

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 August 5, 2015**

I. Call to Order and Introduction of Commissioners

A regularly scheduled meeting of Advisory Neighborhood Commission 1C was held on August 5, 2015 at Mary's Center. Chair Simpson called the meeting to order at 7:05 pm. Approximately 26 members of the public attended. In attendance were Commissioners Julie Seiwell (1C01), Ted Guthrie (1C03), Gabriela Mossi (1C04), Billy Simpson (1C06), Wilson Reynolds (1C07), and JonMarc Buffa (1C08).

II. Officers' Reports

a. Chair's Report

Chair Simpson had nothing to report.

b. Secretary's Report

i. Minutes for July 8, 2015 meeting

Secretary Seiwell moved to approve the draft minutes for the July 8, 2015 monthly ANC 1C meeting. Commissioner Guthrie seconded the motion. Commissioner Buffa made a correction on page 3 of the minutes to note that the reason for his recusing himself from matters dealing with the PEPCO merger is that he works for a federal agency that oversees this matter. The Commissioners then voted 5 to 0 to approve the minutes as amended. (Commissioner Mossi had not yet arrived.)

c. Treasurer's Report

i. Quarterly Report for Q3 of 2015

In Treasurer Gambrell's absence, Chair Simpson presented ANC 1C's Quarterly Report for the 3rd Quarter of 2015 that had been prepared by Treasurer Gambrell and circulated to the other Commissioners. Chair Simpson moved to adopt the 3rd Quarter Report. Commissioner Buffa seconded the motion and the report was adopted by a vote of 5 to 0.

III. Commissioner Announcements/Comments

a. Upcoming Meeting Agendas – No Committee Meetings in August

Chair Simpson reported that there would be no Committee meetings in August and noted that the next ANC 1C meeting would be on September 9, the second Wednesday in September, not the first Wednesday of the month when it is usually held.

b. Other Announcements / Comments

- Commissioner Seiwell announced that street cleaning is scheduled in SMD ANC 1C-01 on Friday, August 7.

IV. Public Announcements / Comments

- Kristen Barden, Executive Director of the Adams Morgan Partnership BID, announced that applications are due in September for Great Streets grants of up to \$50,000 for small business capital improvements, focusing on the façade, of the building to be reimbursed through the city, and that this is not an upfront grant. She also announced that a new store,

Urban Dwell, has opened on Columbia Road, and that power washing with detergent in area streets and alleys has been completed recently. They can also come through in warmer months again. Finally, Ms. Barden announced that Porchfest, featuring live music on residential porches, would be held again this year on Saturday, October 3rd from 3 to 7pm.

- Virginia Johnson asked who is responsible for watering new trees that are planted by the city. Commissioner Reynolds answered that trees planted in front of private property are the responsibility of the property owner. There was some discussion regarding the responsibility of tree wells that are in front of areas such as parks, and schools, Ms. Johnson said that new trees planted in area parks are not being watered. Ben Case from Mayor Bowser's office said he would look into it. Tom Carmichael said he was informed that new trees that still have water bags around them are supposed to be checked on by the city contractors.

V. Scheduled Business

a. ABC and Public Safety

i. Adams Morgan Day – Outdoor Entertainment and “Parklets”

A representative for the organizers of the new Adams Morgan Day reported that business owners are very engaged with ideas for the event which will take place on September 13.

Chair Simpson noted that two elements of planning for Adams Morgan Day – live music and using parking spaces in front of establishments – involve regulatory agencies.

Commissioner Guthrie moved to adopt a resolution to allow establishments to play music with their windows open and to relax certain standards included in ANC 1C settlement agreements with these establishments during the festival. Commissioner Buffa seconded the motion.

Chair Simpson noted that Commissioner Guthrie's proposed resolution would address music inside establishments, but there is a second question about outdoor music for which he would propose a separate resolution.

Commissioner Buffa proposed several clarifying changes to specify the date of the reorganized Adams Morgan Day, and a clause stating that ANC 1C finds Adams Morgan Day to be an important grassroots event worthy of relaxation of provisions in the settlement agreements. There was no opposition to the proposed changes and they were included in the resolution.

