



ADVISORY NEIGHBORHOOD COMMISSION 1B

Government of the District of Columbia

Minutes

Thursday, June 4, 2009. 7:00 PM, Reeves Center, 2000 14th Street N.W.

The regular monthly meeting of ANC1B occurred on Thursday, June 4, 2009, at 7:00 pm in the Reeves Center, Commissioner Nadeau being present as Chair. Other Commissioners present during the meeting: Akinmboni, Moss, Conklin, Raia, Lopez, and Smith.

The Chair announced the absence of a quorum. Two Commissioners were unavoidably delayed due to work commitments, and one other commissioner, although in the building, was not present. While awaiting a quorum, the Chair called for introductions.

Commissioners Akinmboni, Conklin, Moss, Nadeau, and Raia introduced themselves to the audience.

Chairperson Nadeau introduced Jim Irwin, ANC 1B's new Staff Director.

Chairperson Nadeau noted the continued absence of a quorum and called for community announcements.

Community Events and Announcements

Commission

Commissioner Moss announced that the Gage-Eckington School, identified for closure by Mayer Fenty and Chancellor Michelle Rhee, could not be renovated due to the prohibitive cost. The building will be demolished and the site will be converted to a park, utilizing \$2 million from the capital budget.

Commissioner Moss also announced that Ramada and Banneker Ventures are in the final stages of negotiations to develop the site at 8th Street and Florida Avenue N.W. This will be a mixed-use project with 120 apartments and 20,000 square feet of retail space. Construction will begin in 2010 with occupancy in 2011.

Commissioner Moss also announced that the Howard Theatre renovation project would soon go before the Economic Development Committee of the City Council. Funding sources are being identified. Commissioner Moss asked the Commission for a letter of support to get bond funding for this project.

Chairperson Nadeau asked Commissioner Moss if she desired a formal vote of support for the Howard University renovation funding. Commissioner Moss said yes, she would like an official letter of support. Chairperson Nadeau said that the Commission would act on her request as soon as a quorum is present.

Commissioner Raia announced that current tenants in the RiteAid building at 13th and U Streets, some of whom have been there for 10 years or more, have concerns and wanted the Commission to be aware of them. JBG has taken over ownership of the property and has imposed additional fees of up to \$500 on tenants. These fees have not been fully explained, and a meeting has been called to discuss this. The roof is leaking. Although repairs are JBG's responsibility, they are telling the tenants that they will have to pay. Commissioner Raia recalled Mr. Rick Lee's (Lee's Flower Shop) comments at the May meeting expressing concern about what would happen to the tenants during construction and whether they would be allowed to return to the building. He said that the tenants have been asking repeatedly about this and are not getting any answers. Finally, Commissioner Raia said that last week, he had to stop illegal construction going on behind the building in the alley. Jack hammering began at 7:15 AM, but they had no construction permit. He said that JBG is a soon-to-be neighbor and the Commission should see what it is dealing with up front. In response to questions from Chairperson Nadeau, he added that JBG was jack hammering the asphalt in the alley because it was uneven and someone had apparently tripped on it the night before.

Chairperson Nadeau announced that the DC Department of Transportation (DDOT) would be installing no-right-turn-on-red signs at the intersection of 14th Street and Florida Avenue. The Commission may wish to comment on this if a Commissioner wishes to offer a motion once a quorum is present.

Commissioner Moss announced a transportation planning meeting next Monday, June 8th, on the 6th floor of the Reeves Center regarding the rehabilitation of U Street from 9th to 18th Streets NW.

Community

Chairperson Nadeau called for announcements from the community and reminded everyone to limit their announcements to two minutes.

Dawn from Vinoteca announced a charity wine tasting event at Vinoteca, 1940 11th Street, on June 17th, from 7-9 PM, to benefit a special project for Cardozo-Shaw sponsored by City Living.

Amy & Richard, DC residents representing the ACLU, announced that the DC City Council will be voting on Mayor Fenty's omnibus crime bill on June 16th. Crime is a major issue and they commended the City Council for its efforts to reduce crime, but this bill relies on gang injunctions as a crime reduction tool. Studies have shown that gang injunctions do not reduce homicide rates, and such injunctions create civil liberty

issues. The gang injunction uses the civil legal system to create a criminal issue. It prevents persons accused from having legal representation. If a person is accused of being a gang member and is placed on an injunction list, there is no way to get off that list. They asked the Commission to look into the issue. They referred Commissioners and the audience to informational brochures available at the sign-in table.

