

# ADVISORY NEIGHBORHOOD COMMISSION 1B

Government of the District of Columbia

## MINUTES

6 April 2006, True Reformer Building, 1200 U Street NW

Attending: Commissioners Moss, Spalding, Hammonds, Hunter, M. Smith, Stephens, Z. Wright, T. Smith, Mathews

Absent: Commissioner R. Wright

Quorum was achieved just after 7PM. Chairman Hunter made two additions to the agenda. First is consideration of NCRC consideration of Parcel 39, and the second dealing with church parking. Secretary Spalding reported that the Zoning Map would be corrected to reflect current inconsistencies in Squares 0361 and 0393. The Commission is compiling spreadsheets detailing development in 1B from 2000 to 2010, and another detailing liquor licenses. The office space request is being considered by Office of Property Management, but they reported that the provision for a stipend in lieu of space is an unfunded mandate from the Council. The Green Team funding was passed by the Council. Rhapsody development should be tenanted in the next few months. The Responsible Hospitality Panel gave a presentation to the ABC Board. Councilmember Graham held a meeting of all the parties involved in the Source Theater negotiations. Secretary moved the minutes of the March meeting and it was seconded. Chairman Hunter commented on the office space request, and asked that we ask for Councilmember Graham's assistance in the request. Chairman Hunter added to the report on the Source Theater that the possibility of mixed use is being explored. The possibility is that Bedrock could operate at the location with the addition of theater space, and the parties are aggressively working on this possibility. Minutes were adopted on a vote of (8-0). Treasurer Stephens reported that he did not have the monthly report, and promised to have it for our May meeting. Treasurer Stephens moved reimbursement of secretarial expenses for March of \$24.36, and it was seconded and adopted (9-0). In Community Events and Announcements Commissioner Moss reported that a Fightback would be held on April 19<sup>th</sup> in the vicinity of 7<sup>th</sup> and T Streets beginning at 10AM. Commissioner Mathews asked for attendance on April 10<sup>th</sup> at the National Day of Action on Immigrant Rights rally. Commissioner Stephens announced the ANC1B Transportation Forum to be held on Tuesday, April 11<sup>th</sup> at 7PM here in the True Reformer Building. This will be the first in a series of forums sponsored by ANC1B. Featured in the transportation forum will be Nat Boettigheimer, Director of Planning and Project Development for WMATA, Harry Robinson, Dean Emeritus of the Howard University School of Architecture and

Design, and Justin Schor, Manager of Program Development for Urban Trans. Ernest Springs announced the annual scholarship awarded by the Meridian Hill Neighborhood Association that goes to a local high school student. Commissioner Akinmboni announced that Studio School would be holding their planting, supported by ANC1B, this Friday.

Fred Green from NCRC announced that they would be holding presentations of the proposals for development of Parcel 39 (8<sup>th</sup> & T) on Wednesday, April 26<sup>th</sup> at 6:30PM here at the True Reformer Building. Chairman Hunter asked how many proposals had been received for this parcel, and Mr. Green responded that there were four proposals. Chairman Hunter moved that ANC1B cosponsor the public forum on the 26<sup>th</sup>, and it was seconded and adopted (8-0).

Chairman Hunter introduced consideration of Zoning Commission case 06-09 requesting a special exception to allow Howard University temporary use of most of Square 2872 for a surface parking lot. Bruce Costello described the property as a collection of derelict buildings that Howard has since taken down, and they would like to use this location for additional parking. Chairman Hunter asked how many parking spaces would be in the newly configured lot, and Mr. Costello answered that there would be twenty-three. Commissioner Moss asked how long they planned on using the property for parking, and Mr. Costello responded that it would be contingent on the next campus plan to be issued in 2008, so the projected use is for at least five years. Commissioner Moss asked if Howard was willing to work with local businesses for night time use, and Mr. Costello responded that this would have to be approved by Howard's attorneys. Commissioner Spalding remarked that the Commission had recently considered and recommended our vision for land use and zoning for the developing Comprehensive Plan, and our recommendation for this area is for medium density residential and commercial use. A surface parking lot represents essentially zero density use for this square. Do you have any representation of future use? Mr. Costello responded that possible development would be considered in 2008 in the campus master plan review. Commissioner Spalding asked why Howard had not presented to the community on this plan prior to razing the existing structures and presenting the temporary use as a surface parking lot, and Mr. Costello said that they had given notice to some of the residents. Commissioner Mike Smith commented that he was discouraged with the razing of one hundred year old buildings that could have been restored. Mr. Costello responded that the buildings were derelict, and Commissioner Spalding responded that one had housed a local business prior to the razing. Chairman Hunter stated that there had been insufficient outreach to the Commission or neighborhood associations with this project. Maybelle Bennett added that they would be unable to project future use until it had been considered by the Board of Trustees, so conjecture will not get us anywhere. Ms. Bennett also stated that the University does have informal and formal arrangements for off peak use of their parking facilities with neighbors and businesses. Cheryl Cort asked why there was a compelling

