

ADVISORY NEIGHBORHOOD COMMISSION 1B

Government of the District of Columbia

MINUTES

6 October 2005, True Reformer Building, 1200 U Street NW

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

Absent: Commissioner Wright

Quorum was achieved at 7PM. After Commissioner introductions the agenda was shifted to allow Inspector Patrick Burke to address the Commission.

Inspector Burke has been with 3D for about a month replacing Inspector Groomes at the substation. He is a sixteen year veteran of MPD and has served in a number of capacities with MPD, and he lives in DC with his wife and four children. The first month has shown 3D to be a busy posting, and the immediate concern has been the proliferation of robberies. We are currently pushing four to five robberies per day in the Third District. We have had a significant number of arrests, and I understand that this information is not getting back out to the community. We have allocated additional overtime to increase our presence and visibility. The robberies are occurring on the evening and midnight shift, and the majority are happening between 9PM and 3AM. In recent meetings with the U St. business owners and the PSA's the concern was visibility, and in meeting with the Lieutenant's I pressed them on this. I walked the 14th St. area and stopped in on some of the businesses, and many of these people responded that they haven't been visited in months. We are trying to get more information out on the list serves, and trying to get more responsive to the regular questions raised by community members. Commissioner Moss asked how the additional personnel were being deployed, and Inspector Burke responded that most would be in cars to aid in response times. Inspector Burke provided wanted flyers for recent robberies, and indicated that he is working with neighborhood groups to get this information on the local list serves. I was impressed that when I was walking 14th Street a number of the business had posted the flyer on the bank robber, and that's the kind of interaction with the community that can help us all. The more that you know, the better off we are in trying to serve you. Chairman Hunter indicated that after the recent robberies of restaurants along U Street there appeared to be an increased foot patrol presence, and Inspector Burke responded that this does have great value in terms of

community policing. When visiting a number of stores I noticed a lot of single females running businesses and to thieves these are obvious targets, so we are concentrating on giving these targets more information and hopefully increased presence. Jeffrey Willis stated that this was the best presentation by a MPD officer that the community has heard in some time. When you stated that this is your first visit I shook my head since I've heard this so many times. Are you planning on staying? There are so many things that you have suggested, that if we do them can really change things here, but there's a huge disconnect between the residents, the Commissioners and MPD. We are not hearing from you on the list serves and we don't know who to contact. Inspector Burke responded that he is excited to be here in 3D and specifically cited the current leadership in 3D. A large part of my job is to make sure that you're Lieutenant's are doing all that they should, and I've been attending as many PSA meetings as I've been able to. We are working on identifying your local officers in any and all manners that we can. I'll be watching the list serves, I'm a big internet guy, and we'll be trying to use the lists as effectively as we can. The PSA meetings are the heart of community policing, and the place where we can really address problems in depth, and I encourage everyone to attend these meetings. Ernest Springs asked whether there were any currently active programs to aid police officers in locating housing near their postings, and Inspector Burke responded that there are some programs available, but the statistics currently show that less than 25% of our officers live in the District of Columbia. These programs are important, and they should be encouraged any way that we can. I take the example of Lt. Mike Smith in PSA307, who is probably the most assaulted officer in the District, but who is so thoroughly engaged with his community and a fine example of community policing. "Straight eight and out the gate" and go back home to Maryland or Northern Virginia doesn't work, and when you do live here and have your own interests and you are invested in your community everything supports making the District the best place to be. Valerie Schneider stated that she lives on 9 1/2 Street, and Inspector Burke responded and nobody knows where it is, and Ms. Schneider agreed. Ms. Schneider asked about the relationship between police services and special services. We have homeless people living in cars, and while we have empathy with their plight, they are also contributing to the quality of life issues that ensue like drug dealing and terrible trash problems. Inspector Burke responded that in cases like this community members can call the Lieutenants or Inspectors and talk about the problem, and that the Core Team may be the best solution. This brings all the core individuals from all of the District agencies, and there is so much that the other agencies can do to remediate these problems that are hard for the police to address on their own. The Ward 1 Core Team seems very organized and very effective in the limited exposure that I've had so far. Inspector Burke gave his contact information, and then encouraged constituents to visit the MPD web site and learn all they can from the information available on that site. The PSA's are mapped and explained, and personnel are listed with their contact information. You should get to know your local officers and officials. The squeaky wheel does work. The Fightback in LeDroit Park was discussed. Inspector Burke stated that both Councilmember Evans and Graham had been very active and responsive.

