

ADVISORY NEIGHBORHOOD COMMISSION 1C

Adams Morgan

Minutes of February 6, 2008

A regularly scheduled meeting of Advisory Neighborhood Commission 1C was held on February 6, 2008 at Mary's Center. Chairman Bryan Weaver called the meeting to order at 7:07 pm. Approximately 25 members of the public attended.

In attendance were Barry Weise (1C01), Emily Mechner (1C02), Bryan Weaver (1C03), Mindy Moretti (1C04), Michael Logsdon (C105), Nancy Shia (1C06), Wilson Reynolds (1C07) and Katherine Boettrich (1C08).

SECRETARY'S REPORT

Commissioner Boettrich, Secretary, moved that the minutes for January 2 be accepted. It was seconded, discussed and approved.

TREASURER'S REPORT

Commissioner Reynolds, Treasurer, announced that ANC1C has a current bank balance of \$78,197.07

COMMISSIONER ANNOUNCEMENTS

Commissioner Shia announced that there will be an educational puppet show at Potter's House on February 10 at 2 p.m. She also announced that Jubilee had recently held a ground breaking for the renovations at 2525 Ontario Rd.

Commissioner Reynolds announced that Councilmember Cheh's committee will hold public hearings on February 7 and February 9 regarding public utilities and that there was still time to sign up to speak.

PUBLIC COMMENTS

Lisa Duperier from Adams Morgan Main Street Group announced an event at Toro Mata scheduled for February 12.

Lindsley Williams, representing the Harris Teeter project on Kalorama Rd., requested that the committee address the missing street light on 17th St. at the intersection of the first westbound alley going north after the Kalorama Rd. intersection.

GUEST SPEAKER

Paul Bailey with Washington Yu Ying Public Charter School announced the opening of a new charter school in the District of Columbia featuring Chinese Immersion. On February 23 at 11 am an event will be held for prospective families.

Pete Comey of Lowe provided an update on the current state of renovations planned for the Hilton Hotel on Connecticut Ave.

COMMITTEE REPORTS

A ABC & Public Safety

The next meeting of the ABC and Public Safety Committee will be Monday, February 11 at the Kalorama Recreation Center at 7 p.m.

MPD report: Sergeant Aceto reported the crime statistics for January including a 5 percent reduction in the overall crime rate for January which included a 33 percent reduction in robberies, a 22 percent reduction in thefts, and a 19 percent reduction in stolen autos. Overall, violent crimes are down, but theft from auto is up 23 percent. The biggest targets are GPS systems. A high percentage of thefts are from out-of-state autos. Sgt. Aceto discussed and distributed safety tips.

B Public Services

Commissioner Shia made a motion that ANC1C waive the guidelines to grant a Youth Program more than \$1,000. It was seconded and approved by voice vote. Commissioner Weaver recused himself from this portion of the meeting. Commissioner Shia made a motion that ANC1C approve a grant for \$3,000 for the Adams Morgan Youth Leadership Academy. It was seconded and approved by voice vote.

Commissioner Shia introduced a resolution ensuring that H.D. Cooke be a high-performance school design and a green building. The resolution was seconded and discussed. Commissioner Weise offered a friendly amendment. The resolution as amended was approved by voice vote.

Resolution on High-Performance School Design and Environmental Education for H.D. Cooke Elementary School.

Whereas, our community recognizes the value of effective public education for our children while being mindful of the accelerating cost of operating our public schools as well as school buildings' contribution to air pollution, watershed pollution and global warming; and

Whereas, high-performance, or 'Green', school buildings have been shown to improve students' learning and retention, as reflected in reading and mathematics scores; and

Whereas, high-performance school buildings are designed, constructed, operated and maintained to have superior Indoor Air Quality, with substantially reduced levels of environmental toxins and pollutants, resulting in reduced sickness and chronic health problems such as asthma, and decreased absenteeism for students and staff; and

Whereas, superior lighting, acoustics, visual comfort and thermal comfort result in better student performance as well as greater teacher satisfaction and retention; and

Whereas, maximized energy efficiency of school building structure, lighting and mechanical systems as well as energy conservation practiced by students and staff, and use of alternative/renewable energy sources such as solar energy will substantially reduce operating expenses as well as the school's contribution to air pollution and global warming; and

Whereas, water-conserving plumbing systems and practices as well as collection, filtration and reuse of rainwater and 'graywater' substantially reduce water consumption and reduce a school's contribution to the DC Combined Sewer Overflow (CSO) system, in turn reducing the pollution of the Potomac Watershed and the Chesapeake Bay; and

Whereas, use of recycled, sustainably-sourced and locally-sourced building materials conserves natural resources and reduces energy consumption; and

