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Minutes of the April 11, 2007 meeting of Advisory Neighborhood Commission 1-D

These minutes approved at the May 1, 2007 meeting.

Call to order

[7:06 pm] Gregg Edwards called the meeting to order at 7:06 pm. Present were five of the six ANC 1D Commissioners: Gregg Edwards, Joe Esparza, Angelia Scott, Dave Bosserman, and Jack McKay.

Meeting policy

[7:06 pm] Gregg proposed that we tell District agencies and others coming to our meetings to address our constituents that the meetings are for us, and they are to speak to us, and not to our constituents, and that we have time limits, depending on the situation, of three to five minutes. *Approved, five to zero.*

Public discussion

[7:08 pm] **Bob Spencer** introduced himself and **Robin Von Der Pool**, administrator and volunteer director, respectively, of the Stoddard Baptist Home. **Wayne Kahn** spoke for Hear Mount Pleasant, discussing in particular the efforts by others to suppress karaoke at Don Juan's Restaurant.

Secretary's report

[7:15 pm] Jack asked for corrections to the minutes of the March 6 meeting. No corrections were offered, and the minutes were declared accepted.

Treasurer's report

[7:17 pm] Joe said that we now have check writing power, and so can catch up on bills. He noted also that we can now be reimbursed for payments made with credit cards. Joe will start drafting an ANC budget in the next few days. Stormy asked about the auditor's complaint that we were overdue with a quarterly report. Joe said that he thought Rich Wysocki had turned in that report. He will follow up to resolve that question.

Stormy requested that the checkbook be brought to every meeting. Joe agreed, and suggested further that the checkbook be kept in the locked cabinet at La Casa, so that it would be accessible by the commission even when he was away. Gregg asked for approval of this procedure, and of a request for a fourth key so that every officer could have access to the cabinet. *Motion approved by acclamation.*

Public discussion (resumed)

[7:24 pm] **David Ahn** had arrived during the previous discussion, and was invited to report on the Bestway situation. Public Space has ordered the Bestway to clear the storage area behind the building, because of the denial by the Public Space Committee in January, 2006, of their application for a permit for the use of the space.

Bestway Public Space

[7:33 pm] Gregg proposed this resolution:

Resolved, that ANC1D advises the DDOT Public Space Office rescind their current order, and to refrain from any action concerning Zion Holdings (the Bestway Market) until it responds appropriately to the ANC1D resolutions addressing this permit application. ANC1D furthermore advises the Public Space Office not to proceed until (1) the office has assembled all prior documentation concerning this application; (2) the office has acknowledged and appropriately answered ANC1D's previous communications on this matter; and (3) the office describes its proposed actions and provides this ANC with the legally required notice.

Resolution passed, five to zero.

Entertainment endorsement for Don Juan's

[7:40 pm] Jack introduced the following resolution as a "consent" item:

Resolved, that ANC1D advises the Alcoholic Beverage Control Board to approve the application of Don Juan's Restaurant for an entertainment endorsement to its liquor license; and that ANC1D Commissioner Jack McKay is appointed to represent this ANC to this effect at the public hearing for this endorsement.

Rationale: Karaoke is a form of activity that is welcomed and desired by a significant number of Mount Pleasant residents, and the provision of karaoke at Don Juan's Restaurant will not interfere with the peace, order, and quiet of the neighborhood.

Resolution passed by consent.

Voice recorder purchase

[7:43 pm] Jack introduced this resolution:

Resolved, that ANC1D authorizes the expenditure of up to \$200 for the purchase of a miniature voice recorder, with USB interface, for recording the statements of ANC1D Commissioners testifying in DC Government meetings.

Resolution passed by consent.

Death of Officer Wayne Pitt

[7:45 pm] The following resolution was considered as a "consent" item:

ANC 1D was saddened to hear of the untimely death of MPD Officer Wayne Pitt. He was a good officer, liked and respected in Mount Pleasant. He will be missed, and our hearts go out to his family.

