

# **ADVISORY NEIGHBORHOOD COMMISSION 1B**

## **Government of the District of Columbia**

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

**2 October 2003**, True Reformer Building, 1200 U Street NW

Attending: Commissioners Guyot, Spalding, Hammonds, Thomas, Butler, Skinner, Esters, Wright

Absent: Commissioners Houston, Wilson, Glover

Quorum was achieved shortly after 7PM, and the minutes for the September meeting were adopted on a vote of (6-0-0). Secretary Spalding relayed comments from Treasurer Glover that he is still not in receipt of the statement for July from Industrial Bank, and that as soon as the statement is available he will complete and report the quarterly beginning in April, and that there was no unusual activity in the past months financial statement.

In presentations and announcements Antilla Trotter spoke about the 5K Fun Run/Walk being sponsored by Howard University's Health Awareness Coalition on Saturday October 4<sup>th</sup>.

Mr. Cedric Hendricks of CSOSA asked for ANC1B's support for temporary use of the facility located at 1301 Clifton Street as an assessment and orientation center during the refurbishment of the current facility at the DC General Hospital campus. The Clifton Street building would be used for approximately twenty months beginning in January of 2004. Commissioner Spalding asked what the current ownership and use of 1301 Clifton is, and Mr. Hendricks responded that it is currently owned by a nonprofit called the Bureau of Rehabilitation and is currently not being used. Commissioner Spalding asked about current zoning use & whether it was appropriate for the CSOSA planned use, and Mr. Hendricks responded that he believed it was correctly zoned for the proposed use. Commissioner Guyot stated that ANC1B has a long supportive relationship with CSOSA

and also with the Bureau of Rehabilitation. Commissioner Hammonds spoke to the history of the building and its use. Its historical use as a halfway house was exemplary, and that there was no interaction between the clients of the facility and the open air drug trafficking that has occurred on this section of Clifton Street. Commissioner Hammond supported this request from CSOSA and indicated that she would continue to keep her keen eyes on all the activities in the 1300 block of Clifton. Commissioner Guyot asked if community opposition had been addressed, and Commissioner Hammonds responded that she had worked to educate the local residents to the good history with the use of 1301 Clifton and the ongoing good work of CSOSA. Commissioner Guyot offered a resolution supporting CSOSA's use of 1301 Clifton Street for a term of twenty months or less, and it was seconded and adopted unanimously (6-0-0).

Pat Gunnin, Area Director, spoke about the Metropolitan Police Boys and Girls Clubs, and the ongoing plans for use of the facility on 14<sup>th</sup> Street. Mr. Gunnin stated that he wants to increase the involvement of the Club in the community, and hopes that planned activities will increase the use of the Club. Commissioner Hammonds asked about current volunteer centered programming, and Mr. Gunnin stated that these plans were being incorporated, however, there was still some organizing to accomplish before they could be fully integrated. Commissioner Hammonds expressed a concern about possible later closing times in the evening, and Mr. Gunnin stated that the age group targeted was six to eighteen years and the facility currently closes at nine in the evening. The Club tries to get the younger attendees home by seven or eight o'clock allowing time for older users separate from the younger users. Special events catering to the older youths could occasionally advance the closing hour, but not on a continual or regular basis unless there is a specific need discovered for later use. Commissioner Hammonds responded that she had offered alcohol and drug programs designed for the sixteen to eighteen year olds, but that they were not interested in the programs, and that reaching out to younger users was more effective and did not necessitate using the facility past nine o'clock. Commissioner Butler asked that the Club continue to explore the effectiveness of programs designed to instill discipline in the children at the upper end of their targeted age group. Mr. Gunnin responded that they haven't found an indication of interest to date, and that their budget was already strained with the activities currently underway. Commissioner Thomas asked whether the club had established ongoing relationships with the single member district Commissioners in the surrounding community and Mr. Gunnin stated that the Club was currently in the process of hiring a full time director for the facility and that it would be the new director's responsibility to reach out to the local community leaders. Commissioner Guyot stated that ANC1B has a strong relationship with the local police officers participating in the Club's activities, and they continue to be a part of policy formulations for the future of the Club and its use. Mr. Gunnin responded that the police officers had been critical in keeping the facilities alive during the present funding crisis, and that future use of the police officers would concentrate on using them for specific youth counseling for which the Club would train them. Commissioner Hammonds asked if the new director of the 14<sup>th</sup> Street facility would be from the local community, and Mr. Gunnin responded that they have three candidates on the final list, and that two of the

candidates have long residence in the local community. Commissioner Thomas requested that Mr. Gunnin meet with Commissioners Hammonds and Butler to continue the discussion, and all agreed.

