

# ADVISORY NEIGHBORHOOD COMMISSION 1B

Government of the District of Columbia

Columbia Heights / LeDroit Park / Shaw / University Heights

3 June 2004, True Reformer Building, 1200 U Street NW

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

Absent: Commissioners Houston, Wilson

Quorum was achieved at 7:40PM. With Commissioner Glover's move to Baltimore the Commission opened nominations for Treasurer. Commissioner Esters was nominated, and Commissioner Esters agreed that he was willing to serve, and the nomination was seconded and adopted unanimously (6-0-0). In the Secretary's report Commissioner Spalding said that the Commission's website is up and beginning to be functional. Agendas for the upcoming meeting will be posted and updated, and all previous minutes are available. The website, [www.anc1b.org](http://www.anc1b.org), is developing slowly since we are working with OANC to build a replicable site that other Commissions can use. Signature petitions for ANC Commissioners will be available at the Board of Elections and Ethics on August 4<sup>th</sup>. The Public Welfare Foundation has asked the Commission to consider starting our monthly meeting at an earlier time due to the strain on scheduling their cleaning personnel. Commissioner Guyot agreed to an earlier meeting time, and Commissioners Butler, Esters and Wright also stated that they could make a 6PM meeting time. Commissioner Skinner stated that he doesn't get off work till seven. Secretary stated that he had suggested to PWF that the Commission reimburse for the overtime and that if the Commission agreed he would explore that option. Commissioner Skinner responded that we should not be spending tax payer dollars when we have a freely available public building in the Commission's boundaries. Commissioner Guyot responded that the True Reformer is an historic building, and the history of this Commissions involvement in the restoration of the building and support for the PWF and we should stay in this building. Commissioner Skinner argued that the business of the Commission is too important to be moved in consideration of cleaning schedules, and that the 7PM meeting time was agreed on to best serve our constituents. Commissioner Guyot suggested that a group of Commissioners meet and negotiate with Larry Kressley directly, and the Commission agreed to do so. Minutes of the May meeting were moved, and Commissioner Guyot requested an editorial change on page 5 changing the word forcibly to forcefully, and the Secretary agreed to do so, and the revised minutes were adopted unanimously (8-0-0). With the new Treasurer's permission, Commissioner Spalding gave the Treasurer's report. All of the checks approved at the May meeting were prepared by Commissioner Glover, and have been delivered to recipients. There is no activity in the account for the previous month, and the

balance remains the same as last month at \$108,007.35. The Secretary has submitted expenses for postage, ink and paper for a total of \$110.97 with matching attached receipts, and reimbursement was moved seconded and adopted (8-0-0). The Treasurer's report was moved seconded and adopted (8-0-0).

In Community Events and Announcements Deborah Johnson from Howard University reminded people about the National Youth Sports Program, its schedule, and had application forms available.

Andrew Lightman from Capital Community News and publisher of DC North is preparing to do a community guide for the mid city area. For the past ten years they have published an annual guide for the Capital Hill area, covering the nuts and bolts of living in the city. Mr. Lightman stated that the annual guide has been so thorough and helpful that most people living on the Hill keep it with their phone books. Twenty-five to thirty thousand copies of the annual mid city guide will be published and home delivered. Chairperson Thomas asked who they would be using to get the names of the numerous nonprofit organizations, youth clubs, and smaller organizations, and Mr. Lightfoot responded that an editor would be seeking the help of community organizations and ANC's to help identify organizations. This guide will cover several distinct neighborhoods Shaw, LeDroit, Bloomingdale, Logan, Mt. Vernon Square; essentially everything north of Mass. Ave, east of 16<sup>th</sup> St., west of North Capitol, and south of Florida Ave but including Howard University. Commissioner Skinner asked if Pleasant Plains would be included, and Mr. Lightman said that it would not be in this guide, but will be included in their next effort including Columbia Heights.

Pedro Alfonso introduced the development, and associated ballot initiative, planned for a fourteen acre tract on New York Avenue. Mr. Alfonso stated that he is chairing the committee that is proposing the initiative. Mr. Alfonso presented renderings of the development, and explained that the site would be the location of an expansion of the DC Lottery. A large entertainment complex would be built, with movie theatres, concert venues, a marquis hotel, restaurants, bowling alleys, and a large complex controlled by the lottery that will include video lottery technology. We're using the initiative process since this entail expanding the DC Lottery. This project is expected to generate fifteen hundred jobs, and revitalize the New York Avenue corridor. Chairperson Thomas asked if this was a presentation, and Mr. Alfonso responded that they were trying to inform the citizens of their plans by presenting before ANC's. Commissioner Guyot stated that Mr. Alfonso was appearing before ANC1B because he had invited him to appear. There will be a hearing on Wednesday morning to get to the merits of whether or not this should be allowed to appear as a referendum item. We're talking about jobs, we're not talking about slot machines, we're not talking about dice or cards, we're not talking about racetrack, and we're talking about a lottery that was created by an initiative being expanded to another initiative that will create more money, more jobs and a beautiful place for

people to recreate. It will be family oriented and I have a resolution supporting it, and I'd like to be the one to represent the Commission at the Wednesday hearing. Chairperson Thomas asked why we should be supporting this now if more information will be available shortly, and Commissioner Guyot responded that what we have here is a fundamental challenge; there were a lot of people there to support it, and a lot of people who were there to make the ecclesiastical, moralistic formulated argument. That's not the role of government. This is about the function of government to provide service to the people who create it and whose taxes pay them. This is a form of revenue that if we don't want to compete we can simply watch our money ride over to Delaware or Atlantic City. I don't know of a church that hasn't sent a bus to Atlantic City; now let's send them to New York Avenue. Commissioner Esters asked for the difference between a video lottery terminal and a slot machine, and Mr. Alfonso responded that with slots you are playing against the house or the machine, and with vlt's you're betting against other people within that system. Clyde Howard stated that he hasn't heard any specifics on parking, and New York Avenue can barely handle the traffic now, how would the extra traffic generated by this development be handled? Mr. Howard also asked how the limited capacity concert venues could generate funds, and also that there are no banquet facilities that seem adequate to handle the size crowds required. Mr. Howard also stated that he does not want this to be like Atlantic City where the monies disappeared, where the development was supposed to help the immediate community and it did not. Mr. Alfonso responded that there would be underground parking with a capacity for three thousand cars, there is a banquet hall that will hold three thousand people, and the concert venues might not be able to accommodate the countries top acts, but the smaller venues will attract talent. Mr. Howard stated that whenever the words "new jobs" are mentioned the citizens go into spasms, and I'm asking how much of this promise will be comprised of imported labor and how many jobs will actually go to people here in DC? The same promises were made at the MCI Center and the new Convention Center, and the promised jobs never appeared. Mr. Alfonso responded that he was formerly head of the DC Chamber of Commerce, and one of the first things that our organization did was to sign a 'mou' with the minority business coalition. Since this is a \$500 million dollar project there will be a number of investors, but we have insisted on the use of minority contractors both in the construction and operations of the facility. A constituent asked why this was being presented before ANC1B, and Commissioner Guyot responded that it was because he was invited. Mr. Alfonso said that they were reaching out to explain their development, and the constituent asked what other ANC's were scheduled for this presentation. Mr. Alfonso responded that they would probably present in each ward, and they had started in ward five. The constituent asked why they are taking so much time from important ANC meeting times, and asked why they're not meeting with community groups and associations instead. Mr. Alfonso responded that it's better than if we didn't try to get the word out to the communities and everyone says 'no one talked to us about it.' An official from the DC Lottery explained that this was an opportunity to expand their options. Mr. Guyot stated that his concern was that this is a straight up or down vote to put this on the ballot. Mr. Guyot presented a previously prepared resolution supporting the "Lottery Expansion Initiative Act of 2004", and it was seconded and adopted on a vote of (4-3-1). Commissioner Guyot stated we passed, praise the lord and pass the whatchamacallit, and asked the Commission to allow him to represent the Commission at the hearing next Wednesday, and it was seconded and approved (6-0-2).

