

ADVISORY NEIGHBORHOOD COMMISSION 1B

Government of the District of Columbia

Columbia Heights / LeDroit Park / Shaw / University Heights

6 November 2003, True Reformer Building, 1200 U Street NW

Attending: Commissioners Guyot, Spalding, Hammonds, Thomas, Butler, Glover, Skinner

Absent: Commissioners Houston, Wilson, Esters, Wright

Quorum was not achieved until 7:30, and meeting was started with announcements and items not requiring a quorum. Sylvia Robinson gave an overview of developments with the Emergence Community Arts Collective, and announced a showcase and pledge drive on November 22nd. Commissioner Guyot announced that on November 17th at Cada Vez there will be an awards ceremony for officials who work with ANC's. Commissioner Guyot also reminded attendees that candidate Howard Dean would be celebrating his birthday in Washington, DC on November 17th. Commissioner Thomas announced that DDOT has apprenticeship training programs available. Commissioner Guyot announced a meeting concerned with the Earned Income Tax Credit to be held at the Thurgood Marshall Center on December 3rd.

Quorum was achieved and Secretary Spalding presented the minutes of the October meeting, and after a brief discussion they were adopted on a vote of (6-0-0). Treasurer Glover reported that there were three transactions in the past month including a credit for service charges of \$6.00, a check was written to the Common Denominator for \$200.00 as voted by the Commission, and a debit charge for banking services of \$3.00. The current balance is \$92,666.72, and the Treasurer's report was moved, seconded and adopted unanimously (6-0-0). Treasurer gave details of the quarterly report for ANC1B's fourth quarter, and the report was adopted unanimously (6-0-0). Reimbursement for secretarial expenses of \$178.15 was adopted unanimously (6-0-0), and rental for the post office box for the upcoming year \$410.00 was also adopted unanimously (6-0-0). Additional minor banking charges \$5.00 on 7/17; \$1.00 on 7/29, \$6.00 on 8/6, and \$3.00 on 9/2 were aggregated and adopted unanimously (6-0-0).

Consideration of ANC1B rules changes in regard to liquor license applicants was addressed by Commissioner Guyot. The rule was adopted in January of 2003 and said that the Commission would not consider liquor applications when the license holder or designee was not present. The Commission has found that this has put ANC1B in awkward situations, and has prevented the Commission from taking votes and positions on matters that should have been addressed. Commissioner Guyot moved that we remove the ruling, and Commissioner Spalding seconded and commented that the consequence of the rule has been that applicants have been ducking appearances at our meetings. And the motion was unanimously adopted (6-0-0).

Fernando Rivero from Councilmember Graham's office asked for participation in the Third District Citizen Advisory Council. An effort to enliven and revitalize the organization is underway, and Mr. Rivero added that the meeting this month will be moved to the third Wednesday due to the Thanksgiving Holiday season, and that anyone who wished to participate in the CAC elections in January would need to become members by the close of the November meeting.

Prior to discussion of the proposed Howard University Charter Math Science School, it was announced that Maybelle Bennett's mother had passed the previous week, and Commissioner Guyot requested that ANC1B send condolences to Ms. Bennett. Thoko Kadzamira described the reasons for Howard University's efforts to open a charter school specializing in math and sciences at the middle school level. Ms. Kadzamira also described the additional outreach programs designed to work with this emphasis on math and science curriculums. Commissioner Guyot responded that this proposal had received no support at the LeDroit Park Civic Association, and that ANC1B was already on record opposing vouchers and that there was little difference between vouchers and charter schools. Commissioner Guyot reprised ANC1B's ongoing support for Howard University's projects; however, this proposal should be where we draw the line. Anyone creating a charter school is removing monies from the public school system, and ANC1B should vote to oppose this proposed project. Commissioner Spalding asked Ms. Kadzamira if she was asking for any specific approval or letter, and Ms. Kadzamira said that they were indeed seeking a letter of support. Constituent Marty Clark added that he supported Mr. Guyot's interpretation of the financial impact on public schools and asked the Commission to support the motion. The motion was seconded and adopted on a vote of (5-1-0).

