

# ADVISORY NEIGHBORHOOD COMMISSION 1B

## Government of the District of Columbia

### MINUTES

**1 December 2005**, True Reformer Building, 1200 U Street

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

Absent: Commissioners Mathews, Wright

Quorum was achieved at 7PM. In the Treasurer's report Commissioner Stephens indicated that there had been a change to the October report and that now the initial balance should be shown as \$72,878.21 and a final check book balance of \$79,939.28. The November report also is missing a detail, but shows an initial balance of \$80,003.49 and a final check book balance of \$79,924.28. Commissioner Stephens moved that the amended October report be adopted, and that the Commission accepts the November report as a draft, and it was seconded. Secretary Spalding asked about his submission for expenses last month, and Treasurer responded that it would be reflected in the revised report presented next month. Treasurer's report was adopted (7-0-0). Treasurer moved reimbursement of secretarial expenses for November of \$43.05, and it was seconded and adopted (7-0-0). Secretary Spalding moved the minutes of the November 2005 meeting, and it was seconded and adopted (7-0-0).

In community events and announcements Commissioner Spalding announced that CSNA in partnership with MidCity Business Association will be holding their annual Christmas party benefit auction on Thursday, December 8<sup>th</sup> at Busboys and Poets. Chairman Hunter announced that 1B07 Commissioner Lori Parker has submitted her resignation. She did an excellent job and will be missed. We do now have a vacancy that must be filled. Details for running for this office were detailed by Chairman Hunter and Secretary Spalding. Commissioner T. Smith read into the record a letter from Commissioner Parker explaining that she had accepted an opportunity that precludes her from holding elected office. Vice Chairman Moss announced the regular meeting of PSA305 will be held next Tuesday evening at the DC Housing Finance Agency. Chairman Hunter stated that he would take the presentations part of the agenda out of order.

DC Energy Office gave an extended introduction to energy assistance programs offered by their office including, Residential Conservation Assistance Services, Low Income Home Energy Assistance Program, and Utility Discount Programs. The office can be reached at 202-673-6750 (hotline) or at their web site [www.denergy.com](http://www.denergy.com). Ernest Springs asked if they could also perform energy audits for people not falling inside the affordable eligibility guidelines, and Mr. Williams responded that they do have another program to satisfy this need. Commissioner T. Smith asked if Howard University was participating, and the response was that they are. Commissioner Akinmboni asked about renters and how they can participate, and Mr. Williams responded that they can participate and detailed the circumstances under which they can participate.

Tania Jackson gave an overview of the current status of Jair Lynch Company's progress on Parcel 34. Representatives of Sorg Associates were present to show the current state of the design. Ms. Jackson stated that there has been ongoing dialogue with the community on the design elements. Questions were raised about the entrance to the parking and the effect of overburdening the traffic in the alley, and representatives from Sorg indicated that they are in ongoing discussions with DDOT over the traffic planning. Commissioner T. Smith asked about green architectural elements, and Sorg representatives stated that a number of the architectural staff were LEAD certified, and that they will try to incorporate these elements as the design progresses. Commissioner Stephens asked that the community be involved in the work with DDOT concerning the alleys affected by the building. Vice Chairman Moss asked if an environmental study had been done, and Sorg representative stated that they are working on the required studies. Commissioner M. Smith commended the Jair Lynch team for their work with the community through the process. Matt Morin from NCRC described the allocation of affordable components of the project. Mr. Morin added that the land disposition agreement should be finalized in early 2006.

BZA 17417 was introduced by Commissioner Stephens, and he moved that the Commission table consideration to the January meeting. The developer will be meeting with the Meridian Hill Neighborhood Association next week. Motion was seconded and adopted (6-0-0).

Vice Chairman Moss asked to table consideration of HPRB 06-023 (529 U Street) to the January meeting. She has been unable to gather information on this matter, and has been unable to get a response from the owner. Motion was seconded and adopted (6-0-0).

