

# **ADVISORY NEIGHBORHOOD COMMISSION 1B**

**Government of the District of Columbia**

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

**5 February 2004**, True Reformer Building, 1200 U Street NW

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

Absent: Commissioners Houston, Wilson

Quorum was achieved at 7:15PM. In the Secretary's report Commissioner Spalding reminded the Commissioners that supplying current and correct addresses and telephone numbers was required, and that it would aid the Commission in carrying out its duties. Copies of ANC1B's minutes and agendas are being posted at [www.ustreet.com/csna](http://www.ustreet.com/csna), and if hard copies are required please just ask the Secretary to make them available. Minutes of the January meeting were reviewed, moved and adopted on a unanimous (6-0-0) vote. In the Treasurer's report Commissioner Glover indicated that we have received our first quarter 2004 allotment of \$6,666.99, which brings the current balance to \$94,358.11. Treasurer's report was moved, seconded and adopted unanimously (6-0-0). Copies of the first quarter report for 2004 were presented for the period ending December 31, 2003, and the report was moved, seconded and adopted unanimously (6-0-0). The 'Security Fund' payment of \$25.00 is due in order to bond the Treasurer and Chairperson, and Treasurer Glover introduced a resolution reading: Resolved that this Commission approves the ANC's participation in the Advisory Neighborhood Commissions Security Fund, and authorizes the Treasurer to pay the \$25.00 fee covering the period January 1, 2004 to December 31, 2004. The motion was moved, seconded and adopted unanimously (6-0-0). Secretarial expenses were introduced with copies of the appropriate receipts, and Treasurer moved payment in the amount of \$146.55, and it was seconded and adopted unanimously (6-0-0). Commissioner Glover also indicated that he had just received notice from Councilmember Catania's office specifying required attendance at ANC Oversight Hearings to be held on February 17<sup>th</sup> at 7:05PM. Commissioner Spalding asked who was required to testify, and Treasurer responded that the Chairperson and one additional officer were requested to appear.

Award presentation honoring Commissioner Guyot was postponed since neither the presenter nor Commissioner Guyot was present.

In community events and announcements Commissioner Spalding read through a lengthy list of announcements. 1250 U Street will be opening over the next month beginning with Quisnos, and followed by occupation of the upstairs offices, Starbucks, SunTrust and after the tax season H&R Block. Donatelli & Klein have indicated that they are ready to pour the sidewalks in front of the Ellington, and are just waiting for Pepco to finish the electrical connections in the area in front of the building. The Hoffman PUD was passed by the Zoning Commission with some ongoing review by DDOT, and constituents from the 1300 block of V Street should be notified on all further negotiations including the TCP. 1340 U Street will undergo renovations this summer following designs by Eric Colbert and Associates, and oversight will be at the Office of Historic Preservation level. Asian American LEAD's application before the BZA was finally passed, and a thank you letter from AALEAD was described. Bush Construction has addressed constituent complaints in regard to queued trucks blocking visibility of the stop signs on V and 12<sup>th</sup> Streets. HPRB hearing on 901 U Street led to a decision not allowing the addition of a third story without a commitment to remove the formstone from the first two floors, and in review of the designs for 1830 11<sup>th</sup> the Board reverted to a preference for a four story apartment appearance. The Cardozo Shaw Neighborhood Association has elected new officers, and Commissioner Spalding introduced the new President Craig MacIvor. President MacIvor assured the assembly that Bryan Martin Firvida is still active in the association and the neighborhood, and that he was looking forward to working with ANC1B and its Commissioners to better serve the neighborhood and its residents. Commissioner Spalding indicated that Kenny Barnes and Craig MacIvor attended a Hospitality conference in San Diego this past week, and that ideas generated would be integrated into ongoing work in community organizations dealing with restaurants and nightclubs. The ribbon cutting ceremony for the temporary CSOSA facility at 1301 Clifton was held, and Commissioner Hammonds was one of the key participants. ANC1B did testify in support of NCRC's development of parcel 34, and the process appears to be moving ahead smoothly. The Ward 1 Neighborhood Citizen Summit is scheduled for Monday, February 23<sup>rd</sup> at 7PM at the All Souls Church at 1500 Harvard Street. Commissioner Spalding indicated that he had finally found the person responsible for replacing the tributes to slain officer Morales at the 13<sup>th</sup> and U Metro station, and there will be a new plaque installed on the new building at 1250 U sometime this spring or summer. Mr. Derrick Woody from the DC Office of Planning gave an overview of the Uptown Destination District program, and gave an outline of the upcoming schedule of meetings and decision making points in the UDD's expected process. Commissioner Guyot commended Mr. Woody on doing an effective outreach to the community. Commissioner Alexander Padro introduced activities being sponsored by the Shaw Main Streets program, and made available copies of the "African American Heritage Trails Guide". Commissioner Padro also indicated that their new Executive Director is planning on attending the March ANC1B meeting. Vivian Guerra introduced herself at the new Planning Coordinator for Ward 1 with the Office of Planning. Ms. Guerra indicated that she had been fully engaged in the work on the Georgia Avenue project, and looked forward to working with the other Ward 1 projects in conjunction with ANC1B.

