



# **ADVISORY NEIGHBORHOOD COMMISSION 1B**

## **Government of the District of Columbia**

### **Minutes**

**Thursday, May 7, 2009. 7:00 PM, Reeves Center, 2000 14<sup>th</sup> Street N.W.**

The regular monthly meeting of ANC1B occurred on Thursday, May 7, 2009, at 7:00 PM in the Reeves Center, Commissioner Brianne Nadeau being present as Chair and Commissioner E. Gail Anderson Holness present as Secretary. Other Commissioners present: Rosemary Akinmboni, Juan Lopez, Myla Moss, Sedrick Muhammad, Deborah Thomas, Peter Raia and Thomas Smith.

Chairperson Nadeau called the meeting to order at 7:17 PM and asked for introductions.

#### **Officers' Report**

#### **Secretary's Report**

Commissioner E. Gail Anderson Holness submitted the April 2009 meeting minutes for review and approval. There were no corrections to the minutes. Commissioner Anderson Holness moved that ANC 1B approve the minutes for the April 2, 2009 meeting.

Commissioners Thomas and Moss seconded the motion.

The motion was adopted unanimously, 7-0.

#### **Treasurer's Report**

Commissioner Lopez noted that all Commissioners have received the Treasurer's report for May 2009. The current bank balance is \$90,651.75.

Commissioner Lopez moved that the Commission approve reimbursement to Phil Spalding for web hosting fees in the amount of \$29.97.

Chairperson Nadeau seconded the motion.

The motion was adopted unanimously, 7-0.

Commissioner Lopez noted that he had conferred individually with each Commissioner regarding the data for the second quarter report to the D.C. Auditor. He moved that ANC 1B approve the second quarter 2009 report with the proviso that receipts for one

grant have yet to be submitted to him, and that Commissioner Smith will be submitting those receipts so that the report will be fully compliant.

Commissioner Akinmboni seconded the motion.

The motion was adopted unanimously, 7-0.

Commissioner Smith noted that Mr. Jacob Ortiz has been delayed in submitting the report on the Howard University grant due to his mother's illness. He has had to go to New York City to care for her. Commissioner Smith has just received all of the information and will be presenting it very soon.

## **Events and Announcements**

### **Commission**

Commissioner Smith announced that on May 20<sup>th</sup>, the G-2 Café and Lounge would be opening. It is located at 2632 Georgia Avenue NW. He observed that Georgia Avenue has been underserved by good sit-down restaurants and that this business is a great contribution to the improvement of the area. He commended Commissioner Thomas for assisting the business owner in getting his establishment up and running.

Commissioner Muhammad announced that the South Columbia Heights Neighborhood Association, of which he is the President, is holding its monthly meeting on May 20<sup>th</sup>, beginning at 7:00 PM. Fire/EMS Chief Dennis Rubin will be the guest speaker.

Commissioner Thomas announced that the Meridian Hill Neighborhood Association would be staging a neighborhood cleanup on Saturday, May 16<sup>th</sup>, beginning at 10 AM. Flyers will be distributed before the end of next week. She also announced that the Shaw Collaborative and Councilmember Jim Graham are initiating a summer youth employment program for the 1400 block of W Street NW. The goal of the program is to employ youth from the neighborhood in maintenance and cleanup jobs working with the property managers of the apartment residences on W Street and adjoining streets, resulting in youth investment in the neighborhood and a reduction in vandalism and other street crime.

Regarding the Meridian Hill Cleanup Day, Chairperson Nadeau added that people would be meeting at 10:30 AM on Saturday May 16<sup>th</sup> on the 1400 block of Florida Avenue NW, so all who want to participate should gather there.

Commissioner Raia announced that a grant would be submitted next month for Arts Under the Stars 2009. Commissioner Nadeau asked when the application would be submitted and observed that the Commission should have it a month in advance of consideration. Commissioner Raia indicated that Commissioner Smith is handling the details. Commissioner Smith said that Sankofa is the group applying for funds for the event and that he has all the materials. Commissioner Nadeau asked Commissioner Raia to e-mail the application to everyone tomorrow, May 8<sup>th</sup>, which would satisfy the one-month advance notice requirement.

Commissioner Akinmboni announced that a foreclosure workshop is being held on May 16<sup>th</sup>. If anyone is facing difficulty with his or her mortgage or possible foreclosure, this workshop will be very helpful. For more information, people should call 202-442-7200. The workshop is free.

Commissioner Smith reminded everyone that Howard University's graduation ceremonies will be held this coming weekend, May 9-10, and that everyone should be aware that Georgia Avenue, Sherman Avenue 4<sup>th</sup> Street, and Barry Place will be very busy starting this evening through Sunday.

Commissioner Anderson Holness announced that ANC 1B11 is continuing its empowerment project every third Saturday at the Ledroit Keller-Miller Senior Building from 10 AM to 2 PM. This includes a computer-learning project for seniors, story telling for children and a book drive. Right now, the project has received so many books that we are asking people to hold off until the books can be donated. She also announced that ANC 1B11 will be holding its regular monthly meeting (second Monday of the month) on Monday, May 11<sup>th</sup> at the same location, on the corner of 4<sup>th</sup> and W Streets NW. Commissioner Anderson Holness also shared with the Commission her pride in her daughter, who will graduate from Spelman College next Sunday in Atlanta, Georgia.

Commissioner Moss announced that the Gage-Eckington School is one of 22 schools that have been identified for closure by Chancellor Michelle Rhee and Mayor Fenty. The community, in consultation with the Deputy Mayor, has decided that the school building will be demolished in order to build a park. The community has been meeting with the Office of Planning over the past five weeks to plan the park. \$2 million has been allocated for construction. The building is scheduled to be demolished next month and construction on the park is due to begin in September. She also announced a very successful Community Day in collaboration with Howard University honoring the 16<sup>th</sup> University President, Dr. Sidney Ribeau, including a very successful cleanup throughout the community.

## **Community**

Mr. Paul Adams representing the Common Good City Farm, also located at the Gage-Eckington School, announced that the Farm is providing workshops for the community, including one this coming Saturday to teach people what to plant, where to plant and when in their own home gardens. There will be workshops every month and he referred people to a flyer available on the table for more information. The Farm also provides workshops for children who are interested in learning more about growing plants and vegetables.

Ms. Lan Thomas of Asian-American Lead, a leadership empowerment and development program for low-income Asian-American youth and families, announced that they would be holding a Lotus Festival on Saturday, May 16<sup>th</sup> from 1-4 PM at 1323 Girard Street N.W. The festival is staged by the children for the community and will include games and an open house with tours. She invited all to attend.

Ms. Luella Johnson, Community Relations Specialist with Court Services and Offender Supervision Agency invited everyone to a public safety forum they are co-sponsoring

with the Metropolitan Police Department Third District Citizens Advisory Council, The featured speaker us Third District Commander Kucik. Representatives of the Attorney General's office will also be participating. Information regarding parole, probation, youth crime and fire and safety issues will also be presented. The forum will be held Thursday, May 23<sup>rd</sup> at the Third District police station.