Commissioner Spalding introduced consideration of a proposed curb cut at 1829 Vermont Ave. and case 06-027 before HPRB. This is an unusual request that has given HPO some difficulty, and which is also being followed closely by Westminster Neighborhood Association. The property is in a triangular block, and there has been difficulty in fitting the regulations to the actual topography. Chairman Hunter stated that there is significant community opposition to curb cuts, and Commissioner Spalding agreed. Commissioner Spalding moved to table, and it was seconded. Commissioner Spalding indicated that WNA is working closely with this review, and that the ANC could wait to consider. Chairman Hunter responded that he feared that HPRB would consider our lack of action as a lack of interest. Commissioner Spalding replied that he was also concerned with the Commission voting on the matter without a full presentation of the application. Commissioner Stephens added that the lack of general policy statements from the ANC on these issues clouds our consideration of specific cases, and that the Commission has been generally opposed to sacrificing public parking for private spaces. Chairman Hunter asked if you could provide a curb cut without losing public street parking, and Commissioner Stephens responded that if the cut were not in an area providing street parking then the result would not be a loss of public space. Commissioner Spalding added that this would be a one for one swap of one public space to allow one private space. Motion to table was defeated (3-4-0). Commissioner Stephens moved that ANC1B be in opposition to privatizing public parking spaces, and then apply that to this application. Chairman Hunter asked that this be specified as opposing this application before HPRB. Motion was seconded, and Commissioner Spalding indicated that he could phrase the letter to reflect the dialogue at this meeting. Commissioner M. Smith stated his concern over the general principal of opposing curb cut applications since he has one coming before a future meeting that he will be supporting. Motion was adopted (5-2-0).

Commissioner Spalding introduced consideration of HPA 06-026 for Banneker Recreation Center before the Commission on the Fine Arts. We do not have information on this application. Commissioner T. Smith stated that CFA is normally stringent with their review of applications. Chairman Hunter moved that ANC1B write to CFA asking for detailed information and requesting that they allow time for the Commission to consider the application, and it was seconded and adopted (7-0-0).

Vice Chairman Moss introduced consideration of HPA 05-523, 1914 3<sup>rd</sup> St., and stated that this is a nuisance property for a very long time, but the estate had finally been settled and work had been started on the property. Currently there is a stop work notice on the property, and they have done damage to the property next door. Commissioner Moss moved to table consideration, and it was seconded and adopted (7-0-0).

Commissioner Spalding introduced consideration of HPRB conceptual review of a design for an infill property at the north west corner of 11<sup>th</sup> and T Streets. This property has been before the Commission before, and we did have a number of problems with the previous design. This empty lot was once a gas station and is in a row of existing two story residences in R4 zoning. Christian Zapatka the architect for the current proposal stated that he was familiar with the site from a competition sponsored by the local chapter of the American Institute of Architects called Rowhouse Redux. His office was one of the winners of the competition, and this is how the owner located and hired his office to design the project. The owner specifically asked for a design for two dwelling units, flats, for the property. I have decided to divide the design vertically rather than the traditional horizontal split. We think this is a significant intersection with prominent corner properties on two of the other corner lots. We are trying to create an exciting new building that will work in the context of the existing neighborhood buildings. The glass corner bay is our modern version of the bays found on the nineteenth century bays found in this neighborhood. The idea of the vertically separated flats separated by the courtyard is an attempt to allow as much light and air to the two units as possible, rather than the frequently found flats one over the other which might not allow as much light as our current design. Commissioner Spalding indicated his discomfort with the size and design of the entrance on T Street, which is a considerably larger entryway than those found in the nineteenth century designs nearby. The scale needs to be reduced in some manner, and you may want to consider adapting an entry design seen just north on 11<sup>th</sup> Street which features an arch at the face of the building with the actual entry recessed. This might allow the air and light to penetrate while lessening the visible presence of the proposed door and window configuration on the T St. elevation. Commissioner Spalding added that the abrupt change from the regular cornice line abutting the building along 11<sup>th</sup> Street is also a problem. Often corner properties were larger and you are working inside the forty foot zoning restriction, however, the abrupt change from the running cornice along 11<sup>th</sup> should be reflected somehow in the design. There is also a question of the upper floor of the 11<sup>th</sup> Street portion visible above the cornice line of the abutting building. Walking south on 11<sup>th</sup> this piece of side wall will be very visible and needs some design elements to prevent it from appearing as simply an abrupt change from the regular height of the abutting buildings. Mr. Zapatka responded that he is looking at these suggestions with the possibility of banding the design at the height of the abutting cornice. Commissioner Spalding also requested that the design incorporate some method of screening the currently open rear parking, and Mr. Zapatka responded that they are considering extension of the bottom element of the façade design. Commissioner Moss asked about the environmental status of the lot, and Mr. Zapatka responded that the owner has been involved in a lengthy remediation of the site. Commissioner Spalding added that a permit was pulled to remove the underground gas tank on the site, but when they began the excavation they found seven tanks. The tanks and much of the fill has already been removed at considerable expense to the owner. Commissioner Spalding moved that ANC1B support this design before HPRB including the comments given at tonight's meeting, and that he be designated to represent this application and it was seconded and adopted (8-0-0).