Commissioner Guyot introduced a presentation by Kumase Development Group and Broadcast One Partners. Commissioner Guyot stated that the presentation would address two issues that community members have been asking for through his entire exposure to city politics; do something with the Howard Theatre, and whenever and wherever possible help Radio One to move into the District. Tonight we'll hear presentations that do both. Commissioner Guyot indicated that after a presentation before the LeDroit Park Civic Association the plans of the Kumase Group were enthusiastically supported. Mr. Derrick Woody interjected that this proposal was one that had been made towards the development of square 441, however, they are expecting other proposals and are encouraging other developers to also present before the ANC. A representative from Kumase Group presented their plans for the redevelopment of the Howard Theatre. Kumase has had an unsolicited proposal before the District in regard to the Howard since 1999, and it is the only unsolicited proposal received by the District government. They want to expand its usage as a live entertainment theatre café. The original theatre will be sized down to about 500 seats under a table a restaurant style entertainment facility. The live entertainment is expected to be jazz, rhythm and blues and gospel performances. They are also considering excavating to provide additional green rooms for the live performance area, and two small movie theatres to show independent black films. The entryway will be restored as an historical gallery narrating the history of the theatre. They are also proposing closing Wiltberger Street and a partial closure of T Street. The front façade of the Howard will be restored to its original appearance. Mr. Chip Ellis spoke for the Broadcast One participation in the proposal. Radio One is a publicly traded national company that was started in the District. In 1997 the corporation moved to Lanham, Maryland, and the hope is to get them relocated back in the District. The CEO of Radio One has agreed that square 441 would be an ideal candidate to house their national headquarters. Mr. Ellis related his family's history and relationship with the Shaw community. I have known this community and have seen it go through a transition of late, but there's still more to do, and I'm committed as a developer to making sure that the integrity of Shaw is never lost. They are proposing a mixed use building on the NCRC parcel above the Metro site including sixty thousand square feet of office, and one hundred thousand square feet of residential. They are also committing to making 25 to 30 per cent of the new residential space affordable. They have met with Manna Corp. to help ensure the affordable housing commitment. Phase 2 of the development process would entail building over the existing commercial buildings, and at the same time renovating the existing commercial spaces. The presence of the Radio One and TV One employees would bring a daytime presence to the community that is currently missing. The representative from Kumase Group spoke to the difficulties with parking, and indicated that below grade parking would be developed in the NCRC parcel and the use would be shared with the Howard Theatre development. Commissioner Guyot asked the presenters to address financing, the writing stage of the agreement on parking, and assurances on the heavy involvement of Manna. Commissioner Wright asked if the current business owners would be displaced, and presenters responded that they would work cooperatively with the owners of the spaces to get the best deal for both parties. Commissioner Esters asked the presenters to elaborate on the parking plans and to indicate how they could handle the volume of parking expressed in the combined design, and also whether the T Street closure would block pedestrian traffic. Presenters responded that T Street would be open the majority of the time, and would only be closed for special events and presentations. Mr. Ellis responded that there would be approximately 180 parking spaces beneath the NCRC parcel building, and that approximately 110 of the spaces would be available