Mr. Reggie Kelly, representing himself, asked the Commission to support two legislative proposals currently before the City Council, the Omnibus Rental Housing Amendment Act and the Tenant Protection Act. These proposals will strengthen the position of residents in the city in relation to landlords and protect those who are temporarily displaced. There will be a hearing on June 4<sup>th</sup> at which people can express their support. He referred Commissioners and the audience to flyers available on the table for more information about the issue. Commissioner Muhammad asked him who is sponsoring the hearing. Mr. Kelly said that the City Council is holding the hearing.

### **Announcement of Executive Session**

Chairperson Nadeau announced that there would be an executive session of the Commission immediately following the public meeting to discuss the hiring of a Staff Director candidate. She observed that it is very difficult to get everyone together outside of the normal meeting date and asked that Commissioners stay after the meeting to resolve any questions regarding this staff appointment.

### **Public Safety Committee Report**

Commissioner Moss reported that the ANC 1B/PSA 305 Public Safety Committee regular monthly meeting is held on the first Tuesday of the month. Although the current location for the meeting is the DC Public Housing Finance Agency at 9<sup>th</sup> and U Streets NW, the Committee has voted to rotate the location of the meeting among the other Single Member Districts of ANC 1B. The Committee is meeting with Commander Kucik and other police officials to work out the arrangements for rotating meeting locations.

At this month's meeting, Lt. Holmer of MPD reported that there has been an increase in auto thefts in ANC 1B. With the summer months approaching, Lt. Holmer emphasized that it is very important for people to be sure they leave nothing visible inside their cars. GPS systems are a prime target for auto thieves. Plain-clothes officers and increased foot patrols are working on these and other crime issues, utilizing ten-hour "power shifts" that begin at 7:30 PM. MPD is doing all it can to combat crime, and it is important for citizens to be proactive, take precautions and be conscious of their surroundings.

Chairperson Nadeau added that the Public Safety Summit that has been under discussion is still on the agenda. She has been coordinating with Commander Kucik, who would prefer to have the different PSA lieutenants meet with the Commission, but they are rather difficult to schedule. We do not want to take them off the streets any more than necessary, so we are still working on scheduling issues.

Commissioner Muhammad noted three other public safety issues since the last Commission meeting:

- On Friday, April 3<sup>rd</sup>, there was a water main break on 11<sup>th</sup> Street between Fairmont and Euclid and in one apartment building the fire alarms were affected. This was in ANC 1B09
- On Saturday, April 25<sup>th</sup>, there was a shooting at 1418 W Street. A man was shot in the abdomen.
- This morning, there was a double shooting. A man and a woman were shot in a car in the 1200 block of Clifton Street. The police canvassed the area and found a weapon.

Commissioner Muhammad reiterated his support for holding consistent public safety meetings and for the Chairperson's continuing work, with the Commission's support, to arrange a public safety summit meeting. These are both critical efforts.

Commissioner Moss reported that the owners of restaurants and liquor stores on 9<sup>th</sup> Street are going to implement a "reimbursables" plan, a pooling of funds to pay for increased patrols by MPD officers on the 9<sup>th</sup> Street corridor during the night hours.

### **Consent Agenda**

The Chairperson noted that there are no items for the consent agenda.

### **Presentations**

#### **U Street Mural Project**

Chairperson Nadeau noted that this project came before the 2008 Commission in December and was approved then. This presentation is a report on the status of the project.

Mr. Joel Bernger reported that the Afro-Columbian Mural Project is funded by the DC Commission on the Arts & Humanities. A community of Afro-Columbians, who have been displaced from their homes and have received political asylum, now lives in Washington, D.C. Mr. Bernger is a mural artist who has interviewed members of this community and has travelled to Columbia to meet and interview members of their families and conduct research. He is creating a mural that will celebrate the Afro-Columbian culture and depict the current social conflict in Columbia, which is not generally known or understood in the United States. Work on the mural will begin in June. In late July, the mural will be officially presented at a community event featuring Columbian food, dancing, and presentations by members of the Afro-Columbian community describing the situation in their country.

Mr. Bernger noted that the Commission expressed concern in December that, because U Street is a historic district, he might need a permit for the mural. He has investigated that question and reported that murals do not require a permit as long as the building owner gives permission.

Commissioner Muhammad asked where the mural would be located on U Street. Mr. Bernger described the location as the building on the northeast corner of 13<sup>th</sup> and U

Streets NW. An alley is located at the east end of this building and the alley wall is where the mural will be located. People walking west on U Street from 12<sup>th</sup> to 13<sup>th</sup> Streets will be able to see it.

### **New Summer Youth Athletic & Academic Clinic**

Chairperson Nadeau observed that many people were present for the U Street Hotel presentation, which was next on the agenda, but that one additional very short presentation was being added before the hotel item. She called on Commissioner Smith.

Commissioner Smith described a new summer youth program he is developing in collaboration with Tennis at Shiloh, the D.C. Grays Negro League baseball team, and teachers from Teach America. This is an athletic and academic clinic, with tennis and softball lessons in the mornings and academic clinics at Banneker High School in the afternoons. This program is unique because it targets middle-school youth in grades 6-8. However, working with Pro-Urban Youth, high school students will also be involved as staff and mentor to the younger students. This will provide high-school students with some income and a way of satisfying their community-service requirement for graduation. In addition, an agreement with Howard University allows summer school students from Howard to provide mentoring and teaching assistance in exchange for free summer housing.

Commissioner Smith noted that an information packet outlining the schedule and content of the clinics is available and that each Commissioner has received one. He stated that one of the goals of the program is to get youth off the streets from 8:30 AM to 4:30 PM. During this time, they have nothing to do, parents are away at work, and the police are stretched thin with many other demands. He described the project as a pilot program that has been submitted to Councilmember Harry Thomas, Chair of the Parks, Recreation and Libraries Committee. Councilmember Thomas is inspired by the program and is working on the budget to provide funding so that the Department of Parks and Recreation can adopt it and continue it on a permanent basis. There is a \$35.00 application fee to make sure that youth who participate take the program seriously, but otherwise there is no cost to participate. This contrasts very favorably with other summer programs that charge as much as \$250.00 per two-week session or \$500.00 per month. One program in Georgetown costs \$4,000. Many youth in this neighborhood cannot afford such large amounts. Commissioner Smith stated that it is time for the City Council to utilize stimulus funding to put the city's money where its mouth is. Let us stop blaming kids or parents and instead provide a vehicle for them to get involved, develop pride and self-confidence, and engage in positive actions and achievements.

Commissioner Smith moved that the Commission express its support of this program.

Commissioner Moss seconded the motion.

The motion was adopted unanimously, 9-0.

## **U Street Café**

Commissioner Raia introduced Jim Sullivan, the owner of the U Street Café, to make a brief presentation. Mr. Sullivan stated that he and his co-owner moved into the space previously occupied by Mocha Hut about four weeks ago. He introduced the manager and one employee who were also present and observed that they know the neighborhood very well. This is a casual café, open from 6:30 AM to 11:00 PM weekdays, opening one or two hours later on weekends. They have applied for a stipulated liquor license and propose to serve four types of beer and wine and a limited number of coffee-based liquor drinks, such as Irish Coffee. The selection will be limited. They will not have a full bar.

Commissioner Raia stated that the application has not yet appeared in the D.C. Register but is before ABRA. To avoid a 60-day delay in opening the business, he would like the Commission formally to support the application now.

