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Minutes of the December 2, 2008 meeting of Advisory Neighborhood Commission 1-D

These minutes accepted at the January 6, 2009 meeting.

Call to order

[7:10 pm] Vice Chair Gregg Edwards called the meeting to order at 7:10 pm. Present were ANC1D commissioners Edwards, Bosserman, Tunda, and McKay, constituting a quorum.

Public discussion

[7:10 pm] Haydee Vanegas spoke in favor of an arch for Mount Pleasant. Leo Vondas spoke of the need for customer parking for the business strip.

Commissioner Zara arrived at 7:13 pm.

David Vacca, of Councilmember Graham's staff, said that a Special Planning Area for Mount Pleasant east of 17th Street was under consideration at the Office of Planning.

Minutes of previous meetings

[7:20 pm] No corrections to the minutes of the November 11 meeting were offered by the commissioners, so these minutes were declared accepted.

Treasurer's report

[7:20 pm] Jack requested permission to purchase a second voice recorder, to serve as backup for the first, and permit elimination of the Sony minidisk recorder, which has become unreliable. *By a 5 to 0 vote, the Commission approved spending \$79.99 for a new voice recorder.*

Jack summarized invoices to be paid: Adebisi Odegbile \$60, Tony Grillo \$50, Albert Varela \$50. Invoices for Laticia Jefferson and Neil Richardson were not in Jack's possession, but Gregg said that he had seen them. Neil and Laticia recalled that their November invoices were \$1855 and \$362.50, respectively. Jack proposed that the commission approve these as approximate amounts, with the specific amounts to be determined when the invoices were in hand. Gregg amended this statement to be "not greater than \$2000 and \$500, respectively". *Approved 5 to 0.*

Jack then made the following motion: "ANC1D authorizes a payment of \$126.58 to bring the petty cash fund up to the \$200 total allowed by the petty cash resolution of July 22, 2005. This amount covers

\$63.73 in documented petty cash disbursements in CY2008, plus accounting errors totaling \$7.59, and a cash discrepancy of \$55.26. ANC1D believes that the cash discrepancy, discovered in July, 2006, is due to lost petty cash forms, not to any malfeasance by any custodian of the petty cash." *Approved 5 to 0.*

Jack made the following motion: "ANC1D asks contractors Neil Richardson, Adebisi Odegbile, and Laticia Buchman Jefferson to bring their current work to conclusions in December, and assume contract termination at that time, allowing the 2009-2010 term of this commission to make a fresh start in January." *Approved 3 to 2 (Jack, Gregg, and Oliver voting "yes", Jane and Dave voting "no").*

Executive Director's report

[7:39 pm] Neil reported on ANC staff activities during November. After discussion of the status of the original copies of the proposals, Jack said that Neil could have them whenever he wanted to come to Jack's house and collect them. Neil said that he would come by on Wednesday and pick them up.

Neil and Laticia said that they could not find the proposals in electronic form on the Internet. Laticia worried that the presence of the proposals on a public Web site compromised the review process. Jack pointed out that this was a private site, not open to the public. Jack also asserted that the proposals should all be open not only to commissioners but to the public, for a process fully open and transparent.

Jane moved "that the proposals in hand will be made available to the commissioners and to the public, but only after December 9." Why: This will permit an unbiased review by the grants review panel, and allow for transparency to the public.

Passed 4 to 1 (Jack voting "no").

Neil said that one of the tasks for this month was to write a "wrap-up memo" which would summarize the grants process and offer recommendations for a future grants effort, should there be one.

New business:

Disavowing ANC1D support for voluntary agreements

[8:36 pm] Jack moved the following:

Resolved, that ANC1D advises the District ABC Board that it disavows any ANC support for the voluntary agreements attached to the liquor licenses listed here, and coming due for renewal.

Why: voluntary (cooperative) agreements should not continue in perpetuity without review or change, but ought to be actively reviewed at intervals, in order to adapt to changing conditions. The agreements cited here were signed a decade ago, and there have been great changes in the neighborhood, and in this ANC. We do not consider these agreements to be appropriate or necessary today, and ANC1D will not call for the enforcement of any of their provisions. Hence, from this point forward, the ANC (1E at that time, 1D today) should not be considered a party to these agreements.

License #ABRA-060777 Assad, Inc. Mt Pleasant Delicatessen Class Retailer B 3068 Mt Pleasant St NW	License #ABRA-076413 Myungjoon, Inc. Los Primos Class Retailer B 3170 MT PLEASANT STREET NW
License #ABRA-009593 Black Associates, Inc.	License #ABRA-024753 David & Cindy Incorporated

Argyle Convenient Store Class Retailer B 3220 17TH STREET NW	Samber Food Store Class Retailer B 3243 MT PLEASANT STREET NW
License #ABRA-077728 E&C Foods, Inc. Bestway Supermarket Class Retailer B 3178 MT PLEASANT STREET NW	License #ABRA-076894 Viviana Incorporated Super Saver Market Class Retailer B 3162 MT PLEASANT STREET NW

Passed, 4 to 0 (Jack, Jane, Dave, and Oliver voting “yes”; Gregg abstaining).

