

**Advisory Neighborhood Commission 6A  
Minutes  
Miner Elementary School  
November 14, 2013**

**Present:** Commissioners Alberti, Holmes, Mahmud, Nauden, Phillips-Gilbert, Ward, Williams  
**Absent:** Commissioner Hysell

The meeting was convened at 7pm.

**1. Agenda**

Mr. Holmes proposed that a motion requesting the Zoning Commission to postpone any rulemaking regarding the Office of Planning's draft zoning amendments and keep the record open for at least 120 days. The addition to the agenda was accepted by unanimous consent.

**2. Minutes**

**Motion:** Mrs. Phillips-Gilbert moved/Mr. Ward seconded a motion to delete No. 16, which announced bylaws changes to be proposed at a subsequent meeting, from the minutes of the October 24, 2014 meeting.

Mrs. Phillips-Gilbert said the item had not been approved by the Commission. Mr. Holmes pointed out that the item was included as a mandated public notice that the action would take place. The motion was defeated 2-3-2, with Commissioners Phillips-Gilbert and Ward in favor, and Alberti, Mahmud and Williams opposed.

The minutes for September 12 were approved by unanimous consent.

The minutes for October 24 were approved by unanimous consent.

The minutes for October 10 and for September 12 were agreed to by unanimous consent.

**3. Community Presentations**

Real Property Tax Appeals Commission

Gregory Syphax, of the Real Property Tax Appeals Commission, gave a presentation encouraging people to get a fresh assessment of their property from a tax assessor and then come to Judiciary Square where the three-member panel will make a decision on the new assessment. He said it is a new board with a new mission.

DC Health Link

Former ANC Commissioner Kelvin Robinson gave a presentation on the Affordable Care Act in DC, saying that there are 267 plans available, and you can shop on line at [dchealthlink.com](http://dchealthlink.com). Brochures are available at CVS, and information can be had at libraries.

## DC Sustainable Energy Utility

This is a program under the Clean and Affordable Energy Act of 2008. DC SEU provides energy efficiency and renewable energy services to DC residents, businesses and institutions, including incentives and rebates for the use of energy efficient products.

### **4. Officers' Reports**

#### Chair

Mr. Holmes announced that Pepco was holding an Open House on November 16 to educate residents and other critical stakeholders about plans to demolish the Benning Road Power Plant in 2014. The Open House, he said, will feature exhibits about the demolition procedures, environmental assessments and community impacts of the demolition. Representatives from Pepco Energy Services will answer questions about the process and the timetable. The meeting will be about the removal of the towers and buildings of the electrical generating facility on the site.

He announced that the income limit for those who qualify for the senior citizens' 50% discount on property taxes has been raised to \$125,000. Filing for the reduction can be done by an online form found at [www.taxpayerservicecenter.com](http://www.taxpayerservicecenter.com).

Mr. Holmes announced that he will offer a modification of the bylaws to be considered at the December meeting: That the Chair and Vice Chair, in addition to anyone else who may be named, shall have the authority to represent the Commission in any matters pursuant to motions adopted by the Commission.

He reported that Commissioner Drew Ronneberg had been designated to handle matters relating to the zoning of Ben's Chili bowl, but since he is no longer a Commissioner or on the EDZ Committee, he said he asked the current co-chairs of the EDZ Committee and the Commissioner for 1001 H Street to join him to hear from Ben's owners and staff about the recent removal of most of the above ground structure of 1001 H Street. The issue will be resolved by DCRA through the Zoning Administrator and the Chief Building Inspector, not the ANC. Ben's had worked out an arrangement with the Zoning Administrator on how much would come down in order to preserve the Floor Area Ratio (FAR) enhancement of 0.5. Through a misunderstanding most of the structure was taken down, with the intention of reusing the old brick in and around the first floor as well as above between the windows. The bricks were retained and cleaned for re-use. The Zoning Administrator will make a determination as to whether the FAR benefit remains. It has been the desire of the ANC, through many meetings with Ben's representatives and owners, to retain the essential look of the two buildings while allowing the differing height floors to be brought to a common height, and the windows on the west side to be standardized to one size, rather than four different sizes on the second floor alone. Unfortunately, Holmes continued, new construction reusing the old bricks is not sufficient to meet the standard. It is, however, clear that the intention to retain the historic structure was and is there, and believes that Ben's misunderstood the requirements, thinking they were meeting them. He said he has a letter from the Ali family, their manager, and their contractors and architects apologizing for the event, which will be posted on the various email groups and sent to our email list. He said he believes that the loss was inadvertent, that they proceeded to maintain the façade (incorrectly, but clearly intending to do so). He said he believes them, as much as he regrets the loss.

