

**Advisory Neighborhood Commission 6A
Miner Elementary School**

Minutes
February 11, 2010

The meeting was called to order at 7:00 pm.

Present: Commissioners Alberti, Beatty, Holmes, Mack, Marshall, Robinson, and Schultheiss.

Mr. Robinson opened the meeting by announcing the special election to fill the vacancy SMD 6A02.

1. Approval of Agenda

Mr. Alberti asked that the Quarterly Report for the 1st Quarter FY10 be considered under the Treasurer's Report. The agenda, as amended, was approved without objection.

2. Minutes

The minutes for the December meeting, approved without objection.

3. Special Election

Mr. Robinson said that there were two candidates - Robert Pittman and Dr. Drew Ronneberg - for the vacancy in SMD 6A02, that each candidate would have five minutes to speak, and the voting, which would be open only to residents of the SMD, would be open from 7:10 to 8:10 pm.

Mr. Pittman said that he is the coordinator of PSA 102, and that when he took over there weren't a lot of people who came to meetings, but he has the ability to get people involved, and having instituted set agendas for the meeting, there are now 30 to 40, sometimes even 100 people at meetings. He said he has been fighting crime on H Street for ten years, and while he didn't want to get involved, he saw he had to. He saw that the police used to send two units to a crime scene—one to report the crime and the other to watch. When the police districts were realigned he said he was very involved, and worked hard to get better coverage. He said that without his work on cooperative agreements for establishments, H Street would be like Georgetown, and he has worked on valet parking and 8th Street planning. He said he would be a hands-on representative, not just sending e-mails.

Dr. Ronneberg said he would like to help keep ANC 6A the best-run, most efficient ANC in the city. He said he has been a citizen volunteer on the Economic Development and Zoning Committee since 2003, and has served as Chair since 2006, dealing with dozens of issues - the H Street Connection was on the agenda at the meeting, which he has been negotiating for two years. He said he has been working on vacant property issues as well. He said his goals for his service were: 1/ to make the neighborhood safer, and increase surveillance in high crime areas; 2/ to continue working on a revitalized H Street, including such issues as reimbursable police details; 3/ to continue working on the H Street Connection; and 4/ parking - seeing that valet parking is not on residential streets, resident-only parking streets; and working with parking enforcement people.

4. Community Presentations

SunTrust National Marathon

Diane Thomas of the Greater Washington Sports Alliance presented information on the SunTrust National Marathon to be held on Saturday, March 20. She acknowledged there had been a lot of concerns about the race, and they met with Commissioners Holmes and Robinson. They have also met with MPD about keeping East Capitol Street accessible. She distributed new maps and explained the changes that have been made as a result of these discussions, including moving the starting line, and establishing “bump cross” routes, where offices will be prepared to handle traffic. She said they would be done no later than 11 a.m., and are planning to go door-to-door handing out information on the race, and placing “door knockers” on doorknobs.

Mr. Robinson said that they had had a good conversation, and they have been responsive to the ANC’s concerns. Mr. Schultheiss said that for past years there had been an issue with the officers not knowing how to deal with the traffic. Ms. Thomas responded that they had heard that concern and the Councilmember’s office had heard that concern, and it would be fixed.

(A vote on supporting the race was taken during the New Business segment of the meeting).

H Street Connection

Chip Glasgow of Holland Knight, Gary Rapaport, the developer, and Sarah Alexander of Torti Galli Architects, made a presentation of the current plans for the H Street Connection. Ms. Alexander gave the background of the project, saying they had begun with two buildings, but had modified it to appear as seven smaller buildings of different “languages.” She said it would be a LEED Silver building, and will be sustainable, incorporating outdoor cafes and green spaces. There will be underground parking, including 165 spaces for retail. There will be 384 residential units.

Mr. Robinson announced that there would be a meeting of the Economic Development and Zoning Committee the following week to discuss the ANC’s recommendations for the project.

Mr. Marshall asked whether there was a start date for the project. Mr. Rapaport said that there was not one, but that the good news is that it allows them the time to do it right, but they have to make sure they do it when the market is right. He said the development would be done in two phases, one half first, and then the second. Mr. Pittman asked whether there would be any community space in the project, and was told there would not be. He was also told that the garbage will all be dumped internally, and there would be a private alley for truck pick up. Mr. Marshall asked about affordable housing and was told there would be about 34 units.

5. Officer Reports

Chair

Mr. Robinson said that he met with other Ward 6 ANC Chairs and Councilmember Wells to discuss the National Marathon, and the Councilmember was sympathetic to ANC concerns. He wants to

meet regularly with the Chairs to discuss vacant properties and work collaboratively on other issues.

