

Please note: In addition to the text and vote counts of the official actions taken by the Commission, these minutes may contain summaries of comments that were made and discussions that took place at the meeting. Such summaries are not intended to be a verbatim account of the meeting.

Advisory Neighborhood Commission 1C
Adams Morgan
Minutes of April 1, 2015

I. Call to Order and Introduction of Commissioners

A regularly scheduled meeting of Advisory Neighborhood Commission 1C was held on April 1, 2015 at Mary's Center. Chair Simpson called the meeting to order at 7:02 pm. Approximately 40 members of the public attended. In attendance were Commissioners Hector Huezo (1C02), Ted Guthrie (1C03), Alan Gambrell (1C05), Billy Simpson (1C06), Wilson Reynolds (1C07), and Jon Marc Buffa (1C08).

II. Officers' Reports

a. Chair's Report

i. Special Election for Single Member District 01

Chair Simpson reported that two individuals have signed up to run to represent Single Member District ANC 1C-01, which is currently vacant. He said a special election would be held during the May 6 ANC 1C monthly meeting at Mary's Center and introduced the two candidates, Eric Clifton and Julie Seiwel, who were both present at the meeting. Following the recommended procedure, the candidates' names were selected from a hat to determine which name would be listed first on the ballot. Julie Seiwel's name was selected to be listed first, followed by Eric Clifton's name.

Chair Simpson then moved to adopt the rules for administering the special election.

Commissioner Guthrie seconded the motion. Commissioner Huezo commented that the model rules allow for a shorter time frame for voting in the special election, but Commissioners had determined to extend it to a two-hour window to be as inclusive as possible. Commissioners then voted 6 to 0 to adopt the special election rules.

Advisory Neighborhood Commission 1C
Special Election Procedures to Fill the Vacancy in SMD 01

Date and Place of the Election: *The election will be held during the regularly scheduled monthly meeting of ANC 1C on **May 6, 2015**. The meeting will be held at **Mary's Center, 2355 Ontario Road NW**.*

Eligibility to Vote: *The election will be open to registered voters of SMD 01 only. Potential voters must present themselves at the polling place and must have either a BOEE voter identification card showing that they are registered to vote in SMD 01 or be listed as a voter in SMD 01 on the voter registration list provided by the Board of Elections and Ethics (BOEE).*

The Candidates: *The order of the names on the ballot will be decided by a drawing on **April 1, 2015**. On the day of the election, each candidate will be given a place outside the meeting room at which they or their representatives will be able to greet voters and answer questions. No electioneering will be permitted inside **Mary's Center** or on the entrance walkway leading into the building. Ballots may only be cast for candidates certified by the BOEE; in accordance with the ANC law there will be no write-ins.*

Eligibility of Voters: *As voters enter the meeting room, they will be checked to determine whether their name is on the BOEE voter registration list or whether they have a voter identification card indicating they are registered in SMD 01. If their name is on the list, they will enter their signature on the list opposite their name. Those whose names are not on the list but who have a voter*

identification card will enter their names, addresses, and signatures on a separate sheet. Those whose names are not on the list and who also do not have a voter identification card will not be given a ballot.

Voting: Casting of ballots, supplied by the ANC, will commence at **7:00 pm**. A ballot box will be placed in the meeting room where it can be observed by all present at the meeting. The candidates or their representatives may check the ballot box before voting begins to assure that it is empty. Each candidate will be permitted one observer (the candidate or a designee of the candidate) to observe the voting process, but the observer will not be permitted to interrupt or interfere with the voting, and will not be permitted to communicate directly or indirectly with any voter. All ballots must be placed in the ballot box or returned to the election manager, who will make note of the returned ballot and the reasons for it. The election manager will have authority to replace spoiled ballots. The Chairperson shall appoint the election manager. Voting will continue until the polls close at **9:00 pm**. Anyone still in line waiting to register at **9:00 pm** will be allowed to vote if otherwise qualified.

Counting the Votes: The ballot box will remain closed until the polls have closed. After the voting ends, the ballot box will be opened, and the votes will be counted by at least two impartial vote counters. The candidates or their representatives may observe the counting of the votes. The results will then be submitted to and read aloud by the Chairperson of the ANC. The election manager will report to the Commission any unresolved issues not addressed by these rules. The Commission will take action to resolve these issues before the end of the meeting. In the event of a tie vote, in accordance with the DC Official Code, the candidates or their proxies will cast lots (e.g. draw slips of paper from a box or flip a coin) to determine the winner. In the event of any incident or occurrence that threatens the conduct or fairness of the election or the vote count, the election manager will be authorized to suspend the balloting or counting of ballots.

