

ADVISORY NEIGHBORHOOD COMMISSION 1B

Government of the District of Columbia

Columbia Heights / LeDroit Park / Pleasant Plains / Shaw / University Heights

5 May 2005, True Reformer Building, 1200 U Street NW

Attending: Commissioners Moss, Spalding, Hunter, M. Smith, Stephens, Parker, Akinmboni, T. Smith, Mathews

Absent: Commissioners Hammonds, Wright

Quorum was achieved just after 7PM. In the Secretary's report, Commissioner Spalding reviewed items from the past month. BZA heard three ANC1B applications and all three were granted relief, however, BZA 17302 is currently under sua sponte review by the Zoning Commission. In ABRA related cases Club U's revocation hearing continues, Collage Café remains in negotiations, Kili's is still in fact finding, and Mocha Lounge was fined and given a temporary suspension of their license at a show cause hearing. Plans for redevelopment of 1804 14th St. will be considered at ANC2B's next meeting. Office of Historic Preservation has approved current plans for infill rowhouse at 1900 11th St. Minutes for the April meeting were moved, seconded and adopted (9-0-0). In the Treasurer's report, Commissioner Stephens related that he did not have the current bank statement and could not provide a full report at this time. Check 1568 for \$1,000 was issued to 14th & U Alliance, check was issued to Blackout Arts Collective for \$2,000, checks for \$80.30, \$172.80, \$101.55 and \$84.25 were issued to the Secretary for December through March expenses. In addition, check was issued for \$300.00 to the Greater Washington Boys and Girls Club. The 2nd Quarter Report was presented and showed an initial balance of \$58,371.44, a quarterly District allotment of \$7,739.55, and check 1571 for \$25.00 to the DC Auditor for bonding officers, leaving an ending quarterly balance of \$66,085.99. Adoption of the 2nd Quarter Report was moved, seconded and adopted (9-0-0). Treasurer Stephens also indicated that he is working with the DC Auditor's Office on the interpretation of the 'documentation within sixty days' issue, and he will report back at the next meeting. Chairperson Hunter introduced adoption of the ANC1B Bylaws. Commissioner Mathews asked about the removal of the language adding a parliamentarian, and Chairman Hunter explained that in an informal meeting of the Commission it was agreed that the parliamentarian issue was holding up adoption and the decision was made to adopt the document without the addition of the parliamentarian. Commissioner Stephens moved adoption and it was seconded and adopted (8-0-1) with Commissioner Mathews abstaining.

In Community Events & Announcements Commissioner Moss reviewed a meeting with MPD3D resulting in the stakeholders requesting more manpower and resources, and also request that the area of Wiltberger and 8th be made a police hot spot. Ms. Andria Yelverton was introduced as the Ward 1 liaison for Pepco. The Mary Church Terrell Symposium supported by ANC1B was very successful. Commissioner Stephens announced that the MHNA cleanup would be held this coming Saturday. Commissioner T. Smith announced that at 733 Euclid St. at noon on Saturday there would be a cookout celebrating a new community center. Commissioner Padro announced a screening of a movie on the history of the Shaw community on June 2nd. Bryan Martin Firvida announced a youth summit also on Saturday at 10AM.

