

ADVISORY NEIGHBORHOOD COMMISSION 1C

Adams Morgan

Minutes of January 5, 2005

A regularly scheduled meeting of Advisory Neighborhood Commission 1C was held on Wednesday, January 5, 2005 at the Third District Police Headquarters. Outgoing Vice Chairman Josh Gibson called the meeting to order at 7:07 p.m. Approximately 40 members of the public attended the meeting.

In attendance were: Alan Roth (ANC1C01), Jon Canty (ANC1C02), Bryan Weaver (ANC1C03), Mindy Moretti (ANC1C04), Andy Miscuk (ANC1C05), Graham King (ANC1C06), Josh Gibson (ANC1C07) and Lynn Taylor (ANC1C08).

SWEARING IN

Councilmember Jim Graham (Ward One) presided over the swearing-in of the new elected and re-elected commissioners.

ELECTION OF INTERIM SECRETARY

Commissioner Moretti was nominated and elected to serve as the Interim Secretary to serve during the election of the officers.

ELECTION OF OFFICERS

Commissioner Roth was nominated and elected to serve as Chair by a roll call vote:

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

NAY: None

The following commissioners were nominated and elected by unanimous consent to serve as the other officers of ANC1C:

Vice Chair — Commissioner Graham King

Secretary — Commissioner Mindy Moretti

Treasurer — Commissioner Andy Miscuk

SECRETARY'S REPORT

Commissioner Moretti, secretary, moved the approval of the December 1, 2004 minutes. The motion was seconded, discussed and approved by voice vote.

Commissioner Moretti offered a resolution approving the meeting schedule for the coming year for ANC1C. The resolution was seconded, discussed and approved by voice vote:

Resolution on ANC1C Meeting Schedule for 2005

Be It Resolved that Advisory Neighborhood Commission 1c adopts the following meeting schedule for 2005, subject to future changes by the Commission or the call of special or emergency meetings as provided in the Commission bylaws:

Monthly Business Meetings (1st Wednesday – 7:00 pm): January 5, February 2, March 2, April 6, May 4, June 1, July 6, August 3, September 7, October 5, November 2, and December 7.

Quarterly Public Forum Meetings (3rd Tuesday except December – 7:00 pm): March 15, June 21, September 20, and December 13 (2nd Tuesday).

Commissioner Moretti offered a resolution approving the use of ANC1C's Web site (www.anc1c.org) as a means to advertise regularly scheduled ANC meetings. The resolution was seconded, discussed and approved by voice vote:

Resolution Approving Use of ANC1C Web Site as a Form of Providing Notice of Meetings

Be It Resolved, that Advisory Neighborhood Commission 1C hereby approves the use of its website at www.anc1c.org as one of the two methods of providing public notice of its meetings as required by D.C. Code § 1-309.11(c).

TREASURER'S REPORT

Commissioner Miscuk, treasurer reported that ANC1C had been notified that the Auditor's office had released the 2005 first quarter funds for use.

Commissioner Miscuk offered a resolution approving the change of names on the ANC's bank account to reflect the newly elected Executive Committee. The resolution was seconded, discussed and approved by voice vote:

Resolution Regarding Authorized Agents for Bank of America Checking Account

WHEREAS, the individuals with current signing authority on the Advisory Neighborhood Commission 1C checking account are the officers of the Commission that served from January 2003 through December 2004, and

WHEREAS, a new Commission was elected in November 2004 and took office on January 5, 2005, and

WHEREAS, the Commission elected new officers on January 5, 2005,

NOW, THEREFORE, BE IT RESOLVED, that the following individual(s) be removed as authorized check signers from the Commission's checking account:

- *Josh Gibson, Vice Chairperson*
- *Nik Apostolides, Treasurer*

FURTHER RESOLVED, that the following individuals shall be listed on the Commission's checking account as authorized check signers:

- *Alan Roth, Chairperson*
- *Graham King, Vice Chairperson*
- *Mindy Moretti, Secretary*
- *Andrew Miscuk, Treasurer*

Commissioner Miscuk offered a resolution to approve the payment of \$25 to the ANC Security Fund. The resolution was seconded, discussed and approved by voice vote:

Resolution Authorizing Payment to ANC Security Fund

Be It Resolved, that Advisory Neighborhood Commission 1C approves participation in the Advisory Neighborhood Commission Security Fund and authorizes the Treasurer to pay the \$25.00 fee for the period January 1, 2005 to December 31, 2005, and be it

Further Resolved, that the Chairperson, Secretary, and Treasurer are authorized to execute the applicable ANC Security Fund agreement provided by the District of Columbia.

