

PROPOSED MINUTES
as of December 11, 2023

Advisory Neighborhood Commission 6B
Regular Monthly Meeting
Held Over Zoom November 14, 2023
Commissioner Edward Stillwell Ryder, Chair

Participating: Commissioners Avery, D'Andrea, Durkit, Jayaraman, LaFortune, Mareino, Ryder, Sobelsohn, and Sroufe.

Commissioner Ryder called the meeting to order at 7:03 p.m.

1. Meeting Agenda. Commissioner Sobelsohn moved/Commissioner Sroufe seconded to adopt the agenda as presented. Commissioner Sobelsohn moved/Commissioner Avery seconded to amend the motion to approve the agenda by (a) switching, under "ANC 6B Administrative Matters," the items "Re-Authorization of Past Resolutions" and "Standing Rules Change Regarding Resolutions," so that the item about past resolutions comes before the item about a rules change regarding future resolutions; (b) deleting, from the Consent Agenda, under Alcoholic Beverage and Cannabis Committee, from the application of Parentco LLC t/a Dos Toros Taqueria (ABRA-125171-DT), the phrase "pending receipt of a signed Settlement Agreement"; (c) moving, to the Consent Agenda, the first two items under the report of the Planning and Zoning Committee, both related to the 630 G St., SE project (BZA 21027 and HPA 23-574); (d) removing, from the Consent Agenda, and placing under their respective committee reports, under (1) Alcoholic Beverage and Cannabis Committee, the item Trader Joe's East Inc t/a Trader Joe's #622 (ABRA-100872), (2) Transportation Committee, the items (a) Letters to DDOT, DPW, and DCPS Regarding Traffic Safety at Watkins Elementary School and (b) Resolution on Parked Dockless Scooters and Bikes Impeding Sidewalk Access; and (3) Planning and Zoning Committee, the items (a) 231 Pennsylvania Avenue SE Project: Renovation and expansion of existing buildings (CFA #SL 24-036) and (b) Joint Letter from ANC 6B and 6C to Director Hanlon and DC Council Regarding Commercial Use of Residentially Zoned Properties. The motion to amend passed 7-2, with Commissioners Jayaraman and Mareino opposed. The motion to approve the agenda passed 9-0.

2. Consent Agenda. Commissioner Sobelsohn moved/Commissioner D'Andrea seconded to approve the items on the Consent Agenda as modified. The motion passed 9-0. The items on the Consent Agenda, as modified, included--

a. Minutes of the ANC's October 10 Meeting.

b. Committee and Taskforce Recommendations: from the--

1) Alcoholic Beverage and Cannabis Committee: to support the applications of--

a) Parentco, LLC, trading as Dos Toros Taqueria, 215 Pennsylvania Ave., SE, for a new class C restaurant license (ABRA-125171-DT).

b) Omakase of Barracks Row, LLC, trading as Omakase at Barracks Row, 522 8th St., SE 2^d Floor, for a new class C restaurant license (ABRA-125827).

c) Radici Uno (One Root), LLC, trading as Radici, 310-303 7th St., SE for renewal of its retailer's class "B" grocery liquor license (ABRA-193687).

d) RRG Catering, LLC, trading as Rose's at Home, 721 8th St., SE for renewal of its retailers' class "B" Internet liquor license (ABRA-123471).

e) Midagara, LLC, trading as DCanter, 545 8th St., SE, for renewal of its retailer's class "B" grocery liquor license (ABRA-090639).

2) Transportation Committee: to send the DC Department of Transportation a letter urging DDOT to develop options to improve pedestrian safety at the intersection, near Safeway, of 14th St., D St., and Kentucky Ave., SE. A copy of that letter is linked to these minutes.

3) Planning and Zoning Committee: to support the applications of--

a) Alexandra Wilson, to expand her restaurant so it includes the second floor of the semi-detached, two-story (with basement) commercial building at 106 13th St., SE (RF-1 zone, square 1036, lot 60; BZA 20996), and to authorize--

1-- Commissioners Jayaraman and D'Andrea to draft a supporting letter, from the ANC, so that the letter responds to points made in an upcoming Office of Planning report; and--

2-- Commissioner D'Andrea to testify on behalf of the ANC at Board of Zoning Adjustment's December 6, 2023, hearing on the application.

b) George Bott, on behalf of Amit and Veronique Singh, to build both a new, three-story rear addition, and penthouse with roof deck, on an existing, detached, three-story building at 630 G St., SE (RF-1 zone, square 877, lot 88; BZA 21027 and HPA 23-574).

c. Financial Report: approval of the ANC's 4th quarter fiscal year 2023 Quarterly Financial Report. That 4th quarter report is linked to these minutes.