In ABRA related matters Vice Chairman Moss reported on activities relating to Kili's. With the recent violence associated with the license they are currently closed and have the opportunity of a show cause hearing before ABRA. Unfortunately, the person charged with the recent violence was mistakenly released from custody and is presently being sought. Chairman Hunter noted the coincidence of the Commission's decision to withdraw support last month followed closely by the violence and suspension of the license. Chairman Hunter reported that ABRA will hear ANC1B's petition for reinstatement next Wednesday. The attorney for the applicant has filed a petition asking that ANC1B not be readmitted, and that ANC1B had not negotiated in good faith. Councilmember Graham has written a letter supporting our reinstatement and also supporting our opposition to the license.

Commissioner Moss introduced review of Nicholas Deli, and reported that the owners wanted to appear this evening but their daughter was in a car accident. The current owners have only owned the license for one year, and this is run by a hard working family. This is not one of my favorite licenses in my smd. It features a plexiglass divider that I have strongly encouraged the owners to work towards removing. Chairman Hunter asked if they sell single beers, and Commissioner Moss responded that they do, and that the owner has stated that the singles sales are her bread and butter. Chairman Hunter asked about the effect on the neighborhood from the singles sales, and whether it was leading to litter. Commissioner Moss responded that they do make a real effort to clean and maintain the public space. Commissioner Stephens asked if the owners lived in the community, and Commissioner Moss responded that they live in Maryland. Commissioner Stephens responded that it was difficult to support this situation where the residents have to live with the problems resulting from singles sales, and that he would be more supportive if owners were living with the problem alongside residents. Chairman Hunter suggested that the Commission protest the license which would lead to going through a process that gives us an opportunity to examine and negotiate towards solutions to problems like the singles sales and the plexiglass. Commissioner Akinmboni responded that we need to examine the location in which the store is located, and that the use of the plexiglass may be appropriate for the neighborhood. Under the conditions including violent youth the protection may be needed. Commissioner Moss responded that it is her belief that people respond to their environment, and in order to change the tenor of that block is to help redesign the store. Commissioner Moss indicated that she had committed to the owners to support the renewal application, and Chairman Hunter moved that ANC1B protest this renewal on the basis of adverse impact on the environment and the sales of single bottles and cans, and it was seconded. The motion carried (5-3-0), and Commissioners Moss, Hunter and Spalding were designated to represent the Commission on this application. Chairman Hunter added that as we go through the list we should designate Commissioners Hunter and Spalding along with the SMD Commissioner as the designees for the Commission.

Chairman Hunter introduced review of Mercadito Ramos for renewal of a Class B license, and stated he has received complaints from community members about singles sales, litter, and late night sales. The owner is not present to discuss this problem with the Commission. Chairman Hunter moved that ANC1B protest the renewal of this license, and it was seconded. Commissioner M. Smith stated that he shops at Mercadito regularly and was unaware of the singles sales, but that otherwise it is a reputable operator. Commissioner Akinmboni stated her concern that if you cannot afford to buy a six pack of beer, then the direction that the Commission is taking will prevent these people from buying any beer in our community. Chairman Hunter responded that the Commission is saying that individual stores who sell singles and have an adverse effect on their surrounding neighborhood need to take steps to remediate the negative effects caused by the sales of singles. We are not trying to put them out of business, but we have no influence on these licenses if we do not protest them. Commissioner Stephens noted that the expense of buying a beer one at a time is higher, and we consistently see the littering effects of singles sales in the proximity of the stores, and that is what we are trying to deal with. Motion to protest was adopted (7-0-1).