The Vice Chair and Secretary had no reports.

Treasurer

Commissioner Alberti presented the Treasurer's Report. The report shows that the opening checking account balance was \$23,588.50 and that the savings account balance was \$4,199.31. There was an interest payment to the savings account of \$.36, leaving a balance of \$4199.67 in the savings account. There were disbursements of \$200 to Heather Schoell for preparation of the agenda packet (Check #1446); \$135 to Roberta Weiner for transcription of minutes (Check #1447); and \$144.80 to FedEx Office for December copies (Check #1447), leaving a balance of \$23,108.78 in the checking account. **Motion:** Mr. Alberti moved/ Ms. Beatty seconded a motion to approve the expenditures. The motion passed without objection. **Motion:** Mr. Alberti moved /Mr. Schultheiss seconded a motion to approve the Treasurer's Report. It was approved without objection.

Motion: Mr. Alberti moved/Ms. Beatty seconded a motion to approve the Quarterly Report for the 1st Quarter of FY10. Mr. Alberti said he had circulated the complete Report packet to the Commissioners. The motion passed without objection.

Motion: Mr. Alberti moved/Ms. Beatty seconded a motion that \$600 be approved for copying for ANC materials for February, and that up to \$60 be approved for copying for each Committee's materials and each SMD's materials for the next month. The motion was accepted without objection.

6. SMD Reports

Mr. Holmes said that he wanted to clarify that his remarks made at the January meeting about the reprehensible actions of two commissioners that undermined the great weight of this ANC and the great weight afforded its motion referred to Commissioners Beatty and Robinson. Again, the Charter School Board used their letter as proof of the local support that charter schools are supposed to obtain before a charter or charter expansion can be granted. So the two commissioners outweighed the 2 to 1 majority of the Commission.

Mr. Schultheiss said he wanted to give a shout-out to the neighbors for shoveling the sidewalks in the neighborhood.

Mr. Robinson reported that the Eastern High School renovation is continuing to move swiftly, and it's going to be beautiful.

Ms. Beatty reported that she had an SMD meeting with Councilmember Wells on the car-jackings in her SMD, with a follow-up by MPD Chief Lanier, and the crowd applauded the police efforts. The car-jackings have gone down considerably. There are several community public safety efforts going on, including a new Orange Hat patrol on starting on Duncan Place. She urged people to get involved. She also thanked Commissioner Holmes for thinking she is so powerful that one little letter could have more impact than 4 - 5 years of his work.

Ms. Mack reported that the Rosedale Recreation Center project is back on track, and there will be a job fair in her neighborhood for construction jobs.

Mr. Marshall said that the 90 buses were still a problem, being re-routed through 10th Street, and it was exacerbated by the snow. He also said that he is gathering additional petitions for residents parking on one side of the street and two-hour parking on the other side of the street, and will get them to DDOT.

Committee Reports

ABL

Biergarten Haus - 1355 H Street NE

This is an application for a CT license for a restaurant and summer garden. The establishment is a restaurant, but because its kitchen is in a separate building it cannot have a CR license. The establishment is between two buildings and the summer garden is enclosed and well-insulated from the street. The only music outside will be a single non-electrified accordion. The voluntary agreement has a provision for a three month probationary period (until June 15) on the hours for the garden - 11 pm during the week, and midnight on the weekends—after which, if there are no problems, they may be extended. He is planning a soft opening on March 15, and a hard opening on March 19. **Motion:** Ms. Beatty moved/Mr. Schultheiss seconded a motion to accept the Committee’s recommendation to approve the Voluntary Agreement for Biergarten Haus as approved.

Ms. Beatty said she looked at the location, and the garden is surrounded by buildings. Mr. Schultheiss said he liked the idea of having a period of time to evaluate the impact of the garden. Mr. Alberti asked whether the motion is to accept the VA as presented, Ms. Beatty said the motion was changed to say “approved” rather than “signed”. Mr. Alberti asked whether there is any food requirement in the VA, and was told that there isn’t, although the owner is willing to add one. Mr. Pittman suggested that the probationary period should be at least six weeks of good weather. He also said the neighbors on 13th Street didn’t know about the establishment and hadn’t had any notice. The motion passed 5-0-2, with Mr. Alberti and Ms. Mack not voting.

Souk - 1208 H Street NE

This is a Middle Eastern restaurant with a patio. They have opened without a liquor license, and are now applying for one. They are seeking a CR license, and will not have entertainment, using piped in music. They have a patio, which will be covered overhead, and is enclosed by two buildings. **Motion:** Ms. Beatty moved/Mr. Schultheiss seconded a motion to accept the Committee’s recommendation to approve a standard VA for the CR application for Souk. The motion passed 5-0-2, with Mr. Alberti and Ms. Mack not voting.

