

Advisory Neighborhood Commission 1C

Adams Morgan

Minutes of October 5, 2005

A regularly scheduled meeting of Advisory Neighborhood Commission 1C was held on Wednesday, Oct. 5, 2005 at Mary's Center at 2355 Ontario Rd., NW. Alan Roth, chairman, called the meeting to order at 7:06 p.m. Approximately 35 members of the public were in attendance.

In attendance were Alan Roth (1C01), Jon Canty (1C02), Bryan Weaver (1C03), Mindy Moretti (1C04), Andy Miscuk (1C05), and Lynn Taylor (1C08).

SECRETARY'S REPORT

Commissioner Moretti, secretary, made a motion to approve the minutes from the September 7, 2005 meeting. The motion was seconded, discussed and approved by voice vote.

TREASURER'S REPORT

Commissioner Canty, treasurer, reported that the ANC has \$74,353 in the bank. Commissioner Canty moved the adoption of the FY06 budget. The motion was seconded, discussed and approved by voice vote. *(A copy of the approved budget is attached.)*

CONSENT AGENDA

The following items were approved by unanimous consent:

- \$20.00 reimbursement to Commissioner King for expenses associated with the ANC's September Youth Summit
- \$26.65 reimbursement to Commissioner Roth for blueprints of construction plans for building permit at 1825 Vernon Street, NW (see resolution below).

PUBLIC COMMENTS

Casey Callister with District Sports commented on the state of the playing field at Walter Pierce Park and asked for the Commission's help with the situation.

COMMISSIONER ANNOUNCEMENTS

- Commissioner Weaver commented on development of the First Church of Christ Scientist, the sale of the Bell Building (Miss Pixie's, Little Shop of Flowers, etc.) and the importance of inclusionary zoning. He encouraged the public to get involved.
- Commissioner Canty noted that the Partnership for Prescription Assistance will have a bus tour in late October that will make a stop in Adams Morgan.
- Commissioner Taylor announced that she will be holding a meeting about the ongoing construction issues in her SMD.

- Commissioner Roth provided an update on the status of the naming of Llorente Park and noted that the bill would have a hearing on Oct. 18 before the Committee of the Whole.
- Commissioner Moretti announced the upcoming ABC & Public Safety Committee Officer Appreciation Night on Wednesday, Oct. 12 at 7:30 p.m. at the Blue Room.
- Commissioner Miscuk announced that after several years of hard work that the repairs on the Quarry steps were almost complete. He also announced the fall clean up at Kalorama Park on Saturday, Oct. 13 and a fundraiser for Help DC Help DC to support the event.

GUEST SPEAKER

Professor Mark Mack with Howard University provided a presentation about his concerns and plans for involvement with the community garden area of Walter Pierce Park that is the site of a former African-American cemetery and the current site of a potential erosion project. In addition to Mr. Mack, members of the public also made comments on the project and the potential for community involvement.

COMMITTEE REPORTS

A. Public Services Committee

Commissioner Miscuk provided a wrap-up of the September youth summit.

Commissioner Miscuk made a motion to approve a grant for \$1,000 for Help DC Help DC to purchase and install a slate walk, boulder, and birdbath in Champorama Park. The motion was seconded, discussed and approved by voice vote.

Commissioner Miscuk made a motion that ANC1C write a letter in support of the continuance of the permit for the Western Market at the Marie Reed Learning Center. The motion was seconded, discussed and approved by voice vote.

Commissioner Miscuk announced that the next meeting of the Public Services Committee will be on Monday, Oct. 24, 2005 at 7:30 p.m.

B. MPD Report

Lt. Gottert provided the Commission with a crime update and noted that overall crime in PSA 303 was down. He noted that detectives in 3D have a good idea who is responsible for many of the recent robberies in PSA 303, but that they do not yet have enough to make an arrest. Lt. Gottert provided the Commission with an update on the follow up to the fight in Pierce Park during Hoopin' in the Hood. He also commented on the status of MPD in the schools and that work was ongoing to determine if there is another after hours club operating in the neighborhood.

C. ABC & Public Safety Committee

Commissioner Weaver commented that the suspect who had been under arrest for the murder at 1815 Adams Mill — an illegal after hours club — had been released for lack of evidence.

