

MINUTES

Wednesday May 19, 2010, 7 to 9:00 p.m.
Sherwood Recreation Center (640 10th St. NE)
2nd floor Community Room

Commissioners: Drew Ronneberg (6A02)—Committee Chairperson; David Holmes (6A03), Kelvin Robinson (6A08).

Committee Members: Barbara Halleck, Jeff Fletcher, Phil Toomajian

Call to order: 7:00 p.m. by Chairperson Drew Ronneberg

ONGOING STATUS REPORTS:

H Street Connection Redevelopment (Drew Ronneberg)

Expect to have a PUD hearing in the July timeframe.

Vacant Properties (Dan Golden/Phil Toomajian)

Commissioner Marshall will not be able to attend tonight but will provide his list of vacant properties by or at the next meeting.

Drew and Phil met with Councilmember Bowser. Our report about vacant properties was well received. The mayor had proposed a series of escalating fines in lieu of a vacant tax rate. Councilmember Bowser has since produced a proposal that incorporates a few of the things we suggested. As background, DC had recently increased the tax rate for vacant properties to 10%; and then Council became concerned that it was hitting too many people, too hard, and eliminated the vacant tax rate and only applied the 10% to so-called "blighted" properties. We proposed a system which would continue to treat blighted properties as such, but which would also have graduated increases in tax rates based on the amount of time a property had been vacant, as we believe there needs to be an incentive to occupy long vacant properties as well.

Bowser's committee proposed a 5% vacant property tax rate and maintains the 10% rate for blighted properties. She is concerned (as we are) about overuse and abuse of exemptions. Exemptions would be good for one year only but they are not as restrictive as we recommended. It wasn't clear whether the property owner can use multiple exemptions to extend the period of exemption over several years. In addition, DCRA doesn't have a good means of tracking exemptions--number, how long they've been in place, etc. The definition of blighted was codified in this bill as well. We acted to support (in last meeting) an expanded definition of blighted properties.

Her proposal also requires vacant properties be registered w/in 30 days with a \$250 administrative fee. The fines then go directly to DCRA, whereas taxes go into general revenues. Phil thought that, overall, Councilmember Bower's proposal seems to be a good short term solution as it ties to the property's assessment.

http://assets.bizjournals.com/cms_media/washington/pdf/FY11_PSCA_Committee_Budget_Report_draftBowser-5-12-10.pdf

Vacant property map—We are still updating the ANC6A vacant property map and are looking for volunteers to survey 6A05 and 6A08. 6A01 should be fully updated within the next couple of weeks. 6A02, 6A03, 6A04 are all complete.

DCRA published its first blighted properties list in May. The list only indicates 7 blighted properties overall, 6 of which are in ANC6A. Only 1 of the 7 blighted properties has faced the blighted property taxes in March even though all 7 should have been subject to it. There appears to be something of a disconnect between DCRA and OTR and we are working to close that gap.

NEW BUSINESS

HPA #10-XXX (809 D ST NE)

The owner would like to remove the aluminum siding on the front of the house and make changes to the front door and transom. In addition, a second floor addition is proposed for the rear of the house. No representative so was not discussed.

HPA #10-XXX (1222 CONSTITUTION AVE NE)

The building is on a corner lot. The owner would like dig out the basement and install 2 basement level windows with window wells on each of the front and side of the property, as well as enlarge the windows and steps in the rear of the property. The proposed stairs will be constructed on public space with a hedge used for screening.

The owner, Peter Valey, bought the property in November 2009, which had been vacant for a year and was in a “dreadful state...and suffered years of neglect.” Currently there is a cellar that the owner can stand in but with a dirt floor it is not really a usable space. His intention is to dig out the basement further and put in a floor. They also want to install additional windows and access into the basement at the back of the house, including stairs. They currently don’t plan to make it a rental space but don’t want to do anything that will rule it out in the future. Both the window wells and basement access steps will be using public space.

PUBLIC SPACE ISSUES

House is at the end of the row and the previous owner had fenced in the public space. The steps Mr. Valey wants to install would extend into public space. The distance from back of the house is about 20’. That is why they are planning to put the stairs on the public space—they would like to conserve as much yard as possible for their use. Mr. Valey also wants to put in additional window wells also—one in the front and three on the side. All the window wells are in the public space.

Mr. Valey reported that in his meeting with a representative of the Public Space office said that constructing the steps on public space would be acceptable to them if the steps were somewhat camouflaged. The diagram below was provided by Mr. Valey as an illustration of his plan.

Mr. Valey has letters of support from 3 neighbors; neighbors are happy with the project, especially since the building has been derelict and such an eyesore for so long. Commissioner Holmes asked whether Mr. Valey received approval from Public Space. Mr. Valey indicated he had not. They were working on permits for the excavation and then found that he had to get the public space permit. His discussions with the public space department seemed to indicate that the plan would be acceptable.