Lt. Delisi gave a report from MPD3D, and said that they are experiencing a rash of auto theft and specifically theft from auto crimes. Please do not leave any property in your autos. There have also been some recent burglaries from construction and renovation sites. Lt. Delisi responded to Commissioner Moss' statement by saying that PSA305 is fully staffed, but that the current level of staffing may be insufficient for effective policing of the PSA. Chairman Hunter indicated that some of the Commissioners would like to meet with MPD officers in their SMD's, and smaller community groups would also like regular interaction with 3D. Commissioner T. Smith asked about policing in the Bannaker Field area where he recently had a confrontation, Officer Wilson indicated that he has been talking with Howard University to identify and better patrol this area. Bryan Martin Firvida explained the three lists serves dealing with 3D and the one that was referred to earlier with the daily list of crimes is Crime Reports .com, and he will provide the Secretary with the addresses of these list serves. The calendar on dc.gov also lists all of the PSA and ANC meetings. Stanley Mayes invited everyone to attend the 3D CAC that meets on the fourth Thursday of each month, which features the Commander of 3D, and many of the lieutenants. Tania Shand asked that an officer attend the Westminster Neighborhood Association meetings, and that the regular attendance of officers had recently diminished. Ernest Springs the President of the MNHA reminded Lt. Delisi that many citizens feel more comfortable speaking in the smaller neighborhood association meetings and that officer attendance would be beneficial to both constituents and MPD. Commissioner Moss reminded Lt. Delisi that the LeDroit Park Civic Assoc. has also had trouble getting officers to attend their meetings, and that they were a no show at the orange hat patrol, and that they had not seen the bicycle patrol that had been promised. Lt. Delisi responded that he would speak after the meeting with Commissioner Moss, and that he would try to bolster attendance at the neighborhood association meetings, and asked that they be allowed to be expedited through these numerous meetings so the officers could get back on the streets.

Commissioner Moss introduced representatives from NCRC and Ellis Enterprises to present the plans for development of Parcel 33. Katan Gada from NCRC thanked Commissioners Moss and Padro for their involvement in the community benefits

package. Chip Ellis described the project as a combination of Radio One and its office space, retail and residential components. Commissioner Akinmboni asked about the provided parking, and Mr. Ellis responded that there would be approximately 250 parking spaces. Commissioner Mathews asked about the pricing of the residential units, and what is their relationship with the Kumase proposal for redevelopment of the Howard Theatre? Mr. Ellis said that they have worked with Kumase and support their proposal. It is early to know the exact pricing of the units, but they consider them workforce housing and the current projection for the market rate units is high 300's. Mr. Gada said that they are more involved with the design at this point in the process, and that pricing would evolve with the design. Mr. Gada described the involvement of the community and community organizations in shaping a community benefits package. Twenty-five percent of the residential units will be affordable. Ten percent of the retail would be affordable. A jobs preference for local residents will also be part of the package. There will also be a contribution to a fund benefiting local residents. Donnie Shaw from the YMCA asked how they could tie local youth to the development opportunities, and Mr. Ellis described outreach ideas that Radio One was prepared to offer. Clyde Howard asked about contact with businesses to the north of the site, and Mr. Ellis responded that they have contracts with most of these parties. A representative from Manna applauded the extensive benefits package. Ernest Springs asked if Radio/TV One was an owner or leaser, and Mr. Ellis responded that they would have an equity stake and also be leasing the space for fifteen years. Commissioner Spalding asked if they would be going through the PUD process and whether they would need to go through the HPRB process, and Mr. Ellis responded that they would be going through both processes. Commissioner Moss moved that ANC1B support this project, and it was seconded and adopted (8-0-1) with Commissioner Spalding abstaining.

Fred Greene from NCRC described NCRC's plans for Parcel 39. This is approximately 5,000 square feet located at 8th and T Streets and is zoned R-4. They are encouraging proposals that address residential and school facilities. They are looking for a 20% affordable component. They have received one unsolicited proposal, but they are expecting to release the RFP. Commissioner Spalding added that he had received an emailed version of the RFP, but since the file was quite large, he had offered to email it to any Commissioners who wanted their own copy. Mr. Greene stated that he would make additional copies available as well.

In consideration of the HPRB proposal for redevelopment of 923 T Street architect Greg Zahn was not present and the Commission deferred review.