Whereas, high-performance school buildings are designed for durability and ease of maintenance including the use of non-toxic 'green cleaning' materials, Integrated Pest Management instead of toxic pesticides, elimination of moisture and mold, all of which improve the short- and long-term health of students, teachers and maintenance staff; and

Whereas, high-performance school buildings are designed to provide a safe and secure environment with improved visual surveillance, controlled access and advanced security technology; and

Whereas, schools designed as community centers that provide wrap-around services such as job search and computer instruction create collaborative relationships with students, teachers and parents that improve student performance, family welfare and function, thereby benefiting the entire community; and

Whereas, the small up-front cost for high-performance school design will be recouped in a fraction of the school building's minimum 20-year life span, typically five years or less, after which substantial yearly savings will be realized; and

Whereas, high-performance schools provide a unique opportunity to use the facility itself as a teaching resource to demonstrate to students first-hand, in real time, the value of environmental stewardship: taking care of their school, their community, their planet; and

Whereas, H.D. Cooke Elementary School will undergo a substantial renovation with major construction beginning in Spring of 2008 and finishing in Summer of 2009.

Now, Therefore Be It Resolved: That H.D. Cooke Elementary School be designed, constructed, operated and maintained to provide the healthiest and most effective learning environment for students and staff;

That the design will incorporate best practices for energy efficiency and conservation including alternative/renewable energy sources where possible, to achieve a minimum of 30% reduction in energy usage compared to a baseline (conventional) school building; will maximize conservation and reuse of water resources to achieve minimum 50% reduction over conventional water usage, and will integrate best practices of stormwater management, in order to minimize air and watershed pollution as well as substantially reduce operating expenses, allowing more productive use of education funding;

That the design will incorporate recycled and sustainably-sourced building materials where possible, will include a recycling center/off-site composting system, and will encourage use of alternative transportation by including space for at least 30 bicycles and charging stations for alternative fuel vehicles;

That the design will allow for comprehensive family services and community activities in consultation with parents, teachers, community and service providers;

That the design will integrate a PreK-5 Environmental Science curriculum that uses the facility and grounds to educate students, staff and community in principles of healthy, resource-efficient, environmentally-responsible living;

That H.D. Cooke Elementary School will attain certification by the US Green Building Council of 'LEED-Schools Silver' or better, in order to comply with the DC Green Building Ordinance of

2006 and to demonstrate that we will provide healthy, cost-effective, environmentally responsible public schools for our students, our families and our City.

The next meeting will be held on Wednesday, February 27, 2008 at Kalorama Recreation Center.

C. Planning, Zoning and Transportation

Commissioner Reynolds announced that the next meeting would be held on March 12 at 7 p.m. at the 3rd District Police Station.

Commissioner Reynolds made a motion that ANC1C does recommend to the D.C. Department of Transportation that bus stops for the transit of H.D. Cooke students during the renovation of the school building be relocated to that portion of 14th Street, NW between the intersecting streets of Florida Ave., NW and Columbia Rd., NW. The motion was seconded, discussed and approved by voice vote.

Commissioner Reynolds made a motion to make a technical amendment to include case #17677 in the Motion approved December 5, 2007 regarding ANC1C participation before the Board of Zoning Adjustment Proceedings. The motion was seconded, discussed and failed on roll call vote:

YEA: Weise, Reynolds

NAY: Mechner, Boettrich, Shia, Logsdon, Moretti, Weaver

Commissioner Reynolds moved adoption of a resolution allowing the ANC to participate in DC Zoning Commission Case No. 07-33. The resolution was seconded, discussed and approved by voice vote:

Resolution to Participate in DC Zoning Commission Case. No. 07-33; In Support of the Authority and Validity of the DC Board of Zoning Adjustment, and its Legitimate Procedure for allowing Special Exceptions; and Defend the Reed-Cooke Overlay District.

Whereas, on December 5, 2007, ANC 1C passed the following Motion:

ANC 1C Participation Before Board of Zoning Adjustment Proceedings.

ANC 1C does support participation in Board of Zoning Adjustment Case 17675 as an Intervener to proceedings of appeal filed by the Reed Cooke Neighborhood Association regarding the Reed Cooke Overlay District being in conflict with proposed off-premise sales of alcohol by Harris Teeter.

Furthermore, that ANC 1C does charge the Chairperson of ANC 1C Planning, Zoning, and Transportation Committee to represent ANC 1C in these proceedings.

