

# ADVISORY NEIGHBORHOOD COMMISSION 1B

## Government of the District of Columbia

### MINUTES

**4 May 2006**, True Reformer Building, 1200 U Street NW

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

Absent: Commissioner R. Wright

Quorum was achieved at approximately 7PM. Secretary Spalding reviewed hearings of the past month. Office of Property Management has not identified any District owned office space for the Commission, but has located space in the Thurgood Marshall Center in the 1800 block of 12<sup>th</sup> Street. The space is two cubicles and is approximately ten foot square. Rental on this space would be \$700 per month. New Belmont Street Community Association was welcomed. Minutes of the April meeting were moved, seconded and adopted (7-0). Treasurer Stephens acknowledged that his parents were in attendance and asked fellow Commissioners not to make fun of him this evening. Second Quarter report including updated monthly reports for January, February and March 2006 were presented for review. The quarterly shows an initial balance of \$76,011.47, disbursements of \$8,201.43, and an ending balance of \$67,810.04. Treasurer Stephens pointed out that we are nearing our budgeted amount for grants, and that without some restraint we could be on a spending spree comparable to the previous Commission's. Chairman Hunter responded that there is no comparison of this Commission's spending habit to the previous Commission's in any way shape or form. Second Quarter report was moved, seconded and adopted (7-0). April Monthly report showed an initial balance of \$68,810.04, withdrawals totaling \$1,064.10, and a resulting bank and check book balance of \$67,745.94. April report was moved, seconded and adopted (8-0). Secretarial expenses for April in the amount of \$8.32 was moved for reimbursement, seconded and adopted (8-0). Treasurer Stephens introduced a grant application from Mother Dear's Community Center to be considered at our June meeting.

In Community Events and Announcements. Commissioner Moss announced that Manna and Howard University would be holding grand opening for the Oakshire Condominiums, Kady Development will be holding a groundbreaking for the new Floridian Development, and a recent decision by Judge Lambert has granted Metro

immediate possession of the property located at 8<sup>th</sup> and Florida, and DC Emergency Management Agency will have a severe weather symposium on May 23<sup>rd</sup>, and DDOT is preparing for bids for the LeDroit Park streetscape phase three. Commissioner Spalding announced that there would be a public meeting presenting the preliminary draft of the DC Comprehensive Plan on Monday, May 22<sup>nd</sup> from 6 to 8:30PM on the 2<sup>nd</sup> floor community room of the Reeves Center. Commissioner Akinmboni noted the groundbreaking for the development near the Columbia Heights Metro station on Friday. Commissioner T. Smith announced a community clean up happening this weekend starting on the 700 block of Gresham Place.

Commissioner Stephens stated that through some phenomenal work by Cheryl Cort ANC1B held a transit forum this past month. From the forum we have asked DDOT to provide information on the proposed changes in bus routes and schedules. Signage and promotion of the Reeves Center parking lot, reiteration of support for the extension of the Metro Yellow Line were discussed. There was also discussion of investigating flex carts based on the flex car model to aid local residents in transporting groceries and other heavy loads. Long term issues were framed by Dr. Harry Robinson, including getting ANC1B to develop a series of expectations of new development and its impact on our transportation infrastructure, which may feed into considerations leading to a BID (business improvement district). Chairman Hunter added that the Commission is already following up on some of the recommendations from the forum, specifically a meeting with Councilmember Graham to discuss opening the Reeves Center for parking on Sundays, and more efficient coordination of use of this facility for accommodating diners at restaurants on U and 14<sup>th</sup> Streets. Commissioner Moss added that one of the presenters at the forum would be continuing to work on these issues with LeDroit Park.

Councilmember Phil Mendelson was in attendance, and Chairman Hunter allowed him time to address the gathering and to take questions. Councilmember Mendelson spoke to the critical choices facing the Council with the current consideration of the city's budget. One of the issues that should concern local constituents is Police and EMS funding. The Judiciary Committee has added a request for up to two hundred additional police officers with a priority on police in the neighborhoods and an increase in the detective staffing. Also included are upgrades to the EMS service identified by the Fire Chief. Further changes coming from the Judiciary Committee include specific targeted actions in regard to prostitution. Criminalizing membership in street gangs is also included as well as specifically targeting drug paraphernalia. The Councilmember answered questions from Commissioners and constituents.

Chairman Hunter asked Commissioner Stephens if we had concluded our consideration of the transportation forum issues, and Commissioner Stephens responded that we should

adopt the recommendations generated by the forum and formally thank Cheryl Cort for her work in making the forum happen. This was moved, seconded and adopted (9-0).