In officer's reports Secretary Spalding stated that the following issues that may come before HPRB were received too late for inclusion on the October agenda 945 T Street, 815 T Street, and 2202 14th Street. Secretary Spalding asked that without any objection from the Commissioners he will write to HPO and ask that consideration be delayed to allow us to consider these applications at our November meeting, and there was no objection. Secretary Spalding indicated that a new list serve had been created for local parents called "U Street Tots", and that information was available in handouts on the table. Minutes for the September meeting were moved, seconded and adopted (9-0-0). Treasurer Stephens stated that our monthly balance coming into September was \$66,491.95, and that there are two debits \$1,000.00 to Faircliff West Tenants Association, and \$64.21 as reimbursement to the Treasurer for expenses, resulting in an ending check book balance of \$65,427.74 on September 30th. Treasurer's Report was moved, seconded and adopted (9-0-0). Reimbursement for secretarial expenses in September for \$205.78 was moved, seconded and adopted (9-0-0). Kenny Barnes, Chairman of ANC1B's Public Safety Committee, stated that the PSA 305 meeting had been reorganized and is now held on the first Tuesday of each month at 815 Florida Ave. In response the recent rash of robberies and the active response of local business owners and on the list serves, a meeting with Chief Ramsey was held this afternoon. Chief Ramsey has agreed to come down to the community next week for a press conference with Council members Evans and Graham, and the District Attorney's Office. When the schedule is finalized Mr. Barnes will inform the Commission members. Chief Ramsey also suggested the increased use of digital video cameras.

In Community Events and Announcements Vice Chairperson Moss announced that the LeDroit Park Community Day would be held this Saturday at Anna Cooper Circle. The ad hoc PSA 305 committee has drafted a letter to the Mayor and Chief Ramsey requesting more funding for police manpower. Commissioner Mathews announced that on October 29th the Pleasant Plains Civic Association will be cosponsoring a block party and community health fair in the 500 and 600 blocks of Hobart Street. Chairman Hunter announced that Metropolitan Baptist Church is in the midst of presenting a multicultural musical experience in October. Ernest Springs stated that an orange hat committee/patrol has been organized, and walks every Wednesday night at 7PM starting at the gas station located at 14th and W. Chairman Hunter suggested that the 1400 block of W be targeted for a Core Team Fightback sometime soon. Kimberly Johnson announced that the CSNA Clean and Green fall cleanup will be happening on Saturday, October 22nd and hopes that everyone will participate. Chairman Hunter suggested that ANC1B had traditionally financially supported the CSNA Clean and Green activities, but that with the new grant guidelines they had missed the opportunity to be heard at this meeting. If CSNA can find a way to extend the activities into November, the Commission would be willing to consider grant support at our November meeting. Ms. Johnson responded that a large concern is the lack of cleanliness outside of some of the commercial areas, and that power washing these areas might be included as a part of the CSNA cleaning effort, and that that may be a part of the grant request that she presented to the Commission. Stanley Mayes described legislation introduced by Councilmember Orange to increase personnel

in MPD. Mr. Mayes also announced that on November 10th the 3DCAC would be holding their awards banquet for officers of 3D.

Chairman Hunter asked that Presentations be taken out of order. One Common Unity/African American Holiday Exp was not present, and consideration was moved to November. Commissioner Thomas Smith introduced a presentation on the Howard University Homecoming Parade. Steve Johnson, Director of Facilities at Howard University, described the plans for HU's annual Homecoming Weekend on October 22nd. The parade route was described and maps handed out. The morning has been coordinated with MPD3D. Tony Norman, President of the Pleasant Plains Civic Association, requested that Mr. Johnson present to the affected community association. Commissioner T. Smith asked if the program of handing out placards to place in resident's cars was being continued, and Mr. Johnson responded that it would be done. Commissioner T. Smith also asked that special consideration be given to the 700 block of Euclid that is one way intersecting with the parade route, and Mr. Johnson agreed that they would work with Commissioner Smith on this problem. Ms. Eartha Clark asked about the problem with busses parking and associated trash from the busses parking on the 2000 block of Vermont Avenue. Mr. Johnson stated that they are locating bus parking in other areas.

Vice Chairperson Moss introduced Ms. Camilla Parker, Director of Finance, and Mr. Thomas Redmond, Director of Public Affairs and Government Relations at the DC Housing Finance Agency. They are present to discuss the selling of their property at 815 Florida Avenue. This was scheduled for last month's meeting when they did not attend, and I would like to admonish them for missing last month's meeting. Mr. Redmond apologized for missing the meeting, and took responsibility for HFA's absence. Ms. Parker stated that she could not discuss many of the details since this is in the competitive process right now. HFA decided that rather than face the expense of a needed major overhaul of the building, that it was in the best interests of HFA and the development of the local community to divest ownership in this property. Starting back in March of 2004 we met with agencies and with the ANC and participated in the UDD process, and then hired Cushman and Wakefield to handle the sale this past June. We solicited bids from eighty developers and received eleven proposals. We then cut the list to eight prospects and requested best and final submissions, and we received five back. We are currently ready to interview the top two or three proposals on October 17th at an open meeting. Ms. Parker described the terms they are requesting from the bidders including a 25% affordable component, one to one parking, and parking to the zoning requirements for the retail components. Chairman Hunter voiced his disappointment with the lack of public participation in this process. Chairman Hunter questioned their meeting with ANC1B in March of 2004, and stated that this a large and important development that requires more community input. We deal with NCRC and other development projects who bend over backwards to fully engage the ANC in the process. Here the RFP has gone out and been

