

ADVISORY NEIGHBORHOOD COMMISSION 1C

Adams Morgan

Minutes of September 8, 2004

A scheduled meeting of Advisory Neighborhood Commission 1C was held on Wednesday, Sept. 8, 2004 at the Third District Police Headquarters. ANC1C Chairman Alan Roth called the meeting to order at 7:05 p.m. Approximately 20 members of the public attended the meeting.

Attending were Commissioners Alan Roth (1C01), Nik Apostolides (1C02), Bryan Weaver (1C03), Mindy Moretti (1C04), Andy Miscuk (1C05), and Josh Gibson (1C07).

CHAIRMAN'S REPORT

In light of several departures from the Commission, Commissioner Roth, chair, offered a resolution to restructure the committees. The resolution was seconded, discussed and approved by voice vote.

Resolution Revising ANC Committee Assignments

WHEREAS, due to vacancies on ANC1C created by the resignations of two Commissioners, the number of sitting members on the ANC has been reduced from eight to six, and the number of Commissioners on one of its committees has been reduced from three to one, and

WHEREAS, it is therefore necessary and appropriate to revise the memberships of the committees for the duration of the ANC's term,

NOW THEREFORE, BE IT RESOLVED that the ANC committee chairmanships and memberships for the duration of the ANC's term shall be as follows:

ABC & Public Safety

Commissioner Weaver (chairperson)

Commissioner Moretti

Planning, Zoning and Transportation

Commissioner Gibson (chairperson)

Commissioner Roth

Public Services

Commissioner Miscuk (chairperson)

Commissioner Apostolides

TREASURER'S REPORT

Commissioner Apostolides, treasurer, moved the approval of the Third Quarter report. The motion was seconded and approved by voice vote.

CONSENT AGENDA

The following resolutions were approved by unanimous consent:

Resolution Regarding Bulletin Board Purchase

WHEREAS, on December 5, 2001, Advisory Neighborhood Commission 1C passed a resolution suggesting that a sample bulletin board be installed at the intersection of Lanier Place and Adams Mill Road, and that if that bulletin board was successful, others could be installed; and

WHEREAS, three years later, that bulletin board has survived in good condition, and seems to be used both by its host commissioner and other neighbors, as intended;

NOW, THEREFORE, BE IT RESOLVED; that Advisory Neighborhood Commission 1C authorizes an expenditure of \$615 for the purchase of one additional bulletin board; and

FURTHER RESOLVED, that this bulletin board will be installed at Champorama Park, located at the corner of Champlain Street and Kalorama Road; and

FURTHER RESOLVED, that any other Commissioners seeking the purchase and installation of a similar bulletin board in their Single Member District may do so by simple resolution, though prices are expected to change after the first of the year.

Resolution Supporting the Paving of the Alley Between Champlain Street and Ontario Road South of Kalorama Road, NW

WHEREAS, the vast majority of the property owners and/or residents abutting the alley located in Square 2562, located between Champlain Street and Ontario Road, south of Kalorama Road, NW, have signed a petition to the District Department of Transportation (DDOT) in support of repaving that alley; and

WHEREAS, the alley is located directly behind the Marie H. Reed Community Learning Center, and is used by children as a means of pedestrian access to the school on a daily basis; and

WHEREAS, the alley in question is in terrible condition, which has resulted in damage to residents' vehicles, drainage problems, and rodent infestations; and

WHEREAS, alley repaving would alleviate these problems and concerns; and

WHEREAS, this alley is neither a historic alley nor located within a historic district, making replacement of the existing brick or other non-concrete paving materials extremely unlikely given DDOT's budget constraints and current policies; and

WHEREAS, the petitioners have therefore agreed that in order to accomplish this project in the simplest and most expeditious manner it is acceptable for DDOT to remove and/or cover the existing brick and to use concrete or asphalt to resurface the alley;

NOW, THEREFORE, BE IT RESOLVED, that ANC1C supports the petitioners' request to DDOT for the repair and resurfacing of the alley located in Square 2562, between Champlain Street and Ontario Road, south of Kalorama Road, NW; and

FURTHER RESOLVED, that ANC 1C encourages DDOT to undertake this project with the greatest possible speed.

PUBLIC COMMENTS

A representative of Hope Tucker Stewart gave a brief introduction of the At-Large candidate for D.C. Democratic State Committee.

Lynn Taylor of 1700 V St., NW introduced herself as a candidate for ANC1C08.