Desi Deschaine from Mayor Williams' office spoke on the upcoming Citizens Summit III. Mr. Deschaine said that the subtitle for the conference is "Real Challenges, Real Choices", which reflects the current budgetary situation facing the District and the difficult choices that fiscal restraint is placing on the District's government. The Summit will be held on Saturday, November 1<sup>st</sup> from 8AM to 4PM at the new Washington Convention Center. Mr. Deschaine offered to go anywhere at anytime to get the word out on the Summit.

Commissioner Butler introduced representatives from Bozutto Development who had some design changes to report on regarding the Meridian Hill development. John Palmer an attorney for the Bozutto Group asked for ANC1B's support before the Zoning Commission on October 9<sup>th</sup>, and explained that they had reduced the total number of units while expanding the size of the units offered. The four affordable units were still in the design and had slightly expanded square footage. Commissioner Guyot asked 'What's affordable', and Mr. Palmer explained that DHCD had outlined a target of \$48,000 for a family of four and that Bozutto had worked with this number as a guideline. Commissioner Spalding asked when this proposal would be before the Zoning Commission, and Mr. Palmer responded that they are scheduled for Thursday, October 9<sup>th</sup> in the evening. Commissioner Spalding moved that Commissioner Butler be designated as ANC1B's spokesperson before the Zoning Commission hearing on October 9<sup>th</sup>, and Commissioner Guyot offered an amendment that it be represented that ANC1B has been guaranteed that Bozutto has adopted the use of the \$48,000 family of four DHCD guidelines for the affordable units in the project, and it was seconded and adopted by a vote of (8-0-0).

Chief Reginald Smith of the Howard University Police Department was not present, and Commissioner Skinner requested that his presentation be tabled and reconsidered at the November meeting.

Sean Tenner of SmokeFreeDC requested that ANC1B support their resolution dealing with smoke free workplaces in the District. The organization is a citizen based group whose goal is to promote smoke free environments in the area workplaces including restaurants and bars. Mr. Tenner stated that anti smoking restrictions in the District are amongst the most lax in the country. Mr. Tenner also stated that the local restaurant

workers unions have supported the adoption of the restrictions proffered by SmokeFreeDC. Commissioner Guyot indicated that the resolution could be improved on, and that at the ANC Assembly voted support while strengthening the language. Commissioner Guyot asked if the District would lose tax money if the proposal were adopted, and Mr. Tenner explained that the expected decrease in health care costs more than balanced any lost revenues, and that by going smoke free more tourists would be drawn to the area. Commissioner Spalding asked Mr. Tenner to respond to the impact on business owners; that as the public education campaigns regarding smoking advanced more and more businesses were adopting smoke free environments, however, that some bar and restaurant environments choose to cater to a smoking clientele. Mr. Tenner responded that they were not trying to change the culture, but that it is more important to protect the rights of those working in these environments than in maintaining the right of business owners to decide on allowing smoking in their businesses. Mr. Tenner stated that the government already restricts owners by not allowing rats in their kitchens. Commissioner Spalding stated that he had difficulty with the blanketing of all businesses, that he endorsed the movement towards more smoke free working environments, but found the inclusion of all existing businesses to be unfair to the owners of those environments. Commissioner Esters asked if the experience of those DC restaurants that had voluntarily gone smoke free was reflective of the experience in New York, and Mr. Tenner said that it had been a positive experience for those participating. Commissioner Skinner questioned whether the goal of Mr. Tenner's organization was to ban smoking altogether, and that that stance begins to infringe on individual liberties. That individuals are not forced to go to businesses that offend them in some manner, and that if someone wanted to work in an environment that did include smoking shouldn't that be their choice? Commissioner Skinner stated that the resolution appeared to go well beyond public health, and that it appeared to obviate individual responsibility and remove choice for business owners. Mr. Tenner responded that the resolution was solely to cover indoor workplaces. Commissioner Guyot stated that DC leads the country in incidence of smoking related diseases, and that no one has the right to kill another slowly. This is not about restricting anyone's choice; we have taken an oath to do what's in the best interest of this city. We should have the courage to bite the bullet and support this ban. Commissioner Guyot moved support of the proffered resolution, and it was seconded and approved by a vote of (5-2-0).

Nina Dastur of the Center for Community Change requested ANC1B's support of DC Council Bill

15-133 'Close the Loophole in the Tenant Purchase Law'. Ms. Dastur explained the existing loophole in District law that allows owners to retain five per cent of a buildings ownership and avoid giving tenants an opportunity to purchase the properties. This loophole has disenfranchised the tenants as participants in the ownership of their buildings, and has been exploited at tenant's expense. Councilmember Jim Graham stated that he is a cosponsor of the change eliminating the loophole, and emphasized the inclusion of federally insured properties in the bill. Commissioner Spalding moved

support of the proffered resolution, and it was seconded and adopted unanimously (7-0-0).