cut down to the final two or three competitors, and we have had no input to my knowledge. What is your plan for public input in this process? Ms. Parker responded that they had consciously avoided the process getting bogged down in a lot of back and forth bickering during the process, and assuring the bidders of confidentiality of their information in the process. We did participate in the UDD process in which the potential for redevelopment was explored publicly. We did meet with our SMD Commissioner at that time Commissioner Guyot, and we had a less formal process and we did not bring the plans to the Commission. Chairman Hunter stated that the RFP is a public document, so just letting us see the RFP and having an opportunity to comment should have been easily accomplished. Ms. Parker responded that they released an 'offering memorandum' not an RFP. Chairman Hunter asked if any public officials were involved in the drafting of the 'offering memorandum', and Ms. Parker responded that it was their own work. Vice Chairperson Moss added that she did eventually receive a copy of the RFP after several requests from HFA's Director. Commissioner Spalding stated that it was his understanding that the "offering memorandum" required that the developers submit as precursor to a PUD application, and Ms. Parker responded that that was correct. Commissioner Spalding responded that the PUD process normally requires involvement and shaping by the affected community and its ANC, however, from your description of the requirements of the RFP that the winning developer will be so restricted by the terms of the sale that they'll be in a lock box in terms of negotiations with the community and ANC. You seem to have preempted most of the flexibility that we associate with the PUD process. Ms. Parker responded that this is what they were trying not to do, they expect flexibility in the PUD process with ANC involvement, but we are listing those requirements for the sale. Commissioner Stephens asked what precedent is being set for other institutions in determining the way that they choose to dispose of property, and then locking us into things not in the best interest of the community by the time the sale is consummated. This ANC deserves an answer from some part of government describing what could happen, if for example, the Reeves Center to be disposed of. Mr. Redmond responded that there are differences since they are a quasi governmental agency. Commissioner Parker asked for further clarity in the affordable income guidelines, and whether they were included in the 'offering document', and Ms. Parker responded that they were based on the DC Metropolitan Area statistics and the units will be divided equivalently in the three affordable brackets. Commissioner Mathews asked for this to be translated into units produced, and Ms. Parker responded that that would depend on the number of units the winning developer includes in the design, however, our projection is that with a successful PUD application there might be a total of 150 units of which 25% would be affordable. Chairman Hunter asked when they would be making a decision on the contestants, and Ms. Parker stated that after the interview scheduled for October 17th they should have an announcement within two weeks, and Chairman Hunter responded that that would be before the next ANC1B meeting. Chairman Hunter stated that even if we attended the public interviews on the October 17th, ANC1B would not have time to make a recommendation prior to the decision. This is just not acceptable. You do not have to vet this with us, but it is the practice that has been followed as it relates to the disposition of land in the District. Is there any possibility that we can revisit your timetable and allow for input? Ms. Parker responded that they could not answer, and that it would have to go back to HFA's Director for an answer. Chairman Hunter asked that

HFA provide information on the public interview on Oct. 17th so that the ANC can publicize to the immediate neighborhood, and then we're asking that you delay your decision to allow ANC1B to vote it's preference at our Nov. 3rd meeting. Jeffrey Willis asked if there has been any consideration to public parking as part of the requirements of the RFP, and Ms. Parker stated that if a developer chose to add that parking on top of the listed required parking for residential and retail already in the agreement, then it would be considered.

Commissioner Stephens pointed out that the parking issue comments indicate that we're getting nibbled to death by considering parking on each individual developments components. We need to approach this problem in terms of transportation problems for the larger community. Chairman Hunter responded that DDOT has a monthly transportation policy meeting, and Commissioner Spalding responded that they were quarterly not monthly. Chairman Hunter asked if it was for Chairman, and Commissioner Spalding responded that it was for the four ANC Chairman. Chairman Hunter suggested that we let the entire Commission know when that next meeting is held so that they can all go. Commissioner Spalding cautioned that this should be cleared with the Committee since they are structured to work with just the Chairs or their Chairs designated representative. Chairman Hunter asked why others couldn't go if Commissioner Spalding could go, and Commissioner Spalding replied that he only recently learned that it was a forum for Chairmen. He was asked to attend by former Chairman Thomas, and has been attending since that time. When he learned recently that it was designed for Chairmen he immediately suggested Chairman Hunter's attendance. So, the person attending should either be the Chair or the Chair's designee, and I am more than willing to pass on this meeting. Chairman Hunter expressed his desire to ask the Ward 1 Transportation Planning Committee to make an exception to allow all ANC1B Commissioners to attend. Commissioner Stephens interjected that he had not raised the point in order to get himself committed to another meeting. Vice Chairperson Moss stated that MPD3D needed to do an out years plan on dealing with the quickly changing demographics of ANC1B's territory.