Resolution passed by consent.

Historic Preservation Review Board postponement request

[7:46 pm] Gregg offered this resolution:

Resolution: ANC1D requests the Historic Preservation Review Board to delay consideration of 3360 16th St NW for 45 days.

Why: The time is needed to review and understand the situation.

Resolution passed by consent.

ABC Board appointment

[7:48 pm] Gregg introduced this resolution:

Resolved, that ANC1D advises Mayor Fenty to reappoint Mr. Peter Feather as the Ward One representative on the ABC Board, upon the expiration of his term in May, 2007.

Rationale: Mr. Feather has demonstrated fair and even-handed dealing with Ward One liquor-licensed establishments, balancing the wishes of the establishment proprietors and nearby neighbors. ANC1D has great confidence in Mr. Feather's fairness and skill, and wishes to see him continue as the Ward One representative on the ABC Board. We particularly appreciate his willingness to educate and discuss with our commission issues and procedures outside of pending cases.

Resolution passed by consent.

Windows for 2017 Rosemount Avenue

[7:54 pm] Jack offered this resolution:

Resolved, that ANC1D advises the Historic Preservation Review Board to permit the replacement windows already installed at 2017 Rosemount Avenue.

Rationale: The stated purpose of historic preservation law is to assure that alterations of existing houses be “compatible with the character of the historic district”. The law does not say that replacement components are to be identical to the pre-existing components. The replacement windows of this residence differ in materials from the originals, but are not in appearance significantly different. Only up very close is it possible to see that the frames are not wood, and the muntins are inserts. ANC1D believes that these replacements, judged by their visual appearance from the public space, are “compatible” with the neighborhood.

Furthermore, the traditional windows of Mount Pleasant row houses were notoriously poor in energy efficiency. The stated goal of the District’s historic preservation law, for alterations to be “compatible with the character of the historic district”, should not be permitted to prevent the use of improved, energy-efficient materials and construction techniques.

There must be a compelling public need if the government is to deny property owners the right to keep their property as they wish. Given that these windows are not visually troublesome to neighbors or other residents, there appears to be no public need that warrants such an imposition on these homeowners.

In this particular case, there is also a matter of compassion. The homeowners did not intentionally violate the requirement for permits for window replacement, but were unaware that in historic districts, and only in historic districts, such permits are required. Removal and replacement of the vinyl-frame windows with historically accurate windows would cost

several thousand dollars, as well as forcing the forfeiture of approximately five thousand dollars spent for these windows. This would be heavy punishment for an innocent error.

The current chairman of the Historic Preservation Review Board has promised that the Board will be “flexible” in applying historic preservation regulations to Mount Pleasant. Historic preservation law clearly gives this Board great discretion in the interpretation of the phrase “compatible with the character of the historic district”. The Mount Pleasant ANC believes that this is an appropriate case for the Board to be “flexible”, and permit these windows, given the totality of circumstances noted.

Resolution passed by five to zero vote.

Nomination of Geoffrey Griffis to the Zoning Commission

[8:03 pm] Gregg introduced this resolution:

Resolved, that ANC1D advises the DC Council to confirm the Mayor's nomination of Geoffrey Griffis to the DC Zoning Commission.

Why: This nomination has been opposed mostly by people who have been denied zoning variations and have responded by alleging that they have been handled in ways that offend their sensibilities. Yet, despite the availability of recordings and transcripts, essentially no specific abuses have been cited that concretely demonstrate the validity of the charges.

For the Council to give in to such entreaties reverses one of the institutions of the progressive reforms of local government by reducing the critical consideration to that of gut-level personal politics.

ANC1D advises the Council to institute a policy whereby personal charges against citizens willing to serve on boards and commissions must be accompanied by explicit demonstration of evidence. Otherwise, such hearings too easily become based on internal emotional reactions rather than external evidence.