3. Presentations: from--

a. Chris Williams, President and CEO of the Anacostia Watershed Society.

Williams called the Anacostia watershed the "vibrant" urban "centerpiece" of a 176-mile watershed. Founded in 1989, AWS works to conserve and restore the watershed for all present and future life along the river, including fish, other wildlife, plants, and people. AWS has a paid staff of 20 and an annual \$2-3 million budget, but relies mostly on volunteers.

Despite major improvement in what, 20 years ago, was one of America's most polluted waterways, major challenges remain, especially plastic pollution. But cleanup will bring development, threatening to displace people who live along the river. To address these and other challenges, AWS works on public policy, has an active education department, leads river cleanups, and works to remove invasive species and restore native wildlife. Litigation has secured millions for river cleanup. The tax on plastic and paper bags has funneled millions more into river conservation. Beavers and otters have returned to the river. The recently completed Anacostia River tunnel system will prevent flooding and pollution from sewer overflows. When the 11th Street bridge park opens, AWS will run its environmental-education center.

b. Scott Kratz, Director of the 11th Street Bridge Park and Senior Vice-President, Building Bridges Across the River.

To be built on the old 11th Street Bridge, the bridge park will connect Capitol Hill and Navy Yard, on our side of the river, with Anacostia and Fairlawn on the east side. It will cover 11 acres and take about 15 minutes to cross on foot. The park will include the AWS environmental-education center, two LEED Gold buildings, a hammock grove, a café, community-meeting space, programming spaces, large murals featuring community and Piscataway leaders, a mussel-beach play space, 175 new trees, a kayaking and canoe launch, an urban farm, a farmers' market, and holiday markets. Kratz expects the park to break ground in mid-2024, open in late 2026, and get from 800,000 to 1.2

million visitors per year, all between dawn and the park's 10 p.m. closing time.

Kratz offered to provide walking tours of neighborhoods on either side of the bridge to anyone who emails scott@bridgepark.org.

4. Announcements.

a. Jake Stolzenberg, Mayor's Office of Community Relations.

Stolzenberg announced that the Departments of Behavioral and Mental Health have just opened DC's first free 24-hour stabilization center at 35 K St., NE, to provide short-term care for people experiencing a substance-use emergency. He also reported on a November 14 walk through their districts with Commissioner Sroufe (6B02) and Durkit (6B05).

b. Tull Osman, Civic Leadership Fellow, DC Tutoring and Mentoring Initiative.

Osman described DCTMI. Based in Columbia Heights, DCTMI works with 50 organizations in the DC Metro area, matching volunteer tutors with schoolchildren who need tutoring or mentoring. DCTMI most needs tutors in math and English.

c. Mackenzie Manns, No Kids Allowed.

Mackenzie Manns introduced her cannabis business, No Kids Allowed, 637B Pennsylvania Ave., SE. NKA has applied for a medicinal-cannabis retailer license and expects to make a presentation at December 5 ANC 6B Alcoholic Beverage and Cannabis Committee meeting. She hopes to have her license by February 2024.

5. Committee and Taskforce Reports.

a. Alcoholic Beverage and Cannabis Committee.

1) Alcoholic-license applications.

a) Bistro Med, LLC, trading as Café 8, 424 8th St., SE. Bistro Med has applied for a substantial change to its existing license, expanding hours of liquor sales inside the restaurant to 2 a.m. Sundays-Thursdays and 3 a.m. Fridays and Saturdays, and adding an entertainment endorsement to permit playing recorded music every day until midnight. Elif Sam and Christopher

Wright appeared on behalf of Café 8. Commissioners Jayaraman, ABC Committee chair, and D'Andrea, whose district includes Café 8, presented a proposed settlement agreement. Commissioner Sobelsohn moved/Commissioner Sroufe seconded to support the application based on the proposed settlement agreement. Commissioner Sobelsohn moved/Commissioner Sroufe seconded to amend the underlying motion, by extending, by 15 minutes, the latest time the settlement agreement permits the applicant to sell alcohol inside the restaurant on Fridays and Saturdays. The motion to amend passed 9-0. Commissioner Sobelsohn moved/Commissioner D'Andrea seconded to amend the underlying motion to correct grammatical errors in the draft settlement agreement. The motion to amend passed 9-0. The underlying motion passed 9-0. The revised and corrected settlement agreement is linked to these minutes.