Commissioner Hunter introduced consideration for HPRB conceptual approval projects at 2118 14th Street and 2208 14th Street. Winifred Freeman designer of the projects displayed boards that showed the proposed building designs and the surrounding neighborhood buildings. One project is to transform a one story office building into a three story office building, and in the other a two story vacant building will become a three story (with full basement) building with a restaurant on the initial two floors and two residences on the top two floors. Both uses are compliant with the zoning and designed with the zoning restrictions in mind. Chairman Hunter asked if these had been presented to local community groups, and Ms. Freeman responded that this is the first presentation on these projects. Chairman Hunter asked when these would appear before HPRB, and Ms. Freeman responded that they have filed in time to be placed on the

October HPRB agenda, but that the decision to place them on the agenda rests with the HPO staff. Commissioner Stephens asked whether these would be presented separately to HPRB, and Ms. Freeman responded that they would be presented as a package. Commissioner Spalding asked if the existing two story project at 2208 is a contributing façade. If it is a contributing façade, then your design in presenting the additional third story as a continuation of the existing façade may be a difficult sell to HPRB, and you may want to step back this third floor. There was some confusion over keeping the two projects, designs and boards separate. Ms. Freeman stated that the façade was designed with a bay, but that if necessary the third floor could be stepped back. Commissioner Spalding asked that the presentation boards for the two buildings be separated to avoid confusion. Commissioner Spalding again questioned the façade of the 2208 building, and stated that it appeared that the fenestration dimensions, the door entry dimensions, the cornice and all possible features of a possibly contributing façade would be changed. Ms. Freeman stated that in her initial meetings with HPO she has not been told that the existing façade is contributing. Scott Pomeroy questioned the merit of the use in 2208 as residential, and the trouble with locating residential over restaurant use, and that it may be better designed as office use. Ms. Freeman responded that their design could shift the use to commercial, and Mr. Pomeroy stated that the use of this and neighboring buildings for restaurant use might lead to conflicts. Ernest Springs discussed the lack of parking in the area and the potential conflict with residential parking, and Chairman Hunter responded that there is no parking for anyone on 14th Street. Katherine Rhodes and Laura Stanton both live within a block of these projects, and questioned the parking difficulties that the uses present. Ms. Stanton described the maintenance on this property to have been minimal. Ms. Stanton asked if the property will be expanded in the rear, and Ms. Freeman responded that they would expand the building to the full allowance of the zoning. Ms. Freeman stated that they have already appeared before the Board for the Condemnation of Insanitary Buildings, and that part of their agreement with the BCIB was that the renovation was planned. Chairman Hunter suggested that these projects be presented to a neighborhood organization for further comment, and Ernest Springs suggested the next meeting of the Cardozo Shaw Neighborhood Association's meeting next Thursday. Secretary Spalding asked if he should send a letter to HPO explaining our action on these projects, and Chairman Hunter agreed.

HPA 05-339, 1461 Florida Avenue was not present, and the Commission deferred action on this application to a future meeting.

Commissioner Spalding introduced a request from the Prince Hall Masonic Lodge requesting relief from the hourly parking limitations on the 1900, 2000 and 2100 block of 10th & 11th Sts., the 1900 and 2100 blocks of Vermont Ave., the 900, 1000 and 1100 blocks of T St., the 900, 1000 and 1100 blocks of V & W Sts., for their Annual Communication December 14th through the 16th. ANC1B has supported this request in

the past four years, and I move that we continue that support this year. Motion was seconded and adopted (10-0-0).

DDOT Public Space application for sidewalk café for Chuck & Bill Bison Lounge located at 2718 Georgia Avenue was introduced by Commissioner T. Smith. Owners were not present, and Commissioner Smith indicated that he had spoken with them earlier in the month and had expected them to be present. Commissioner Spalding indicated that we needed to take some action on this application since the hearing will be held in October. Commissioner T. Smith stated that he has spoken with the owners about the request, and does not have any specific objection to the application. Commissioner T. Smith indicated that the owners had agreed to have a staff person check the abutting alleys to assure that their patrons were not urinating, dealing drugs, or other activities that have been seen in the vicinity of this space. Commissioner Smith also indicated that he did not see this as needing to be rushed since the winter months were approaching, and the likelihood of using the seating would be limited. Chairman Hunter asked if he preferred the matter be deferred, and Commissioner Smith agreed that we should write a letter to DDOT Public Space requesting postponement of their hearing on this matter until voted on by ANC1B.

