

**Advisory Neighborhood Commission 6A**  
**Minutes**  
**Miner Elementary School**  
**November 11, 2010**

**Present:** Commissioners Alberti, Holmes, Marshall, Robinson, Ronneberg, and Schultheiss

**Absent:** Commissioners Beatty and Mack

The meeting was convened at 7:05 p.m.

**1. Agenda**

Mr. Robinson asked to have the issue of ANC logo use placed under Unfinished Business, and a request to have the ABRA fact-finding on XII re-opened and discussion of an appeal of the permits for 138 12<sup>th</sup> Street NE added to New Business. The agenda was accepted as amended without objection.

**2. Minutes**

Mr. Robinson submitted corrections to the October minutes. The minutes of the September meeting, as amended, were adopted without objection.

**3. Community Comment**

Greater DC Cares

Andrea Sledd of Greater DC Cares announced a meeting for prospective volunteers in Northeast on November 30<sup>th</sup>. She discussed the various projects they are planning to undertake in Northeast DC, passed out flyers, and announced that there were mini-grants—up to \$300—available to organizations for clean-ups and other neighborhood projects.

**4. Officers' Reports**

Treasurer

Mr. Alberti presented the Treasurer's Report. It shows that the opening checking account balance was \$22,751.05 and the savings account balance was \$4,202.49. There was an interest payment to the savings account of \$.35. There were disbursements of \$180 to Roberta Weiner for taking and transcribing the September 2010 minutes (Check #1482); \$200 to Heather Schoell for the September Agenda package (Check #1483); \$559.23 to FedEx Office (Sept. 2010) (Check #1484); and \$650 to the Capitol Hill Garden Club for a grant (Check #1485); leaving a balance of \$21,181.82 in the checking account and \$4202.84 in the savings account. **Motion:** Mr. Alberti moved/Mr. Holmes 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.

**Motion:** Mr. Alberti moved/Mr. Marshall 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 accepted without objection.

**Motion:** Mr. Alberti moved/Dr. Ronneberg seconded a motion to accept the Quarterly Report for the 4<sup>th</sup> Quarter of FY 10 as presented. The motion passed without objection.

### Chair

Mr. Robinson recognized the newly elected 6A commissioners: Adam Healy (6A 01); Sharee Lawler (6A 05); Andrew Hysell (6A 06); and Lia Veenendaal-Selck (6A 08).

Mr. Robinson reminded the Commission that in December 2009 it voted to establish a Hospitality Committee to explore the creation of a different kind of mix on H Street, and as discussions continue on contemplating a moratorium, the ANC should keep an eye on what else is going on.

He said he had been to a meeting attended by Councilmember Jim Graham and commissioners from around the City, as well as representatives of the industry and the Restaurant Association of Washington about refining voluntary agreements. He said it was a cordial discussion, and they had agreed to disagree. He said he doesn't know how the Councilmember feels but he heard how the ANCs feel.

## **5. Single Member Districts**

**Mr. Marshall** reported that he had gone to a couple of restaurants and found the doors wide open; at one establishment the door was propped open with a bar stool. He said he wants to ask Mary what the regulations are. He reported a robbery in the 800 block of K Street on the south side; it was workers who had equipment taken. He said that he had received information from DDOT that the transformer for the trolley will not be built on Wylie Street. He also reported that the issue with the parking signs hasn't been resolved and that one deals with a different person every time one goes to DDOT. Damon Harvey says that he worked a deal that the signs would not go up on the north side of 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> Streets until construction is finished.

**Mr. Alberti** said he had nothing to report. However, he did offer the information that there is an after-hours number at ABRA to report violations so they can send inspectors.

**Dr. Ronneberg** announced that the Zoning Commission had approved the PUD for the H Street Connection. It will probably be a couple of years before construction begins. He also reported that there will be a surplus property hearing for 1113-1117 H Street NE, and the consensus is that the site should be surplus. He reported that a group to improve the Sherwood Recreation Center had met, and mentioned that Mr. Marshall and Mr. Healy had been present. He further reported that the Atlas Room had had a soft opening, and that the transformer will be built at 12<sup>th</sup> and H Streets NE, and it may be buried.

**Mr. Schultheiss** reported that DCHA, after four years, started repairs on two vacant properties.

**Mr. Holmes** reported that the National Marathon will run down C Street, and cars will have to be moved although there's no place to put them. East Capitol Street will also be closed. He also reported that tree boxes are being widened and deepened, but they are

ignoring boxes that have decorations. They will be working on Massachusetts Avenue, and the widening will be two feet on either side. It is being done to help the trees breathe. He also said that a façade improvement program for H Street is being funded through the Eighth Street Main Street grant program, which has a very short deadline.

Mr. Robinson reported that he had attended a PSA 103 meeting and people are very concerned about crime on C Street NE. He said that at 304 16<sup>th</sup> Street NE there is a pop-up store as well as vacant properties that seem to be ongoing problems.