b) Harris Teeter, formerly at 1350 Potomac Ave., SE, and 1391 Pennsylvania Ave., SE, and still lessee of those now-vacant premises. Harris Teeter has applied for renewal of its alcoholic-beverage licenses for DC supermarkets at 401 M St, SE, 1201 First St., NE, and 1631 Kalorama Rd., NW. Commissioner Sobelsohn moved/Commissioner LaFortune seconded to send letters to the Alcoholic Beverage and Cannabis Board, and to the Advisory Neighborhood Commissions for the three renewal-application locations, opposing renewal of those licenses unless Harris Teeter permits the owner of 1350 Potomac Ave., SE/1391 Pennsylvania Ave., SE to show the property to potential tenants, and agrees to cancel its lease once the owner finds a new tenant; and to send a letter to the DC Attorney General asking him to investigate Harris Teeter for anti-competitive behavior in not permitting its landlord to lease the premises to a new tenant who wants to open a grocery store or supermarket. The motion passed 9-0. The letters are linked to these minutes.

c) Trader Joe's East, Inc. trading as Trader Joe's #622, 750 Pennsylvania Ave., SE (ABRA-100872). Trader Joe's has applied to renew its retailer's class "B" grocery liquor license. Commissioner Jayaraman moved/Commissioner Sobelsohn seconded to support the application. The motion passed 9-0. Commissioner Sobelsohn moved/Commissioner Mareino seconded to send Trader Joe's a letter expressing concern about security on the escalators between its shopping level and the street. Trader Joe's counsel Matt Minora expressed willingness to consider installing a security camera that covers the escalators. The motion passed 9-0. The letter is linked to these minutes.

2) Cannabis applications. Commissioners Jayaraman and Sobelsohn announced that they will collaborate on drafting cannabis-retailer settlement agreements.

3) ABC Committee report. A written ABC Committee report is linked to these minutes.

b. Transportation Committee.

1) Watkins Elementary School, 420 12th St., SE. Commissioner Mareino moved/Commissioner Sobelsohn seconded to write interim Department of Transportation director Sharon Kershbaum urging that DDOT conduct a Safe Routes to School action plan for the Watkins Elementary School and its surrounding blocks, and to propose ways to increase safety for parents to drop off and pick up children at the school; to write to the Department of Public Works, Watkins principal MScott Berkowitz, the DC Public School system, Ward Six State Board of Education representative Brandon Best, Ward Six Councilmember Charles Allen, and Council Chair Phil Mendelson reporting that a recent DCPS policy change regarding school pickups and dropoffs has increased double parking and idling at Watkins, and urging a reversal of that policy change; and urging DPW, at least until DCPS reverses that policy change, to monitor the area around the school every school day at 3:15 p.m. to enforce laws against double parking and idling. The motion passed 9-0. Copies of the letters are linked to these minutes.

2) Undocked Scooters and Bicycles on Sidewalks. Commissioner LaFortune moved/Commissioner Sobelsohn seconded to urge the DC Department of Transportation to develop a plan to keep users of rented scooters and bicycles (electronic or otherwise) from leaving them so they impede pedestrian sidewalk access. The motion passed 9-0. The letter is linked to these minutes.

3) Transportation Committee report. A written Transportation Committee report is linked to these minutes.

c. Planning and Zoning Committee.

1) Clear Plains, LLC, 231 Pennsylvania Ave., SE: application to renovate and expand several buildings (Lots 823, 842, and 843 in square 762; CFA #SL 24-036). Commissioner D'Andrea moved/Commissioner LaFortune seconded to support this application with a recommendation to raise the applicant's planned

privacy/sound barrier. The motion passed 8-1. Commissioner Sobelsohn voted no.

2) Commercial Use of Residentially Zoned Properties. Commissioner Avery moved/Commissioner LaFortune seconded to join ANC 6C in a resolution and a letter, the resolution to go to Department of Buildings (DOB) director Brian J. Hanlon, with copies to the mayor and councilmembers, and the letter to go to the mayor, with copies to councilmembers and DOB director Hanlon.

a) The resolution would urge DOB to (1) conduct a transparent, thorough, and coordinated inspection of RF-1/CAP-zoned properties in ANC 6B between 4th St., SE and the Capitol complex; (2) make it a top priority to inspect the 22 properties ANC 6B or 6C identified to DOB earlier in 2023; to enforce the DC construction code and zoning regulations against those properties found in violation of either the code or the regulations; and to make a written report, by November 30, 2023, to both ANC 6B and 6C on the outcome of those inspections and enforcement measures; (3) provide an in-person briefing for both the ANC 6B and 6C planning and zoning committees during each committee's December meeting; and (4) include, in both the written report and the in-person briefings, a clear explication of any policy limitations to enforcement.