Finally, that ANC 1C does endorse the validity of the Reed Cooke Overlay District, Chapter 14, Title 11 DC Municipal Regulations, and specifically Section 1401.1, and Section 1400.4 of Chapter 14 as clear and irrefutable justification by the Board of Zoning Adjustment to instruct the applicant, Harris Teeter, Inc. to seek permission to sell alcoholic beverages by seeking a Special Exception, as stated in Section 1403 of Chapter 14 of said DCMR Title 11, and

Whereas, on December 10th the DC Zoning Commission did set down Case #07-33 based on the Petition by the DC Office of Planning to amend the Reed-Cooke Overlay District, Chapter 14,

Title 11 District of Columbia Municipal Regulations, Section 1401.1 (b) to prohibit in the RC Overlay District off-premises alcoholic beverage sales; and

Whereas, a suitable, and reasonable mechanism does exist in the RC Overlay District to seek an exception from the requirement of Section 1401.1(b) by seeking a Special Exception (or Variance) before the DC Board of Zoning Adjustment as outlined in Section 1403; Special Exceptions; and

Whereas in RC Overlay District, Section 1403.1 clearly states that: " An exception from the requirements of this chapter shall be permitted only if granted by the Board of Zoning Adjustment" and

Whereas in a Memorandum dated November 30, 2007 from the Office of Planning to the Zoning Commission makes clear that the proposed text amendment to the RC Overlay District, Section 1401.1 (b) is being requested primarily for the benefit of a grocery store being constructed in the Citadel building located at 1631 Kalorama Road, the new Harris Teeter grocery store; and

Whereas the same Memorandum states (bottom of page 2) that the applicant, during proceedings before the Board of Zoning Adjustment, resulting in BZA Order 17395, adopted June 12, 2006, did not request permission for the sale of off premises alcohol: "The order granting the requested zoning relief did not also grant a variance from the prohibition against off-premises alcoholic beverage sales set forth in § 1401.1 (b), as no such relief was sought by the applicant or considered by the Board."

Now, Therefore Be It Resolved; ANC 1C does desire to participate in Zoning Commission Case No. 07-33; and

Be It Further Resolved; that ANC 1C does request the Zoning Commission to accept one, and only one amendment to the Reed-Cooke Overlay District, Chapter 14, Title 11 DCMR; Section 1401.1 to read (addition in quotations): The following "primary or accessory" uses shall be prohibited in the RC Overlay District; and

Be It Further Resolved; ANC 1C does support the authority of the Board of Zoning Adjustment, and the process to seek Special Exceptions as reasonable, appropriate, and legitimate avenue for the applicant to seek relief for the sales of off premises alcoholic beverages; and

Be It Further Resolved to, again, support the resolution of December 5, 2007, specifically as it relates to Case No. 07-33: "ANC 1C does endorse the validity of the Reed Cooke Overlay District, Chapter 14, Title 11 DC Municipal Regulations, and specifically Section 1401.1, and Section 1400.4 of Chapter 14 as clear and irrefutable justification by the Board of Zoning Adjustment to instruct the applicant, Harris Teeter, Inc. to seek permission to sell alcoholic beverages by seeking a Special Exception, as stated in Section 1403 of Chapter 14 of said DCMR Title 11." and

Be It Further Resolved that ANC 1C instructs the Applicant, Harris Teeter, inc., to do what it should have done in 2004 and apply for a Special Exception, or Variance, as the case be justified, like all other individuals, and businesses in the District of Columbia that follow the rules, regulations, and procedure of the City; and

Be It Finally Resolved that ANC 1C: Having signed a Voluntary Agreement with Harris Teeter, Inc. supporting an off premises alcoholic beverage license; Having committed to the process of seeking a Special Exception before the Board of Zoning Adjustment as the proper avenue to seek relief for the sale of alcoholic beverages in the Reed Cooke Overlay District; and-Seeking to avoid further expense and conflict to all parties; Does declare the support of ANC 1C on behalf of Harris Teeter, Inc. to receive a Special Exception under Section 1403; Special Exceptions of Chapter 14 Reed Cooke Overlay District, Title 11 DCMR, before the Board of Zoning Adjustment if Harris Teeter, Inc. does request such Special Exception before the Board of Zoning Adjustment. That this commitment of support from ANC 1C shall be in effect until Midnight, March 31, 2008.

UNFINISHED BUSINESS

Commissioner Moretti made a motion to approve the joint voluntary agreement between ANC1C, the Kalorama Citizen's Association, residents of the Lofts and Heaven & Hell for their conversion from a C/R to a C/T. The motion was seconded, discussed and approved by voice vote.

Commissioner Moretti made a motion to approve the voluntary agreement between ANC1C and Madam's Organ for their conversion from a C/R to a C/T. Further moved that should the Kalorama Citizen's Association come to an agreement with the applicant prior to the scheduled protest hearing that ANC1C would be willing to become a signatory on that agreement. The motion was seconded, discussed and approved by voice vote.

Commissioner Moretti offered a resolution to support the substantial change for El Tamarindo, located at 1785 Florida Ave., NW. The resolution was seconded, discussed and approved by voice vote.

