

ADVISORY NEIGHBORHOOD COMMISSION 1C

Adams Morgan

Minutes of October 1, 2003

A scheduled meeting of Advisory Neighborhood Commission 1C was held on Wednesday October 1, 2003 at the Third District Police Headquarters. ANC1C Chairman Alan Roth called the meeting to order at 7:05 p.m. Approximately 25 members of the public attended.

Attending were Commissioner Alan Roth (1C01), Nik Apostolides (1C02) 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 from the September 3 meeting and moved their approval. The motion was seconded and approved by voice vote.

TREASURER'S REPORT

Commissioner Levy, treasurer, reported a bank balance of \$66,398 as of October 1, 2003. He noted that the balance reflected the quarterly allotment from the District government, as well as \$1184 in expenditures.

PUBLIC COMMENTS

Commissioner Roth opened the floor to members of the community. Lisa Duperier, with Adams Morgan Main Street, provided an update on the groups efforts.

COMMITTEE REPORTS

ABC and Public Safety

Commissioner Weaver gave an update on the status of Timerhi International. He noted that the next status hear will be November 5. Commissioner Weaver noted that if there were no move to compromise between the ANC and Timerhi, then the next step would be an actual protest hearing.

Commissioner Roth moved that he be authorized on behalf of the Commission to write a letter to the ABC Board expressing our dismay at the Board's handling of the Timerhi case, drawing the Board's attention to the fact that the licensee has in effect extended the duration of his own

license for several months simply by not showing up for status hearings; the MPD calls for service associated with this establishment, including incidents of violence, have occurred at an alarming rate; and that the ANC is distressed that the Board, by compelling the Commission to engage in mediation with an establishment whose license ought to have been revoked already, has in effect granted this licensee yet another reprieve of more than a month.

The motion was seconded, discussed and approved by role call vote:

YEA: Roth, Apostolides, Weaver, Moretti, Levy, Broaddus, Gibson, Coudriet
NAY: None

Commissioner Weaver moved to move the matter of Asylum's substantial change request to the committee portion of the agenda. The motion was seconded and approved by voice vote.

Commissioner Weaver then moved to protest Asylum's request for a substantial change.

***Resolution to Protest Substantial Change of the
ABC Liquor License of ASYLUM***

WHEREAS, the establishment JJA Incorporated trading as Asylum located at 2471 18th Street, NW, Washington, DC 20009, has filed an application with the ABC Board for a substantial change of its license;

WHEREAS, said establishment falls in the jurisdiction of the Adams Morgan ANC (IC);

THEREFORE, BE IT RESOLVED, THAT ANC IC will protest the substantial change of this license on the grounds of the adverse effect on peace, order, and quiet in the neighborhood.

The resolution was seconded, discussed and approved by voice vote.

Officers Ragavonitz and Salas from the Third District gave an update on the current crime statistics for the neighborhood.

Planning Zoning and Transportation

Commissioner Broaddus announced a meeting of XXXXX to be held on October 15th to discuss planning and transportation plans, including parking, for the District.

Commissioner Broaddus offered a resolution in support of the Kalorama Citizen's Association investigation into the construction at 1819 Belmont Road, NW.

Resolution in Support of the Kalorama Citizens Association's Appeal of Permits for 1819 Belmont Road, NW

WHEREAS, Montrose LLC is currently redeveloping 1819 Belmont Road, NW (Square 2551, Lot 45) in a manner inconsistent with the character of the block and the surrounding area, and

WHEREAS, certain construction permits issued by the Department of Consumer and Regulatory Affairs, Building and Land Regulation Administration (BLRA), may have been issued contrary to

laws and regulations governing the height of buildings and/or zoning, and the construction itself may have been conducted beyond the scope of demolition and construction permits issued by BLRA, and

WHEREAS, the Kalorama Citizens Association (KCA) on September 16, 2003 filed with the Board of Zoning Adjustment (BZA) a Notice of Intent to File an Appeal of certain permits issued to Montrose LLC for construction at these premises on the grounds that the Height of Buildings Act or zoning regulations may have been violated, and the KCA is currently researching the applicable facts and law prior to proceeding with such an appeal, and

