

# Advisory Neighborhood Commission 1C

## Adams Morgan

Minutes of May 4, 2005

A regularly scheduled meeting of Advisory Neighborhood Commission 1C was held on Wednesday May 4, 2005 at Mary's Center. Chairman Alan Roth called the meeting to order at 7:11 p.m. Approximately 80 members of the public attended the meeting.

In attendance were: Alan Roth (1C01), Jon Canty (1C02), Bryan Weaver (1C03), Mindy Moretti (1C04), Andy Miscuk (1C05), Graham King (1C06), Josh Gibson (1C07) and Lynn Taylor (1C08).

### SECRETARY'S REPORT

Commissioner Moretti, secretary, moved the approval of the April 6, 2005 minutes. The motion was seconded and discussed. Commissioner Miscuk made a motion to amend the minutes. The motion was seconded, discussed and approved by voice vote. The minutes, as amended were discussed and approved by voice vote.

### TREASURER'S REPORT

Commissioner Miscuk, treasurer provided a financial update for the Commission. At the time of the meeting there was \$75,725.67 in the bank account with about \$125 still outstanding. Comm. Miscuk noted that there was still an issue with the quarterly report over dates listed on a grant. Comm. Miscuk announced that effective April 25, he would be resigning from the position of Treasurer and that elections would be held at the next ANC meeting.

### CONSENT AGENDA

The following item was approved by unanimous consent:

***Resolution of Commendation and Thanks to Former ANCIC Commissioner Andrea Broaddus***

*Whereas, Andrea Broaddus served Advisory Neighborhood Commission 1C as the Commissioner for Single Member District 1C06 from January 2003 through August 2004, and as the Chair of the ANC's Planning, Zoning and Transportation (PZT) Committee from January 2003 through August 2004, and*

*Whereas, Commissioner Broaddus served in these volunteer positions with distinction, integrity, and the best interests of the community — especially pedestrians and cyclists — in mind, and*

*Whereas, It was Commissioner Broaddus who put the "transportation" in the Planning, Zoning and Transportation Committee, and*

*Whereas, Commissioner Broaddus resigned from the ANC in order to further her education at the John F. Kennedy School of Government, and*

*Whereas, her hard work and service to the ANC and the entire Adams Morgan community has been deeply appreciated,*

*Now Therefore Be It Resolved That, Advisory Neighborhood Commission 1C commends Commissioner Broaddus for her service and devotion to the Adams Morgan community, thanks her for her work on ANC 1C, and wishes her every success in her future endeavors.*

*And Be It Further Resolved That, ANC1C wishes Commissioner Broaddus safe riding no matter where the trail — or bike lane — may take her.*

## **PUBLIC COMMENTS**

- Mr. Jackson announced that the Reed Cooke Neighborhood Association will be doing a community clean up on Saturday, May 14 beginning at 9 a.m. in Unity Park.
- Elsie Holiman announced that there will be a community health fair on June 4 from 9 a.m. to 4 p.m. at the King Emmanuel Baptist Church.
- Maria Gomez with Mary's Center welcome the ANC to its new meeting space and advised those in attendance of the art show on Friday May 6 and Saturday May 7.

## **COMMISSIONER ANNOUNCEMENTS**

- Commissioner Roth reminded the Commission about the upcoming Zoning Commission meetings and gave the URL for the D.C. Comprehensive Plan ([www.inclusivity.org](http://www.inclusivity.org)). Comm. Roth also noted that the Adams Morgan Heritage Trail signs would roll out in June or July.

## **GUEST SPEAKER**

Charles Kiely, with WASA was on hand to explain what happened at during the recent watermain break at 18<sup>th</sup> St. and Columbia Rd. Mr. Kiely apologized on behalf of WASA for the actions of the WASA crew on hand the day of the break and said his department would do better in the future to work with Adams Morgan businesses and residents when the water needs to be shut off.