Commissioner Spalding introduced review of the Class B license renewal for El Paraiso Grocery Store that has been in operation for some time at their current location, and they have recently done a good job of cleaning up their façade. They have been no problem, but they may face increasing pressure when Paradise Liquors closes at the corner of 14<sup>th</sup> and T which could move sales of singles down to El Paraiso. Commissioner Spalding noted that there are no recent ABRA violations, and moved that ANC1B support renewal of the Class B license for El Paraiso, and it was seconded. Commissioner Stephens indicated his unease with cherry picking our way through the list of renewals, and that we are doing all of the merchants a disservice by not being consistent in our protesting of the effects of singles sales. Motion to support was defeated (1-7-0). Chairman Hunter moved that ANC1B protest renewal of El Paraiso on the basis of the adverse impact on the enjoyment of life for residents, and it was seconded and adopted (7-1-0).

Thomas Smith introduced review of the Class B license for Harvard Deli, and stated that it is basically a basement operation. There has been ongoing community complaint surrounding bottles found proximate to the store's location and also proximate to a problem in the block of ongoing violence. Commissioner T. Smith moved that ANC1B protest this renewal on the basis of its adverse effects on the community, and it was seconded and adopted (8-0-0).

Commissioner Akinmboni introduced review of the Class B license for Seven Days Grocery, and stated that she has received no complaints about the operation of the business. Owner of the business was present to answer questions. Chairman Hunter

asked how long they had been in this location, and owner responded that they have been in this location since 1989. Chairman Hunter stated that the Commission had received a letter from the Southern Columbia Heights Neighborhood Association (SOCO) and read the contents of the letter. It asked ANC1B to join SOCO in protesting the renewal of Seven Days Grocery's license based on the impact of sales of individual servings and bumpers. The garbage and public drunkenness resulting from sales from this store have adversely affected community benefit of the park located at 14<sup>th</sup> and Girard Streets. This store is acting like an outdoor bar along their storefront. Chairman Hunter asked owner if she sells singles, and owner replied that she sells 24 oz. bottles. Owner stated that her trash was controlled by the building's owner. Commissioner Akinmboni complained that the letter from SOCO was just posted on the day of the ANC review, which allowed her no time to verify the claims made by SOCO. Commissioner Spalding noted that a recognized neighborhood association is protesting the license, and that the Commission should support and participate in the negotiations as a protestant. Commissioner Akinmboni asked if we could delay the decision to our next meeting, and Commissioner Spalding stated that the petition deadline is December 19<sup>th</sup>, so we do need to make our decision tonight. Chairman Hunter moved that ANC1B protest the renewal of the Class B license for Seven Days Grocery with the expectation that we will work cooperatively to address the concerns expressed by the South Columbia Heights Neighborhood Association, and it was seconded and adopted unanimously (8-0-0).

Commissioner Stephens introduced review of the Class B license for Shop Express, and stated that the owners were unable to appear to a family situation. Commissioner Stephens read a letter from SOCO requesting that ANC1B protest this renewal for Shop Express. The environment surrounding Shop Express is intolerable. Public drunkenness, urination, litter, intimidation of local residents continues to be a problem associated with this license. SOCO notes that there were in excess of five hundred police calls for service to this location in the past year. Commissioner Stephens moved that ANC1B protest the renewal of Shop Express' license, and it was seconded. Commissioner Spalding asked about the effect of the protest on two separate voluntary agreements signed with Shop Express earlier this year, and Chairman Hunter responded that the voluntary agreements do not appear to have had any influence of mitigating the problems associated with this license, so we need to strengthen the agreements to find solutions that do address the ongoing problems. Motion to protest was adopted (7-0-0).