need to provide twenty-three parking spaces at this location rather than accommodating them on campus, and Mr. Costello responded that there is a large demand for parking. Ms. Cort asked if Howard subsidizes transit use for its employees, and Mr. Costello responded that they do. Scott Pomeroy asked if the current usage for parking had a previous exception, or whether that use was casual and now Howard is asking for exception for all twenty-three spaces? Ms. Bennett responded that the request to Zoning was for all twenty-three spaces. Ernest Springs commented on the lack of notice and cooperation with community members and organizations. I'm concerned that Howard is continuing to act without consulting the community. Chairman Hunter responded that he is planning on meeting with Howard officials, and will address the lack of notice and consultation. Ms. Baker who lives across the street from the proposed parking asked why the entrance was on the only block face with residential owners, and Mr. Costello responded that this seemed to be the location which would place the least strain on traffic. Chairman Hunter moved that ANC1B disapprove the application for exception based on lack of notice and consultation with the community, and that we ask the Zoning Commission to delay consideration of this matter to allow Howard to work with the Commission and neighboring residents on the proposed use of these lots, and it was seconded. Commissioner Stephens asked to add a friendly amendment that Howard also owns lots on Sherman Avenue that could provide the needed parking relieve the burden from the proposed location, and Chairman Hunter did not accept the amendment. Motion was adopted (8-0). Commissioner Spalding asked that he be designated to represent the Commission if this is considered by the Zoning Commission on April 27<sup>th</sup>. Chairman Hunter, Commissioners Spalding and Hammonds were designated to represent the Commission on this issue. Chairman Hunter asked Commissioner Moss to facilitate meetings with Howard University this month.

John Kardon, Project Manager with Level 2 Development, presented the demolition traffic control plan (TCP) for View 14 PUD. Mr. Kardon described the pattern of demolition, and stated that the entrance for the truck traffic would be on Belmont St. The fencing will not impair pedestrian traffic on either Florida Ave. or Belmont St.; however, the curb lane on 14<sup>th</sup> would be fenced resulting in the loss of three existing 14<sup>th</sup> St. parking spots. The existing bus stop at 14<sup>th</sup> and Florida would be shifted temporarily to 14<sup>th</sup> and W. The interior alley system would be closed for four to six weeks for safety reasons. Chairman Hunter asked if this had been vetted with the local neighborhood associations, and Mr. Kardon indicated that the ANC was his first stop. Commissioner Spalding noted that this is the TCP for the demolition phase only, and that the Commission would be reviewing the TCP for construction in the next few months. Commissioner Spalding stated that he called John Stokes at DDOT to discuss the needed coordination of construction sites along 14<sup>th</sup> Street, and that Mr. Stokes stated that DDOT was aware of the proliferation of sites and was working to coordinate the TCP's. Commissioner Moss asked about the timing, and Mr. Kardon responded that they are hoping to start at the end of May or the beginning of June. Commissioner Spalding moved support of the TCP for demolition at the Level 2 View 14 PUD site, and it was seconded and adopted (8-0).

Commissioner Spalding introduced consideration of BZA 17491 for variance from 223 for 1303 T Street. This is a small inside residential row house seeking an addition to the rear of the property. I have checked with Historic Preservation and they have no difficulty with the project, and it should not affect the light and air of neighboring properties. Craig Collins and David Getson, owners of the property, and Jennifer Pollard their architect presented their case. Ms. Pollard described a thirteen foot wide by fifteen foot deep two story addition. Ms. Pollard noted that there was a previously existing addition that had been removed. Scott Pomeroy expressed concern with exceeding the traditional lot occupancy, and Ms. Pollard explained that their new proposal was just a foot wider and two feet longer than the preexisting addition, and that they were seeking the relief to make the space more functional. Commissioner Spalding moved support of special exception from 223 for property located at 1303 T Street, and that he and Commissioner T. Smith be designated to represent the Commission on this case, and it was seconded and adopted (9-0).