Commissioner Parker introduced review of a DCRA permit in conjunction with the redevelopment of the Columbia Heights Community Center at 15th and Girard Streets. DPR has applied for a permit to remove and replace four trees located in the public space beside the community center. John Thomas from DPR, Hassan Ali a project manager with DPR, and Phil Hoffman from the Temple Group, and Michael Valentine are present to discuss the need of ANC support for this permit. Mr. Valentine described the difficulty in accessing the construction due to the four existing trees. The construction would jeopardize the existing trees health, and are already in compromised health possibly threatening workers and community members. Commissioner Parker moved that the ANC write a letter of support of the permit applications with three conditions for the replacement of the trees (1) that the replacement trees be planted in approximately the same locations as the trees removed, (2) that the replacement trees be a minimum of six to eight inches in diameter and twelve feet in height, and (3) and that to the extent possible the replacement trees be selected on the basis of vertical rather than horizontal root structure so that the new sidewalks planned for the community center are not pushed up by the replacement trees. The horticulturist questioned the second condition, and stated that the larger diameter replacement trees might be less viable than slightly smaller nursery replacement stock. The smaller trees will catch up to the larger trees in just a few years, and may be less prone to failure. Commissioner Parker stated that the trees being replaced were much larger, and that using just a four inch diameter replacement might be considered insufficient. The horticulturist also stated that the available dimensions of the tree boxes might limit the size of the wrapped root ball of larger replacement stock. Commissioner Parker asked if given support from the ANC, can you return and describe

the choices that you've made in replacement trees prior to purchasing and planting them. Commissioner Parker revised her motion and moved that the ANC support to the DCRA for permit to remove and replace four trees located in the public space, and that the letter specifically state that the replacement trees be located in the same location where the removed trees are located, and that prior to purchase and installation of the replacement trees, that in fact the horticulturist return to the ANC to describe the options available, and that replacement trees have a vertical rather than horizontal root structure where possible. Motion was seconded and adopted (10-0-0).

Commissioner Stephens introduced consideration of the voluntary agreement with Shop Express located in the Nehemiah Shopping Center on 14th Street. ANC1B's voluntary agreement with Shop Express was entered in January of 2004 and subsequently the community protesters agreed to their own voluntary agreement in April of 2005. The terms of the two agreements are not exactly the same, and ABRA has given the ANC the option of keeping their existing agreement in place, or to dismiss their agreement and join the community agreement. I suggest that we leave both of these agreements in place until next we review Shop Express' license. Chairman Hunter asked if their license was up for renewal, and Commissioner Stephens responded that their license would be up for renewal in the next few months. Commissioner Stephens added that ABRA will enforce the most stringent language of either agreement, and with the differences I see no reason to withdraw out agreement. No action was taken.

Commissioner Spalding explained the current status of the voluntary agreement with U Turn. The original negotiations were triggered by applicant's substantial change requesting 3AM to 6AM breakfast hours that was protested by the Commission, and subsequently U Turn applied to DDOT Public Space for café seating on 11th Street which was also protested by the Commission. DDOT approved the café seating with restrictions, but U Turn has not applied to ABRA for permission to serve in the café seating. Meanwhile, we have proposed and negotiated a voluntary agreement that deals with both issues, and ABRA counsel has advised that we can go ahead with the voluntary agreement and that when U Turn applies for the serving in the café seating on 11th the terms of the voluntary will remain in effect. In the document applicant cedes the request for 3AM to 6AM hours, and the seating allowed by DDOT is reduced temporarily. Chairman Hunter asked about the temporary approval of the seating, and Commissioner Spalding indicated that the ANC would review after one year and consider expansion to the full DDOT allowance. Vice Chairperson Moss asked about the security clause and whether security was needed more often than when they are having live entertainment, and applicant responded that up to three times per week they had live entertainment, and that the rest of the time they are just a restaurant. Commissioner Spalding reminded applicant that he has a CT tavern/bar license and not a restaurant license. Commissioner Stephens asked about the inclusion of the special event permitting, and the owner responded that this is needed when special events like soccer matches extend beyond the

normally licensed hours. Commissioner Moss asked if they had to inform nearby residents when they were holding special events, and applicant replied that they just had to get the permit. Commissioner Spalding asked owner if he agreed with the voluntary agreement, and he did. Commissioner Spalding moved that ANC1B agree to the voluntary agreement as written, and it was seconded and adopted (10-0-0).

