

ADVISORY NEIGHBORHOOD COMMISSION 1C

Adams Morgan

Minutes of June 1, 2011

A regularly scheduled meeting of Advisory Neighborhood Commission 1C was held on June 1, 2011 at Mary's Center. Chairman Wilson Reynolds called the meeting to order at 7:00 pm. Approximately 18 members of the public attended.

In attendance were Martis Davis (1C02), Olivier Kamanda (1C03), Gabriela Mossi (1C04), Steve Lanning (1C06), and Wilson Reynolds (1C07).

SECRETARY'S REPORT

Commissioner Reynolds moved for the approval of the May 2011 minutes. Corrections were made as friendly amendments. The motion was seconded, discussed and approved by voice vote.

TREASURER'S REPORT

Commissioner Reynolds informed the commission on the current bank balance and provided an update on the status of the allotments.

GUEST SPEAKERS

Dr. Joy Phillips, Associate Director with the DC Office of Planning presented on the population changes between Census 2000 and 2010 for the Nation and the District of Columbia, Wards and selected ANCs.

White population is now 38.5% of the total District population, and increase of 31.4 %. The District experienced a loss of Blacks, with a decline of 11.1%. However, Blacks remain a majority with 50.7% population (down from 60%). By ethnicity, the Hispanic or Latino population grew from 7.9% to 9.1%.

Tom Pipkin reported on the 18th St. reconstruction project. Work continues on removing street car tracks and putting in new water mains between Kalorama Road and Florida Ave. There is no further work north of Kalorama until after Adams Morgan Day. Work will also continue to complete the Florida and 18th St. intersection.

PUBLIC ANNOUNCEMENTS AND COMMENTS ON NON-AGENDA ITEMS

Kristen Barden from the BID announced the Summer concert series.

Lisa Duperier announced several Adams Morgan initiatives.

COMMITTEE REPORTS

A. ABC & Public Safety

- Commissioner Kamanda announced the next meeting of the ABC & Public Safety Committee will take place Thursday, June 9 at the Kalorama Recreation Center at 7:00 PM. The meeting is being moved from the regular Wednesday date to accommodate the PSA 303 meeting.

B. Public Services

- Commissioner Davis announced the next meeting will be held on June 29 at the Kalorama Recreation Center at 7 p.m.
- Commissioner Davis made a motion to provide a grant for \$1,000 to the Young Playwrights Theater.

Where as The Young Playwrights have raised the awareness of young people to the power of Theater and has been publicly acknowledged for their program the PSC Committee has voted to approve a grant for one thousand dollars in support of their efforts.

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

- Commissioner Reynolds made a motion to provide funds for the Marie Reed Elementary School graduation ceremonies for \$294.83.

Motion in Support of Graduating Students of Marie Reed Elementary

Motion is made that ANC 1C support the graduating activities of the Marie Reed Elementary School by providing \$294.83 to cover expenses for Student Incentives, Decorations and non-consumable Reception items.

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

C. PZT Committee

- Commissioner Reynolds announced the next meeting is Monday, June 6 at 7 p.m. at Kalorama Recreation Center.

NEW BUSINESS

- Commissioner Lanning offered a Resolution supporting DC Statehood,

ANC1C

RESOLUTION ON STATEHOOD

Whereas this nation is founded on the belief that all people are endowed with certain inalienable rights and that to secure these rights, governments are instituted, deriving their just powers from the consent of the governed;

Whereas the rights of the residents of the District of Columbia are denied when the U.S. Congress imposes its will on local matters and abrogates our voting representation on federal issues in both houses of the U.S. Congress;

Whereas the people of the District of Columbia are the only Americans who still bear all of the responsibilities of citizenship, but who do not enjoy all of the rights of citizenship, including local sovereignty and representation in both houses of Congress, making the District, in effect, a colony under Congressional jurisdiction;

Whereas statehood will ensure that residents of the District of Columbia enjoy full sovereign rights in state and local matters, voting representation in both houses of the U.S. Congress, and an unrestricted vote for President, just like every other citizen of the United States of America, and is a matter of simple justice;

Therefore be it resolved that ANC 1C urges the District of Columbia Democratic State Committee and the Republican State Committee to demand that their respective National Committees endorse statehood for the District of Columbia and put D.C. statehood back into the National Party platforms;

Be it further resolved that ANC 1C demands the Congress to use its powers under Article IV, Section 3 of the United States Constitution and admit the District of Columbia as the 51st State of the Union.

Approved by the ANC 1C _____, 2011

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

- Commissioner Kamanda offered a Motion in opposition to ABRA application by Vida/Capitol City Brewing

Motion for ANC 1C to Protest Application of Class ‘C’ License by

Capitol City Brewing Company, License No.ABRA-086789

Motion is made that ANC 1C does protest application for a Class ‘C’ license by Capitol City Brewing Company, License No.ABRA-086789 on the grounds of:

Adverse affect on the peace, order and quiet of the community; and

Adverse effect on parking and pedestrians safety; and

Finally Moved that: The Chair, Members of the ABC and Public Safety Committee, and Single Member District 08 Commissioner of ANC 1C are hereby authorized to represent ANC 1C on all matters before the ABC Board on the Application for a Class ‘C’ License by Capitol City Brewing Company, License No.ABRA-086789.

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

- Commissioner Reynolds offered a Resolution in support of expediting sidewalk repairs at 2418 17th St., NW.

