

# **ADVISORY NEIGHBORHOOD COMMISSION 1B**

**Government of the District of Columbia**

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

**3 January 2004**, 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 at 10:30AM, and in the temporary absence of Chairperson Thomas, Vice Chairman Skinner opened the meeting. Secretary Spalding thanked the Public Welfare Foundation for making the meeting room available on a Saturday morning, and presented the minutes of ANC1B's December meeting. The minutes were moved, seconded and adopted unanimously (6-0-0). Commissioner Wright offered a motion to continue the current slate of officers, however, Commissioner Guyot indicated that procedurally ANC1B would have to abide by the process indicated in the bylaws including declaring the offices vacant, requesting nominations for each office, and then voting on the nominations. The offices of ANC1B were declared vacant, and in turn Commissioner Thomas was nominated for Chairperson, Commissioner Skinner for Vice Chairman, Commissioner Glover for Treasurer, and Commissioner Spalding for Secretary. With no opposition the slate of candidates was moved and seconded and adopted on a unanimous vote of (7-0-0).

In presentations and announcements, Warren Flint, Executive Director of the Shaw Main Streets program was not in attendance, and ANC1B will extend an invitation for Mr. Flint to address a future meeting. Reconsideration of Nelson Architect's design for 1931 9<sup>th</sup> Street was raised from the tabling at our last meeting; however, representatives were not present. Commissioner Guyot indicated that they had appeared before HPRB, and that they had won approval for the design. Commissioner Spalding mentioned that due to the tabling at our last meeting no letter had been sent to HPRB, which may have caused some confusion over ANC1B's stance on this development design. Ongoing review of the development proposal for 901 U Street was next on the presentation agenda, however, the owners were not present and Commissioner Spalding gave an overview of the current status before HPRB. Commissioner Guyot spoke on behalf of the Dean for President Campaign, and indicated that an important facet of that support was freeing up the hierarchy of the Democratic Party enabling wider participation despite ideology. Commissioner Guyot stated that on the evening of January 13<sup>th</sup> the national press will have two questions about Washington DC, and those impressions stated will linger with the District for the next twenty years. Who won the primary, and how many people turned out? Turnout is key, and we have to turn out every Democrat that we can. Commissioner Skinner responded that this election is important to point to the District's

lack of fair representation. The primary was moved to a date preceding the party caucuses in February in order to advance the visibility of the District and its disenfranchised voters. Commissioner Skinner indicated that he felt that many had supported candidates prior to the candidates showing adequate support for the District. This mistake has meant that some campaigns have avoided the full participation that local party officials had hoped for and that the Dean campaign had not done the time in the neighborhoods and committed to DC statehood as many local voters would expect. The Sharpton campaign organization, however, has established a local headquarters and campaigned in the neighborhoods. This and other campaign organizations with a local presence have not received the same publicity or recognition, and DC voters should look to those campaigns who have truly embraced the goals of DC residents rather than those with the highest profile. The importance in moving the DC primary to "first in the nation" status was intended to focus attention on specific District issues, and it is equally important for the District's voters to follow through and support those candidates and campaigns who have fully embraced the spirit of this primary.

In Community Announcements, Brian Martin Firvida stated that the first meeting of the Cardozo Shaw Neighborhood Association would be on January 8<sup>th</sup> in this same location, and that officers would be elected and local development proposals reviewed. Scott Pomeroy of the 14<sup>th</sup> and U Main Streets Initiative announced that the new Visitor's Guides were out and available, and that a schedule of the meetings of the specialty committees was available on their website.