for the residential component and parking for the Howard Theatre events. Commissioner Esters asked if they were any further plans to address parking, and Mr. Ellis responded that they are exploring the possibility of excavating beneath the existing commercial buildings to add around another 200 parking spaces. Representative from Kumase explained that with the maximum usage of the Howard Theatre development of 1,000 people and the availability of 100 parking spaces that fit the usage ratio of four to one for parking. Commissioner Butler asked about the number of residential units planned, and Mr. Ellis responded that the designs currently projected 75 to 80 units, and in Phase 2 there would be approximately another 120 units developed. Mr. Butler asked Mr. Woody of the Planning Office whether this was an approved project or just a proposal, and Mr. Woody responded that it was just a proposal at this point, and that a number of questions are still being debated. Commissioner Guyot interjected that this is an ANC meeting, and that the comments from the Office of Planning had no correlation to the ANC's consideration of the proposal. There is no interference with our consideration of an NCRC project. This is clearly an unsolicited proposal dealing with the use of NCRC land. Representative from Kumase indicated, in response to Commissioner Guyot's earlier questions, that they have held discussions with Manna around the affordable housing component and UPO in regard to the supply of labor. Mr. Ellis responded that their financing was through the Bernstein Companies. Constituent Clyde Howard asked about accessibility for the residents of Wiltberger Street, and presenters responded that they have been working with the residents affected by the possible closing. Tim Arnold of CSNA asked whether they had considered methods of helping assure turnover of parking in the projected lots, and presenters responded that they would try to provide incentives for using the Metro. Commissioner Padro indicated that this parcel had, prior to the recent realignment, been in his single member district and that he had worked with Kumase towards redevelopment of the Howard Theatre. Commissioner Padro indicated that DHCD had been sitting on this project for a number of years with no results. This combined proposal is worthy of support, and would be beneficial to all constituents in the area. Commissioner Padro also indicated that further number crunching needs to occur so that we can determine what subsidies the city would have to provide to entice Radio One to agree to the development since they are not planning on spending a huge amount of their own money to make the project happen. In this case consideration of an unsolicited proposal is acceptable due to the Howard Theatre being one of the components. Commissioner Guyot proposed a motion dealing with the two presented proposals. We now have legitimate, well researched, well planned and well financed synergy between a couple of groups. Kumase, Radio One, Manna and UPO. This Commission has been involved in every action taken by NCRC. Commissioner Guyot moved that ANC1B support the development proposal by Kumase Development, and then a separate motion to support the proposal of Broadcast One, and then moved to vote on the motions cumulatively. The motion was seconded. Commissioner Spalding asked Commissioner Guyot if it would not be a common courtesy to review the other proposals for development, and Commissioner Guyot responded that it was his responsibility is to do what is in the best interests at the time. Nothing we do this evening abrogates our right to review any other proposals. This has been twenty years in the doing and we now have two proposals, and I enthusiastically support them on behalf of my constituents, none of whom have voiced any objection. Commissioner Spalding responded that he would oppose the motion despite the value of the proposal in order to compare it with the other proposals for the site. Commissioner Glover asked if there were any other proposals, and Commissioner Guyot responded that there are no other proposals. Commissioner Guyot indicated that he and Commissioner Spalding had been

designated as representatives to the Uptown Destination District program at the Office of Planning, and that their first meeting would be sometime later this month. But we're now talking about a development proposal, and the Office of Planning has nothing to do with it. If other proposals come forward then we can vote on them, but this is the one that is before us now. Commissioner Spalding asked for a clarification from Mr. Woody as to the existence of other proposals, and Mr. Woody responded that at this time NCRC has received at least one other proposal for the development of square 441, and that after the review process by April NCRC, Metro and the DC Government would move towards a decision on the proposals. Commissioner Guyot responded by cautioning that we should hear what Mr. Woody did not say. There is nothing prohibiting us from considering this unsolicited proposal. Commissioner Glover asked if anyone had seen any other proposals, and Commissioner Guyot stated that they don't exist. In a vote on Commissioner Guyot's motion to support the Kumase and Radio One proposals the Commission voted (4-2-3) in favor.

Commissioner Spalding introduced discussion of BZA 17099. This is a resubmission of BZA Case 16901 which was opposed by ANC1B, and which was later incorporated into BZA Case 16938 which was also opposed by ANC1B. The Board of Zoning Adjustments voted (4-0-0) to oppose application 16938, however, prior to printing the decision in the DC Register the applicant applied to withdraw, and was allowed to do so by the BZA. This withdrawal was protested, unsuccessfully, by ANC1B, and subsequently ANC1B has requested an amendment to the Zoning Regulation (11 DCMR 3113.10) to restrict withdrawals. The revised application is listed as BZA Case 17099 and requests the Board to allow continued use as a surface parking lot (for an unspecified period of time) until the applicant can develop the site. The Westminster Neighborhood Association was admitted as a party to BZA 16938, and in the proposed BZA 17099 the applicant has attempted to respond to neighboring property owner's complaints over the condition and operations of the lot. Applicant has developed a "Statement of Principles" based on negotiations with WNA and Commissioner Guyot, and a copy of a draft of the document is attached in the Commissioner's packages. Wayne Quin of Holland and Knight was introduced as representing the Prince Hall Grand Lodge. Mr. Quin introduced Mr. Ken Collins who was present as the representative of the Mason's. Mr. Quin stated that he would summarize and give an overview of the application. Holland and Knight were retained this past August, and have been counseling the Lodge on how to proceed. They have stressed with the Lodge that it is important to get to a written agreement with the ANC and WNA over a number of points. Mr. Quin stated that Holland and Knight's review of the previous iterations of the case showed that the wrong regulations were used in the previous arguments, and that a special exception was more appropriate than the variances that were sought in 16938. There are two preeminent questions facing the Lodge and the community, first is what's the future use of this property, and once defined, how do you get the Lodge committed to the development with appropriate enforceability. The second issue is the interim use prior to the development of the site. They are both legitimate issues, and our history with contentious situations is that it is best to face them head on and try to arrive at some agreements. Holland and Knight has advised the Lodge that they must reach these agreements, or they will lose their case. Mr. Quin indicated that there were two attempts at negotiating documents, one drafted by the WNA during 16938, and another that the Lodge has been developing. Mr. Quin suggested that the two documents