Commissioner Raia moved that ANC 1B support U Street Café's application for a stipulated liquor license. Commissioner Smith seconded the motion. Chairperson Nadeau expressed concern that the community may have been misinformed about the consideration of this issue because it should have been placed under the Liquor Licenses section of the agenda. However, she also observed that she would like to support the application. The Mocha Hut had also had a liquor license and there were no objections from the community. Commissioner Raia observed that U Street Café would also enter into a voluntary agreement, as had the Mocha Hut. Chairperson Nadeau noted that the Commission would be reviewing that agreement.

The motion was adopted unanimously, 9-0.

## **Issues Not on the Agenda**

Mr. Whit Mayes, Director of the Samuel J. Simmons Senior Residence at 2801 14<sup>th</sup> Street N.W. asked the Commission for a letter addressed to the D.C. Housing Finance Agency, in support of their application for funds to renovate and expand the facility, adding 128 additional federally subsidized senior residential units.

Commissioner Akinmboni moved that ANC 1B support the application for renovation funds. Commissioner Anderson Holness seconded the motion. The motion was adopted 8 yes 0 no 1 abstain.

Chairperson Nadeau asked Mr. Mayes to give all necessary contact information to the Secretary of the Commission.

## **Design Review Applications and Design Committee Report**

### **BZA 17927 & 17928 – 775 Fairmont Street N.W.**

Commissioner Smith stated that a Single-Member District meeting was held last Tuesday, April 28<sup>th</sup>, instead of a full Design Committee meeting, since that covered the main issue. He introduced Christian Kelleher, owner of The Craftsmen Group.

Mr. Kelleher asked the Commission to support his company's application for a zoning variance to obtain a certificate of occupancy for two buildings in the alley at 775 Fairmont Street N.W. His company restores and reproduces millwork for historic buildings. He has been doing business in the District for many years and uses the two buildings for office and workshop space for seven employees.

Commissioner Smith reported that the main concern of the neighbors was that employees were parking in the alley and making it difficult for residents to back their cars out of their properties or turn around. After extensive discussion at the Tuesday meeting, the neighborhood agreed to support the application for a variance with the stipulation that the seven employees working in the two buildings must obtain visitors parking passes from MPD and park on the street, never in the alley.

Commissioner Smith moved that ANC 1B support the application for a zoning variance and certificate of occupancy with the stipulation that all employees of The Craftsmen Group must obtain visitors parking passes from MPD and park on the street, never in the alley.

Chairperson Nadeau asked if there was any community comment or questions before asking for a second to the motion.

A member of the audience asked that the company work with Cardozo High School to employ one or two students as apprentices. Commissioner Smith noted that this idea has been discussed and will be pursued.

Another member of the audience asked what millwork means. Mr. Kelleher said his business restores the worn out wood architectural elements of old and historic buildings. At least half their business is the replacement or restoration of old windows. Doors, cabinetry, floors and other elements are also involved. He said that his company has done all the window restoration at Eastern Market, Asbury United Methodist Church and a number of embassies.

Commissioner Moss asked about how trash and debris would be disposed of. Mr. Kelleher said all wood debris and other trash is stored on the property and is hauled away once a week by a private hauler.

Commissioner Anderson Holness asked about visitor parking permits. She asked why parking privileges are being afforded this business that are not provided to other businesses in the area. Commissioner Smith noted that this is part of the agreement with the community. No one wants to move them out of the community, and the District



does provide for the purchase of extended visitor parking permits. In this way, a legal form of street parking is provided and the District generates revenue.

Commissioner Anderson Holness seconded the motion.

The motion was adopted unanimously, 9-0.

### **Notice of Committee Meetings**

Chairperson Nadeau noted that Commissioner Moss announces all Public Safety Committee meetings on the listserv and asked that all Committees begin doing the same.

### **U Street Hotel**

Chairperson Nadeau called on representatives of JBG to update the commission on the status of their hotel project on U Street. She noted that the Historic Preservation Review Board would soon review the project. She also noted that JBG has appeared before the Commission before and that she has asked them to update the Commission specifically about concerns that were expressed at the previous meeting.

Commissioner Raia introduced Matt Valentini, representing JBG, and architect David Schwarz and said they would describe some changes they have made to the design of the proposed hotel.

Chairperson Nadeau noted again that the context is the Historic Preservation Review Board hearing. Commissioner Raia noted that the Commission would have to decide whether to send a letter of support and under what circumstances.

Mr. Valentini stated that JBG is seeking a letter of support for the construction of a new hotel at the corner of U and 13<sup>th</sup> Streets NW on the site of the existing RiteAid drug store. JBG holds a ground lease on the property and is excited about their proposal because they feel that the community very much needs an anchor for the U Street Corridor. A hotel offers several advantages over other uses

- A hotel does not require the same level of public facilities as does retail or other uses;
- A hotel will bring new revenue and new traffic into the neighborhood. The Washington DC Hotel Association says that every \$100 spent on hotel lodging brings in an additional \$175 spent on other activities, such as shopping, restaurants or transportation;
- :A hotel will create 150 permanent jobs, plus additional jobs in the underground parking garage and restaurants and retail stores which will be housed in the building;

In addition to the hotel, JBG hopes to introduce other amenities including a spa and a rooftop pool that will be open to the community as well as hotel guests.

Mr. David Schwarz described some of the design changes made in response to concerns expressed during their presentation to the Commission at its March meeting. Using computer-generated images, Mr. Schwarz illustrated the following changes:

- Reduced the mass of the building by relaxing the shoulders of the structure;
- Reduced the height of the building by removing one floor
- Raised the first and second story base on the front and the third story base on the back of the building

Mr. Schwarz showed illustrations of other tall buildings in the neighborhood to establish that the proposed building will fit well into the overall skyline. He stated his belief that the design team has done its best to be responsive to community concerns and to make changes that address those concerns. He referred Commissioners and members of the audience to the architectural model on display.

Chairperson Nadeau stated that the Commissioners would ask questions and make comments, followed by questions and comments from the audience. The Commissioners would then have another opportunity for follow-up questions or comments.

Chairperson Nadeau asked what the height of the revised design would be.

Mr. Valentini said the height is 87 feet from the curb to the top of the building. There is a setback from the parapet on the top floor and the additional structure puts the total height at just over 100 feet. The additional structure provides space for the fitness center and a gathering space.

Commissioner Raia observed that information on the Cardozo-Shaw Neighborhood Association website indicated the height would be greater than 100 feet.

Mr. Schwarz said that, at its highest point, the building is 118 feet 6 inches, which includes the penthouse and utility space.

Chairperson Nadeau noted that the building height is a major community concern and will have to be addressed in this discussion. She said she has talked with the Historic Preservation Review Board and they want to know two things:

- Does the Commission like the idea of a hotel at this location?
- What does the Commission think about the height and mass of the building?

She observed that the Commission has the obligation to convey the sentiments and concerns of the community, but also must remember that Commissioners are not experts on specific issues such as building height and other technical matters. She suggested that the Commission consider making a recommendation based on how we feel about the project overall, then enumerate specific concerns from the community, so that a letter can be sent that HPRB can work with.

