

## Advisory Neighborhood Commission 6A

### Miner Elementary School

October 9, 2008

### Minutes

The meeting convened at 7:03 PM.

Present: Commissioners Alberti, Beatty, Fengler, Holmes, Mack, Marshall, Schultheiss

#### Agenda

Mr. Fengler added a presentation by DDOT on the H Street Initiative after Community Comments; and approval of a letter of support from ANC 6C on the 14<sup>th</sup> Street gas station. The agenda, as amended, was approved without objection.

#### 1. Minutes

The September minutes were adopted without objection. It was determined that minutes would be developed for the ANC's special meeting for the November meeting.

#### 2. Community Comment

Diedre Burchett of the DC Office of Rehabilitative Services ([dierdre.burchett@dc.gov](mailto:dierdre.burchett@dc.gov)) introduced herself and briefly outlined the functions of her office.

Mr. Marshall announced that he was the new manager of the Sherwood Rec Center, and that he saw his job as providing good customer service and responding to the community surrounding the Center. He was congratulated by the Commission.

#### 3. H Street Initiative

Said Cherif of DDOT, with the contractor Cameron Nerdal of MACTEC, presented an update on the H Street reconstruction project. He said the plan had been six years in the making and would cost \$35-36 million. He said it will be a major upgrade, including not only the roadway, but utilities, sidewalks, treescape, etc. The first phase will be Washington Gas, PEPCO, with Washington Gas being finished by December. WASA is part of the DDOT project and will do lead replacement for businesses and residents, as in Georgetown. There will be more amenities, including a special sidewalk, and they are not shortchanging the project because it is a historic corridor that needs revitalization.

There were four bids for the roadway, and Capital Paving was not only the lowest, but had an edge because they're doing the Benning Road section. They received a notice to proceed on September 22<sup>nd</sup>, and have a three-year contract. They should be done by July 2111. The work hours will be Monday-Friday, 7 am – 7 pm. There will be three phases, 3<sup>rd</sup> to 7<sup>th</sup> Street, 7<sup>th</sup> to 11<sup>th</sup> Street, and 11<sup>th</sup> to 14<sup>th</sup> Street. They looked at parking, and the plan will mitigate parking problems.

Mr. Nerdal said there will be a certain amount of pain: there will be three lanes of traffic, which means very limited parking during work hours. There will be a reversed traffic system to accommodate rush hours. He said there would be a 4-hour period on October 18<sup>th</sup> when there won't be any water, but the community will be notified in advance. He said the contract includes the installation of the trolley tracks. Omar Mahmoud asked whether the metal plates will be bolted properly to mitigate the noise of cars. Mr. Nerdal said the plates will recessed into the pavement and will fix them with railroad spikes and multiple plates will be welded together.

He said Zone 1 will be completed by September 09; Zone 2, by July 2010; and Zone 3 by June 2011. Mr. Schultheiss asked whether there would be parking during the evening in each zone after the work day was done, and was told no.

Mr. Holmes asked how the Starburst project fit in with the H Street Initiative, and Mr. Nerdal said that the contractual completion date for Benning Rd, but there has been a problem with PEPCO, which is now resolved, and it delays to project from December 09 to July 2010.

There is a construction office at 616 11<sup>th</sup> Street NE, 544-7603/7604. Jeff Teron is the person in charge.

#### 4. Officers' Reports

##### Chair

**Motion: Mr. Fengler** expressed his appreciation for the interpreters, and expressed the hope that more Gallaudet people would attend meetings.

##### Treasurer's Report

**Mr. Alberti** announced that the Auditor had two inquiries on petty cash receipts in the report; and they were not satisfied on the information on cancelled checks. Some companies do not send checks to the bank, and the bank has a form they should be using to compensate for that. The 4<sup>th</sup> Quarter allotment is being held back until the queries have been satisfied.

He then presented the Treasurer's Report. The opening balance of the checking account was \$24, 740.32. The savings account had an opening balance of \$4, 185.12, and there were no interest payments, leaving a balance of \$4, 185.12. The following disbursements were approved: \$52.91 to David Holmes for postage and photocopies (Check #1388); \$151.88 to FedEx/Kinkos for copying expenses (Check#1389); \$127.50 to Roberta Weiner for the transcription of minutes (Check #1390);\$500 to Partners in Sign for ASL interpretation (Check #1391); and \$600 to the Capitol Hill

Garden Club for a grant (Check #1392). The closing balance was \$23, 308.03. The report was adopted without objection.

**Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion that \$600 be approved for copying for ANC materials, 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 adopted without objection.

Mr. Alberti presented the budget for FY2009, saying it was a balanced budget.

Mr. Schultheiss raised the issue of contracting for assembling the agenda package, and said that he was ready to put together an RFP, and it requires a budget allocation. **Motion:** Mr. Schultheiss moved/Ms. Beatty seconded a motion to add \$2400 to the budget to allocate funds for agenda package assembly, taking the funds out of the surplus. Mr. Alberti said that it would mean spending more than income. Mr. Fengler said that the whole allocation for photocopying expenses is not spent, but that the surplus can be dipped into if necessary. Ms. Beatty added that she is all in favor of doing that, because assembling the packets puts a tremendous burden on one person.

Mr. Alberti said that the budget closely follows itself from year to year, and that he is in favor of shifting funds rather than using the surplus. Mr. Fengler said he wouldn't object to adjusting photocopying expenses, or eliminating the flyer funds, which haven't been used. He said that carrying a surplus for the sake of carrying a surplus might not be necessary. Mr. Alberti said that the flyer is done every two years when there is a new set of Commissioners. **Motion:** Mr. Fengler offered /Ms. Beatty seconded an amendment to replace FY 09 budget figures for advertising and copying with actual figures from FY 08. Mr. Alberti said that he doesn't see the copying figures going down for the coming year. **Motion:** Mr. Fengler offered/Ms. Beatty seconded a further amendment to add 10% to the actual advertising and copying figures for inflation. The vote on the amendment to the amendment was 5-1-1, with Ms. Mack in opposition and Mr. Alberti not voting. The vote on the amendment was 5-1-1, with Ms. Mack in opposition and Mr. Alberti not voting. **Motion:** Mr. Fengler moved/Ms. Beatty seconded a motion to reduce the photocopying allocation to \$2012 and the advertising allocation to \$7,865 in order to allocate \$2400 for packet assembly. Mr. Alberti noted that this adds about \$700 to the budget. **Motion:** Mr. Fengler moved/Mr. Holmes seconded an amendment to adjust the Grants allocation downward by \$700. Ms. Beatty suggested that the surplus could be used to make up the difference. Mr. Fengler said that it can be evaluated at mid-year, and if the surplus has to be used, the ANC can decide then. The amendment passed 6-0-1, with Ms. Mack not voting. The original motion passed 6-0-1, with Ms. Mack not voting.

**Motion:** Mr. Alberti moved/Mr. Fengler seconded a motion to approve the budget as amended. The motion passed 6-1, with Ms. Mack in opposition.

## 5. Single Member District Reports

**Mr. Marshall** reported that 831 10<sup>th</sup> Street NE, a drug house in his SMD, was raided the previous Saturday when a resident sold drugs to an undercover cop. He said the guy is back on the corner, selling.

He said he had testified before the City Council on September 24<sup>th</sup> on the fireworks ban. He said the hearing was heavy on the industry side, with distributors and lobbyists. He said the Councilmembers

Graham and Wells were adamant in their support of the legislation, but that Councilmember Alexander had flipped her position halfway through. Tommy suggested an 11 pm curfew on July 4<sup>th</sup>, but that most of the Council was opposed to the curfew.

He said his quarterly SMD meeting would be on November 5<sup>th</sup>.

**Mr. Holmes** reported on the ANC special meeting on Bike DC, and that the ANC had decided to drop its opposition. He delivered the following statement:

Bike DC promised distribution of warning notices and information through the affected neighborhoods—that did not happen. We were told that north/south cross traffic would be permitted during gaps in the passage of cyclists—that did not happen at most intersections. In my SMD only 8<sup>th</sup>/Mass/Constitution and the 9<sup>th</sup> and Constitution intersections were open. When I demanded that officers listen to the police radio traffic saying that cross streets were open, some intersections opened up. In others, the officers refused and one even got back in his blocking patrol car and closed the door. Some officers refused to let people move their cars off Constitution despite a commitment to allow this.

I do not blame the police officers. Somehow the briefings to police participants do not include the traffic-easing measures that had been agreed upon.