Mahari Woldemariam provided the Commission with information about his public space application for Columbia Station and Heaven & Hell. Because there were still many questions about the application, the Commission asked Mr. Woldemariam to clarify his application with city officials and then come back to the ANC for further discussions.

Commissioner Weaver offered two resolutions en bloc regarding Juanita’s. The resolutions were seconded and discussed. Commissioner Miscuk asked for division of the questions. The first resolution, recommending denial of additional ABC sale hours to Juanitas’, was discussed and failed on a tie roll call vote:

YEA: Roth, Canty, Taylor
NAY: Weaver, Moretti, Miscuk

The second resolution, requesting amendment of the ABC statute regarding late hours for retail beer and wine sales, was discussed and approved by roll call vote:

YEA: Canty, Weaver, Moretti, Miscuk
NAY: Roth, Taylor

Resolution Recommending Amendment of the ABC Statute Regarding Late Hours for Retail Beer and Wine Sales

WHEREAS, as the result of an application to the Alcoholic Beverage Control Board from a Class B licensee in Adams Morgan for permission to sell beer and wine until midnight, Advisory Neighborhood Commission 1C has studied the requirements of D.C. Official Code §§ 25-722 and 25-303(c)(1)-(3), which govern such applications, and

WHEREAS, it appears that the effect of the current statute is to favor large and medium-sized grocery chains over small grocery stores and other Class B licensees such as delis and carry-outs, and that the statute discriminates unfairly against and among various types of small businesses holding the same class of ABC license, and places them at a competitive and regulatory disadvantage,

NOW, THEREFORE, BE IT RESOLVED, that without prejudice to any future position of ANC 1C in support of or opposition to extending ABC sale hours for Class B licensees, ANC 1C calls upon the District of Columbia Council to amend the current law to establish a level playing field for all Class B licensees with respect to beer and wine sale hours so that no Class B licensee is competitively disadvantaged relative to the large retail grocery chains that are the obvious beneficiaries of the current provisions, and be it

FURTHER RESOLVED, that this request will be communicated by ANC 1C to Ward One Councilmember Jim Graham, Chairperson of the Committee on Consumer and Regulatory Affairs, which has jurisdiction over the ABC statutes.

D. Planning, Zoning and Transportation

The next meeting of the PZT Committee will be Oct. 19 at 7:30 p.m. at the Third District Police Headquarters. Items on the agenda include the Harris Teeter zoning variance, a residential parking proposal from a member of the community, a new development on Euclid Street; and a proposed ANC petition to downzone the areas along 18th Street and Columbia Rd.

NEW BUSINESS

Commissioner Moretti offered a resolution supporting a thorough study of the areas of Walter Pierce Park that formerly served as an African-American Cemetery and are now part of a soil-erosion control project. The resolution was seconded, discussed and approved by roll call vote:

YEA: Roth, Canty, Weaver, Miscuk, Moretti, Taylor

NAY: None

Resolution Supporting a Careful Archeological Study of the Community Garden Area of Walter C. Pierce Community Park

Whereas, the land that makes up Walter C. Pierce Community Park has a rich and diverse history, including: having been owned by John Quincy Adams and his heirs for more than a half-century; having been the location of Washington's first Quaker cemetery, founded in 1807; having been the site of Cliffburne Barracks, a Civil War hospital and headquarters of the Invalid Corps; and having been the location from 1870 to 1890 of the Colored Union Benevolent Association Cemetery, an African American cemetery, and

Whereas, although an unknown number of remains were disinterred from the Quaker and African American cemeteries at several times between 1890 and 1960, it is highly likely there are more remains and grave goods buried in the park, and

Whereas Walter C. Pierce Community Park falls within the boundaries of ANCIC, and

Whereas, a planned soil-erosion-prevention project led by the D.C. Department of Parks and Recreation with funding from the U.S. Department of Agriculture could result in the unintentional disruption of graves and artifacts that remain in Walter C. Pierce Community Park, particularly in the area of the community garden, and

Whereas, biological anthropologist Mark Mack of Howard University has offered to carefully survey the soil-erosion-project area with students and volunteers, and to oversee the respectful treatment of any remains and grave goods, in keeping with Howard University's mission to serve the D.C. community, and

Whereas, the Adams Morgan neighborhood recognizes that Mark Mack's experienced leadership would result in greater community understanding and appreciation for our city's heritage, particularly its African American heritage.