Architect Greg Zahn appeared to present plans for conceptual review for this month's Historic Preservation Review Board on a project located at 1901 6<sup>th</sup> St., and 531 T St. Commissioner Guyot requested that the Commission not hear the presentation since he just got the plans on May 28<sup>th</sup>. Mr. Guyot moved that this be sent back for review by the LeDroit Park Civic Association. Everything we've done in zoning we've done it in conjunction with the LPCA. That is the way we do this, so we don't have to waste any time on this, I vote that we send them back to the LPCA. They should hold a special meeting just for this issue, and then and only then will we consider it. Chairperson Thomas asked if they were before the HPRB this month, and Commissioner Guyot responded that he didn't care what they're in front of, this is not the first time that Zahn's done this. They did this on 9<sup>th</sup> St. and they did it to me, then they did it Norman Woods, then they went to HPRB and they sent them back to Norman Woods. Now, how many times do you have to be slapped in the face? I've got people I have to represent. Chairperson Thomas asked if any neighbors were present, and an abutting property owner was present and asked to hear the presentation. Commissioner Guyot said that he wants the community of LeDroit Park to see this, and I will be bound by the vote of the LPCA. The abutting property owners asked why those who had come out to this meeting would not be allowed to see the presentation, and Commissioner Skinner stated that the protocol is that if the LPCA is the civic association with jurisdiction then this is how it takes place. Out of respect for you and your neighbors, that is the first body that you present it to. This doesn't preclude this from being shown here, but developers should be taking their designs to the neighbors before showing up here. The abutting neighbor asked that the presentation take place and their concerns be heard. Commissioner Guyot stated that he represents two thousand people, and I'm not going to be so nice as to allow any two people to substitute for that number. And if I'm sounding crass I want to be crass, and the issue here is that there is a process that has been directly abrogated and that process would provide all the answers you could possibly want. Out of respect for the people that I represent I'm sending this back to the LPCA so they'll have a vote on this issue. Myla Moss, President of the LPCA, noted that the next meeting would be held on June 22<sup>nd</sup> and invited everyone to come, but asked that the plans be presented tonight. Commissioner Guyot asked for a vote on his motion, and abutting neighbors stated that they are not opposed to the motion but they would like to see the plans tonight. Commissioner Guyot responded that it's here tonight and it will be seen but it's not on this agenda if I have any power to get it off. Let that be clear I'm not going to allow this kind of transgression of the jurisdiction of this ANC and the LPCA. I'll say this, that Zahn can make a presentation to an ANC1B01 meeting next Friday night. Neighbors repeated that they don't care what the motion or vote is, they want to see the plans tonight. Commissioner Guyot responded that he has no choice; he's willing to hold a meeting for the residents of the LPCA area next week. Scott Pomeroy interjected that the Commission was taking a lot of time discussing this; however, the neighbors would like to see the presentation. Why not make it possible for those who came out to see the presentation to meet with the architect tonight outside of the ANC meeting. Commissioner Guyot then withdrew his motion and asked the Chairperson to give five minutes for the presentation. Mr. Zahn apologized to the neighbors for not getting the drawings to them earlier; however, they finished them today for tonight's presentation. Mr. Zahn also addressed the 9<sup>th</sup> St. project, which changed architects and was not in his control. Mr. Zahn then admitted that he was confused about the rules, since the 11<sup>th</sup> Street project that they took first to the Cardozo Shaw Neighborhood Association and were chastised by the Commission for not coming to ANC1B first. The regulations in place with DCRA and HPRB say to come to the ANC first, and we're

getting a very mixed message from this ANC. Commissioner Guyot responded that that was a lie, a flat lie. Mr. Zahn described the historic duplex building and the lot. The original property had a large carriage house which is not longer present, and most of the south and east facades have been removed or significantly changed. In initial work with OHP they are proposing to restore the original bay front, and a small addition in keeping with the main house. They are also proposing an addition to the rear with an attached carriage house. Elevations of the proposal were shown, and Mr. Zahn asked for any questions. A number of questions about the proposed parking were posed and answered. Commissioner Esters asked if this would be apartments, and Mr. Zahn responded that the plans reflect eight to ten apartments. Commissioner Esters asked if there would be any zoning variances required, and Mr. Zahn responded that it would be matter of right based on the R4 allowance of units per nine hundred square feet of lot area (and the lot would allow up to eighteen units). Clyde Howard stated that this is Odessa Madre's house, and it ought to be saved. Odessa Madre was a notorious madam here in DC in the 1940's. Odessa Madre controlled prostitutes all across this city and this was one of her houses. Mr. Zahn responded that they are not tearing the house down; they are renovating it in concert with the Office of Historic Preservation staff's guidance. Chairperson Thomas indicated that the allowed time had expired and suggested that those interested could continue outside of the room.

Commissioner Spalding reviewed Board for the Condemnation of Insanitary Buildings (BCIB) Case No. 04-171 located at 1461 Florida Avenue. This notice arrived after our last meeting, and Commissioner Spalding requested that the Board allow the Commission to comment. At the hearing both the owner and the architect were present. This inside row house has been reviewed by OHP, but changes in the construction caused a stop work last fall. Adjoining property owners were contacted by Commissioner Spalding, and their comments were relayed to the Board. The immediate concern is over shoring at the back of the property, and securing the front east entry. Both were addressed by the owner, and Inspector Cherry agreed to work with them through permitting to get proper shoring in place. Owner is prepared to continue work on the building, and Inspector Cherry has agreed to monitor their progress. Commissioner Spalding moved that the Commission support the actions of the BCIB in Case No. 04- 171 and it was seconded and adopted unanimously (8-0-0).