In the BZA & DDOT applications section of the agenda five request for locating new pay telephones were considered for DDOT's Public Space Department. The first request was for 1357 U Street, and Commissioner Spalding indicated that it was in his SMD, and that he was opposed to the request. This phone would be in the vicinity of the closed State of the Union and other currently vacant buildings near the corner of 14<sup>th</sup> and U, and that with the current vacant status of these properties there was an increase in drug and prostitution problems with heightened police concern. Motion was made to oppose this application, and it was seconded and adopted unanimously (8-0-0). The second application is for a new pay phone at 346 Elm Street, and Commissioner Guyot indicated that this was in his SMD, and that the area was heavily drugged up. This is the 'highway' area currently being studied by DDOT, and that the community members queried were adamantly opposed to the application. Motion to deny the application was made, seconded, and adopted unanimously (8-0-0). The third request was for one pay phone at 634 Florida Avenue, and Commissioner Guyot indicated that it was in his SMD. This location is right where Commissioner Guyot catches the bus, and there is already a pay phone at the end of the same block, which makes this installation totally unnecessary. Motion was made to oppose the application, and it was seconded and adopted on a unanimous vote (8-0-0). The fourth request is for one pay phone at 635 Florida Avenue, and Commissioner Guyot indicated that this was in his SMD, and should be opposed for the same reasons that the application for across the street had been opposed. Motion was made to oppose the application, and it was seconded and adopted (8-0-0). The final application was for one pay phone at 2016 Georgia Avenue (again near the intersection of Florida and Georgia Avenues), and again Commissioner Guyot indicated that the service

would be in his SMD, and that there was no need for the service. Motion to oppose the application was made, seconded and adopted unanimously (8-0-0). Scott Pomeroy added to the discussion that the request for 1357 U Street would be outside a vacant building and that by their own codes DDOT should not have honored the request for service nor passed the request on to ANC1B.

In liquor license applications the owners of Coaches Four (Club U) requested time before the Commission to address the current community unrest focused on their business. Chairperson Thomas asked whether there was any substantial reason for their appearance, and Commissioner Spalding answered that the owners had requested time but that no vote on their licensing was indicated or intended. Chairperson Thomas indicated that Club U was in her SMD, and that today's dialogue would be in the form of a presentation. Ongoing discussions with the community and the ownership of Club U would be facilitated by herself, and she offered a sign up sheet for participation in meetings after this appearance before ANC1B. Warren Williams (owner) and Jimmy Parker (chief of security) spoke on behalf of Club U. Mr. Williams thanked ANC1B for their previous support, and indicated that he hoped to allay some misconceptions about their status and security procedures. Mr. Parker extended an invitation to Commissioners and community members to visit Club U on the two nights a week that they are open in the evenings and inspect their security arrangements. The club operates in the evening on Thursday's and Saturday's; with the Thursday night's featuring a live jazz band and a 'happy hour' from five to eleven pm, and on Saturday nights the premier Go-Go band nights. The entertainment is directed at "native Washingtonian's". When the club empties, a staff of nine to twelve security people directs the exit and usher people to their cars. The security staff does patrol the block surrounding the Reeves Center during the evenings, and also attempts to pick up any club generated litter. They have been working with the 3D police on directing traffic as it leaves the club, and is trying to move traffic away from exiting via the 1400 block of W Street. Mr. Parker indicated that the parking is primarily in the basement of the Reeves Center, and that this space also serves as valet parking for a number of the clubs in the immediate vicinity. Commissioner Guyot indicated that there was broad based support for the club, and that in regard to the rumors linked to this establishment he has personally called two people whenever one of these rumors appears WW and the ABC Board. Commissioner Guyot asked Mr. Williams if there were any pending complaints before the ABC Board, and Mr. Williams indicated that he was unaware of any current complaints. Commissioner Spalding asked Commissioner Guyot what WW stood for, and Commissioner Guyot responded that it was Mr. Williams's father. Chairperson Thomas asked if they had met with CSNA, and Mr. Williams indicated that they had done so. Chairperson Thomas also indicated that the residents of Campbell Heights would like to set up a meeting with them, and Mr. Williams indicated that they would arrange the meeting. Commissioner Skinner asked whether Coaches Four was aware of the Main Streets program, and why they are not included in the new Visitor's brochure. Mr. Pomeroy indicated that not all businesses had responded to their call for listings, and that both short and long term businesses are welcomed to initiate participation in the program, and that a second edition of the Visitor's Guide would be issued in the near future and could include new submissions. Laura Stanton, a resident of the 1400 block of W Street, stated two concerns: that in a