Commissioner Spalding introduced consideration of BZA 17323, which entails variances and exceptions for the project at 10th and T involving the First African New Church. The

Commission funded the historic review required for designating the church as a landmark property, and has also been involved through the extensive HPRB process for the project. The zoning relief sought is a result of the restrictions involved in working with the landmarked church and the design choices approved by HPRB. Cynthia Giordano from Arnold and Porter gave a description of the relief sought. Variance from 774.1 'rear yard', which is a result of the landmarked property being at the rear of the development site, and HPRB's request that entry to the new building be on V St. Variance from 773 'residential recreation space', which is constrained by the inability to use the space over the church building. Variance from 2117.8 'slope of parking ramps', which is the result of being unable to excavate underneath the church structure. This has limited the amount of parking on the site, and the slope of the access ramp to the underground parking will be slightly steeper than allowed by the zoning regulations. Also special exception relief from 411 & 770.6 'roof structures setback requirements', and the relief in this case is from the acceptable 12 feet to 10.23 feet. The Commission asked the applicant to assure that all possible safety aspects of the increased ramp slope would be addressed. Neighboring constituents voiced concern over access from the alley to the parking ramp. Commissioner Spalding moved support of variances and special exception in BZA application 17323, and it was seconded and adopted (9-0-0).

Commissioner Spalding introduced consideration of BZA 17326, which is relief from 223 (lot occupancy) for an inside row house located at 2027 13th Street. The building is in the historic district; however, Office of Historic Preservation has stated that they have no objection to the request. There is currently a one story enclosed porch addition on the rear of the building, and Mr. Huck is asking to replace that structure with a full three-story addition. In doing so, although the change in lot occupancy is very small, the current footprint is in excess of the allowed lot occupancy and triggers BZA review. The abutting building to the south is already extended well beyond the depth of this design. Architect Jennifer Fowler stated that the lot occupancy would change from the existing 68.25% to the proposed 70%. Mr. Huck has letters of support from both abutting neighbors. Commissioner Spalding asked Mr. Huck to consider restoration work to the front façade of his building, and Mr. Huck responded that neighbors have been giving him advice on those improvements. Commissioner Spalding moved support of BZA 17326, and it was seconded and adopted (8-0-0).

Scott Pomeroy reminded the Commission of an illegal extension to another row house in this block located at 2039 13th Street, and asked the Commission to investigate. Commissioner Spalding responded that he has been asking the Zoning Administrator to investigate. Commissioner Spalding moved that the Commission request the Zoning Administrator investigate the legality of this structure, and it was seconded and adopted (7-0-2).

The Commission considered Public Space application 12049 for an unenclosed sidewalk café to be located adjacent to 1942 11th Street. Owner was present and there was a discussion of the size, hours and location of the public space use. Chairperson Hunter moved that ANC1B oppose Public Space application 12049, and that Commissioners Spalding and Hunter convene a meeting with residents who live in the community nearby the facility. Commissioner Mathews asked if we should postpone consideration, and Chairman Hunter responded that we should oppose. The Public Space Committee is going to act no matter what we do. By protesting, we can negotiate with the applicant and before the DDOT hearing. Commissioner Stephens stated that though he generally supports sidewalk cafes, he is troubled by the extended hours applied for in this case. Commissioner Spalding asked that two considerations be part of the response to DDOT. First is that this is an application from a bar and not a restaurant, and we have eighty-two licenses in ANC1B and only one bar with a sidewalk café, Polly's. The second concern is the amount of seating on 11th Street, and appears to be too dense for the mixed zoning in the 1900 block of 11th. Commissioner Akinmboni agreed that the number of seats applied for was troubling, and that if the seating could be reduced she might be able to support the application. Commissioner Akinmboni also stated that using the outdoor seating until 3AM in proximity to residences was a problem. Motion was called and adopted (7-1-1) with Commission Mathews opposing and Commissioner T. Smith abstaining.