Commissioner Holmes also asked whether they are replacing the garage? Mr. Valey said just the door as it is in bad shape. In addition, the chain link fence will stay in the short

term but they intend to put a wrought iron fence at a later point. Commissioner Holmes also indicated that the historic district has no front-facing window wells; they will probably have difficulty gaining HPO approval for that.

Commissioner Ronneberg: A special exception or variance will probably be needed for this renovation project—because the property is probably already over the lot occupancy limit (Greater than 60% lot occupancy requires a special exception, greater than 70% lot occupancy requires a variance). Commissioner Ronneberg encouraged Mr. Valey to look into the zoning issues now because it would take at least 3-4 months to get any zoning relief approved. He also said that the ANC had supported zoning relief in other cases where the work was subterranean. The special exception or variance will be needed regardless of the public space issues.

Commissioner Ronneberg: I am surprised that public space department would, though an administrative action, allow use of this much public space. This is a large enough space that it would normally, in our experience, go to the Public Space Commission. I believe that the stairs could be configured so that they could be confined to their own property. I appreciate that the stairs are subterranean but I cannot support the use of public space for private use unless it is absolutely necessary. I support the side wells, also the front, as a means of exiting the basement in an emergency.

Mr. Valey: The original design for the steps to the basement had a different configuration that took out a large chunk of the back yard. Mr. Valey also pointed out that there is no one actually looking at it—there is a school and alleyway across the street--or using it.

Barbara Halleck: indicated agreement with Commissioner Ronneberg's assessment regarding the stairs on public space. The owner should be able to put the stairs on his own property. The window wells on the side are fine.

Phil Toomajian—Doesn't support the stairs on public space when they is other available space that could be used.

Commissioner Holmes stated that the steps coming from his own basement are on public space and he doesn't see how this is different.

MOTIONS & VOTING

The Committee broke the issue into three parts; results of the voting are listed below:

1. Motion that we support the applicant's request for side window wells. 5 in favor.
2. Motion that we oppose window well on the front of the house. 4 in favor, 1 abstain
3. Motion that we oppose the stairs on public space. Vote: 3 in favor, 1 against, 1 abstain

ISSUES RELATED TO FUTURE 7-ELEVEN STORE IN THE H STREET CONNECTION

Representatives of 7-Eleven were in attendance to discuss hours of operation of the store, sale of tobacco products and concerns that the establishment will generate problems with loitering and litter.

Mark Bradshaw from Rappaport Companies and Bill Macaluso from 7-11.

Neighbors near the H Street Connection are concerned about litter, currently a great deal spills out into side streets. There is also concern about the sale of tobacco products, especially those used for smoking pot.

Other issues—MPD asked H Street to come and talk about the 7-11; concern about loitering and crime due to the 7-11, late night hours, noise, etc. There are no 24/7 operations on H Street; this would cause increased late night traffic, trash, etc.

Mr. Bradshaw:

1. Litter: The landlord offered to extend porter service in the afternoon. Mr. Bradshaw has met with their cleaning contractor and will be extending their span an additional block for spot cleaning starting by the end of May. This should alleviate some of the trash coming out of the property. This will be permanent, and will address afternoon litter.
2. He is trying to get more information about the program with off duty police officers. H Street Connection is interested in getting involved a reimbursable detail program
3. They are also considering trying to seal off the parts of the sidewalk to direct foot traffic into the parking lot so that they are on camera and less easily spilling onto side streets and are exploring additional ideas for minimizing loitering.

Mr. Macaluso: 7-11 is a leader in establishing processes for customer safety, utilizing very high tech surveillance systems, including interior and exterior cameras that can record and save video over 4-5 months. They are used for internal safety and provides assistance to local police departments. As another deterrent, they keep very little cash on hand, and this is well known. 7-11 requires computer-based training for safety and crime prevention; each employee is required to do the training every year. They do not sell drug paraphernalia; they strictly follow laws on selling tobacco or other restricted products.

Kelvin Robinson asked about camera coverage. Mr. Macaluso stated that they cover whatever the community recommends/allows, depending on ordinance—front of the store and inside. The intent is to get a full frontal shot of every person coming in. Every store has a monitor that customers know they are being monitored. Nothing is done secretly.

Community member #1: H Street already attracts crime; a 7-11 will bring even more loitering, pan handling, drugs, etc. based on his visits to store on Maryland Ave. After bars close down, people will flock to the 7-11. 7-11 brings unwelcome foot traffic, loitering, littering, and crime. He expressed that he's not worried about the safety of 7-11; he is concerned for his own home's safety and the safety of the neighborhood. Other 7-11s in town attract unwanted traffic, including drunks after bars close. He stated that a 7-11 is really a fast food establishment and they should go through the same approval process as other fast food establishments.