Commissioner Thomas Smith introduced review of the Class B license for Sonya's Market and noted that there have been complaints from residents about urination, drinking just outside the business, sales of products used for drug abuse. Owner was present and stated that they have been in this location over twenty years. Owner admitted that there are problems in the block, but that most were beyond his ability to control. Chairman Hunter asked if they sold singles, and owner responded that they do sell the 24 oz. cans. Commissioner Spalding noted that this is one of the few licenses with which

ANC1B does have a standing voluntary agreement; however, a number of the issues raised earlier are not a part of the sense of the existing document. Commissioner Akinmboni asked about the concern that the owner is being asked to address concerns that are the product of the community in which his store is located, and not the result of his doing business. Chairman Hunter added Commissioner Akinmboni to the list of Commissioners designated to work with the applicant. Commissioner Thomas Smith responded that the area near this store is plagued with youth violence, and where kids are dying. We must respond to all of the influences that are aiding and abetting this violence. I need to know that when thirteen year olds are walking down this block they are not in danger of being hit by stray bullets. Commissioner Thomas Smith moved that ANC1B protest this renewal, and it was seconded and adopted (7-0-0).

Commissioner Spalding introduced review of the Class B license for U Mini Mart. This is a relocation of the license from W Street to the 1300 block of U. There have been no specific complaints about this business other than a request that they upgrade their inventory. Commissioner Spalding moved support of the renewal, and it was seconded. Commissioner Stephens asked about consistency, and Chairman Hunter asked the owner if he sold single beers, and the owner stated that he does not. Commissioner Stephens requested that we work towards a voluntary agreement addressing the same issues addressed in the previous applications. Chairman Hunter advised caution on addressing issues that do not yet exist, and reminded the Commissioners that we can request negotiations towards a voluntary agreement outside of the ABRA renewal scheduling. Motion was adopted (7-0-1).

Commissioner Hunter introduced review of the Class B license for W Street Market, and this license does have complaints from local residents and local civic associations. They have a history littering, loitering, and sales of singles. I move that ANC1B oppose this renewal, and it was seconded. Commissioner Stephens asked about the effect of inconsistency in regulating singles sales. If we limit one business then we advantage the business down the street. We need some way to be consistent around these issues. Commissioner Mike Smith stated that he is aware of many complaints from residents about this license. Motion to protest was adopted (8-0-0).

Commissioner Spalding introduced review of the Class B license for Whitelaw Market. This corner store has been operating in this location for a long time, and I do not know whether they sell singles. There have been no complaints over the operations of this business, and no ABRA violations are known. Commissioner Spalding moved support of this renewal. Chairman Hunter added that he does frequent this store, and that to his knowledge they do not sell single beers. Motion was seconded, and adopted (7-0-1).

Grant application from Faircliff East was introduced by Commissioner Akinmboni. The grant monies will be used to buy materials for the school kids. Chairman Hunter stated that the application did not make it into the packets, but that it appears there are forty-three children ranging in age from seven to sixteen, and the Faircliff East Association wants to give \$500 for support of these kids. Treasurer Stephens stated that detail was missing from the application including what the monies would be used for and who would control the dispersion of the funds. Commissioner Akinmboni moved support of granting Faircliff East \$500 for school related supplies, and it was seconded by Commissioner T. Smith. Chairman Hunter requested that the approval would be conditioned on receipt of the detailed budget information sufficient to satisfy the Treasurer. Motion was adopted (7-1-0) with Commissioner Spalding opposing.