Commissioner Spalding introduced Public Space application 12050 for Alero to place café seating on 13th Street. Owners from Alero were not present to answer Commission questions. Commissioner Spalding stated that this is a restaurant license; however, they do currently have extensive outdoor seating on U Street. The location on 13th would be within feet of residences and residential zoning. Commissioner Stephens stated that Alero has shown their concern by not showing up for the meeting. Chairman Hunter stated that it was his understanding that when the Ellington was developed the community and the developer agreed that the outdoor seating would be located on U and not on 13th. Commissioner Mathews moved to table the request since the owners were not present, but there was not second and the motion failed. Commissioner Spalding asked Commissioner Mathews to allow him to make motions on ABRA applications in his single member district. If my motions fail, I can live with the results and then entertain any motions that you wish to make. Commissioner Spalding moved opposition to Public Space application 12050, and bases our opposition on the fact that this business already has sufficient outdoor table space, and the proximity to the residences on 13th means that this is not a viable proposal. Motion was seconded and adopted (8-0-1) with Commissioner Mathews abstaining.

Commissioner Spalding introduced reconsideration of ABRA application of Duffy's Irish Restaurant, which was tabled at our last meeting. We have not received ABRA notification of the application and hearing dates, and Mr. Felder (Mr. Duffy's attorney) responded that it had been released today. Mr. Duffy reminded the Commission that the application was for 2106-8 Vermont Avenue, and that the design was similar to his Four Provinces of Ireland on Connecticut Avenue. Mr. Duffy stated that he was negotiating a voluntary agreement with CSNA. Mr. Duffy stated that he is trying to address his neighbor's concerns with parking and noise. Chairman Hunter expressed that it had been hoped that there would be more extensive conversation with the abutting neighbors. Commissioner Parker asked how many times he had tried to contact Mrs. White, and Mr. Duffy handed out a printed notice that he had handed out to the nearby residents. Mr. Duffy also stated that he had attempted to visit Mrs. White a number of times unsuccessfully. Mr. Felder stated that he thought they had made an honest attempt to reach out to the ANC and the local community associations, however, we did make a mistake in not more fully involving the immediate neighbors. Mr. Felder stated that no matter what permissions they received the White's will remain their neighbors, and they want to make all efforts required to satisfy their concerns. During the build out of the restaurant we can address the sound, smell and any structural issues that arise. Chairman Hunter asked about the handout and how many Mr. Duffy had passed out, and Mr. Duffy responded that there are very few residences on Vermont, but that he had either handed out or left thirteen or fourteen notices. Commissioner Akinmboni stated that she is not pleased with the efforts to work with Mrs. White, and that Mrs. White's residence is right next to the restaurant. I don't see how you can operate a restaurant in this building without affecting this neighbor. Commissioner Mathews stated that this all hinges on Mrs. White and asked to have her speak; Chairman Hunter reminded Commissioner Mathews that we were now taking questions from the Commissioners to the applicant, and that when we open the discussion to the community we'll recognize Mrs. White, but please allow the Chair to recognize people at the appropriate times. Commissioner T. Smith stated that he was disappointed in the lack of progress is negotiating with the neighbor. Mr. Felder stated that the owner of the building had made attempts to contact Mrs. White, and that once they had agreed on the lease Mr. Duffy had attempted to establish contact with Mrs. White. I have also explained to Mrs. White's son that I also represent a restaurant that is located below residential tenants, and that business added four levels of acoustic tile and you cannot hear any noise from their facility. Commissioner T. Smith asked to see the plans for noise abatement once they had been decided. Commissioner Stephens asked Commissioner Spalding what the zoning was at this location, and Commissioner Spalding responded that the zoning was Arts/C-2-B and that the land across the avenue was commercial CR zoning, and that all of the property on this block face including Mrs. White's home was in commercial zoning. The building at 2106-8 Vermont is a commercial building. Commissioner Moss asked about the time line, and Mr. Duffy responded that they would begin work in a few weeks and hope to open in August. Commissioner Moss asked about the occupancy, and Mr. Duffy responded that the total would be approximately 170. Commissioner Mathews stated that something was not gelling for him, but you have been able to speak with the CSNA while you weren't able to speak with Mrs. White. Mr. Duffy explained that it is easier to get to set meeting times, and Commissioner Mathew responded that Mrs. White has a location