Now Therefore Be It Resolved that ANCIC endorses a thorough study of the Walter C. Pierce Park soil-erosion project area by Mark Mack of Howard University, with the participation of students and volunteers to begin as soon as possible before soil-erosion prevention efforts disrupt the landscape further.

And, Be It Further Resolved that ANCIC calls on the D.C. Department of Parks and Recreation, the U.S. Department of Agriculture and all invested city and federal agencies to provide ANCIC with a full accounting of all work done-to-date and all future plans including budgetary elements for the soil-erosion project in Walter C. Pierce Community Park.

Commissioner Roth, chair, passed the gavel to Commissioner Moretti, secretary and then offered a resolution of thanks to former Commissioner Josh Gibson. The resolution was seconded, discussed and approved by roll call vote:

YEA: Roth, Canty, Weaver, Moretti, Miscuk, Taylor
NAY: None

Resolution of Commendation and Thanks to Former ANCIC Commissioner Josh Gibson

WHEREAS, Josh Gibson served on Advisory Neighborhood Commission 1C as a Commissioner from January 2001 through September 2005, and

WHEREAS, during his service on ANC 1C, Commissioner Gibson served in various leadership roles, including Treasurer from January 2001 to December 2002, Vice-Chairperson from January 2003 to December 2004, and Chairperson of the Planning, Zoning and Transportation Committee from September 2004 to September 2005, and

WHEREAS, Commissioner Gibson served in these volunteer positions with distinction, integrity, and the best interests of the community in mind, and in addition worked on other neighborhood projects and organizations, including the creation of Champorama Park at the corner of Kalorama Road and Champlain Street, NW, service on the Sitar Center board of directors, and being named the first executive director of the Adams Morgan Business Improvement District, and

WHEREAS, proving the old adage that “love conquers all” – even blind political ambition – Commissioner Gibson moved out of his Single Member District 1C07 to be with his fiancé Sara Pluta, thus requiring him to resign from his ANC seat as of September 7, 2005, and

WHEREAS, his hard work and service to ANC 1C and the Adams Morgan community has been deeply appreciated,

NOW, THEREFORE, BE IT RESOLVED, THAT Advisory Neighborhood Commission 1C commends Commissioner Gibson for his devotion and dedication to the Adams Morgan community, thanks him for his service to ANC 1C, congratulates him on his engagement and upcoming marriage, and wishes him and Sara every success in their future endeavors.

Commissioner Weaver gave an update on the show cause hearing for Fasika’s. Although the ABC Board had yet to rule on the establishment, Commissioner Weaver anticipated that changes to the Voluntary Agreement between ANC1C and Fasika’s would need to be made.

Commissioner Roth offered a resolution to support filing an appeal against a recently issued building permit for work at 1825 Vernon Street. The resolution was seconded, discussed and approved by voice vote:

YEA: Roth, Canty, Weaver, Moretti, Miscuk, Taylor
NAY: None

Resolution Authorizing Filing of Appeal Against Building Permit Issued at 1825 Vernon Street, NW

WHEREAS, 1825 Vernon Street LLC, the owner of 1825 Vernon Street, NW, located within the boundaries of Advisory Neighborhood Commission 1C, has obtained Building Permit No. B474628 from the Department of Consumer and Regulatory Affairs (DCRA) for the "Modification/Projection, Alteration, and Repair" of said building, and

WHEREAS, the building permit, among other things, provides for the "interior build-out of [the] unfinished basement with four apartment units," which will require the removal of an existing concrete floor beneath an apartment building with approximately 16 living units, almost all of which are currently occupied by tenants, and

WHEREAS, it appears to ANC 1C that the existing building is a non-conforming structure within the meaning of the Zoning Regulations in that it already exceeds the maximum 1.8 floor area ratio (FAR) and 60% lot occupancy allowed in this R-2-B District, and

WHEREAS, the plans submitted by the owner to DCRA appear to call for the full or partial removal of the berm in front of the building to create new basement entrances at or below the adjacent finished grade, which suggests that these alterations will increase the existing non-conformities, and

