

# ADVISORY NEIGHBORHOOD COMMISSION 1B

Government of the District of Columbia

Columbia Heights / LeDroit Park / Shaw / University Heights

4 December 2003, True Reformer Building, 1200 U Street NW

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

Absent: Commissioners Houston, Wilson, Wright

Quorum was delayed and the meeting began with community announcements. Quorum was achieved at approximately 7:15. In the Secretary's report Commissioner Spalding reported that due to the first Thursday in January falling on the first of the month (and the facility being closed); he had moved the January meeting to Saturday, January 3<sup>rd</sup> at 10:30 AM. Commissioner Spalding indicated that the BZA application of Asian American LEAD had run into opposition, and that a second hearing would take place this coming Tuesday afternoon. Three of the liquor licenses opposed by ANC1B had been passed by the ABC Board due to ANC1B's late filing of the protest letters. The Prince Hall Mason's BZA reapplication scheduled to be heard at this meeting has been moved to ANC1B's January calendar. Minutes for the November meeting were presented, and a motion to adopt was seconded and the minutes were adopted on a unanimous vote (6-0-0). In the Treasurer's report Commissioner Glover reported that there was no activity in the past month, and that the current account balance was \$92,078.57. Treasurer's report was moved and seconded and adopted unanimously (6-0-0).

Jane Nelson of Nelson Architects presented new designs for development and review at the December HPRB meeting for 1931 9<sup>th</sup> Street. Projected is a five story structure with retail on the ground floor. In cooperation with the Office of Historic Preservation, the plans have been amended to step back the top floor. Materials will consist of pressed block and brick. A total of sixteen residential units are currently planned with four units on each of the upper floors. Commissioner Guyot asked whether Norman Woods had been consulted on the design, and Ms. Nelson replied that she did not know Norman Woods. Commissioner Guyot explained that he could not recommend any development without input from Mr. Woods. Chairperson Thomas asked if they had worked with or presented to any members of the immediate community, and Ms. Nelson responded that she was directed to present to the community through ANC1B and the Cardozo Shaw Neighborhood Association by the Office of Historic Preservation. Commissioner Spalding asked when they would be appearing before HPRB, and Ms. Nelson responded that they were scheduled for later this month. Commissioner Spalding stated that it would be timely for ANC1B to offer some comments on the design for presentation at the HPRB meeting. Commissioner Guyot moved approval of the design contingent upon the approval of Norman Woods. Commissioner Spalding asked why Norman Woods should have control over

the ANC's review of conceptual plans before the HPRB. Commissioner Guyot responded that the property is in his single member district, and that he can't be placed in the position of taking an approval by ANC1B back to Mr. Woods. Ms. Nelson stated that she would be presenting the following week at CSNA. Mr. Guyot responded that CSNA would probably have a good turn out, but that his constituents need to be represented in this decision. Commissioner Spalding asked about the site, and Ms. Nelson responded that it is currently a vacant site. Commissioner Spalding asked about the height of the development in the context of 9<sup>th</sup> Street's two storey commercial buildings, and Ms. Nelson responded that OHP had discussed this but had decided that the richness of the design would be compatible despite the height. Ms. Nelson also stated that they were not maximizing the height, and that in the context of already approved taller structures in the immediate neighborhood the impact would be lessened. Bryan Martin Firvida stated that this is the second architect who has submitted plans for this location, and that CSNA's historic preservation committee would be reviewing the plans next week. Commissioner Guyot's motion was seconded. Commissioner Spalding stated that he had no trouble with community meetings on the design, however, he did not think that the Commission should vote and then have the decision held hostage to review or amendment by specific community members or groups, and that he would vote against the current motion. Commissioner Guyot stated that ANC1B has a history of doing approval motions in this fashion, and that he could see no unfairness in giving those who live closest to the project the final say. Commissioner Spalding replied that if the Commission were to support the project and then if community groups wished to oppose or amend how this can be addressed to the HPRB. Commissioner Spalding stated that if the Commission decided that Nelson should present to community members, then the Commission should delay their vote until the input had been received. Mr. Guyot stated that if they had met with Mr. Woods prior to coming to this meeting there would be no obstacle to moving on the design. Commissioner Spalding suggested tabling the review and reconsidering at our January meeting, which would mean passing on the December HPRB meeting. Commissioner Guyot stated that he has addressed the time constraint concerns, and that he hoped that the Commissioners would show the same respect for his constituents that he has shown to theirs. Commissioner Spalding responded that he had no desire to shortchange any constituents; however, he did not want to see the Commission shortchanged. Commissioner Guyot moved the question, and stated that if it failed he would offer a motion in opposition to the design. The motion failed on a vote of (2-2-3), and Commissioner Guyot moved to oppose based on lack of adequate notice. Motion was seconded, and Commissioner Spalding commented that there seemed no point in opposing what appears to be a legitimate and well designed project and that if Commissioners felt that there was inadequate notification or consultation with the affected community, then the Commission should move to table. Commissioner Guyot stated that he can't get his people represented, and that the way to send a message to developers that you deal with people in the community is to send this opposition message now. Commissioner Spalding asked Ms. Nelson if the Office of Historic Preservation had given them any guidelines on who they should meet with in the community. Ms. Nelson responded that OHP had instructed them to appear before ANC1B and CSNA. Commissioner Guyot stated that that response made his case, and that "I'm now stronger in this" because how else am I going to get my people represented. Commissioner Spalding responded that they can be represented, however, this architect has taken on a project to design a building for our community and been told by the government that the appropriate community groups to present to are the ANC and CSNA. The architect has followed the direction given her by the government, and there is no reason why we