and a telephone, and Mr. Duffy responded that he went and knocked a number of times. Tania Shand asked about notice since she had not received any, and Commissioner Spalding explained that Ms. Shand's house is outside the notice perimeter, which for ABRA is two-hundred feet. Stanley Mayes stated that he was responsible for the change in zoning in the affected block and it was never intended to affect the residents in that area, but it was intended to get rid of the light industrial uses in the area. This would be a totally incompatible use in this zone. No matter what they do a restaurant use will affect the nearby residents, and this area has remained essentially residential. This Commission is telling the residents that they need to go. Chairman Hunter asked Mr. Mayes if he would be representing Mrs. White, and Mr. Mayes indicated that he might. Chairman Hunter stated that he hoped that Mrs. White retain an advocate to assist her in the negotiations. Commissioner Spalding stated that CSNA has not protested the application; however, they are negotiating a prospective voluntary agreement prior to taking their vote on the application. Commissioner Parker asked about the timing of their involvement with community member and organizations, and Mr. Felder stated that sixty days prior to getting the lease they began their outreach to the community and our first contact was Commissioner Spalding. We came before the Commission well before the usual time to allow the Commission to raise issues and questions that we might need to deal with. Commissioner Parker asked if the terms of the lease allowed them an exit if ABRA did not approve the application, and Mr. Felder responded that it does. Commissioner Moss stated that she did not think that Mrs. White's family will be satisfied with any voluntary agreement, and I'm not convinced that negotiations will be fruitful. Mr. Felder countered Commissioner Moss' opinion stating that they have actually been early in approaching everyone involved. Commissioner Spalding moved support of a stipulated and full CR restaurant license for Duffy's Irish Restaurant, and the motion died for lack of a second. Chairman Hunter moved that ANC1B protest the application with the expectation that we be involved in the ABC process and any negotiations towards a voluntary agreement, and it was seconded. Commissioner Spalding asked for guidance in negotiations, and Chairman Hunter responded that it is a complicated negotiating process, but that we should attempt to solicit as much input from affected community members as possible. Commissioner Mathews echoed Commissioner Moss' sentiments, and it almost sounds as if other negotiations are going to hinge on negotiations with Mrs. White, and that is the crux of the matter here. The lady next door to this business fundamentally does not want the noise and smells that are going to be with it here. And so it's a question of whether we're going to honor that as Commissioners, you know the integrity of a neighborhood residents who's lived there a long time. Motion was called and prevailed (8-0-1) with Commissioner Mathews abstaining.

Commissioner Spalding noted that the Commission had failed to delegate Commissioners to represent the issues that we have voted on this evening. Commissioner Spalding, with help, moved that Commissioner Moss be delegated to represent ANC1B in regard to RLARC Parcel 33, that Commissioners Spalding and T. Smith be delegated to represent BZA 17323, that Commissioner Spalding represent BZA 17326, that Commissioner Spalding represent Public Space applications 12049 and 12050, and it was seconded and

adopted (9-0-0). It was moved that Commissioners Spalding, Akinmboni and Hunter be designated in ABRA application of Duffy's Irish Restaurant (9-0-0).

Grant application of East Enders was introduced by Commissioner Spalding. Matthew Ruest explained that they got DDOT to remove the cement from the median strip on Vermont and replace it with soil, and have already planted 28 trees in the median. They now want to plant perennials in the median. Our original request was for \$1500, but we've been out getting further contributions and are now asking for \$600. We have currently raised \$1850 from the Mason's, Jim Graham and local developers. Chairman Hunter asked for the contributions to be listed, and Mr. Ruest stated that Abdo Development gave \$500, an anonymous donor gave \$500, a neighbor from WNA gave \$100, Jim Graham gave \$250, and \$500 from the Mason's. Commissioner Spalding moved approval of the grant request for \$600 for perennials to be planted in the median strip of Vermont Avenue, and it was seconded and adopted (9-0-0).