Tanya Jackson from the Jair Lynch Company introduced their request for variances from 773 and 2201.1 in BZA 17483. Attorney Lyle Blanchard explained that the relief is from residential recreation space, and also from the requirement of a fifty-five foot loading berth. The reduction in the size of the loading berth allows an additional six parking spaces for the development, and in reaction to community sentiment this appeared to be more attractive than an infrequently used oversized loading berth. They have been working with DDOT to arrange for permitting when residents are moving in or out of the building, and this would be the only required need for a loading berth of this size. There will be a retained service delivery berth that is shorter than the required berth. Chairman Hunter asked if this was the first presentation of this request, or if they had already met with neighborhood groups and Ms. Jackson responded that they had presented this request before MHNA and SOCO. Chairman Hunter asked about the size of the loss of recreation space, and Mr. Blanchard responded that it was approximately 6,000 square feet. Commissioner Stephens asked how the retail component would be serviced, and applicant responded that they will be serviced off 14<sup>th</sup> Street. The retail designed is very small, and the loading berth was not designed for their use. Commissioner Stephens stated that the use of the retail spaces could demand more servicing, and that using 14<sup>th</sup> Street would be difficult. Applicant responded that all of the properties in the building would be in one condominium regime, and that if use of the small loading berth made sense to the owners, then that could be used for servicing the retail owners. Ms. Jackson reiterated the small size of the retail units, and that the small size would prohibit large traffic retailers from considering use of the space. Trade Secrets and Zewadie are committed to purchase the retail units, and they have had no difficulties with deliveries in their current location on U Street. Commissioner T. Smith asked if they had considered an arrangement with Zip or Flex Cars, and applicant stated that they are assessing that possibility. Scott Pomeroy spoke to the community's concern with maintenance of the recreational facilities in the neighborhood, and that the ongoing practice of ducking the

residential recreation space zoning requirements should be offset with contributions to nearby public recreational facilities. Mr. Pomeroy noted that the value of private parking spots is now \$30,000 and that in this request that means an added value of over \$100,000 to the developer at the cost of not providing recreation space. Chairman Hunter agreed that there has been community sentiment that when developers ask for reduction in recreation space that compensating contributions be requested by the ANC. Commissioner Mike Smith moved support of the request for variances, and it was seconded and adopted (9-1-0). Commissioners Hunter, Spalding and Mike Smith were designated to represent the Commission on this application.

Applicant for HPRB 06-041 was not present and the issue was moved to the May meeting.

Commissioner Moss introduced consideration of an application for a new pay telephone to be located at 700 V Street. Commissioner Moss indicated that the location does have a history of both violence and drug activity, and that the addition of a new pay telephone in this location could add to the safety concerns we have with this part of the neighborhood. Commissioner Moss moved to oppose this application, and it was seconded. Motion was adopted (10-0).

Commissioner Spalding introduced three Board for the Condemnation of Insanitary Buildings cases. The first is the landmarked First African New Church building. The concern in this case is a report that the entire property scheduled for development has been sold, and the Board wants to get assurances from the new owners that the roof of the church building will be attended to in order to prevent further decay of the structure. Commissioner Spalding requested that he be designated to represent the Commission in the BCIB hearings on this property. Commissioner Spalding was so designated in a vote of (10-0).

The next case involves 2023 Vermont Avenue, and Commissioner Spalding provided a picture of the rear of the property. This owner has built a jerry rigged structure on the back of his property that hangs over public space, is in violation of at least three different zoning regulations, and this needs to have the rear portion razed. Commissioner Spalding requested to be designated to represent the Commission on this case, and he was designated in a vote of (10-0).

The final case is the corner commercial property at 901 U Street. The Commission has reviewed plans for this property a number of times, and it has also been sold recently. The Board is looking at this property with the possibility of razing the existing building; however, the Historic Preservation Office currently favors retaining and restoring the property. Commissioner Stephens asked what effect this would have on redevelopment of the site, and that by opposing the razing of the structure we could be slowing redevelopment of the site. Chairman Hunter asked what the historic significance of this building is, and Commissioner T. Smith responded that it was the original home of the office for ANC1B. Chairman Hunter jovially responded that this might indicate that razing was indicated. Commissioner Spalding responded that HPRB appeared to be concerned due to the size and prominent location of the structure, and not with any of the existing muddled architecture. Chairman Hunter asked if Commissioner Spalding would be fine with representing the Commission and remaining neutral on the issue of razing the building, and Commissioner Spalding agreed. Commissioners Spalding and T. Smith were designated to represent on a vote of (10-0). Scott Pomeroy asked that the issue of billboardage, which does generate revenues for the owners, be addressed at the hearing, and Commissioner Spalding responded that he would be glad to raise this issue at the BCIB hearing.