Rock and Roll Hotel - 1353 H Street NE

This is a request from the Rock and Roll Hotel to make a substantial change in their license to operate a 99-seat roof garden on top of the establishment. It will be set back from the front and back. **Motion:** MS. Beatty moved/Mr. Schultheiss seconded a motion to accept the

Committee's recommendation to support the substantial change to the license of the Rock and Roll Hotel and to approve the amendments to the Rock and Roll Hotel's current VA. Mr. Holmes asked about legal action regarding the establishment. Ms. Beatty responded that there was a protest to the license, and Mr. Englert posted a message on a local listserv that said that it costs money for the reimbursable detail, and if he has to defend himself in the protest he won't be able to afford to contribute to the police special detail. The motion passed 5-0-2, with Mr. Alberti and Ms. Mack not voting.

The report of the committee was accepted without objection.

Economic Development and Zoning

Gallaudet University - Denison House

This is a request for support for a special exception from the Zoning Commission from Gallaudet University for the conversion of Dennison House, a historic building that is currently used for administrative purposes, to a residential building. The relief is required because Gallaudet is proposing to modify an approved campus plan. **Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion to accept the Committee's recommendation to support Gallaudet University's zoning application to amend its approved campus plan to allow the conversion of Dennison House from administrative to residential use. The motion passed 6-0-1, with Ms. Mack not voting.

324 - 326 12th Street NE

This is a request for support of a Historic Preservation Review Board application for a four-unit building at 324-326 12th Street NE. The building has a façade with a bay window and an articulated cornice on each flat. The neighbors support the project. **Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion to accept the Committee's report to support the HPRB application for two two-flat buildings at 324 - 326 12th Street NE. The motion passed 5-0-2, with Ms. Beatty and Ms. Mack not voting.

Community Outreach

Committee Goals

Chair Elizabeth Nelson proposed increasing the Grants budget by \$2500. **Motion:** Mr. Alberti moved/Ms. Beatty seconded a motion to increase the budget for grants by \$2500. Mr. Marshall asked whether that is the maximum that will be allowed. Ms. Nelson said that the Commission is free to increase the amount at any time, but the Committee thinks that it is an adequate amount. She said that she knows that there will be applications from Kid Power, Joy of Motion, the Capitol Hill Garden Club, and perhaps more. The motion passed 6-0-1, with Ms. Mack not voting.

The Committee's report was accepted without objection.

Transportation

90s Buses

Motion: Mr. Marshall moved/Mr. Schultheiss seconded a motion to send a letter to WMATA and MACTEC about re-routing the 90s buses on a different street than 10th Street. Mr. Schultheiss asked

whether the idea of working longer hours to speed up the completion of work on the 8th Street intersection had been discussed? He said that the inconvenience had to be put up with for the greater good. Mr. Mahmud said that longer hours had not been discussed. Mr. Marshall said he had spoken with WMATA representatives, and Margaret Gentry says K Street is an alternative—the bus can make a left on K Street and a right on 10th Street. The community was not informed about the re-routing and had no notice. Mr. Alberti asked how long it will be, and was told that it could be delayed beyond the scheduled April finish. Mr. Marshall said he would like to see a collective effort with Metro and the developer.

Mr. Alberti noted that there was no draft letter, and said it would best if it were a collaborative letter. Mr. Robinson said that there needs to be draft letters included in the agenda package.

Diane Johnson asked when the project will be done. Mr. Holmes replied that it's scheduled for early summer 2011. There are monthly updates on construction that are available on the ANC web site.

Mr. Robinson suggested a modified motion to accept the Committee's recommendation to write a letter on re-routing of the 90s buses, but with the proviso that the ANC has an opportunity to read and comment on it. The motion passed without objection

Committee Goals

Motion: Ms. Beatty moved/Mr. Marshall seconded a motion to approve the Goals of the Transportation Committee for 2010. The motion passed without objection.

The Committee's report was accepted without objection.

Public Safety

The Public Safety Committee had no report.

7. New Business

H Street Connection

Motion: Mr. Robinson moved/Ms. Beatty seconded a motion to refer the recommendations on the H Street Connection project back to Committee for further action. The motion passed without objection.