Commissioner Spalding introduced consideration of BZA Case 17492. Occasionally a zoning application comes through that is actually exciting, and I'd like to thank Mr. Speck for giving me a reason to smile about heading down to Judiciary Square on a Tuesday morning. This is an application for replacing a missing tooth in our historic row house neighborhood. The property is not in the historic district, though it is in the portion that CSNA will be attempting to add to the Greater U Street Historic District. The variance relief requested is for lot occupancy, FAR or floor area ratio, and the off street parking requirements. The two basic requirements of BZA's consideration and granting of variances are based on exceptional shape of the property, and whether granting the variance will create any detriment to the public good. In reading this application I've found a sincere appreciation for the history of the neighborhood and its architecture, respect for the existing fabric into which the new home will be built, incorporation of design elements that energize this corner of the neighborhood, and only benefits to the public good. I will be moving support of this application and now introduce the applicant Mr. Jeff Speck. Mr. Speck asked if he should add to Commissioner Spalding's introduction, and Chairman Hunter responded that he would like to know the specific location of the site. Mr. Speck provided pictures of the site located at the tip of the block at the 10<sup>th</sup> Street and Florida Avenue intersection. Since the site is so unusual I've made a model to help in your understanding of the difficulties presented by the site. The site is at a very sharp angle and is presently vacant with litter and broken bottles. Mr. Speck used a number of presentation boards to illustrate the architectural design. This is a small two bedroom house with no room larger than twelve feet square. The entire house is sixteen-hundred square feet which is in keeping with neighboring properties. The Florida façade is more contemporary with a fair amount of glass in its north east exposure, and the 10<sup>th</sup> Street façade is meant to reflect the punched opening of neighboring properties in the block. Mr. Speck stated that in working with the various departments required to get approval it was indicated that the ANC review would be his most important review, since zoning likes the design but is hesitant concerning the relief sought. Mr. Speck noted that over half the existing buildings in the block do not conform to the zoning regulations, which were adopted after this block was built. Mr. Speck spoke to the lot occupancy argument, and stated that complying with the sixty percent lot coverage figure would only allow him to build one twelve foot square area. In the floor area question the regulations would allow approximately one thousand square feet, and the request is for approximately sixteen-hundred square feet. With the necessary stairs and exterior walls, the complying building would result in a six-hundred square foot unit on three floors. In regard to the parking variance the lot does not accommodate adding parking. This site is three blocks from Metro, and I don't own a car and have my Metro card and zip car cards at the ready. Chairman Hunter asked if this would be an owner occupied single family home, and Mr. Speck agreed that he hoped to occupy it by a year from December. Commissioner Stephens asked if there were similar lots in the Commission's territory, and Mr. Speck stated that he went looking for these lots and had previously tried to

purchase a similar lot in ANC1C without success. Commissioner Spalding noted that the site is located in a block full of nonconforming properties due to the angular intersection by Florida Avenue, and that we had approved BZA requests from two neighboring properties dealing with these same issues. Commissioner Spalding moved support and asked to be designated to represent the case before BZA, and it was seconded and adopted (9-0). Commissioner T. Smith asked about the landscaping, and Mr. Speck noted that the top of the triangle is a federal park reservation. Mr. Speck stated that he has experience with these small parks, and that you can improve them with their support, and that his plans are to possibly improve with a slate path and some plantings.

Chairman Hunter reviewed Zoning Commission Case 06-09 of Howard University to temporarily use their property at Sherman/Florida/Barry for temporary parking. Chairman Hunter stated that he testified in opposition to the request, and the Zoning Commission left the record open until May 26<sup>th</sup> for additional comments. It is our hope that members of the Commission will continue to meet with Howard officials towards an agreement that would allow us to support the request. If this were to occur the Executive Committee could amend the position to the Zoning Commission, but if there is no agreement then we are still on record as opposing the request. Chairman Hunter asked that Cheryl Cort be considered as a part of the ongoing discussions, since she testified on behalf of the CSNA at the ZC hearing. Commissioner Stephens restated his suggestion that Howard find other accommodation for the parking, and Chairman Hunter responded that that suggestion could be included in the ongoing negotiations. Commissioner Moss introduced Mr. Costello and attorney Cynthia Giordano representing Howard in regard to the Sickle Cell Research Building on Georgia Avenue. With the lack of representation in the razing of the buildings in the previous case, Howard is giving notice to the Commission of Howard's plans to raze this small research building on Georgia Avenue. The building is now not useful and has no historic value having been built in the mid 1970's.