Furthermore, ANC1D notes that Geoffrey Griffis, during his tenure on the Board of Zoning Adjustment (BZA), showed extraordinary outreach to ANCs by having started a long-standing program that invited ANC officers to attend Saturday discussions on BZA operations. These programs were not top-down trainings, but discussions on how both ANCs and the BZA could improve the quality and efficiency of BZA functioning. Such initiatives should be rewarded by promotion, in this case from the BZA to the Zoning Commission.

Resolution passed, five to zero.

DC Schools governance

[8:15 pm] Dave introduced this resolution:

Resolved, that ANC1D advises Mayor Fenty and the DC City Council not to make major decisions on governance of DC schools until there is full representation in the City Council with Ward 4 and Ward 7 representatives installed.

Rationale: Changing governance of DC Schools is such a major change in how DC is run that a change in the DC Charter will be required. Any change of this magnitude should be considered for a public referendum. At the least, even if not hotly contested as this change is, it should not be rushed through with two of the eight DC Wards not represented. Waiting until these Ward 4 and Ward 7 representatives are elected and installed should not be an issue since the election is scheduled for 1 May - leaving a delay of less than one month from the issuance of this resolution and a fully representative City Council.

Resolution failed, two votes “yes” (Dave and Joe), three votes “no” (Gregg, Stormy, and Jack).

Unfinished business

[8:28 pm] Jack moved that the unfinished business items be tabled until the next monthly meeting.

Passed by unanimous (5-0) vote.

A new chair for the Historic Preservation Review Board

[8:32 pm] Gregg moved the following resolution:

Resolved, that ANC1D advises the Mayor to seek out and nominate a new chair for the Historic Preservation Review Board (HPRB).

Why: Chairman Tersh Boasberg of the Historic Preservation Review Board has given long and honorable service. ANC1D particularly appreciates the current chair's work to collect and freely publish the texts of the reports by the Mayor's Agent on appeals from the HPRB. This was a good first step towards much needed reforms that emphasize policy transparency and responsibility. Nonetheless, ANC1D believes that it is time for reform and more creativity in handling historic preservation issues in DC.

Specifically, ANC1D advises the Mayor to seek a nominee who is inclined to work closely with ANCs to clarify the distinctive historical character of a designated neighborhood, and to formulate an explicitly defined and less intuitive policy.

Also, a new chair should pledge to assure good communication with ANCs, including providing an immediate no-cost record of HPRB proceedings affecting an ANC area, and assuring that any major changes delegated to the staff are carried out with timely notice and engagement with the relevant ANCs.

Passed by unanimous (5-0) vote.

Monthly administrative meetings

[9:00 pm] Joe introduced this resolution for informal discussion:

Resolved: ANC1D hereby establishes the following schedule for more administratively-focused official meetings for the remainder of 2007: Tuesday, April 17th; Tuesday, May 15th; Tuesday, June 19th; Tuesday, July 17th; Tuesday, August 21st; Tuesday, September 18th; Tuesday, October 16th; Tuesday, November 20th; Tuesday, December 18th.

Rationale: Meeting as a Commission only once per month does not allow for a fully reasoned response to time-sensitive and/or highly complex issues while still allowing for administrative/business issues to be fully addressed. Having a second, more administratively-focused meeting per month will allow sufficient time for the discussion and voting of administrative resolutions while also allowing more time to address time-sensitive and/or highly complex issues.

After some discussion, Joe decided against introducing the resolution as a formal motion.

Operation Fight Back procedures

[9:11 pm] Jack introduced this resolution:

Resolved, that ANC1D endorses Councilmember Graham's efforts to moderate "Fight Back" operations, emphasizing neighborhood cleanups, and constructive interaction with businesses to promote the knowledge of and compliance with business regulations.

Passed by unanimous (5-0) vote.

Adjournment

[9:27 pm] An unidentified commissioner moved to adjourn. *Motion passed by general consent.*