can't table and reconsider in January. Greg Zahn stated that preservation law in the District specifically directs architects to the ANC and only the ANC. Bryan Martin Firvida stated that he felt the ANC should comment on the design, since it's a matter of right development and there will probably only be one opportunity to address the HPRB on this development. Scott Pomeroy stated that the same developers appeared before the ANC with designs from another architect, and at that meeting they encountered the same difficulties of not consulting with the single member district Commissioner. The developers were informed at the previous meeting how important it was to work with the SMD Commissioners, but here they are back in the same situation. Chairperson Thomas stated that she would have great difficulty in voting on a development that had not been presented to her constituents. Commissioner Guyot stated that he hoped the Commissioners would consider his constituents as he has constantly considered other Commissioner's constituents. Mr. Clyde Howard asked if the Commissioners are still required to hold meetings for their SMD constituents. Chairperson Thomas responded that you can still do that, but that it is not a requirement. Commissioner Spalding stated that if Commissioner Guyot's current motion fails that he will offer a motion to table. Commissioner Guyot withdrew his motion to oppose and offered a motion to table, which was seconded and adopted unanimously (7-0-0).

Treasurer Glover announced that he had discovered a request for secretarial supplies for the month of November totaling \$91.45 and moved that we reimburse the Secretary, and it was seconded and adopted unanimously (7-0-0).

Architect Greg Zahn updated plans currently before HPRB for redevelopment at 1830 11<sup>th</sup> Street. The height, density and volume of the proposed building have all been reduced. The English basements have been removed and the mezzanine minimized. The unit count has been reduced from eight to six, and the next HPRB review will center on materials questions. Commissioner Spalding indicated that there had been some concern with the height of the original iteration, and that the current design appeared to be more in keeping with the scale of the buildings in the neighborhood. Mr. Zahn also mentioned that the current structure is non-contributing, and that it would be removed to allow for the new construction.

Bryan Martin Firvida returned to the discussion of 1931 9<sup>th</sup>, and offered to request HPRB to move their consideration to January in order to allow both community and ANC review prior to the hearing. Commissioner Guyot appreciated the offer and said that his constituents would also be appreciative.

Callistus Nwadike presented the results of the traffic calming studies presented to ANC1B earlier this year. Representatives of Parsons Brinckerhoff (PB) detailed the collection of data and