Commissioner Miscuk offered a resolution to approve routine monthly expenses for ANC1C including the payment of a phone bill and for storage. The resolution was seconded, discussed and approved by voice vote:

Resolution Authorizing Payment of Routine Expenses

Be It Resolved, that until adoption of a fiscal year 2005 budget, Advisory Neighborhood Commission 1C hereby authorizes the Treasurer to pay the following recurring and routine monthly expenses:

- *Not to exceed \$40 per month to Verizon Communications for telephone service*
- *Not to exceed \$120 per month to Storage USA for storage of Commission documents, furniture, and other property.*

Further Resolved, that with no fiscal year 2005 budget having been adopted by the outgoing Commission during the first quarter, and following review of the invoices and payments made to Verizon and Storage USA during the first quarter for the above purposes, Advisory Neighborhood Commission 1C hereby approves the payment of those routine expenditures during the months of October, November, and December 2004.

CHAIRPERSON’S REPORT

Commissioner Roth, chair, offered a resolution regarding 2005 committee structure and assignments for ANC1C. The resolution was seconded, discussed and approved by voice vote:

2005 Committee Structure and Assignments

Be It Resolved, that Advisory Neighborhood Commission 1C adopts the following committee structure, rules of operation, jurisdictions, and assignments for calendar year 2005, subject to such revisions as the Commission may make from time to time:

STRUCTURE AND RULES:

3 committees with 3 ANC Commissioners on each;

2 Commissioners constitutes a quorum for conducting committee business.

The Commission Chairperson or Vice-Chairperson may substitute on any committee in case of an absence.

Each committee will use Robert’s Rules of Order when debating and voting on formal resolutions or other recommendations to be brought before the full ANC; other committee proceedings may be conducted more informally, in the discretion of the committee chairperson.

Public notice of committee meetings must be given at an ANC meeting, on the ANC website, by posting of flyers in conspicuous locations throughout the ANC IC area, or by posting of notice on the Adams Morgan List Serv. Committee chairpersons and members are encouraged to use more than one form of notice so that community members without Internet access may be informed.

Each committee may include up to 3 non-Commissioner members who are residents of ANC IC. They may speak and participate in debate on committee issues, but may not vote. Each resident assignment must be approved by the full Commission upon nomination by a Commissioner. At the request of the committee chairperson, one of these resident members may be designated by the Commission as the “community co-chair.” A resident may serve on only one ANC committee.

Committee meetings will be held as determined by the committee chairperson, but not in conflict with a full ANC meeting. Best efforts will be made to avoid time and location conflicts with other committee meetings, or with established and regular meetings of neighborhood civic associations.

JURISDICTIONS AND MEMBERSHIP:

ABC and Public Safety Committee

ABC Licensing; Business Regulation and Permits; Public Safety (Police, Fire, EMS); Public Space and Zoning related to ABC Establishments

Members: Weaver (Chairperson); Moretti; Roth

Public Services Committee

ANC Grants to Non-Profit Organizations; Arts and Culture; Education; Health and Human Services; Historic Preservation; Parks and Recreation; Public Works and Sanitation

Members: Miscuk (Chairperson); Canty; King

Planning, Zoning and Transportation Committee

Housing; Parking; Planning; Public Space (other than ABC-related); Signage (other than HP-related); Transportation and Traffic; Zoning

Members: Gibson (Chairperson); Taylor; Weaver

Commissioner Roth offered a resolution to approve the location of ANC1C’s books and records. The resolution was seconded, discussed and approved by voice vote:

Resolution Designating Location of Commission Books and Records

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

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

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

- (1) The home of the Treasurer, for books and records relating to ANC 1C’s finances;*
- (2) The home of the Secretary, for minutes, copies of official correspondence, and related documentary records of ANC 1C; and*

(3) The home of the Chairperson or applicable Committee Chair, for official documents relevant to pending or recent ANC or Committee business; and be it

FURTHER RESOLVED that upon request of the D.C. Auditor or as otherwise required by law, a designated custodian above shall make appropriate arrangements for the inspection of such ANC books, records, and documents at the custodian's home or at the Kalorama Park Recreation Center, at reasonable hours and for reasonable periods of time; and be it

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

CONSENT AGENDA

The following item was approved by unanimous consent:

Designation of Commission Liaisons

BE IT RESOLVED, that Advisory Neighborhood Commission 1C hereby designates the following Commissioners to serve as the Commission's liaisons for the purpose of maintaining ongoing communication, resolving issues that do not require Commission action, and reporting back to the Commission on matters requiring Commission action:

- *To the Commission's Webmaster: Commissioner Lynn Taylor*
- *To the Office of Historic Preservation: Commissioner Jon Canty*

PUBLIC COMMENTS

Rick Rybeck with DDOT briefly discussed the proposed use of public parking spaces for car-sharing in District neighborhoods. He announced the extension of the comment period until January 31. Chris Homan asked for the Commission's assistance with excessive noise problems from ongoing construction projects at 17th and Kalorama.

