

# **ADVISORY NEIGHBORHOOD COMMISSION 1B**

**Government of the District of Columbia**

**Columbia Heights / LeDroit Park / Shaw / University Heights**

**4 September 2003**, True Reformer Building, 1200 U Street NW

Attending: Commissioners Guyot, Spalding, Thomas, Houston, Butler, Glover

Absent: Commissioners Hammonds, Wilson, Skinner, Esters, Wright

Quorum was not achieved until 7:25 PM, and Treasurer Glover began community announcements at 7:10 PM. The Center for Mediation described the availability of their services to community members and organizations. Raphael Cepeda spoke on behalf of the Columbia Heights Neighborhood Jobs Program a division of the Development Corporation of Columbia Heights. Mr. Cepeda reported that DHCD has advised them that due to federal budget cuts the funding for the program will be discontinued on September 30, 2003. Petitions supporting ongoing support for the program were made available, and a request for ANC1B support was on the agenda for the evening. Commissioner Guyot explained that he is on the Board of DCCH, and went on to report that the program has been providing actual jobs for neighborhood residents. Scott Pomeroy of the 14<sup>th</sup> and U Main Streets Initiative supported the request stating that during this period of community growth and development cutting a local job training and placement program was short sighted. Mr. Cepeda stated that the funding for the program's continuation was available, but that the executive branch of the DC Government needed to inform DHCD that the program should be made a priority and given ongoing funding. Chairperson Thomas arrived and a quorum was achieved at 7:25 PM.

Secretary Spalding presented the minutes of the August meeting, Treasurer Glover requested that the June minutes be amended to include the \$94.14 figure approved for secretarial expenses, and it was accepted as a friendly amendment to the motion to adopt the August minutes, and it was seconded and passed unanimously (6-0-0). In the Treasurer's report Commissioner Glover explained that we had a busy quarter, and that the quarterly report ran to one hundred pages. Motion was made to adopt the quarterly report for the period of April through June 2003, and it was seconded and adopted unanimously (6-0-0). In the September Treasurer's report Commissioner Glover reported that two checks had been drawn, one for \$224.43 for secretarial

expenses and one for \$4,000.00 to Save Our Youth Inc. for grant 03-06. Currently ANC1B's balance is \$78,266.02. Acceptance of the Treasurer's report was moved and seconded and adopted unanimously (6-0-0). Additionally Treasurer Glover indicated that we had incurred a charge for getting a copy of our May 2003 bank statement in the amount of \$3.00, and it was moved to accept the charge and it was seconded and adopted unanimously (6-0-0). Commissioner Spalding requested that the Commission allow the Treasurer to explore other banking institutions. Perpetually late or non arriving statements and the constant need for pressing Industrial Bank for \$3 copies of banking statements indicated a lack of proper servicing that was hindering the efficient operation of ANC1B. Treasurer Glover responded that he was frustrated with the service being provided, and that ANC1B's required reports and statements to the government were being filed late due to this lack of service from Industrial Bank. Commissioner Guyot requested that we attempt to work out the difficulties in the next two weeks, and Treasurer Glover agreed but indicated that he needed some degree of consistency in receiving information from Industrial Bank.

In presentations and announcements Commissioner Spalding announced the Mayor's Latino Cultural Fair and Town Hall to be held at Cardozo High School on Thursday, September 18<sup>th</sup> from 5PM to 8:30PM. Commissioner Guyot indicated that Presidential candidate Howard Dean would be at the Bohemian Caverns on Monday evening at 8PM, and the tickets are \$50.

Kenneth Barnes and Carol Felix spoke in regard to Destination U's business proposal. Mr. Barnes shared the history of his involvement in the local community including the murder of his son, the attempt to maintain his son's clothing store at the corner of 11<sup>th</sup> and U, and through his involvement with the 14<sup>th</sup> & U Main Streets Initiative the evolution of the current business proposal. Mr. Barnes indicated that the decision was made to use the story of a minority owned independent business under pressure as a test case for the Economic Restructuring committee to showcase its value. Mr. Barnes stated that it was critical to acknowledge that you can no longer approach lending institutions stating "give my business a chance because I'm black", that you must base your approach to starting a new business or maintaining a current business on sound business principles, creativity, and fully developed proposals and business plans. It was also important that the business plan be reproducible or used as a blueprint for other local minority entrepreneurs using resources locally available at reasonable cost. Involving local community organizations and business institutions was considered integral to the process, and as detailed in the business plan, Industrial Bank, Howard University, SBA, Manna, and the District Government have all been a party to the development of the concept and are expected to continue playing a role in its execution. Chris Donatelli (developer of the Ellington at the corner of 13<sup>th</sup> and U) was approached about the retail space in the Ellington, and reminded that local businesses and their owners should be given priority consideration in leasing decisions. Carol Felix stated that her business was retail store design and marketing, and that this business proposal was an outstanding example of how to approach revitalizing a commercial corridor with local owners and community participation. Commissioner Guyot moved enthusiastic endorsement of the project and encourages all of the community partners to continue full

participation through the process. Scott Pomeroy indicated that the support should be directed to the Re-Store DC grant applied for by the owners. Commissioner Guyot accepted the direction of Mr. Pomeroy as a friendly addition to his motion, and it was seconded and adopted unanimously and loudly (6-0-0).