Filling the Vacancy: Following the results of the election, the ANC will vote on a resolution stating the name of the winner and asking the Board of Elections to declare the vacancy filled.

b. Secretary's Report

Secretary Guthrie announced that the minutes for the Lanier Heights Zoning Special Forum are posted on the ANC 1C website and will be voted on at the May 6 ANC 1C monthly meeting. He urged interested members of the public to review the minutes and to contact him if they have corrections.

Secretary Guthrie then moved for approval of the draft minutes for the March 4, 2015 monthly ANC 1C meeting. Commissioner Reynolds seconded the motion that then passed by a vote of 6 to 0.

c. Treasurer's Report

Treasurer Gambrell reported that the long-delayed payments from the DC Auditor's office have been released for all four quarters of 2014.

Chair Simpson made a procedural motion to add to the agenda consideration of funding for translating and photocopying documents related to Marie Reed modernization, without the typical two-week advance notice on the basis that not doing so would be adverse to the community. Commissioner Huezo seconded the motion. Commissioner Buffa commented on the importance

of getting this on the agenda. The Commissioners then voted 6 to 0 to add to the agenda consideration of funding for translation and copying.

Chair Simpson noted that the draft recommendations document would soon be ready for review and that he hopes members of the public including parents of school children will read through the proposals and comment on them. He said that translating the document into Spanish will make it accessible to more people.

Chair Simpson moved to approve spending up to \$2000 for translation and photocopying of documents related to the Marie Reed modernization. Commissioner Huezo seconded the motion. Commissioner Buffa asked if there are sufficient funds currently available in the budget for this. Treasurer Gambrell answered that with the past checks now received from the DC Auditor there are sufficient funds in the ANC 1C account. The Commissioners then voted 6 to 0 to approve making up to \$2000 available for translation and copying of Marie Reed modernization documents.

III. Commissioner Announcements/Comments

a. Upcoming Meeting Agendas for April

- Chair Simpson reported that the times and agendas for ANC 1C Committee meetings were printed on the back of this meeting's agenda which was available on the back table.
- Commissioner Buffa noted that the date for the special forum concerning Marie Reed modernization is Monday, April 20th (not Wednesday as it appears on the back of the agenda).
- Commissioner Guthrie noted that there would be no April meeting of the ABC and Public Safety Committee and that on the usual meeting date, April 8, the Principal at Marie Reed had scheduled a forum for teachers and parents to provide input on modernization.
- Commissioner Huezo announced that the Public Services and the Environment Committee would not hold its regular meeting on Wednesday, April 22, but that the full Commission would hold a special forum on Marie Reed modernization on Monday April 20.
- Commissioner Buffa said there is a large agenda for the April 15th meeting of the Planning, Zoning, and Transportation Committee. He said the agenda includes two new development projects and drop-off/ pick-up parking for a daycare center.

b. Other Commissioner Announcements

- Commissioner Huezo reported that work is continuing with the DC Office of Planning on the Envision Adams Morgan project. He noted that the Neighborhood Profile has been posted on the ANC 1C website and information on open houses will be posted once it is available.
- Commissioner Huezo also announced that he would lead a neighborhood walk-through on Saturday, April 11 starting at 10 am to pick up trash and to note where repairs are needed. He also thanked the City and the Mayor's Office for all the work they have done in Kalorama Triangle, including fixing potholes, replacing signs, trimming trees, and removing graffiti.
- Commissioner Gambrell noted that the planning process continues on further improvements to the 16th Street bus line. He reported that a public meeting was held on March 31 in Mount Pleasant on next steps in the process and said members of the public could contact him for more information.
- Commissioner Guthrie reported that the city's first marijuana seed exchange was held last month in Adams Morgan.

