

# ADVISORY NEIGHBORHOOD COMMISSION 1C

## Adams Morgan

### Minutes of July 2, 2003 Meeting

A scheduled meeting of Advisory Neighborhood Commission 1C was held on Wednesday, July 2, 2003 at the Third District Police Headquarters. ANC1C Chairman Alan Roth called the meeting to order at 7:10 p.m. Approximately 40 members of the public attended.

Attending were Commissioners Alan Roth (1C01), Bryan Weaver (1C03), Mindy Moretti (1C04), Ken Levy (1C05), Andrea Broaddus (1C06), Josh Gibson, (1C07) and Jeff Coudriet (1C08).

### SECRETARY'S REPORT

Commissioner Moretti, secretary, distributed copies of the Minutes of the June 16 public forum and moved their approval. The motion was seconded and approved by voice vote.

### TREASURER'S REPORT

Commissioner Levy, treasurer, reported a bank balance of \$53,000 as of June 30, 2003. Commissioner Levy also noted expenditures of \$1,200 for Verizon, StorageUSA, approved grants and various Commissioner expenditures.

### CONSENT AGENDA

The following items were passed by unanimous consent:

#### ***Resolution Designating Location of Commission Books and Records***

*WHEREAS, D.C. Code section 1-309.13(e) provides that "[e]ach Commission shall, by resolution, designate the location at which the Commission's books and records shall be maintained which shall, if the Commission has a regular office, be the Commission office", and*

*WHEREAS, Advisory Neighborhood Commission 1C does not have a regular office, and occupies only limited space at the Kalorama Park Recreation Center with the permission of the Park Director,*

*NOW, THEREFORE, BE IT RESOLVED that ANC 1C hereby designates the following locations for the maintenance of its books and records:*

- (1) The home of the Treasurer, for books and records relating to ANC 1C's finances;*
- (2) The home of the Secretary, for minutes, copies of official correspondence, and related documentary records of ANC 1C; and*
- (3) The home of the Chairperson or applicable Committee Chair, for official documents relevant to pending or recent ANC or Committee business; and be it*

*FURTHER RESOLVED that upon request of the D.C. Auditor or as otherwise required by law, a designated custodian above shall make appropriate arrangements for the inspection of such ANC books,*

records, and documents at the custodian's home or at the Kalorama Park Recreation Center, at reasonable hours and for reasonable periods of time; and be it

*FURTHER RESOLVED* that, at the discretion of the designated custodian above and with prior notice to the ANC Chairperson or Secretary, any books, records, or documents described in the preceding paragraphs may be archived at any time in available filing space at the Kalorama Park Recreation Center or ANC 1C's rented storage facility.

**Resolution Rescheduling ANC Meeting Date**

*BE IT RESOLVED*, that Advisory Neighborhood Commission 1C will meet on Tuesday, July 29, 2003, at 7:00 p.m. in the Community Room of the Third District Police Station, in lieu of its previously announced meeting on Wednesday, August 6, 2003, and will amend its website and other notices to reflect this scheduling change.

**ANC 1C Resolution Requesting Reform of BZA Procedures for Modifications of Conditions of an Order**

*WHEREAS*, the Board of Zoning Adjustment (BZA) and Office of Zoning (OZ) treat a request for modification of the conditions of a previously issued order as a "modification of plans" under section 3129 of the zoning regulations (11 DCMR 3129); and

*WHEREAS*, section 3129.3 provides that such requests must be filed with the BZA not later than six months after the date of the final order approving the original application; and

*WHEREAS*, section 3129.7 provides that approval of such requests "shall be limited to minor modifications that do not change the material facts the Board relied upon [in] approving the application"; and

*WHEREAS*, section 3129.6 provides that no member of the BZA shall vote on such a request unless that member participated in and voted on the original decision or read the record; and

*WHEREAS*, notwithstanding the above provisions, it appears to be the practice of the BZA and OZ to accept such requests from owners of property where the order in question dates back considerably further than six months, and to accept at face value the requesting party's assertion that the request for modification is "minor" when in fact the affected community may view the modification as significant; and

*WHEREAS*, section 3129.4 provides that only "parties to the original application" must be served with a copy of the request, and that such parties have only "ten (10) days within which to submit written comments" before the BZA may decide the matter; and

*WHEREAS*, most Advisory Neighborhood Commissions meet only monthly and would find it difficult or impossible to respond intelligently within 10 days, and in any event, if the original application predated the creation of the ANCs, an ANC might not be served with a copy of the request at all because it was not a party to the original application;

*NOW, THEREFORE, BE IT RESOLVED, THAT* Advisory Neighborhood Commission 1C respectfully requests the BZA and OZ to do the following:

- (1) observe and strictly enforce the six-month deadline in section 3129.3; and
- (2) alter the notice and decision procedures under section 3129 to provide that an affected ANC must either
  - (a) be given not less than the usual full 40 days' notice ordinarily provided under section 3113.13 to submit comments on a request for modification of conditions of an order, or
  - (b) concur in advance with the applicant's characterization of a modification as "minor" in order for the request to receive expedited treatment under section 3129.4.