serve as the foundation of a merged document that addresses the needs expressed in each side's arguments. Mr. Quin also suggested that a limited number of people participate in the drafting of a new document, and present the negotiated new agreement at the March ANC1B meeting. Mr. Quin offered to make the initial draft available by next Tuesday with more detail on the site conditions. There are at least seven points that need to be covered in regard to the first issue, what's going to happen with the property and how can you get adequate assurances on the development. Number one is the timing and including specific deadlines, and second would be timing on an RFP. Third would be preliminary architectural drawings, fourth would be going through the entitlement process which would include HPRB approval as well as BZA issues. Next would be coordination with the ANC and the neighborhood associations, and then dates for the commencement of construction and the completion of construction. Finally there should be enforcement mechanisms. On the second issue dealing with the interim use, the length of the interim period should be defined, and the landscaping and site maintenance should be developed along with appropriate enforcement mechanisms. Mr. Collins indicated that the Lodge had given him control over the process to lead to a resolution of the case. Lynn Johnson spoke on behalf of the WNA, and indicated that what had been presented by Mr. Quin was smoke and mirrors, and that is no agreement. WNA attempted to resolve the issues involved a year ago when the Mason's forced the community into an extremely litigious case before the Zoning Board. They refused to look at our drafted agreements, they refused to talk to us, they refused to read or respond to our suggestions, they said 'it's our property and we'll do what we want.' The first document referred to was drafted by me during the February storm we had last year, and when presented to the Mason's I got no response. I submitted that first document in the hopes that we wouldn't have to spend thousands of dollars litigating the case with them. They said no, and we spent our time and our money to oppose their application, and our victory was taken away from us. Now they have introduced the second document that Ken Collins has been working on with me. Since the application has been filed by Mr. Quin, I have again tried to work towards an agreement that might preclude the time and cost of litigation. Lawyers can settle cases, and attempt to settle cases, but that settlement never goes before a court and never goes before an administrative body. It is quiet until you reach the settlement. I am surprised that what I've been doing as an attorney has appeared tonight in this context, that what I've been working on can be used against me by saying 'the neighborhood is talking with us we want to talk with you too.' WNA does not want to have this negotiating discussed, and they are reluctant to continue the process because they do not trust the Mason's. We are here tonight to speak to the Commission's decision to approve or disapprove the Mason's request for permission under a special exception to park on their lot. In 1974 the Mason's asked for an exception from the BZA to start parking on the lot and it was approved, and they have used the lot for the past thirty years. I understand their desire to use the lot for parking since their building on U Street has no parking like most of the commercial buildings on U Street. Their approval to use the lot for parking was limited by the BZA under time constraints, and they have been required to renew the use of the lot. Their permission expired in 1992, and they never asked for approval again. It was only through the effort of our WNA member Tania Shand, when she was tired of them not cleaning the trash off the lot, when she was tired of them not removing the snow, and when they refused to respond to her complaints that she learned that they had been parking on the lot illegally for ten years. When the Mason's discovered that WNA was researching the lapsed permission, they filed their original request of the Board of Zoning Adjustments. We actively participated in the lengthy hearings before the Board, and supplied lengthy documents requested