## **COMMITTEE REPORTS**

### **ABC & Public Safety**

Commissioner Moretti moved the approval of a voluntary agreement with Safeway for a Class "B" license. The motion was seconded, discussed and approved by voice vote.

Commissioner Weaver made a motion to offer a stipulated license for Latin Jazz Alley to extend their hours of operation. The motion was seconded, discussed and approved by voice vote.

Commissioner Weaver made a motion to approve the voluntary agreement with TS Muttly's. The motion was seconded and discussed. Comm. Weaver made a motion to withdraw the voluntary agreement. There was no second. The agreement was approved by roll call vote:

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

Sgt. Aceto provided the Commission with a crime update and noted that there had been a 2 percent increase in overall crime from last year. Much of the increase came from the 100 percent increase in theft from autos. Auto thefts were also up but robberies were down. Sgt. Aceto noted that 2515 17<sup>th</sup> St. (a bordello) was also completely shut down now through the help of DCRA.

Commissioner Moretti offered a resolution regarding the conversion of restaurant licenses to tavern licenses. The resolution was seconded and discussed. Commissioner Miscuk offered an amendment to the resolution. By unanimous consent, the amendment was split into two questions. The first question failed on a 4 to 4 split vote, the second question was approved by voice vote. Commissioner Roth offered a consent amendment for clarification. Commissioner Gibson offered an amendment. The amendment was seconded and discussed. Commissioner Gibson asked for unanimous consent to withdraw his amendment. The resolution, as amended was discussed and approved by roll call vote:

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

***Resolution Regarding the Conversion of C/R Licenses to C/T Licenses in Adams Morgan***

*Whereas the Council of the District of Columbia passed the new ABRA Regulations in 2004 and ANCIC's ABC & Public Safety Committee immediately noted a huge gap was left between definitions of a CR and a CT license class, and*

*Whereas upon passage of the new ABRA Regulations numerous ABC establishments in Adams Morgan either came forward to convert their CRs to CTs, or made it be known that they had intentions to do so, and*

*Whereas ANCIC has worked with several establishments to help them convert from CR to CT only to have food and kitchen portions of Voluntary Agreements struck by the ABC Board, and*

*Whereas ANCIC's ABC & Public Safety Committee voted at their April 13, 2005 meeting to oppose all applications for conversion of restaurant to tavern licenses during the two-year transition period provided by the 2004 ABC law for restaurants to come into compliance with the minimum food service provisions of their restaurant license, and*

*Whereas ANCIC has worked with CM Jim Graham on an amendment to the ABRA budget that allows ANCs to use a lower number per seat as part of a Voluntary Agreement.*

*Now Therefore Be It Resolved that until either the pending amendment is approved, or the ABRA-sanctioned amnesty period comes to an end, or the arrival of June 1, 2006, that ANCIC requests of ABRA and the ABC Board that no conversions of CRs to CTs be allowed within the boundaries of ANCIC, and*

*Further Resolved that any application that has been filed and met with the ABC Committee prior to May 4, 2005 will be permitted to move forward.*

Commissioner Weaver announced that the next meeting of the ABC & Public Safety Committee will be Wednesday, May 11 at 7 p.m. at the Kalorama Rec. Center.

**Planning, Zoning and Transportation**

Commissioner Gibson offered a resolution supporting the Kalorama Citizens Association’s appeal of a roof deck at 1819 Belmont Rd. The resolution was seconded, discussed and approved by roll call vote:

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

***Resolution Supporting KCA Appeal of Roof Deck Permit at Belmont Tower, 1819 Belmont Rd., NW***

*Be It Resolved that Advisory Neighborhood Commission 1C supports the Kalorama Citizens Association (KCA) appeal of a roof deck permit issued for the “Belmont Tower” project at 1819 Belmont Rd., NW.*

Commissioner Gibson announced that the committees next meeting was still up in the air, but will most likely be held on May 18.

**Public Services**

Commissioner Miscuk moved to accept the committee’s recommendations to allow the sale of food and beverage be added to the voluntary agreement for the Western Market. The motion was seconded, discussed and approved by voice vote.