Commissioner Spalding introduced consideration of conceptual review for Historic Preservation Review Board consideration of the new design for the First African New Church development site. Both CSNA and ANC1B were integral in the land marking of the historic church building on 10<sup>th</sup> Street, and have been involved in the previous owner's presentation of plans through the HPRB process. The site has been sold again, and the new owners are Sorg Architects who have been involved in the design of a number of buildings here in ANC1B. The significant changes in this new consideration are the possible adaptive reuse of the church building to house Sorg Architects, and the new design of the corner residential condominium building by Suman Sorg. I remind the Commission that we're considering conceptual review for HPRB, so we should be looking specifically at massing and design elements of the building. Suman Sorg gave a history of her firm's involvement in ANC1B's territory including a number of new and adapted buildings. Ms. Sorg gave her overview of the developing streetscape along this

block of 10<sup>th</sup> including two new Robertson Development buildings immediately to the north of the church. We may use the church for our offices, but according to the financial constraints also consider adaptive reuse as residential condominiums. My design pays particular attention to honoring the lines of the church in the new building along the 10<sup>th</sup> Street façade. We have built in a recess at the connection between the church building and the new construction, and on the 10<sup>th</sup> and V corner we have also decided that a recess would be more appropriate than the normal corner tower expression. The main entrance to the new condominiums will be in a below grade entrance along V Street similar to the design we used with the Beauregard. We have done all we can to step back the penthouses from both 10<sup>th</sup> and V Streets to decrease its visibility. Currently the design shows approximately forty-five residential units and thirty-five parking spaces, but this may change through the design process. Chairman Hunter praised the design while pleading for more parking. Commissioner Spalding moved support of the conceptual design of the First African New Church project before HPRB, and his designation to represent the Commission in this case, and it was seconded and adopted (10-0).

Commissioner Spalding introduced ABRA application for a substantial change to Black Cat's CN license located in the 1800 block of 14<sup>th</sup> Street. The District has recently passed a smoking ban that currently is in effect for restaurants, and will be in effect for bars and nightclubs next January. In reaction to this change a number of nightclubs are trying to accommodate the change. When the occupancy of your nightclub is one-thousand, then this accommodation can lead to a need for changing your space. Black Cat does have an existing voluntary agreement reached with neighboring residents, not ANC1B, and Dante took possible solutions to a number of the signers of the existing voluntary to get their input. The one solution that was unacceptable to the neighbors was the idea of spilling all the smokers into 14<sup>th</sup> Street. Other possible solutions included building a second story deck over the rear parking area, and constructing a roof deck. The responses from the community have favored a roof deck approach, but there is also community skepticism over the possible noise generated by this solution. Chairman Hunter asked Dante what the occupancy figures were for the two other possible spaces, and Dante replied that the projected occupancy for each of them was 230 for a total of 460. Chairman Hunter asked if alcohol would be served in these areas, and Dante agreed that it would. Dante stated that these were not changes he had voluntarily come up with to increase his business, and that he would prefer to remain with the space and occupancy as it currently exists. He does, however, have to deal with the fallout from the smoking ban, and expects that during main stage intermissions as many as two-hundred patrons may want to smoke. He explored the possibility of including a smoking lounge inside the building, but the new regulations would not allow this. This is an expense that I would rather avoid, but I can't. I have been talking with neighbors to get their reaction to the possible solutions, and will continue to do so. I do have to get going on this, however, and delay could lead to not having the solution in place by next January and forcing smoking patrons out onto 14<sup>th</sup> Street. Commissioner Stephens suggested that Dante consider contributing to smoking cessation programs, and Dante responded that if he did not have to spend his money on the improvements he'd be glad to. Chairman Hunter

described a number of emails in opposition to this application, and that this needs further extended discussions and probably warrants protesting to establish the ANC as part of the negotiations sanctioned by ABRA. Neighbor Andy King identified himself as one of the signers of the existing voluntary agreement, and indicated that neighbors have been working with Dante on the viability of his proposed designs, and added that neighbors are definitely not in favor of dumping the traffic onto 14<sup>th</sup> Street. Commissioner Spalding moved that ANC1B protest the application on the basis of peace, order and quiet, noting that the roof deck solution may indeed be the favored solution, but without having the design or details and further discussion with neighbors we can't support the choice at this time. Motion was seconded by Chairman Hunter who asked interested community members to let him know of their interest so they can be included in negotiations. Dante asked that negotiations be expedited. Commissioner Mathews indicated that he preferred the idea of maintaining control of the patrons rather than spilling them out into the street, and that he was inclined to support the application. Motion was adopted (9-1 with Commissioner Mathews voting nay).