COMMITTEE REPORTS

ABC & Public Safety

Sgt. Moye provided the Commission and members of the community with an update on the crime statistics in the neighborhood. For the month of December there were: 17 robberies, 4 burglaries, 12 stolen autos and 24 thefts from auto.

Sgt. Moye announced that a foot beat, operating Tuesday through Saturday from 5 p.m. to 1 a.m. would be added to the area of 17th and Euclid. Sgt. Moye also discussed his intentions to send a memo to businesses in the 2300 and 2400 block of 18th St. that MPD will begin strongly enforcing noise and delivery times in the alley on the eastern side of 18th St. In closing Sgt. Moye noted that New Year's Eve in Adams Morgan was very quiet and therefore very successful.

Planning, Zoning & Transportation

Commissioner Gibson announced that the next meeting of the PZT Committee would be held on Wednesday, Jan. 19, either at 7 or 7:30 p.m.

Commissioner Gibson noted that the major business of the committee of late had been the proposed Harris Teeter MOU and that the earliest ANC vote of any sort would be at the March meeting.

Public Services

Commissioner Miscuk announced that the next meeting of the Public Services Committee will be Jan. 24th at 7:30 p.m. at Kalorama Rec. The only pending item at this time is a grant application from the Community of Hope.

NEW BUSINESS

Commissioner Moretti moved the approval of a Voluntary Agreement with Safeway to obtain a “B” license for their store on Columbia Rd., NW. Ed Tippett, district manager spoke on behalf of Safeway. The motion was seconded, discussed and approved by voice vote.

Charles Fishman, a homeowner, explained his application for a variance and special exception to allow for a rear addition to an existing row house on Mozart Place. Commissioner King moved that ANC1C recommend approval of the application. The motion was seconded, discussed and approved by voice vote.

Attorney Chris Collins discussed a zoning variance application for the Embassy of Lithuania. A representative from the Embassy discussed why the addition to the Embassy was necessary. Commissioner King moved that ANC1C recommend approval of the application. The motion was seconded, discussed and approved by voice vote.

Commissioner Gibson resolved that ANC1C designate the members of the Planning, Zoning and Transportation Committee, as well as any other interested commissioner, to participate in the D.C. Department of Transportation’s working group on possible one-way and related street direction changes in conjunction with the proposed Citadel redevelopment project. The resolution was seconded, discussed and approved by voice vote.

Commissioner Weaver offered a resolution to protest the reclassification of The Reef’s “C/R” license to a “C/T” license. The resolution was seconded, discussed and approved by voice vote:

Resolution Opposing the Reclassification of The Reef’s Class “C” Restaurant License to “C” Tavern License

Whereas, Perculus, Inc T/A The Reef, 2442 18th Street, NW, has filed an application to change its license (No. 50475) from a class from Retailer’s Class “C” Restaurant to retailer’s Class “C” Tavern,

Whereas, said address falls within the jurisdiction of ANC1C, and

Now, therefore let it be resolved, that ANC1C opposes this license reclassification on the grounds that it would adversely affect the peace, order and quiet of the neighborhood.

Commissioner Weaver made a motion that ANCIC write a letter in support to the ABC Board for a stipulated license so The Reef can remain open to serve Sunday brunch. The motion was seconded and discussed. Commissioner Roth offered an amendment that the letter include language that the change to The Reef’s license hours to allow for brunch be permitted without the need for a full-fledged substantial change application. The amendment was seconded, discussed and approved by unanimous consent. The motion, as amended was discussed and approved by voice vote.