Chairperson Thomas stated that she has spoken with the owner (George Galisch) of 1321 V St. (BCIB Case No. 04-168) who was waiting for the Board to inspect this coming week. She received an assurance from Mr. Galisch that he would work on the roof that is threatening the neighboring property. Commissioner Spalding stated that the Board was very strict with Mr. Galisch, since they are aware that he also owns five other properties in this twelve house row, and three others that are currently vacant and abandoned and will be coming up on the Board's calendar. The Board instructed Mr. Galisch that no delays would be allowed, that he would have to do any necessary roof work, any necessary repairs to the floors and stairs to ensure safety personnel's security, secure the buildings, and make them clean and presentable. These are relatively standard demands from the Board, but they also indicated that they wanted these

changes to happen quickly. Commissioner Spalding moved that ANC1B support the actions taken by the BCIB in Case No. 04- 168 and it was seconded and adopted unanimously (8-0-0).

Commissioner Butler introduced discussion of the Traffic Control Plan (TCP) for the Bozutto development located at 1453 Belmont Street. Commissioner Butler stated that Bozutto has been in contact with the neighbors regularly. Developer reviewed the plans for the project, and indicated that truck traffic would be entering off 14<sup>th</sup> St., would then be queuing on site, and exiting via 15<sup>th</sup> St. They are also pursuing a ground lease for the parcel at the corner of 14<sup>th</sup> and Belmont to be used for parking both neighbor's vehicles and worker vehicles. Commissioner Spalding asked if they have secured a back up site for worker parking if the ground lease does not happen, and developer responded that they do hope to park on site through most of the construction process. Commissioner Esters asked about control of the possible ground lease area, and developer responded that it would not be public parking but reserved with a tag system for neighbors inconvenienced by the site work. Commissioner Wright asked about the duration of the project, and developer responded that once ground was broken it would be a two year target. A resident of Chapin Street voiced concern over the use of the NCRC parcel and the history of abandoned cars on the lot, and developer responded that the lot would be secured and monitored, and they would have to exit if the parcel reached development stage. Scott Pomeroy reminded developer of the community concern with idling vehicles. Commissioner Butler moved approval of Bozutto's TCP with Mr. Pomeroy's comment as a friendly amendment, and it was seconded and adopted unanimously (8-0-0).

TCP for 1421 Chapin Street was introduced by Commissioner Butler, and architect Greg Zahn explained that it is a renovation project, but that water/sewer/gas cuts and redoing a retaining wall would require that the sidewalk and parking lane be used. A neighbor expressed concern with the replacement of the tree box and restoring the sidewalk after the project. Commissioner Butler expressed concern with clay running from the construction site and asked if some straw could be used to slow the erosion. Mr. Zahn proposed suggesting to the contractor that a sidewalk passageway be kept open as often and as long as possible. Commissioner Butler moved approval of the TCP for 1421 Chapin St., and it was seconded and adopted on a vote of (7-0-1).

Public Space application for pay telephone service at 2250 Sherman Avenue was discussed. Commissioner Hammond initiated a lengthy discussion over the exact location, and Commissioner Skinner indicated that it was a very hot location. Commissioner added that between the activities at the liquor store, Garfield Terrace and MacDonald's it's a questionable location for adding a pay phone. Commissioner Hammonds moved opposition to the application for pay telephone service at 2250 Sherman Ave., and it was seconded and adopted unanimously (8-0-0).

Commissioner Spalding reviewed ABRA application No. 70446, Vermont Vision LLC, for a new nightclub CN license to be located at 2106 Vermont Ave. Applicant was not present. Commissioner Butler asked if this was the application near Garnet Patterson, and Commissioner Spalding agreed that it was, and Commissioner Butler suggested tabling the application until the applicant meets with the administration at Garnet Patterson since it's just across the street. Commissioner Guyot stated that we should not vote that draconian method, let's be clear, I don't know of any law that gives a school the right to determine whether or not a liquor establishment is going to be in its vicinity. Let me give you an example, there's a liquor store across the street from Marie Reed, and it has been there and been there and been there. Now if we're going to have unequal application of policy, then that's something new to me for this Commission. Now there was this same strategy was used on 1919 9<sup>th</sup> St., and the same strategy was used on 1930 9<sup>th</sup> St. and low and behold the schools in question were beyond 400 feet. So, what are we talking about here, where is the law on which this is based. Commissioner Spalding cited DC Official Code Division V. Local Business Affairs, Title 25, Alcoholic Beverage Regulation, Chapter 3 Requirements to qualify for license, Subchapter 2 Qualification of Establishment, text (b) (1) No license shall be issued for any establishment within 400 feet of a public, private, or parochial primary, elementary, or high school; college or university; or recreation area operated by the DC Department of Recreation. Commissioner Guyot stated that he now sees this in a different light, what you're saying is you want them to go negotiate with Garnet Patterson. Commissioner Spalding responded that he met with applicant a month and a half ago and the only request made was that they determine the distance from Garnet Patterson and meet with the administration, and since that time they have not met with the administration of the school and in their ABRA application list the distance as five-hundred and twenty-eight feet. Commissioner Skinner asked how far away they are, and Commissioner Spalding produced a photo showing him holding one end of a one-hundred foot tape and Craig MacIvor holding the other end while standing in front of Garnet Patterson. Commissioner Spalding added that this is an application for a new nightclub license, and it is really important that we have applicant present to describe the nature of the business. Chairperson Thomas said that this is her old neighborhood and there's no place to park. Commissioner Spalding stated that when ANC1B has not taken action on an application, ABRA has interpreted that as our having no comment to offer on the application. Commissioner Guyot suggested supporting the application contingent on a written agreement with Garnet Patterson School. Commissioner Butler reinforced the difficulty in parking near Garnet Patterson. Commissioner Skinner responded that if their business plan is based on no parking, then we shouldn't prevent them from opening their business. Chairperson Thomas responded that when you add this much demand for parking it has a large impact on residents that already live there. I drive, and when I come home to 14<sup>th</sup> and W there's just no place to park. Every new business should be held accountable to some degree for providing parking. Commissioner Skinner responded that if the business owner thinks they can open the business and not provide parking, then they should be allowed to try. The ability to have a liquor license and the parking question are two different things. Commissioner Spalding responded that on the ABRA application they are specifically asked to provide a detailed answer on parking, and in this case the answer was "There are several parking garages in the area." I just don't think this is an appropriately detailed answer to the question. Commissioner Skinner responded that no one would be able to get a liquor license in this area because there's so little parking. Commissioner

Esters stated that if the applicant stated that they are 528 feet from the school and they are not, then that should be a governing factor for us. If they are going to lie about this and then not show, then why should we support them? Scott Pomeroy added that nightclubs serve a much higher density of people, so the consideration of parking with a CN license is a more important consideration than with restaurant licenses. Clyde Howard stated that the law is pretty straight forward, and if they are less than 400 feet an agreement with the school would not absolve them from the distance rule. Either you comply with the law or you don't.