Nick McCoy, representing DC for Marriage, is speaking to Advisory Neighborhood Commissions all over the city regarding DC marriage equality. The goal is to engage the entire community in the discussion of marriage equality in Washington, D.C. Their position is that civil and human rights should not be put to a vote. These rights are not a matter of law, but protections to which all are entitled. He reminded the Commission and audience that Ward One Democrats should attend the Ward 1 Democrats meeting on June 9th at 6:45 PM to show support for marriage equality. He said it was critical to make sure that every meeting is attended by at least 100-200 people to make their voices are heard and to discuss opposing any referendum on this issue. He referred the Commission and the audience to informational brochures available on the sign-in table. Commissioner Conklin noted that she has placed an item on the agenda for the Commission to show its support of the City Council's recent action recognizing gay marriages from other states. Mr. McCoy asked that a copy of the letter be sent to him.

Chairperson Nadeau noted the continued absence of a quorum and said that Commissioners Juan Lopez and Sedrick Muhammad had been delayed at work. She said that Commissioner Thomas Smith was expected to attend. She noted that Commissioner E. Gail Anderson Holness was present in the building.

Public Safety and Public Safety Report

Chairperson Nadeau suggested that it might be possible to proceed with the Public Safety Committee report in the absence of a quorum. Commissioner Moss said that her report did not include any action items.

Commissioner Moss reported that the ANC 1B/PSA 305 Public Safety Meeting occurs on the first Tuesday of each month at the D.C. Public Housing Finance Agency building. Police Lt. Holmer reported at their last meeting that thefts from auto are increasing and nothing should ever be left visible in a parked vehicle. The summer season is approaching, when illegal fireworks become prevalent. This year, the Metropolitan Police Department (MPD) will be confiscating illegal fireworks, but will not be making arrests, due to other more serious crime enforcement demands. A thief named Larry Fleming, who has been responsible for many break-ins and thefts in the 13th and 14th Street area, has been arrested, and the Public Safety Committee will be submitting an Impact Statement describing to the judge the fear and nuisance caused by this man for consideration at his upcoming hearing. The Department of Public Works (DPW) will be hiring 65 more parking enforcement personnel to deal with illegal parking in ANC 1B. The Committee was informed that if a car window is broken due to vandalism or theft, the owner is responsible for cleaning up the glass. The city does not provide cleanup of such debris. Staff from DC juvenile court met with the Committee and discussed efforts

to reduce violent youth crime and programs to keep youth off the streets and out of trouble.

Commissioner Raia noted that the police request that, if a car is broken into, the owner should not touch it, but call the police. They will take fingerprints. If an owner has already opened the car door and gone through the interior, the crime scene is compromised.

Commissioner Moss announced that the city would be sending letters to business owners at 1424 and 1430 W Street regarding street lighting and graffiti. There will be an increased police presence on W Street due to the recent crimes on that block.

Chairperson Nadeau noted that Commissioner Thomas was unable to attend the meeting, but would have reported on the work she has been doing on that block. There have been several shootings, the police know who is involved and who is targeted and are working to resolve the situation.

A member of the audience asked if GPS devices are a target of car break-ins. Commission Moss said yes, they are a hot item. Larry Fleming had many GPS devices in his possession when arrested. Owners should always remove the GPS or get it out of sight when leaving their cars.

Jerry Schulz, 1913 12th Street N.W., said ten break-ins had occurred in the past week in the area around 11th and U Streets. He asked whether putting up signs in the businesses to warn customers to take precautions against auto break-ins had been considered. Commissioner Moss said that many businesses attend the Public Safety Committee meetings, and suggestions have been made to DDOT about signs reminding people to keep possessions out of sight and lock their cars.

Commissioner Raia said that the majority of businesses belong to the MidCity Business Association. He referred Mr. Schulz to business cards available on the sign-in table and suggested he could contact the Director by e-mail and make that suggestion.

Commissioner Conklin advised the Commission that Commissioner Anderson Holness was outside the meeting room, but refused to join the meeting. She said this was unfortunate because there is no quorum and the Commission had such a full agenda. Commissioner Conklin said she hoped absent Commissioners would arrive soon, and she had e-mailed asking them where they were.

Commissioner Moss introduced Eric Colbert, architect, who is working on a subdivision in LeDroit Park, 1839 3rd Street. The property, a historical structure, including a carriage house, will be subdivided. The Commission approved this project at the April 2009 meeting. The Historic Preservation Review Board (HPRB) asked that he make revisions to the architectural schematic, changing the subdivision from three levels to two. Mr. Colbert was presenting the revisions for the Commission's review. Further action by the Commission was not required.