by the Board. The Board finally met to decide whether to let the Mason's continue parking on the lot, and the Board decided 'no longer, no more, it's enough, the area has changed, and development needs to be done.' There are problems with siting a surface parking lot in a residential area. The oral decision of the Board in favor of WNA and the ANC's position had to go before the Corporation Counsel which can take months. The Mason's knowing that they had lost their right to park on the lot, and knowing that they had refused to negotiate with the community, went to the top attorney in the District on zoning issues and said 'what can we do?' Mr. Quin found a loophole that would allow the Mason's to withdraw their application at any time. This ANC decided that having the oral decision ignored was not fair has asked the Zoning Commission to rewrite the regulations. We feel that our victory was stolen from us, and I would like to ask Mr. Quin why he would advise the Mason's to use this loophole and further alienate the community? And then to follow that decision with the quick resubmission of an application to park on the lot, so despite the fact that they lost they're back and we're faced with the effort and expense of litigating again. So now here we are preparing for a March hearing before the BZA with one difference, since their permission to park expired ten years ago their current use of the lot is illegal. They parked on the lot through all of last year's hearings, but when they withdrew their application we did manage to get the District to ticket them. The neighbors have said, and I think the ANC concurs, 'it's too little too late.' Why not develop the property, it's not zoned commercial it's zoned R-4 which means single family homes and flats. It does not mean a commercial accessory parking lot. What we are asking the Mason's is to return it to its original use as residential housing. While we can't force the Mason's to develop the lot, we can insist that's its use be consistent with the zoning and the surrounding community. In discussions with Ken Collins it is apparent that the Mason's have reluctantly come to the decision that they'll have to develop the lot, but they are intent on doing it in their own sweet time. For them to come before the community at this stage and say that they want to park on the lot until they can figure out how to develop is not acceptable. Let the lot sit vacant during the process, and perhaps that will speed up the development. I have heard nothing from either the Mason's or Mr. Quin that says 'we have a plan.' They withdrew the previous application six months ago and what have they done since? There has been do survey, no appraisal, no speaking with developers, they have done nothing and they're before you saying 'let us park there so we can figure out what to do.' I ask on behalf of WNA that you oppose this application to allow them to park on the lot. We will work with them towards developing the lot, we will aid them in any way we can, but do not allow them to put this issue aside and continue parking on this site. Mr. Quin responded that the previous case was filed in a manner in which they had to get a variance, and that was the wrong section of the regulations to be used. The special exception sought in the current case is a compatible use in a residential zone, and if you meet the standards you'll be allowed to put the lot to use as parking. I think the better way to go is to take the very issues discussed tonight and put them into an agreement which binds the parties, and I'm prepared to do that and promise you an agreement by Tuesday. Commissioner Spalding stated that the voices of Griffis, Parsons, Etherly and Zaidain during the oral arguments appeared to be responding to the argument presented by the ANC in case 16938 about the use of the land in an R-4 zone in an historic district. The decision did not seem to revert to a close examination of the verity of the arguments over use versus area variances, but rather over the use not being objectionable or incompatible with the underlying zone. It was to quote Mr. Parsons about a tooth missing from the historic district, and a prominent lot in the historic zone. While it is correct that the resubmitted case is probably stronger in relying on the special exception rather than the variances, I'm more than

willing to try it again on the same arguments. Commissioner Spalding moved that ANC1B oppose the application in BZA Case 17099, and Commissioner Guyot seconded and asked to speak to the motion. Commissioner Guyot asked to put in the record that ANC1B turned down this offer of negotiation based on our history with the Mason's. I offered a compromise, and that was voted on and approved by ANC1B, that nine parking spots would be available to the public and that ANC1B would then support the application. When we appeared before the Board of Zoning Adjustments and the leadership of the Mason's told be 'we made no such agreement, we've met with no one, this is our land and we'll do what we want with it.' Mr. Collins is a neighbor of mine and one of my constituents and he can vote against me, and I'd love to tilt towards him, but in good conscience I cannot. He doesn't control the Mason's, and the majority of the people who have the votes are not supporting this position. It's not that we don't want to negotiate, we find negotiating on the basis of the history established impossible. The people we're expected to negotiate with do not have the votes. Commissioner Skinner stated that the Mason's have a remarkable history in the community, but in the negotiating over the use of this parking lot the Mason's failed to come to the table in good faith. Mr. Quin responded that it was clear that the earnestness proffered was not being accepted by the Commission due to past actions, but we will submit to you a draft on next Tuesday showing what we can do, and if you choose you can refuse it, but that's where we're going on this. The other point is that in terms of the BZA, they have an entirely different test and there is not one criterion in the ordinances that deals with historic preservation. The Board members may have been discussing things that were talked about, but if you read the record, and I have done so very carefully, the basis that they were using to deny the application was the two variances. I think we have a different ballgame, and we'd all be better off reaching an agreement. Motion was adopted unanimously (9-0-0).