Commissioner Reynolds questioned whether the relaxation of the settlement agreements would appear to be setting a precedent. Commissioner Guthrie noted that Adams Morgan Day is a unique, locally-run event. Commissioner Buffa noted the relaxation would be limited to this event then the words “on a one-time only basis” were added to the resolution without opposition.

Commissioners then passed the resolution as amended by a vote of 6 to 0. (Commissioner Mossi had arrived before this vote.)

Whereas, Adams Morgan Day 2015 had been cancelled, but now will be organized and run by local community members and businesses, and

Whereas, on September 13 from noon to 6 pm, ABC-licensed establishments, and other non-ABC businesses, would like to feature live music entertainment, DJ's, Karaoke, dancing, comedy performances etc., inside their establishments, and

Whereas, because the ABC Entertainment Endorsement only covers hours after 6 pm, there

should be no problem for any ABC licensee to provide entertainment as described above, provided such entertainment concludes by 6 pm.

Therefore, be it resolved that ANC 1C finds this important grassroots event to be worthy of relaxation of provisions in the settlement agreements with ANC 1C.

Be it further resolved that ANC 1C agrees, on a one-time only basis, to relax their Settlement Agreements with all Adams Morgan licensees for the date chosen for Adams Morgan Day in the following respects, and to inform the ABC Board of this relaxation, and to seek the Board's approval of these terms:

1. Any ABC licensee may provide the Entertainment described above inside their establishments, regardless of whether a Settlement Agreement is in place, or of the terms of their existing Settlement Agreements;
2. ABC establishments may keep their doors and windows open for the duration of the hours of Adams Morgan Day, from the beginning hour until 6 pm, allowing their sidewalk café patrons to enjoy the entertainment;
3. Noise provisions of the Settlement Agreements shall be relaxed to allow sound to project from inside onto the sidewalk and street.
4. Any Entertainment at ABC establishments continuing after 6 pm may only take place at such ABC establishments that have the necessary permissions from the ABC Board.

Be it further resolved that ANC 1C will write to the ABC Board and MPD to request that from the opening hour until 6 pm, no noise violations be cited in connection with the festivities of Adams Morgan Day, except in the most egregious of situations.

Chair Simpson confirmed with the event organizers that they were also requesting to have music outside of the establishments on public space including sidewalk cafés and plazas. Chair Simpson then moved a resolution stating that ANC 1C would not oppose live music at sidewalk cafés during Adams Morgan Day, and would support live music at Sun Trust Plaza and the plaza in front of the BB&T bank, and use of the parking space, (called parklets), in front of establishments provided that DC public space regulations were observed for all outdoor uses. Commissioner Reynolds seconded the motion.

Commissioner Buffa added that there are specific DDOT regulations for parklets in front of commercial establishments. This specific reference was added to the resolution without objection. Kristen Barden responded to Commissioners' questions about parklets explaining that the spaces would be separated off and that businesses would be required to submit plans to DDOT, submit a \$50 fee, have insurance for the space, and pay the meter fees for the time used, noting that there is some expense involved for the businesses that want to request a parklet.

Commissioners asked organizers about publicity for the event. Commissioner Guthrie said his concern is how to make the event successful without being too successful, resulting in more people than our sidewalks can handle. He said people may move into the street thinking it will be closed to vehicles as it has been for past Adams Morgan Days.

Commissioner Mossi noted that sidewalk events in other parts of the city have been successful without closing the street and said she also hopes the day will be successful.

Commissioner Buffa said he will support the resolution because he feels it is important to maintain Adams Morgan Day. He said people from across the city come to see Adams Morgan on that day and it brings support for our businesses.

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

Resolved that ANC 1C does not oppose live music at sidewalk cafes for Adams Morgan Day, September 13, during the hours of noon to 6 pm, provided it is done consistent with Title 24 of DC Regulations.

Further resolved that ANC 1C supports the use of Suntrust Plaza and the BB&T Plaza for live music during the hours of noon to 6 pm on Adams Morgan Day, consistent with DC Regulations.