Ruth Uchiyama from NCRC reported on the status of parcels currently in the development process. A public meeting was held recently on the plans for parcels 15 & 26 near the Columbia Heights metro station. Parcel 15 will include the Victory Housing element targeting low income seniors. Parcel 26 will include ground level retail, some for sale residential units, and a large component of rental units including a 20% allowance designated to persons with 30% to 80% AMI. Commissioner Guyot applauded the ongoing work of Ms. Uchiyama in pressing these parcels through the development process. Ms. Uchiyama also indicated that NCRC had approved the RFP for parcel 34 (14th and Florida) and expects to see proposals by early in 2004. Ms. French spoke to the SRO component included in parcel 26. This portion of the development will be directed at housing the District's homeless, and providing services on site. Commissioner Guyot indicated that ANC1B voted support for parcels 15 & 26 'some time ago', and that the meeting on the previous evening included his testimony on the modifications to these development proposals, and that he would like the Commission to retroactively approve his testimony before the NCRC. Commissioner Guyot added that ANC1B should also indicate that there should not be a lower barrier of entry into the SRO's. Commissioner Spalding asked whether these parcels are inside ANC1B's territory, and Commissioner Guyot indicated that they were not, but that NCRC had solicited our input and that we had been following the process closely and voting on the projects as they progressed through the system. Commissioner Glover indicated that he

was again dismayed at the amount of information not presented in advance to the Commissioners and constituents in advance of their presentation for votes at the Commission. Commissioner Hammonds asked about the loss of the shelter on parcel 26, and Commissioner Guyot responded that the SRO would be the replacement and that it would be run by the appropriate Department of Health agency. Ms. French explained that a portion of the parcel had been donated back to the DC government by developer Donatelli & Klein, and that that portion of the parcel would be used to build the replacement for the existing shelter. Commissioner Guyot stated that it was critical that a developer was involved in helping to build for the homeless, and that we should do whatever necessary to assure that it is not the last time.

Commissioner Guyot's motion was seconded and adopted on a vote of (4-0-2). Commissioner Guyot asked the Commission to endorse his testimony on parcels 15 & 26, and it was seconded and adopted on a vote of (3-0-3).

Mr. Hendricks of CSOSA gave an update on progress in using the building at 1301 Clifton Street as a temporary facility during the renovation of their facility in SW. Mr. Hendricks stated that CSOSA had been contacted by Councilmember Graham on behalf of the South Columbia Heights Association who had voiced opposition to the terms of the project. Talks are ongoing with the Councilmember, and it is hoped that the neighborhood concerns will not prevent the planned use. Commissioner Skinner asked what route CSOSA was prepared to take if the Councilmember's concerns were not allayed, and Mr. Hendricks replied that the Councilmember supports the planned use and was relaying the concerns of residents who had voiced their concerns to his office. Commissioner Butler asked what the specific concerns were of the South Columbia Heights Association, and Mr. Hendricks responded that the concerns with the continued use of the building after the temporary use. Commissioner Hammonds commented that it was her understanding that the SCHA wanted to see the building sold after the temporary use by CSOSA, and that the SCHA appeared to be opposing nearly everything. A constituent from the board of the SCHA stated that their concerns were with zoning (being within five hundred feet of a similar facility) and also a 'fair share' issue with an undue concentration in the Columbia Heights area. Commissioner Hammonds responded that at one time there were a number of programs housed in the area; however, the only remaining program housed locally was Victory Housing. Commissioner Guyot added that anyone who thought equalizing residentially based programs had to be thinking of another city, and that there would never be a siting of one of these facilities in Ward 3. Ms. French stated that there actually are residentially based facilities all over the city, and that she would be happy to supply maps indicating their locations.