Purchase office equipment

[8:47 pm] Gregg moved the following:

ANC1D authorizes up to \$1000 for the purchase of a laptop computer with office software, a flatbed scanner to be used for 1D work and serve as a backup, and a one-time web-access fee of not to exceed \$200 for web and email access for 1D's Administrator. A committee of Jack McKay and Gregg Edwards is authorized to make the purchase.

Jack moved an amendment, that we request commission approval before making the purchases. *Motion to amend failed, 2 to 3 (the commissioner's votes on this amendment not stated for the record).*

Main motion passed, 5 to 0.

A public participation program for the future of the Mt Pleasant Branch Library

[8:53 pm] Gregg moved the following:

ANC1D resolves to appropriate up to \$1000 in costs and staff expenses for a public participation program that deals with the interests of local residents and users of the Mt Pleasant Branch Library. ANC1D invites participation and partnerships with other local ANC's and the DC Public Library (DCPL) in this program.

Why: As discussed in previous resolutions, the design and public participation processes used by DCPL do not meet ANC1D's sense of minimum standards, and the responses to ANC1D's resolutions do not seem to meet the standards of the ANC laws. Thus, in order to assure that the public interest is served, ANC1D asks its staff to design and execute the needed program. ANC1D also suggests that potential participants in the programs sponsored by DCPL consider whether those DCPL programs satisfy appropriate standards of best practices and full good faith due diligence, and if not, then divert their time and resources to work with the program supported by ANC1D

Passed 4 to 0 (Gregg, Dave, Jane, and Oliver voting “yes”, Jack abstaining).

Kilbourne Place alley gate

[9:01 pm] Gregg moved the following:

ANC1D resolves to advise the DC Department of Transportation (dDoT) Public Space Committee (PuSC) and Public Space Permitting Division to accept the proposal to leave the gate now blocking the Kilbourne entrance of the alley opening at the southwest corner of Kilbourne and Mt Pleasant Streets in place, but with several mandatory conditions:

- 1] That the gate shall not be locked at anytime, nor should it appear to be locked.
- 2] If the gate is found locked or if it contributes substantially to blocking access to the alley, it be removed.
- 3] This action not be considered as an alley closing, but as a local beautification project that must not hinder its access or use by any resident or worker/merchant, or government agency.
- 4] The full costs of maintenance, repair, and responsibility -- that it not become a public nuisance or impediment -- be undertaken in writing by a responsible party.
- 5] If in the future, the presence of the gate does appear to hinder the reasonable use of the alley, than any party with standing can seek reconsideration of the permit, which then may be revoked and the gate removed at the expense of the responsible party referenced in point 4] above.
- 6] There not be any yearly fee charged to the responsible party of points 4] and 5] in consideration of their expense in the erection of the gate, and its continuing maintenance as a contribution to local beautification.

Why: This gate - and its mate now removed that was locked and fully blocked access to the alley - has had a long and conflicted history in Mt Pleasant. While its style is not the preference of all, it undeniably adds to the aesthetics and diversity of styles in the commercial corridor of Mt Pleasant. Most objections to the gates have been abated by the removal of the locked gate at the other end of the alley, and the removal of the lock on the sole remaining gate, that at the Kilbourne entrance. At this point, there is reasonable access to all who wish, except for the inconvenience of a narrow opening to some large trucks. For now, the balance of beautification over inconvenience seems to be accepted.

However, for some time, the lock appeared and disappeared. Some neighbors have complained that they were run off by adjoining residents as though the alley were no longer public property. Thus, the interests of all users should be given a clear affirmation, and the wish of some abutting residents to enclose public property at no cost for their own convenience should be clearly denied.

All beautification projects, especially ones with moving parts such as this gate, require maintenance and repair. For example, it is possible that the gate could cease to open easily and thus function as a de facto lock, serving the interests of those wishing a low cost enclosure of the public property. In addition, there may be considerations of emergency access which must be maintained at all times. The burden of repair and maintaining this access should be the continuing responsibility of the local residents who see great value in the gate for their interests.

Thus, the gate can serve the public interest if it is maintained as a beautification project with side benefits for nearby residents. It becomes an appropriation of public property if it were allowed to become a fencing off of public access. All of the conditions above are needed to maintain this balance.

Appendix: Quotation from draft order.

Civil No. 07-7290 B; Proposed Final Order, in the Civil Division of the Superior Court of the District of Columbia

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Further ordered that the gate occupying Kilbourne Place Alley shall not be locked at anytime.

Lynn Leibovitz, Associate Judge

Passed, 5 to 0.

Freeze on the Ice Cube blockage by DCPL

[9:10 pm] Gregg moved the following:

ANC1D resolves to advise the DC Public Library (DCPL), Office of Planning (OP), and the Office of the Deputy Mayor for Economic Development (DMED) to explore alternative concepts for this space, such as a mews of development of the clear space between the buildings facing the 3100 blocks of 16th and Mt Pleasant Streets NW, while not selling public space to become private.

ANC1D requests that DCPL's branch library plans be altered, in ways consonant with previous resolutions, and that the huge potential advantages of leveraging an expanded but more flexible library space be provided for.