Finally, resolved that ANC 1C supports the use of parking space in front of establishments on Adams Morgan Day, consistent with DC regulations on parklets.

ii. Churreria Madrid – Entertainment Endorsement

Chair Simpson reported that the ABC and Public Safety Committee recommended that ANC 1C pursue protesting the entertainment endorsement requested by Churreria Madrid unless a settlement agreement could be reached with the owners. He also reported that he tried multiple times to meet with the owners without success. Chair Simpson then moved that the Commission adopt the Committee's recommendation to protest Churreria Madrid's request for an entertainment endorsement; and that any ANC 1C Commissioner be authorized to act on behalf of the Commission in this matter. As the recommendation came out of committee, it was in order, and did not require a second.

Chair Simpson answered a question from a member of the public about the ABC Board hearing process. The Commission then voted 6 to 0 to protest Churreria Madrid's entertainment endorsement request on the grounds that it would have an adverse effect on peace, order, and quiet in the community.

Resolution to Protest Application for change to CR license by Churreria Madrid

Be it resolved that ANC 1C protests the application for change to its CR license to include an entertainment endorsement by MST Enterprises Inc., t/a Churreria Madrid on the grounds that granting the change would have an adverse effect on peace, order, and quiet in the community.

Be it further resolved that any Commissioner of ANC 1C is authorized to act on behalf of the Commission on all matters concerning this protest before ABRA and/or the ABC Board.

iii. High Dive – Entertainment Endorsement and Sidewalk Café

Commissioner Guthrie reported that talks are continuing with the owners of High Dive, but an agreement had not yet been reached, therefore, he moved that ANC 1C adopt the recommendation of the ABC and Public Safety Committee to protest High Dive's request for a license change to include an entertainment endorsement and sidewalk café on the grounds that it would have an adverse effect on peace, order, and quiet in the community; and that any Commissioner be authorized to act on behalf of ANC 1C in this matter. As the recommendation came out of committee, it was in order, and did not require a second. The owners who were present agreed to continue working with the Commission, and stated their belief that an agreement could be reached.

The Commissioners then voted 6 to 0 to protest High Dive's requested license changes.

Resolution to Protest Application for changes to CT license by High Dive

Be it resolved that ANC 1C protests the application for changes to its CT license to include a sidewalk cafe and an entertainment endorsement by Last Laugh LLC, t/a High Dive on the grounds that granting the changes would have an adverse effect on peace, order, and quiet in the community.

Be it further resolved that any Commissioner of ANC 1C is authorized to act on behalf of the Commission on all matters concerning this protest before ABRA and/or the ABC Board.

iv. WeWork – Tavern Alcohol License

Commissioner Guthrie reported that WeWork, an establishment that provides workspace through membership fees, is seeking a license to dispense alcohol at special events to members and members' guests. He explained that the establishment provides beer and wine to its members, and alcohol at special events. Commissioner Guthrie reported further that a settlement agreement had been reached with WeWork, and moved that ANC 1C approve the agreement and support a stipulated license in the interim while their application for an alcohol license is pending. Chair Simpson seconded the motion.

The managers of WeWork, who were present, explained their business model. Commissioner Mossi commented that she has colleagues who have worked there and who have spoken positively of the experience. Commissioner Buffa said he thought the settlement agreement was fair.

Commissioners then voted 6 to 0 to approve the settlement agreement with WeWork and support a stipulated license in connection with their application for a tavern alcohol license.