WHEREAS, section 3112.2(a) of the Zoning Regulations, Title 11 DCMR, requires that an appeal be filed "within 60 days from the date the person appealing the administrative decision had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge of the decision complained of, whichever is earlier," and

WHEREAS, the alleged unlawfulness of any permits issued for 1819 Belmont Road, NW, or the failure of BLRA to enforce the requirements of such permits, could not have been discovered or anticipated by any reasonable person until after actual construction made the alleged violations evident to passers-by from the street in early September 2003, and

WHEREAS, representatives of the KCA were denied full access to and copying of Montrose LLC's plans and drawings by BLRA upon their first request, and as of September 26, 2003 had not received or seen all the documentation to which they are entitled under their Freedom of Information Act request,

NOW, THEREFORE, BE IT RESOLVED, that Advisory Neighborhood Commission 1C urges the BZA to treat the Appeal filed by the KCA under its September 16, 2003 Notice of Intent as timely pursuant to the zoning regulations or to provide KCA with a reasonable extension of time as permitted by the regulations.

FURTHER RESOLVED, that ANC 1C requests the Department of Consumer and Regulatory Affairs to revoke as issued in error any construction and related permits that are not fully compliant with Construction Codes, Zoning Regulations or Height Act requirements, to cause any construction thus far undertaken that is not so fully compliant to be brought into compliance by whatever means necessary, including the removal of structures exceeding the lawful height, and to ensure that any new or revised building plans and related construction permits be made fully compliant with said laws and regulations.

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

YEA: Roth, Apostolides, Weaver, Moretti, Levy, Broaddus, Gibson, Coudriet

NAY: None

Public Services

Commissioner Apostolides offered a resolution regarding the ongoing construction/renovation at 1953 Biltmore Street, NW.

Resolution Opposing the Application for Conceptual Design Review by the Owner of 1953 Biltmore Street, NW to the DC Historic Preservation Review Board

WHEREAS, the DC Historic Preservation Review Board (HPRB) has informed ANC 1C of its intention to consider an application for conceptual design review on behalf of the owner of 1953 Biltmore Street NW at the HPRB's October 2003 meeting, and

WHEREAS, the plans as submitted to HPRB would provide for construction of a paved area in the front yard, at or near the grade of the adjoining alley, which would enable a vehicle to park in the front yard, and

WHEREAS, the owner of 1953 Biltmore Street NW is unwilling to commit to a) making any structural changes or b) recording an enforceable covenant attached to the deed of the property, in order to prevent vehicular parking in the front yard by himself or future owners and tenants,

NOW, THEREFORE, BE IT RESOLVED, THAT Advisory Neighborhood Commission 1C strongly opposes the proposed conceptual design plans for 1953 Biltmore Street NW as submitted to the HPRB on the grounds that such plans are inconsistent with the design standards and guidelines for front yards in the Kalorama Triangle Historic District, and out of keeping with the historic and architectural character of all neighboring properties on the 1800 and 1900 blocks of Biltmore Street, NW, and urges the HPRB to reject the proposed design.

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

YEA: Roth, Apostolides, Weaver, Moretti, Levy, Broaddus, Gibson, Coudriet

NAY: None

NEW BUSINESS

Commissioner Gibson offered a resolution concerning a proposed curb cut at 2351 Champlain Street, NW:

Resolution Regarding Driveway and Curb Cut at 2351 Champlain Street, NW

WHEREAS, on February 2, 2003, Capital Design Group, Inc. applied for a permit for driveway, sidewalk, curb, and gutter construction at 2351 Champlain St., NW; and

WHEREAS, the notice ANC 1C received of this application is dated August 13, 2003; and

WHEREAS, on September 17, 2003 the Planning, Zoning, and Transportation Committee of ANC 1C met and heard a presentation from the developer of this site, Capital Design Group; and

WHEREAS, Title 24 of DCMR "Public Space and Safety" indicates that public space permits may be granted only if "the proposed additional use will not adversely affect the public interest;" and

WHEREAS, Adams Morgan is already beyond its maximum logical capacity for automobiles; and

WHEREAS, as a result, cars are constantly stuck in traffic on narrow streets, it is difficult and unsafe for pedestrians and bicyclists to cross streets, and even at the best of times parking is difficult; and

WHEREAS, allowing a developer to provide parking beyond the legal minimum parking at a site via the allowance of a new curb cut would essentially equate to an invitation for new residents to increase the automobile "population" of the neighborhood; and

WHEREAS, by worsening an existing car overpopulation problem, the public interest would be adversely affected;

NOW, THEREFORE, BE IT RESOLVED that ANC IC requests that Public Space Committee oppose the curb cut/driveway application for 2351 Champlain St., NW.