She observed that the project must go through HPRB review and pass review by the Office of Planning and the Zoning Commission, so ANC 1B will comment on different aspects of the project as it passes through each of these review stages. In addition, depending on whether and how the Commission supports the project, it may also go through the Planned Unit Development (PUD) process, which allows further comment.

Chairperson Nadeau noted that Mr. Schwarz had optimistically described the design as “final.” She said, however, that there is no way the final product will come out looking like the design as currently presented. She observed that the RiteAid was built after the demolition of several beautiful historic buildings. The community has had many extensive discussions about how that corner should be used. ANC 1B took a position in 2005 supporting a medium-use space, more densely concentrated, because of the proximity of the Metro station. This fact informed her consideration of the issue. Also, right now, as a matter of right, a developer can build up to fifty feet on this lot, which is about the height of the building housing Starbucks directly across the street. She felt strongly that nothing great, nothing pretty or tremendous could be developed at a maximum of fifty feet. On the other hand, it does not have to be 118 feet either, which is the conversation Commissioners have been having with their constituents.

Commissioner Raia stated that he has received many e-mails and letters from constituents. The issue of concern in all of these is not whether JBG is a good business or a bad business, but the scope and mass of the project. With regard to this issue, Commissioner Raia offered the following notes:

- By definition, a small, luxurious “boutique” hotel offers premium services at a fashionable location. The maximum number of rooms for such a hotel is 150. However, the proposal is for 240 rooms. He obtained this definition through a Google search.
- Regarding the contention that this building is scaled to fit the corner and the surrounding neighborhood, ANC 1B supported the construction of the Ellington apartment building to a height of 65 feet. The developers got a waiver and constructed to 80 feet. This raises the question whether the community must take the first offer that comes along. Must we accept a hotel at 100+ feet? Could a hotel at 60 feet work? We do not know.
- Should the community be asked to absorb this building height so the developers can make their profit? We are told that this height is necessary to make the hotel work.
- The Commission must also consider what would happen to this building and how would or could it be used if the hotel does not succeed. What are we stuck with then?

Commissioner Raia said that all the feedback he has received and conversations he has had with constituents in his own Single Member District (SMD) and from surrounding SMDs lead him to feel that there is not much support in the community for the current proposed structure. He suggested that the Commission consider supporting the hotel at a height of 65 feet, then let them appeal for a waiver and see what they can get, instead of supporting a greater height, then having them build even higher.

Chairperson Nadeau noted that if the Commission does support the “matter of right” height, it is eligible to negotiate the PUD.

Commissioner Smith, responding to the first question posed by the HPRB, said that he does support the concept of a hotel at the location and in the neighborhood. Regarding HPRB’s second question, he likes the way the building is designed and the way the mass of the building is moderated, but the height is the major issue. He said he has received about 35 communications from constituents, the great majority of whom say they do not want the building to be any higher than the Ellington. He said the Design Committee has looked at the architectural elements, how the building would fit into the area and the economic impact of additional jobs. All of this is good, but the height is a problem. He said he understood that Commissioner Raia is reflecting his constituents’ concerns and so is he.

Commissioner Moss said she concurred with Commissioner Thomas’s comments. She strongly supports the idea of a boutique hotel on this site. She asked Mr. Ballentine if the hotel would work with eight instead of fifteen floors.

Mr. Valentini responded that JBG has a perfectly good operating asset, the RiteAid Pharmacy along with other retailers, on the site today. To make the project work, it must recover:

- Lost revenue from the existing retailers
- Cost of demolition of existing structure and preparation of the site
- Lost time during which no revenue is being received, a period of at least 36 months
- Significant construction costs of a new building

Based on this, JBG has estimated that they must have 230-250 room capacity for the project to be financially viable. Now that the revised design has eliminated one floor, the project is down to 239 rooms. If JBG were to go much farther, especially when financing is so difficult to obtain, the project will not be feasible.

Mr. Schwarz added that he has worked with a wide range of hotels, from 100 to 500 rooms. The Commission should keep in mind that the smaller the hotel is, the higher the price per room must be to cover costs. To keep the hotel affordable and accessible to the neighborhood, it must maintain a certain capacity. In response to a question as to why a smaller hotel could not have more rooms of a smaller size, he commented that the site is very challenging because it is narrow and long. The dimensions do not allow flexibility. The issue of room size and distribution was carefully studied and the layout as proposed allocates the smallest room size practicable. Commissioner Moss observed that there are some Federal guidelines regarding the standard size of a hotel room. She said that all understand we are operating in an austere budget environment, but she objects to having the “little people”, the small retailers on U Street squeezed again and having to “suck it up” because of cost issues. She asked if retail leases are expiring in 2010. Mr. Valentini said yes or in 2011. Commissioner Moss asked whether RiteAid's lease would continue to give them an interest in the property, although they are now in bankruptcy proceedings. Mr. Valentini said that RiteAid’s lease expires in

2026, and that RiteAid is a part of the development of the project. He further observed that because leases are expiring in 2010 and 2011, they would be working with the existing tenants to create a good retail plan, including the attraction of a signature restaurant. Commissioner Moss asked if the existing tenants would have “first right of refusal.” Commissioner Raia said that right is not included in the current leases. Commissioner Moss reiterated her understanding of the austere economic environment, but she did not believe that a super-Manhattan-sized hotel, which crowds people’s wallets and blocks the Ellington residents’ views, is necessary just to make sure that a conglomerate that makes billions of dollars can make a profit. She emphasized that she loves the project concept but we need to be clear that it does not have to be so big.

A representative of JBG said that they placed an invitation to a meeting to discuss the project under every apartment door in the Ellington, and that no one who attended the meeting opposed the building as designed. He said that they were very concerned to hear from the actual residents of the building, not the owner who receives the revenue. Since the owner spoke at the last ANC meeting, JBG thought it was important to speak to the voters who actually live in the building and find out what they thought. Everyone they talked with thought the hotel was a great idea.

Commissioner Moss stated that she believes that JBG and the architect have reached out to the community and kept in touch with the Commission.

Commissioner Raia said that JBG has had several meetings and people have attended, but the participants are all supporters of the project.

Commissioner Thomas stated her support for the concept of a hotel on the RiteAid site. She has received comments from her constituents, including e-mails from residents at Union Row. While a few do not want a hotel, it seems the majority does, and it is her obligation to represent the majority sentiment of her constituents. The major issue for them seems to be the height of the building, not the hotel itself.

Commissioner Smith asked for comments on the height. He observed that the opposition seemed to say, “Not that high” but he would like to know what height people think would be appropriate.

Commissioner Anderson Holness said that the communication from her constituents in SMD 1B11 is in favor of a hotel on the site, and especially in favor of the beneficial economic impact of additional jobs. No one in her constituency seems concerned about the height of the building.

Chairperson Nadeau opened the floor to comments from the community. In the interest of time and providing a fair opportunity to participate, she specified the ground rules for comment:

- Those who have already commented on the project at past meetings should not comment again so that others may have the opportunity.
- Those whose primary objection to the project is the height of the building were asked to register their opposition by registering their names and addresses on a

sheet being circulated through the audience, rather than making verbal comments.

- Those who wished to make a comment were asked to form a line to the left of the Chairperson and the Commission table. Comments were limited to 30 seconds per person.