Commissioner Guyot said that we should never ever fall into the trap of taking the prerogatives and responsibilities of the ABC Board, when somebody submits a lie to them it's their fault, and the ABC Board should hold them responsible for it. When we go to the question of investigating applications we've then moved into an area that is converse to what has been the tradition of this Commission. We've always said to everyone who comes to us that we want you to rigidly enforce the ABC Board laws. We want you to operate your place as though there's an ABC agent in it. Let's be clear now, I don't have a problem with advocacy, but I do have a problem with us dealing in the internal affairs of ABRA. Am I saying that applicants should have the right to lie to us, they didn't lie to us they lied to ABRA, and ABRA has a responsibility to deal with it, and that's what they have investigators for. Commissioner Skinner pointed out that the Commission has been shown an inconsistency in the information about the distance from the school, and we have a responsibility to address this. I'm saying that if they're lying like that then I can't see how we can support them. Commissioner Spalding stated that it's not what one Commissioner says, or even what the Commission says that will be the ultimate deciding factor in what decision the ABRA board makes on any particular application. If we oppose this license that does not mean that they will not get their license. If we support this license that does not mean that they are guaranteed to get a license. In this case the applicant is not here, there are numerous questions left unanswered. Commissioner Spalding moved opposition to ABRA application No. 70446, on the basis of the distance from Garnet Patterson School, the inadequate answers in their application to the parking and appropriateness standards. Commissioner Guyot objected. Motion was seconded. Commissioner Guyot said that this is the same Commissioner who said to 1919 9<sup>th</sup> St. and 1930 9<sup>th</sup> St. go talk to the people at Cleveland Elementary School. This is the same Commissioner who now says they didn't have to because it's beyond that, but he treated it as though it was. Now he says we don't care if you talk to them or not, you're too close, therefore, we're going to use that as a basis. Earlier in this meeting he said that he had recommended that they go talk to Garnet Patterson, which is an admirable position, which, once he read the law to me, I joined in it. Now he says let's oppose this applicant because it's too close to the school. A moving target is never hit gentlemen and ladies. I hope that we would stand neutral on this case and we have a right to do that. Commissioner Spalding responded by reasserting that staying neutral has hurt our ability to influence the ABRA Board in our past dealings with absent applicants, and that if we do not take a position either in support or opposition the reaction at the ABRA Board will be that ANC1B did not consider the application. We will be present through this process, and if conditions have changed before or during the hearings we can address them, but not if our concerns are reduced to a lack of concern. Commissioner Skinner asked what response the owners had when first alerted to the proximity of the school, and Commissioner Spalding replied that they were unaware of the school, but would speak with the administrator. Commissioner Guyot moved to table, and stated that that motion takes precedence, and Commissioner Skinner seconded. Commissioner Skinner asked when the

hearing was to be held, and Commissioner Spalding responded that it's in ten days and that tabling the motion might jeopardize our standing. Commissioner Guyot responded that that is why he wants to table it. My concern is very clear; I don't want us to deal with it. I don't want a vote against someone who's not here. I don't want a vote against someone who can't testify. I don't know what they've done to ameliorate the problems and the inconsistencies. How can I know? How can anyone know? Commissioner Esters asked why they aren't here to respond, and Commissioner Guyot reluctantly and shame facedly withdrew his motion to table. Motion to oppose was moved and adopted on a vote of (7-1-0).

Commissioner Spalding introduced ABRA application 50121, a substantial change for U Turn located at 1101 U St. The request is to change the license class from restaurant CR to Tavern CT, and to increase the seating capacity upstairs, and to extend their hours to the full ABRA allowance. Mr. Pappas and the owners were present. Commissioner Spalding reviewed their application in March of 2003 for a restaurant license and an expansion into the ground floor of the building which was supported by ANC1B, and their return in February of 2004 to report on a shooting at the restaurant. In this request they have asked to increase the seating upstairs from 45 to 63 seats. Mr. Pappas stated that they want to go from a restaurant license to a tavern license. Chairperson Thomas asked for the difference in the CR and CT licenses, and Commissioner Spalding responded that the requirement for food sales was decreased in a CT license. Owner stated that they were having difficulty competing with the nearby restaurants. Commissioner Guyot stated that that corner was a tough place to do business. Commissioner Guyot asked if they had any ABRA violations, and owners responded that they had not. Commissioner Spalding indicated that he had a number of problems with this license and this request to essentially upgrade the license. You came before this Commission in March of 2003 and specifically stated that you wanted to expand into the bottom floor and run a restaurant. After the shooting you came to my house, and you asked what you can do, and in turn I asked what you wanted to do with the space, and you responded that you were finally going to finish up the ground floor and be a restaurant. And I asked you to clean the façade and put a menu in the window in order to identify your business as a restaurant. Then in February of 2003 you came back before this Commission and you were asked what you were going to do, and you said that you were going to be a restaurant. I have asked most of the people who live on 11<sup>th</sup> Street in the 1900 and 1800 blocks, and also those who live in the flanking blocks what their perception is of your business. This should be fairly easy, because when you walk down U Street you pass Dukem which is obviously a restaurant, then you pass Madjet which is obviously a restaurant, then you come to your property, then you turn the corner at 11<sup>th</sup> and you pass La Casona which is obviously a restaurant, and then you see 11 Market which is obviously a convenience store that sells liquor. When I asked the local residents what was in the building at the corner of 11<sup>th</sup> and U, the only response that I got was nightclub. No one in the neighborhood told me that your business was a restaurant. I decided to try to figure out what you were serving, so I looked online and I couldn't find a review of the food anywhere. I did find a lot of material about what was going on inside your building, and not one reference to food. Every reference to your business was either nightclub or club. I have concluded that this has been operating as a club for a lengthy period of time, and has never operated as a restaurant, and the investigations that have been done by ABRA will back up this view. Why should this Commission vote to give you a