Commissioner Spalding introduced review of the current status of Duffy's Irish Restaurant negotiations. After the last ABRA hearing four protest groups were allowed, abutting property owner Mrs. White, a group of local residents, CSNA and ANC1B. The Board requested mediation and the parties met with ABRA counsel Fred Moosally about three weeks ago. At the mediation session that lasted about three hours a number of issues were discussed and language agreed to. There are currently two proposed voluntary agreements one drafted by applicant's counsel Mr. Felder including the language agreed with Mr. Mayes who is counsel for Mrs. White and the neighboring resident group, and eliminating most references to ANC1B. Commissioner Spalding has prepared a similar document including all of the same changes, but retaining the ANC as the protesting party. It is the prerogative of this Commission to negotiate towards a voluntary agreement with this applicant, and it is offered for Commission review. Chairman Hunter said that we've heard from all parties on this, and I just don't think that this license is appropriate for that location. It is true that the area is zoned commercial, but that doesn't mean we should allow a pub that has 200 people, and it does not mean we should allow a bar, and it is not a matter of right. I personally think that this matter rightfully belongs to ABRA, and I would expect that it would go to ABRA in the absence of a voluntary agreement, and will result in a full protest hearing. We should let ABRA decide if they want to put this pub, and give it a license for some 200 patrons, right next door to this residential unit. Phil I understand this is in your single member district, but it borders mine, and Commissioner Spalding responded that it bordered Commissioner Moss' smd not Chairman Hunter's, and Chairman Hunter said that he was nearby, and Commissioner Spalding responded that he was in the same zip code, and Chairman Hunter responded that he had just bought a condo in the new Floridian development. I personally don't think we should agree to any voluntary agreement, and I think we should let this matter be handled by ABRA because they are the ones who should decide this. Commissioner Spalding responded that the Commission should remember that if this goes to a full protest hearing, then the Commission may not get any of the proposed language at all, and I think that this current document addresses the issues that have been raised by all of the protestants. Chairman Hunter responded that he doesn't even know if they'll ever get a license, and if they do grant a license I doubt that they'll do so without conditions. You're right we don't know what ABRA will do, but we've done our part in protesting let's let ABRA do their part in deciding. Commissioner Akinmboni stated that we've given the owner of Duffy's so many chances to negotiate, but they've refused to negotiate. So if we took our vote and they have refused to negotiate, then why is this coming back here? Chairman Hunter responded that Duffy's has negotiated, but that the neighbors do not have to agree to anything. So if they aren't willing to agree then it goes to a full hearing. Chairman Hunter asked if Commissioner Spalding wanted an up or

down vote on the agreement, and Commissioner Spalding responded that it would only matter if we voted to agree to the language since we are required to continue negotiating with the applicant. We could see different versions of proposed voluntary agreements every month until we find one that we agree to. Commissioner Moss asked if the neighbors had been allowed to speak to the language proposed, and Commissioner Spalding indicated that the language resulted from negotiations at the required mediation session where Mrs. White, Mrs. Clark, and their lawyer Mr. Mayes were full participants. Commissioner Spalding stated that he is following the direction of the Board and negotiating towards an agreement and presenting the results for the review of the Commission and will continue to do so, and Chairman Hunter responded that you should tell the Board that your colleagues are not going to agree to any negotiated agreement and that this must be decided by a full protest hearing. No action was taken. Commissioner Mathews asked if we can testify at the hearing, and Chairman Hunter responded that we can testify at the hearing. Commissioner Parker asked if we could send a letter to ABRA indicating that a voluntary agreement has been attempted, and that the ANC refuses to vote for an agreement at this time, and Commissioner Spalding responded that since we are in negotiations it was required that he call ABRA counsel Moosally tomorrow and report on the status of the ANC's position. Commissioner Mathews asked if we could make a motion to protest the license, and Chairman Hunter explained that we are already protestants.

Commissioner Spalding introduced ABRA application for substantial change for Al Crostino requesting extension of hours from the current 11PM closing to full 2AM/3AM closing hours. This is in the 1300 block of U that took over from Kuna/Opera, and has been acting properly as a CR license since opening this summer. Al Crostino did not have ownership present to answer questions. Commissioner Spalding moved support for substantial changes to license 72735, Al Crostino for extension of closing hours, and it was seconded and adopted (9-0-1). Commissioner Stephens explained his abstention as reflecting their not appearing for the ANC review.

Commissioner Spalding introduced application 61029, license 74241, a request for a new CR restaurant license for Yegnd, to be located at 1920 9th Street. These were just applied for last week and our information is a bit thin at this time. I did take pictures of the locations for Commissioner review, and 1920 is the aqua inside row house in the middle of this picture. Owners and their representative Mike Pappas were present to support the application. Mr. Pappas stated that owner has remodeled the building and put in new equipment. She will serve ethnic Ethiopian and American food. Chairman Hunter asked if the building was not a residential unit, and Commissioner Spalding responded that it is in Arts C-2-B zoning. Commissioner Moss asked how many patrons you'll serve, and applicant wasn't sure, and Commissioner Spalding responded that the application stated occupancy of forty. Commissioner Moss stated that there's no parking for your patrons, and I want to know if there's space behind your property for your dumpster. Mr. Pappas