Commissioner Moss asked that all participants conduct themselves and make their comments in a civil and courteous manner.

Mr. Rick Lee, owner of Lee's Flowers and Card Shop on the corner of 11<sup>th</sup> and U, spoke. He observed that they have been in business since 1945. He likes the idea of the hotel. However, he is concerned about the businesses that will be displaced by the development. He has heard that they will not be allowed to return and that is a problem. Some concessions should be made to retain those businesses.

Richard Fishman, property and business owner in the neighborhood, 1390 V Street NW, objected to the idea that the hotel would bring in more traffic. He said U Street does not need any more traffic, restaurants or bars. The new jobs will be mostly low-paying, low-skilled jobs. What we need are developments that empower people to get good jobs, using their brains and doing creative things, rather than menial work.

Jeff Speck, resident at 990 Florida Ave NW (SMD 1B02), is a professional city planner. He works nationally, and his clients include Charleston, SC, Oklahoma City, and Bethlehem, PA. He said he would offer unsolicited expert advice. He has no vested interest in the project. He supports the project. He thinks it is the right building, the right height, and the right location.

Scott Pomeroy, resident at 13<sup>th</sup> and V NW, supports the hotel and has no problem with the height. He asked the Commission actively to address the issues raised by Commissioner Moss, working with the City Council. He said there are things the Commission and Council can do to make the project work, whatever design decisions are made by HPRB and others. These things should be considered along with measures to mitigate the impact on existing tenants. All of this can be done as part of the PUD process.

David Schaeffer, owner of Urban Essentials on U Street, said he is probably the business owner present most immediately affected by the proposed project. He is in full support of the project although his business will be heavily impacted during construction. However, in his view the benefits greatly outweigh the downside. Regardless of building height, bringing something to that block would be of great benefit. He recalled when the site of the Ellington was a parking lot and there were no businesses there. Nobody thought U Street could make it. We need more businesses, more economic support for our neighborhood.

Jean Homza, owner of the 930 Club and representing the City Business Association, expressed very strong support for the project. She said that there has been much concern about keeping the U Street Corridor from turning into another Adams Morgan.

This development will keep that from happening. This is the one thing that will give businesses the support and daytime traffic they need to survive.

Mark Vonovich, a nine-year resident on T Street between 13<sup>th</sup> and 14<sup>th</sup>, said he is very excited about having a destination hotel in the neighborhood. He works and travels internationally and really wants to have a place where clients and personal visitors can stay near his home. His concern is that a world-class architect is present in the room and he wants him to speak to the issue of height and creating a landmark building as the discussion about height goes forward.

Lynn Coffin, 1929 13th Street, directly on the eastern side of the hotel, grows many plants in her yard and will lose fully 50% of the afternoon light because of the proposed structure. However, she does not care. What are important are the benefits for the neighborhood. She has lived here for nine years and she has seen the changes that have transpired. The hotel is important for continued growth and improvement. Without it, growth and improvement will stop and the neighborhood will stagnate the way other neighborhoods in DC have done. She said, "It's not about me, it's about the neighborhood."

Stuart Bynum, 2125 14<sup>th</sup> Street, has lived in Washington since 1971 and in the neighborhood since 2000. He said he supports the hotel but has a problem with the scale of the building. He noted that comparisons with other tall buildings in the area have not included setbacks. For example, the Reeves Center is 36 feet from the curb, and on the corner of U Street, is 63 feet. Even the apartment building has a great setback. [Time expired and Mr. Bynum was unable to continue.]

David Dennis, a storeowner on U Street, said that businesses really need the additional foot traffic and revenue that the hotel will generate. All this will generate additional tax revenue from his and other businesses.

Bob Morris, 2012 12<sup>th</sup> Street, lives on the top floor of his building and can look down on Ben's Chili Bowl and the RiteAid. He said that no one else on U Street is proposing to spend \$80 million on that corner. "It's way big and we've got to do it, regardless of height."

Natalie Avery, Director of the U Street Business Association, wanted to reiterate the point made by member retailers: it is very important to have a development that brings additional foot traffic to the U Street Corridor. She presented a petition signed by 30 retailers and a letter from Jason Claire and Eric Kole, owners of Vastu, who strongly support the project. She said the Association wants to work through the PUD process to address the concerns raised by Mr. Lee.

At the conclusion of public comment, Chairperson Nadeau commended the audience for a very civil and efficient discussion.

Chairperson Nadeau asked the audience to turn in the sheet registering those who oppose the building height. She read aloud the names of those registering their opposition:

R. Kelly, 2603 Sherman Avenue  
A. Johnson, 1343 Wallach Place  
J. Semani, 2125 14<sup>th</sup> Street  
John Quattlebaum, 2125 14<sup>th</sup> Street  
Cheryl Walter, 1330 Wild Place, the Ellington Ownership, c/o Donatelli Development  
Stuart Bynum, 2125 14<sup>th</sup> Street  
Mr. Richard Fishman, The Langston

Mr. Jeffrey Willis, 1947 Vermont Avenue, asked that his name be added to the list.

On request from the audience, Chairperson Nadeau asked Mr. Schwarz to address the question of how the change of design of the building might affect its landmark status.

Mr. Schwarz's comments were inaudible and could not be registered for the minutes.

Chairperson Nadeau suggested that a motion to support the project was in order. Commissioner Raia moved that ANC 1B send a letter in support of JBG's use of the space to construct a "by right" building with a 20% increase in height if needed. Chairperson Nadeau asked what 20% would be. Commissioner Raia said that would permit the construction of a 60-foot high building. Commissioner Smith seconded the motion.

Chairperson Nadeau asked if there was any further discussion and observed that a 60-foot limit was not a workable height.

Commissioner Raia responded that the motion is consistent with the Commission's action regarding the Ellington construction. JBG can advocate for a greater height limit with HPRB and others. Chairperson Nadeau said that she did not believe it was the role of the Commission to set specific height limits.

Commissioner Anderson Holness called for the question.

Chairperson Nadeau asked if there was any further comment from Commissioners. Commissioner Smith said the motion gives the Commission and community some flexibility to work with the height. It sets a limit, which helps protect the community, and enables future discussions and negotiations that could increase the height or otherwise modify the project in ways that ensure its viability while still protecting the community. Chairperson Nadeau asked when such a discussion would take place. Commissioner Smith said JBG would have to come back to the Commission and negotiate for a variance to the height limit. Commissioner Raia said that HPRB might grant them a higher limit, and then they would have to come back to the Commission. In the past, developers have gotten extra height from HPRB, not from the Commission.

Commissioner Lopez asked to clarify the intent of the motion to limit construction height to 65 feet. Commissioner Raia said the height limit for that lot according to the zoning is 50 feet, but they might be able to start at 65 feet just because of the Arts Overlay. The motion states the height rated for the lot by zoning with a 20% allowance. HPRB might allow them to go to 65 feet with the Arts Overlay; at that point, it will be up to JBG to negotiate for further increases.



Commissioner Anderson Holness asked why, if this is true, the Commission should bother stipulating a height. Commissioner Raia said this insures that the Commission's voice is heard so that when the project gets to the PUD process, the Commission has standing to negotiate.