We need to insist that races run only one-way on our streets, and that they come through our residential areas at the start of the race. Traffic should not be blocked for such long period of time.

The ANC should write a letter to MPD Special Operations Division, the Chief, and the Homeland Security department detailing our problems, and proposing solutions to ensure that planners for future events can anticipate our response.

**Ms. Beatty** reported that Kingsman Park will be one of the first official off-leash dog parks.

She said she met with Dr. Vincent at Options School on problems at the school, such as graffiti and people loitering on the steps after school.

She will have an SMD meeting at Options School on October 23<sup>rd</sup>.

**Mr. Holmes** reported that there have been crime problems in his SMD, and that the brick sidewalks are being replaced throughout his district.

**Mr. Fengler** reported that there have been complaints from neighbors about noise from H Street establishment. He said that PSA 102 has a procedure for dealing with such complaints and he is working with them.

He also reported that WASA is doing pipe renovation on Linden Place.

**Mr. Schultheiss** reported that he received notice that the BZA hearing on the gas station on 14<sup>th</sup> Street and Maryland Avenue NE has been postponed, and they are starting to make progress with city agencies in dealing with the issues.

**Ms. Mack** reported that the Mayor will be doing a second walk-through of her SMD; and that there have been complaints about the Benning Road reconstruction—there are times when there are not two lanes open.

**Mr. Alberti** reported that Brown AME Church is an ongoing problem.

## 5. Committees

### Alcoholic Beverage and Licensing

#### Taylor Gourmet

**Motion:** Ms. Beatty moved/Mr. Holmes seconded a motion to accept the Committee’s recommendation to not oppose an application by Taylor Gourmet, 1116 H Street NE for a Class B license, and to pursue a voluntary agreement with the establishment (VA). This is a new Italian market that will sell Italian wines and beers for off-premises consumption. Mr. Alberti recused himself from the vote. The motion passed 4-0-1, with Ms. Mack abstaining.

#### Palace of Wonders

**Motion:** Ms. Beatty moved/Mr. Holmes seconded a motion to approve the Committee’s recommendation to appoint a Task Force to resolve the issues with the adult nature of the entertainment being presented at Palace of Wonders, and the marketing of those shows. The motion passed unanimously.

#### Radius at the Ohio

Ms. Beatty reported that the ANC has asked ABRA to reinstate the protest of the license for Radius at the Ohio because the Commission had not received notice of the hearing, and in the past they have re-opened hearings if ANCs have not received sufficient notice. The VA is still outstanding, and they have been presented with new language by Radius.

The Committee’s report was accepted without objection.

### Economic Development and Zoning

#### Brown Memorial AME Church

**Motion:** Mr. Fengler moved/Mr. Alberti seconded a motion to accept the Committee’s recommendation to send a letter to BZA opposing g BZA 17846 (130 14<sup>th</sup> Street NE) of Brown Memorial AME church, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under § 403, and a variance from the rear yard requirements under § 404, to allow an addition to an existing church building in the R-4 District at premises at 130 14<sup>th</sup> Street NE because Brown Memorial AME Church has not met its burden of proof and they have submitted an incomplete application.

**Motion:** Mr. Fengler moved/Ms. Beatty seconded a motion to accept the Committee’s recommendation to oppose the use of any public space by Brown Memorial AME Church on Reservation 236.

Mr. Alberti said that the parkland is maintained by the Department of Parks, but DDOT has jurisdiction over this piece of land. He said he spoke with someone from the National Park Service who said the land had been given to the District for Comprehensive Plan use, and cannot be used for any private purpose.

The motions passed without objection.

225 9<sup>th</sup> Street NE

**Motion:** Mr. Fengler moved/Mr. Holmes seconded a motion to accept the Committee’s recommendation that the ANC send a letter of support to BZA about BZA 17835 for special exceptions pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception to construct an accessory garage service an existing one family row dwelling under §223, not meeting the lot occupancy requirements (§ 403). The committee recommends that the ANC take no position on the applicant’s request for a variance from the alley set-back requirements under subsection 2300.4.

**Motion:** Mr. Holmes offered/Mr. Alberti seconded an amendment to the motion to delete the last sentence of the motion. He said the set-back conforms to every other house on the block.

The amendment passed without objection, and the motion, as amended, passed 6-0.