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

YEA: Roth, Apostolides, Weaver, Levy, Broaddus, Gibson, Coudriet
NAY: Moretti

Commissioner Gibson then offered a resolution regarding a Zoning Commission Text Case that would create an overlay district to allow for and encourage retail within residential areas.

The resolution was seconded and discussed. Commissioner Apostolides offered a friendly amendment, which was seconded, discussed and approved by voice vote. Commissioner Broaddus then offered an amendment, which was seconded and discussed. Commissioner Broaddus' amendment failed by role call vote:

YEA: Broaddus
NAY: Roth, Apostolides, Weaver, Moretti, Levy, Gibson, Coudriet

Resolution Regarding Zoning Commission Text Case #01-33

WHEREAS, Zoning Commission Text Case #01-33 envisions the creation of an overlay district that would allow for and encourage the creation of certain commercial uses within residential districts where they are not currently allowed; and

WHEREAS, the creation of such overlays is tied to high-density zoning categories such as R-5-D and R-5-E, which were in recent years unilaterally modified without public input or careful consideration of underlying land use policy, the Comprehensive Plan, and other documents; and

NOW, THEREFORE, BE IT RESOLVED that ANC IC agrees in principle that providing ground floor retail space in high density residential buildings is a worthwhile goal except in historic districts; and

FURTHER RESOLVED, that ANC IC feels that it would be unwise for Zoning Commission Text Case #01-33 to proceed until the underlying land use and zoning issues are properly considered and public input of the residents of affected areas are consulted; and

FURTHER RESOLVED, that ANC IC recommends that the relevant government agencies undertake the necessary zoning and land use reviews that underlie this case; and

FURTHER RESOLVED, that until such time as these studies have been completed, ANC IC opposes further action on this Zoning Case.

The resolution as amended, was then discussed and approved by role call vote:

YEA: Roth, Apostolides, Weaver, Moretti, Levy, Broaddus, Gibson, Coudriet
NAY: None

Commissioner Weaver then offered a resolution supporting the reconfiguration of the Third District police borders to coincide with the borders of Ward One:

Resolution in Support of Proposed Third District/Ward One Joint Boundaries

WHEREAS, the current configuration of the Metropolitan Police Department (MPD) Third District divides Ward One between the Third and Fourth Districts, making it difficult to achieve a coordinated approach to public safety and law enforcement in our community, and making it difficult for neighborhood residents and businesses to know what Police District they are located in and who their commander, lieutenants, sergeants, and officers are, and

WHEREAS, the MPD and citizen advisory groups have proposed to combine all of the Third District into the same boundaries as Ward 1, as part of a realignment of PSAs and Police Districts throughout the District of Columbia in order to more closely align Police boundaries with neighborhood boundaries, and provide greater flexibility in assigning officers to better meet demands for neighborhood police service,

NOW, THEREFORE, BE IT RESOLVED, THAT Advisory Neighborhood Commission IC endorses and supports the proposed combination of Ward One and Third Police District to share the same street boundaries, for the reasons and purposes stated above, provided, however, that ANC IC also believes that the number of officers currently deployed to the Third District is inadequate, and that realignment of Ward One and Third District boundaries is not a substitute for the deployment of additional officers in the Third District.

RESOLVED, THAT the Chairperson of ANC IC shall send a copy of this resolution to Chief Charles Ramsey, Councilmember Jim Graham, Commander Larry McCoy, and such other District officials as he deems appropriate.