Phil Toomajian: H street has historically had a negative image because of crime; the 7-11 will not help the image of the neighborhood. The concern isn't that 7-11 not get robbed; our concern is how 7-11 will fit into the neighborhood and help us continue to remove the negative stigma that developed over years of neglect.

Community member #2: Why have another 7-11 when there are other locations very nearby? The H Street corridor is trying to become a better neighborhood and a 7-11 will not add to the image of the neighborhood.

Mr. Macaluso stated that the population density warrants another location and 7-11 is part of the gentrification efforts in many urban areas in Washington, DC.

Community member #3: How does 7-11 prevent loitering?

Mr. Macaluso: 7-11 issues debarments and works with the police department. H Street Connection itself has debarred habitual loiterers. They ask the police department to come by and just make themselves present. Store employees may ask people to leave the area but they will not become confrontational. Training is given to employees (CBT) about how to handle loitering. Employees will actively enforce no loitering in front of the property and will call the police if people do not comply. (Same for day laborers.) If there is only one person in the store, they will not leave the store for their own safety. The stores in DC tend to have enough volume to two or more people in the store at all times.

Commissioner Robinson: What's the standard for meeting loitering requirements—would they staff the store to ensure loitering issues are managed? Their plan for managing loitering won't do any good if the store isn't staffed sufficiently to adhere to it.

Mr Macaluso: They have a standard for staffing a store based on sales but would consider addressing loitering by ensuring sufficient staff are on site. He expressed that 7-11 will manage the problems/issues that are within their control, but that they are not a police force and cannot control whether an inebriated customer comes into the store. They have offered to put space for a police officer to work.

Community member #4: Can anyone address how the problems have been addressed at any of the locations, such as Maryland Ave.'s panhandling?

Mr. Macaluso: They don't want loitering or panhandling in front of their stores. They are not just about the store, but want to be part of the community, operating a safe, clean store. They did not know how bad the situation was.

Phil Toomajian: There will be crime on 7-11 property; he's been waiting to hear that 7-11 will be vigilant and when they observe crime on their property that they will call the police. With regard to late night hours, he's concerned that having only one person there late at night that that one person cannot manage the crime element and keep the store and facility safe. Can you tell us whether they will have two people on site when the store opens? Also indicated a concern regarding the sales of items that can be readily converted for marijuana smoking, such as rolling papers and "blunts".

Mr. Macaluso: There are no stores in DC with only one person at night and agreed that 7-11 can make a condition of not selling mini blunts (Swisher Sweets) and cigarette or other rolling papers.

Phil Toomajian: Stated that he believes there is a legitimate concern about food sales; the H Street overlay excludes fast food establishments. 8th and Maryland sells a variety of fast food including wings; people eat them and throw the bones on the sidewalk, where dogs eat them and choke on them.

Mr. Macaluso: Every store is required to clean up the area around the store 3 to 4 times per day. 7-11 sells wings in most of their stores.

Community member #5: new resident to the area; knowing this neighborhood and has seen a great number of changes and improvements, specifically the transition in this neighborhood. She feels that the neighborhood wants to see continued improvement; part of that means having particular retail that enhances the neighborhood. She expressed that 7-11 would not add to the image.

Commissioner Robinson: Do we want to recommend some negotiated set of circumstances that we can give to the ANC to review, assuming the store is built?

7-11: stores have 8 or 16 cameras. They have no problem adding more cameras.

Commissioner Ronneberg: if there are major problems with the 24 operations, would 7-11 be willing to review the hours and restrict the hours?

Phil Toomajian: Our ANC puts in place voluntary agreements that restricts operating hours; if they don't have any problems then the bar gets additional hours. Can we put this into place?

Mr. Macaluso indicated that 7-11 plans to operate its store 24/7 and it is not likely that they would agree to a restriction of hours, but they are amenable to discussing issues and finding agreement.

MOTION BY DREW RONNEBERG THAT WE ESTABLISH A MEMORANDUM WITH RAPPAPORT AND 7-ELEVEN OF UNDERSTANDING REGARDING THE FOLLOWING (SECOND BY BARBARA HALLECK. UNANIMOUS):

1. Detail and implement debarment procedure
2. Banning certain tobacco products, including mini cigars and rolling papers
3. Some system to address late night hours and concerns about opening 24x7
4. Minimum staffing levels
5. Active enforcement of no-loitering
6. Limit sales of fast food items
7. Minimum security standards in and around the facilities (cameras, lights that don't affect residential neighbors)
8. Cleanliness standards
9. Participation in police detail
10. Installing physical barrier to reduce foot traffic spilling over on to 10th Street
11. Voluntary enforcement of provisions if violations of agreement are identified
12. Agreement carries over if/when store transfer to a franchisee

Next Scheduled ED&Z Committee Meeting:
Wednesday, June 16, 2010, 7-9 PM
Sherwood Recreation Center
640 10th Street, NE, 2nd Floor