Under the BZA and DDOT section of the agenda Commissioner Spalding requested support for a Public Space application for a pay phone at 997 Florida Ave. Commissioner Spalding said that he had spoken with the building owner and nearby residents, and all said that they had no past difficulties with the phone in this location and no objections to it remaining. Commissioner Spalding moved support, and it was seconded and adopted unanimously (7-0-0).

Commissioner Hammonds addressed Council Bill 15-398 “Closing of Two Public Alleys in Square 2868”. Commissioner Hammonds indicated that she had gone to the square and identified the two alleys, and the alleys were serving the residents of Belmont Street and Nehemia Buildings on 14<sup>th</sup> Street.

Commissioner Hammonds said that she had specifically requested that Councilmember Graham appear and speak to these alley closings before the affected residents. Councilmember Graham stated that he had gone to the affected square to observe the alleys himself. That what is mystifying about the alleys, and what he could demystify, is the fact that the alleys in question exist only on paper. Neither alley currently exists, and when Clifton Terrace was built the alleys ceased to exist except in the paper records of the Office of the Surveyor. That as part of cleaning up the legal niceties for Wardman Towers these records of the nonexistent alleys needs to be cleaned up. The currently existing alleys in the square are in no way affected by the legislation. Councilmember Graham then showed the Commissioners maps of the square indicating the alleys affected by Bill 15-398. Councilmember Graham offered to take anyone over to the square to look at the alleys, but cautioned that they don't exist and there would be nothing to see. Commissioner Skinner asked why this closing had to be done, and the Councilmember responded that it was necessary for the current owners of the Wardman Towers in securing their unencumbered ownership of the property and could affect their financing. Commissioner Hammonds asked why there is a sign near the Nehemia property indicating that the alley was going to be closed, and the Councilmember indicated that that alley would also not be affected by the Bill. Commissioner Spalding stated that Commissioners Butler and Hammonds had requested that he research the bill a number of months ago, and that he had spoken with the law firm who had requested that Councilmember Graham sponsor the Bill. The finding that these alleys do not currently exist, that they are simply ‘ghost alleys’ and their removal is simply a surveying housecleaning detail was reported to both Commissioner Butler and Commissioner Hammond earlier this summer. Commissioner Guyot stated that Commissioner Spalding had not cleared up anything to his understanding. Commissioner Skinner stated that if there's a concern by the local residents that that should not allow developers to make changes that will affect the residents. Commissioner Skinner stated that the paper could

be wrong, and that the Commission should act in defense of the fears of the local citizens. Commissioner Esters asked what currently exists in square 2868, and the Councilmember responded that there are houses, Wardman Towers and Nehemia and two alleys serving those properties, and additionally two non-existent alleys that the Bill is meant to address. These two non-existent rights of way affect the legal title of Wardman Towers, and that is why we are going to these measures to clean up the paperwork. Commissioner Guyot asked if Commissioner Hammonds was now clear on the intent of the Bill, and Commissioner Hammonds stated that she was not clear what would actually take place. I have a bunch of people who don't know what's going to happen. There are twenty-three houses affected, and the residents of Clifton Terrace don't know anything about this. I want a motion to go in that we will be in writing support of these people that these alleys are going to be closed. I don't know what's going on. We are not accepting what we're hearing, we are opposing this. I see what Jim is telling me, but that don't clear up anything when they're having a hearing down there. Commissioner Guyot stated that if Mr. Graham is to prevail he will prevail, there's doubt (clear and evident doubt) of the people operating in their interest. We have listened to the explanation, but we should oppose this Bill and testify in opposition. I have never seen a sign that a non-existent alley will be closed. Councilmember Graham offered to lead a tour for residents of the Nehemia of the alleys on Monday evening, and to show them where the non-existent alley does not exist. That in so doing the concerns of the neighbors could be satisfied and that there would then be no need to oppose the Bill. Commissioner Hammonds cautioned that the hearing on the Bill is scheduled for the 21<sup>st</sup> of October. Commissioner Esters proposed that if we can clear this up and satisfy the residents that there is nothing to fear in the language of the Bill that we should do so. Commissioner Esters asked if we could empower Commissioner Hammonds to speak to the Bill at the hearing after getting more information from the Councilmember on the nature of the proposed changes. And that if the confusion has been cleared up to Commissioner Hammonds' satisfaction, and that there will be no impact on the surrounding communities that Commissioner Hammonds can speak for ANC1B in voicing no opposition to the Bill. In the event that Commissioner Hammonds is not satisfied, then Commissioner Hammonds can speak for the Commission in opposition to the Bill. Commissioner Guyot spoke in favor of accepting Commissioner Esters suggestion as a friendly amendment. Commissioner Hammonds accepted the friendly amendment, and it was seconded and adopted on a vote of (6-1-0).