IV. Public Announcements / Comments (2 minutes each)

- Keith Parsons from the Office of DC Attorney General Karl Racine, and an Adams Morgan resident, gave an overview on the Attorney General's initiatives and provided materials on the back table.
- Claudia Barahona, Constituent Services Director for Councilmember Brianne Nadeau, announced that a Ward 1 town hall meeting would be held with WASA on Tuesday, April 7 from 6:30 to 8:30 pm at Tubman Elementary School to discuss water issues.
- Benedicte Aubrun asked if anything could be done to require better dust containment as the old City Paper building is demolished. Chair Simpson said District enforcement agencies have been informed.
- Ben Case, Ward 1 Community Liaison for Mayor Bowser, said that a movie production crew would be filming on 18th Street on Monday, April 6. Kristen Barden, Executive Director of the Adams Morgan Partnership BID, added information about the filming.
- Ken Leiner, parent of an Oyster Adams student, announced that the school would be holding a Tropical Dance Party on Sunday, May 17 at Adams Middle School from 1 to 7 pm to raise funds for student programs.
- Casandra Sanchez, liaison to Ward 1 for DC Public Schools, said she was attending the meeting to listen and to bring any concerns back to DCPS. She provided information about enrollment deadlines and about students chosen for an exchange program with Croatia.

V. Scheduled Business

a. ABC and Public Safety

i. Restaurant alcohol license application by Two Tails, LLC

Commissioner Guthrie said he was pleased to report that ANC 1C was able to reach a proposed agreement with the owners of a new restaurant planned for the new building going up at 1827 Adams Mill Road NW. The three owners and managers introduced themselves and described plans for their restaurant which they hope to open in late Fall. In answer to questions from Commissioners and the public, the owners said the food will be Mediterranean inspired; the price range will be moderate; the entrance will be on Lanier, but loading will be done from the alley; there will be no outdoor seating; and, they will use sealed containers for trash in an enclosed trash room to prevent rat problems.

Commissioner Guthrie noted that the proposed settlement agreement with Two Tails, LLC has also been agreed to by the Kalorama Citizens' Association and moved that ANC 1C adopt the settlement agreement. Commissioner Reynolds seconded the motion. Commissioner Guthrie noted that it is always pleasant to work with reasonable people who are on the same wave-length for what is desirable for the neighborhood. He added that the owners are not requesting valet parking, so they are hoping for walk-in and public transportation customers, and they are not seeking an entertainment endorsement. Chair Simpson noted that staying on top of alcohol issues is a constant demand of time in Adams Morgan and that this appears to be one of the exceptional cases where residents have been contacting Commissioners calling for this business to be welcomed rather than calling with concerns.

Several neighbors from Lanier Street said they look forward to the restaurant opening.

The Commissioners adopted the settlement agreement by a vote of 6 to 0.

Settlement Agreement

AGREEMENT, made this 1st day of April, 2015, by and between Two Tails LLC (hereinafter "Applicant"), Advisory Neighborhood Commission 1C (hereinafter "ANC 1C"), and the Kalorama Citizens Association (hereinafter "KCA"), witnesseth:

Whereas, Applicant has applied for a class CR license (No. 98033) for its new restaurant, to be located at 1827 Adams Mill Road, NW, Washington, DC, 20009.

Whereas, the parties desire to enter into an Agreement whereby Applicant will agree to adopt certain measures to address the concerns of ANC 1C and KCA and to include this Agreement as a formal condition of its application, and ANC 1C and KCA will agree to the approval of such license provided that such Agreement is incorporated into the Board's order approving such application,

Now, therefore, in consideration of the mutual covenants and undertakings memorialized herein, the parties hereby agree as follows:

1. Nature of Establishment

At all times, the Applicant shall operate with the primary purpose of food preparation and consumption. Applicant shall maintain a menu featuring, but not limited to, a selection of hot, cooked food items. Menus with food selections will be offered to patrons. The kitchen shall be staffed and maintained with sufficient food supplies and remain open and operational until one (1) hour prior to closing.

2. Entertainment

The parties agree and acknowledge that Applicant has not applied for an Entertainment Endorsement on this license.

3. Hours of Operation

Sunday through Thursday: 8 am - 1 am

Friday and Saturday: 8 am - 1:30 am

Exceptions to the stated hours shall be granted for:

a.) Days designated by the ABC Board as "Extended Hours for ABC Establishments" or "Daylight Savings Time Extension of Hours" - Applicant may operate for one additional hour (that is, one hour later);

b.) In the event the Council of the District of Columbia or the ABC Board grants licensees in general extended operating hours for specific occasions, such as Inauguration or World Cup, Applicant may avail itself of such extended hours; and

c.) On January 1 of each year Applicant may operate for one additional hour.