Architect Ronnie W. McGhee presented an overview of the initial designs for developing the property on the south west corner of 12th and U Streets. The property currently consists of a one story commercial building housing Dukem restaurant and the undeveloped surface parking lot just to its south along 12th Street. Mr. McGhee explained that the zoning is split between R4 and C2A, which divides the allowable heights into fifty feet on the C2A and forty feet on the R4. As currently designed the project will have approximately 1500 square feet of retail on the ground floor, and will

encompass nine residential units on the upper floors. Adequate parking will be provided for the residential units. The commercial portions are designed without loading docks. Despite actually being an apartment building, the design will reflect the vernacular townhouse appearance with bays. Commissioner Spalding indicated that the owner, Mr. Noorishad, had originally proposed simply extending the one storey structure down 12th Street, but members of the community and the planning office had convinced him to do more with the site. Mr. Noorishad has accepted this advice and worked with a number of departments of the government to fully develop the site. Commissioner Spalding moved that ANC1B support the initial design and massing of the development before the Historic Preservation Review Board, and Commissioner Guyot (noting Mr. McGhee's position on the HPRB) seconded the motion, and it was passed unanimously (7-0-0).

BZA 17080 Asian American LEAD application for special exception to establish a community center in the R4 district at 1323 Girard Street was presented by Sandy Hoa Dang. Ms. Dang explained that their organization has moved many times in the past decade, but that have located the building that they want to develop as AALEAD's home. This will be the first sited Asian American community center in the city, and will house their educational and community outreach programs. Commissioner Glover asked about the time frame for completion of the center, and Ms. Dang responded that they are currently doing the fund raising and expect to occupy in about two years. Commissioner Guyot praised the project, and added that its only drawback was that it was not located in his single member district. Commissioner Glover moved support, and Commissioner Spalding requested to be designated as ANC1B's agent before the BZA, and it was seconded and adopted unanimously (7-0-0).

A Public Space application for a curb cut at 1241 Euclid Street was tabled to the December meeting.

Public Service request to install two pay telephones at 1400 W Street was considered. Chairperson Thomas said that the owner of the gas station indicated that the current pay phone is usually busy. Chairperson Thomas cited the history of criminal activity in this block and requested the Commission to oppose this application for additional pay phones. Motion to oppose was seconded and adopted unanimously (7-0-0).

Commissioner Spalding introduced a resolution calling for an amendment to DCMR 11, 3113.10 adding the phrase "prior to closing the record as specified in 3121", which would make the subchapter read: "The applicant may withdraw an application at any time prior to closing the record as specified in 3121. Withdrawal shall not authorize the removal of any document from the files of the Board. The application fee shall not be refunded upon withdrawal. Without leave of the Board, a new application shall not be accepted for filing again for at least ninety (90) days after withdrawal of the application."

Commissioner Spalding indicated that this proposed change in the DC regulations stemmed from ANC1B's work with the Prince Hall Mason's surface parking lot case before the BZA. A great deal of effort from ANC1B and community groups went into the case, and when the case was decided by the BZA in favor of the position of ANC1B

and the community groups the applicant was allowed to withdraw the case and resubmit in three months. The use of 3113.10 as it is currently written as a loophole allowing applicants the ability to withdraw and resubmit after getting a negative ruling from the BZA raises issues of equity and fairness in the zoning hearing process. Commissioner Skinner asked why the current language of DCMR 11 allows an applicant to return in three months. Commissioner Spalding responded that the use of 3113.10 is a loophole, and one that has been allowed to be used for this purpose, but which should be closed. Commissioner Guyot asked whether language along the lines of “bench decisions are final, unless appealed”. Commissioner Spalding indicated that by adopting the proposed language, that Commissioner Guyot’s concern would be addressed. This allows the vote of the Board to stand unless applicant files for reconsideration, rehearing or appeals the decision, and forces applicants to abide by the terms of 3126.11 “An appellant or applicant whose appeal or application has been denied shall not institute a new appeal or application on the same facts within one (1) year from the date of the order upon the previous appeal or application.” Commissioner Guyot vigorously endorsed and seconded the motion indicating that it is absolutely unfair to lose a case and then decide to withdraw. The motion was adopted in a unanimous vote of (7-0-0).