In the liquor license section of the agenda Commissioner Spalding indicated that he had given due notice to the first renewal applicant Eleven Market, but that a representative was not present. Commissioner Guyot stated that ANC1B should change its language regarding applicant appearance and consideration. Commissioner Spalding indicated that he was in agreement that the Commission's amended bylaws should be revisited. The renewal was tabled to the November meeting.

Commissioner Skinner indicated that there were community concerns with applicant for renewal Harvard Deli. Selling of single cigarettes and possible sale to minors were both local concerns. There are also problems with graffiti in the area that has not been attended to. The ownership has also not been responsive to citizen complaints. Commissioner Thomas asked if a representative was present, and there was no one present. Commissioner Guyot stated that we are precluded from consideration. Commissioner Esters asked why we can't consider the renewals if there is evident concern and opposition from the community, and Commissioner Guyot explained that the amendment to the bylaws passed in January of this year requires that ownership be present for any consideration of a liquor license. Commissioner Thomas indicated that if ownership was not present we can not consider the application. Chairperson Thomas stated that we should consider changes to the bylaws separate from consideration of specific licenses, and that to do so would be unfair to other applicants. Commissioner Spalding indicated that we do take some action on tabled liquor requests. The Commission does send a letter to ABC indicating that the owners of the application have failed to appear, and that ANC1B does not support any application when owners refuse to appear. In the letter to ABC we request that the Board move the applicant's hearing date forward to allow for consideration at ANC1B. Commissioner Spalding suggested that ANC1B put this amendment to the bylaws at the top of next months agenda. Commissioner Skinner asked if the Secretary would provide a boilerplate letter that he could use in voicing his single member districts opposition to the ABC, and Commissioner Spalding said that he would provide a sample. Commissioner Esters indicated that we should encourage liquor applicants to come before the Commission, but that their failure to appear should not preclude the Commission from voicing support or opposition. Commissioner Thomas requested that the debate be tabled, and that the Secretary place the issue at the head of the November agenda.

In the Grant Application section of the agenda Anne Delhommeau represented Gifts for the Homeless in their application for a grant of \$2,796.00 to be used to purchase clothing to be distributed to: Coalition for the Homeless, Community of Hope Emergency Shelter, Martha's Table, McKenna House, Samaritan Inns, and Upper Cardozo Health Center all located in ANC1B. The organization is run with volunteered labor from DC's law firms, and all funds are spent on providing clothing to those in need. There is no expensed overhead, all administrative costs are born by the volunteers and DC area law firms. An annual clothing drive collects sorts and distributes used clothing; however, garments like underwear and socks are purchased in bulk and require that the organization raise the funds for these purchases. Commissioner Skinner questioned whether we could buy clothing, and Commissioner Spalding responded that Treasurer Glover had reviewed the grant request and thought that it would pass muster with the DC Auditor. Commissioner Spalding added that he was unclear on the matter of using the Commission's funds to support charities. Commissioner Wright indicated that he supported the grant request and could see no reason for any difficulties in securing support from the DC Auditor. Commissioner Skinner asked Ms. Delhommeau if they accepted donations from area businesses, and that if so his dry cleaning business had unclaimed clothing that he would

like to donate, and Ms. Delhommeau said that they would be delighted to accept Commissioner Skinner's donations. Commissioner Guyot moved support of the grant application, and it was seconded and adopted on a vote of (6-0-1).