Commissioner Miscuk made a motion to support a Night Bazaar at the Western Market on July 9. The motion was seconded, discussed and approved by voice vote.

Ms. Dorin of the City Paper provided the Commission with an overview of what the Crafty Bastards Arts Fair would entail when using the space at Marie Reed.

**NEW BUSINESS**

Commissioner Gibson offered a resolution to support the zoning variance to allow for the construction of a Harris Teeter grocery store, other retail and office space at the site of the Citadel building. The resolution was seconded and discussed. Commissioner Weaver offered an amendment that was accepted by unanimous consent. The resolution as amended was discussed and approved by roll call vote:

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

***Resolution on Planned Unit Development for Harris Teeter and Other Retail and Office Uses***

*WHEREAS, Faison Associates (for Douglas Development, Inc.) has filed an application with the Zoning Commission (ZC Case No. 04-30) to establish a Planned Unit Development (PUD) within a building known in the Adams Morgan community as “The Citadel” at the intersection of Kalorama Road and 17th Street, NW (Square 2572, Lot 36), and*

*WHEREAS, the PUD has been designed primarily for the operation of a full-service supermarket by Harris Teeter (HT), and will also include office space, an area for one additional retail or service business, and parking and loading facilities for those uses, and*

*WHEREAS, Advisory Neighborhood Commission 1C (ANC 1C) has engaged in extensive discussions and negotiations with the applicants, HT, immediate neighbors, and the community at large to assess the impacts of the proposed PUD, capture the project's benefits for the community, and mitigate adverse impacts where practicable, and*

*WHEREAS, in response to such discussions and negotiations, the applicants and HT have proposed entering into a Memorandum of Understanding (MOU), the most recent draft of which is dated April 28, 2005, for the purpose of gaining the support of ANC 1C and the community for their PUD application, and*

*WHEREAS, the Zoning Commission hearing on this application is scheduled for Monday, June 6, 2005, and the Zoning Regulations in 11 DCMR 3012.5 require an ANC's written report on a PUD case to be filed at least 7 days before the hearing in order to receive "great weight,"*

*NOW, THEREFORE, BE IT RESOLVED, that ANC 1C supports and recommends Zoning Commission approval of the applicants' PUD application, as modified or conditioned by the terms of the April 28, 2005 MOU proposal, contingent upon the applicants and HT agreeing to the following changes in that MOU proposal:*

*1) Row 18 - Require that all future office and retail tenants agree as a condition of their respective leases to abide by the applicable terms of the final MOU.*

*2) Row 208 – HT to implement a definitive plan to provide employee transit subsidies.*

*3) Rows 210-211 – HT to provide greater specificity with regard to actions taken and to be taken in connection with its proposed partnership with Jubilee Jobs, as well as with regard to contacts made and relationships established with other neighborhood nonprofits for the same purpose (training and employment) including Mary's Center, Good Shepherd Teen Learning Center and the Latin American Youth Center.*

*4) Row 213 – HT to provide ANC 1C with more specific information regarding the number and/or percentage of its store employees expected to receive the described benefits package.*

*5) Row 216 – Greater specificity in HT's plans to extend its "Second Harvest" program to DC.*

*6) Row 218 – In recognition of the permanent loss to the community of a large space previously used for recreational purposes and still zoned to allow such use, the applicants shall also agree to install and/or provide ongoing maintenance for one or more park- or recreation-related infrastructure amenities within the boundaries of ANC 1C, and to display historical photographs and other memorabilia in a public area of the PUD depicting former recreational and other uses of the building.*

*7) Row 225 – Limit the hours of HT's operations to 7 am to 11 pm year-round.*

*8) Row 232 – Specify that HT will refuse deliveries from trucks exceeding 40 feet in length.*

*9) Row 239 – Specify a formal mechanism for implementation of a truck management plan.*

*10) Row 248 – Hours for beer and wine sales to be 9 am to 10 pm, as provided in current law. Further, HT shall enter into a Voluntary Agreement in connection with its Class B ABC license application substantially similar to that entered into by ANC 1C with Safeway.*

11) Rows 292-293 – Specify the mechanisms for administration and enforcement of the MOU’s terms, as well as for management of the construction process.