***Resolution for Reimbursement of Postage Expenses***  
*BE IT RESOLVED that Advisory Neighborhood Commission 1C approves the reimbursement of \$7.40 to Commissioner Levy for postage expenses incurred during the course of routine ANC business.*

## **PUBLIC COMMENTS**

Commissioner Roth opened the floor for members of the community. Members of the public commented on the ongoing problem of delivery cars from Pizza Boli's on 18<sup>th</sup> St. parking in the alley and double parking on 18<sup>th</sup> St. and mention was made about a public briefing for Adams Morgan Main Street on July 22 at 7 p.m. at Mary's Center.

## **COMMITTEE REPORTS**

### **ABC & Public Safety**

Commander Larry McCoy, the new commander of the Third District, was introduced and discussed the current state of affairs in the neighborhood including the proposed new configuration of the PSA's, the graffiti and gang issues, traffic and the problems at 17<sup>th</sup> and Euclid.

Commissioner Weaver announced that the monthly PSA meeting will now coincide with the monthly ABC & Public Safety Committee meeting on the second Wednesday of each month at the Kalorama Recreation Center. The PSA meeting will begin at 7:30 and the ABC & Public Safety Committee meeting will begin at 8 p.m.

Commissioner Weaver distributed a Voluntary Agreement with L'Enfant, located at 2000 18<sup>th</sup> St., and moved that the Agreement be approved and that ANC 1C also support a stipulated approval of L'Enfant's substantial change application based on the Agreement. The motion was seconded, discussed and approved by roll call vote:

YEA: Roth, Weaver, Moretti, Levy, Broaddus, Gibson, Coudriet  
NAY: none

And finally, Commissioner Weaver also gave an update on the basketball project and summit, both designed to work on the problem at 17<sup>th</sup> and Euclid.

### **Planning Zoning and Transportation**

Commissioner Broaddus introduced representatives from the Meridian International Center who were on hand to discuss proposed plans to turn the 38-space parking lot at Meridian into 20 townhouses with underground parking for the townhouses as well as Meridian. Woody Bolton and Bobby Montague from Walnut Street, the developer, were introduced to discuss the scope of the plan. Larry Kolp from Meridian International also addressed the Commission.

Commissioner Coudriet offered a resolution to support Meridian's application to the Board of Zoning Adjustment for modification of a previous zoning order to permit the proposed development to proceed. The resolution was seconded and discussed. Various amendments were offered and adopted by unanimous consent.

Because of a large number of neighborhood concerns and a fast-approaching hearing date Commissioner Gibson moved that the ANC postpone further consideration of the resolution to its July 29<sup>th</sup> meeting, and seek with Meridian and the developers, a postponement of the BZA hearing until August. The motion was seconded and approved by voice vote.

Commissioner Weaver introduced a resolution opposing a variance exception for 2005 Columbia Rd., NW.

***Resolution Opposing Use Variance at 2005 Columbia Rd., NW  
BZA Case No. 17044***

*WHEREAS, Claudio and Lucia Rosan, owners of 2005 Columbia Rd., NW (located within the boundaries of Advisory Neighborhood Commission 1C, the Kalorama Triangle Historic District and an R-5-D zone) have filed an application with the Board of Zoning Adjustment (BZA) for a variance to permit said premises to be used as an "inn/tourist house" with 15 units (Case No. 17044), and*

*WHEREAS, under the Zoning Regulations, an inn or tourist house may be located as a matter of right only in a commercial or mixed commercial-residential district and a B&B may be located in a residential district only as a home occupation "clearly secondary to the use of a dwelling unit for residential purposes," in which no more than eight clients or customers shall be present on the premises in any one-hour period, and subject to numerous other conditions and limitations including a limitation of the number of guest rooms to no more than two (or, by special exception, up to six in a historic district), and*

*WHEREAS, the applicants' proposed and planned use of these premises fails to meet the specific requirements described in the preceding paragraph, and will likely also fail to meet additional requirements of the Zoning Regulations, and*

*WHEREAS, the proposed and planned use of these premises as an inn, tourist house, or B&B having in excess of 6 guest rooms would constitute an inappropriate extension of a prior nonconforming use; have a detrimental impact on noise, traffic, parking, trash and loading activities in a residential district; and undermine more than two decades of BZA policy and regulations discouraging transient accommodations in order to retain the integrity of residential zones, except for small, owner-occupied B&Bs, and*

*WHEREAS, the premises in question are located on a residential street, in a historic residential district, and would be suitable for entirely residential use appropriate to the zoning district and the neighborhood in which it is located, and*

*WHEREAS, any economic hardship claimed by the applicants in this case is primarily the result of their own failure to ascertain the appropriate zoning limitations on these premises prior to purchasing the property and their commencing construction of improvements and alterations prior to a decision by the BZA on their application,*

*NOW THEREFORE BE IT RESOLVED that for the reasons stated above, ANC 1C recommends that the BZA disapprove the use variance application in this case on the following grounds:*

- No extraordinary or exceptional situation or condition exists with respect to this specific piece of property to justify such a variance;*
- No peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owners justify such a variance;*

- *Granting such a variance in this case would result in substantial detriment to the public good, and would substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.*

The resolution was seconded, discussed and approved by roll call vote:

YEA: Roth, Weaver, Moretti, Levy, Gibson, Coudriet  
 NAY: none  
 ABSTAIN: Broaddus

**Public Services**

Commissioner Levy introduced a resolution approving a \$1000 ANC grant for the Patricia M. Sitar Center.