(see settlement agreement below)

**NEW SETTLEMENT AGREEMENT CONCERNING
ISSUANCE OF LICENSE FOR ALCOHOLIC BEVERAGES**

NEW AGREEMENT, made this ____ day of August, 2015, by and between WW 1875 Connecticut LLC, t/a WeWork (hereinafter “Applicant”) and Advisory Neighborhood Commission 1C (hereinafter “ANC 1C”), witnesseth:

Whereas, Applicant has applied for a Class CT License No. ABRA 097647, located at 1875 Connecticut Avenue, NW, Washington DC,

Whereas, ANC 1C has the right to protest the current application,

Whereas, Applicant will agree to adopt certain measures to address the concerns of ANC 1C, to include this Agreement as a formal condition of its prospective application for a license, and ANC 1C agrees to the approval of such license provided that this Agreement is incorporated into the Board’s Order approving such application, which order is thereby conditioned upon compliance with such Agreement, and

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 offers office and business support space and services to its members for a monthly membership fee. Applicant seeks this license in order to provide beer and wine to its members and their guests and, on occasion, to provide other alcoholic beverages at special events on its premises.

Applicant maintains an open common area at which snacks and beverages, including beer and wine, are available to its members and their guests at no charge above the members’ monthly rental fees. Said common area is monitored at all times by staff of Applicant. All members are known to WeWork and are issued user-specific access cards to enter the premises. Guests are required to be registered through WeWork’s proprietary property management system. All persons are required to be 21 years of age in order to consume alcoholic beverages.

Applicant expressly agrees that it will provide alcohol only to its members and their guests who are 21 years or older and not to provide alcohol to members of the general public who are neither members or guests of members or who are under the age of 21.

2. Hours of Operation

The premises are available to members 24 hours a day, seven days a week, by means of their user-specific access cards. However, alcohol is only available during the hours of 9am – 10pm and only during such times as WeWork personnel are present on the premises. At such time as WeWork personnel are not present, tamper-proof locks preclude member access to alcoholic beverages. At all times alcoholic beverages are available, at least one WeWork staff members

**NEW SETTLEMENT AGREEMENT CONCERNING
ISSUANCE OF LICENSE FOR ALCOHOLIC BEVERAGES**

holding a DC ABC Manager's License (which requires responsible server training) will be present on the premises..

3. 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 any loudspeaker, tape player, CD player or other similar device in its outdoor space, or to place any inside speaker in such a way that it projects sound into the public space.
- d.) Sound from inside will not be audible in surrounding residential housing areas.

4. Trash/Garbage/Rodents

- a.) Applicant shall maintain regular trash/garbage removal service through the 1875 Connecticut Avenue building trash service. 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 not to dispose of bottles and glass in the outside trash dumpsters or recycling containers between 11:00 pm and 8:00 am
- 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.

5. Special 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/manager is not present and managing the business.

**NEW SETTLEMENT AGREEMENT CONCERNING
ISSUANCE OF LICENSE FOR ALCOHOLIC BEVERAGES**

Applicant is permitted to host special events, provided that such special events are sponsored by We Work or its members and are personally supervised by WeWork staff personnel. Applicant will limit access to such special events to its members and their bona-fide guests.

6. Bar/Pub Crawls

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

7. Consideration of Neighbors

Applicant will encourage members and their guests to be considerate of neighboring residents at all times.

8. Modification

This Agreement can be modified only by 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.

9. Regulations

In addition to the foregoing, Applicant shall operate in compliance with all applicable laws and regulations.

10. 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.

Dated: _____

ANC 1C

WW 1875 Connecticut

**Ted Guthrie,
Chair ABC/Public Safety Committee**

v. Ventor Morning Hours

Chair Simpson reported that Ventnor Sports Café requested to amend their settlement agreement with ANC 1C to extend their morning hours of business in part because their customers want to watch international sporting events that air in the morning. Chair Simpson moved to amend the settlement agreement to extend Ventnor's morning hours to 7 AM. Commissioner Reynolds seconded the motion.

Commissioner Buffa stated his opposition to extending Ventnor's morning hours because crowds watching sporting events can be very loud. Commissioner Seiwel asked for clarification on the hours being requested. Commissioner Reynolds said he is willing to give the extension a chance, but agreed that the crowds can get loud. He said there have been complaints about noise in the past, but it seems to have gotten better. Commissioner Reynolds also commented that the complaints made regarding noise were approximately a year and a half ago and one of the issues was keeping the doors and windows closed in the back. Commissioner Guthrie noted that new noise regulations scheduled to go into effect by the first of the year could provide some relief.