## 6. Committees

### Public Space and Transportation

**Motion:** Mr. Schultheiss moved/Dr. Ronneberg seconded a motion to accept the Committee's recommendation that the ANC send a letter of support to the DDOT Public Space Committee regarding the Argonaut's use of public space for 1/additional seating; 2/a patio covering; 3/a service counter with stools; 4/an outdoor "garden area", and 5/placement of an enclosed trash dumpster. Committee chair Omar Mahmud said that the changes will enhance the Starburst intersection and be an asset to the community. The motion passed without objection.

The report of the Committee was accepted without objection.

### Community Outreach

#### Advertising Expenditures

Committee Chair Elizabeth Nelson gave a report on potential advertising resources for the ANC.

**Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to support the committee's recommendation to accept the bid from Capitol Community News for 12 monthly ¼ page ads plus one ¼ page ad in the Fagon Guide at a cost of \$3,689. The motion passed without objection.

She then raised the possibility of using the Washington Informer, saying that there have been concerns off and on that the Hill Rag doesn't reach every demographic. The Informer is a weekly publication, making it unsuitable for advertising of particular meetings but quarterly ads would create a general awareness of the commission. **Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion to accept the committee's recommendation that the ANC approve the expenditure of \$1500 (not to exceed) to pay for quarterly 1/5 page ads in the Washington Informer for a period of a year. The motion passed without objection,

She also suggested trying TheHillsHome blog, saying that the ANC hadn't done anything like that before, and it would be a good idea to experiment with this new form of advertising. She said that details of the advertising rates (size and number of page views) were included in the COC report but that she had recently been informed that the rates would change (favorably). She said she would get information on how many page views the commission would get for its money. In answer to a question from Mr. Holmes, Ms. Nelson said that one pays for a certain number of page views and after they are used up,

the ad disappears. Commissioner-elect Sharee Lawlor, who works with TheHillsHome said that one pays for 10,000 page views—the ad appears on a story, but on a different story you have a different page view. She said that a \$350 investment will last about three months. Mr. Robinson asked how the ANC would determine the effectiveness of the ad. Ms. Nelson said that she will request that the host of the ANC website, Gallaudet University, assist the ANC in determining how many visits to the ANC website originate from the ad on the THIH.com. **Motion:** Dr. Ronneberg moved/Mr. Alberti seconded a motion to accept the committee’s recommendation to approve the expenditure of \$350 (not to exceed) to pay for advertising in TheHillsHome. The motion passed without objection.

#### New Committee Member

The appointment of Pat Joseph (6A 05) to membership on the Community Outreach committee was approved without objection.

The report of the Committee was accepted without objection.

#### ABL Committee

In the absence of Ms. Beatty, Mr. Robinson presented the report of the ABL Committee.

**Motion:** Mr. Robinson moved/Dr. Ronneberg seconded a motion to accept the Committee’s recommendation that ANC 6A not protest the license renewals of Little Miss Whiskey, Show Bar, Liberty Tree, The Pug and the Star and Shamrock, The motion was accepted by a vote of 5-0-1, with Mr. Alberti not voting.

The report of the Committee was accepted without objection.

#### Economic Development and Zoning Committee

##### New Member

**Motion:** That the ANC accept the nomination of Julie Santoboni for membership on the Committee. The motion passed without objection.

The report of the Committee was accepted without objection.

### 7. Old Business

Mr. Robinson asked to move the discussion of language governing the use of the ANC 6A logo to the December meeting.

### 8. New Business

#### Proposed Parking, Bicycle Parking and Loading Regulations

Dr. Ronneberg presented a letter to the Zoning Commission regarding the section of the draft Comprehensive Zoning Regulations review on parking, bicycle parking and loading. He said that the letter says the ANC is generally in support of the new regulations, particularly the portions that codify curb cut and driveway standards established in

DDOT's Design and Engineering Manual, the prohibition of parking between buildings and the street, and the requirement to preferentially use alleys over streets for access to parking. However, the letter also identifies issues that should be addressed before the new language is codified. It goes on to catalog a number of suggested modifications to the language. The letter also authorizes Dr. Ronneberg, Mr. Holmes, Mr. Schultheiss and Omar Mahmud to represent the Commission in this matter. **Motion:** Mr. Ronneberg moved/Mr. Holmes seconded a motion to approve the letter to the Zoning Commission on proposed parking, bicycle parking and loading regulations. The motion passed 6-0-0, without objection.

### Streetcar Funding Hearing

Dr. Ronneberg requested support of the ANC for a letter authorizing Dr. Ronneberg, Mr. Robinson, or any member of the ANC to represent the Commission at a November 19<sup>th</sup> City Council hearing on funding for the streetcars.