Commissioner T. Smith presented a voluntary agreement with Chuck's Market for the ANC's approval, and it was reviewed and moved, seconded and adopted (9-1 with Commissioner Mathews voting nay).

Voluntary agreement review for Eleven Market was considered from tabling last month. Chairman Hunter stated that it is not ready for review. There are additional terms that need to be negotiated with the owners. Specifically we need to address the loitering that goes on in front of the store, the drug use that goes on in front of the store, the drug trafficking that goes on in front of the store, and that if you eliminate the sale of rolling papers, blunts, and sales of Mad Dog 2020 and other cheap wines we might be able to get some relief for nearby residents. Consideration was tabled to the June meeting.

Chairman Hunter introduced consideration of application for an entertainment endorsement for Delicatessen Judy. Chairman Hunter asked owner Mr. Lopez if he had previously met with Ernest Springs of the Meridian Hill Neighborhood Association, and Mr. Lopez indicated that he had. Mr. Springs stated that he and community members had met with the business owners and discussed the terms of the application. They have agreed to language that better defines the nature of the operation in terms of the entertainment, and also the frequency and hours of operation. They do have language that both the owner and residents can support. Chairman Hunter asked if we could approve this application based on using the language developed by MHNA and the owner, and Commissioner Spalding noted the approaching petition date and suggested that we would be safer protesting the application with the understanding of moving to approval with incorporation of the revised language. Chairman Hunter moved to protest

the application on the basis of peace, order and quiet, and that we proceed immediately to revising the application to include the MHNA language into the entertainment endorsement application or a voluntary agreement leading to support of the application, and it was seconded and adopted (9-1 with Commissioner Mathews voting nay).

Commissioner Moss introduced consideration of an entertainment endorsement for Abiti Restaurant. Commissioner Moss indicated that this was a new business and that she did not know of any community opposition and would move to support the application. Owner was present and described the entertainment. Commissioner Spalding responded that he had introduced this application to a meeting of the Westminster Neighborhood Association, and that they had overwhelmingly opposed this application. I would also note that ANC1B did oppose the changing of the zoning underlying this use specifically to guard against uses with a negative impact on residential communities surrounding this area. I understand your desire to have this entertainment, but I will have to oppose based on the reaction of my constituents living near your establishment. Owner stated that it was important for him to have the entertainment to stay competitive with the numerous other businesses on the block. Chairman Hunter asked if this was traditional Ethiopian entertainment, and owner responded that it would be the only outlet for this type of traditional Ethiopian entertainment in the District. Chairman Hunter asked if owner would be willing to enter into an agreement with neighboring residents that this type of music would be what was provided, and owner agreed. Commissioner Stephens asked who he was specifically competing with, and the owner responded that there are a lot of restaurants nearby. Jeffrey Willis stated that he lives near the restaurant confirmed that neighbors are definitely concerned about the proliferation of licenses and entertainment in this block. It is a high crime spot and neighboring residents have been hoping that the Commission would work to tamp down the proliferation of liquor licenses and entertainment in this specific area. Commissioner Moss stated that she has not received any feedback on this particular site, and Mr. Willis responded that he has been sending Commissioner Moss emails detailing community concerns with these issues. Chairman Hunter responded that though he would vote to oppose the application that once the hours of operation are worked on this should be resolved. Commissioner Moss withdrew her motion to support. Commissioner Moss offered a motion requesting that the Commission protest the application, and work towards a voluntary agreement based on the hours during which the music can be played, and it was seconded. In a roll call vote Commissioners Moss, Spalding, Hammonds, Hunter, M. Smith, Z. Wright voted yea, and Commissioners Stephens, Akinmboni, T. Smith and Mathews voting nay, motion passed on a vote of (6-4).