post 9-11 world their location inside a municipal building housing the District's Emergency Management Agency she was concerned for nearby resident's safety, and second that there appears to be a history of violence associated with the club and that often the patrons will leave the club and participate in illegal activities on her block. An officer from MPD 3D indicated that they were getting cooperation from the Club U ownership in addressing the traffic and violence concerns that have been raised. The officer indicated that there is ongoing trouble with the patrons of all of the local clubs, and that they will continue to concentrate police efforts in the area of 14<sup>th</sup> and U during the club release hours. Chairperson Thomas requested that the officer take back to Commander McCoy the concerns of the residential blocks near the clubs, and request that service is extended beyond just U Street. Kenny Barnes indicated that he had been involved in the current dialogues with the ownership of Club U, and had done so because he was concerned that an atmosphere of 'us and them' appeared to surround the current questioning of Club U's security. Lou Nayman of the 1200 block of W Street stated that there appeared to be two businesses, one that operates during the days and requires no security, and a separate business that operates two nights a week and requires both security and community relations. Mr. Nayman indicated that he thought that the community concerns should be targeted at the leasing authority, and that that dialogue might concern hours of operation and the nature of the activities housed in a municipal building. Rob Halligan (Commissioner representing ANC2B01) pointed to the recent gun battle that occurred in his SMD, and reported to have spilled out of Club U. Commissioner Halligan stated that a club with live bands operating under a restaurant license should be the subject of a voluntary agreement with ANC1B. Clyde Howard, resident of the 2200 block of 13<sup>th</sup> Street, stated vehemently that attributing all of the violence to patrons of this one club is ludicrous. When Mr. Howard has trouble parking or is awakened by late night revelers he is unable to distinguish whether they are patrons of Republic Gardens or Club U. The point being that you have individuals who are not going to behave no matter where they are attending the club scene and the residents can not assign the bad behavior to any specific club. Commissioner Esters asked the officer from MPD 3D if records were kept identifying the sources of the patrons. The officer replied that the calls come in from all kinds of sources. Commissioner Esters continued by asking if 3D identified the activities of those detained or arrested, and the officer responded that they are probably asked where they've been, but no records are kept to identify any pattern of arrests and the establishments that might be involved. Chairperson Thomas requested that further dialogue be continued outside the Commission's meeting, and that she was willing to facilitate those meetings. Commissioner Skinner stated that the undertones of this debate had been ongoing for years, and that it's time we all called spades spades and deal with these issues or we're going to continue to have these 'us/them' problems. Commissioner Skinner asked the newer residents of the community to reconsider their preconceived notions of how black people are, just as long term black residents should reconsider their notions of how white people are. These concerns often underlie our arguments, but we seldom address the underlying communications and perceptions problems. Crime has gone down in our neighborhood, and I'm glad when whites and more affluent people moved into this neighborhood there has been more attention focused on these issues. As an example it has been impossible for poor people to park on 13<sup>th</sup> Street, but with the new vocal residents the policies have been changed.

All clubs will increase the need for added security in the night time hours, but if all the clubs are forced out you'll not have any need for increased security. It is not in the interest of any business owner to have his patrons maimed and shot. We should all be willing to work together to maintain the vibrancy of the traditional entertainment district while doing everything that we can to ensure residents safety. Commissioner Guyot stated that he's pleased that there's numerous points of contact on every incident—the ABC Board, the 3D officers, Mr. Barnes and himself. Every time he hears a rumor about Coaches Four he treats it as if it's true, and he immediately calls both WW and the ABC Board, and he makes sure that the ABC Board takes him through all of the details of any allegation. ANC1B has voted for this license, and we have a responsibility to oversee the licensee. Commissioner Guyot stated that the number one EMA in the nation is run by Mr. Peter LaPorte, and that Mr. LaPorte bragged that he placed the agency in a glass building.

Commissioner Butler gave an update on the status of the developing voluntary agreement with Shop Express. Commissioners Butler and Spalding attended the ABC hearing, and the South Columbia Heights Association was granted standing at the hearing.

Commissioner Guyot stated that he encourages the Shop Express ownership to sign the original language drafted by ANC1B, and moved that ANC1B vote again to authorize the language encompassed in the original document drafted out of comments collected at the community meetings. Commissioner Spalding stated that the Commission has already voted approval of the language, and Commissioner Guyot stated that he did not think that we had done so and requested that the minutes be perused to locate the vote.

Commissioner Guyot said that he would like the Commission to vote again on the language. The owner of the Shop Express indicated that they were uncomfortable with the language in the original version, and had proposed alternative language.