said there was room for the dumpster. Commissioner Moss asked if there was an alley behind the business. Chairman Hunter stated that this license has been applied for and we've noticed a number of local residents prepared to protest this application. I think there's enough liquor licenses on 9th Street, and we don't ever need another liquor license on 9th Street. Commissioner Parker asked that Commissioner Moss be allowed to continue her questioning, and Commissioner Moss additionally asked Mr. Pappas to comment on the hours of operation, and the interaction with nearby residents. Mr. Pappas stated we have trash removal service in the rear. We've got two parking lots in the block there which will help with the parking situation there. Owner added that it's only restaurants on this block and no residents. Commissioner Moss asked if the applicant had any response to their application from nearby residents, and Mr. Pappas stated that so far we haven't talked to any of the neighbors, but nobody has complained yet. Commissioner Moss reminded Mr. Pappas that it was his responsibility to talk with the neighbors, and not theirs to approach the owner. Commissioner Spalding said that to answer Commissioner Moss' questions, they have applied for full 2AM weekday and 3AM Friday/Saturday hours, they are proposing live music, and they are proposing a dance floor. To answer your first question, there is no public access to the rear of these properties, and I have asked the Dept. of Health, DCRA and the Fire Department to look at this situation at the rear of these properties to determine if these uses are appropriate. The properties abut the residential properties on 9 1/2 Street, and according to the tax records this building abuts three residential properties. Commissioner Stephens asked about the parking arrangements with the lots described, and Mr. Pappas said that they are pay lots. Valerie Schneider a resident of 9 1/2 St. and in the process of the build out of these buildings there have been a number of violations and she wondered if they couldn't be trusted in the building how they can be trusted in running these clubs. There is also an ongoing problem with trash and rats that has not been addressed by the applicant. There is no access to the rear of these properties. We already have a ton of problems with the parking lot with trash, and specifically with after hours drug dealing and prostitution which the owner has refused to address. Tina Iski is one of the abutting property owners on 9 1/2 Street, and my bedroom would be just an extension of their dance floor. There's no way I can support another dance club. There's already one that keeps me awake. This will certainly decrease the value of my property. The rat problem has been made worse by the pile of trash that they've been unable to deal with behind their property and next to mine. Chuck Dabney, another resident of 9 1/2 Street, stated that the business would be about forty feet from his bedroom window. The continuing problems with their trash, and I've reported this regularly to DPW, means that my grandkids can't play in the back yard because of the rats. You should have taken pictures of the backs of these buildings, and Commissioner Spalding responded that he did take pictures of the back. Brenora Dabney, another resident of 9 1/2 Street, said that there are already a dozen restaurants on 9th Street and the parking lots already overflow into our neighborhood streets. We can't get our cars out of our properties because the overflow of patrons cars from the current restaurants block our exit. Jeffrey Willis who lives in the same block stated that these are just inappropriate use for these buildings. Susan Najda, another resident of 9 1/2 Street also objected to the use as restaurants. Commissioner Spalding moved that consideration be tabled to our November meeting. The petition date on this application is late November, and I would like the results of District Agency investigation presented to the

Commission so that it can be used in the testimony before ABRA. Motion was seconded and adopted (10-0-0).

Commissioner Spalding introduced application for a new CR license for Carbonero Restaurant to be located at 1926 9th Street. Same owner and Mr. Pappas were present to answer questions. Preempting Commissioner Moss' questions, this application is for full 2AM/3AM hours, live music, and dance floor. This also has three abutting residential properties, and it also has no actual rear access and the same requests have been made to DOH, DCRA and FEMS. Commissioner Spalding moved to table and it was seconded, and adopted (10-0-0). Chairman Hunter explained to Mr. Pappas that it was very unlikely that this ANC will support either of these license requests.

Commissioner Mathews introduced consideration of two empty lots located at 617 and 619 Harvard Street. I've been in touch with Councilmember Graham's office, DCRA, and the Ward 1 inspectors, and they have filed complaints against the owner. These lots have been an issue over many years. Commissioner Mathews stated that the abutting neighbors and other residents in the block are in favor of turning this land into a community park. I move that ANC1B support DCRA in resolving disposition of these vacant lots through claiming them and turning them over to DPR, for use as a public park in conjunction with block and community residents. Commissioner Stephens objected to the city bailing a negligent owner from his obligations, and Chairman Hunter responded that we are asking the city to take the property. Chairman Hunter noted that with tonight's discussion of the loss of workforce housing, that perhaps a better use would be to take the property and develop them as workforce housing. Commissioner Mathews agreed that this would be a good use, however, the lots are extremely narrow and would require zoning relief to build housing on, and the response from current owners on the block favored use as a park. Motion passed (10-0-0).

