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Subject: RE: Re: Request to change vote
Date: Thu, 7 Sep 2006 14:37:48 -0400
From: "Simon, Gottlieb (ANC)" <Gottlieb.Simon@dc.gov>
To: "cherita whiting" <cherita_whiting@yahoo.com>

Dear Commissioner Whiting:

You have told me about a vote taken at the Commission's meeting Tuesday, September 5, 2006. More specifically, you wanted to know if Commissioner Fred Grant could change his vote.

According to what you told me, and the email you forwarded to me from Commissioner Grant, this is what happened at the meeting. A motion was made concerning the proposed PUD at 6000 New Hampshire. Following a discussion, a roll call vote was held. Five Commissioners voted in favor of the motion, and three Commissioners voted in opposition. Commissioner Grant initially voted in favor of the motion, but then asked to be recorded as opposed to the motion. About this same time, a motion was made and seconded to adjourn the meeting. According to what you told me, and also according to a phone call that I received from Dr. Martin, both of these things occurred before you announced the vote. In addition, according to you and to Dr. Martin, you did not call for a vote on the motion to adjourn or declare the meeting adjourned before Commissioner Grant asked to have his vote changed.

According to Robert's Rules of Order Newly Revised's (p.407) description of the procedure for conducting a roll call vote, "(c)hanges of vote are also permitted at this, before the result is announced." The responsibility for announcing the outcome of a vote rests with the Chairperson.

If the description of the events as outlined above is correct, it follows that Commissioner Grant's request to have his vote changed should be honored and the vote should be recorded as 4 in favor and 4 opposed, i.e. a tie vote. According to RRO and the ANC 4B bylaws (Section 11, p7) a motion fails on a tie vote.

=====
 Gottlieb Simon
 Executive Director
 Office of Advisory Neighborhood Commissions
 Room 8
 1350 Pennsylvania Ave NW
 Washington, DC 20004
 (202) 727-9945 v (202) 727-0289 fax
 =====

From: cherita whiting [mailto:cherita_whiting@yahoo.com]
Sent: Wed 9/6/2006 5:56 PM
To: Simon, Gottlieb (ANC)
Subject: Fwd: Re: Request to change vote

Note: forwarded message attached.

Cherita Whiting
 Chair of 4B ANC Commission
 McKinley Tech PTA President
 DCPTA Board of Directors
 Chairperson Ward 4 Education Council
 DCPS Education Compact Committee

ZONING COMMISSION
 District of Columbia
 CASE NO. 05-30
 EXHIBIT NO. 86

ZONING COMMISSION
 District of Columbia
 CASE NO.05-30
 EXHIBIT NO.86

YAHOO! MAIL

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Date: Thu, 7 Sep 2006 09:39:30 -0700 (PDT)
From: "Sara Green" <ancsaragreen@yahoo.com>
Subject: Corrected Sept. 5 DRAFT Minutes

To: "Muriel Bowser" <anc.bowser@comcast.net>, "Michael Burke" <anc4b06@mburke.net>, "Frederick Grant" <fredgrantanc4b03@yahoo.com>, "Wesley Hickman" <wesley_hickman@yahoo.com>, "Blondine Hughes" <bchughes1@aol.com>, "Judi Jones" <cariblamond@yahoo.com>, "mike@mburke.net" <mike@mburke.net>, "Faith Wheeler" <fewdcc@aol.com>, "Faith Wheeler" <fewdcc@gmail.com>, "Cherita Whiting" <cherita_whiting@yahoo.com>

Hello:

Here are the draft minutes for Sept. 7 with the changes added by Muriel, Cherita and Faith.

Again, please let me know if there are others. --- Sara

cherita whiting <cherita_whiting@yahoo.com> wrote:

It should be noted that Commissioner Wheeler asked for discussion.

anc.bowser@comcast.net wrote:

Sara- thanks for your quick and thorough summary.

Corrections:

-Cmsr Hickman made a number of statements not reflected, but I guess he can speak to the ones of importance.

-Under the section on the LRCA vote, please add the Commissioner Bowser noted that the vote of the LRCA Executive took place by phone or email as no meeting was held.