Commissioner Akinmboni asked about the total height of the proposed building as currently designed. Chairperson Nadeau asked the Secretary, Commissioner Anderson Holness to read back the minutes regarding building height. Commissioner Anderson Holness read, "118.6 with the top for fitness center, etc." Chairperson Nadeau noted that the parapet would be 103 feet. Commissioner Anderson Holness said the correct height in her notes was 100 feet.

A member of the audience asked to enter into the record the height of the Ellington. Chairperson Nadeau stated that the height of the Ellington to the parapet is 83 feet. A member of the audience said the penthouse and mechanical level is 117.5 feet.

Chairperson Nadeau called for a vote on Commissioner Raia's motion. The motion was adopted 5-4.

Yes

Akinmboni

Moss

Muhammad

Raia

Smith

No

Anderson Holness

Lopez

Nadeau

Thomas

### **Liquor Licenses and ABC Committee Report**

Commissioner Raia said he had no committee report. Chairperson Nadeau asked him to update the Commission on the status of the voluntary agreement with St. Ex on 14<sup>th</sup> Street. People seem to be up in arms about the voluntary agreement. Commissioner Raia said the voluntary agreement is a document developed by past commissions and modified for specific businesses and circumstances. Some attorneys question why some provisions are in the text of the agreement when they are already in the law. Commissioner Nadeau said she does not understand the point of reiterating provisions and requirements in a voluntary agreement, which are already in the law. Commissioner Muhammad said that this reiterates and reinforces commitments and obligations of business owners to comply with applicable laws and regulations so they cannot say they did not know or did not understand what is required. Commissioner Raia offered as example restaurants who claimed they did not know that their kitchens have to be open until a certain time. Commissioner Thomas asked if every business, even if it has been in the neighborhood for many years, must negotiate a new voluntary

agreement every time the license comes up for renewal. Commissioner Raia said that is exactly what happens, and if a business, in renewing its license, proposes a material change in its operation, the voluntary agreement must be negotiated to reflect that.

Commissioner Smith observed that the 2005-2006 Commission developed voluntary agreements to get control over the operation of liquor stores and other establishments and reduce the incidence of public inebriation and other public nuisances.

Commissioner Thomas said she wanted to clarify if it is correct that, starting in 2005 or so, ANC 1B's policy is to require a voluntary agreement with every license and license renewal. Commissioner Raia said he doesn't know if this is Commission policy, he just knows that when he took over from his predecessor, the voluntary agreement was described as an important opportunity to work with businesses to protect the community, whether there is an immediate problem or not. If there is any issue the neighborhood wants to address with a bar, liquor store or restaurant, the voluntary agreement provides the opportunity to do so.

Chairperson Nadeau said that she brought up this question because it has become known that some of the people raising issues have ulterior motives. They are writing conditions into voluntary agreements as a "gotcha" device, and then standing outside the business taking pictures to document trivial matters. Commissioner Raia objected that these comments are off base because the people in question are operating in another ANC. Commissioner Raia said he does not stand outside taking pictures. He is inside eating dinner. He is not associated with the group that is following these tactics. Chairperson Nadeau expressed her concern that ANC 1B is being used in a broader plan that does not involve neighborhood interests. She pointed to an occasion when someone who does not live in ANC 1B spoke before the Commission advocating action. Commissioner Thomas expressed concern about people from outside ANC 1B trying to influence the actions of the Commission. She said that she would like to clarify what the Commission's official policy regarding voluntary agreements actually is. Chairperson Nadeau commented on the concern that ANC 1B, especially U Street, could turn into "another Adams Morgan." She observed that Adams Morgan ANC has voluntary agreements across the board for all establishments and a moratorium on liquor licenses, and it does not seem to have solved their problems.

Commissioner Thomas said she was asking about this because she has liquor licenses in her SMD. She reiterated her desire to clarify ANC 1B's policy and observed that if there is no policy then the practice is applied unevenly depending on the business and circumstances. She just wants to know what the rules are.

Commissioner Smith stated that there is no policy, but there is a practice, which is designed to protect the community. In his SMD, he protests every liquor license, whether good, bad or ugly and negotiates voluntary agreements because that is the best way to protect his neighborhood.

Chairperson Nadeau observed that she takes a different approach because she has a different situation in her SMD. She said she has raised this issue at this meeting because the Commission will be voting on a voluntary agreement, there are protests, and she wants to make sure that the agreement is not redundant, the Commission is not trying to write new law, which it cannot do, and there is no ambiguous language in

the agreement. She reiterated her concern that there were parties intent on videotaping the business, calling ABRA, and trying to catch them when they are just operating.

Commissioner Raia responded that there is no crime in protecting the community. Chairperson Nadeau agreed, but said that the Commission is dealing here with a good business, which brings many benefits to the community. Commissioner Raia agreed.

### **Nellie's CR to CT**

Doug Schantz, 601 T Street N.W., is the owner of Nellie's Sports Bar and lives about two blocks from his business. Mr. Schantz said he is very proud of Nellie's and the many community awards the business has won. He listed numerous benefits and charitable activities initiated by Nellie's. When he opened the business, it had been an Ethiopian restaurant and had a CR license. He and his business partner surveyed the city and found no other sports bars in business. They have developed a business that serves delicious food, is a sports bar and a nightlife establishment. The problem is that when people come to Nellie's, they do not come for a three-course meal; they come for four hours or so to watch a sports event and eat food during the course of their visit. For this reason, he is applying for a change from a CR to a CT license.

Commissioner Raia stated that the owners are responsible business persons, have worked with the community, and have had meetings with their neighbors. He does not intend any negative connotations by his motion. The owners are working with him to develop a voluntary agreement that will create a hybrid tavern that serves food and is not strictly a bar. He moved that ANC1B protest the application of Nellie's for peace, order, and quiet with the intention of having the community's voice heard and in order to conclude a voluntary agreement. When a voluntary agreement is signed, the protest will be withdrawn.

Commissioner Moss commented that Mr. Schantz has been very proactive. He is a constituent in her SMD. From the very beginning of his business, he has reached out to all parts of the community and has collaborated very well with other business owners. She is very supportive of his application.

Commissioner Raia stated that he believes the owners will sign a voluntary agreement even if ANC 1B does not protest the application; this is a matter of process.

Commissioner Lopez asked Commissioner Raia to clarify if the owners had initiated the discussion of a voluntary agreement with him. Commissioner Raia replied that he initiated the discussion with them when he was invited to a neighborhood meeting at the owners' house. It has also been discussed at a Cardozo-Shaw Neighborhood Association (CSNA) meeting. Commissioner Lopez observed that the discussions have apparently been positive, so why is a voluntary agreement necessary? Commissioner Raia said that a change of license from CR to CT means they are not required to serve any food at all, but the owners want to serve food and the community wants to assure that the business retains its current character and food service. The voluntary agreement will accomplish this.

Chairperson Nadeau asked if the business plan requires food service. Mr. Shantz confirmed that food would always be a component of the business. Chairperson Nadeau said she did not understand why a protest is necessary.

Commissioner Akinmboni asked if Nellie's has music. Mr. Schantz answered that they do have music, and their license permits dancing, although they are not utilizing that component of the license.