Commissioner Spalding requested that the Commissioners turn to page 5 and 6 of the December minutes and note the unanimous vote to adopt the language of the proposed voluntary agreement with Shop Express, and Commissioner Guyot read the passage and stated that he was satisfied that we had endorsed the language. Commissioner Guyot addressed the owner of the Shop Express and stated that there was nothing in the language of the original document that worked against the interests of the ownership of Shop Express. Commissioner Guyot stated that it would be in the interest of the Shop Express to work with the original document, and that the original document fairly protects all parties that were involved in crafting it. The owner of the Shop Express said that he is still troubled by the language in the original document and would prefer working towards different language. Commissioner Spalding explained that there were only two methods of proceeding, either agree to the original language voted on by ANC1B or begin crafting a new document with the full participation of the South Columbia Heights Association. Commissioner Skinner asked the Commission why we could not amend our original document, and Commissioner Guyot responded that by doing so we would legally have to do so with the full cooperation of the South Columbia Heights Association now that they have been sanctioned as a party to the voluntary agreement. The Shop Express owner responded that he still does not approve of the language in the original document. Commissioner Skinner responded that it was important for the business owner to understand that he will be opening himself up to

perhaps more difficult language in a document crafted by the new party attached to the process, and that it might be in his own self interest to accept the language of the original document. Commissioner Spalding indicated that Commissioner Guyot still had a motion before the Commission to ratify the original document, and Commissioner Guyot responded that he was satisfied with the reading of the minutes of the December meeting, and that he would withdraw his motion.

Commissioner Skinner spoke to the development of a voluntary agreement with Sonya's Market. The owner has suffered a mild stroke, and that has postponed some of the action on the language, but they are planning to continue working on the document next week. One of the major considerations is the selling of flavored blunt papers, and the owner has agreed to remove the papers from his inventory and will agree to do so in the voluntary agreement. The next hearing before ABRA is in February, and both parties should have reached a final document by the time of the hearing.

In grant applications the Martin Luther King Day Celebration committee was represented by Mr. Kenneth Barnes. Mr. Barnes apologized for tardiness in submitting the request to ANC1B. Due to the untimely and sudden death of the chair of the committee, the celebration was in organizational disarray and in danger of not being able to hold the festivities. This is one of the premier celebrations of Dr. King in the country, and a number of the activities occur right in the Greater U Street community. Mr. Barnes stated that there had been little interaction between the celebration committee and the community, and that he is working to build those ties, most specifically with the 14<sup>th</sup> and U Main Streets Initiative's promotions committee. Mr. Barnes also informed the celebration committee of the history of Commissioner Guyot's history with the Civil Rights Movement and Dr. King, and suggested that Commissioner Guyot be recognized in upcoming ceremonies. Mr. Spader from the committee handed out a rudimentary budget document showing approximately \$12,500 shortfall broken down into the areas where it would be allocated. Commissioner Spalding asked Mr. Spader if they were requesting the entire \$12,500, and Mr. Spader responded that that would be wonderful, however, he had in mind a number like \$5,000. Commissioner Spalding asked about the nonprofit status of the celebration committee, and Mr. Spader responded that they were a 501C3. Commissioner Spalding stated that despite the extenuating circumstances that led to the committee's inability to present the grant request to the Treasurer in a timely fashion, the Commission was faced with difficulties in hearing and acting on the request. Commissioner Spalding explained that there are strict rules surrounding the things that ANC's can fund, and that by funding something that can be disallowed by the District's Auditor ANC1B would not only be jeopardizing the monies given to the committee, but also jeopardizing future funding to ANC1B from the District government. Commissioner Guyot said that the Celebration committee needed to submit a complete request with the actual figures and requested amount, have the submission reviewed by the Treasurer and the Auditor, and that ANC1B should be willing to hold a special meeting to deal with the request. Chairperson Thomas asked about the timing of the event, and Mr. Spader responded that it would be held on January 18<sup>th</sup>. Commissioner Guyot stated that ANC1B had granted monies for use of the Lincoln Theatre before, and that it had cost us \$7,000 in disallowed funding, however, if cleared by the Auditor there was a will on the

Commission to fund the Celebration. Mr. Pomeroy from the 14<sup>th</sup> and U Initiative stated that they were also approached late, and that they would attempt to help with this year's celebration, and would commit the organization to working with the Celebration committee in adequately planning for future years. Chairperson Thomas stated that she would like to see this become regularized with ANC1B participation in future years as well. Commissioner Guyot moved that the grant request be forwarded to Treasurer Glover, and following appropriate screening by the Treasurer and the Auditor, and that ANC1B meet in special session to vote on this specific issue. The motion was seconded and adopted unanimously (6-0-0).