Treasurer Stephens stated that he is in receipt of three grant applications for the June meeting from Kilis District Youth Center, Anthony Bowen YMCA, and the DC Caribbean Carnival.

Commissioner T. Smith introduced support for the DC Caribbean Carnival. This is a yearly event that we all enjoy. Loughton Sargean, Executive Director for the Carnival, stated that the carnival will again be along Georgia Avenue. There have been changes in the time of the event and coordination with MPD to schedule reopening of the Avenue. We have received support from both Councilmember Fenty and Councilmember Graham, and the blessings of the Mayor, and we are here to get your support. Commissioner Spalding asked where the event would start and finish, and Mr. Sargean stated that it would begin at Georgia and Missouri and finish at Barry Place. Commissioner Spalding asked for clarification on the support letter, and Mr. Sargean responded that they were seeking a general support letter addressed to EMA. Commissioner Moss asked where the vendors would be located, and Mr. Sargean stated that all the vending would be in Banneker Park. Scott Pomeroy stated that he enjoyed the festival, but that there needed to be an emphasis on cleaning up after the events in the Vermont Avenue area. Mr. Sargean responded that they are working with DPW to assure that problem areas are cleaned up. Eartha Clark asked that they pay attention to the mess created by the busses parked along Vermont Avenue. Mr. Sargean stated that they are closing an hour earlier, and hoped that this would give extra time to clean up. They have also identified other parking facilities for busses to be monitored by MPD. Bryan Martin Firvida asked about the vendors along the parade route, and Mr. Sargean responded that DCRA would be enforcing the regulations. Commissioner T. Smith moved that ANC1B support the Caribbean Day Festival, and it was seconded and adopted (9-0-0).

Commissioner Spalding introduced support of Council Bill 16-36 "Protection of Advisory Neighborhood Commissioners from Intimidation and Assault Act of 2005". Chairman Hunter stated that this legislation was introduced by Councilmember Catania and became a concern when Commissioners had been harassed when trying to do their job. Commissioner Mathews asked if this would include threats made by Commissioners against fellow Commissioners, and Chairman Hunter responded that any person violating the law could be subject to prosecution. Commissioner Spalding moved support of Council Bill 16-36, and designation of Chairman Hunter to represent ANC1B at the hearing, and it was seconded. Commissioner Akinmboni scolded Chairman Hunter for not appearing at a previous hearing. Chairman Hunter responded that he was present for the rent control hearing at which there were approximately one hundred witnesses, and he could not stay through the entire hearing process. Commissioner Stephens stated that Chairman Hunter as a witness to a heated engagement at our previous meeting, and that the Commission owes a debt of gratitude in your handling and believe that you are the appropriate representative to speak to this Bill. Commissioner M. Smith stated that threatening anyone should be a crime, which leaves me ambivalent about the civil liberties issues associated with this legislation. Chairman Hunter responded that the difference is an enhanced penalty for assault while performing duties. Motion was adopted (8-0-1) with Commissioner M. Smith abstaining.

Commissioner Stephens introduced his resolution on essential workers tabled at our last meeting. There are classes of workers who cannot be expected to afford the housing available in the District, and that they should be working to assure that these people can afford to find living space in the District. Chairman Hunter seconded the motion that we support the legislation as submitted in our packets last month regarding workforce housing. Commissioner Mathews asked whether this was advisory or whether it had teeth, and Commissioner Stephens responded that in other cities there have been inducements to provide affordable housing, and that this request is to recommend this type of emphasis on affordable workforce housing. Commissioner Spalding asked for clarity in the addressing of the resolution, and Commissioner Stephens indicated that it was addressed to the Council members and the Mayor. Motion was adopted (9-0-0).

Meeting adjourned at 9:55PM.