less restrictive license when you've been doing so outside of the business design that you twice told this Commission you would run? Mr. Pappas explained that the reason that the ground floor windows were covered with newspapers for the past sixteen months was for safety so nobody would break in there at night. You've got to understand that these are small business people who don't have a whole lot of money to work with. They're trying. Commissioner Spalding asked Mr. Pappas if they were going to continue to have their façade windows covered with newspapers, and Mr. Pappas said no they took them off this week. Owner said that from six o'clock or seven o'clock in the morning they try to sell food. Commissioner Guyot stated that he had eaten in that restaurant, and I've taken people there and paid for their dinner there. Has the ABC Board told you that you're doing anything wrong, and applicant responded no they've come by to check but they've never found anything wrong. Commissioner Esters said that when he goes by this business there are things, that when I see in other restaurants, I don't see in your restaurant. One, you have the newspapers in the window so it's not an inviting environment for people to enter, and there is no posting of a menu so I don't know what kind of food you serve, and what price range the restaurant charges. I'm not in the single member district, but I've gotten complaints from my constituents about your business from people I know who live in the area. Why is it that the neighborhood has this perception that you operate as a nightclub and not a restaurant? Why is it that when I've passed your building I've never seen the business open? Owners responded it is because they have not finished the ground floor and the business is on the second floor. Commissioner Esters asked what their hours of operation were, and owners responded that they're open in the evening. Commissioner Esters asked again why their neighbors all perceive the business as a club, and owners had no answer. Commissioner Skinner said that it seems that the restaurant was not succeeding and they're asking to try to make the business work as a tavern. As much as the people on this dais want to pretend that they are restaurateurs, they're not. If you don't want to put a menu outside your business, thank god this is America. If you don't have the money to make your façade look like Connecticut Avenue, or you're waiting for façade improvement money I understand that too. We're missing the point, and you're saying to better operate you need the opportunity to be a tavern. You have neighbors who don't frequent your establishment because they don't like the way you conduct business, but you have not been unlawful. I think it's our job to give you the opportunity to succeed. It's your prerogative to be the kind of business you want to be. It's very difficult for me to sit here and listen to the fact that you haven't broken any of these laws as it relates to you've been in operation, and you're a small business trying to make it, and you're coming here, and we've seen you before. Actually you said you've reached out to Commissioners in the past to create a dialogue. If its best for your business to operate lawfully as well as be successful and maybe you can expand and one day have a digitized menu outside with neon lights and live remote radios that might create more business. Scott Pomeroy asked specifically about the physical structure itself. I was at Bohemian Caverns one night when you had a live band playing upstairs, and all the windows were open at that time. When officials came to investigate the noise violations, the report indicated that the electrical system in the building could not meet both the demands of the bands sound system and the air conditioning system at the same time. Has this been upgraded? Mr. Pomeroy reminded them that if their air conditioning system was not working, that they then had to be careful not to open the windows and disturb the community. Susan Ousley said that she was troubled by the covering of the windows with newspapers for safety, which is exactly the opposite of being good neighbors. Ms. Ousley also said that it should not be an instant fallback, that if a business can't make it we should let them sell liquor. We need to strive for a

more balanced neighborhood with opportunities other than liquor. Commissioner Spalding asked about the request to expand the seating on the top floor, but had not seen any drawings in the ABRA application to illustrate how you would accommodate the increased occupancy. When I looked at the drawings you presented in your early 2003 application the seating on the top floor appeared cramped, and I'm wondering whether you can prove that there's adequate space for the increased occupancy, and whether you have adequately planned for emergency escape for the increased capacity. Owner responded that upstairs is a very big space. Commissioner Spalding suggested that when asking for increased capacity that the applicant provide drawings to ABRA and the Commission to show how this will be accommodated safely. Commissioner Spalding reminded the Commission that the applicant has been before us twice before and directly stated that their business was an Ethiopian restaurant. I've searched clippings and online to determine what has been going on in this business over the past eighteen months. I found nothing about food. I did find regular descriptions of the business as a club with details on the admissions charges. Here's an illustration of the advertisement of one night at U Turn "Industrial, Rubber/Latex Fetish dance party. Cover \$5 if you're dressed, means fetish gear or, at a minimum, basic black. All other pay \$10, 21 and over, 80s-style industrial, Goth Friday: 9PM – 3AM Fashion shows, whipping demonstrations, toe licking and other displays from the world of S&M. Not recommended for the weak hearted. Happening every Friday Night @ U Turn, 1942 11<sup>th</sup> St. NW DC on the corner of 11<sup>th</sup> and U (Diagonally across from Bohemian Caverns) 9PM to 3AM, 18 to enter 21 to drink." This does not sound like any of the Ethiopian restaurants that I've had the pleasure of eating at. It's also interesting that U Turn's patrons have been attending and commenting on our ANC meetings "There were primarily 2 council members that did the majority of the talking. This is a club and we want it to stay a club, we like it as a club. All we've got to do is tell the ANC it's a restaurant and the big guy and the guy down at the end will go along with us." My contention is that this is not a restaurant, they came and asked us for a restaurant license and we approved that license request, and they have not been performing as a restaurant. I don't condone this disregard for the license that we extended, and I move that we oppose this application for changes to U Turn including the change to a CT license, the increased seating, and the extended hours. Commissioner Guyot said that as soon as that foolishness gets a second I want to oppose it. This is a vote on the merits. I think we should give these people what they're asking for. I think we've seen enough of a personal attack on them and people like them, and let me give you an example. I want to carry you down to 9<sup>th</sup> Street. 1919 9<sup>th</sup> Street is challenged when this Commission voted for it. 1930 across the street is not being challenged, and the big guy that he referred to represents 1919 9<sup>th</sup>, and he represents 1930 9<sup>th</sup> St. I can't get a better example than that ladies and gentlemen. I want us to go on record saying we're not going to be a part of the characterization and the dehumanization that goes on with people who have liquor licenses who are not the right color. I want it clear up and down that we support this applicant and his menu will be posted conspicuously outside his building. Commissioner Esters said that this applicant is licensed as a restaurant and they have been operating as a nightclub, for us to support their application would be rewarding a business that has gone before this Commission and the ABRA Board and said that they were one thing, but have operated as another thing. Why is it that we should reward a business for operating outside of their license? Shouldn't we require, and isn't it our responsibility, to require that businesses that come before us do what they tell us they are going to do? And, if they don't do that then should we give them a reward in the form of expanding their license? Commissioner Skinner stated that we're mixing something up, and I think that's because people don't frequent

restaurants, haven't been to a business before. All I've heard is an attack on certain lifestyles, now I'm an active out of the closet heterosexual. I've never participated in homosexuality. My point is that if somebody decides they're going to have a night in their establishment where they appeal to adults who have certain interests, then as long as that's legal that's their prerogative. I've seen many restaurants downtown have functions like Congressional Black Caucus weekends, during inaugurations, having a host of activities outside of just being a restaurant. What we're saying to these people is that as long as you abide by the law, but if you do something that we don't like based on our business plan. We aren't putting any money in your business, but we think a restaurant has to have just restaurant food 24/7 every day. But if you choose on a particular night to have something beyond that, then you've somehow violated something that ABRA does not see as a violation, and you've said you've never had a violation. For us to use comments from people we don't know as our rationale to vote against these people is a little bit much. We should support their move to a tavern because they see it as more of an opportunity to improve your business. And as long as you abide by the law you can have anything going on inside straight, gay, latex that you choose to. Commissioner Spalding asked to respond to Commissioner Guyot's remarks. Commissioner Guyot said just stick to the facts, and Commissioner Spalding responded that that was precisely what he wanted to do. I have looked at the statistics for ANC1B, and most of the Commissioners have two or three licenses. Commissioners Thomas and Skinner have six licenses in their SMD, and Commissioner Guyot has a dozen licenses to keep track of. My single member district currently has fifty-two liquor licenses. I'd like to put that in the context of our hearing of applications since I'm constantly construed as being opposed to businesses. In the past eighteen months there have been twenty-four ABRA applications from my single member district decided by ANC1B, and I have voted to support every one of them until tonight. Commissioner Guyot stated that this Commission has a responsibility to deal fairly with every applicant regardless of what their sexual predilections may be, regardless of what customer base they appeal to, because if there's a violation of the law ABRA will close them down.