Commissioner Spalding introduced consideration of an application for an entertainment endorsement for Alero. This is the Mexican restaurant housed in the Ellington apartment building, and does include both a summer garden and, despite our objections, patio space along 13<sup>th</sup> St. The request is for “Disc jockey, dancing, cover charge, live entertainment

small band three people” with the hours of live entertainment listed as Sunday thru Tuesday 6PM to 11:30PM, Wednesday 8PM to 11:30PM, and Thursday thru Saturday 8PM to 2AM. Owner and his attorney Michael Fonseca were present to address the application. Mr. Fonseca handed out a packet of documents, and indicated that the Commission should pay attention to what has already been approved by the ABC Board. The original application includes as its nature of operation “New restaurant, with live entertainment, to include a four piece combo, and dj with dancing for patrons, summer garden.” Mr. Fonseca then noted the copies provided of the original ABRA application business and premise document detailing the hours of operation and nature of entertainment to be provided. Mr. Fonseca explained that with the new entertainment endorsement process ABRA administrators are reviewing original applications against entertainment endorsement applications, and when there are inconsistencies they are placarding the changes. The one conspicuous change between the documents in this case is the cover charge, which previously was handled by public hall licenses, but now it can be part of the entertainment endorsement process. It would also be possible to read the original application to indicate that the bands would be on Wednesdays, and the entertainment endorsement to read that they could be on all days. Chairman Hunter asked the owner when he planned to have live entertainment, and owner responded only on Wednesdays. Hours of the Wednesday performances were discussed. Chairman Hunter asked when the dj would be used, and owner responded primarily on the weekends and up to the closing time. Commissioner Spalding stated that the language needs to be refined since it’s too broad for ABRA to enforce or community members to understand. I want the owner to understand that this license has not been without problems in the last few years. I have received complaints from a number of residents of the Ellington. I do know that residents have been forced to move to other parts of the building since they could not live in proximity to the restaurant. I also know that the management of the Ellington, Bozutto, have had a difficult time getting your business to respond to residents complaints. It certainly appears that you are having difficulty understanding that your business is located immediately underneath a large number of our constituents. The volume of your business is influencing the normal enjoyment of their lives. I have also spoken with the owners of this building, and note when this business was first presented to this Commission I asked about the effect of noise on the residents, and both Donatelli & Klein and you assured me that your business would not affect these new residents. I do not think that this application shows any appreciation for the concerns of these constituents. I do think we can work with the language of this application to forge an agreement that respects your neighbors. We are also going to have the opportunity to review the renewal of this license in the next year, and all of the difficulties presented by this business can be considered at that time, however, I would suggest that this might be the time to start addressing community anger at your business practices. Mr. Fonseca offered to enter into negotiations to better define what is being applied for, with the understanding that most of these practices have already been approved by the Board. Commissioner T. Smith asked about the private parties and the use of a dj, and how often this is expected to be a part of the schedule. Owner responded that this would occur maybe once a week. Ellington resident Chris Pistilli stated that he is one of many residents of the Ellington who want to speak to this application. Alero is a terrible neighbor who has made the lives of many fellow tenants entirely unlivable.

There are people who can't sleep, and others who can't enjoy living in their apartments every day of the week. I know that Alero regularly violates the noise ordinances. There are twelve residents currently who are planning to separately protest this application with the liquor board. We just want to get to the point where we can sleep at night in our own apartments. Another resident of the Ellington stated that they are only asking that Alero be a good neighbor. She lives on the third and fourth floors of the building, with one apartment buffering between her apartment and Alero. At times she has to go to the fourth floor and shut the doors and still has trouble sleeping at night. This building was not designed to house a nightclub. Another resident complained that noise from Alero comes through the vents in his bathroom, and I've called Alero over a dozen times. There are outside speakers in the summer garden below my apartment, and when they have had dj parties the noise is unbearable. Even when the restaurant is full of patrons the noise is not intolerable, but when they have the dj it's just impossible. If this continues I'll have to move. I have tried to work with the building management, but it doesn't seem to have any lasting influence on the problems. Another resident offered to allow Commissioners to visit her apartment to experience the noise. Another resident stated that he can only watch his television by wearing headphones. Commissioner Spalding moved to protest the application on the basis of peace, order and quiet. Motion was seconded and adopted (10-0).

Commissioner Moss introduced consideration of renewal of Class A license for Joe Caplan Liquors located at 1913 7<sup>th</sup> St. This has been in business for the past five years, and I know of no ABRA or police infractions. The owner has been involved in community activities in LeDroit Park, and I move to support this renewal, and it was seconded. Commissioner Spalding asked if there was another Class A located near this one, and Commissioner Moss indicated that there was. Motion passed (10-0).