Most importantly, please correct the order on the last page. Immediately following the vote on Cmsr Jones resolution, Cmsr Jones moved for adjournment followed by my second. Then, Cmsr Grant made a statement about changing his vote. Also, Cmsr Wheeler initiated the call for a vote on the motion to adjourn.

Thanks again,

Muriel

Cherita Whiting
 Chair of 4B ANC Commission
 McKinley Tech PTA President
 DCPTA Board of Directors
 Chairperson Ward 4 Education Council
 DCPS Education Compact Committee

ZONING COMMISSION
 District of Columbia

CASE NO. 05-36
 EXHIBIT NO. 86

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Sara Green, ANC 4B01
 See my website:

YAHOO! MAIL

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Date: Thu, 7 Sep 2006 14:22:31 -0700 (PDT)

From: "Sara Green" <ancsaragreen@yahoo.com>

Subject: Latest CORRECTED DRAFT Minutes - Sept. 7

To: "Muriel Bowser" <anc.bowser@comcast.net>, "Michael Burke" <anc4b06@mburke.net>, "Frederick Grant" <fredgrantanc4b03@yahoo.com>, "Wesley Hickman" <wesley_hickman@yahoo.com>, "Blondine Hughes" <bchughes1@aol.com>, "Judi Jones" <cariblamond@yahoo.com>, "mike@mburke.net" <mike@mburke.net>, "Faith Wheeler" <fewdcc@aol.com>, "Faith Wheeler" <fewdcc@gmail.com>, "Cherita Whiting" <cherita_whiting@yahoo.com>

Hello:
These draft minutes reflect another change. — Sara

Sara Green, ANC 4B01
See my website:
<http://www.geocities.com/ancsaragreen/4B01.html>

Want to be your own boss? Learn how on [Yahoo! Small Business](#).

Attachments

Files:

 **MINUTES_09_05_06.doc** (35k) [[Preview](#)]

**DRAFT DRAFT Minutes
Advisory Neighborhood Commission 4B
Special Meeting - West Group Proposal For 6000 New Hampshire Ave., NE
September 5, 2006**

The meeting started at 7:13 p.m. at Coolidge High School Auditorium, 5th & Tuckerman Streets, N.W. Chairman Cherita Whiting (4B08) presiding.

Also present at the opening roll call were Commissioners Sara Green (4B01), Faith Wheeler (4B02), Wesley Hickman (4B04), Michael Burke (4B06) and Judi Jones (4B07). Two other Commissioners, Frederick Grant (4B03) and Muriel Bowser (4B09), arrived a few minutes after the opening roll call and before any votes were taken. Commissioner Blondine Hughes (4B05) was not present.

A quorum was present at the meeting's opening and for all votes.

There were two roll call votes, one show-of-hands vote, and two voice votes.

**DEVELOPER and OFFICE of PLANNING PRESENTATIONS and
COMMUNITY DISCUSSION**

Proposed Changes

Developer Bill Jarvis, of the Jarvis Company and the West Group Development Company, and an associate, detailed changes in the companies' proposal for the 11.5-acre site at 6000 New Hampshire Ave., NW. These changes were agreed to after several community meetings, he added.

The developers said:

* the total number of units has been reduced to 169 from 187, and would include 58 condos, 73 town houses, and 38 single family homes. The homes would be all brick except for windows and gutters, etc.

* both sides of Peabody Street would have single family homes. And single family homes would ring the entire project in a design that has the fronts of homes facing the fronts of neighbors' homes, and back entrances would face the back entrances of neighboring houses.

* there would be 12 affordable housing units instead of 17 (3 townhouses and 9 condominiums).

* the companies would contribute \$150,000 to community groups and projects but the companies are "still taking guidance from the communities" on the issue. They want the community to decide.

* there would be a minor increase in the amount of green space, and there would only be passive recreation, with no tot lots or other active facilities.

* there would be a community meeting room that could hold about 35 people.

Commissioner Hickman pointed out that there was no physical model of the proposal as he had requested. Commissioner Green pointed out that there were no visual aids, such as site plans and renderings, at this meeting, so it was very difficult to ask questions or discuss the proposal.