In liquor license renewals the first applicant was Albo Corp T/A Eleven Market, 1936 11th Street in Commissioner Spalding’s SMD. This application was tabled at the October meeting due to lack of attendance by Albo Corp, and they were also not in attendance at this meeting. Commissioner Spalding indicated that he had received negative responses to the application from surrounding commercial and residential owners, and had also had bad reports from officers of PSA306. Commissioner Spalding also indicated that he had observed the loitering and cleanliness problems cited by neighbors. Commissioner Spalding moved that ANC1B oppose the renewal, and that his intention was to force a voluntary agreement with the owner and not to close the business. Motion was seconded and adopted unanimously (7-0-0).

Class B renewal for Harvard Deli Commissioner Skinner stated that he has spoken with the owner, and has also observed some of the problems associated with the business like sales of single cigarettes. Commissioner Skinner also indicated that the business was near a school, and that the owners of the business had not been responsive to neighbors concerns. It was noted that for the second month the applicant had failed to appear before ANC1B. Commissioner Skinner moved that ANC1B oppose the renewal of license to Harvard Deli, and it was seconded and adopted unanimously (7-0-0).

Class B renewal for Chuck’s Market was tabled at the October meeting, and was reintroduced at this meeting, and applicant was again not present. Commissioner Skinner indicated that he had personally invited the owners to attend, and also indicated that there was an ongoing difficulty with graffiti in regard to this business. Commissioner Skinner indicated that the close proximity to Bannaker High School, and an ongoing concern from constituents that the sale of liquor and the loitering in such close proximity to the school was undesirable. Commissioner Skinner also indicated that the applicant had not

responded to requests from the Pleasant Plains Civic Association, and moved that ANC1B oppose this application for renewal, and it was seconded and adopted unanimously (7-0-0).

Class B renewal for Whitelaw Market was addressed by Commissioner Spalding, and he indicated that he had no negative feedback to share. Applicant was present and indicated no ongoing problems. Commissioners applauded their attendance, and Commissioner Skinner added that business owners attending Commission meetings were a measure of responsibility that should be encouraged. That as a business owner he expects other business owners to regard their attendance as a duty just like residents have.

Commissioner Spalding moved support for Whitelaw Market's application, and it was seconded and adopted unanimously (7-0-0).

Class B renewal application of Cookie's Corner was introduced by Commissioner Guyot. Romeo Morgan represented Cookie's Corner and stated that the business has a solid history and ongoing relationships with their community. Commissioner Guyot stated that he uses the business, knows its reputation, knows of an ongoing relationship with the LeDroit Park Civic Association as well as the neighboring schools and moved support of the renewal of their license, and it was seconded and adopted unanimously (7-0-0).

Class B renewal for Discount Supermarket at 1507 U Street was considered, and neither Commissioner Houston nor the applicant was present. Bryan Martin Firvida was asked if the CSNA had heard of any complaints about their license, and he responded that it has not come up in any of their meetings. Commissioner Thomas indicated that she shops in the market and that she had never heard any complaints. Support for the renewal was moved, seconded and adopted unanimously (7-0-0).

Class B renewal for Sonya's Market at 2833 11th Street was opposed by Commissioner Skinner. Applicant was not present, and Commissioner Skinner indicated that there was little or no interaction between the applicant and community leaders or associations. The problems are the same as those with other liquor licenses in his single member district, and the difficulties stem from the owners lack of respect for the communities in which they are doing business. Opposition was moved by Commissioner Skinner, and it was seconded and adopted unanimously (7-0-0).

Class B renewal for DC Food Market at 1235 W Street, and Chairperson Thomas indicated that she had just recently met the owner of the business. The owner of the store was present and said that they attempt to keep the location clean. Commissioner Thomas indicated that she has had no negative comments from residents about this location, and moved support for the renewal, and it was seconded and adopted unanimously (7-0-0).

Class B renewal for Nicholas Deli at 1911 7th Street was addressed by Commissioner Guyot who indicated that this is a small business that serves excellent food, and which has been in its present location for more than twenty years under the same ownership.

Applicant was not present, however, Commissioner Guyot moved support of the renewal, and it was seconded and adopted unanimously (7-0-0).