b) The letter would urge the mayor to implement a coordinated multiagency approach to address existing illegal commercial uses, to develop systematic policies and procedures to prevent future conversion of residentially zoned properties to prohibited, nonresidential uses; in particular to instruct--

(1) The Department of Buildings director to (a) investigate Capitol Hill properties, starting with a list accompanying the letter, for violation of zoning regulations regarding allowable use; to revoke certificates of occupancy for unpermitted nonresidential uses in residential zones; and to order immediate closure of property lacking the required certificate of occupancy; (b) evaluate investigated properties for construction-code deficiencies that endanger either users of those properties or people in adjoining properties, and order properties violating the construction code closed until violations are corrected; (c) evaluate all building-permit applications for appropriate occupancy classification and conformance with allowable uses for the zone, with the aim of preventing future conversion of residentially zoned properties to non-

residential uses; (d) train DOB staff to review permit applications for work inconsistent with residential use in a residential zone; and (e) implement quality-control procedures to prevent erroneous approval of illegal conversions of residential properties to nonresidential use;

(2) The Office of Unified Communications to (a) modify its 311.dc.gov website and 311 mobile app to provide a trackable means to report zoning violations, including the illegal use of residential properties for nonresidential uses; (b) identify properties, misclassified as for residential use, to the Office of Tax and Revenue for reclassification; and (c) provide an online dashboard so anyone can search for zoning and tax-classification complaints and track their resolution;

(3) The Department of Licensing and Consumer Protection to (a) verify that all corporate permit applicants have a current corporate registration and basic business license; and (b) require that all real-estate transactions involving residentially zoned property in the Capitol Hill Historic District and Capitol Interest Overlay Zone include prominent disclosure, at settlement, of allowable uses in that residential zone; and--

(4) The Office of Tax and Revenue to (a) coordinate, with DOB and the Office of Unified Communications, reclassification of properties, currently used for nonresidential purposes, to reflect their correct tax classification, and to reassess those properties to reflect their actual value based on their nonresidential use; (b) coordinate, with DOB, inspections to verify occupancy for residentially zoned properties; and (c) reclassify residential properties, found to be unoccupied, as vacant, and tax them at the vacant-property tax rate.

Commissioner Avery moved/Commission Sroufe seconded to call the question. The motion passed 8-1. Commissioner Sobelsohn voted no. The underlying motion passed 8-1. Commissioner Sobelsohn voted no. The resolution and letter are linked to these minutes.

3) Protecting Historic Homes Amendment Act of 2023 (Bill DC B25-0576). The Historic Landmark and Historic District Protection Act of 1978 caps daily fines for its violation at \$4,716, regardless of the infraction's severity. Ward Six Councilmember Charles Allen has introduced the Protecting Historic Homes Amendment Act of 2023. Under the bill, fines assessed by

the Historic Preservation Review Board (HPRB) would vary by severity of the damage, up to \$100,000 per violation. Commissioner Sroufe moved/Commissioner D'Andrea seconded to send a letter to members of the DC Council supporting the bill and providing data on fine enforcement. The motion passed 8-0. Commissioner D'Andrea abstained. The letter is linked to these minutes.

4) Planning & Zoning Committee report. A written Planning & Zoning Committee report is linked to these minutes.

d. Southeast Library Task Force. Commissioner Sobelsohn, taskforce chair, reported that the taskforce met on October 22 and November 12; that the library will close in early 2024; that library director Richard Reyes-Gavilan has submitted a response to the ANC's most recent recommendations regarding interim services during the years the library will be closed; and that this response is inadequate. In particular, the Reyes-Gavilan response (1) calls the Northeast library, not the Arthur Capper Recreation Center, ANC 6B's "Primary Interim Location," (2) fails to assure that patrons can return library materials to Arthur Capper; (3) fails to agree to give two week's notice of a town meeting to discuss the closing, or to hold that town meeting six weeks before the closing, (4) fails to promise to open the Arthur Capper facility at any particular time after the Southeast library closes; (5) fails to pledge to maintain any reference materials at the Arthur Capper facility; (6) announces plans, even after it opens, to close the Arthur Capper facility every weekend and every day at 6 p.m. except Thursday. Commissioner Sobelsohn moved/Commissioner Ryder seconded to send a letter, objecting to this response, to Director Reyes-Gavilan, with copies to members of the DC Council, and to work with Ward Six Councilmember Allen on addressing the inadequacies of Reyes-Gavilan's plans. Commissioner Sobelsohn moved/Commissioner Jayaraman seconded to amend the motion so that the letter includes the specific inadequacies of Reyes-Gavilan's plans. The motion to amend passed 9-0. The underlying motion passed 9-0.