### Settlement with the 7-11

Dr. Ronneberg reported that a resolution of the outstanding issues is coming along and that a final agreement with 7-11 is close. If the ANC signs the agreement it has the flexibility to withdraw the appeal that has been filed to their Certificate of Occupancy (C of O). Mr. Alberti said that he hates horse-trading and holding businesses hostage, and the ANC should either file an appeal of the C of O or not. He said he wasn't sure whether one thing has anything to do with the other. Mr. Holmes reminded the ANC that the same thing had been done with the Teachers' Federal Credit Union. Mr. Schultheiss said he agreed that trash is an ongoing problem, and it's a cultural problem as well as an owner problem.

Dr. Ronneberg said that the regulations for fast food establishments were written to deal with extra trash that impacts neighbors. There's the potential of either losing at BZA or 7-11 successfully applying for a permit as a fast food establishment without any trash mitigation. He said that he had met with Matt LeGrant (Zoning Administrator), and it appeared that DCRA doesn't want to enforce the regulations. The agreement is the best thing for the residents and for the ANC. It would be a significant thing. Mr. Holmes asked what happens if they don't comply with the agreement, and Dr. Ronneberg said there would be bad press for the 7-11 if they failed to comply with the agreement. Mr. Marshall said he walks by the 7-11 two or three times a day, and some days there's no trash and some days there's a lot. It's the consumers that make the difference. He said there are people who think the 7-11 is the best thing that's come to H Street. Dr. Ronneberg said that the agreement requires 7-11 to have its employees pick up trash daily on the 700 block of 10th St. NE.

Mr. Robinson suggested that some of the language in the agreement needs a little clean-up. Mr. Ronneberg said that the document is time sensitive. A resident asked about language that talks about debarment and was assured it was customer debarment that was being spoken about.

**Motion:** Mr. Robinson moved/Mr. Holmes seconded a motion that ANC 6A enters into negotiation with 7-11 on the items in the agreement, and, if successful, will withdraw its

appeal of the Certificate of Occupancy. The document can be technically amended over the next week.

Mr. Schultheiss asked about a timeline and Mr. Ronneberg said that the 7-11 has a ten-year lease. It opened in August, got its C of O appealed because of safety and trash issues. Their best option is to sign the agreement. Mr. Marshall asked if they were independently owned or a franchise and was told they are a franchise. The new construction begins in three or four years. Mr. Marshall asked whether the security is for employees or customers and was told that there are two people in the store at all times - one can go out and patrol while the other takes care of the indoors. Mr. Alberti complimented Dr. Ronneberg on his hard work and said that he would support the motion because it's probably in the best interest of the community. The motion passed without objection.

#### Letter Regarding Issues at XII

Dr. Ronneberg presented a letter requesting ABRA to reopen its fact-finding hearing on XII So that the ANC had an opportunity to testify or submit comments, as the ANC was not notified of the October 28th hearing. **Motion:** Dr. Ronneberg moved/Mr. Holmes seconded a motion to send a letter to ABRA requesting that it re-open its fact-finding process in the matter of XII. Adam Healy asked about who would attend the hearing if Ms. Beatty was unavailable, and Mr. Robinson replied that for a serious matter, the presence of a Commission member is needed. The motion passed without objection.

#### Appeal of Permits for 138 12<sup>th</sup> Street NE, Apple Tree School

Mr. Alberti reviewed the history of the site. It is a non-conforming building at 138 12<sup>th</sup> Street NE that requires a variance for the renewal of its building permits. **Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion that ANC 6A appeal the renewal of the building permits for 138 12<sup>th</sup> Street NE because it requires a re-issuance of permits first issued in early 2007.

At the time the original applications were filed, it was a matter-of-right project. However, the Zoning Commission changed the Zoning Regulations and made schools on such a small lot a non-conforming use. The site has been vacant since October 2007—there has been no construction. New permits were issued on September 17, 2010. The building has never been used as a public school, so it is a change of use. If a non-conforming use has not been in use for three years, the building reverts to its original use, so a new variance is needed. Current zoning regulations should apply after three years; the statutes were written so that variances could be up-to-date.

Mr. Schultheiss pointed out that there were similarities between this case and 1400 Maryland Ave. NE. Mr. Alberti added that the clock started ticking in October 2007, when the appeal is filed. Dr. Ronneberg pointed out that there was a two year window to start construction, and if not one has to go back to BZA.

Mr. Robinson said that he is on the opposite side. He said it concerns him that the ANC keeps coming back to the issue and keeps getting rejected, and now you're trying again. He said he would vote in opposition. And those opposing it should leave the school alone and learn to be good neighbors.

Mr. Alberti responded that they are doing this because the zoning laws should be applied appropriately. He said they may stop the ANC again, but that shouldn't stop the attempt. Mr. Holmes added that AppleTree received the permits in violations of the laws and we are purely trying to correct an illegal permit.

Margaret Holwill said that Apple Tree brought the zoning problems on themselves. No school in DC could locate there as a matter-of-right. They circumvented the zoning code—there have been no safety studies, no traffic studies and when DCRA tried to revoke the permits, they circumvented the regulations.

The motion passed 4-1-1, with Mr. Robinson in opposition, and Mr. Marshall not voting.

The meeting was adjourned at 8:50 pm.