***Resolution Approving the Patricia M. Sitar Center for the Arts Grant Application for \$1,000***

*WHEREAS, ANC IC has a pending grant application from the Patricia M. Sitar Center for the Arts for \$1,000, and*

*WHEREAS, the grant application conforms to the published ANC IC grant making guidelines and priorities, and*

*WHEREAS, the Public Services Committee of ANC IC has reviewed and recommended this grant for approval,*

*NOW, THEREFORE, BE IT RESOLVED, THAT, Advisory Neighborhood Commission IC approves for funding the \$1,000 grant application submitted by the Patricia M. Sitar Center for the Arts.*

The resolution was seconded and approved by roll call vote:

YEA: Roth, Weaver, Moretti, Levy, Broaddus, Coudriet  
 NAY: none  
 ABSTAIN: Gibson

Commissioner Coudriet sought and obtained unanimous consent to move an additional resolution concerning the Sitar Center from New Business to the Committee report. Commissioner Coudriet then offered the resolution:

***Resolution of Support for the Patricia M. Sitar Center for the Arts Grant Application to the Department of Housing and Community Development***

*WHEREAS, the Patricia M. Sitar Center for the Arts was founded in 1998, with its doors opening in January of 2000; and*

*WHEREAS, the Sitar Center is a multicultural community arts center located in the Adams Morgan neighborhood of Washington, DC; and*

*WHEREAS, the mission statement of the Sitar Center states that “by providing a safe, structured, and nurturing environment for exploring music, dance, drama, writing, and visual arts, the Sitar Center serves*

*as a catalyst for the imagination and enhances the cognitive and life skills of children, youth, and families;” and*

*WHEREAS, the Sitar Center currently serves approximately 150 students, over 90 percent of whom are members of minority groups; and*

*WHEREAS, in late 2002, the Sitar Center received the Mayor’s Arts Award for Outstanding Contributions to Arts Education; and*

*WHEREAS, the Sitar Center’s current space, a 2,500 square foot windowless basement, has proven insufficient for its current operations, resulting in a significant waiting list for Center programs; and*

*WHEREAS, earlier this year, the Sitar Center signed a contract to buy a 10,400 square foot commercial condominium space at 1700 Kalorama Road, NW; and*

*WHEREAS, this space will allow the Sitar Center to increase its enrollment to 300 by the end of 2003 and 500 by the end of 2007; and*

*WHEREAS, the Sitar Center has undertaken a \$3.3 million capital campaign to fund the purchase and renovation of this space; and*

*WHEREAS, the Sitar Center has applied for a \$400,000 grant from the DC Department of Housing and Community Development to fund a gap between the purchase price of the condo and the amount the Center is financing;*

*NOW, THEREFORE, BE IT RESOLVED, that Advisory Neighborhood Commission 1C fully supports the Sitar Center’s application for \$400,000 in DHCD grant funding.*

The resolution was seconded, discussed and approved by roll call vote:

YEA: Roth, Weaver, Moretti, Levy, Broaddus, Coudriet  
NAY: none  
ABSTAIN: Gibson

## **UNFINISHED BUSINESS**

Commissioner Gibson gave an update on the status of the proposed flea market at the Marie Reed Learning Center and distributed copies of a skeleton voluntary agreement.

## **NEW BUSINESS**

Commissioner Weaver moved to send a letter to the Public Space Committee that ANC1C opposes the application of El Rincon to expand their existing sidewalk café at 1826 Columbia Road, NW to the public space on the grounds that no situation or condition exists with respect to this part of public space to justify such a variance from the regulations. The motion was seconded, discussed and approved by roll call vote:

YEA: Roth, Weaver, Moretti, Levy, Broaddus, Gibson, Coudriet  
NAY: none

## **ANNOUNCEMENTS**

Commissioner Coudriet discussed his efforts to clean up graffiti in his SMD and commented on a pleasant working experience with Clean City.

Commissioner Broaddus noted that she attended the 2<sup>nd</sup> quarterly meeting of the Ward 1 DDOT planning committee. Some of the topics discussed included a freight movement plan and an update on the status of the renovations at 18<sup>th</sup> and Columbia. Commissioner Broaddus also announced that the clean up at Pigeon Park was a success

Commissioner Gibson said follow up on his “punch list” is going well, but that attendance has been low at walk-throughs.

Commissioner Levy commented on an ongoing problem with Comcast Cable service.

## **ADJOURNMENT**

Commissioner Gibson moved for adjournment. The motion was seconded and approved by voice vote.

The meeting adjourned at 9:35 p.m.