Lisa Duperier provided an update on the plans for the upcoming Adams Morgan Day.

COMMITTEE REPORTS

Public Services

Commissioner Apostolides offered a resolution in support of modification plans for 1920 Belmont Rd., NW. The resolution was seconded, discussed and approved by voice vote.

Resolution Supporting HPRB Approval for Modification to 1920 Belmont Road, NW

WHEREAS, the DC Historic Preservation Review Board (HPRB) has requested comments from Advisory Neighborhood Commission 1C concerning an application for conceptual design review for construction at 1920 Belmont Road NW within the Kalorama Triangle Historic District, and

WHEREAS, the application has been reviewed and approved for ANC 1C's approval by its Public Services Committee,

NOW THEREFORE BE IT RESOLVED, that ANC 1C recommends approval of the conceptual design plans for the roof and rear of 1920 Belmont Road to the DC Historic Preservation Review Board, but also urges the applicant and HPRB to work ensure that appropriate roofing materials are used to the extent it would be aesthetically feasible and historically appropriate.

Commissioner Miscuk offered a resolution in support of grant funding for the Council of Latino Agencies. The resolution was seconded, discussed and approved by voice vote.

Resolution Providing a \$1,000 Grant for the Council of Latino Agencies

WHEREAS, The Council of Latino Agencies (CLA) has applied for \$1,000 in grant funding from ANC 1C in support of its efforts to conduct outreach in the Latino community of Adams Morgan, and

WHEREAS, the CLA will use the information obtained from youth and parents about the issues most relevant to their lives in order to connect them and others with services and opportunities to advocate for positive change.

NOW THEREFORE BE IT RESOLVED THAT, Advisory Neighborhood Commission 1C approves \$1,000 in grant funding for the Council of Latino Agencies to cover the direct costs of materials required to produce 175 tool kits for Latino parents and youth and 8 tool kits/training manuals for dialogue facilitators and community-based organization partners; these tool kits and training manuals will be targeted toward Latino residents of Adams Morgan and community based organizations located in and/or serving Adams Morgan residents.

Commissioner Apostolides offered a resolution supporting HPRB approval for modifications to 1934 Calvert St., NW. The resolution was seconded and discussed. Commissioner Roth offered a technical amendment that was seconded and approved by unanimous consent. The resolution, as amended was discussed and approved by voice vote.

***Resolution Supporting HPRB Approval for Modification to
1934 Calvert Street, NW***

WHEREAS, the DC Historic Preservation Review Board (HPRB) has requested comments from Advisory Neighborhood Commission IC concerning an application for conceptual design review for construction at 1934 Calvert Street NW within the Kalorama Triangle Historic District, and

WHEREAS, the application has been reviewed and approved for ANC IC's approval by its Public Services Committee,

NOW THEREFORE BE IT RESOLVED, that ANC IC recommends approval of the conceptual design plans last dated Aug. 4, 2004, as revised by the owner and presented to ANC IC for the front and rear of 1934 Calvert Street to the DC Historic Preservation Review Board.

Commissioner Miscuk provided an update on the “Western Market” arts market slated for the grounds of Marie Reed and noted that a voluntary agreement between the organizer and ANC1C was forwarded to DCPS.

Commissioner Miscuk announced that the next meeting of the Public Services committee will be on Monday, Sept. 27 at 7:30 p.m. at the Kalorama Recreation Center.

ABC & Public Safety

Commissioner Moretti offered a resolution to modify the existing voluntary agreement with Zinat, Inc. t/a Tom Tom and to withdraw ANC1C's protest of the establishment's liquor license. The motion was seconded, discussed and approved by voice vote.

***Amendment to Cooperative Agreement Concerning the
Issuance of License for Sale of Alcoholic Beverages***

Whereas Zinat, Inc. T/A Tom Tom, 2333 18th St., NW, has filed an application for renewal of its liquor license #60401,

Whereas the establishment falls within the boundaries of ANC IC, which has protested the renewal application on the grounds of adverse effect on peace, order, and quiet in the neighborhood,

Whereas Zinat, Inc. and ANC IC already have an existing Cooperative Agreement, and

Whereas Zinat Inc. and ANC IC desire to settle the current protest with an amendment to the existing Cooperative Agreement,

Now Therefore Be It Resolved, that the Cooperative Agreement signed on 15 April 2002 by and between Tom Tom, 2333 18th St., NW, and ANC 1C is hereby amended, this 8th day of September 2004, by adding the following items:

A) Applicant agrees that the front windows of the establishment and the front door, except for ordinary ingress and egress will be closed during the following hours:

*9 p.m. to closing Sunday through Thursday
10 p.m. to closing Friday and Saturday*

B) Applicant agrees to refrain from advertising drink specials on any sort of signage at the front of the premises. Signage includes but is not limited to “sandwich boards” and vinyl signs from distributors.