In the ABRA update Commissioner Spalding reported: Nicholas Deli is scheduled for Roll Call on April 12, T Sports Bar's status is being investigated, Black Cat is applying for a substantial change allowing a roof deck for smokers and will be on our May agenda, Carbonero is scheduled for mediation this Friday, Crème is applying for café seating and will be on the May agenda, Expo had a Fact Finding this past Wednesday on violence inside the club last October, La Casona's situation/status is being investigated, Mocha Lounge is receiving a Cease and Desist order from the Board, Portico will be affected by the changes in zoning, Robins Liquor is now in safekeeping since Howard razed their building, Sodere/Taste of Carolina may be placarded and on our May agenda for transfer and name change with no notification to ABRA, Tena Café appears to be trading under a new name and is being investigated, Yegna negotiations have been stalled by owner's mother's death, Shop Express negotiations may be moot with redevelopment of their location, Chuck's Market negotiations are ongoing and will be on our May agenda, Harvard Deli's Roll Call is now April 26<sup>th</sup>, W Street Market's Roll Call is now April 26<sup>th</sup>, Sonia's Market's next Status Hearing is set for April 26<sup>th</sup>. Chairman Hunter asked about the location of Mocha Lounge. Commissioner Spalding added that the cease and desist is being served since they haven't paid their ABRA fees for the past two years. Commissioner Stephens stated that there is ongoing interest in the operations of Shop Express, and that negotiations would be ongoing.

Commissioner Spalding introduced consideration of application for an entertainment endorsement for Sala Thai. The request states "Live entertainment, jazz trio back ground music", and their practice has been to have jazz musicians playing as accompaniment to

dining in the restaurant. This was not part of their original application for their CR license, so they have to add this new entertainment endorsement. I know of no problems with this entertainment, and the specifics of the language in the application should provide no problems. Owner was present to answer questions, and Commissioner Stephens asked if they could switch to a grunge rock show if granted the endorsement. Commissioner Spalding responded that the language of the application specifies the nature of the entertainment, and that if the business went beyond this description then both ABRA and the Commission could intercede. Commissioner Moss asked if there would be a cover charge, and owner responded that there would be no cover charge and that the music was to accompany diners. Commissioner Spalding moved support of Sala Thai's application for an entertainment endorsement, and it was seconded and adopted (10-0).

Commissioner Spalding introduced consideration of a voluntary agreement that he drafted for resolving the protest with Class B license held by El Paraiso Market. This language was based on one of the sample agreements from ABRA. This draft is minimal. We protested this license on the suggestion of Commissioner Stephens that we be consistent in protesting the Class B licenses, however, there are no current specific complaints in regard to El Paraiso. Chairman Hunter asked that we consider these together.

Commissioner Spalding introduced consideration of a voluntary agreement that he drafted for resolving the protest with Class B license held by Daily Fish of Chesapeake. The protest was generated over placarding and confusion when Commissioner Hammonds asked for explanations from the management of the business. In this iteration of the general agreement there is a focus on loitering and with getting more visibility through the windows of this store. Commissioner Spalding shared a picture of the business and stated that the visibility problems are a concern for safety reasons. Commissioner Hammonds expressed specific concern with public display of the placarding, and the lack of information on the part of the management on the licensing requirements. Owner, Mr. Na, was present with a translator. Mr. Na stated that the placarding was up behind the counter inside the store. Commissioner Spalding stated that this issue was fully discussed at the Roll Call hearing, and ABRA responded that they had sent one of their investigators out to examine the placarding and he reported that the placarding had been appropriate. Commissioners consulted the photograph of the store and decided that there was plenty of space to display the placarding outside the store. Chairman Hunter asked if the applicant would agree to placard where visible to the community outside of the store, and applicant agreed. Chairman Hunter requested that Commissioner Spalding add a clause to the agreement specifying the rules on placarding. Commissioner Hammonds moved support of the amended agreement, and it was seconded and adopted (10-0).

Returning to El Paraiso, Commissioner Spalding moved support of the drafted voluntary agreement with Class B licensed El Paraiso Market, and it was seconded and adopted (10-0).