Let's be very clear, we have an opportunity to deal fairness rather than insanity please defeat the motion.

Motion was moved and failed on a vote of (4-4-0). Commissioner Guyot moved support of the application, and it was seconded and failed on a vote of (4-4-0).

ABRA application No. 50268, Asmara Café located at 900 Florida Ave. was presented by Commissioner Spalding. Commissioner Spalding gave a history of the applicant before ANC1B, and explained that they are asking to add seven nights of live entertainment to their restaurant CR license. Mr. Pappas described the music as ethnic music, jazz and blues. Commissioner Spalding asked if the performances would be electric or acoustic, and applicant stated that it would be both. Commissioner Spalding asked if the occupancy stated as fifty-nine was correct, and applicant agreed. Commissioner Spalding noted that there is a line of residences immediately behind the restaurant, and asked applicant if he had soundproofing or was planning on adding soundproofing. Applicant responded that the area is filled with nightclubs and he didn't think the people would complain. Commissioner Spalding again asked applicant whether

they had any plans to prevent noise from disturbing the residents behind the restaurant, and applicant said there's a kitchen between the performance space and the back of the building. Commissioner Spalding said then you have not soundproofed and do not plan on doing so, and Commissioner Skinner responded that it's not necessary, and Commissioner Guyot added that it's necessary because Commissioner Spalding says it's necessary. Commissioner Spalding responded that for consideration of the neighboring residences the peace, order and quiet are concerns. Mr. Pappas said why don't you give us a trial, and if you have a problem with the loud music we can correct it. Commissioner Spalding responded that yes if there are noise complaints we can complain to ABRA and ABRA can complain to you, but you have a row of residents immediately behind your building and I'm asking you to take their well being and rights in mind when you provide this music. Commissioner Spalding informed applicant that he has requested of ABRA that the application be examined, and the response of applicant to the closest school was listed as Cleveland Elementary twelve hundred feet away. In truth the nearest school is Garnet Patterson which is about two hundred feet away. Commissioner Spalding stated that he was less concerned about a CR license in proximity to a school, and ANC1B has already voted support for the license, however, applicant should make sure that the statements they have made to ABRA are correct, and in this case corrected. Commissioner Skinner asked if applicant was concerned about noise, and applicant responded that there are a lot of nightclubs in the neighborhood. Commissioner Skinner asked applicant how they would respond if there were complaints from neighbors about noise, and applicant responded that if there's a problem they will correct it. Commissioner Guyot stated that he didn't know how people can be in business and not understand the threat that you pose to your opposition. They will destroy you and laugh at you because you are easy to destroy. You'd better do something about the noise beforehand because they're coming at you. And you know why I know they're coming at you? I look around, and I read statements from CSNA, and what does it say? It says there are recent allegations that operations at this location have been allegedly used for illegal activities, but that was years ago. They say it as though it is today. What else do they say? This failure to address following two ANC meetings where no significant discussion occurred prior to votes being cast is an alarming problem to the residents of this neighborhood. That's a blanket lie. We discussed this in April and in May extensively and then we voted on it, and then they challenge it. They are going to do the same to you. I'm saying do you understand what we're dealing with? I will support your application, but I don't want you to leave out of here uninformed. Unless you on 9<sup>th</sup> Street organize and take care of cleaning your area, dealing with the noise yourself, you will be picked on because these folks are hungry for victims and you look like a good one. Commissioner Esters asked applicant if he had stated that the kitchen was soundproofed, and applicant responded that his kitchen was wide. Commissioner Esters asked if he had said that it was soundproofed, and applicant said that it was not. Commissioner Spalding moved support for Asmara Café's request to add live entertainment to their CR restaurant license, and it was seconded and adopted unanimously (8-0-0).

Commissioner Guyot said to applicant that he should remember that he is in war.

ABRA application for a new CR license for Tena Café at 1119 V St. was introduced by Commissioner Spalding. This location applied for a license in 2002, and it was opposed by both

ANC1B and local constituents. Since that time they have, at times, been operating as a café without a liquor license. Commissioner Guyot stated that he knows this story. Applicant stated that he has been operating a small café and wanted to add the restaurant license. Commissioner Guyot stated that Glen Melcher was Chairman of this Commission when this Commission voted against this applicant. The basis for that opposition, and I'm quoting exactly, he said 'I'm not opposed to this applicant, but it's like the camels nose under the tent.' Do you remember that language? Because they didn't want the corner down from you to be organized into an establishment, and that was the basis on which this Commission voted. So let's deal with that rubbish and get it cleared away. This is a small law abiding place that seats fifteen people. Now what in the world can be wrong with a place this size taking the risk of risking their money? I want to make it clear, once this Commission had voted using the camel under the nose tent, I went down to the ABC Board and testified on their behalf and they got their license. Let's be clear, if we can't allow a fifteen seat place to exist and compete economically, then we should be facilitating them rather than deprecating them. Commissioner Skinner stated that he wanted to be on the record as supporting any establishment with occupancy of fifteen, and wanted to congratulate the applicant for bringing back the vitality to U Street. Commissioner Butler asked if there was a new residence being built next door to their building, and applicant agreed. Commissioner Esters asked if they were currently selling liquor, and applicant said that no they are not currently selling liquor but they want to. Commissioner Butler asked applicant if they knew how the neighboring residents felt about having a liquor license at that particular location since you are right next to a number of residential properties. Applicant responded that there are no musical shows, and the liquor was just for the people who would be coming round to eat. Scott Pomeroy asked about the current hours of operation, and whether with the application for the liquor license they were planning on expanding the hours? Mr. Pomeroy stated that he had supported the original request with the limited hours, but that he would be very concerned if the application included extended hours. This is off the corridor and is in a dense residential neighborhood. Applicant responded that he was not planning to make the big noise. Mr. Pomeroy said that he is not concerned with the noise if the hours are not being extended. Commissioner Spalding stated that the application included extending hours to the full parameters of the ABRA allowances. Mr. Pomeroy responded that that presented larger problems for the surrounding residential neighbors. Mr. Pappas stated that this couple is buying the business from Tutu, and Tutu made the mistake of leasing the restaurant to some pretty rough people in the beginning there, and that's where all the trouble came from. The nurse living behind the restaurant complained, and she had a right to, but I don't think the nurse will be involved now the way they're running this establishment. Mr. Pomeroy responded that they were talking about a serious change in the operations a block off the commercial corridor and surrounded by residential properties. The traffic coming in and out will be doing so at much later hours. Commissioner Skinner stated fifteen people. Commissioner Skinner stated this is a restaurant not a nightclub. Mr. Pomeroy stated that he's happy to see businesses opening up on U Street, but there are inherent conflicts when you have late night alcohol served in the middle of a residential area. Commissioner Skinner asked about the zoning, and Commissioner Spalding responded that it's ARTS/CR zoning. Commissioner Guyot asked applicant if he could restrict use of the outside area of the restaurant to eleven o'clock. Commissioner Spalding stated that the notification posting for this application happened last Friday before the holiday weekend, and the hearing for this application is not until the end of July. Commissioner Spalding said that he immediately got phone calls and emails from forty neighboring residents who are concerned