consequent recommendations to DDOT for calming traffic on 4<sup>th</sup> Street and on Euclid Street. The study found that speeding was the most important priority; parking availability and safety were also considered. Eighty-five per cent of the vehicles traversing the study areas were found to be speeding. The recommendations for Euclid Street included speed tables, high visibility crosswalks, signage, neckdowns and stricter enforcement of parking restrictions for non residents. The recommendations for 4<sup>th</sup> Street included textured crosswalks, neckdowns, speed tables, signage, and increased traffic enforcement once the changes have been implemented. Commissioner Butler asked whether the neckdowns would cause the loss of parking spaces, and PB responded that you would lose one parking space close to the intersection. Commissioner Esters asked why, when they are most effective when paired, there is only one speed table proposed for 4<sup>th</sup> Street, and PB responded that increased cuing at the intersection with Florida Avenue precluded a second speed table. Commissioner Esters asked if there was a benefit in using the neckdowns to discourage illegal parking in the vicinity of intersections, and PB responded that that was indeed the case. Commissioner Butler asked if the neckdowns on Euclid would interfere with the ability to make turns, and PB responded that they would not interfere with the ability to make a normal turn. Commissioner Skinner asked if there were any plans to extend the studies to Georgia Avenue, and PB responded that Georgia Avenue would be considered for future calming studies. Councilmember Smith stated that he lives near the corner of 4<sup>th</sup> and T Streets and that about a half hour ago someone hit his car. Mr. Smith indicated that with the current allowance for parking on both sides of 4<sup>th</sup> Street there is a hazard to anyone attempting to exit their cars, and PB responded that two-way traffic is actually more calming than one way traffic. Mr. Smith agreed that it might be more effective in curbing speed, however, the risk to pedestrians and those attempting to exit cars into the street might be as important as calming the speed risk. PB also indicated that they had explored taking the parking away, but had concluded that it was also less viable than maintaining two-way traffic with the parking. Clyde Howard agreed that the currently allowed parking has narrowed 4<sup>th</sup> Street to a point where it nearly impossible to exit from the driver's side of a parked car. Mr. Howard also stated that most of the proposed signage would be ignored, and that noncompliance would continue despite any signage. A constituent asked whether installation of the timed pedestrian crossing signals at 13<sup>th</sup> and Euclid as well as 14<sup>th</sup> and Euclid would be beneficial, and PB responded that they would pass the suggestion along to DDOT. Bryan Martin Firvida asked if there was any progress in calming traffic (stop lights) at the intersection of 12<sup>th</sup> and U, and Callistus Nwadike responded that the need was recognized and that once all the bureaucratic hurdles were passed the lights would be installed (perhaps as long as eighteen months). Commissioner Guyot moved support of the study, and Chairperson Thomas requested a friendly amendment to include the questions and comments raised and it was accepted by Commissioner Guyot, and it was seconded and adopted on a unanimous vote of (8-0-0).

Commissioner Spalding introduced discussion of 901 U Street which is currently before the HPRB. The building is a two storey commercial corner building on the north-west corner of 9<sup>th</sup> and U. It has, unfortunately, been resurfaced in formstone, and the developer is desirous of adding an additional storey to the building. Architect Walker indicated that Mr. Clay wants to rehabilitate this vacant building. Commissioner Spalding asked if Mr. Walker had brought designs for the project, and Mr. Walker passed out rudimentary designs. Commissioner Guyot

suggested to Mr. Walker that they take direction on the exterior of the building from OHP, and Mr. Walker indicated that they were doing so. Commissioner Spalding asked what they would do if removing the formstone were not an option, and Mr. Walker stated that they would either refinish the formstone or put another facing on it. Commissioner Spalding asked about the exterior treatments being considered for the additional floor if the formstone was kept, and Mr. Walker said that the third floor would be set back and done in a different material. Scott Pomeroy mentioned the prominence of this building in the commercial corridor and it is very important to the community. Commissioner Skinner stated that Mr. Walker should look towards securing funding from the groups that have a say over his design.

Commissioner Guyot issued an invitation at the December 3<sup>rd</sup> NCRC meeting for Mount Vernon Park Partners to address ANC1B. Commissioner Guyot moved that the Commission approve the invitation to speak before the Commission, and it was seconded and adopted unanimously. Mount Vernon Park Partners (MVPP) is one of three competitors for development of the Wax Museum site at 5<sup>th</sup> and K Streets. MVPP is proposing a mixed use with 574 units of housing equally divided between rental and ownership. 280 units of rental housing will include 25% affordable in perpetuity allowing rental to section eight certificate holders. Projected are 294 condominium units of which 20% will be affordable. Commissioner Skinner asked how this extensive number of affordable units was possible, and MVPP stated that the location allowed the market rate sales and rentals to subsidize the affordable units. There will be 63,000 square feet of retail space that will also help in making the development financially viable. Commissioner Skinner asked if there would be more than efficiencies available, and MVPP indicated that it would be a balanced mixture of one, two and three bedroom units. Commissioner Glover asked if the other two developers would be invited to allow the Commission to compare and make an informed decision, and Commissioner Guyot stated that there was just no comparison in listening to the presentations before NCRC last night. Commissioner Guyot moved that ANC1B call on NCRC to designate MVPP as the developers for the Wax Museum Site and we commit ourselves to supporting them in the LDA. It was seconded. Commissioner Spalding asked which Commission the development would be located in, and Commissioner Guyot indicated that it was in 6C. A community member asked what authority we had to comment on a development proposal in another part of the city, and Commissioner Guyot responded that the authority rested in the NCRC who has invited ANC1B's participation in every development that they've done. Commissioner Skinner spoke to the example that realizing a large scale development with extensive affordable units could show to developers working in our communities. Motion was moved and passed on a vote of (5-0-3).