Commissioner Spalding reviewed Mayor's Agent Case No. HPA 01-023 & 01-516 which he attended this past Monday. This case is a continuation of a case that has been ongoing since 2001 in which William and Gennet Purcell purchased the property at 1817 10<sup>th</sup> Street NW in 2000. They did extensive needed renovations in order to inhabit the property. They hired an architect but did not check to see if he was certified, and used a contractor who they did not check to see if he was licensed. A copy of the original permit was available, and the only constraint listed on the permit was the requirement for in kind two over two wood sashes. The contractor ignoring the permit removed the original windows and replaced them with vinyl sashes. HPRB heard the OHP's recommendation that the replacements were incompatible with the character of the historic district, and later reaffirmed their decision requiring that the vinyl windows be replaced. The Purcell's have appealed to the Mayor's Agent stating that they cannot afford to comply with the order, however, at the hearing a number of financial documents and figures were still not available. Commissioner Spalding moved that ANC1B support the rulings by the HPRB and the Mayor's Agent requiring the replacement of the vinyl windows with appropriate wood sash. It was seconded and adopted unanimously (8-0-0).

Traffic Control Plan (TCP) for 'The Bailey' was introduced by Commissioner Spalding. This is a redevelopment project by Robertson Development. Co. on 10<sup>th</sup> Street just north of the

landmarked church between V and W Streets. This is a small scale project that will remove a one story commercial building and replace it with eight residential units, and will entail closing the alley between the razed building and the church. Jim Smith of Mr. Permit gave an overview of the difficulties in routing the truck traffic around the site due to the closure of the 2000 block of 10<sup>th</sup> Street for use by the Garnet Patterson School during their construction. Commissioner Thomas asked if the trucks would interfere with or endanger the children in the temporary playground established on the 2000 block of 10<sup>th</sup> Street, and Mr. Smith responded that there should be no impact on that block. Mr. Smith indicated that the truck traffic should be limited since the razing would entail just a one story building, and the footprint for the replacement structure was also small. Commissioner Spalding asked whether traffic that needed to access Union Court would be affected, and Mr. Smith indicated that there would be a fifteen foot opening which is wider than the access alleys to Union Court. Commissioner Butler asked whether any environmental studies had been done due to the use as auto repair shops in and off Union Court, and Mr. Smith stated that he was unaware of any studies, but that he was only hired to deal with the TCP. Commissioner Butler asked where they would be lining up their trucks for the site, and Mr. Smith indicated that this is only a three story project and would not entail long queues of trucks like many of the larger development projects in the area. Tim Arnold of the Historic Preservation Committee of CSNA spoke of the danger to the recently landmarked church across the alley from the proposed building, and requested that the ANC include language asking for increased protection for the alley facing façade of the church. Mr. Smith went on to describe the signage for the site, and the locked gate on 10<sup>th</sup> Street to avoid anyone accessing the site after hours. Commissioner Butler asked about the hours during which construction and truck traffic would be occurring and its influence on students walking to or from the Garnet Patterson School, and Mr. Smith indicated that they would be required to adequately notice the administration of the school, and that they would also be discussing the hazards with the school's crossing guards. They will also be required to notice all of the neighbors. Commissioner Esters asked about the effect on trash collection for the residents on 10<sup>th</sup> Street, and Mr. Smith indicated that the fencing would only prohibit access to the front of the site on 10<sup>th</sup>. Commissioner Spalding moved approval of the TCP as presented with the addition of the added protection of the north façade of the church, and it was seconded and adopted unanimously (9-0-0).

Commissioner Guyot reviewed the HPRB review of 317 T Street, and indicated that had spoken with Tim Denay of the OHP and with neighbors. There had been a conflict over the installation of a back window, but that conflict had been resolved, and Commissioner Guyot moved approval of the project. Commissioner Spalding asked for further clarification on what was being sought before the HPRB, and Commissioner Guyot responded that they were seeking to add on to the back of their house, and that there was no objection from neighbors or from OHP to the current designs. Motion was moved and adopted (7-1-0).

Commissioner Spalding spoke to the recent shooting and investigations by ABRA into the operations at U Turn located at the corner of 11<sup>th</sup> and U. There was an altercation inside the business about three weeks ago on a Sunday evening which resulted in one of the employees

being shot in the foot, and the perpetrator arrested shortly before 11PM. This incident triggered investigating officers from ABRA to further investigate U Turn's operations, and consequent discussion of noise violations, illegal charging of admissions at the door, and possible violation of the conditions and terms of their current licensure. Owner indicated that the incident did indeed occur three weeks ago, but stated that it was the first time that any violence had occurred in their operations. A small argument began between two patrons, and one of the employees attempted to settle them down when one of the patrons shot a gun into the floor and wounded the employee in the lower leg. It was a minor injury stated the owner, and Commissioner Skinner responded that any shooting was a major event. Commissioner Esters asked if the patron who fired the gun was a regular patron, and owner responded that he did not know the patron. Commissioner Esters asked whether there was any security at the door, and owner responded that they have bouncers at the door to check id's, but there had never been any need to check for weapons. Commissioner Spalding asked whether it was the intention of the business to be a restaurant or a nightclub, and owner responded that he was a restaurant and would continue as a restaurant. Tim Arnold (CSNA) asked whether there was a special function going on the Sunday night of the shooting, and the owner responded that it was just a normal night at the restaurant.