Communication and Memoranda

Mr. Martin and Commissioner Bowser criticized a proposed Memorandum of Understanding. Mr. Martin said the Lamond Action Group's signature was not on the memorandum.

Commissioner Bowser said her name was used on the memorandum without her permission. She "wanted something everyone could agree with" and we were "on the way" to getting it, but "we are not there yet," she said.

Gloria Mobley said many residents, including those who live on Rittenhouse Street and on Sligo Mill Road, were not approached by anyone except Commissioner Jones. "My neighbors feel they are shut out," she said.

Mr. Jarvis said he had been meeting frequently with community groups since November 2004 and had done much more than was necessary. "No one can say I refused to meet with someone," he said.

City Reports, Alternative Zoning Ideas, Traffic, Environmental Issues

Commissioner Jones told Office of Planning Staffer Rosalyn Taylor that the Zoning Commission questioned the density data in the Office of Planning report. Ms. Taylor said she would check on that issue.

Another resident questioned how the city arrived at the density calculations and standards. The standard is the existing zoning and the Office of Planning staff analyzes the developer's proposal to make sure it is accurate, Ms. Taylor explained

Commissioner Bowser asked how the zoning might work if the developer converted the existing two buildings into condos and built single family homes on the rest of the site. Ms. Taylor said that was possible, but a zoning change would still be needed because multi-family condominiums are not allowed as a matter of right in a single-family zone.

Commissioner Wheeler asked if the "Level B" grade for traffic levels of service cited in the Department of Transportation report is based on peak or off-peak-

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time traffic near the proposed project. Ms. Taylor said she assumes the report means "peak."

Commissioner Wheeler also asked about environmental reports and if there were plans for car sharing and other traffic reduction and mass transit-friendly programs. The area is well served by Metro buses, Ms. Taylor answered.

And the law requires the developer's environmental reports to be submitted after the PUD approval, but before permits were issued, she added. Commissioner Wheeler questioned this procedure.

Developer's Financial Contribution

Commissioner Wheeler also criticized giving community groups the \$150,000, explaining that the project needs to stand on its own merits. Commissioner Hickman agreed, and said the money "seems like a signing bonus."

Community Response To New Proposal

Rodney Foxworth, the president of the Lamond-Riggs Citizens Association (LRCA), gave the Commission a two-page letter detailing the group's support for the revised proposal. "What we have is a concrete offer from the West Group with significant changes, " he wrote.

LRCA has 200 members with 20 to 60 attending each meeting, Foxworth said, adding that the members asked the executive committee to work with the developer to improve the proposal. There was no time to call another general meeting to consider the changes, so the executive committee voted, and the vote was to support the project, he said.

Commissioner Bowser said she is LRCA's vice president and believes the group's support "is debatable." Commissioner Bowser said that the vote of the LRCA executive committee took place by phone or email as no meeting was held. Commissioner Hickman said he is concerned that the Single Member District Commissioner for the site was not more involved in LRCA's discussion.

Terry Goings said he is "appalled" there was no general meeting to vote on the proposed changes. The majority of Lamond residents do not support the proposal, he said.

Vote To End Discussion

1. The Commission unanimously agreed to Commissioner Bowser's motion to end discussion.

RESOLUTION INTRODUCED

Commissioner Jones introduced a written resolution:

"WHEREAS a quorum of ANC 4B commissioners were present on this date.

WHEREAS there is a lack of consensus and consent in the affected 4B07 area on many major issues such as density, design, affordability, traffic, and amenities,

WHEREAS, the West Group lacks organization for the negotiation process,

WHEREAS the flawed Office of Planning's report misrepresents the existing community's need and the report lacks consistency with the comprehensive plan,

WHEREAS D.C. Water and Sewer Authority and D.C. Fire Department's reports are inconclusive

WHEREAS D.C. Dept of Transportation's conditional report demands legal conditions and provisions and

WHEREAS, ANC 4B07 Commissioner Judi Jones shall represent the ANC 4B in all matters of PUD Case # 05-30, including the September 7 hearing.