145 Tennessee Avenue NE

This is a request for ANC support of an HPRB application for the addition of a third story to a house at 145 Tennessee Avenue NE. A stop work order had been issued for the property when neighbors noticed that an additional story was being added to the house without the appropriate permits. The applicant said it had started out as a repair job for a leaking roof, and ended up as a 19’ pop-up at the front of the house and the roof would be raised 4.5’ at the rear. The existing front roof line and architectural details would remain the same. **Motion:** Mr. Fengler moved/Ms. Beatty seconded a motion to accept the Committee recommendation to send a letter to HPRB saying that no “pop-ups” be visible from the front of 145 Tennessee Avenue NE and the front view of the house should not be modified. The motion passed without objection.

H Street Heritage Trail

**Motion:** Mr. Fengler moved/ Ms. Beatty seconded a motion to approve the Committee’s recommendation that the ANC send a letter of support for the H Street Heritage to Cultural Tourism DC. The motion passed without objection.

The Committee’s report was accepted without objection.

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### **Community Outreach**

**Motion:** Mr. Fengler moved/Mr. Alberti seconded a motion to approve the Committee's recommendation to provide a grant of \$1900 to the Spingarn SHS Football Booster Club to purchase uniform pants.

Mr. Alberti said that Paris Adon, the Spingarn head coach was not present, and the Auditor had made a ruling that a representative from the organization has to be present at the public meeting where the grant is discussed. While it is in violation of ANC policy, he said, he would vote to approve the grant. Mr. Schultheiss said he was not comfortable approving a grant without a representative present, even if it is a student or someone else. He said he felt that someone should take the time to show up. Ms. Beatty added that there wasn't a quorum at the meeting, and because it's a substantial grant, she asked whether it could be postponed to the November meeting. **Motion:** Mr. Holmes moved/Ms. Mack seconded a motion to move the discussion of the grant to the November meeting.

Mr. Alberti said he would like to see it go forward because it had been publicized and the public has had a chance to be informed as to what has to happen.

Mr. Fengler said he is against postponing and that while the ANC has rules and processes, but other Commissions have acted under similar circumstances. The delay has to be weighed against servicing the community. Ms. Beatty said she is in favor of postponing because there was no quorum at the meeting, but the real reason to postpone is that Spingarn is not represented. Rose Williams, a committee member, said that Spingarn has a football game the next day and they were probably still in practice. She said the team has been featured on Channel 9. Mr. Marshall said that if he were expecting a check, he would want it in his hand, and he would have someone at the meeting.

The motion passed 5-2, with Mr. Fengler and Mr. Alberti in opposition.

The Committee's report was accepted without objection.

### **Transportation**

**Motion:** Mr. Fengler moved/Ms. Beatty seconded a motion to accept the Transportation Committee's recommendation to send a letter to DDOT requesting better signage and street striping at 10<sup>th</sup> Street and Maryland Avenue NE to enhance pedestrian safety. The motion passed without objection

## **6. New Business**

The discussion of proposed Mobile Storage Container regulations was postponed, as was the discussion of proposed curb cut and driveway regulations.

### **DCPS Request to Charge for use of Miner for ANC Meetings**

Mr. Fengler said he has received a letter from DCPS requesting a fee of \$699.60 for building security. He said he wanted a letter from MPD saying they'll provide security, and the ANC would work with Lt. Caldwell and PSA 103 as well as Councilmember Wells' office.

### Preserve America

Mr. Holmes presented a resolution of support for designating the District a “Preserve America Community.” Preserve America is a program that recognizes and designates communities, including neighborhoods in large cities that protect and celebrate their heritage, use their historic assets for economic development and community revitalization and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

**Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion to support the resolution supporting a Preserve America Community designation for the District of Columbia. The motion passed without objection.

### ANC 6C Support for Gas Station Opposition

Mr. Fengler presented a letter from ANC 6C supporting ANC 6A opposition to the proposed gas station at 14<sup>th</sup> Street and Maryland Avenue NE. **Motion:** Mr. Fengler moved/Mr. Alberti seconded a motion to formally accept the letter of support for ANC 6D opposition to the construction of a gas station at 14<sup>th</sup> Street and Maryland Avenue NE because it is a corridor-wide issue and it could occur at its end of H Street. It passed without objection.

The meeting was adjourned at 9:53 p.m.