about this license request, and suggested that the Commission consider tabling this application to our July meeting to allow the community to discuss the hours proposed in the request and to talk with the applicant. We have plenty of time to work on this application and we can consider it at our July meeting. There is a significant community concern over this application shown by the response over a holiday weekend. Commissioner Skinner responded that sometimes we think casually and say we can wait another few months but this is harder for the businesses that have to wait. I don't think the issues raised by the community are beyond be discussed and we can come to some type of conclusion, but when we say the hearing isn't until sometime don't worry about it. I still think we can give our support, or if we didn't want to support, or add contingencies from what Scott or Mr. Guyot has brought up regarding issues of noise. But to say that this request for fifteen people in a restaurant and we can't come up with a solution tonight. Commissioner Guyot urged the Commission to deal with this and deal with it quickly. Here's an applicant who when asked directly 'will you deal with the noise containment' did not hesitate, he said yes. He said I'll close the outside at eleven o'clock and I'll do anything I can to manage the noise internally every hour we're open. Madam Chairman what more can a businessman give than this? The basic argument against this was that they didn't want this to get organized because they were afraid of the corner being organized. Well, the corner has been organized into something else. That argument no longer exists. They made a commitment to the noise containment, which should go into our letter of approval, and I urge that we approve this applicant. Commissioner Skinner seconded. Commissioner Spalding asked if Commissioner Guyot was making a motion, and Commissioner Guyot responded that he was. Commissioner Spalding stated that Commissioner Guyot was moving support for an ABRA application in Commissioner Spalding's single member district. Commissioner Guyot stated that he knows this history. Commissioner Spalding asked if Commissioner Guyot would allow him to offer the motion, and Commissioner Guyot stated that this involves history that came before Commissioner Spalding came. Commissioner Spalding stated that this business was in his single member district, and regardless of the history with ANC1B it should be his prerogative to offer the motion on a license application in his single member district. Commissioner Guyot responded that it was because he had just made the motion and had it seconded. Chairperson Thomas addressed Commissioner Guyot, admitting that she was confused, when we have a single member district Commissioner who feels strongly on an issue that's in their single member district, and that's a concern to the constituents that live in that single member district; I'd like to think that we'd respect one another in dealing with these issues. You often confuse me, but I do know that this is somebody's single member district. Commissioner Guyot responded that the Chairman had every right to raise the issue, but that he would respond to the confusion openly, frankly and rawly. I know the history of this case. Chairperson Thomas said that she also knew the history of this case, as did many who are in the room. Commissioner Guyot responded that no, no everyone doesn't, he wasn't on the Commission then. I'm simply saying madam Chairman that the fundamental genesis of the opposition was "we don't want the camels nose under the tent." If I had not made the motion of support, I know very clearly, and everyone in this room knows what the motion would have been. It would have been to oppose it. Now, I'm being honest, I'm being direct. Let me just go on since you've opened this door madam Chairman, when the Shaw Cardozo voted to repudiate us and our reputation, that single member district Commissioner was present in that meeting. So let us be clear, I have the fondest respect for this Commission, but I think that its positions should be supported, and if you find them unpopular and there's been a public vote taken, you should support the reputation of 1B,

which has been raised over and over tonight. I'm tired of it and I think we should have respect enough for ourselves to deal fairly with people regardless of how unpopular they may be. Chairperson Thomas stated that Commissioner Guyot had still not addressed the question that she had asked him. Scott Pomeroy asked for clarification from the owner over the agreement over closing the outdoor section, and turning off the sound system when you're right outside people's back windows is insufficient. Applicant stated yes we can close. Commissioner Guyot stated that that would be part of his resolution in support of the application, that the back area be closed. Commissioner Spalding stated that he was not going to make a motion that the Commission oppose this application. I have a number of constituents who have written to me, and a large number who have called me about this application. Almost all of these neighbors have asked that ANC1B give them time to consider this change to their neighborhood. They learned about this application last Friday when notice was posted on the café. All that my constituents have asked me to do was to get them an extra month to talk with the owners of the café. Commissioner Guyot interjected 'so they could kill it.' Commissioner Guyot continued 'history says that they will kill it.' I speak with history. Chairperson Thomas responded that she had received many of the same emails and phone calls, and isn't that their right. Commissioner Guyot responded 'do they have a right to destroy them, no they do not.' Chairperson Thomas asked if it was not the right of the constituents to oppose, speak upon or whatever. Commissioner Guyot responded that 'they have a history of opposition from the very first.' The people in that area, they said we don't want the camel's nose under the tent, and that's what they said. Chairperson Thomas said, but look at all the new residents that you have in this neighborhood. Chairperson Thomas said, look at the development in this neighborhood and you'll see all kinds of new residences and new residents. Commissioner Guyot stated that a delay here means death. I ask that we vote to support this applicant before the opposition gets to solidify, and harden, and kill them. Motion of support was approved in a vote of (3-1-2). Commissioner Guyot stated you're saved, but let me tell you something before you leave that table, organize everybody around you or they are going to come to kill you.

Grant application from CommUnity Festival was dismissed since an application had not been received, and no one was present from the requesting group.