Commissioner Spalding introduced consideration of a voluntary agreement that he drafted for resolving the protest with Class B license held by Eleven Market. This license has difficulties with loitering in the large open public space in front of the business. In this draft there is specific language dealing with an arrangement with MPD3D, and I have initiated arrangements with 3D. I have also added language involving hiring a landscape architect to work with making the public space in front of the store less hospitable to loitering. Chairman Hunter stated that this is the convenience store two doors down from the corner of 11<sup>th</sup> and U with drug activity and loitering. I went into this store and expressed concern to the owners with their product sales leading to the problems in front of the store, and I want to reach an agreement with this business. Chairman Hunter offered to continue the negotiations, and moved to table this to our May meeting. Motion was seconded and adopted (10-0).

Chairman Hunter introduced consideration of a grant application from JamonU & HR-57 for \$2,000 to produce an outdoor promotional concert in celebration of the Smithsonian's Jazz Appreciation month. HR-57 is a non profit jazz club on 14<sup>th</sup> Street. I believe that this was intended to represent an application from two different organizations, which would allow the \$2,000 figure. Chairman Hunter moved that ANC1B support the application in the amount of \$1,000, and if it can be supported by requests from two organizations then for \$2,000, and it was seconded. Applicants were not present to discuss the application. Commissioner Spalding asked the Treasurer to detail what the Commission had already done in terms of grants this year, and that in his review it appeared that there had been three \$2,000 grants and three \$1,000 grants given so far this year, and that our yearly budget was \$10,000. Chairman Hunter responded that we've got to spend the money. At last year's oversight hearing on ANC's we did receive some criticism on the substantial surplus that we have. Our budget is a guideline that we try to follow, but there are budget areas where we haven't spent any money. Commissioner Mathews asked if there was any information on what the funds would actually be used for, and Chairman Hunter responded that indeed there was not a budget attached. Chairman Hunter amended his motion to include the submission of a budget that details the expenditures. Commissioner Spalding commented that we have jazz venues up and down U and 14<sup>th</sup> Streets, and I see no reason that this activity could not be done by getting these businesses to cooperatively produce an event in lieu of a funded public concert. This could help promote these clubs as well as helping celebrate the Smithsonian month. Chairman Hunter responded that this ANC has traditionally supported Jazz Appreciation Month, and this is just a change in venue from previous

years. Dante from Black Cat stated that his business does give music oriented grants and that he might be able to help HR-57 with this show. Motion to support a grant to JamonU & HR-57 for \$1,000 (or if two separate sponsoring organizations \$2,000), and with submission of a detailed budget, was seconded and in a roll call vote Commissioners Moss, Hammonds, Hunter, Z. Wright, Akinmboni, and T. Smith voted Yea; Commissioners Spalding, M. Smith, and Stephens voted Nay; Commissioner Mathews abstained, and the motion was adopted (6-3-1).

Merilyn Frances gave a presentation on Citizen's Healthcare Working Group. Details on the importance of responding to a healthcare survey were described, and copies were given to the Commissioners.

Commissioner Mathews reported on the current status of the transfer to NCRC of the development rights at McMillan Reservoir. Commissioner Mathews asked to delay discussion to the May meeting when more details should be available. Chairman Hunter agreed that this will be a big deal, and that we should keep our eyes on this project.

Commissioner Stephens spoke to the Commission's support last month for 1412 Chapin Street on the basis that the applicant would notify the three affected buildings across the street. This has not occurred and I want to notify the applicants that this must be done. Commissioner Stephens moved that the letter of support to BZA be amended if applicants do not notify the properties on Chapin. Chairman Hunter suggested a substitute motion that ANC1B write to the developer indicating that if the notifications do not occur by April 14<sup>th</sup> the ANC's support will be withdrawn. Substitute motion was moved, seconded and adopted (10-0).

Chairman Hunter suggested recording the ANC Transportation Forum and asked that the Commission allocate \$500 towards this purpose. Commissioner Akinmboni asked that she be given enough flyers to reach her constituents. Chairman Hunter moved allocating up to \$500 to record with either video or audio tape the upcoming ANC Forum, and it was seconded and adopted on a vote of (10-0).

Chairman Hunter introduced consideration of the church parking situation. Logan Circle organized enforcement of double parking on Sunday's. The Logan community organizations, the churches and DDOT were involved in finding additional spaces to relieve the pressures. The emails coming out of DDOT have given the impression that

they are going to begin enforcement city wide shortly after Easter. We should write a letter to DDOT requesting that they delay any increased enforcement regarding church parking until we've had a similar process in our ANC. Ernest Springs has started that process in my SMD. Motion was made, seconded and adopted (10-0).

Meeting adjourned at 9:10PM.