Resolution in Support of Expediting Sidewalk Repairs at 2418 17th St., NW

Whereas between 2008 and 2009 the sidewalks in front of 2412, 2418, 2422 and 2424 17th St., NW were rebuilt in brick, and

Whereas delivery trucks serving the Harris Teeter grocery store enter the loading zone of Harris Teeter on the East side of the 2400 block of 17th St., NW, and

Whereas at times these delivery trucks backing into the loading zone miss the roadway and drive on to the brick sidewalk (see photo), and

Whereas a pedestrian hazard has now been created, and

Whereas the Harris Teeter corporation has generously offered to replace, in kind, the damaged sidewalk at no cost to the District, and

Whereas the Harris Teeter Corporation has generously offered to anchor eight black metal bollards (similar but not identical to the bollards installed at 2200 Champlain St., NW) on the curbside portion of the sidewalk in front of 2418 17th St., NW to discourage errant trucks and illegal parking, at no cost to the District,

Now, Therefore be it Resolved,

ANC 1C supports and thanks the Harris Teeter Corporation for these improvements, and **Further Resolved,**

ANC 1C calls upon the District Department of Transportation to render all assistance to expedite all necessary Permits and any other additional assistance to minimize delays to these improvements, and **Finally Resolved** that

The Chair of ANC 1C communicate this resolution and request for support to the District Department of Transportation and Councilmember Jim Graham.

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

- Commissioner Reynolds offered a Resolution to authorize appeal of Zoning Administrator's determination re: Peking Garden, 2008 18th St., NW.

ANC 1C

Resolution Authorizing Appeal of Zoning Administrator Decision In Re: Certificate of Occupancy for Peking Garden

WHEREAS, a sole proprietorship operates under the trade name Peking Garden at 2008 18th Street, NW, within the boundaries of Advisory Neighborhood Commission 1C and Single Member District 1C01, and provides fast-food and delivery services from that location; and

WHEREAS, Peking Garden is located in a C-2-A Zone, where fast-food and food delivery services are not permitted as a matter of right under current zoning regulations and instead would require a special exception to operate legally; and

WHEREAS, the owner of the building had obtained a Certificate of Occupancy for a "retail food, delicatessen, carryout" use in 1979, prior to an amendment to the Zoning Regulations that took effect in 1985 disallowing such uses as a matter of right in a C-2-A Zone and instead requiring a special exception; and

WHEREAS, in May 2003, the Department of Consumer and Regulatory Affairs granted to Peking Garden a so-called "change of ownership" Certificate of Occupancy that had the effect of reviving a "retail food, delicatessen, carryout" use that had been discontinued and abandoned by the owner of that building more than six years prior to 2003, thus causing the 1979 C of O to lapse; and

WHEREAS, the current establishment has extended and enlarged the previously authorized, but abandoned, use by opening a fast food establishment and by offering extensive food delivery service; and

WHEREAS, no actual change of ownership occurred in 2003, either with respect to ownership of the building or ownership of the business; and

WHEREAS, the foregoing circumstances suggest that the “change of ownership” C of O was issued erroneously by DCRA; and

WHEREAS, in an April 7, 2011 e-mail to a neighboring resident, the Zoning Administrator determined that Peking Garden is a lawful fast-food establishment which has a valid Certificate of Occupancy, and reaffirmed that determination in a further e-mail dated May 13, 2011 and addressed to that resident, his ANC Commissioner, and the members of the ANC’s Planning, Zoning and Transportation (PZT) Committee; and

NOW, THEREFORE, BE IT RESOLVED, that ANC 1C hereby authorizes its Chairman, and/or Vice Chair to file with the Board of Zoning Adjustment an appeal of the Zoning Administrator’s above determinations, on the grounds set forth above or on such other grounds as shall be established by further investigation, and within sufficient time after approval of this Resolution to protect the rights of ANC 1C and the community.

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

- Commissioner Lanning offered a Motion in support of graduating students of the HD Cooke Elementary School.

Motion in Support of Graduating Students of HD Cooke

Motion is made that ANC 1C support the graduating activities of the HD Cooke Elementary School by providing \$204.62 to cover expenses for Student Incentives, Decorations, and non-consumable Reception items.

- Commissioner Reynolds offered a Resolution for an ANC 1C Special Election.

**Motion for Advisory Neighborhood Commission 1C
Special Election Procedures to Fill the Vacancy in SMD 05**

Date and Place of the Election: The election will be held during the regularly scheduled monthly meeting of ANC 1C on July 6, 2011. The meeting will be held at Mary’s Center for Maternal Care, 2355 Ontario Road, NW

Eligibility to Vote: The election will be open to registered voters of SMD 05 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 05 or be listed as a voter in SMD 05 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 placed alphabetically using the first letter of the surname. No electioneering will be permitted inside of Mary’s Center for Maternal Care at 2355 Ontario Road, NW or 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 05. 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.

Voting: Casting of ballots, supplied by the ANC, will commence at 7:00 PM after the meeting is called to order. A ballot box will be placed in the rear of 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. Voting will continue until the polls close at 8:30 pm. Anyone still in line waiting to register at 8:30 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.

Appointment and Actions of Election Manager: Gottlieb Simon of the Office of Advisory Neighborhood Commissions is appointed the Election Manager, who 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 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

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.

The Resolution was seconded, discussed and approved by Roll Call vote.

Yeah: Lanning, Kamanda, Mossi, Davis, Reynolds. Nay: 0. Abstentions: 0.

At 9:45 Commissioner Davis made a motion to adjourn, it was seconded by Commissioner Lanning and passed by voice vote.