. for Zone 6 vehicles most of the time.

The ANC needs to continue working with the District DPW's Parking Enforcement Admin. to ensure that the enhanced resident parking protections under the H St. Performance Parking Program are adequately enforced.

#### *Noise*

The ABL Committee will work with the business community to ask for continued assistance in trying to keep patron noise to a low level as they leave the commercial district and enter residential areas. One idea is for the Committee to work with the business community to

come up with a design for signage that could be placed at the exits of establishments and on street signs in residential blocks to remind individuals to please keep their voices low in the residential neighborhood. We also encourage the business community to consider working with the ANC's Community Outreach Committee on possible grant funds for the creation of the signs.

The ANC should also carefully consider public space permits for alcohol and non-alcohol establishments to ensure noise and trash from such public space use is mitigated.

#### *Restrictions on Alcohol Licenses*

Currently, there are a disproportionate number of tavern licenses (CT) versus restaurant licenses (CR). Without seeking to implement a cap on the total number of licenses on H Street, the ANC should strongly encourage new establishments to seek CR licenses and that the ANC ~~should~~ **may** protest any new CT license, except in rare cases when a case-by-case determination is made that a CT versus a CR license will not adversely impact neighbors in the immediate area of the proposed establishment. Additionally the ANC should update the standard VA (VA) to require new CR licenses to have their kitchens open and operational for the service of food up until one hour prior to closing (current DC regulations require a CR to have their kitchen open up until two hours prior to closing). This will help ensure a CR doesn't become solely a bar or nightclub later at night. ~~Further, the ANC should, through the VA and protest process, recommend his maximum number of patrons allowed in an establishment to 150 people, subject to a case-b-y-case determination. This will ensure the capacity at establishments is reasonable and doesn't become too large and unmanageable.~~

It's recommended that the ANC, through the ABL Committee, periodically hold a meeting in **coordination with ANC 6C** to consider whether or not a cap or moratorium is warranted for H St. NE.

#### *DISCUSSION*

An issue that drew discussion was the language on the number of people an establishment should hold. Mr. Kelty agreed that even some very good restaurants had CT licenses. Ms. Nelson said that she doesn't see that the number is significant. Dr. Ronneberg said there should be a case-by-case determination adhered to. Ms. Lawler said the owner is ultimately responsible for the conduct of his customers and the number of 150 people isn't connected to any real number. Mr. Holmes said 150 people does not serve any purpose: the more CT, the more CR, the more business. He said the black unemployed on H St. was about 505 and there were 30 vacant properties that wanted tenants.

**Motion:** Ms. Lawler moved/Mr. Healy seconded a motion to amend the proposal by eliminating the last sentence of the Restrictions on Alcohol Licenses paragraph beginning "Further, the ANC should..." and ending "doesn't become too large and unmanageable." The motion passed 5-1-1, with Dr. Ronneberg in opposition and Mr. Alberti not voting.

There was a motion to invite ANC 6C to participate in meetings in the future about a cap or moratorium. **Motion:** Ms. Lawler moved/Mr. Healy seconded a motion to amend the last sentence of the proposal to read: "It's recommended...periodically hold a meeting "in coordination with ANC 6C, hold a meeting to consider..." The motion passed 6-0-1, with Mr. Alberti not voting.

Mr. Healy said that the process was open and unbiased. He said that everything was transparent and he wants it to stay that way for new places, and to engage the neighbors. But he said he felt

there is a consensus not to have an official ABRA-approved moratorium and that people want more restaurants and daytime retail options.

Michael Herman said that he moved to the neighborhood because of the businesses on H St., and there's need to attract more business, but there's a need to bring in other kinds of businesses. Another resident said that it's not fair to say that there's no desire for any change—it's a place where people want to live, but certain kinds of change is good.

Ms. Lawler said that the ANC statement is stronger than she may like because she wants development on H St., but also wants positive change.