Commissioner Spalding introduced Chris Donatelli and Larry Klein to present a new retail client for the Ellington development. Alero is a Mexican restaurant with two current locations in the District. Commissioner Spalding asked about use of public space for outdoor seating, and Mr. Klein responded that there would be some outdoor seating, but that it would be on their property not in public space. The interior space would be about 4500 square feet, and Alero would be in the corner red brick location right at the corner of 13<sup>th</sup> and U. Commissioner Skinner applauded

the diversity represented by Alero's presence. Chairperson Thomas asked if it was to be a family friendly restaurant or a bar, and owners indicated that it would be family friendly.

Commissioner Spalding asked if in the design of the space they had taken into account noise abatement, and they are currently working with the interior architects to mitigate noise. Scott Pomeroy stated that the mix and diversity of commercial ventures in the Ellington exemplifies what the community is asking for e.g. local business and minority owned businesses.

Commissioner Spalding moved support of a Class C license for Alero, and it was seconded and adopted unanimously (8-0-0).

Commissioner Guyot introduced the renewal of LeDroit Park Market Class B license and indicated that there were no complaints or difficulties with this license holder. Commissioner Guyot moved support, and it was seconded and adopted unanimously (8-0-0).

Commissioner Spalding introduced a request for a new Class C liquor license for City Diner to be located at 1208 U Street (next door). Owners indicated that they are hopeful of an early spring opening. They are currently working with Steve Callcott at Office of Historic Preservation. It will be a diner and will be open extended hours. The menu items were a bit healthy for the Commissioner's concept of a diner, and Commissioner Skinner requested grits while Commissioner Spalding requested turkey & meatloaf. Owner presented an architectural design of the floor plan for the Commissioners. Chairperson Thomas asked about the extended hours of operation, and Commissioner Spalding indicated that the hours for serving liquor would be proscribed by their ABRA application. Commissioner Spalding asked if they had worked with Scott Pomeroy and the 14<sup>th</sup> and U Main Streets program, and applicants indicated that they had been missing connections. Commissioner Spalding moved support, and it was seconded and adopted unanimously (8-0-0).

Commissioner Butler reviewed the work that had led to forging a voluntary agreement with Shop Express. Currently Shop Express is reviewing the document, and Commissioner Butler hoped that it could be signed in the next few days. Chairperson Thomas asked if Horning Brothers had participated in the process, and Commissioner Butler responded that afraid of confrontations with the community.

Commissioner Guyot charged Commissioner Butler to work up a voluntary agreement, and the document does represent the sentiments voiced at the community meeting, and it should be supported.

Commissioner Guyot stated that the Commission needed to vote on the document, that the Commission had charged Commissioner Butler with facilitating and drafting the agreement, but that it needs to be approved by the Commission in its finalized form. Commissioner Guyot

moved that ANC1B adopt the voluntary agreement, and it was seconded and adopted unanimously (8-0-0).

Treasurer Glover spoke to our previously awarded grant to Gifts for the Homeless which ran into difficulties with the exact nature of the use of the funds. The original grant request would have allowed shelters to give out blankets and underwear to homeless people, and this was deemed not allowable under the restrictions of the DC Auditor. In the revised application the blankets would be given to the shelters, and the shelters will retain ownership of the materials. Commissioner Glover moved the revision of the approved grant, and it was seconded and adopted (7-0-1).

Ayo Handy-Kendi as founder of the African American Holiday Association presented a grant request for \$1,200.00 to defray expenses involved in operating the Marketplace Festival to be held on December 20 & 21 at the Reeves Center. AAHA's Youth Entrepreneur Project offers a hands-on learning and earning experience during the Marketplace Festival. Commissioner Spalding asked for clarification on where the monies would be going. Commissioner Glover explained that it is overhead expenses in running the Festival. Commissioner Glover stated that the application as written might be disallowed, but that it could be rewritten to cover the overhead of producing the Festival and be an allowable expense. Commissioner Guyot stated that he'd never heard a more humane defense of capitalism is in life, and that we should find a way to rewrite the application to cover our bases. Commissioner Esters asked how the kids would qualify for the subsidy, do they have to be part of some organization or residents of ANC1B, and Ms. Handy-Kendi said that they could be more aggressive in canvassing for youth participants from ANC1B's territory. Scott Pomeroy offered that the event itself could be the focus of the grant rather than the individual youth entrepreneurs. Mr. Pomeroy offered to help promote this year's Festival & would like to work with Ms. Handy-Kendi to leverage the resources of the 14<sup>th</sup> and U Main Streets Program to aid the Festival in future years. Mr. Pomeroy also requested that Ms. Handy-Kendi reach out and coordinate with local small businesses to avoid any conflicts in targeted retailing. Commissioner Skinner moved the question, and it was seconded and passed (8-0-0).