Commissioners then voted 5 to 1 to approve the amendment to the settlement agreement with Ventnor in order to allow the establishment to open starting at 7:00 am.

b. Planning, Zoning, and Transportation

i. Sidewalk Cafe for Bul – 2431 18th Street NW

Commissioner Buffa reported that the Planning, Zoning, and Transportation Committee voted to recommend that ANC 1C approve a request from Bul at 2431 18th Street for an outdoor patio area. He said the patio would mirror that of the neighboring establishments and the plans seem to be well-designed. Commissioner Buffa then moved to send a letter to DDOT's Public Space Committee stating ANC 1C's support for the sidewalk café. As the recommendation came out of committee, it was in order, and did not require a second. Commissioners voted 6 to 0 to pass the motion.

ii. BZA Appeal for 1636 Argonne Place NW

Commissioner Buffa moved that ANC 1C file an appeal with the Board of Zoning Adjustment regarding the June 23, 2015 DCRA permit for work at 1636 Argonne Place NW. As this motion was recommended by the PZT Committee, it was in order, and did not require a second. He noted that neighbors have raised a series of meritorious concerns about zoning regulations, building code regulations, and parking regulations that would be violated by the planned project. He added that the developers have not been complying with applicable rules for what they got approval for and if this is not stopped it will set a precedent for other developers.

A member of the public who watched the BZA hearing on this case online asked about issues raised at the hearing and ANC 1C involvement going forward. Commissioner Buffa answered that the hearing did not address concerns raised by neighbors in this appeal.

Another member of the public urged Commissioners to support the resolution recommended by PZT saying that there are multiple and egregious violations of zoning regulations in this case that could set a negative precedent if not addressed.

A member of public asked about the status of 8 row houses in various states of conversion in Lanier Heights. Commissioner Buffa said that the developers in this case were not honest in what

they said they were going to do and if they had done what they were approved to do, the building would be up.

Commissioners then voted 6 to 0 to pass the resolution to file an appeal with BZA regarding the June 23, 2015 DCRA permit for 1636 Argonne Place NW.

ANC1C Resolution on BZA Appeal of B1509180 Permit for 1636 Argonne Place NW

The property located at 1636 Argonne Place NW is a rowhouse being converted to a multi-unit condominium building. A series of permits authorizing work were issued during 2014-2015, interrupted by two Stop Work Orders (SWOs) (December 2014 and May 2015) for non-compliance with zoning regulations. Both SWOs were subsequently lifted with issuance of new permits (December 2014 and June 2015), crafted to address violations.

Questions about compliance prompted Argonne Place neighbors to initially correspond with DCRA to address concerns and to later file a BZA appeal of DCRA's decision to proceed with new permits. That appeal, case number BZA 18980, alleges DCRA errors with regard to calculations for Floor Area Ratio (FAR), building height, and Gross Floor Area (GFA) as well as parking regulation violations. Concerns expressed by neighbors in correspondence with DCRA and, later, their BZA case, prompted DCRA review, Stop Work Orders, and new permits as described above.

On June 23, 2015, DCRA issued permit B1509180 for 1636 Argonne Place, NW, which Adams Morgan neighbors contend continues to contain FAR, building height, GFA and parking regulation violations.

On June 23, 2015, DCRA issued permit B1509180 for 1636 Argonne Place, NW, which granted permission to build a so-called "retaining wall" embedded within the building envelope of the existing structure. The appellants allege that the proposed retaining wall has no legitimate purpose. Currently, the lower level has a height of 7'6" above grade, which disqualifies it from being classified as a cellar. They further allege that its purpose is to manipulate the adjacent finished grade so that the lower level can be classified as a cellar rather than a basement, thus excluding it from FAR calculations for the building's proposed redevelopment. DCRA contends that the top of this un-built retaining wall would create a new adjacent finished grade, reducing the adjacent finished grade to a new measurement distance of 3'11" (cellar grade), thus excluding the lower level from FAR calculations.