Be it RESOLVED, ANC 4B, ANC 4B07 and residents in the immediate affected area reject the West Group plan. The ANC 4B and ANC 4B07 request the Zoning Commission reject the West Group proposal until all government agencies and immediately affected residents agree. Further, the West Group should negotiate through the 4B07 SMD meetings to resolve all issues regarding this PUD. ANC 4B07 will provide periodic updates to the Zoning Commission as well."

AMENDMENTS ACCEPTED

Commissioner Jones accepted three friendly amendments to her resolution. She agreed to cut two points:

"WHEREAS, the West Group lacks organization for the negotiation process,"

"WHEREAS the flawed Office of Planning's report misrepresents..."

She also agreed to add new language to be inserted after the point that begins:

"WHEREAS there is a lack of consensus..." The additional language is:

"WHEREAS the density should be closer to the density of the existing zoning on the site."

VOTE ON DISPUTED AMENDMENT

Commissioner Burke noted Commissioner Jones had already submitted a report to the Zoning Commission, and that is a problem. Chairman Whiting agreed, adding that the report said nothing about the Commission's earlier resolutions on the West Group's proposals. Commissioner Whiting also said none of those listed as copied on the report received copies.

ANC rules require speaking to the adopted resolution, Commissioner Bowser said. Commissioner Jones responded that she did ask for other Commissioners' comments to her report before submitting it.

Commissioner Bowser asked Commissioner Jones to accept another friendly amendment limiting Jones' ANC 4B representation on the West Group PUD to the September 7 Zoning Commission hearing only. Commissioner Jones declined and asked for a vote on her original language.

2. In a 1-7 roll call vote, the Commission rejected Commissioner Jones' original language. Commissioner Jones was the only "yes" vote. Commissioners Green, Wheeler, Grant, Hickman, Burke, Whiting and Bowser voted "no."

3. By consensus, the Commission agreed to add a last sentence to the resolution that was drafted by Commissioner Bowser. "Furthermore, ANC 4B07 Commissioner Judi Jones shall be a representative of ANC 4B in presenting this resolution on September 7 to the Zoning Commission."

VOTE ON THE ENTIRE RESOLUTION

Commissioner Jones called for a vote on her entire resolution on the West Group's proposal for 6000 New Hampshire Ave., NE, as amended. It was read twice by the secretary.

4. In a 5-3 roll-call vote, the Commission accepted Commissioner Jones' amended resolution. Commissioners Green, Wheeler, Grant, Jones and Bowser voted "yes." Commissioners Hickman, Burke and Whiting voted "no."

FINAL ADOPTED RESOLUTION

"WHEREAS a quorum of ANC 4B Commissioners were present on this date,

WHEREAS there is a lack of consensus and consent in the affected 4B07 area on many major issues such as density, design, affordability, traffic and amenities,

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WHEREAS the density should be closer to the density of the existing zoning on the site,

WHEREAS the D.C. Water and Sewer Authority's and the D.C. Fire Department's reports are inconclusive,

WHEREAS the D.C. Department of Transportation's conditional report demands legal conditions and provisions and

Be it RESOLVED, ANC 4B rejects the West Group plan. Furthermore, ANC 4B07 Commissioner Judi Jones shall be a representative of ANC 4B in presenting this resolution on September 7th to the Zoning Commission."

Commissioner Green reported the 5-3 vote adopting the resolution

REQUEST TO CHANGE VOTE & ADJOURNMENT

Commissioner Jones moved to adjourn and Commissioner Bowser seconded. Commissioner Grant asked to change his vote. Commissioner Jones asked the reason. Commissioner Grant said he had been confused about what he was voting on. Commissioner Green said she did not know the rules for changing a vote.

5. Commissioner Wheeler called for a discussion on the motion to adjourn. In a 5-3 show-of-hands, the Commission voted to adjourn.

Commissioner Grant again asked to change his vote. Commissioner Green said no one had seconded Commissioner Grant's request. Chairman Whiting seconded Commissioner Grant's request.

The meeting adjourned at 9:25 p.m. The Chairman did not declare the meeting adjourned.

--- Submitted by Sara Green, Secretary