It is understood between the parties that the above specified opening and closing times represent maximum hours and not a requirement, but may be used at the discretion of the Applicant. Although its application included a request for a Sidewalk Cafe, Applicant agrees to withdraw that portion of the application and agrees that it will not be operating any outdoor seating on public or private space.

4. Occupancy

Interior capacity seating will not exceed the interior seating capacity as specified in the Certificate of Occupancy: 90 seats. The total occupancy load will not exceed 99 as specified in the Certificate of Occupancy.

5. Noise

Applicant acknowledges familiarity with and agrees to comply with all applicable noise-control provisions of District of Columbia law and regulations, including, but not limited to:

a.) Preventing emissions of sound, capable of being heard outside the premises, by any amplification device or other device or source of sound or noise, in accordance with D.C. Official Code section 25-725. Further the Applicant agrees to abide by all relevant provisions of the D.C. Noise Control Act of 1977 (D.C. Law 2-53), including 20 DCMR, Chapters 27 and 28, as amended.

b.) The doors and windows of the premises will be kept closed at all times during business hours when music is being played, or a sound amplification device is being employed in the premises, except when persons are in the act of using the door for ingress to or egress from the premises.

c.) Applicant agrees not to place outside in the public space any loudspeaker, tape player, CD player or other similar device, or to place any inside speaker in such a way that it projects sound into the public space.

d.) Amplified sound from inside will not be audible at surrounding residential housing areas.

6. Trash/Garbage/Rodents

a.) Applicant shall deposit trash in the interior trash room of the building in which the restaurant is located and maintain regular trash/garbage removal service. Applicant shall deposit trash and garbage only in rodent-proof containers, and shall see that container covers fit properly and remain fully closed except when trash or garbage is being added or removed. Applicant will make every reasonable effort to eliminate food sources for rodents and help eliminate the rat population.

b.) Applicant agrees to segregate and recycle bottles and glass refuse from trash and agrees to make reasonable efforts to minimize noise associated with the disposal of bottles and glass refuse in the trash containers between the hours of 11:00 p.m. and 8:00 a.m.

c.) Applicant agrees not to place or cause to be placed any fliers, handbills or other similar advertisements in the public space, specifically on lampposts, street signs or any vehicle parked in the public space.

d.) Applicant will provide for the proper removal of grease and fatty oils from the establishment and will not deposit grease or fatty oils in the trash containers.

7. Exterior including public space

a.) Applicant shall assist in the maintenance of the space in front of the establishment to at least 18 inches outward from the curb as needed to keep them free of trash and to remove snow and ice from the sidewalk and comply with all applicable D.C. laws and regulations in these respects.

b.) Applicant acknowledges that Lanier Place is predominantly a residential street, and shall make every reasonable effort to prevent or disperse patrons from gathering or loitering or causing noise or other disturbance in front of the establishment, as they arrive in advance of opening, during business hours, and as they depart at closing.

8. Third Party Events

Applicant agrees to operate the establishment under the terms of its license and will not rent out the establishment to third parties for events where the owner or an ABC licensed manager is not present and managing the business.

9. Bar/Pub Crawls

Applicant agrees not to promote or participate in organized bar or pub "crawls," "tours," or similar events.

10. Consideration of Neighbors

Licensee will encourage employees and patrons to be considerate of neighboring residents at all times. Licensee will encourage employees and patrons leaving the establishment to keep conversations and noise down from 11:00 p.m. to 7:00 a.m.

11. Modification

This Agreement can be modified only the ABC Board, or by mutual agreement of all the parties with the approval of the ABC Board. In the case of ANC 1C, any modification must be approved by a majority of the commissioners at a duly noticed public meeting, a quorum being present.

12. Regulations

In addition to the foregoing, Applicant shall operate in compliance with all applicable laws and regulations. Further, nothing in this Agreement shall preclude ANC 1C or KCA from filing an objection to any request by the Applicant to the Board of Zoning Adjustment.

13. Availability of Settlement Agreement

Applicant agrees to keep available at all times a copy of this Agreement at its establishment and shall familiarize all employees with its conditions.