Chairman Hunter introduced a grant request for \$2,000 for two organizations in the 1400 block of W Street for the purpose of acquiring an internet ready camera. The camera will be installed in a private building on the block which would give a live internet feed to residents in the block showing activity in the street. This block is notorious as a crime hot spot. The residents of the cooperative apartment building at 1424 W have purchased and installed internet accessible cameras that monitor their hallways, and they have asked for assistance in purchasing a camera to monitor the public space outside the building. The presence of the camera would be indicated by signage, and the hope is that the drug dealers will recognize that their activities can be monitored and will move their business elsewhere. Ernest Springs added that MPD 3D will be able to monitor the cameras. Commissioner Moss asked if the records will be able to be used by the Attorney General's Office, and Mr. Springs responded that it is believed that the information will be used by MPD3D to address the problem, but it is not something that they can use in the courts. Commissioner Moss asked who would own the equipment, and Mr. Springs responded that the cooperative's tenants would own the equipment. Chairman Hunter asked if anyone could access the feed from the camera, and Mr. Springs responded that it would be password protected. Commissioner Stephens asked who would be allowed access to the feed, and who would decide who had access to the passwords and feed. Commissioner Stephens stated that studies have shown that there is no preventive value to the cameras. There is, however, a need expressed by the community for this as an aid in addressing problems, and I'll be responsive to that. Commissioner Stephens noted that ownership of the equipment purchased may have to be retained by ANC1B, so can the equipment be removed and then moved to another location? Chairman Hunter responded that if there was a similar request from another hot spot to locate a camera, then we could address that separately. Commissioner Akinmboni asked about privacy concerns, and Chairman Hunter responded that the camera would be used to monitor public space. Commissioner Mike Smith stated that cameras have helped resolve other crimes in our community and have led to convictions, and while this may not have preventive values it will help catch criminals and remove them from the community. Commissioner Spalding asked if this application had been previously submitted, and Chairman Hunter stated that

it was presented last month, and Commissioner Stephens added that he had failed to get copies into the packets. Commissioner Thomas Smith stated that the level of detail required to make a decision had not been provided, and that these need to be available prior to his making a decision to support the application. Chairman Hunter agreed that the application is not in front of us, but Ernest Springs and I are not going to lie to you about the details of this application. Chairman Hunter moved support of the grant application predicated on clarification of the ownership question. Motion was adopted (6-2-0) with Commissioners Spalding and Thomas Smith opposing. Commissioner Stephens asked for an update, and Chairman Hunter asked that Mr. Springs be added to the January agenda to report on the progress.

Chairman Hunter requested that the Commission grant \$1,500 to the Metropolitan Music Ministry. The grant will be used to promote performances of Quincy Jones' interpretation of Handel's Messiah and then a performance of the classical Handel's Messiah to be held this month. The monies will be used to buy an advertisement in their concert brochure which goes to underwriting the expense of the performances. Les Talley stated that this is the 59<sup>th</sup> performance in this series. Commissioner Spalding asked if this grant request had been previously introduced, and Commissioner Stephens responded that it was introduced at our last meeting but that he again had failed to get copies of the request into the packets. Commissioner Spalding asked that since this would be occurring in Ward 2 are you also asking ANC2F for funding, and Chairman Hunter responded that that was a good idea. Mr. Talley responded that they have not, but that they certainly could. Commissioners Hunter and Moss moved support for a grant of \$1,500 to advertise in the brochures for the Metropolitan Music Ministry's performances, and it was seconded and adopted (7-1-0) with Commissioner Spalding opposing. Commissioner Spalding noted that he would have supported a number of tonight's grant applications if he had any documentation of the applications in advance.

Treasurer Stephens asked if there were any grant applications to be heard in January, and Commissioner Moss stated that there would be one from the LeDroit Park Civic Association. Chairman Hunter asked that we amend the grant regulations to shorten the advance notice, and Commissioner Stephens moved that the language be changed to fourteen days prior to the meeting at which it is to be considered. Commissioner Stephens also asked that these applications get into the hands of Commissioners as soon as possible. Motion was seconded and adopted (7-1-0) with Commissioner Spalding opposing. Commissioner Stephens suggested that the Commission consider a series of community forums to discuss issues that are broader than the business taken up at our monthly meetings, and that will help inform our decision making at our regular meetings. Chairman Hunter agreed, but asked that this be discussed and arranged outside of the meeting. Commissioner Spalding noted a request for review of a church sign inside the historic boundaries, and Ernest Springs stated that CSNA would be considering

this application and asked the Commission to defer to CSNA's Historic Preservation Committee. Meeting was adjourned at 9:35PM.