Amendment to ANC 1C 1999 Voluntary Agreement with El Tamarindo

Whereas, the Applicant, El Tamarindo, 1785 Florida Ave. N.W. has applied for a substantial change and desires to modify the terms of its 1999 Voluntary Agreement with ANC 1C.

Whereas, the establishment still falls within the boundaries of ANC 1C,

Now, Therefore be it Resolved that ANC 1C agrees to the substantial change and the proposed change in 1999 Voluntary Agreement with El Tamarindo ANC 1C, provided the Applicant abides by the following conditions of operation.

Now, therefore, in consideration of the mutual covenants and undertakings memorialize herein, the Parties hereby agree as follows:

Hours: The full service hours of operation with alcohol services will be:

<i>Monday</i>	<i>11 am – 2 am</i>
<i>Tuesday</i>	<i>11 am – 2 am</i>
<i>Wednesday</i>	<i>11 am – 2 am</i>
<i>Thursday</i>	<i>11 am – 2 am</i>
<i>Friday</i>	<i>11 am – 3 am</i>
<i>Saturday</i>	<i>11 am – 3 am</i>
<i>Sunday</i>	<i>11 am – 2 am</i>

Food Service will be available

<i>Monday</i>	<i>6 am – 2 am</i>
<i>Tuesday</i>	<i>6 am – 2 am</i>
<i>Wednesday</i>	<i>6 am – 2 am</i>
<i>Thursday</i>	<i>6 am – 2 am</i>
<i>Friday</i>	<i>24 hours</i>
<i>Saturday</i>	<i>24 hours</i>
<i>Sunday</i>	<i>24 hours</i>

NEW BUSINESS

Commissioner Reynolds introduced a resolution on PEPCO quality of service. The resolution was seconded, discussed and approved by voice vote:

Resolution Regarding PEPCO Quality of Services

Whereas, ANCIC is aware that PEPCO is a monopoly, and

Whereas, ANCIC is aware that consumer choice from lack of competition of utility services, including PEPCO, are nearly nonexistent, and

Whereas, years of deregulation and divestitures have increased profits for PEPCO, but not enhanced customer service for residents of the District, and

Whereas ANCIC is aware that PEPCO quality of services has become a source of great frustration to constituents in ANCIC, and

Whereas, constituents of ANCIC have reported frustrating long waits to reach PEPCO customer service representatives, have been subject to rude behavior, redundant comments as a substitute for an explanation, lack of resolution and compound problems due to estimated bills that either indicate prolonged errors in reading, or no reading of their usage, and

Whereas, ANCIC on January 16, 2008 did sponsor a PEPCO Quality of Service Forum where members of the community did give voice to specific complaints, frustration, and lack of resolution, especially complaints regarding customer service and estimated billing, and

Whereas, the Utility Consumer Bill of Rights currently in effect and the proposed Consumer Bill of Rights pending before the Public Utilities Commission clearly indicates PEPCO's responsibility to provide accurate meter readings, and accurate billing of charges to customers, and

Whereas, on February 7, 2008 and February 9, 2008, the Committee on Public Services and Consumer Affairs of the Council of the District of Columbia will hold Utility Quality of Service hearings, and

Whereas, consumers are forced to have very high corrective bills spanning a period of up to six months, significantly impacting household budgets, and

Whereas PEPCO consumer billing information does not easily, clearly, or simply explain the components of charges, such as: Alerting the consumer that bill is an estimated reading; which months previously have been estimated readings; if special rates are in effect, such as Summer Rates or Winter Rates; and Kilowatt Per Hour price in a billing cycle by all categories.

Now Therefore Be It Resolved, that ANCIC believes that the process of permitting estimated billings beyond sixty days should be stopped, and

Be It Further Resolved, that the ability of PEPCO to collect charges from a consumer should be limited to not more than four billing cycles from the date of the first estimated reading, except for consumers that have tampered with PEPCO equipment, have provided false or inaccurate account information, or have purposely evaded the billing process, and

Be It Further Resolved, that the needs of elderly, infirm, or families with children younger than 24 months be provided with dedicated, expedited access to customer service, and

Be It Further Resolved, that the Public Services Commission of the District of Columbia, with the Office of the People's Counsel, establish clear statutory and financial penalties for the failure of PEPCO to resolve customer account conflicts in a timely fashion, including the use of penalties as credits to the customer's account balance, and

Be It Further Resolved, that consumers shall not be penalized or be subject to additional fees of any segmented services provided by PEPCO when a consumer has access to an alternative in the

consumer's best interest, such as the installation of energy saving technology, or purchasing generating service from a non- PEPCO supplier, and

Be It Finally Resolved, that ANCIC authorizes the Chairperson of the Planning, Zoning and Transportation Committee to deliver testimony before the sponsored hearings.

MOTION TO ADJOURN

Commissioner Moretti moved to adjourn the meeting, it was seconded and the meeting ended at 10:16.