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<p>1D02 vacant</p>		<p>Rich Wysocki 1D05 Treasurer rwysocki92@verizon.net</p>
<p>Jack McKay 1D03 Chair jack.mckay@verizon.net</p>	<p>P.O. Box 43529 Washington, DC 20010 e-mail: anc@anc1d.org Web: www.anc1d.org</p>	<p>Angelia Scott, 1D06 pastorascott@yahoo.com</p>

Minutes of the May 23, 2005 special meeting of Advisory Neighborhood Commission 1-D

These minutes approved at the July 5, 2005 monthly business meeting.

Call to order

Chair Jack McKay called the meeting to order at 6:30 pm and, noting the presence of commissioners Edwards, Kahn, and Wysocki, declared a quorum.

Public discussion

Jack declared a period for public discussion; no one from the audience expressed an interest in speaking.

1636 Irving Street condominium development

Rich introduced a resolution concerning the development of a seven-unit condominium at 1636 Irving Street. Josh Adler and Robb Lakritz, the owners and developers, spoke in defense of their project. Josh asserted that the 900 square feet per family regulation was not applicable to this development, and further that the plans had been reviewed by the Zoning Administrator at DCRA, by the head of DCRA, and by the deputy mayor of the District. After friendly amendments, Rich's resolution was:

Resolved, that ANC1D advises the District Department of Regulatory and Consumer Affairs (DCRA) to refrain from issuing any certificate of occupancy for the residences at 1636 Irving Street Northwest, as currently configured, pending approval from the District Office of Zoning ; resolved further, that ANC1D advises the District Office of Zoning to review this property immediately for possible violations of R4 zoning regulations, and notify the ANC of any decisions and concerns, with full description of rationale.

Issues and Concerns

The building at 1636 Irving Street Northwest has been developed into seven dwelling units on a lot of 2997 square feet area. According to DCMR 11, 401.3, an "apartment house" in an R-4 district must have 900 square feet of lot per dwelling unit, implying no more than three dwelling units on this lot. The posted construction permit specifies that the permit is "subject to zoning approval of number of units in zone".

This development, if allowed, would eliminate the very foundation of an R-4 District, namely that "the R-4 District shall not be an apartment house district as contemplated under the General Residence (R-5) Districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement" (Title 11, Section 330.3). Most row houses can, within the 900 square foot per apartment rule, be divided into three dwelling units; whereby they become, by DCMR definition, "apartment houses"; whereby, if the precedent set by this development stands, it might be possible to increase the number of apartments without limit, in disregard of the 900 square foot per apartment rule. Such a precedent would be catastrophic for R-4 neighborhoods in Mount Pleasant, Columbia Heights, and elsewhere in the District of Columbia.

Commissioner Scott arrived during the discussion of this resolution. *The resolution passed, all five Commissioners voting "yes".*

Freedom of Information Act requests

Gregg introduced this resolution, offering revision to ANC 1D by-laws to deal with FOIA requests:

Resolved, that ANC1D adds the following three sections to changes to Article XIII - Communications of its Bylaws:

Section 8. The public policy of this commission is that all residents and persons with interests in Mount Pleasant are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.

The official acts of this commission are its final resolutions, written letters and testimony transmitted pursuant to and authorized by those resolutions, and approved minutes and recordings of its public meetings.

Handling of requests for copies of the official acts may be assigned to a member of the commission by the Chair, who will be considered as the Freedom of Information Officer. That officer may delay responding to a request until after the next regular business meeting of the commission.

Section 9. Individual commissioners are private persons, not public bodies. While elected officials, they are not employees of DC nor under the control of the ANC. Their personal papers and messages are not *per se* the affairs and official acts of this commission, and are entitled to normal constitutional protections.

However, their written messages should make clear whether they are writing as an individual commissioner or pursuant to a duly-passed resolution of this commission. If the latter, then that message shall be deposited with the Secretary and in accordance with a procedure as the commission may direct for archiving official acts.

Section 10. Commissioners may voluntarily release their own written and electronic work product communications (except when dealing with a personnel or legal matter), but such a release does not establish a precedent that such communications must be released.

The resolution passed, all five Commissioners voting "yes".

Gregg introduced a resolution concerning the Harvard Towers slope:

Resolved, et cetera. If DC has the money, don't waste it on culturally prejudicial ornaments and instead spend it on functionalities that matter and that can serve a broad array of residents.

A sidewalk connecting to the DC Housing Authority facility, Harvard Towers, to the bus stop.

A bus-stop shelter for the local seniors.

A short cut path, perhaps with stairs, and certainly with a rope for a hand-pull.

Plantings for better ground cover.

Repairs of crumbling retaining walls on the downside of the slope edging on the sidewalk of Adams Mill Road.

Rich moved to table this resolution to the June meeting. Motion to table passed, three votes for (Rich, Jack, Wayne), two against (Gregg, Angelia).

Adjournment

By unanimous consent, the meeting was adjourned at approximately 7:05 pm.