TWO TAILS LLC

By: Three Donkeys LLC, Managing Member

By: _____
Jill M. Tyler, Managing Member

KALORAMA CITIZENS ASSOCIATION

By: _____
Denis James, President

ADVISORY NEIGHBORHOOD COMMISSION 1C

By: _____
Ted Guthrie, Chair, ABC/Public Safety Committee

b. Planning, Zoning, and Transportation

i. Public Space for Summer Concert Series

Kristen Barden, Executive Director of the Adams Morgan Partnership BID, gave an update on the 7th Annual Summer Concert Series planned for four Saturday afternoons in May and two in June

from 5 to 7pm on the plaza in front of the BB&T bank. She said a variety of bands are scheduled to play and one date is still available. Chair Simpson confirmed that they were requesting a letter of support addressed to the District Department of Transportation for a public space permit for the use of the plaza.

Commissioner Huezo asked if there are any public safety concerns. Ms. Barden said a public safety officer will be there during the concerts, but they have had no problems in the past. Commissioner Reynolds noted that the concerts are held in his Single Member District and he has watched it grow over the years. He said people really enjoy it and he is happy to support it.

Commissioner Buffa moved that ANC 1C issue a letter of support for the Summer Concert Series. Commissioner Reynolds seconded the motion that passed by a vote of 6 to 0.

ii. Board of Zoning Adjustment Case 18980

Commissioner Buffa, Chair of the Planning, Zoning, and Transportation Committee, moved a proposed resolution to support a Board of Zoning Adjustment appeal by neighbors of 1636 Argonne Place NW to (i) have space designated as a cellar be re-designated as a basement and thereby count against floor area ratio, and (ii) obtain a recalculation of gross floor area and thereby of allowable floor area ratio. The proposed resolution was recommended by the PZT Committee and so did not require a second.

Commissioner Gambrell provided background on the case and explained that there are a number of errors in the plans and permits that were granted for converting a single family home into a 4-unit building 1636 Argonne Place NW. He said when it was brought to the attention of the DC Department of Consumer and Regulatory Affairs that the floor area ratio (FAR) was over the limit for the R-5-B zoning district, DCRA at first issued a stop-work order but later lifted it.

Commissioner Gambrell explained that since the builder was now proceeding with the original plan, an appeal was submitted to the Board of Zoning Adjustment to dispute DCRA's determination and to call for enforcement of regulations for the floor area ratio, lot occupancy, and gross floor area. He said that it is crucial to insist on enforcement of current zoning regulations because other developers are watching the outcome of this case.

Commissioner Buffa thanked Commissioner Gambrell for laying out the issue so clearly. He reiterated that it's a question of following the law and setting precedent for other developers. He added that they are seeing some egregious errors in these calculations of area. Commissioner Buffa also said that there would be time for neighbors to comment.

Ron Baker, a Lanier Heights resident, asked what happens when DCRA makes a mistake and builders rely on that – does the building have to be torn down. Commissioner Gambrell said that the goal is to have the law enforced and it will be BZA's decision, but that if construction is out of compliance it has to come down. Commissioner Buffa added that this should especially be the result if false representation was made in order to get the permit. Commissioner Gambrell also pointed out that the case is against BZA, not against the developer.

Another member of the public asked about the amount of leeway there is in enforcing the regulations. Commissioner Gambrell answered that the determinations made in this case are not within that leeway.

One member of the public asked how this case would be impacted if changes are made to R4 zoning, and another member of the public asked about the process for R4 changes. It was answered that it is not clear what will happen, but the zoning change would first have to become law.

Hugo Roell, a local architect, said he reviewed the plans for this project and saw a number of problems. He said many similar projects present construction safety issues and insufficient parking. He added that DCRA is overworked and is approving projects in error.

Claudia Barahona, of Councilmember Brianne Nadeau's office said the Councilmember agrees that DCRA needs to be better-staffed.

Other members of the public raised the issue of fire escapes not being provided on buildings of over 4 stories.

Commissioner Buffa thanked Commissioner Gambrell again for a well-reasoned resolution and said he hopes it will have the desired effect. Commissioners then passed the resolution to support the appeal by a vote of 6 to 0.

***ANC1C Resolution to Support BZA Appeal 18980 by
Argonne Place Residents***

Whereas, Residential Zoning District R-5-B (covering most of Adams Morgan) has a FAR limit of 1.8 and a lot occupancy limit of 60%.