Voluntary Agreement Process

Mr. Alberti described the process for granting voluntary agreements, and said that concerns arose because the ANC hasn't always done what it did tonight, which was to state that the ANC is approving the VA. It hasn't always been the case that all VAs sent out as having been approved by the ANC were voted on by the ANC. Ms. Beatty said that because of the timing of hearings, a process has to be developed. She said she prepared a three-page document which notes that sometimes the ANC gets notice too late; sometimes it hits a date where the Commission can no longer protest. A process is needed to cover the 10% we miss. **Motion:** Ms. Beatty moved/Mr. Schultheiss seconded a motion to give the ANC Chair the ability to protest one day in advance of the petition date of an application if there is no signed VA. Mr. Alberti

said he would prefer if protests were discussed at ANC meetings. He said you can always say the ANC is going to protest, and when the VA is signed the protest can always be withdrawn. Ms. Beatty said that there are times when the ANC may receive the notice, but she doesn't and it doesn't come to her electronically. She said she doesn't want to automatically protest every license because it would unduly stigmatize the establishment owners. Mr. Marshall said he agrees with Ms. Beatty.

7. Election Results

The discussion was interrupted to announce the election results: Dr. Ronneberg was the winner. **Motion:** Ms. Beatty moved/Mr. Holmes seconded a motion to approve the election. It passed without objection. **Motion:** Mr. Holmes moved/Ms. Mack seconded a motion to send a transmittal letter with the information to the Election Board and the ANC Office. The motion passed without objection.

Councilmember Wells, saying that ANC 6A was the hardest working, most efficient ANC and the immediate swearing-in of Dr. Ronneberg was typical, so he can get right to work. The Councilmember swore in Dr. Ronneberg and he took his place at the table.

8. New Business (continued)

VA Processes (continued)

Mr. Alberti said that if there is no signed VA one day before the petition date he would like to say "approved" VA rather than "signed", meaning that there is still the ability to make changes. Ms. Beatty said that saying the ANC will protest gives the Commission the leverage to bring a negotiation to closure. Mr. Alberti said that timing is built into the statute. Mr. Schultheiss said that the Biergarten is a good example of how it's worked out by establishing a relationship with an owner. He said he didn't have a lot of faith in business owners and it's hard to make it a burden on an owner. Mr. Marshall said in his SMD there was a business owner who said things that weren't true. **Motion:** Mr. Holmes moved/Mr. Schultheiss seconded a motion to postpone discussion of the issue for one month to March. Ms. Beatty said she had put the document together and to say it is a complex issue is overstated. The ANC is praised all around for its ability to get VAs and the original motion is not complex. The motion to bring it back next month failed 1-7. The motion to allow the Chair to protest if a VA has not been signed one day prior to the petition date passed 4-2-2 with Alberti and Schultheiss in opposition and Holmes and Ronneberg abstaining.

Bylaws Amendment

Mr. Holmes said he was just notifying the body that the bylaws amendments would be brought up next month:

It shall require two-thirds of the Commission as a whole to approve amendments to the bylaws. Where appropriate, revisions or amendments to these bylaws shall be approved after the reading of the proposed change at one regularly scheduled meeting prior to its consideration.

1. I move that the Committee on Transportation and Public Space be made a permanent committee of the Commission.

In formal language, I move that Article X, Section 2 be amended to include “(e) Transportation and Public Space.” And number the following line as (f).

2. I move that, during the vacancy in the office of Secretary, the Chair shall fulfill the duties of the Secretary.

In formal language, I move that Article IX, Section 1 (c) be amended to read: “The Chairperson shall, during any vacancy in the office of Secretary, fulfill the duties of the Secretary.” Subsequent subsections shall be renumbered as appropriate.

Races in Residential Areas

Mr. Holmes offered a resolution with respect to long-distance races in residential areas:

ANC 6A requests that the Mayor, his Special Events Task Force, and the Metropolitan Police Department’s Homeland Security Bureau and Special Operations Division pursue and enforce the following guidelines for races in residential areas:

Every marathon, half-marathon, 10-miler and 10K run through residential neighborhoods should be run only one-way along a street with no return on nearby parallel streets. For example, once down East Capitol without returning down East Capitol, A or C Streets, Constitution or Independence Avenue in the same race.

Every marathon, half-marathon, 10-miler and 10K should finish outside of residential areas. The start of a race goes past a given point quickly; the end is stretched out over hours.

Routes should change from year to year whenever they are scheduled to be run through residential areas. This shares both the excitement and the burden.

Under police control, every reasonable road crossing should be open when runners are not present.

The motion passed 7-0-1 with Ms. Beatty not voting.

National Marathon

Motion: Ms. Beatty moved/Ms. Mack seconded a motion to send a letter of support to the Special Events Task Force for the SunTrust National Marathon, scheduled for March 20. Mr. Alberti said they get an A for communicating, and an F for listening. The motion failed 4-4, with Mr. Alberti, Holmes, Schultheiss and Ronneberg in opposition.

The meeting was adjourned at 9:00 pm.