WHEREAS, the owner's plans and drawings raise important issues concerning zoning as noted above, as well as the right of the tenants to the habitability and quiet enjoyment of their premises, and

WHEREAS, the building permit, dated "6/09/05", is not posted on the premises in a location visible to the public as required by law, and did not come to ANC 1C's attention until receipt from DCRA of a print-out entitled "Building Permits Issued July 2005" (in which the date of the permit is stated to be "7/5/2005"), in an envelope postmarked August 15, 2005, and

WHEREAS, section 3112.2(a) of the Zoning Regulations requires an Appeal of a building permit to be filed "within sixty (60) days from the date the person appealing the [permit] 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," meaning that the deadline for appealing this building permit might be held by the Board of Zoning Adjustment (BZA) to expire as early as October 15, 2005,

NOW, THEREFORE, BE IT RESOLVED, that ANC 1C hereby authorizes the Chairperson to file on ANC 1C's behalf an Appeal with the BZA of this and any other building permits that have been or may hereafter be issued with respect to 1825 Vernon Street, NW in order to protect the rights and interests of the tenants and the surrounding community in the location's R-2-B zoning.

Commissioner Moretti made a motion that ANC1C write a letter to the D.C. Department of Parks and Recreation to support future permit applications for the World Adult Kickball Association (WAKA). The motion was seconded, discussed and approved by voice vote.

Commissioner Weaver made a motion to send a letter to DDOT requesting that the re-bricking of the alley behind 1910 Calvert Street, NW should be done in FY06 and not at a later date because of mix-ups at DDOT. The motion was seconded, discussed and approved by voice vote.

ADJOURNMENT

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

ANC 1C FY 2006 Budget

Budget Items	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
Grants	\$1,000.00	\$12,000.00											
Other	\$225.00	\$225.00	\$225.00	\$225.00	\$250.00	\$225.00	\$2,725.00						
-- ANC Security Fund					\$25.00								\$25.00
-- Meeting Space	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$1,200.00
-- Storage space	\$125.00	\$125.00	\$125.00	\$125.00	\$125.00	\$125.00	\$125.00	\$125.00	\$125.00	\$125.00	\$125.00	\$125.00	\$1,500.00
Postage and Delivery	\$50.00	\$0.00	\$0.00	\$110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110.00	\$0.00	\$0.00	\$0.00	\$270.00
-- PO Box				\$110.00					\$110.00				\$220.00
-- Postage	\$50.00												\$50.00
Printing and Copying	\$200.00												\$200.00
Telephone Service	\$40.00	\$480.00											
Training	\$400.00												\$400.00
Incidental to Duties*	\$0.00	\$0.00	\$0.00	\$0.00	\$1,650.00	\$0.00	\$1,650.00						
SMD 1C01					\$100.00								\$100.00
SMD 1C02					\$100.00								\$100.00
SMD 1C03					\$100.00								\$100.00
SMD 1C04					\$100.00								\$100.00
SMD 1C05					\$100.00								\$100.00
SMD 1C06					\$100.00								\$100.00
SMD 1C07					\$100.00								\$100.00
SMD 1C08					\$100.00								\$100.00
ANC Chairman					\$150.00								\$150.00
ANC Secretary					\$150.00								\$150.00
ANC Treasurer					\$150.00								\$150.00
Committee Chairman 1					\$100.00								\$100.00
Committee Chairman 2					\$100.00								\$100.00
Committee Chairman 3					\$100.00								\$100.00
Committee Chairman 4**					\$100.00								\$100.00
Total by Month	\$1,915.00	\$1,265.00	\$1,265.00	\$1,375.00	\$2,940.00	\$1,265.00	\$1,265.00	\$1,265.00	\$1,375.00	\$1,265.00	\$1,265.00	\$1,265.00	\$17,725.00

Expected Income Breakdown	Base Amount	Frequency	Total Income		
Quarterly Allotments	\$5,876.33	4	\$23,505.32		
Monthly Interest	\$5.50	12	\$66.00		
Total			\$23,571.32	Surplus / Deficit	\$5,846.32

* **Incidental to Duties**

Expense related to the normal execution of the position: Copying, printing, consumable office supplies, postage, parking and cab fare.

****Committee Chairman**

Although there are 3 committees the budget allows for the creation of another committee