Commissioner Guyot introduced former Commissioner Lars Hydle who is promoting a resolution requesting that PSA boundaries be aligned with ANC boundaries. Commissioner Hydle explained that the reconsideration of PSA boundaries is working with the Office of Planning's neighborhood clusters rather than the ANC boundaries, and that the ANC boundaries should be preferred for their legal status, familiarity to the populace, and ease of aligning the PSA meetings with the ANC calendar. The ANC's have already been given the responsibility of reporting to the agencies of the city government including those dealing with public safety. Commissioner Hydle offered a draft resolution that had been acceptable to other Commissions, and requested ANC1B's support. Commissioner Spalding stated that there is a disparity in size of the ANC's from those representing four thousand people to those representing twenty-five thousand people, and asked whether the police would be able to deal effectively with a PSA structure encompassing such differences. Commissioner Hydle responded that the current proposal to use neighborhood clusters also encompassed the same population disparities, and that the police have already indicated that they would vary the staffing of the proposed PSA's according to statistically based demand for police services. Commissioner Spalding stated that he considered using the neighborhood clusters a last choice and the ANC boundaries as better, but decried the lack of any suggestion from MPD on possible policing guided boundaries. Commissioner Hydle said that MPD has not offered any guidance along these lines, and do not appear to consider this in any of their discussions of the entire PSA concept or management. Commissioner Guyot said that he admired the flexibility of the proposed alignment. It is also important to align the responsibility for policing with the elected representatives of the neighborhoods. Empowering the ANC's to take more responsibility in public safety in the District is a good idea. Commissioner Hammonds stated that the current PSA structure was not effective, and that bringing the weight of the ANC's might influence some of MPD's lieutenants to be more responsive to their communities. Commissioner Guyot moved support for the proffered resolution, and it was seconded and adopted by unanimous vote of (7-0-0).

Commissioner Guyot offered a resolution supporting full funding of the DC public schools, specifically requesting that the Mayor and the City Council provide the full \$848 million requested. The motion was seconded and adopted unanimously (7-0-0).

Commissioner Spalding apologized that he had not had time to craft a resolution dealing with work by DDOT on alleys in the historic districts; however, he requested permission

to draft a letter to DDOT addressing the lack of input and sensitivity to historic streetscape. This is the result of a terrible decision by DDOT in replacing the alleys inside the square bounded by S, T, 11<sup>th</sup> and 12<sup>th</sup> Streets. Someone complained that water was puddling in the alley, and DDOT used their specifications for all alley construction and proceeded to tear out two historic brick alleyways and cement them in contemporary fashion. The surrounding residents did not want the alleys changed, and neither the residents nor ANC1B were consulted about the proposed changes. Cementing this alley was not needed and was done at considerable expense to the District. Resident Robert Aagre described the lack of notice and lack of support from the neighbors. Mr. Aagre also indicated that after the cementing the same puddle appeared in exactly the same location, and when alerted DDOT stated that “maybe a drain would have worked better.” Mr. Aagre stated that exactly the same procedure happened with the sidewalk facing 12<sup>th</sup> Street this week. The brick sidewalk was replaced with cement less than three years ago, and this week DDOT had to return and replace the cement replacement sidewalk. This represents \$140,000 in unnecessary and unwanted work done by DDOT in this square in the historic district. Commissioner Guyot stated that these replacements could not be done without approval by residents, and Mr. Aagre responded that they had not even been consulted, and that a petition signed by all the neighbors had already been sent to DDOT earlier in the year. Commissioner Guyot indicated that they should contact DDOT’s Ward 1 Planner Callistus Nwadike and get some brick. Commissioner Spalding and Mr. Aagre indicated that they had been in constant contact with Mr. Nwadike, and that he had not been able to give any assistance. Commissioner Guyot said that Nwadike would respond to our request. Commissioner Spalding stated that he had spent hours haranguing Mr. Nwadike about this situation, and that he had gotten no satisfaction. Commissioner Spalding requested permission to write a letter to DDOT Director Tangherlini requesting that alley improvements in the historic districts be temporarily halted, and Commissioner Guyot asked that notification of the affected residents or ANC’s be included. Commissioner Guyot proposed that ANC1B request of Mr. Nwadike that the affected alleyway be restored. Commissioner Spalding stated that contemporary brick was not the same as the original alley composition, and asked Mr. Aagre if replacement with contemporary brick would be acceptable, and Mr. Aagre stated that contemporary brick would indeed be preferable to the current cement. The resolution offered by Commissioner Guyot regarding the replacement of the cement with brick and the request for a letter to Director Tangherlini offered by Commissioner Spalding were seconded and adopted unanimously (6-0-0).

Commissioner Guyot requested support from the Commission to represent the Commission in hearings regarding HAVA and the right of non citizens to vote in local elections (both passed at ANC1B’s September meeting), and it was seconded and adopted unanimously (6-0-0).

Kurt Badenbaugh of the Temple Group presented designs for the Columbia Heights Community Center proposed for the Department of Parks and Recreation at 1480 Girard Street. Commissioner Guyot moved support of the project. Commissioner Spalding complained about the lack of notice and consideration with no preparation. Commissioners expressed disappointment with Commissioner Wilson for not giving

ANC1B adequate background, review or notice. Commissioner Guyot's motion to support was adopted unanimously (6-0-0).

Meeting adjourned.