In additional motions and resolutions Commissioner Guyot asked to be designated as ANC1B's representative to the Uptown Destination District plan being produced by the Office of Planning. Commissioner Guyot moved that he be designated the representative of ANC1B, and that Commissioner Spalding be designated the alternate representative. The motion was seconded and agreed to unanimously (6-0-0). Mr. Pomeroy added commentary that the borders of the district had been adjusted and now went as far West as 13<sup>th</sup> Street.

Commissioner Guyot offered a motion to support full funding of the Housing Production Trust Fund. Commissioner Guyot introduced Mr. Fulman who is an expert in the production of affordable housing. Mr. Fulman explained the workings of housing trust funds, and the lack of political will in the District to fully fund the established trust fund. Mr. Guyot read a summary of the prepared resolution, copies of which had been given to each Commissioner. Mr. Guyot also indicated that he would like the Treasurer to explore whether ANC1B could make a contribution to Mr. Fulman's group. Mr. Fulman explained that they were not seeking funding, were appreciative of the gesture, but were looking for endorsement of the resolution already presented to the Commission. Commissioner Guyot withdrew the language of his motion dealing with funding, and it was seconded and adopted unanimously (7-0-0).

Commissioner Guyot spoke to a late addition to the agenda asking for the Commission to support the use of Community Development Block funds, if required, in financing parking at the DCUSA Development in Columbia Heights. This is the development where Target will be located. Use of the monies for parking is unusual, but without funding for the parking the entire development might be in jeopardy. Commissioner Spalding asked what ANC this development was located in, and Commissioner Guyot responded that it was located in ANC1A, but our nexus of responsibility goes back to NCRC who asked for our vote before asking anyone else. Commissioner Spalding asked whether ANC1A had requested that ANC1B weigh in on this issue, and Commissioner Guyot explained that ANC1A has nothing to do with ANC1B's relationship with NCRC. Chairperson Thomas asked why Community Block funding was to be used for parking, and Commissioner Guyot responded that the original source of the monies for the parking was from transportation funding. This transportation funding was disallowed because it did not involve parking for the subway, and the only source that appeared to be available for funding the parking was through the Community Development Block funds. This unusual use of the funding would be to guarantee the progression of the development,

and if other sources of funding can be located then the Community Development Block funding would not be required. Commissioner Esters stated that this would be parking located beneath a department store, and asked whether it will be subsidized parking like facilities in Bethesda, or will it be market rate parking as seen downtown? Commissioner Guyot responded that he was not fully confident of his response, however, it was his understanding that the parking would be run by the District government and be market rate parking. The motion was moved, seconded, and adopted on a vote of (5-1-2).

Commissioner Spalding introduced a motion to delegate Commissioners Thomas and Spalding to work towards codifying the language of the agreements with PN Hoffman agreed to by ANC1B in negotiations in the spring of 2003. Mr. Pomeroy added that he had been contacted by the Office of Planning about the PUD agreement with Hoffman, and that OP wanted greater clarification of the language and details prior to the January 15<sup>th</sup> PUD hearing. The language that OP currently is working with includes the range of affordable housing, rather than the specifics that ANC1B might want specified. Commissioner Guyot added that this was an important vote that ANC1B had taken on affordable housing, and affordable housing had lost. Commissioner Guyot asked that the record indicate that it had been a close vote, and reflect the concerns expressed in the debate. In response Commissioner Spalding indicated that the letters from ANC1B in regard to the Hoffman PUD have already reflected the close vote and the specific arguments leading to the split vote. Mr. Pomeroy said that he has been working with a legal group that helps codify this type of agreement, and makes the decisions reached less subject to avoidance a few years down the line. Commissioner Guyot offered a motion delegating the Chairperson and Secretary and Mr. Pomeroy to develop a document clarifying ANC1B's agreements with PN Hoffman. The motion was moved, seconded and adopted on a unanimous vote of (8-0-0).

Meeting was adjourned at approximately 1:00PM.