Chairman Hunter introduced ratification of the proposed changes to the Comprehensive Plan Land Use Map for ANC1B's territory. Vivian Guerra, Office of Planning's Ward 1 Planning Coordinator, gave a history of the Commission's review and consideration of the discrepancies between the current zoning, use, and the current version of the proposed uses according to the Comprehensive Plan's map. Ms. Guerra offered to go through all of the proposed changes, and Chairman Hunter asked if there was a motion to adopt the proposed amendment as a whole, and Commissioner Spalding moved adoption of the current list of proposed amendments, and it was seconded and adopted (10-0-0). Chairman Hunter thanked Ms. Guerra for sitting through a long meeting to present the document.

Commissioner Spalding introduced a discussion of streetlamps on 13th Street. Commissioner Spalding reminded the Commission of the motion and letter to DDOT in July bemoaning the lack of sensitivity to the historic nature of our neighborhood, and specifically asking for historic input in decision making. Well, they've manage to make me even angrier with the installation of a cobra in front of my house. Cobras are very large modern light fixtures that do not belong in most historic residential districts, and certainly not on streets that DDOT has been working to make residential once again. I have included pictures from the DDOT files of Washington Upright fixtures that are approved for DDOT installation, and which are appropriate for residential streets in historic districts. It is amazing that you can go down 13th Street, which is indeed residential, and there are cobras all along the street until you come to Logan Circle and then presto it's Washington Standards. I move that ANC1B write to DDOT again, and request that cobra be removed, and that DDOT plan to replace the cobras on 13th Street from S Street north to Florida Avenue be replaced with Washington Standard poles, and that DDOT respond to our request from July. Chairman Hunter suggested that DDOT routinely ignores us, and that perhaps it would be more effective to write to Jim Graham, and to ask Jim Graham to ask DDOT to honor our requests. We wrote to DDOT on the stop signs at 12th and V and got no response, and when I brought this to Jim Graham's attention about fifteen employees at DDOT starting responding. Chairman Hunter suggested a friendly amendment that this be addressed to Councilmember Graham, and that the letter also include a request that DDOT respond to all of our previous requests. Commissioner Spalding accepted the friendly amendment, and it was seconded. Commissioner Stephens asked that we get one of the principals from DDOT before the Commission to answer to their inability to respond to this ANC. Commissioner Spalding's motion was adopted (10-0-0). Commissioner Stephens moved that Councilmember Graham request that Director Tangherlini appear before ANC1B to deal with performance issues at his Department. Chairman Hunter suggested that this be set up as a meeting separate from our regular meeting. Motion was seconded and passed (10-0-0).

Vice Chairman Moss introduced a motion that ANC1B support a request, in regards to Parcel 33, to the HPRB and the Office of Zoning to extend their proposed design by twenty feet. This is supported by my constituents in LeDroit Park, and it was seconded. Commissioner Spalding asked if this was on the HPRB calendar for this month, and developer Chip Ellis responded that it was on the calendar. Commissioner Spalding asked when they had applied, and Mr. Ellis responded that they had applied last month. Commissioner T. Smith said that he has concerns over how the additional height relates to the neighboring properties, but we have no presentation boards to illustrate the changes. Commissioner Moss responded that they presented to us before, and Commissioner T. Smith responded that this did not include the additional changes and the effect of the height on the neighboring properties. Mr. Ellis responded that the additional height would be next to bare land. Commissioner Spalding stated that he could not support this motion; this is just too large a request to act on without any presentation. I do support the idea of the increased density, but I do have to see presentation boards

before supporting a request of this size to HPRB. This is a very large building going into a context that includes many smaller properties, and Mr. Ellis responded that diagonally across the street there's a ninety foot building. Commissioner Stephens said that though the request was substantial, he would support the change. Commissioner Moss indicated that Howard University Hospital was 110', and Commissioner Spalding responded that it is not in the same context. Commissioner Parker called the question. On a vote of (5-4-1) the question was called. Vice Chairman Moss' motion was passed (7-3-0). Chairman Hunter reminded Mr. Ellis that timely notice and presentation materials would be appreciated.

Vice Chairman Moss moved support of a petition from two LeDroit Park residents to DDOT to require them to brick the 1900 block of 8th Street. David Corson and Peter Collette described the reasons for the request. The request is to brick the curbside area on this block, not the entire sidewalk but just the space from the curb to the sidewalk. It is currently sod that has gone to weeds and is collecting trash. Motion was seconded. Commissioner Spalding asked if this was in the historic district, and the answer was unclear. Commissioner Spalding responded that it was his best guess that this was a part of the Greater U Street Historic District, and the bricking of this strip would not be in keeping with the historic streetscape materials. The original constitution of this type of sidewalk area was predominately concrete, and any changes to the current situation should be in keeping with the original materials and design of the streetscape. Mr. Corson responded that he really didn't care whether it was brick or concrete as long as the sod was replaced with hardscape. Commissioner Parker offered a friendly amendment suggesting paving with whatever material is found to be consistent with the historic district. The friendly amendment was accepted, and the motion was passed (10-0-0).

Meeting was adjourned at approximately 10PM.