Scott Pomeroy, Executive Director, 14<sup>th</sup> and U Main Streets Initiative gave an overview of recent and projected activities of the program. Fannie Mae, 7-11, Cultural Tourism DC and the 14<sup>th</sup> & U program have placed a window display in the 7-11 window, and hope to extend the concept to other blank window space around the community. These historically oriented window displays will hopefully invigorate the streetscape and remind residents and tourists of the rich history of our community. The “Dog Days of August Sale” was an enormous success, and many of the participating 31 local businesses recorded record sales during what is normally a lackluster selling period in DC. The Safety and Maintenance program will finally be underway next week, which will employ local residents in a first step program. This is currently a demonstration period and hopefully will evolve into a fully funded local program. On September 29<sup>th</sup> at True Reformer Building the first annual membership meeting will be held, and will review the first years experience of the 14<sup>th</sup> and U Main Streets Initiative. Commissioner Guyot complimented Mr. Pomeroy on dealing openly and frontally with the question of race, that such dialogue can help this community advance and that the 14<sup>th</sup> and U Main Streets Initiative is leader in doing so.

Zahn Design Architects presented their initial concepts for redevelopment at 1830 11<sup>th</sup> Street. The building is located in C-2-A zoning and is noncontributory to the historic district. The current building would be removed and replaced with a seven unit 3 ½ story residential building. The front façade would be visually broken into two vertical lines mirroring the width of the neighboring stock, and would feature bays projecting into the public space. The cornice line would be preserved while adding an additional stepped back story. There would be four parking spaces and a small rear yard. The building is in the Greater U Street Historic District and would have to undergo review by the Office of Historic Preservation and the Historic Preservation Review Committee. Commissioner Spalding asked about the façade surfacing, and the architect said that they envisioned one of the verticals in brick and one in stucco. Commissioner Spalding also asked if the developer had explored the adjoining property at 1832 11<sup>th</sup>, and it was indicated that they had not had time to fully explore the ramifications of the difficulties at the neighboring site. Neighbor Bob Aagre asked about the height of the rear of the building and its possible effect on the light and air of neighbors, and architect responded that in the current iteration of the design the height is approximately 45 feet, which is an addition 17 feet over the current building’s height. Another local resident asked about the possible need for zoning variances, and architect responded that to their knowledge the current design could be built matter of right. Neighbor Aagre asked about the current illegal grandfathered structure behind the existing building and also about the proximity of the rear of the new design to the alleyway. Architect responded that the entire building would be removed, and that the rear façade would be approximately thirty-one feet deep encompassing both the parking spaces and the rear yard.

Pastor William Spence detailed the ongoing saga of Harvest Life Fellowship's attempts to secure abutting property at 2801 Sherman Avenue in order to expand their religious facility. The current facility being used is located at 2803 Sherman Avenue, and is part of a paired attached building with 2801 Sherman Avenue. Pastor Spence gave the commission a history of the church which has been in this location for twenty years, and with the community involvement programs active and supported by Harvest Life Fellowship's congregation. Pastor Spence went on to describe their difficulties in attempting to obtain the adjoining building and projected combination and renovation of the space enclosed by the two buildings. Pastor Spence detailed their attempt to acquire 2801 Sherman Ave. through the tax sale process, and their discovery that the building was actually already owned by the District. Despite following the letter of the law in attempting the acquisition, the District Government allocated the property at 2801 Sherman Ave. to the pool of the Home Again program. A petition directed at Deputy Mayor Eric Price's office with thirty-one signatures of local constituents was presented, and Pastor Spence requested that ANC1B support the intent and language of the petition. Commissioner Thomas asked if the youth oriented programs were the focus of the church, and Pastor Spence indicated that it was one of their top priorities. Commissioner Spalding asked if the church had the finances required for restoration of the property if acquired, and Pastor Spence responded that they have been actively projecting the financing required and the means of obtaining it. Pastor Spence also indicated that they are actively pursuing through the tax sale process an additional building on Sherman Ave. Commissioner Glover asked what specific remedy or support was being asked for, and Pastor Spence responded that their hope was to have the Deputy Mayor's office remove the property at 2801 Sherman Ave. from the Home Again pool, or failing that to swap out the property at 2809 Sherman Ave. that the Fellowship has successfully bid on in tax sale. Commissioner Guyot moved that ANC1B call upon the Mayor and the Deputy Mayor to facilitate the acquisition of 2801 and 2809 Sherman Avenue by the Harvest Life Fellowship as soon as possible, and that ANC1B joins the Pleasant Plains Civic Association is supporting this acquisition. The motion was seconded and adopted unanimously (6-0-0).