C) The parties agree that this amendment will be attached to the existing Cooperative Agreement between the parties, all other terms of which will remain in full force and effect.

Be It Further Resolved, that ANC 1C shall withdraw its pending protest to Zinat, Inc.’s renewal application upon approval by the Alcoholic Beverage Control Board of this Amendment to the Cooperative Agreement.

Commissioner Weaver announced that the next committee meeting would be held on Sept. 15, 2004 at 7:30 p.m. at the Kalorama Recreation Center.

Commissioner Weaver gave an update on the Las Placitas protest. He also gave an update on the Bukom Café protest and indicated that Bukom was making strides to rectify the problems outlined in the protest.

Sgt. Jeter provided a crime update to the Commission. He noted that there had been a steep increase in armed robberies in the neighborhood during the entire month of August and the first part of September. Several arrests had been made, but there were still quite a few open cases.

Planning, Zoning and Transportation

Commissioner Gibson announced that the next meeting of the PZT Committee will be Wednesday, Sept. 22 at 8 p.m. at the Third District Police Headquarters. The major topic of discussion will be the proposed Harris Teeter.

NEW BUSINESS

Commissioner Miscuk offered a resolution thanking former Deputy Mayor Margaret Nedelkoff Kellem for her service. The resolution was seconded, discussed and approved by roll call vote:

YEA: Roth, Apostolides, Weaver, Moretti, Miscuk, Gibson
NAY: None

Resolution Thanking Margret Nedelkoff Kellems For Her Service to the Community

Where as, Margret Nedelkoff Kellems served as The Deputy Mayor of Public Safety from 1999 until 2004 and;

Where as, her term of duties included many difficult challenges for the city, most notably the September 11th attacks and;

Where as, Ms. Kellems is a resident of Adams Morgan and;

Where as, Ms. Kellems even with the demands and difficulty of her position within city government, still found time to participate in community events and keep up with community concerns and;

Where as, Ms. Kellems served with integrity, distinction and with the best interest of the city in mind and;

Where as, her hard work and service to the city is deeply appreciated

Therefore be it resolved that The Adams Morgan ANC (ANC-1C) commends Margret Nedelkoff Kellems for her service and dedication to the city, thanks her for her outreach to the Adams Morgan neighborhood and wishes her luck in the future

Commissioner Miscuk made a motion to request the permission of the Commission to write a letter to the Metropolitan Police Department on behalf of the Commission, commending two officers for the work they recently did regarding a break-in. The motion was seconded, discussed and approved by voice vote.

Commissioner Moretti offered a resolution to protest the renewal of the liquor license for Santa Rosa at 2224 18th St. The resolution was seconded, discussed and approved by roll call vote:

YEA: Roth, Apostolides, Weaver, Moretti, Miscuk, Gibson
NAY: None

Resolution Protesting Renewal of Liquor License for Santa Rosa at 2224 18th Street, NW

Whereas Pleitez Inc. T/A Ercilia's, 2224 18th Street, NW, more commonly known as Santa Rosa Restaurant, has applied for renewal of its ABC License (Application No. 28792, License No. 25492), and

Whereas concerns have been voiced in the community regarding the volume of noise emanating from the nightclub operating on the second floor of the establishment, the potential impact on public drunkenness and safety of drink specials offered by said nightclub, the distribution on vehicle windshields and elsewhere of illegal postcard flyers that litter the neighborhood, the disposal of trash in the area behind the establishment, whether a duly trained and authorized ABC manager is on the premises at all times that alcohol is being served, the difficulty in locating the establishment's records at ABRA due to the use of corporate and trade names not commonly associated with the establishment, and various other concerns, and

Whereas said establishment falls in the jurisdiction of the Adams Morgan ANC (1C),

Now Therefore Be It Resolved, that ANC 1C will protest the renewal of this license on the grounds of the establishment's adverse effect on peace, order, and quiet in the neighborhood, with the intention of attempting to negotiate a revised cooperative agreement with the establishment addressing the concerns that have been expressed.

Commissioner Moretti offered a resolution protesting the renewal of the liquor license for Harambe Café at 1711 U St., NW. The resolution was seconded, discussed and approved by voice vote.