Grant Application for Black History Program. Commissioner Thomas asked Commissioner Skinner if he had resolved issues regarding the request with Gottlieb Simon of the OANC who had been having trouble reaching Commissioner Skinner, and Commissioner Skinner responded that they had spoken and worked out the problems. Commissioner Skinner stated that after working through the restrictions with Mr. Simon that this would not be a grant application. Commissioner Skinner said that he is requesting funding to purchase tickets to Black History Month's Crowning Event for 121 students and senior citizens. Minister Louis Farrakhan would be giving a lecture on reparations, and Commissioner Skinner indicated that he had secured transportation to the DC Armory, and that he was asking the ANC to purchase the admission tickets. Commissioner Thomas asked why she had not heard about this before an hour before the meeting, and why if it's for ANC1B students is it open for all students in ANC1B, and how can others than the selected 121 participate? Commissioner Skinner indicated that they had wanted to go through the principals at the schools, but that that had been difficult and that they had gone door to door. Commissioner Thomas asked how this happened and no one in her single member district knew about the program, and Commissioner Butler asked why the students in Garnet Patterson were not included, and Commissioner Skinner responded that they indeed had participation from students at Garnet Patterson. Commissioner Thomas stated 'nineteen kids for all of ANC1B', and ANC1B is huge, and if you were having problem finding some kids all you got to do is pick up the phone. I could have got you ten kids, Butler could have got you ten kids, and Guyot could have got you ten kids. I'm just saying that if it's targeting kids in ANC1B it should have been opened up to allow more kids to participate. Commissioner Skinner stated that he knows that he could have organized better, and that next year they would be better organized to allow better access. Commissioner Thomas stated that she was unsure whether we could even extend this kind of funding, and Treasurer Glover added that he did not understand why it was not presented in terms of a grant. Commissioner Skinner responded that he spoke with Gottlieb Simon today and that OANC indicated that unless you were having an outside organization put things together, that it should be presented as coming from an individual Commissioner, and

Treasurer Glover stated that he was not familiar with this type of use of ANC funds and that he would have to talk with OANC about the structuring of the request. There followed a lengthy discussion of Commissioner Skinner's telephone number and the difficulties that OANC and Commissioners had in contacting Commissioner Skinner. Commissioner Skinner stated that he had talked with Mr. Simon today, and that the request would come out of expenses. Commissioner Skinner indicated the only reservation that Mr. Simon had stressed was that it could not involve entertainment. Commissioner Thomas then asked if it could still be opened up to involve students and seniors known to other Commissioners in 1B, and Commissioner Skinner apologized to the other Commissioner's for not being more active in promoting the event to them and by extension to their constituents. Commissioner Guyot proposed an alternative motion that ANC1B appropriate \$1210.00, and if it is challenged in our budget, and Chairperson Thomas interjected that by specifying the amount you would be precluding any extended participation by other kids and seniors in 1B, and Commissioner Guyot stated that he stands on the side of the inclusion position, but my concern is that I don't want us to get caught up in the paralysis of analysis, and since my brethren supported me and my constituents I want it to be clear that I understand the game and I dance with those who bring me. What I'm saying quite seriously and I want everyone to learn the lesson, and I want ANC1B to vote to approve a sum, you help bring it together, if it is challenged as an appropriation, I will personally refund it. I want to remove the doubt. Commissioner Glover asked why this request could not have been done in a timely fashion so all of these details could be addressed prior to taking it up at the meeting, and Commissioner Skinner responded that Mr. Simon had said on the phone that it was all right. Commissioner Guyot asked if anyone had been told that we could not do this, and Treasurer Glover responded that in his conversations with Mr. Simon the issue was unresolved, and that Mr. Simon was having difficulty in getting needed documentation from Commissioner Skinner. Chairperson Thomas asked why is it that we couldn't have had our Commissioner who's been on this Commission for quite some time go about this in the way we've always done it or the way we've done it recently with a simple grant application, getting it to Glover or the Chairperson, and Commissioner Skinner responded that it was not an outside organization sponsoring the event. Commissioner Skinner stated that it was an activity sponsored by ANC1B, not an outside organization. We should vote on the expense, and then make sure that it clears all of the hurdles for spending monies, and then disperse the funds for the proposal. Commissioner Esters offered an amendment that we authorize the \$1,210 and then an additional unspecified amount to cover the additional participants. Chairperson Thomas removed her proposed amendment and asked Commissioner Skinner to restate the motion. Commissioner Skinner offered a motion authorizing ANC1B to subsidize constituents to attend the Black History program at \$10 per ticket for a total of \$1,210. Motion was seconded and adopted on a vote of (6-2-1).