12) Row 296 – Provide a letter to ANC 1C signed by an authorized officer of HT regarding the intended disposition of the currently owned “Class A” ABC license, consistent with the representations outlined in an e-mail from its ABC counsel to its zoning counsel dated April 21, 2005 (should be combined with Row 247); and

*BE IT FURTHER RESOLVED, that if agreement on the foregoing issues has not been reached with the applicable committees of the ANC by Tuesday, May 24, 2005, then notice may be given on Wednesday, May 25, 2005 of the ANC’s intention to revisit this issue at its Wednesday, June 1, 2005 meeting and to withdraw or otherwise alter its support for the PUD application by a majority vote of those Commissioners present and voting, and to request that the Zoning Commission waive its 7-day filing requirement to permit the submission of such revised ANC views, and*

*BE IT FURTHER RESOLVED, that ANC 1C’s support for the PUD application is further contingent upon the District Department of Transportation agreeing to take the following actions prior to the opening of the HT:*

*1) Adoption of one-way streets using, at a minimum, Option 1B or 2B as described in the undated HNTB report entitled “One-Way Street System: Citadel Site,” provided to the ANC by DDOT on April 27, 2005. (ANC 1C requests that the choice between Options 1B and 2B be deferred until after further DDOT consultation with the ANC.)*

*2) Installation of a traffic signal at the intersection of 16th St. and Kalorama Rd., NW.*

*3) Installation of signage to prohibit large trucks from using certain streets in the Reed-Cooke section of the neighborhood.*

Commissioner Weaver made a motion to protest the substantial change for Blue Fin Sushi on the grounds of peace order and quiet. The motion was seconded, discussed and approved by voice vote.

Commissioner Gibson offered a resolution to allow members of the PZT Committee to serve on the Marie Reed working group. The resolution was seconded, discussed and approved by voice vote:

***Resolution Nominating Members of the ANC PZT Committee to  
Serve on the Marie Reed Working Group***

*Be It Resolved that Advisory Neighborhood Commission 1C nominates the members of its Planning, Zoning and Transportation (PZT) Committee to serve as the ANC’s representatives to a community working group examining current deficiencies and future improvements at the Marie H. Red Community Learning Center.*

Commissioner Miscuk made a motion that ANC1C support the DDOT plan to prohibit parking from 6 p.m. to 3 a.m. on the western side of 18<sup>th</sup> St. for three months and that ANC1C reserves the right to weigh in on the progress. The motion was seconded and discussed. Commissioner Gibson offered an amendment. The amendment was not seconded. The motion was approved by roll call vote:

YEA: Roth, Miscuk, Gibson  
NAY:

Commissioner Miscuk made a motion to approve the grant application for Sol y Sol for supplies to repair the mural in the alley next to the Exxon. The motion was seconded and discussed. Comm. Miscuk made a motion to waive the ANC's grant priority requirements. The motion was seconded, discussed and approved by roll call vote:

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

The grant was then approved by voice vote.

Commissioner Miscuk made a motion that Commission King take over as chair of the committee. The motion was seconded, discussed and approved by voice vote.

Commissioner Moretti made a motion to oppose the raze permit for 2326-2330 Ontario Rd., NW. The motion was seconded, discussed and approved by voice vote.

Commissioner Gibson made a motion that DCRA require the developer for 2326-2330 Ontario Rd., NW show the ANC the plans for the proposed development. The motion was seconded, discussed and approved by voice vote.

## **ADJOURNMENT**

Commissioner Moretti made a motion to adjourn. The motion was seconded and approved by voice vote. The meeting adjourned at 11:39 p.m.