In light of the new committee structure for the Council of the District of Columbia, which puts Ward One Councilmember Jim Graham at the head of the Consumer and Regulatory Affairs Committee, Commissioner Weaver offered a resolution urging the council to introduce and approve legislation closing the “95/5” loophole. The resolution was seconded, discussed and approved by roll call vote:

YEA: Roth, Canty, Weaver, Moretti, Miscuk, King, Gibson
NAY: None
ABSTAIN: Taylor

***ANCIC Supports DC Council Bill 15-133 “Rental Housing Conversion and Sale Act”
Without Exceptions of Properties***

Whereas, Ward One Council member of the District of Columbia, Jim Graham has been appointed as the New Chair for District of Columbia’s Committee on Consumer and Regulatory Affairs;

Whereas, Council member Jim Graham has been a supporter of Affordable Housing, Tenant Rights and Preserving Diversity;

Whereas, Council Bill 15-133 has sat in the Committee on Consumer and Regulatory Affairs for over two years without being brought to the full council for a vote;

Whereas, ANC 1 C has voted to support Bill 15-133 that would amend the Act to restore tenants’ opportunity to purchase their building when the owner decides to sell;

Whereas, Currently, many landlords are taking advantage of a loophole in the Rental Housing Conversion and Sale Act to deny tenants their right to purchase;

Whereas, Tenants’ rights to purchase are triggered under the Act whenever a property is put up for “sale.” The definition of “sale” was amended in 1994 so that tenant protections only apply when an owner transfers his entire interest in a property within a 12-month period. Transfers of less than 100% interest are not considered a “sale” under the current definition;

Whereas, Relying on the “100% transfer” requirement, building owners are transferring part of their property interests without providing tenants with the opportunity to purchase their homes. Typically, owners transfer 95% of their interest initially and surrender the remaining 5% after the 12-month period expires. Most affected tenants receive no notice of the transfer until after it has been completed;

Whereas Since May 2000, at least 125 buildings have been sold without giving tenants the right to purchase --- several within the boundaries of ANCIC. These transfers are happening across the city, affecting both large and small properties;

Whereas, Tenant purchase is critical to promoting homeownership in the District. Without the triggering of the “sale” provision, tenants do not receive advance notice that control of the property is being transferred and are cut out of the purchase process. Affected tenants lose the benefits of homeownership, including residential stability, long-term affordability, and the chance to build wealth;

Whereas, The tenant purchase law enables renters to have some control over the fate of their buildings and communities. Even if they don’t purchase the property, they can help choose a responsible, committed owner and arrange for long-term affordability;

Whereas, Owners started using the loophole when the city’s housing market started heating up. Now new owners are raising rents, taking steps to vacate the properties to redevelop them, or discontinuing their residential use. Many affected tenants are long term residents who are ultimately forced out of areas where housing costs are escalating, losing the chance to benefit from the development taking place in their neighborhoods;

Whereas, Bill 15-133 contains an exception denying tenants in federally subsidized buildings the right to purchase when a new owner is refinancing the property and will maintain affordability. The Council should pass the bill without the exception, and provide the same opportunity to all tenants in the city;

***BE IT RESOLVED**, that ANC 1C urges Committee Chair Jim Graham and his colleagues Kwame R. Brown, David A. Catania, and Adrian Fenty to allow Bill 15-133 to be voted on by the Committee Of the Whole of the Council of the District of Columbia, and to enact Bill 15-133, without excepting any properties, to preserve tenants’ first right to purchase whenever a controlling interest in a property is transferred;*

***BE IT FURTHER RESOLVED**, that ANC 1C authorizes the Chair or a Commission designee to speak before the Council or other body on this matter.*

Commissioner Weaver offered a resolution on Zoning Case No. 04-33, inclusionary zoning overlay. The resolution was seconded, discussed. Commissioner Weaver made a motion to postpone further consideration of the resolution until the February 2nd meeting. The motion was seconded, discussed and approved by voice vote. The resolution will be considered under Unfinished Business on February 2nd.

COMMISSIONER ANNOUNCEMENTS

Commissioner Miscuk reminded those in attendance that the Public Services Committee will meet on January 24th at 7:30 p.m. at the Kalorama Rec. Center.

Commissioner Taylor announced that she will be at each ANC meeting 30 minutes before the scheduled start of the meeting so constituents can meet with her if necessary.

Commissioner Weaver announced that the ABC & Public Safety Committee will begin its meetings at 7 p.m. instead of 7:30 with the ABC portion of the meeting going from 7 to 7:30 p.m.

Commissioner Roth reminded not only the Commission, but also members of the public that each Commissioner has a mailbox in the office at the Kalorama Rec. Center.

ADJOURNMENT

Commissioner Moretti moved for adjournment. The motion was seconded and the meeting adjourned at 9:38 p.m.