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

YEA: Roth, Apostolides, Weaver, Moretti, Levy, Broaddus, Gibson, Coudriet
NAY: None

Commissioner Gibson offered a memorial resolution honoring long-time resident and former ANC Commissioner Carolyn Llorente. Commissioner Roth offered a friendly amendment to strike one word from the resolution. The amendment was seconded, discussed and approved by voice vote:

MEMORIAL RESOLUTION FOR CAROLYN LLORENTE

WHEREAS, Carolyn Sue Matchette Llorente was born in Tennessee in 1937, was raised in that state, and attended university in Florida; and

WHEREAS, Llorente moved to Washington, DC to take a job with the National Gallery of Art, and spent much of her time in Washington living in the Adams Morgan neighborhood; and

WHEREAS, from 1996 to 2000, Llorente served as the Advisory Neighborhood Commissioner from Single Member District IC07, winning her two elections with 66 percent and 92 percent of the vote; and

WHEREAS, Llorente served as Treasurer during a portion of her Commission tenure, bringing order to records that had previously been in disarray; and

WHEREAS, Llorente was a co-founder and treasurer of the Friends of Marie Reed, a vital and essential community asset that focuses on improving the education and quality of life of the students of the Marie H. Reed Community Learning Center; and

WHEREAS, in this capacity, Llorente played the crucial role in bringing anti-litter and homelessness services organization Ready, Willing, and Able to Adams Morgan to clean both the grounds of Marie Reed and the neighborhood's commercial corridors; and

WHEREAS, Llorente was a co-chair of the Adams Morgan Heritage Trail Project, working tirelessly for over three years to bring this important economic development and historical education project to our community, and to ensure that it remained true to our neighborhood ideals; and

WHEREAS, Llorente organized and led the tenant association at her longtime residence, the Promenade Apartments; and

WHEREAS, Llorente served as the 2002 precinct captain for the reelection campaign of Mayor Anthony Williams; and

WHEREAS, in recent years, Llorente was a familiar face at standout local retailer Skynear; and

WHEREAS, Llorente's no-nonsense ability to speak truth to power, her ability to get down to business, and the fact that her warm sentiment was never entirely masked by these other attributes will be sorely missed by ANC IC, Adams Morgan, and the District of Columbia at large;

NOW, THEREFORE, BE IT RESOLVED that Advisory Neighborhood Commission IC proudly commemorates the life and work of Carolyn Llorente and recognizes the tremendous contribution that she has made to our community; and

FURTHER RESOLVED, that ANC IC will investigate any opportunities to rename a neighborhood landmark in Llorente's honor; and

FURTHER RESOLVED, that ANC IC requests that the Council of the District of Columbia also take action to commemorate Llorente's record of service.

The resolution, as amended, was seconded, discussed and approved by role call vote:

YEA: Roth, Apostolides, Weaver, Moretti, Levy, Broaddus, Gibson, Coudriet
NAY: None

Commissioner Broaddus then opened discussions about the renewal of the liquor license for the Park Plaza Market. Commissioner Weaver then offered a resolution to protest the renewal:

***Resolution to Protest Renewal of the
ABC Liquor License of PARK PLAZA MARKET***

*WHEREAS, Kim Duk Young and Ki Sook trading as **Park Plaza Market** located at 1629 Columbia Road, NW, Washington, DC 20009, have filed an application with the ABC Board for renewal of their license;*

WHEREAS, said establishment falls in the jurisdiction of the Adams Morgan ANC (IC);

THEREFORE, BE IT RESOLVED, THAT ANC IC will protest the renewal of this license on the grounds of the adverse effect on peace, order, and quiet in the neighborhood.

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

YEA: Roth, Apostolides, Weaver, Moretti, Levy, Broaddus, Gibson, Coudriet
NAY: None

COMMISSIONER ANNOUNCEMENTS

Commissioner Broaddus announced that October 6 is International Walk-to-School Day. She also noted that DDOT will hold a public meeting on October 9 regarding the impact of trucks in the District.

Commissioner Weaver discussed some information he gathered doing a FOIA search on Lane Construction. He noted that the information he found was very troubling and that he will continue to research the situation and will further his results to the appropriate parties within the District government.

Commissioner Roth reminded those in attendance that October 6 is XXXXXXXXXX and that the city will collect hazardous waste on October 11 at Carter Baron Amphitheater.

ADJOURNMENT

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

The meeting adjourned at 10:15 p.m.