Permit B1509180 approves modification of the rear yard, currently at level grade and 16' in depth and thus insufficient for 19' regulation spaces, to serve as a two-car parking space. The permit would compound noncompliance by allowing the level rear yard to be re-graded with a slope of 12%, which greatly exceeds accessibility standards for parking. For purposes of parking, this alteration has no legitimate purpose.

The solutions proposed by permit B1509180 do not solve FAR, building height, GFA and parking regulation violations. Questions also exist regarding the scope of the alteration's compliance with building codes and means of egress.

BZA 18980 was heard July 7, 2015, the outcome of which was scheduling of a Findings of Fact and Conclusions of Law, due September 8 and to be heard by the BZA September 15, 2015.

ANC 1C has unanimously passed several resolutions in support of enforcement of current zoning regulations and building codes that are specifically raised in the permits issued for 1636 Argonne Place, NW, including:

- *Support for compliance with R-5-B regulations governing GFA, FAR, lot occupancy, means of egress, structural building requirements, and parking requirements. In addition, the resolution calls for an administrative review of the performance of DCRA in terms of its building permit and building code compliance enforcement (ANC1C Resolution to Direct Improvements in DCRA Administration of Zoning Regulations, passed 7-0 on March 4, 2015).*
- *Support for filing of BZA 18980 and the ANC1C's position that of compliance with current zoning regulations was essential, with specific reference to FAR and GFA rules (see ANC1C Resolution to Support BZA Appeal 18980 by Argonne Place Residents, passed 6-0 on April 1, 2015).*
- *Support for enforcement of DCMR parking regulations, with specific attention to adhering to requirements for 1 space for every 2 units, minimum size requirements of 9' x 19', and relief from such requirements to be only in exceptional circumstances and be a matter for the BZA to resolve (ANC1C Resolution on Parking, passed 7-0 on May 6, 2015).*

Therefore, ANC 1C resolves to file an ANC appeal of B1509180 within the 60-day time frame, from June 23, 2015, the date of issuance of B1509180.

Finally, Be it Resolved that filing and representation may be carried out by any Commissioner on ANC 1C.

iii. Historic Preservation Issues at 1922 Belmont Road NW

Commissioner Buffa reported that the Planning, Zoning, and Transportation Committee voted to send a letter to appropriate officials regarding historic preservation issues at 1922 Belmont Road NW.

A neighbor, who lives at 1924 Belmont Road, expressed concerns with alterations in the basement entrance to the property at 1922 Belmont Road. He said he has been in touch with the Historic Preservation Office regarding some of the berm that was taken away and converted to stairs, but the guidelines on that issue are murky. He said his larger concern is that the Historic Preservation Review Board staff determined that plans for a window under the porch were incompatible with the historic façade of the home, and the architect withdrew the plan for the window, but later put the window in anyway. The neighbor said an HPO inspector was shown plans for the window that were stamped as approved by HPO because it was in a stack of drawings for the rear addition which were approved. The neighbor asked Commissioners to send a letter to HPO to get this work stopped.

Commissioner Buffa reported that the PZT voted to recommend that the Commission send a letter to HPO and to the Department of Consumer and Regulatory Affairs asking them to investigate allegations that the property is being developed inconsistently with the historic preservation approvals that it received, and to delay issuing any Certificate of Occupancy until a review has been made. Commissioner Buffa then moved that ANC 1C send these letters to HPO and to DCRA and authorize Commissioner Huezo to represent the Commission in this matter. As the recommendation came out of committee, it was in order, and did not require a second.

Commissioner Reynolds suggested adding language to delay granting of a certificate of occupancy until the approval procedure had been completely reviewed. There was no opposition to adding that request.

Commissioner Guthrie asked whether the DC Attorney's office should be included if fraud is involved. Commissioner Buffa said it may not be fraud because the developer thought he was in compliance.

Commissioners then voted 6 to 0 to send a letter to the Historic Preservation Office and DCRA asking them to investigate allegations that this property is being developed inconsistently with the historic preservation approvals that it received, and to delay issuing any Certificate of Occupancy until a review has been made.

c. Public Services and the Environment

i. Voting Rights for Permanent Residents

Commissioner Mossi moved for adoption of a resolution to support proposed legislation before the DC Council that would give permanent residents the right to vote in local elections.