Mr. Mahmud wanted to know whether the ANC has to protest to have standing, and Mr. Healy responded that one has to protest to establish contact with some establishments. But, he said, one can fall into a trap; when the ANC gets notice it automatically protests on the ground of "peace, order and quiet" and often don't know whether that's true or not. He said he was of two minds on that issue and its legitimacy.

Ms. Lawler said that in many instances restaurants had tavern licenses because with a restaurant license it requires a certain number of dollars per seat in food income. Ms. Nelson pointed out that a CT license has fewer regulations and that's why there are so many more of them.

Mr. Holmes said that this is not just being done on a whim. It is informed by more than a discussion in the committee, and the restaurant owners were spoken with as well as the community.

Joel Kelly raised the issue that the resolution is in conflict with the H St. Zoning Overlay, and said the Commission would have to seek to modify the Overlay to match the resolution. Mr. Mahmud said the intent of the Overlay was not to have restrictions on alcohol licenses.

**Motion:** Ms. Lawler moved/Mr. Healy seconded a motion to amend the proposal, line 3 under Restrictions on Alcohol Licenses, to change the word "shall" to "may" ("the ANC may protest any new CT license..."). The amendment passed 5-1-1, with Dr. Ronneberg opposed and Mr. Alberti not voting.

Dr. Ronneberg said that using "may" seriously weakened the proposal, and the language should be stronger.

**Final Motion:** The Committee moved/Mr. Healy seconded a motion that the full ANC approve the proposal on limits to H St. Alcohol Licenses, as amended, presented by the Committee. The motion passed 5-1-1, with Dr. Ronneberg opposed and Mr. Alberti not voting..

The report of the Committee was accepted without objection.

### Transportation & Public Space

#### *1128 H St. NE*

This is a request for a public space permit for a sidewalk seating area and an indoor/outdoor bar along the wall of the building at a new restaurant at 1128 H St. NE. It's a corner building, with the seating area using space at the side of the building. The establishment will serve Indian/Pakistani food. They will use plants and requests to guests to mitigate noise. There is no plan for entertainment at this time, but may have light music, like a sitar player. They may also

install canopies or umbrellas. Furniture will be put out of the way as best as possible. They are also working with the ABL Committee on a VA. **Motion:** The Committee moved/Ms. Mack seconded a motion to accept the Committee's recommendation to approve a public space permit for a sidewalk café and indoor/outdoor bar at 1128 H St. NE. Mr. Alberti asked about the capacity for the outdoor space and was told it was 25. Mr. Healy said the owner was very responsive, and worked on the hours. The motion passed 6-0-1, with Mr. Alberti not voting.

#### *Change of Loading Zone at 1308 H St. NE to Metered Parking*

Mr. Mahmud said that the ANC had received a request from business owners near 1308 H St. NE to change the parking restrictions for this location. They prefer to have more parking for customers as opposed to a loading zone they don't plan to use. The loading zone signs were installed post-landscaping. **Motion:** The committee moved/Mr. Holmes seconded a motion to accept the Committee's recommendation that newly-installed loading zone parking signs in front of 1308 H St. NE be replaced with limited or metered parking signs to allow for customer parking. The motion passed unanimously, 7-0.

#### *Drop-Off/Pick-Up at J.O. Wilson School*

Mr. Healy, whose SMD is across the street from J.O. Elementary School, has been working with ANC 6C Commissioner Tony Goodman, and would like the ANC to support 6C's request to add a drop-off/pick-up zone in front of the school. Currently, there are three lanes of traffic in the morning and it is dangerous. 6C is working with DDOT to institute a program of traffic calming measures including the elimination of the three lane traffic scheme and the institution of bike lanes. But for the current time it is only the drop off/pick-up that is at issue. Mr. Healy says there is a letter of support to DDOT that has been signed by the principal and the PTSA.