Commissioner Glover indicated that "Gifts for the Homeless" have spoken with him about applying for a grant, and that they are presently preparing an application that should be delivered to each Commissioner in approximately two weeks for consideration at our October meeting. GFTH is a non profit organization involving law firms volunteering to coordinate collection, sorting and delivery of clothing to the homeless. Commissioners were referred to the [gftth.org](http://gftth.org) website by Commissioner Spalding.

People for the American Way were not in attendance and their presentation was postponed.

Reconsideration of BZA 17006 William and Lena Ellis was addressed by Commissioner Spalding. ANC1B supported the request for variance earlier this spring, however, the Commission was not in possession of all of the details concerning the “stop work” nor community opposition. The case before BZA has been withdrawn and the direction of the owners and the development of the property are currently unknown. The Office of Historic Preservation had indicated to the Ellis’ that they could work with the illegal (lot coverage) structure attached to the rear of the property, however, the Ellis’ contractors deemed the structure unstable and tore it down and began replacing it in kind. This activity triggered a stop-work order and review by the BZA. The replacement of the illegal structure was not sanctioned by the OHP, and the Ellis’ work would most likely be deemed unacceptable by the BZA. Neighboring owner Bob Aagre indicated that none of the neighbors approved of the replacement structure, and that they had great difficulty in obtaining information on the plans for redeveloping the building. Commissioner Spalding stated that when faced with these questions in the future alerting the ANC single member district representative might be of use to the neighbors in clarifying the situation.

Commissioner Guyot spoke to the letter written to the BZA concerning the Zoning Office decision to allow the withdrawal of Case 16938 (Mason’s and their surface parking lot) after a decision of the Board had been reached. Commissioner Guyot gave a history of ANC1B’s involvement with the zoning case and indicated that the letter was specifically aimed at protesting the administrative decision to use an inappropriate clause of the zoning regulations to circumvent the intentions of the hearing process. Commissioner Guyot requested that the Commission validate the letter which had already been submitted to the BZA, which was required by the time and notification requirements of the BZA which in turn had precluded ANC1B from full review prior to submission. Commissioner Spalding stated that the ramifications to due process in allowing the use of a loophole to lessen the consequences of a rendered verdict were frightening. Commissioner Guyot indicated that this protest is aimed solely at the withdrawal and that if the Mason’s had chosen the appropriate remedies of reconsideration or rehearing that ANC1B would not have protested. Commissioner Guyot requested that ANC1B indicate that because their notification deadlines precluded Commission debate before submission, that the BZA accept the full weight of the Commission as having been obtained and in a timely fashion. Commissioner Guyot moved the ratification and it was seconded and adopted unanimously (6-0-0).

Commissioner Spalding moved that he and Commissioner Guyot be designated to address this issue before the BZA and it was seconded and adopted (6-0-0).

Commissioner Guyot addressed the Public Space Application for a pay phone at 651 Florida Avenue NW. Commissioner Guyot located the proposed phone outside Popeyes and stated that he passes the location each morning. Commissioner Guyot also stated that there is a public telephone already existing on the block, and that drug activity is active in this immediate neighborhood. Commissioner Guyot stated that he had contacted the owner of the building and

had informed him of the consideration by ANC1B; however, no representative was present at the meeting. Commissioner Guyot moved objection to the proposed use of public space and it was seconded and adopted unanimously (6-0-0).

Commissioner Guyot spoke in favor of supporting the motion to reconsider before the BZA of Manna Inc. (Case 16927). Commissioner Guyot stated that ANC1B had unanimously supported the original application, however, the BZA had rejected the application and now Manna was requesting the BZA reconsider their decision. Commissioner Guyot read the proposed motion: “ANC1B hereby reiterates its strong support for development of affordable housing by Manna at the Temperance Row site near 13<sup>th</sup> and U Streets NW. The ANC emphasizes that the Board of Zoning Adjustment should give full weight to the ANC’s support, as well as that of the DC Departments of Fire and Transportation and Office of Planning in considering Manna’s request for zoning variances for this development. Therefore we strongly encourage the BZA to reconsider its earlier decision on this request and to move to approve the variances necessary for Temperance Row.” Commissioner Spalding indicated that he had previously spoken with Commissioner Guyot about supporting a simple motion of support for reconsideration, however, the language presented was more extensive and leading than indicated and would force a vote in opposition based solely on the language. Chairperson Thomas asked why this had not been placed on the agenda, and Secretary Spalding indicated that notification from the Office of Zoning was exceptionally late in arriving and that he considered the issue to be both necessary and timely and had allowed its late placement. Motion was seconded and adopted by a vote of (5-1-0).