Whereas, District of Columbia DCMR zoning regulations rely on key definitions of terms such as Floor Area Ratio (FAR), lot occupancy, Gross Floor Area (GFA) and parking.

Whereas, International Building Codes establish standards to ensure quality and safety of construction.

Whereas, the District of Columbia is not consistently following established methods (perimeter wall method and grade plane method) for determining the lower level square footage as either cellar or basement for, respectively, exclusion or inclusion in GFA and therefore, FAR.

Whereas, in December 2014, in response to Argonne Place neighbor concerns shared and documented over several months regarding potential zoning violations at the subject property, 1636 Argonne Place NW, DCRA issued a Stop Work Order after determining that the subject property's FAR was 2.07, over the prescribed FAR limit for R-5-B.

Whereas, DCRA subsequently reversed the above ruling in mid December 2014, stating that the property was now in compliance with the 1.8 FAR limit as a result of issuance of a building permit revision allowing an alteration of the finished grade to redefine the lower level as a cellar and thus not countable in FAR.

Whereas, 15 Argonne Place neighbors (Concerned Citizens of Argonne Place) submitted a Board of Zoning Adjustment (BZA) appeal of the above ruling in February 2015, disputing DCRA's determination of FAR and lot occupancy of the subject property, citing two errors: incorrect designation of the lower level as a cellar (thus excluding this square footage from GFA and FAR) and incorrect GFA building area calculations (which affect FAR and lot occupancy determinations).

Whereas, failure to enforce zoning and building code regulations on the subject property will set a flawed precedent for similar and identical properties in Adams Morgan and other neighborhoods in the District of Columbia.

Be It Resolved, that ANC 1C supports BZA appeal #18980 filed by the Concerned Citizens of Argonne Place.

Be It Further Resolved, that the Chair of ANC 1C shall be authorized to communicate this resolution to the Board of Zoning Adjustment.

Finally Be It Resolved that ANC 1C authorizes Commissioner Alan Gambrell to submit this resolution to the BZA and to represent ANC 1C before the BZA in connection with this matter.

iii. Proposed development at 1724 Kalorama Road NW

Commissioner Buffa moved a proposed resolution to oppose the application for a parking variance at 1724 Kalorama Road NW on the basis that it does not meet zoning regulation requirements for receiving a variance. He explained that the developers have stated that they are planning to withdraw their application, but the Commission should vote anyway since confirmation of the withdrawal has not yet been received. The resolution was recommended by the Planning, Zoning, and Transportation Committee, so the proposed motion did not require a second.

Chair Simpson noted that the variance requirements are clear and that this project fails to satisfy them. Parking requirements are a function of how many units are planned, so the developers can satisfy the parking requirements by choosing to provide a smaller number of more reasonably sized-units rather than attempting to pack the building with micro-units.

Ken Leiner, a neighbor who lives next to the proposed project, said that the plan, which provides for only 7 parking spots instead of the required 16 spots, would have a negative effect on the neighborhood. He also said that the developers never reached out to the neighbors.

Another member of the public asked about the proposed height of the building. Chair Simpson said that parking was the only variance the developers are seeking, although skepticism has been expressed about the accuracy of other components of the BZA application.

Denis James, President of the Kalorama Citizens Association, asked whether the proposed building exceeds floor area ratio limits. Chair Simpson said the developers claim they would not be exceeding FAR limits. He added that it appears that the inclusionary zoning requirements of the Reed Cooke Overlay can be superseded if the general inclusionary zoning regulations would require a greater amount of inclusionary zoning.

Commissioners then voted to pass the resolution by a vote of 6 to 0.

Proposed Resolution for 1724 Kalorama Road NW

Resolved that the Planning, Zoning, and Transportation Committee of ANC1C recommends that the Commission oppose the application filed by Murillo Malnati Group (the "Applicant") with the Board of Zoning Relief for variance relief from parking requirements with respect to its proposed development at 1724 Kalorama Road NW. The subject property fails to satisfy the requirements for variance relief set forth in DC Municipal Regulations 11-3103. In particular:

(i) The property does not have exceptional narrowness, shallowness, or shape, or exceptional topographical conditions, or other extraordinary or exceptional situations or conditions that would inhibit the Applicant from complying with the parking requirements. Rather, any challenges the Applicant faces with respect to parking are derived entirely from two choices that the Applicant is proposing to make. First, the Applicant is proposing to build over existing parking spaces on the property. And second, the Applicant is proposing to subdivide the building into an inappropriately high number of small units. No parking relief would be needed if the Applicant simply builds a more reasonable number of more reasonably-sized units.