Commissioner Moss introduced consideration of renewal of Class A license for Serv-u-liquors located at 1935 9<sup>th</sup>, and also an application for substantial change to extend the weeknight hours from 9PM to 10PM. Commissioner Moss stated that she is opposed to extension of the hours of operation. Commissioner Moss moved support of renewal of the license, and opposition to the extension of the hours to 10PM. Chairman Hunter asked if there were any stores nearby that were open until 10PM, and owner stated that he did not know. Commissioner Spalding responded that there are two Class A licenses in the block, and that he thinks the hours are the same as the existing hours for this business. Commissioner Spalding stated that he brought consideration of this license to Westminster Neighborhood Association on this license and the extension of hours. There is a great deal of concern about the concentration of licenses in this block. There are twenty-four commercial buildings in the block and currently fifteen liquor licenses with two more currently being applied for. I'm not sure that there is any justification for two Class A liquor stores on the east side of this block, but it is hard to single out one

business over the other. Motion was adopted (9-1 with Commissioner Spalding voting nay).

Commissioner Spalding introduced consideration of renewal of Class A license for Bestway Liquors located at 2011 14<sup>th</sup> Street. There are no specific ABRA issues, and when I asked the community for comments they ranged from concern over plexiglass dividers to the disappointing inventory in the store, but no specific complaints on which to base a protest of the renewal. Secretary Spalding noted that owners were not present despite having been sent notification. Commissioner Stephens indicated his difficulty with license holders not appearing, and suggested that we just be silent on this application. The Commission took no position on renewal of this license.

Chairman Hunter introduced consideration of Class A renewal for Florida Liquors located at 2222 14<sup>th</sup> Street. This is the liquor store on the corner of Florida and 14<sup>th</sup>, and has been in this location for a long time. I have received complaints about this store, and I think there are improvements that can be made to this business to make it a better neighbor. Specifically the inventory and the physical appearance are concerns. We are also experiencing some loitering on this corner. I think that this renewal deserves a protest at this time with the hope and expectation that we can reach a voluntary agreement on the issues that have been raised. Chairman Hunter asked how long the store had been in operation, and owner replied he had been in this location for fifteen years. Chairman Hunter explained that we are not saying that we don't want you to remain there; however, we do think that there are improvements that need to be made. Owner stated that he is working on the physical improvements to the building. He stated that he is also listening to suggestions regarding the inventory and will try to adjust. Commissioner M. Smith stated that he walks by this store multiple times each day, is a patron of the store, and suggested that progress is being made. Katherine Rhodes, who lives near the business, stated that she has spent numerous hours sweeping up the no name vodka bottles that obviously originated in the store. I have also regularly watched people urinating and defecating behind the store and next to her home. These people are thoroughly inebriated and I've watched them go back to the business and then come back out with more alcohol. There is an obvious case of this business selling to inebriated clients. Chairman Hunter moved that the Commission protest the renewal based on peace, order and quiet, and it was seconded and adopted (9-1 with Commissioner Mathews voting nay).

Commissioner T. Smith introduced consideration of renewal of the Class A license for Harvard Liquors located at 2901 Sherman Ave. Commissioner T. Smith noted that this is one of three liquor stores located on concurrent corners of Sherman Avenue. We are experiencing public urination, loitering, and this is also a major route for teenagers

through the community who are witnessing these activities. Commissioner T. Smith moved that the Commission oppose this renewal based on peace, order and quiet, and that we include the Pleasant Plains Civic Association in negotiations, and it was seconded. Commissioner Spalding noted that at the last renewal period for this license the previous Commission unanimously voted to protest the renewal, however, the SMD Commissioner at that time failed to appear before the ABC Board on a number of occasions and the protest was dismissed by the ABC Board. Motion was adopted (8-0).