Commissioner Guyot moved that ANC1B encourage ABRA to discontinue the 14e process. Commissioner Guyot explained that the liquor regulations are currently being reviewed, and that there is a more equitable solution in using the challenge process than in continuing the 14e's. Scott Pomeroy added that the history of 14e petitions in the neighborhoods had been divisive, and that other remedies might be more effective. Motion was seconded and approved (6-0-2).

Commissioner Guyot introduced a motion to support the reappointment of Alexander Padro to the DC Public Library Board. Commissioner Padro stated that he has served on the board for the

past three and one half years, and would dearly like to continue his work with the Board. Commissioner Padro described his past work with the Board, and addressed the issues that will be facing the Board. Motion was seconded and adopted unanimously (8-0-0).

Commissioner Spalding introduced a motion to spend \$300 to support the Common Denominator's DCIAA Basketball Players of the Week. This is a continuation of ANC1B's participation in the fall football player of the week. The support ad appears weekly and ANC1B is located prominently at the top of the ad listing of sponsors. Commissioner Guyot added that an award was given at the end of the season and the sponsors were listed on the awards which will remain in the schools. Commissioner Guyot also praised the Common Denominator for being one of the few news sources that lists ANC meetings and agendas. The motion was seconded and approved unanimously (8-0-0).

Commissioner Skinner stated that he is meeting with the ownership of Sonya's Market, which ANC1B had voted to oppose a Class B renewal. The owners and community leaders have met and agreed on the areas that should be included in a voluntary agreement, and the written document should be prepared soon. Commissioner Guyot moved that ANC1B vote to support the proposed voluntary agreement conditioned on Commissioner Skinner's satisfaction. Commissioner Spalding asked whether the issue was time sensitive, and Commissioner Skinner indicated that the hearing would be held this month. Motion was seconded and adopted on a vote of (7-0-1).

Chairperson Thomas requested that Commissioners attend the Jobs Summit as described in the flyers enclosed in their meeting packets.

Commissioner Guyot introduced the owner of Asmara Café who is in possession of a letter from ANC1B approving a new CR license which is dated January 3, 2003, and which the ABC Office said had to be updated. Commissioner Guyot moved approval of a stipulated license for Asmara Café. Commissioner Guyot read the applicant's copy of ANC1B's letter and asked applicant why it was refused by ABC, and applicant responded that it was too late to be acceptable. Commissioner Guyot stated that ABC had clearly changed the rules. Commissioner Spalding requested that applicant come back in January and represent to ANC1B. Commissioner Guyot asked where the business was located, and Commissioner Spalding indicated that it was in his single member district. Commissioner Guyot stated "You got killed mister, he did it". Commissioner Spalding asked the applicant to return at the January meeting and inform the community about the business. Applicant stated that they have received a restaurant license and are currently doing business. Commissioner Spalding indicated that he does not know the business and that a one month delay to allow the SMD Commissioner to learn about the business

was reasonable. Commissioner Spalding asked Commissioner Guyot to remember that earlier in the meeting he had been troubled by a development design that had not been shared with the SMD, and in this case you think that the SMD's concerns about lack of knowledge are inconsequential. Commissioner Skinner complained that we were costing small business money by not approving a liquor license, and whatever the reasons for the delay we should not be standing in his way. The minutes of the January meeting should be more than enough to explain what was discussed. Commissioner Guyot stated that in his opinion the ABC Board just wants ANC1B to contemporize what you did then. Commissioner Guyot stated that we cannot say that we didn't receive notice of this, we cannot say he didn't come here and get the letter, neither he nor us had control over the development. Commissioner Glover asked how long duration exists between reviews of a liquor license, and the Commissioners responded that it was every two years. Commissioner Skinner moved that we contemporize the letter, and it was seconded and adopted (7-1-0).

Meeting adjourned at approximately 10:00 PM.