## Treasurer's Report

Mr. Alberti presented the Treasurer's Report. He reported that the opening balance in the checking account was \$18,888.52, and the savings account balance was 13,716.90. There was an allotment for the 4<sup>th</sup> Quarter of FY 13 from the District of Columbia for \$4,607.82, leaving a total opening balance of \$23,496.35. There was also an interest payment of \$.23 to the savings account. There were disbursements of \$255.72 to FedEx Office for the October 21, 2013 statement (Check #1613); \$200 to Heather Schoell for the October '13 agenda package (Check #1614); \$180 to Roberta Weiner for transcription of the September '13 ANC minutes (Check #1615); \$1005 to DC Strokes Rowing Club for a grant for Serve Your City (Check #1616); \$126.12 to the DC Treasurer to the Department of General Services for security for ANC meeting (Check #1617); and \$180 to Roberta Weiner for transcription of the October 2013 meeting (Check #1618), leaving a balance of \$21,549.51 in the checking account, and \$13,717.13 in the savings account.

**Motion:** Mr. Alberti moved/Mr. Williams seconded a motion to accept the disbursements. The motion passed 4-1, with Mrs. Phillips-Gilbert opposed.

**Motion:** Mr. Alberti moved/Mr. Williams seconded a motion to approve the Treasurer's Report. The motion passed 4-1, with Mrs. Phillips-Gilbert in opposition.

Mr. Alberti presented a draft budget for FY 14, which tracks the FY 13 budget very closely.

**Motion:** Mr. Alberti moved/Mr. Mahmud seconded a motion to add a new expenditure of \$2400 for security for ANC meetings. Mr. Ward asked what it was for, and was told that Miner School had requested that security officers be present when the ANC was using the school. The motion passed unanimously.

Mrs. Phillips-Gilbert said she would like to see the addition of \$3500 for additional advertising. Mr. Alberti said the money would come out of surplus funds. The motion passed unanimously.

## **5. Single Member District Reports**

**Mr. Ward** reported that a part of his SMD was very dark and needed lights. It was recommended that he work with the Transportation and Public Space Committee.

**Mrs. Phillips-Gilbert** reported that Pilgrim AME Church hosted a Community Health Fair in October. She also said that she and Ms. Mack testified at the DC Board of Elections in October to request that their SMD remain at Precinct 81 at Miner Elementary School. She said they were concerned about the elderly population and other community members enduring hardship if the poll is relocated to Eliot-Hine Middle School.

Finally, she expressed her concern about decorum and safety issues at the September meeting. She reported that Ms. Mack was verbally assaulted in the hallway of Miner School by a Community Outreach Committee member. She said she had serious concerns when constituents from my community are assaulted because of because of their freedom of speech. She said she was glad that security is now required at Miner to safeguard the public and commissioners as they conduct their business.

**Ms. Nauden** said she was working with the Education Council on the school boundary redrawing. She said she was still concerned about parking in the 600 block of 9<sup>th</sup> Street.

Mr. Mahmud expressed his concern about Ben's Chili Bowl building coming down. He said he met with them, and will continue to work with the people who control the site.

Mr. Williams thanked Mr. Holmes and former Commissioner Cody Rice for their help in finally getting the pyracantha bush at 13<sup>th</sup> and C Streets removed. He also expressed concern at the number of out-of-state cars parked at 13<sup>th</sup> and H Streets NE.

Mr. Holmes said that there had been a great deal of tree trimming on Tenth Street. He also reported that the church at the corner of 9<sup>th</sup> and D Streets has been sold, to be replaced with residential units with little parking.

## 6. Standing Committees

### Transportation and Public Space

The report of the Committee was accepted without objection.

Mr. Mahmud announced that the Rock and Roll National Marathon will be discussed at the next ANC meeting.

### Community Outreach Committee

The report of the Committee was accepted without objection.

**Motion:** The committee moved/Mr. Holmes seconded a motion that the full ANC accept the quote from the Capitol Community News for advertising in both the Hill Rag and Fagon Community Guide (\$3,815 for 12 quarter page ads in the Rag, and one quarter page in the Fagon Community Guide).

The motion passed 6-1, with Mrs. Phillips-Gilbert in opposition.

### Economic Development and Zoning

The report of the Committee was accepted without objection.