Commissioner T. Smith introduced consideration of a grant application from Sankofa Arts for \$3,500 to support an ongoing community program featuring open mike poetry, singing, and traditional music playing. It has been a significant improvement to my SMD in the past few years helping keep youth occupied and out of trouble. Applicant stated that the funds from last year's grant allowed them to purchase a sound system. We regularly have thirty to seventy people attending and participating just off Georgia Ave. We're asking to take this to the next level for this year and keep it growing. We recently got a grant from the DC Commission on the Arts and Humanities, and we're asking for a matching grant from the ANC so that we can maintain the sound system and give like five bucks to the features. Bomani Armah added that he had been the original sound system using his car. We need to step up the acts. Chairman Hunter questioned the purchase of the equipment with last year's grant, which is a problem for our guidelines. If you purchase the equipment then the ANC has to retain control and ownership of the equipment. Owner responded that his recollection was that the Commission had encouraged them to purchase the equipment so that they wouldn't have to come back each year for more funds. Commissioner Stephens stated that if that is the case, then it is an error that will need to be rectified. Chairman Hunter stated that it was his recollection that they would be offered the grant, and that they would use the funds for portions of their expenses that we could support, and that then their own monies could go towards the purchase of the sound equipment. Chairman Hunter stated that we do need to go back and review last years grant and compliance with that grant. Chairman Hunter asked for the amount of this year's grant, and applicant responded \$3,500. Chairman Hunter explained that the maximum amount of grants by our rules is \$1,000 and we cannot offer grants to the same applicant unless a year has passed. Applicant responded that there are more than one organization named in the application Positive Productions, Black Out Arts Collective, Sankofa Books and Video and the American Poetry Magazine. Chairman Hunter expressed his concern with the amount of the request and stated that he could not support the application at that amount. Commissioner Smith argued that this is a series of events not one event, and we're providing a way for youth to avoid getting into trouble. Chairman Hunter responded that we didn't spend \$3,500 on the Duke Ellington Festival this year, and Commissioner T. Smith responded that we were willing to spend \$10,000 of the community benefits package to put up signs in LeDroit Park. Treasurer Stephens stated that there had been difficulty getting this applicant to supply the receipts within the stated sixty days, and that we need to reinforce the importance of doing so. Commissioner Mathews stated that this is exactly what the ANC should be supporting. This is a grant requesting a match of a grant that they have already gone out and gotten,

and I think we should support this grant in full. Commissioner Akinmboni cautioned that we need to assure ourselves that these grant applicants are using the monies for the reasons they have stated. Treasurer Stephens cautioned that we should not repeat the situation of buying equipment, and Chairman Hunter asked the applicant to state what the grant monies would be used for, and added that in the presented budget attached to the grant application the money would be used for honorariums for the performers and producers. Commissioner T. Smith moved that ANC1B support the grant in the full amount of \$3,500, and it was seconded. Commissioner Spalding asked to return to Treasurer Stephens note earlier in the meeting that the Commission has already spent most of the money budgeted to grants for this year. I understood a reason behind the budget that we passed, and I'm now not going to be entertaining any grant applications for the duration of 2006. I think this is unfortunate, but it is the reason that I'll be voting against this grant, the grant next on our agenda, and the rest of the grants that come before us in the next eight months. Chairman Hunter responded that this Commission did make a budget, and we budgeted a lot of things that we have not spent money on. So if we need to revisit the budget in order to be able to give the community grants then fine, let's put the ANC's budget on the June agenda. Motion was called, and Commissioners M. Smith, Z. Wright, Akinmboni, T. Smith and Mathews voted aye, and Commissioners Spalding, Hammonds, Hunter, Stephens voted nay, and the motion was passed (5-4).

Commissioner T. Smith introduced grant application from DC Caribbean Carnival grant application for \$2,000. This celebration starts up on Missouri Avenue and terminates at Banneker Park, and generates a lot of income for the city. No representative of the applicant was present. Commissioner T. Smith moved support of the grant. Commissioner T. Smith, in response to Commissioner Spalding's comment that grant money had been exhausted added that he doesn't care how much money the ANC has spent this year since not much has come to my single member district, and I have just a few events that happen every year. Motion was seconded. Treasurer Stephens noted that the event is not until June 24<sup>th</sup>, and since the festival organizers have failed to appear to answer questions that we defer consideration until our June meeting. Commissioner T. Smith refused to accept this suggestion. Commissioner T. Smith stated that the organizers did provide receipts last year within the sixty day period. Motion was called and prevailed (7-2).

Commissioner Stephens introduced presentation on Level 2's PUD application for the Nehemiah Shopping Center site. This will be formally submitted to Zoning next week, and they are seeking our conceptual support for the design and community benefits. Jeff Blum and David Franco presented boards showing the design. This is in the 2400 block of 14<sup>th</sup> and will represent 225 condominiums above 20,000 square feet of retail. They have had initial meetings with the Office of Planning to make sure that the design is in compliance with the Comprehensive Plan, and additionally have met with Steve Callcott of Historic Preservation Office since we are next door to the historic district. The façade