Class B renewal for Hi Market at 2655 15th Street was considered. Neither Commissioner Wilson nor the applicant was present. Commissioner Guyot moved support, and it was seconded and adopted on a vote of (5-0-2). There was ongoing confusion over the location of the license, and Commissioner Spalding offered to reconsider and table. Commissioner Skinner asked to let the vote stand, and was supported by Commissioner Guyot who indicated that there was no stated opposition to the license. Commissioner Spalding responded that there was also no stated support for the application, that we had nothing to base our vote on without the applicant, the SMD Commissioner, nor any comments good or bad from constituents. Commissioners Guyot and Skinner asked to let the previous vote stand, and Commissioner Thomas indicated that her vote had been to abstain, and Secretary Spalding indicated that the vote would stand as supporting the license on a vote of (4-0-3).

Class B renewal for Daily Fish Chesapeake at 2250 Sherman Ave was considered. Neither Commissioner Wright nor the applicant was present. With no information available Commissioner Glover moved to table, and it was seconded and adopted unanimously (7-0-0).

Class B renewal for Fairmont Market at 2628 11th Street was introduced by Commissioner Skinner. He stated that he had visited the market and had gotten a cool reception; however, the neighbors indicated that they liked the business and favored the renewal. Commissioner Glover indicated that he uses this market occasionally and has heard no constituent complaints. Support was moved by Commissioner Skinner, and it was seconded and adopted unanimously (7-0-0).

Class B renewal for Seven Days Grocery at 2701 14th Street was endorsed by Commissioner Glover who stated that he uses the business and has heard no complaints about the business. The owners were present and stated that the business has been running at this location since 1989 with no difficulties. Support for the license was moved by Commissioner Glover, and it was seconded and adopted unanimously (7-0-0).

Class B renewal for Shop Express at 2400 14th Street was introduced by Commissioner Butler who indicated that the owners of the business were in attendance, as well as opposition by local residents and also opposition from the South Columbia Heights Association. Erica Lindquist as a resident of 1417 Chapin Street indicated that twenty-five local residents had drafted and signed a comment letter that detailed their concerns with Shop Express. Their concerns are drinking and loitering outside the business, public safety as exemplified by the shooting recently, trash and health concerns associated with the trash, public urination, and nighttime noise. They also proposed possible changes that could help the business, and those were listed on the handout provided. Ms. Lindquist also indicated that the residents did appreciate the store and its location; however, unless their concerns were addressed they would stand in opposition to renewing the liquor license. A representative of the South Columbia Heights Association also spoke in

opposition to the renewal, and also indicated that they were not interested in closing the store, but rather in reaching a voluntary agreement with the store owners to address the same issues that had been brought up in Ms. Lindquist's testimony. She also indicated remedial steps that they were recommending, and those suggestions were printed on a handout distributed to the Commissioners. Commissioner Thomas asked the Shop Express owners whether they had reviewed the handouts, and they responded that they had just seen the complaints earlier in the meeting. The owners indicated that they have been operating for the past six years at this location, and that they had made a significant investment in the store in a location that could only be called a hazardous business location. The business is located in a small mall area and the concerns of residents should be applied to all the businesses, not singling out the Shop Express. The problems with trash are indeed a problem, but they are not of Shop Expresses making. The ownership pays double what they do in other locations to attempt to deal with trash. The local residents use the dumpsters of the Shop Express illegally, and it has been impossible to stop this use. Horning Brothers (landlord for the mall) has not been responsive to Shop Express' complaints about the misuse of their dumpsters. Shop Express has installed a substation for the police inside the store, and does actively attempt to get loiterers to move from the area in front of the business. Commissioner Glover stated that the residents were not opposing the business, but were expressing concerns with the ongoing operation of the business. Commissioner Thomas responded that the owner was responding to the concerns. The owner said that he felt ambushed by the concerns appearing at the last minute before his appearance in regard to his liquor license. The Shop Express owners said that they are attempting to deal with doing business in a difficult location, and that the majority of surrounding residents used and approved of their business. Commissioner Butler stated that the Shop Express has been an anchor business for the mall, and that many of the concerns raised are beyond the scope of normal business. The collection of trash appears to be as much a problem of the community availing itself of the businesses dumpsters than of trash generated by the business itself. Loitering is a problem that is exacerbated by the design of the mall, and that police do attempt to move the loiterers on. Commissioner Butler stated that he is willing to work with the residents and with Shop Express to address the concerns, and possibly refine a voluntary agreement that everyone can work with. Commissioner Thomas stated that there appeared to be a lack of concern with the owners of the mall, and that concentrating opposition efforts entirely on the Shop Express might be misplaced. Members of the SCHA stated that they have been working with the ownership of Shop Express for the past year, and that they had invited Horning Brothers to meetings to discuss the concerns. A member of the resident group indicated that it is indeed an area for hanging out, and that these nuisance loiterers are not going to the mall to use the bank or the dry cleaners, but that the business that is open and being patronized is the Shop Express. Shop Express may need help in moving this crowd and a voluntary agreement could help ownership to do so. Commissioner Skinner stated that his single member district has lingering problems with similar liquor establishments, and as shown earlier in this meeting they had not even had the decency to attend tonight's meeting. The owners of Shop Express appear to be attempting to address all of the concerns listed in opposition tonight. Commissioner Skinner stated that he's in opposition to gentrification, and that new residents need to understand the commitment of business