Grant application from Home Roots for \$4,000 to pay for webpage design and maintenance, printing, copying, advertising and consultants. Tony Norman, Vice President of the Pleasant Plains Civic Association stated that this is a group that they have been working with. They are a 501C3 and they are advocating for affordable housing, and for those of lower income and senior citizens who are presently in the area to remain in the area due to the rising prices. They are seeking a grant to establish an educational component. They are in the process of compiling a list of vacant properties in the 1B area, since the government lists are so unreliable. Joseph Paul the organization's President said that they are an organization committed to increasing the affordable housing in the District with a special focus on the Columbia Heights neighborhood. In our educational seminars we will cover house financing as well as national housing funding programs. We are targeting senior citizens, immigrants and the homeless, as well as single

parents. Mr. Matthews as a board member of the organization stated that they are just getting started. Mr. Matthews stated that housing is needed for any strong neighborhood, and questioned how we can have revitalization when long time residents are no longer able to afford to stay in their neighborhoods. Chairperson Thomas indicated that she is also a housing advocate, and asked for an explanation of the request for \$10,000 to set up a web page, printing, copying and consultants. Is what you are doing putting together a resource package for low income families to better educate them about affordable housing? Mr. Norman said that the \$4,000 would go towards the listed expenses. Chairperson Thomas stated that most low income people don't have access to internet service, and Mr. Norman stated that the major part of the educational campaign would be in seminars. Chairperson Thomas continued asking how they would get the information out to those who need it, and Mr. Norman said that they would have a series of seminars that would go directly to the people. Chairperson Thomas alerted Mr. Norman that the city has funding available for exactly what they are proposing, and the current request for proposals is open until June 22<sup>nd</sup>. The Neighborhood Based Activities Comprehensive Housing Counseling Service Community Development block grant is open for your application before June 22<sup>nd</sup>. A number of organizations are doing exactly the same things that you're proposing to do especially in Ward 1, and I'd hate to see you duplicating what's already here. Mr. Norman responded that this group is different because they are focusing on present homeowners who are being forced out. Chairperson Thomas responded that she did not see any of that in the grant application. Commissioner Guyot expressed the desire that we fund a group who would be prepared to work with all existing groups, and not to be a duplicative effort. Commissioner Guyot asked Mr. Norman if this group would be working with the Columbia Heights Development Corporation and Manna. Mr. Norman said that this would be a new organization to work with the existing groups. Scott Pomeroy cautioned the Commission that they not duplicate city funded services and consequently lose the funds. Mr. Pomeroy added that there already exists web services doing the same things that this organization has asked for funds to do, and cautioned that they might be better off working with these organizations rather than duplicating and diluting the efforts of all. While I commend the nature of this organization and its goals, it is important that we don't jeopardize the funding sources available, and lose funding when the city's auditor declares the uses duplicative. Mr. Norman stated that this is not a duplication of services; they're also proposing to give advice to homeless, and those who presently own property and are fighting to keep it. If there are already services for these people, then why do we continue to have these people suffering? I see this as a much more activist group focusing on private resources. Commissioner Skinner moved support of the grant of \$4,000. Commissioner Guyot offered a friendly amendment that speaks to the purpose of the grant, and the purpose of the grant would be to work to establish a confederation of all existing services that deal with or impact on low and moderate income housing. I don't know anyone who is funded for that purpose, and it's important for us avoid paying \$8,000 to contribute \$4,000. The friendly amendment was accepted by Commissioner Skinner, and the motion was seconded. Commissioner Guyot stated that it's clear that that is how we will write this, and that's how we'll write the justification for it. That we are funding an organization to establish a confederation that includes representatives of all agencies, whether government or private, that deal with low income housing. Motion was moved and approved (5-1-1).

In additional motions and resolutions Commissioner Spalding introduced a motion of support for the formation of a local group that was forming to deal with responsible hospitality issues. A number of local groups and individuals have been holding meetings with a national group called the Responsible Hospitality Institute, who have been working with cities across the nation dealing with the development and responsibilities of the hospitality industry. Scott Pomeroy of the 14<sup>th</sup> and U Main Streets Initiative stated that they have the ability to access technical assistance through the National Trust for Historic Preservation, and the Responsible Hospitality Institute is one of those assistance packages. This is a process that began in the city four years ago and has the endorsement of the restaurant association, in order to bring all of the affected groups to the table to find consensus. This is a process that has been shown in other cities to help in addressing the concerns that arise during development of neighborhoods with a hospitality component. We are looking for all of the local groups who will eventually participate to endorse at this point so we don't waste the opportunity. Commissioner Skinner moved support, and it was seconded and adopted unanimously (7-0-0).

Commissioner Spalding introduced a resolution requesting expansion of the proposed DCWASA amendment to Title 21 dealing with fee schedules for the replacement of customer lead water service lines. The fee schedule proposed by WASA would cost replacement of customer lines at \$100 outside of the property and \$500 inside the property. WASA has estimated that there are 23,000 customer lines that need to be replaced, and that it will take them seven years to do so. One of my constituents asked if there was not some way to add incentives to this program in order to encourage citizens to privately contract the replacement and decrease the number of jobs that WASA had to do. The incentive that is being proposed would be a tax credit from the city for having replaced a lead line, and in turn allowing the city to recover the value of these credits from WASA. Commissioner Spalding read the text of the resolution, and it was seconded and adopted unanimously (7-0-0).

Chairperson Thomas excused herself from the meeting, and Vice Chairman Skinner continued the meeting. Commissioner Guyot stated that he had the challenge to ANC1B's support of 1919 9<sup>th</sup> Street, and I want us as a Commission to oppose this trash. Our Commission met with Mr. Smarta at our April meeting and our May meeting. Mr. Smarta has attended every meeting that I conducted on 9<sup>th</sup> Street. He has been conducting meeting with the people who filed this protest in good faith, as this Commission asked him to do. I am asking that we vote to oppose the protest of application 35534, and I would base our objection to the challenge on the fact that we rigorously interviewed and discussed with Mr. Smarta parking, his ownership of the building, his commitment to rigorously adhere to laws, there's been no violation of the law in that building since he's owned it. Were there violations before he owned it, yes. One of the reasons that I'm so concerned that we do this is because our very viability is openly challenged in section two where it says 'the applicant failed to meet with the community after being invited to our neighbor meeting. This failure to address concerns the following two ANC1B meetings where no significant discussions occurred prior to votes being cast.' Mr. Chairman, this Commission has

been involved in everything that has been developed on the east side of Ward 1. Motion was moved and seconded and adopted (5-0-1).

Commissioner Guyot introduced a resolution supporting the establishment of an NAACP chapter on the campus of Catholic University, and it was seconded and adopted on a vote of (5-0-1).

Commissioner Guyot proposed that ANC1B write a letter of congratulations to government and the NAACP in Nashoba County for dealing with racial conflict better than we can in Washington DC. Secretary Spalding requested that Commissioner Guyot supply the resolution in writing. Commissioner Guyot agreed, and the motion was moved, seconded and adopted on a vote of (5-0-1).

Meeting adjourned at 11:20PM.