e. Public Parks and Recreation Spaces Task Force. Commissioner Sroufe, taskforce chair, reported that agencies responsible for the Eastern Market Metrorail Plaza have reached a Memorandum of Agreement regarding specific responsibilities for aspects of maintaining the plaza. A copy of that memorandum is linked to these minutes. Commissioner Avery reported that, on October 20-22, the International Society of Arboriculture held a tree-climbing competition without incident at Garfield Park.

6. Treasurer's Report. Commissioner Avery, ANC 6B treasurer, reminded the ANC that The Yard, 700 Pennsylvania Ave., SE, accepts only debit cards as payment for room rentals. Commissioner Avery promised to adjust projected expenses for room rentals to account for rental expenses no longer planned by the Alcoholic Beverages and Cannabis Committee. A written Treasurer's Report is linked to these minutes.

7. Other Administrative Matters.

a. Signatures on ANC resolutions.

The last sentence of ANC 6B standing rule I.B.2. reads "The Secretary signs resolutions." But as a matter of practice, the chair, not the secretary, has been signing ANC 6B resolutions.

1) Past resolutions. Commissioner Sobelsohn moved/Commissioner D'Andrea seconded to ratify all past resolutions signed by the chair instead of the secretary. The motion passed 9-0.

2) Future resolutions. Commissioner Sobelsohn moved/Commissioner D'Andrea seconded to add the phrase "Chair or" before the word "Secretary" in Standing Rule I.B.2. Commissioner Sobelsohn moved/Commissioner D'Andrea seconded to amend the motion to instead delete the sentence "The Secretary signs resolutions" and replace it with "To be valid, a Commission resolution must be signed by either the Chair or the Vice-Chair." The motion to amend passed 9-0. The underlying motion, as amended, passed 9-0.

b. Space for upcoming meetings. By consensus, the ANC agreed that, as the ANC transitions to hybrid meetings, the ANC will need a plan for site identification, reservation, and rental. Commissioner Mareino reported having asked the Office of Advisory Neighborhood Commissions about free access to government buildings, without, as yet, getting a response.

c. Distinguished Public Service Award. Commissioner Sroufe reported on the ANC's practice of conferring an annual Distinguished Public Service Award. The previous two award recipients have been Gottlieb Simon, former head of the Office of Advisory Neighborhood Commissions, and Naomi Mitchell, former staffperson for former Ward Six Councilmember Tommy Wells and current Ward Six Councilmember Charles Allen. Members of the Executive Committee (chair, vice-chair, secretary, treasurer, and parliamentarian) determine the recipient and announce the award at

the next full ANC meeting. The award brings with it just a certificate, no other prize. Any ANC 6B commissioner can nominate a recipient. Nominations should be submitted to Commissioner Sroufe by December 18. The five Executive Committee members will determine the recipient at the Executive Committee's December 19 meeting.

d. Confirmation of administrative staff. Commissioner Sobelsohn moved/Commissioner D'Andrea seconded to authorize Commissioner Ryder to offer the position of administrative support staff to Tori Collins with a maximum salary of an amount within the ANC's budget. The motion passed 8-0. Commissioner Avery abstained.

e. Upcoming meeting dates. Commissioner Ryder announced the dates and times of upcoming ANC 6B meetings, including--

- 1) Executive Committee: 7 p.m. November 28 and 7 p.m. December 19.
- 2) Southeast Library Task Force: 3 p.m. December 3.
- 3) Other committees: on December--
 - a) 4 at 7 p.m.: Planning and Zoning.
 - b) 5 at 7 p.m.: Alcoholic Beverage and Cannabis.
 - c) 6 at 6:30 p.m.: Public Safety.
 - d) 6 at 7 p.m.: Transportation.
- 4) Advisory Neighborhood Commission: 7 p.m. December 12.

8. Adjournment. Commissioner Ryder moved to adjourn. Without objection, the motion passed. The meeting adjourned at 10:59 p.m.

Respectfully submitted,

David Sobelsohn
ANC 6B Secretary