Ms. Mack said it would be nice if they could make a cut-in or use a side street. Mr. Healy said that the drop off/pick up would partially be a traffic-calming measure itself. Mr. Alberti asked whether it would be in a parking lane that won't be used during rush hour, and Mr. Mahmud said that there are temporary signs that are removed daily. Mr. Alberti said his concern is that it's an abrupt switch from two-lanes to one. Mr. Healy said that it's already happening. Mr. Alberti asked about DDOT plan, and was told that it hasn't yet emerged. **Motion:** The committee moved/Mr. Healy seconded a motion to ask the ANC to join ANC 6C's request for a drop-off/pick-up zone in front of J.O. Wilson Elementary School on or near K St. NE. The motion passed 6-1, with Ms. Mack in opposition.

#### *Removal of No Parking Signs in front of 525 9<sup>th</sup> St. and 1341 Maryland Ave. NE*

This is a request, inaugurated by the residents of the new condos at the old firehouse and police station they have the No Parking signs that remain on those blocks changed to whatever the parking designation is for the rest of those blocks. **Motion:** The Committee moved/Dr. Ronneberg seconded a motion to have the No Parking signs removed at 525 9<sup>th</sup> St. and 1341 Maryland Ave. NE and replaced with signs reflecting the parking regulations on the rest of those blocks. The motion passed unanimously, 7-0.

#### *Upcoming Races*

Mr. Mahmud told the Commission that there would be a discussion of two races at the March meeting: there was a meeting on the National Marathon on December 19<sup>th</sup>, and the Capitol Hill Classic was coming up.

The report of the Committee was accepted without objection.

## Economic Development and Zoning

**Motion:** The committee moved/Dr. Ronneberg seconded a motion to accept the Committee's Proposed 2012 Goals. The motion passed without objection.

The report of the Committee was accepted without objection.

## VII. Unfinished Business

### *Rescission of Letter to DPR*

**Motion:** Mr. Healy moved/Mr. Holmes seconded a motion that the ANC rescind the letter approved at the November 2011 meeting requesting the Department of Parks and Recreation (DPR) remove overgrown shrubs at the park located at 8<sup>th</sup>/K/W. Virginia Ave. NE intersection and instead send a letter to DPR authorizing Commissioner Healy to represent the Commission in all matters concerning this park. The motion passed without objection.

## VIII. New Business

### *Street Sweeping in Alleys*

Mr. Healy reported that despite the alleys being paved there was still trash accumulating in them, particularly around H St., and the sweeping should be regularly scheduled, not just occasionally. **Motion:** Mr. Healy moved/Ms. Mack seconded a motion to send a letter to DPW requesting regular street sweeping in the alleys near the H St. commercial district. The motion passed unanimously. Mr. Holmes suggested that a small street sweeping machine should be indicated to get in and out of the alleys.

### *Licenses for Central and Rose's Dream*

Mr. Healy asked that a placeholder protest should be requested for Central, 1200 H St. NE and Rose's Dream at 1370 H St. NE as they came in after the last meeting. He said neither should be a problem. **Motion:** Mr. Healy moved/Ms. Lawler seconded a motion that the ANC protest the new alcohol license for Central at 1200 H St. NE, and the substantial change for Rose's Dream at 1370 H St. on the grounds of peace, order and quiet of the neighborhood unless a VA is approved and signed prior to the protest date. The motion passed 5-0-2, with Ms. Mack and Mr. Alberti not voting.

### *2012 Meeting Dates*

Mr. Holmes said that the normal second Thursday dates have no conflicts with holidays that require rescheduling. **Motion:** The chair moved that the meeting dates for 2012 will be the second Thursday - January 12; February 9; March 8; April 12; May 10; June 14; July 12; August - no meeting; September 13; October 11; November 8; December 13; and January 10, 2013. If, on a day for which an ANC meeting is scheduled, the District government declares a weather or safety emergency and closes normal government operations, the ANC meeting shall be postponed until a date set by the Chair after consultation with the Commission, The dates were accepted by unanimous consent.

## IX. Community Comment

Coralie Farlee, Chair of the ANC 6D ABL Committee, complimented the Commission, saying it was "astoundingly open" in providing materials, having discussion of issues, etc.

The meeting was adjourned at 8:59 pm.