has been lowered along Chapin Street reflecting the existing streetscape. The largest bulk of the massing is along 14<sup>th</sup> Street, and the building's upper floors are stepped back on the Belmont St. façade. In the benefits package we are following the Office of Planning's guideline for 15% of the bonus density to be provided as affordable housing. We will be doing a green roof, and participating in the LSDBE program. There is also a cash portion of the benefits of approximately \$125,000. We would like to see \$100,000 of this to go to a public private partnership to open a retail store in the building that will serve the community with the stated purpose of providing entrepreneurial and business training for neighborhood teens and young adults. Also, along with some contributions to neighborhood organizations would be support for a program called Samaritan Inns 'Combating Homelessness and Addictions, Rebuilding Lives.' Chairman Hunter asked about their plans for vetting with community organizations, and Mr. Blum responded that they have already presented to SOCO, and we have plans to meet with MHNA and the Belmont St. Association. Scott Pomeroy recommended that they also consider the Green Team program recently supported by the DC Government, but restricted to south of Florida Avenue. Extending this program north of the Florida Avenue boundary would be beneficial to the retail tenants of the proposed development. A representative from the newly formed Belmont Street Association stated that they think the building too large and dense for its site. Chairman Hunter responded that Level 2 was just looking for conceptual approval tonight, and this would not preclude the Commission from full participation through the entire PUD process. Commissioner Stephens responded that we currently have a suburban shopping mall in the middle of the city, and it is a significant detriment to the neighborhood. I feel the basic concepts outlined here tonight are things that the ANC can support. A mixed use residential/commercial dense development on this corridor should be supported. The public benefits articulated are consistent with this Commission's concerns over the past few months, and I look forward to a more intense look at the details. Commissioner M. Smith supported Commissioner Stephens's comments with the guidance that they continue to keep the neighborhood residents fully informed through the process. Mr. Franco responded that they had done so, so far, successfully with their other project on 14<sup>th</sup> Street, and that as residents and developers in the community they were committed to continue doing so. John Adams congratulated them on the design, but asked that they consider adding more affordable units to the project. Mr. Franco stated that they are complying with OP guidance on the affordable component. They do also have an extremely costly environmental remediation problem with the site that will cost in excess of a million dollars to address. Cheryl Cort expressed support of the basic concept while suggesting that negotiating a larger affordable housing component should be pursued. Commissioner Stephens moved that ANC1B support the plans for development of this particular parcel changing towards a higher density with mixed residential/commercial uses, and that the scope and nature of the benefits package be worked out with ANC and neighborhood association participation. Motion was seconded, and in a roll call vote Commissioners Spalding, Hammonds, Hunter, M. Smith, Stephens, Z. Wright, and Akinmboni voting yea, and Commissioners T. Smith and Mathews voting nay, the motion was adopted (7-2).

John Sebastian from DCWASA presented information on the lead service line replacement program. Ms. Rachel Lazarus spoke to five streets in the area that would be worked on in the next few months. Commissioner Mathews asked if notifications had been sent to residents of the affected blocks, and Ms. Lazarus stated that they had already gone out. Work will be coordinated with DDOT's street work.

Chef T from Crème Café presented his application for unenclosed café seating just outside the entrance of Crème Café in the 1300 block of U Street. Commissioner Spalding responded that he wanted to suggest missing pieces from one of the most incomplete applications he'd seen. If you had sent me a tomato salad that looked like this application I'd send it back to your kitchen. We need to know the following: the length of the rental period, the hours of weekday use, the hours of weekend use, the maximum number of tables and their design, the maximum number of chairs and their design, a written agreement from the property owner endorsing the application, information on the use of umbrellas or signage, and agreement that furniture will not be placed in public space earlier than a half hour prior to opening and that it will be removed promptly after closing. Commissioner Spalding offered to proceed with support of the application conditioned on Crème's providing the answers to the list provided earlier, and Chef T. agreed to the terms. This was made as a motion, and seconded. Motion was adopted (8-0). Aileen Johnson of Wallach Place spoke to the narrowness of the sidewalk in this area and cautioned that there may not be enough passage way for pedestrians in this area.

Chairman Hunter spoke to the current controversy over church parking. Working with the task force in Logan Circle the double parking has been fixed. It did not require giving tickets to people attending church services. I would like to see this ANC use this same process with churches in our territory. Chairman Hunter moved that ANC1B form a task force to deal with church parking, and that we make membership available to all Commissioners and also community members. Clyde Howard asked that this dialogue be extended to accommodating Friday and Saturday night parking crunches here near the activities on U and 14<sup>th</sup> Streets. Frank Shulman asked about the current parking and travel lane situation in the 900 block of S Street, and Chairman Hunter offered to meet separately with him to discuss the situation. Motion was seconded and adopted (8-1).

Chairman Hunter spoke to ongoing discussions to get the Reeves Center parking garage opened for more use. A meeting of concerned parties will be held in Councilmember Graham's office next Friday.

Motion to adjourn and meeting adjourned at 10:25PM.