(ii) The strict application of the existing zoning would not result in peculiar or exceptional practical difficulties to the Applicant. Rather, the Applicant faces the same parking requirements as every other developer in the District, and the Applicant can readily satisfy those requirements by preserving the existing parking, and by building a more reasonable number of more reasonably-sized units.

(iii) To grant the requested relief would impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. There is a significant public policy debate taking place in the District about what level of parking should be required for residential developments. But unless and until that debate is resolved with a revision to the zoning regulations by the Zoning Commission, then the current regulations apply. If the Applicant is allowed to choose its way around the regulations by building over existing parking, and by selecting a unit count that is inconsistent with the parking requirements, then every developer would become entitled to make those same kinds of choices. Approval of this application would fundamentally undermine the ability of zoning officials to require others to remain in conformity with the parking requirements that apply to their properties.

iv. Construction issues at 1828 Ontario Place NW

Chair Simpson reported that the owners of 1828 Ontario Place NW asked to move their matter to the next meeting.

v. Relocation of curb cut at 2341 Ontario Road NW

Commissioner Reynolds reported that consideration of the curb cut at 2341 Ontario Road was moot for now and could be removed from the agenda.

vi. Lanier Heights R-4 rezoning – Application to the Zoning Commission

Chair Simpson made a procedural motion to include on the agenda consideration of an application to the Zoning Commission regarding Lanier Heights rezoning, without the typical two-week advance notice, on the basis that not doing so would be adverse to the community. Commissioner Buffa seconded the procedural motion that then passed by a vote of 5 to 0. (Commissioner Reynolds had stepped out of the room at the time of the vote.)

Chair Simpson then moved that ANC 1C join as a party to the application prepared by Lanier Heights residents to have portions of their community rezoned to R-4. Commissioner Gambrell seconded the motion.

Chair Simpson noted that the neighbors filing the application had asked for support from ANC 1C last year and, after a series of meetings and forums on the issue, the Commissioners voted unanimously in December 2014 to support the proposed zoning change. He added that when these neighbors were submitting their application they learned there would be a \$16,000 filing fee, but that if the ANC joins the filing, the fee will be waived. Chair Simpson then suggested that since the Commission voted unanimously to support the application, it makes sense that the Commission would also join as applicants.

Commissioner Buffa said the \$16,000 fee almost makes it impossible for neighbors to petition for a zoning change. He said the fee was outrageous and the Commission should offer support to these neighbors. Commissioner Reynolds noted that in March the Commission joined with neighbors on Ontario Road in submitting an application and it is the right thing to do in this case as well. Commissioner Huevo said he supports this resolution because government services should be open to all, and fees like this are quashing public voices.

Commissioner Guthrie noted that perhaps the fee structure is intended to ensure a petition is not being filed by just a few neighbors, but by the neighborhood in general. He added that it would be helpful if Councilmember Nadeau looked at this matter.

Chair Simpson agreed that while there was overwhelming support in the neighborhood for the zone change, fees such as this may serve the function of confirming that support to the government. However, where an ANC has joined an application, the ANC's support can serve that function and so the fee should be waived.

Denis James asked whether the fees are described in the regulations and it was answered that they are.

One neighbor said that the group has already spent \$3200 to get copies of plats. He said they took up a collection to get the plats from the DC government just to submit them back to the DC government.

Ron Baker, a Lanier Heights neighbor, said that if the support is widespread, the petitioning group could have easily raised the money for the fee. He argued that the rezoning is going to take tens of millions of dollars worth of potential development from those who oppose the change. Mr. Baker also noted that the support is for the old R-4 zone which may be undergoing changes.

Commissioner Guthrie said that despite repeated requests at the forums and meetings, speakers voiced their support for R-4 zoning without regard to whether it was the new R-4 or old R-4. He said it seems clear that the support and opposition will line up the same.

Mr. Baker said that the new height limit would be lower than many current homes in Lanier Heights.

Commissioners then voted 6 to 0 to join the Lanier Heights R-4 rezoning application to the Zoning Commission.

VI. Adjournment

Commissioner Buffa moved to adjourn at 8:44 pm. Commissioner Huevo seconded the motion which passed unanimously.