***Resolution Protesting Renewal of Liquor License for
Harambe Café at 1771 U Street, NW***

Whereas Hiwot Tekle T/A Harambe Café, 1771 U Street, NW, has applied for renewal of its ABC License (Application No. 23223, License No. 26146), and

Whereas concerns have been voiced in the community regarding the volume of noise repeatedly emanating from the establishment during regular live music performances, and

Whereas said establishment falls in the jurisdiction of the Adams Morgan ANC (1C),

Now Therefore Be It Resolved, that ANC 1C will protest the renewal of this license on the grounds of the establishment's adverse effect on peace, order, and quiet in the neighborhood, with the intention of attempting to negotiate a cooperative agreement with the establishment addressing the concerns that have been expressed.

Commissioner Weaver offered a resolution opposing the special exception for 1819 Belmont Rd., NW. The resolution was seconded, discussed and approved by roll call vote:

YEA: Roth, Apostolides, Weaver, Moretti, Miscuk, Gibson
NAY: None

***Resolution in Opposition to Special Exception Sought for
Roof Structure at 1819 Belmont Rd., NW***

WHEREAS, Montrose LLC, the owner/developer of 1819 Belmont Road, NW, has applied to the Board of Zoning Adjustment (BZA) for a special exception from the roof structure requirements of section 411 of the Zoning Regulations, and

WHEREAS, Montrose LLC seeks through this special exception application to avoid the effect of the BZA's recent unanimous decision in an appeal brought by the Kalorama Citizens Association and supported by Advisory Neighborhood Commission 1C, in which the BZA ruled that Montrose must comply with the Height of Buildings Act requirement that the roof structure in question "be set back from the exterior walls [by] distances equal to their respective heights above the adjacent roof",

NOW, THEREFORE, BE IT RESOLVED, that ANC 1C opposes the special exception sought by Montrose for this roof structure on the following grounds:

- 1) *The BZA lacks jurisdiction to grant a special exception from a statutory limitation under the Height of Buildings Act.*
- 2) *Montrose's claim under section 411.11 of the Zoning Regulations that full compliance would be "unduly restrictive, prohibitively costly, or unreasonable" is the result of Montrose's own self-inflicted harm as a result of its constant efforts throughout the duration of this project to evade compliance with the Height of Buildings Act.*
- 3) *Montrose cannot comply with the requirement in section 411.11 "that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely" in order to receive a special exception.*
- 4) *The special exception sought by Montrose fails to meet the general test for special exceptions in section 3104.1 of the Zoning Regulations, in that the roof structure in question will "tend to affect adversely the use of neighboring property" and it is not "in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps".*

BE IT FURTHER RESOLVED, that ANC 1C may be represented before the BZA in this special exception case by the Commissioner for Single Member District 1C08, the Chairperson of the ANC's Planning, Zoning, and Transportation Committee, and/or the Chairperson of ANC 1C.

Commissioner Moretti made a motion to send a letter to ABRA in support of a stipulated license for Blue Fin Sushi, a new C/R establishment. The motion was seconded, discussed and approved by voice vote.

The Commission then discussed possible topics for the Sept. 20, 2004 forum. Commissioner Miscuk moved that the forum topic be an open mic night. The motion was seconded, discussed and approved by voice vote.

Commissioner Gibson offered a resolution regarding an affordable housing lottery for units at 1700 Kalorama Rd., NW. The resolution was seconded and discussed. Cynthia Giordano, an attorney representing the developer at 1700 Kalorama requested assistance from the ANC on conducting the BZA mandated affordable housing lottery. Commissioner Roth moved that further discussion of the resolution be postponed until the Oct. 6, 2004 meeting. The motion was seconded, discussed and approved by roll call vote:

YEA: Roth, Apostolides, Miscuk
 NAY: Weaver, Gibson
 Abstain: Moretti

Commissioner Weaver made a motion to permit the ABC Committee Chair to write a letter to the ABC Board in support of the renewal of the Little Fountain Café's liquor license. The motion was seconded, discussed and approved by voice vote.

Commission Miscuk made a motion to support the \$1,000 grant application for the Sitar Center. The motion was seconded, discussed and approved by roll call vote:

YEA: Roth, Apostolides, Weaver, Moretti, Miscuk

NAY: None

Abstain: Gibson

ADJOURNMENT

Commissioner Moretti made a motion to adjourn. The motion was seconded and approved by voice vote at 10:18 p.m.