#### 903-907 Florida Avenue NE

This is a request for support of a variance from the minimum lot requirement for one lot, and for parking relief for two lots at 903-907 Florida Avenue NE, where the applicant seeks to subdivide three existing lots into two record lots and construct one two-unit flat on each lot. There are no historic preservation issues arising from the site's proximity to Gallaudet University. **Motion:** The Committee moved/Mr. Mahmud seconded a motion to recommend that that the full ANC accept the Committee recommendation to support the requested variances before the BZA. The motion passed unanimously, 7-0.

#### 800 11<sup>th</sup> Street NE - Toddlers on the Hill

The motion for support of a BZA variance for Toddlers on the Hill, a child care center at Douglas Memorial Methodist Church at 800 11<sup>th</sup> Street NE, has previously come before the ANC but was defeated 2-2. It required the request of a Commissioner on the prevailing side to be reconsidered again by the ANC. Mr. Ward made the request on behalf of the prevailing side.

**Motion:** The Committee moved/Mr. Ward seconded a motion that the ANC support the Committee's recommendation to support the BZA variance requested by Toddlers on the Hill at 800 11<sup>th</sup> Street NE.

This is a request for support of a BZA variance from the off-street parking requirements to allow Toddlers on the Hill, LLC to use a portion of the premises as a child development center. Eric Daniel, representing Toddlers on the Hill, explained that the organization is seeking a license as a child development center and needs a variance from the requirement that there be two parking spaces on the property. He also said he has 50 letters of support, including neighbors who live on 11<sup>th</sup> Street.

The motion passed 6-1, with Mr. Alberti in opposition.

## 7. New Business

### Purchase of New Web Services

Mr. Holmes announced that Gallaudet has a new policy that prohibits the use of university IT facilities by outside organizations, so the ANC has had to seek a new web site. The Commission has large storage needs, many thousands of documents, many in PDF. Elizabeth Nelson, the ANC's proficient webmaster, has sought a low cost vendor who will be able to handle our large storage needs in the existing formats and file structure.

**Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion to allocate up to \$200 for three years of web services for ANC 6A. The motion passed unanimously.

### Protest of Liquor Licenses

Because of the schedule of the ABL Committee and the deadlines for voting on specific establishments, it is necessary, according to Mr. Holmes, that the Commission protest the licenses of certain establishments. **Motion:** Mr. Holmes moved/Mr. Williams seconded a motion that the ANC protest the following licenses for failure to maintain peace, order and quiet, and that the Chair be authorized to send letters conveying that protest to the ABC Board: The Atlas Room, Biergarten Haus, The Elroy, Little Miss Whiskey, Star and Shamrock, Vendetta, HR57, Avery's The Pug, and Toki Underground. The motion passed 6-0-1, with Mr. Alberti not voting.

### Additional Time for Zoning Review

Mr. Holmes offered the following resolution:

- Because the District of Columbia Office of Planning (OP) began their planning for the Zoning Rewrite process several years ago, and
- because OP delivered what was to be their final draft of their amended zoning regulations to the Office of Zoning (OZ) on July 29, 2013, and
- because OP has since made revisions to those "final" draft amendments, and
- because, on September 9, 2013, the DC Zoning Commission set down OP's final draft regulations for City-wide public hearings, public review, and public comment, and
- because on October 15, 2013, OP announced publicly that they had finally provided OZ what they call "cross-walks", which helps the public relate current regulations to the corresponding draft-amended regulations, and

- because the public and ANCs are expected to give feedback and provide testimony as such to the Zoning Commission by the end of October 2013 and at hearings in November 2013, therefore
- We find this draft was only recently submitted by OP to the Zoning Commission, and printed drafts were only recently made available at public libraries, and that there has been inadequate time to consider these complex and voluminous regulations, therefore
- We respectfully request the Zoning Commission to postpone any rulemaking regarding OP's draft zoning amendments and keep the record open for at least 120 days so that a thoughtful and thorough response from the public, including this Advisory Neighborhood Commission, can be delivered for deliberations by the DC Zoning Commission.

The resolution passed the Commission unanimously, 7-0.

#### Community Outreach Committee Meetings

**Motion:** Mrs. Phillips-Gilbert moved/Mr. Ward seconded a motion that meetings of the Community Outreach Committee should, beginning in January, alternate between Maury School and the Rosedale Community Center. The motion failed 3-4, with Commissioners Phillips-Gilbert, Ward and Nauden in favor.

#### **8. Community Comment**

Rafael Marshal stated that he was unhappy with the conduct of ANC 6A. He said, "We can do much better."

The meeting was adjourned at 9:05 pm