Why: DCPL's proposed 'Ice Cube' – to be constructed over the parking lot on the western side of the Mt Pleasant Branch Library – would annul the best possibilities of developing this large block by plugging its most critical point of access. Worse, it would hinder the economies of scale and scope coming out of connecting similar developments in adjoining blocks.

It would foreclose the possibility of a back-path whereby fire and emergency vehicles could access a large cluster of apartment buildings with thousands of residents. It would interfere with safety and convenience of several apartment buildings, especially its neighbor 3155 Mt Pleasant St NW.

If the available funds were instead directed to improving the utility of internal space, providing for modular technological improvements in the future, and extending the space in the rear of the current branch, then the parking lot space could be used temporarily for many other purposes, and the benefits of leveraging the space preserved.

The recent fire at the Deauville Apartments – which totally destroyed this habitation, and the spread of the fire and total destruction of the building behind it – vividly demonstrates the imminent threat to thousands of residents in that block. An emergency access route could have saved much of those buildings. While luckily no one died, hundreds of lives have been disrupted. Without some simple and low cost design changes, the potential of more than a thousand deaths remain, a threat that could be greatly mitigated by opening access.

This open space – especially if connected to the development of similar back-spaces in adjoining blocks – could provide space for hundreds of small shops and offices that together would constitute one of the DC area's largest incubators for innovation and local growth of good jobs. Not only would this help energize the DC economy, such a development would help promote walkable neighborhoods where far fewer cars would be needed, and where energy consumption and pollution production could be cut drastically. DCPL could then play a major role in vitalizing this development with information services needed for an innovative economic enclave.

If plans are not changed now, our chance to mitigate these threats and leverage the opportunities will be permanently lost. The proposed structure more points backwards to a 19th century crystal palace built for elite grandeur. Instead, it could inspire a forward vision

with an architecture that preserves the best of the past while – behind the facade – dramatically supports personal and economic growth for all parts of our population. A revised design could serve both the interests in residents' health/safety and their hopes for breakout improvements.

Passed, 5 to 0.

Restructure the operations of PSA301 to include broader and more satisfactory participation

[9:20 pm] Gregg moved the following:

ANC1D resolves to advise the DC Metropolitan Police (MPD) that there is broad dissatisfaction with the current processes of operation in PSA301, and in particular with the PSA's lack of consultation with ANC1D and the full range of civic groups in Mt Pleasant. ANC1D resolves to ask its staff and its Commercial Corridor Committee to convene a meeting to discuss the future of PSA301 and invites MPD and local civic groups to suggest ways to substantially improve the functioning of police in Mt Pleasant. ANC1D asks the Mayor and Councilmember Mendelson's committee to require MPD to respond promptly and fully to this and all previous ANC1D resolutions, noting that MPD has not been obeying the law to acknowledge and respond promptly. ANC1D allocates \$500 for its staff to pursue these issues.

Why: As Assistant Chief Diane Groomes recently noted at a city-wide meeting on MPD's strategic plan, the PSA scheme needs an overhaul. For many PSAs, and it is true for PSA301, there is slight attendance, and too often no systematic engagement. Here is an opportunity for Mt Pleasant to provide a pilot program for reconstruction of the PSAs.

Passed, 5 to 0.

End the reversible traffic lane on 16th Street

[9:23 pm] Jack moved the following:

Resolved, that ANC1D endorses the suggestion of the Mount Pleasant Traffic Study that the reversible lane on 16th Street, from Arkansas Avenue to Columbia Road, be replaced with medians, allowing the construction of a left-turn bay on northbound 16th Street at Park Road, and permitting left turns from 16th Street, eliminating the circuit around Pine Street to Park Road for that left turn.

Why: Left turns off 16th are already made legally by buses, and illegally by errant motorists. This change will permit those turns with improved predictability and control, including a left-turn phase to the traffic light at this intersection, and a corresponding walk/don't walk phase for pedestrians crossing Park Road.

The elimination of the Pine Street roundabout will nearly eliminate traffic turns from 16th onto Pine, a turn that is so hazardous to pedestrians that barriers have been erected to prevent pedestrians from crossing Pine at 16th, forcing them instead to make a circuit from 16th to Pine and back to 16th, around the small park at that location. These barriers can be removed, and traffic onto Pine limited to local traffic, namely drivers intending to park on this short block or visit the church.

By virtually eliminating automobile traffic on Pine Street, the small park in front of the church will no longer be isolated by traffic flow, and can become a pedestrian-accessible extension of the church grounds.

The current atmosphere of 16th Street is that of an urban highway, designed only for the benefit of automobile drivers passing through the area. Medians, with trees and other vegetation, will convey instead an atmosphere of a residential neighborhood.

Passed, 4 to 0 (Jack, Gregg, Dave, and Oliver voting "yes"; Jane abstaining)

Appreciation

[9:26 pm] Gregg moved that the commission thank Commissioner Jane Zara for her two years of service on this commission, and that we also thank the three members of the staff whose work is ending this month for their work. *Passed, 5 to 0.*

Adjournment

[9:26 pm] Jack moved adjournment. *Approved by 5 to 0 vote.*