Commissioner Reynolds seconded the motion.

Commissioner Mossi reported that the Public Services and the Environment Committee passed this resolution by a vote of 2 to 1.

In response to a comment from the public, Commissioner Mossi confirmed that the legislation would not allow permanent residents to vote in federal elections.

Commissioner Reynolds offered a friendly amendment to strike the word "noncitizen" before the word "residents" in two places and replace it with the word "District". The changes were accepted without opposition.

Commissioner Guthrie asked whether this type of legislation has been enacted in other places. Commissioner Mossi said similar legislation has been enacted in Maryland, closest to DC in Takoma Park, and Chicago among other locations. Commissioner Guthrie also asked what Commissioner Gambrel's objections were. Commissioner Mossi said Commissioner Gambrel said he felt that only U.S. Citizens should have the right to vote. She added that this can be a very emotional issue, but when one looks at US history, it was common before the 20th century for permanent residents to have the right to vote.

Commissioner Buffa noted that his mother came to this country when she was 12 years-old with a green card and she went through the steps to become a citizen and get the right to vote. He added that the program has been successful in Chicago, and he is not concerned with intention of the proposal, but he felt the pending legislation before the DC Council is not as carefully written as the legislation enacted in other places. He said it is well-intentioned, but he was not comfortable with specific wording of the DC legislation.

Commissioner Mossi said that the final legislation can be tweaked, but if it is not marked up and moved out of the Judiciary Committee it may die there. She said the main concern is to keep the process moving so there will be an opportunity to discuss improving the legislation.

A member of the public compared the situation of permanent residents to the District of Columbia's statehood efforts. He said he is uncomfortable denying others the right to vote and urged the Commissioners to support Commissioner Mossi's resolution. He added that the language can be improved but the goal is to get the bill to mark-up.

Another member of public said her parents lived here with green cards and could never vote and urged the Commissioners to support the resolution.

Kristen Barden spoke in support of the resolution saying that DC voter turn-out is so pathetic that any steps that will encourage voting should be taken.

Another member of the public was a former resident of Hawaii and spoke in strong support of allowing permanent residents voting rights saying that Hawaii sacrificed its independence to gain the right to vote in US elections.

The Commissioners then voted 5 to 1 to pass the resolution as amended supporting proposed legislation before the DC Council that would give permanent residents the right to vote in local elections.

Resolution in Support of the Legal Resident Voting Rights Act of 2015

Whereas DC Councilmembers Allen, Nadeau, Evans and Silverman, and Grosso introduced the Local Resident Voting Rights Amendment Act of 2015 B21-0028 to grant voting rights in local municipal elections to D.C. residents who are not U.S. citizens but have permanent residency status;

Whereas there is ample precedent in the United States for including District residents in local elections where noncitizens were permitted to vote in 22 states and federal territories in local and statewide elections until the 1920s;

Whereas there are neighboring jurisdictions such as Takoma Park, MD and six other locations in the U.S. that have been implementing this policy and can serve as positive examples;

Whereas, qualifying for citizenship is a considerable effort in time and other resources that many legal residents cannot readily undertake;

Whereas legal District residents are a) tax-paying D.C. neighbors that are affected by the outcomes of local elections, b) subjects of taxation without representation, and c) taxpayers who should have the opportunity to have their voices heard in local elections;

Whereas there was ample testimony by a broad base of organizations and individuals in support of this initiative at the public hearing chaired by Councilmember Kenyan McDuffie on July 9, 2015.

Thereby be it resolved that ANC1C advises the Committee on the Judiciary to continue the process of bill mark-up at the Committee level, report favorably on the Local Resident Voting Rights Act of 2015, and allow the Council of the District of Columbia to pass this bill.

VI. Adjournment

Commissioner Mossi moved to adjourn at 9:22 pm. Commissioner Buffa seconded the motion which passed unanimously.