Reconsideration of the discussion started at ANC1B’s August meeting concerning alignment of the PSA districts with the ANC boundaries was raised. Mr. Lars Hydle was unable to attend, and the issue was postponed to the October meeting. Commissioner Guyot pointed out the letter from Mr. Hydle included in the Commissioner’s packages and recommended it as required reading.

Commissioner Guyot moved that the Commission support the petition of the Columbia Heights Neighborhood Jobs Program, and that the language of the petition be used as the basis of the resolution.

Secretary requested that Commissioner Guyot aid in crafting the letter of support. Motion was seconded and adopted unanimously (6-0-0).

Commissioner Guyot moved that ANC1B supports the excellent work of the HAVA Commission, we support its national recognition for ten points, and in order to assure continuity

of the excellent work performed by the HAVA Commission we call upon the Mayor to reappoint to current members of the Board of Elections and Ethics. It was seconded and adopted unanimously (6-0-0).

Commissioner Guyot presented a report of the Board of Elections and Ethics which includes a measure addressed to the DC Council supporting voting changes that would allow non-citizens the ability to vote in local elections. Commissioner Guyot moved a resolution to support the recommendations of the Board of Elections and Ethics to alter the voter registration laws to allow all documented non-citizens resident in the District of Columbia the right to vote in local elections (and in local elections only).

Commissioner Thomas asked clarification of the definition of eligible voters. Commissioner Thomas asked if it was not incumbent on residents to become citizens, and Mr. Guyot responded that often the process takes years and that during that time they should not be barred from voting in local elections. Commissioner Glover asked if this meant that non-citizens should be given equal weight to citizens, and Mr. Guyot agreed that as tax paying residents their voice should be given equal weight. Chairperson Thomas asked if this would affect prisoners who have done their time, and Commissioner Guyot responded that that question is addressed in the HAVA Commission report and that District of Columbia law is very clear in stating the voting rights of former prisoners. Robert Aagre stated that he considered voting a right of citizenship, and those non-citizens should be encouraged in their applications for citizenship, and that allowing these votes from non-citizens in close elections should not be encouraged. Commissioner Guyot responded that early in the history of the US only property owning white males were accorded the right to vote, and that Benjamin Franklin posited the following joke: If a man owns a mule then he can vote, but if he loses that mule he can't vote, did we give the right to vote to the mule or to the man? Secretary Spalding asked for clarification of the direction of the motion, and Mr. Guyot responded that the letter would be directed to the City Council supporting the voting changes. The motion was seconded and adopted by a vote of (5-1-0).

Commissioner Guyot moved support of the ABC Board and their reappointment. Commissioner Guyot indicated that ANC1B has had a very good working relationship with the current Board, and the sentiment was supported by Commissioner Spalding. Motion was seconded and unanimously adopted (6-0-0).

Commissioner Guyot described a promotional campaign run by the Common Denominator newspaper to congratulate local football athletes on their accomplishments. Commissioner Guyot stated that the Common Denominator is a regular outlet for publicizing the schedule and import of ANC's and civic association business. The promotion will involve 100 entities contributing \$200 each to sponsor the DC player of the week, and the names of the contributors will be placed in the paper with each announcement. Additionally a plaque will be placed in the

school of the players selected also including the participating contributors. Chairperson Thomas asked if a representative of Common Denominator was present, and Commissioner Guyot responded that it was not a grant request but a method of both obtaining publicity for ANC1B and supporting the Common Denominator. Commissioner Spalding stated that this should be treated as a simple expense of the Commission for purchasing publicity. The motion to expend \$200 for publicity by participating in the Common Denominator's DCIAA Player of the Week program was seconded and adopted unanimously (6-0-0).

Commissioner Guyot moved support for the Land Disposition Agreements proffered by NCRC involving Parcels 5, 19, 24 and 32, and that he is allowed to represent ANC1B at meetings regarding the disposition of these parcels. Discussion of the location of the parcels and their single member districts ensued. Commissioner Spalding asked Commissioner Guyot if he had any conflict of interest in dealing with these specific parcels and with his membership on the Board of the Columbia Heights Development Corp., and Commissioner Guyot responded that CHDC no longer had any interests involved in these specific parcels. The motion was split and considered separately. Motion to support the LDA's for the Parcels was seconded and adopted unanimously (6-0-0). Motion to support Commissioner Guyot's participation at ANC1B's representative was seconded and adopted unanimously (6-0-0).

Meeting was adjourned at approximately 9:15 PM.