In additional motions and resolutions Commissioner Spalding asked the Commission to consider the problems presented by the amenities package associated with the PN Hoffman PUD. In our vote for the project last April we defined the affordable housing component by the \$1.1 million figure, and conditioned the specifics of the units by requesting as many units at the lowest percentage of AMI as would be possible according to the final architectural designs of the units. When the PUD application made it to Office of Planning reviews in December and January, they overlaid a requirement for fifteen percent of the square footage of the additional space allowed

by the PUD. This conflicted with ANC1B's request to prioritize the lower percentage AMI, and the result was an agreement between PN Hoffman and OP for ten units at 750 square feet, two bedrooms, one bath, and at 50% of AMI. And what ANC1B should be asking of the Office of Planning is to regularize the definitions of required minimum amenities in affordable housing and to involve the ANC throughout the negotiating process in order to prevent the situation where the ANC negotiates an amenities package only to have it redefined by the Office of Planning. At this point there was a quorum call, and a quorum was not present.

When a quorum was reestablished. The Commission considered the request to name the baseball field at Banneker after Maury Wills. Mr. Frazier O'Leary is the coach of the Cardozo baseball team, and last year they held their first Maury Wills Invitational Baseball Tournament at the newly renovated Banneker field. This year they would like to name the stadium after Cardozo alumnus ('51) Maury Wills, and the process requires legislation offered through the Councilmember's office. There are also requirements that it be approved by the ANC, and that there is also a difficulty with naming after a living person. Fernando Rivero in Councilmember Graham's Office has agreed to prepare the legislation, and the difficulty with the 'naming after a living person' can be dealt with, so we're asking for ANC1B's support for the naming. Commissioner Spalding added that he had made copies of their request for donations to support the tournament, and that everyone should pick one up and make a donation. Commissioner Wright moved that ANC1B support the naming of the baseball field at Banneker High after Maury Wills, and it was seconded and adopted unanimously (7-0-0).

The Commission returned to the discussion regarding the Office of Planning and the PN Hoffman PUD amenities package. Tim Arnold recounted his interpretation of the request explaining that in the ANC and community organization's work to tie down the specifics of the affordable housing component of the amenities package our desires conflicted with the Office of Planning's desire to tie the expansion accorded through the PUD process to a 15% of square footage minimum allotment, which in turn affected the desire of the community to secure units at the lowest percentage of AMI. Chairperson Thomas said that the real disconnect was the Office of Planning trumping the ANC's negotiated terms and not coming back to check on whether these changes would be acceptable to the community and the ANC. I think it's disrespectful and I want it to stop. Motion was made to respond to the official notice in the DC Register of the decision of the Zoning Commission in regard to the PN Hoffman PUD amenities package, and it was seconded and adopted unanimously (7-0-0).

Commissioner Guyot introduced a resolution, Whereas the Williams administration is proposing to create an Anacostia Waterfront Corporation, Whereas said Corporation is presumed to assume the role of lead agency in the redevelopment of the South West waterfront as well as the real property in that area both of which are currently held by the NCRC, Whereas the redevelopment of the Anacostia Waterfront is NCRC's largest single project and projected source of

reinvestment in other neighborhoods, and Whereas NCRC controls significant land holdings in ANC1B jurisdiction everything in Columbia Heights was brought to us we voted on it. We have had an excellent working relationship with them, Whereas ANC1B and other Advisory Neighborhood Commissions and civic associations have developed effective and productive relationships with NCRC which benefits our constituents and ensures community input into the development of our neighborhoods, and Whereas the loss of its Anacostia Waterfront real estate holdings and the opportunity to redevelop said waterfront will have a crippling effect on NCRC that could negatively impact plans on development in our jurisdiction, ANC1B resolves that the creation of Anacostia Waterfront Corporation is not in the best interests of our Commission area and the people of the District of Columbia in general and urges the Council of the District of Columbia to reject such plans this new development agency and instead continue to support NCRC as the city's development agency. Commissioner Guyot requested that ANC1B vote in support of the resolution, and also that he be designated to speak to the issue at a meeting on the 11<sup>th</sup> of February. Motion was moved, seconded and adopted (6-1-0).

Meeting was adjourned at approximately 10PM.