Commissioner Smith observed that, without a voluntary agreement, if the business changes ownership, the new owners do not have to serve food and can move to an alcohol-only bar business. Mr. Schantz stated that he would never walk away from Nellie's. If he were to sell the business, he would sell it as the Nellie's concept. Any buyer would be foolish to try to change the concept. He went through two years of great difficulty getting approval before he could open, and any transfer of the license gives the ANC and the community opportunity to stop any undesirable change.

Commissioner Thomas commented that whenever the license is either transferred or renewed, they must come back for review of the terms of the license. This was what brought up her question earlier: is the voluntary agreement a normal process or at an individual commissioner's discretion?

Chairperson Nadeau called on Jeffery Willis, who asked to comment. He said he was a close neighbor of the owner and thinks Nellie's is a great place. He commended the Commission for establishing a fair and non-arbitrary way of handling these business licenses. He thought that Commissioner Thomas's questions are very important. He thought the Commission must be consistent and fair. It is not fair to make a voluntary agreement with one business but not with another. He felt that the community is facing the "tavernization" of U Street. Many businesses would be happy to go to liquor-only operation. If the Commission does not develop voluntary agreements, U Street will be awash in liquor. For all the talk of "mixed-use," it will not happen if the Commission makes it easy to have liquor-only operations. If the Commission approves this motion, it will be protecting the community.

Chairperson Nadeau called on John Snelgrove. He said there seems to be two misapprehensions among those who discuss this issue. One is the idea that a CT licensee is more likely to be a bad operator and a bad neighbor than a CR licensee. The fact is that an owner can be a bad operator with either type of license. The difference is between good business owners and bad business owners, not CR or CT licenses. The other mistaken idea is that a lot of restaurants or bars are going to be sold. The neighborhood is moving in a very positive direction and the idea of large numbers of sales or transfers of license is a doomsday scenario that is not going to happen.

Chairperson Nadeau asked Chairperson Raia to repeat his motion. Commissioner Raia moved that ANC1B protest the application of Nellie's on the basis of peace, order, and quiet with the intention of having the community's voice heard and in order to conclude a voluntary agreement. When a voluntary agreement is signed, the protest will be withdrawn.

Commissioner Smith seconded the motion.

Commissioner Moss asked if a draft voluntary agreement is available. Commissioner Raia said it is still being developed.

Chairperson Nadeau called for a vote on the motion.

The motion was not adopted, 2-2-5.

Chairperson Nadeau stated that no action could be taken on a tie vote, so the Commission would not be commenting on this application.

Commissioner Smith said he did not see anything wrong with putting safeguards into place to protect the community. He was not saying that anyone is a bad owner. The Commission has the opportunity to set guidelines, and have those guidelines influence the continuing improvement of the community.

Commissioner Anderson-Holness stated that she was changing her vote from Abstain to Yes. Chairperson Nadeau said that she could do that without having to take a re-vote.

Chairperson Nadeau announced that the motion was adopted 3-2-4.

### **Axum to Amend Voluntary Agreement to extend second-floor hours**

Commissioner Raia said that the existing voluntary agreement with Axum includes language that should be amended to conform to the current business hours. He has no objection to these amendments.

Commissioner Thomas asked for clarification. Commissioner Raia indicated that Axum wants to use their second floor and the existing voluntary agreement does not provide for that.

Andrew Kline said that Axum is asking to amend the voluntary agreement to include use of the second floor and to allow for entertainment all nights of the week. Currently entertainment is allowed three nights a week. The license allows for entertainment on the first floor. This will allow it on the second floor also.

Commissioner Raia moved that ANC 1B authorize him to amend the Axum voluntary agreement to match its business model, to include changing business hours, to allow opening for special event, and allowing operation including entertainment on both the first and second floors of the establishment.

Commissioner Anderson-Holness seconded the motion.

The motion was adopted unanimously, 9-0.

### **Red Lounge stipulated license**

Commissioner Raia stated that this is a clerical and technical matter, but due to paperwork issues, the business is not able to operate. Commissioner Raia moved that ANC 1B authorize him to amend the voluntary agreement with Red Lounge to match their business model, allowing use of the second floor, and relying on them to get a stipulated license while awaiting the completion of paperwork.

Commissioner Anderson-Holness seconded the motion.

The motion was adopted unanimously, 9-0.

### **Dickson Wine New CT**

Commissioner Raia said that this license has not yet come up and the owners are out of town. The Commission agreed to defer consideration of this item to a future meeting.

### **Shahmene Ethiopian entertainment endorsement**

Commissioner Moss stated that this business is requesting an entertainment license. The entertainment consists of a single performer, not a band or large group. She said that they have a signed voluntary agreement that provides for no loud music, no outside music, trash disposal and other details. The CSNA has reviewed this issue and supports the application. Commissioner Moss moved that ANC 1B support the entertainment endorsement for Shahmene Ethiopian Restaurant. Chairperson Nadeau proposed a friendly amendment to the motion to give Commissioner Moss the authority to negotiate the amendment of the voluntary agreement to include the entertainment endorsement.

Commissioner Moss accepted the amendment. Commissioner Smith seconded the motion as amended.

The motion was adopted unanimously, 9-0.

### **Fairmont Liquor and Grocery**

Commissioner Smith said that the owner of this corner-store business had to give it up due to increasing rent and taxes. The business had a Type A license, which has been in safekeeping for two years. A new owner has taken over and the license has come out of safekeeping. The new owner has met with the community. He is aware that they desire a voluntary agreement. The store on the opposite corner and another store on the next block have voluntary agreements, so this is consistent with ANC 1B09 standards. The owner is amenable to a voluntary agreement. He has agreed to and implemented everything the community has requested; everything just has to be put in writing. Commissioner Smith moved that ANC 1B protest this license on the basis of peace, order and quiet and that the protest will be withdrawn when a voluntary agreement is signed. He observed that a voluntary agreement would probably be ready within a week. Chairperson Nadeau observed that the voluntary agreement would have to come to the Commission at the next meeting and the protest withdrawn at that time.

Commissioner Anderson-Holness seconded the motion.

The motion was adopted unanimously, 8-0.

### **Serve-U Liquors**

Commissioner Moss said that this business is located across the street from Nellie's Sports Bar on 9<sup>th</sup> Street N.W. It is a family-operated liquor store and has been in business for 11 years. They wish to amend their license to extend their hours from the current 9 PM closing time to 10 PM.

Mr. Phil Spalding observed from the audience that 10 PM is the current legally required closing time.

Commissioner Moss moved that ANC 1B support Serve-U Liquors application to amend their license to close at 10 PM.

Commissioner Lopez seconded the motion.

The motion was adopted unanimously 8-0.

### **Vinoteca extension of patio hours**

The owner of Vinoteca, Mr. Paul Carlson, said that the current hours of operation for the patio are Sunday-Thursday closing at 10 PM, Friday-Saturday closing at midnight. They are requesting that opening hour for the patio Sunday be changed from 11 AM to 10 AM, closing hour for Sunday-Thursday be changed to 12 midnight, and closing hour for Saturday-Sunday be changed to 1 AM. The primary reason for the request is that they are having problems trying to close their patio at the current hour when other business patios on the block remain open to the time they are requesting. Their customers do not understand why they have to leave the patio when other businesses remain open. He said that revenue is not the issue and that sometime, when business is slow, they close the patio at 9:30 PM. Mr. Carlson presented a petition to the Commission supporting his request signed by 20 residents of the block, along with two letters of support. Mr. Carlson also observed that the open patio contributes to security on the block by putting more eyes on the street and the extension of hours will improve this effect.