owners who fought to establish businesses in difficult locations and who continue to try to do the right things for the community. Concerns about the mall should be addressed to the owners of the mall and not concentrated on one business owner. The level of arrogance shown in the handouts is obvious, and your efforts should be placed on getting the District government to deal with the problems and not the business owner.

Commissioner Guyot stated that recently ANC1C and ANC1D had agreed to do away with voluntary agreements not brokered by the ANC's, and tonight's discussion is a perfect illustration of why this should be. These complaints are not going away, and neither are the residents who have trouble with the activities surrounding your place of business. You have to find a way of working with this opposition, but do not give up those things that you are not legally required to give up. You should work to draw up a voluntary agreement, but any agreement should come back to this ANC. Commissioner Guyot moved that ANC1B support a process that involves, Commissioner Butler, the owners of Shop Express, and the various community groups and Horning Brothers to craft a voluntary agreement that is brought back to ANC1B for its consideration and endorsement, and that Commissioner Butler is to be the arbiter of whether the parties have acted appropriately in response to this charge. The motion was seconded and adopted on a vote of (5-1-1).

In additional motions and resolutions no one was present to speak to the issue of Council Bill 15-387 "Nutritional Information at Restaurants Act of 2003" and the discussion was tabled. Commissioner Spalding requested support for relaxing parking regulations as specified by the Prince Hall Mason's for their annual December meeting, and it was seconded and adopted unanimously on a vote of (7-0-0). Discussion of the ongoing debate over the proposed PSA boundaries and their alignment with ANC boundaries was tabled for discussion at the December meeting. Marty Clark representing ACORN requested that ANC1B reconsider support of the Buzzutto project on Belmont Street. Mr. Clark explained that community members did not know about the ANC's consideration of this project, and many community members did not know anything about the development. Mr. Clark said that if the local residents had been aware that luxury housing was going to be developed in their community they would have voiced their opposition. Commissioner Butler responded that he had held community meetings to discuss this project well in advance of the ANC hearings on the development. Chairperson Thomas stated that there was normal notification of ANC consideration, and that the developer had spoken at a number of ANC1B meetings. Mr. Clark stated that proper notice is not always effective notice. Commissioner Guyot stated that he had met with the representatives of ACORN before the meeting, and proposed that a meeting between ANC1B and ACORN be held to address the issue of affordability, how we can pursue it and work on it together. Commissioner Skinner agreed that the effect of the development is a concern to local residents, however, ANC1B has considered this issue and Buzzutto has appeared in good faith and perform as required by the Commission. If we can work with ACORN to prevent moving any more poor black folks out of the neighborhood we need to do so. Mr. Clark stated that he was annoyed that Commissioner's were leaving a meeting that was not yet officially adjourned, and that it reminded him of the older government days and business as usual.

Meeting adjourned at approximately 10:10PM