Commissioner Moss asked where the business is located. Mr. Carlson said they are on 11<sup>th</sup> and U, next to Solly's and across the street from Lee's Flower Shop and Bohemian Cavern.

Commissioner Raia said that this request came before the CSNA and received their support.

Chairperson Nadeau asked for comments from the audience.

Mr. Bill Riggins, 1921 11<sup>th</sup> Street N.W., said he lives on the same block as Vinoteca, across the street and a few doors down. He opposes the application because of the

noise generated by the establishment. Vinoteca is not on the corner of U Street, it is further into the block—a residential block. The only other liquor-serving establishment on the block is Solly's and Solly's is on the corner of U Street. This is a residential street. He can hear the noise from the patio inside his house. In the afternoon and early evening, it is not so bad, but the later it gets, the more people drink and the louder it gets. At 11:30 PM or midnight, the noise is loud. He said he has nothing against Vinoteca. He has been there and had a good meal, but their customers are like any others. They drink and they get very loud.

Ms. Kristen Smith, 1930 11<sup>th</sup> Street N.W., said she lives just a few doors down from Vinoteca and is a strong supporter to the request for an extension of patio hours. The patio adds an important level of security for the block. She observed that there the noise on the patio is dignified conversation occurring over glasses of wine, not unappealing noise generated by people loitering when the patio is closed.

Mr. Carlson responded to comments of Mr. Riggins by saying that his business is attached to Solly's so he is not located half-way down the block. The block is not residential; it is zoned commercial. He obtained signatures on his petition supporting his application from the residents living right next to Mr. Riggins. The resident in the building one building down from him came to him and asked to sign the petition because he had been living on the block for 40 years and said conditions had never been as good as they are now.

Commissioner Raia said that the issue goes beyond the residents of the block; it is a matter that affects the broader community. Commissioner Raia moved that ANC 1B support the request to open the Vinoteca patio at 10 AM on Sunday mornings, but not support the request to extend patio hours at night.

Chairperson Nadeau asked whether Solly's has the later hours. Commissioner Raia said that Solly's has the later hours from a previous Commission. Chairperson Nadeau asked how the two were different. Commissioner Raia responded that the two situations are different. Solly's is really on U Street, while Vinoteca is inside the block of 11<sup>th</sup> Street. Chairperson Nadeau noted that the two businesses are adjacent and said she thought this was a question of splitting hairs. The Commission has had a lot of discussions about 11<sup>th</sup> Street and crime and deterrence. Commissioner Raia said that deterrence is not the issue. MPD and other agencies have said that having another establishment inside the corner watching the street does not provide better protection.

Commissioner Anderson-Holness observed that the patios and businesses do generate foot traffic, which seems to help with security. Commissioner Raia said that the current weekend hours are to 12 midnight and the owner has said this is not a revenue issue. He sometimes closes at 9:30 PM, so why does the Commission need to give them an extension? Chairperson Nadeau commented that Vinoteca is a good business and they are making the request.

Commissioner Smith seconded the motion.

The motion was not adopted, 2-6-1.



Chairperson Nadeau moved that ANC 1B support Vinoteca's request to change the hours of patio operation to open at 10 AM on Sunday, close at 12 midnight Sunday through Thursday, and close at 1 AM on Saturdays and Sundays.

Commissioners Thomas and Moss seconded the motion.

The motion was adopted 8-1.

### **Florida Avenue Liquors**

Commissioner Thomas said this business has been located at the corner of 14<sup>th</sup> Street and Florida Avenue for many years. She has heard no negative comments from any residents or associations in the neighborhood about Florida Liquors. The license is up for renewal. Chairperson Nadeau noted that the Commission tried to negotiate a voluntary agreement with them two years ago, but the effort did not work out. Commissioner Thomas said she did not think it was necessary to protest or otherwise act on the license renewal. Chairperson Nadeau said the Commission's silence would mean only that it is not on the record. The Commission did not take action regarding the Florida Avenue license renewal.

Chairperson Nadeau noted that the Liquor License portion of the agenda was concluded.

The owner of Marvin's asked about the City Council's decision to extend liquor-serving hours for the upcoming holiday and how that affects businesses with voluntary agreements. Chairperson Nadeau said that businesses with voluntary agreements must come to the Commission for a modification. Those without voluntary agreements can operate to the limits provided by law. Commissioner Raia noted that Marvin's has a voluntary agreement that specifies 2 AM as closing time. This is one of the issues he wants to address in amending voluntary agreements. He moved that ANC 1B amend Marvin's voluntary agreement to state that operating hours must be consistent with the terms of their license and the law and delete reference to 2 AM, and give them an endorsement for their extension of hours for the holiday.

Commissioner Anderson-Holness seconded the motion.

The motion was adopted unanimously, 9-0.

### **Grant Application and Grant Committee Report**

#### **MidCity Business Association**

Chairperson Nadeau introduced Natalie Avery, Mid-City Business Association. She reminded the Commission that Ms. Avery presented her grant application last month, but copies were not available for this meeting. She asked Ms. Avery to review the grant application for the Commission. Ms. Avery said the grant application is for funds to support the Mid-City Business Association Sidewalk Sale. It is one of the biggest retail events in the city.

Commissioner Smith moved that ANC 1B support the grant application of the Mid-City Business Association in the amount of \$2,000.

Commissioner Thomas seconded the motion.

The motion was adopted unanimously, 9-0.

### **Ethiopian Community Service and Development Corporation**

Commissioner Moss presented a grant application from the Ethiopian Community Service and Development Corporation. They are requesting \$1,000. She wanted the Commission to be aware of the application, which will be considered next month.

Chairperson Nadeau noted that Commissioners have a grant application from Mentoring Works to be considered next month, and that Commissioner Raia will be e-mailing the Arts Under the Stars grant application to all Commissioners tomorrow for consideration next month.

Commissioner Thomas asked about the policy for submission, announcement and consideration of grant applications. Chairperson Nadeau said that the Commission's rules governing grants provide for Commissioners to introduce grant applications at the meeting before the meeting where the grant is to be considered for approval. Her preference is that Commissioners have the actual grant application in their hands at the meeting before the meeting when it will be considered. If that is not possible, then e-mailing the application on the day after the meeting to all Commissioners is acceptable.

Commissioner Thomas asked that a grant application to support a program to address teenage girls' involvement in gangs be placed on the agenda for the June meeting. The grant will finance supplies for the program. Chairperson Nadeau said it would be on the agenda and asked that the grant application be e-mailed to all Commissioners. Chairperson Nadeau reiterated that there would be four grant applications on the June meeting agenda

Commissioner Ankinmboni asked that a grant application for Arose Youth Development be placed on the June agenda. Chairperson Nadeau said it would be on the agenda and asked Commissioner Akinmboni to e-mail the grant application to all Commissioners tomorrow.

Commissioner Anderson-Holness moved that the May 2009 meeting of ANC 1B be adjourned.

Commissioner Smith seconded the motion.

The motion was adopted unanimously, 9-0.

The meeting adjourned at approximately 10:40 PM