Mr. Colbert said the property is a historic house on 3rd Street just below the T Street Circle. His previous presentation proposed a subdivision of the property into three pieces, which he still intends, but the presentation included a new townhouse next to the existing townhouses and another house set back behind the historic building.

Chairperson Nadeau interrupted Mr. Colbert to say that Commissioner E. Gail Anderson Holness had joined the meeting and wished to make a statement.

Commissioner Anderson Holness introduced herself and stated that she would be leaving the meeting and would not allow a quorum because of actions taken by the Chairperson without a quorum of the Commission. She came to the meeting with the intent of participating fully, and stated that she was present for the meeting, but would not allow a quorum because there are other Commissioners who are not present, and she wants them present for an executive session to address the issues raised by the actions of the Chairperson.

Commissioner Anderson Holness then left the meeting room.

Mr. Colbert resumed his presentation. He said that the HPRB felt that the new structure they were proposing was too large and too close to the historic building. They considered it too large in terms of both footprint and height. As a result, he reduced the structure to two stories and about the size of a carriage house and moved it further away. One of HPRB's objectives is to provide a larger back yard for the historic building. The new building will have a footprint of 670 square feet. With only two stories, there is room for only one residence in the new structure.

Chairperson Nadeau thanked Mr. Colbert for returning to update the Commission on the project.

Ms. Ada Bobino of Sankofa Productions asked whether her grant application for Arts Under the Stars was on the meeting agenda. Chairperson Nadeau assured her that it was on the agenda and said that Commissioner Smith introduced the grant at the Commission's May meeting. However, she did not think any of the Commissioners had received a copy of the application. She said that the rules governing grant applications provide that applications be given to Commissioners at the meeting before the meeting at which they are to be considered. This gives Commissioners a one-month period to review the application. She said that Commissioner Thomas, who had not yet arrived, could certainly ask the Commission to suspend the rules and vote on the application at this meeting. Ms. Bobino noted that Arts Under the Stars is a summer program and if the grant is not considered until July, it may be too late. Chairperson Nadeau said that the check could be written as soon as the vote is taken. She suggested that Ms. Bobino stay until the Commission has a quorum and that they would do their best to address her grant at this meeting.

Liquor Licenses and ABC Committee Report

Commissioner Raia said that members of the ABC Committee and residents in Single Member District (SMD) 1B02 were concerned about some of the rhetoric at the last meeting regarding voluntary agreements. He had generated a report based on data from ABRA so the Commission and the community could see where things stand regarding ABRA issues. Chairperson Nadeau asked him who was concerned. He replied that members of the ABC Committee, such as Bill Riggins, and residents in the SMD were concerned about the tone and content of the Commission's discussion about voluntary agreements. The report is an ABRA report. It shows the distribution of liquor licenses throughout ANC 1B, and why there is support for voluntary agreements in particular SMDs.

Commissioner Raia said there are 86 liquor licenses in ANC 1B. He presented a breakdown by SMD:

1B01	Myla Moss	13 licenses	2 voluntary agreements
1B02	Peter Raia		
1B03	Sedrick Muhammad	1 license	1 voluntary agreement
1B04	Deborah Thomas	4 licenses	1 voluntary agreement
1B05	Brianne Nadeau	2 licenses	0 voluntary agreement
1B06	Meghan Conklin	1 license	0 voluntary agreement
1B07	Juan Lopez	1 license	1 voluntary agreement
1B08	Rosemary Akinmboni	0 license	0 voluntary agreement
1B09	Thomas Smith	9 licenses	9 voluntary agreements
1B10	Eduardo Ferrer	0 license	0 voluntary agreement
1B11	E. Gail Anderson Holness	1 license	0 voluntary agreement

Commissioner Conklin observed that the one liquor store in her SMD was closed. Commissioner Raia said the license still exists and is thus in the ABRA report.

Commissioner Raia said that it was clear that the bulk of the licenses are in two SMDs and he hoped that Commissioners would keep that in mind when discussing and voting on voluntary agreements. The residents in these SMDs have good reason for advocating and supporting voluntary agreements.

Chairperson Nadeau asked Commissioner Raia to name the members of the ABC Committee. They include: Holly _____, Dan Whittles, and Eileen Johnson. He said he couldn't remember all the names, but could forward a complete list to her. She said that would be good to have, and commented that she did not remember any announcement of Committee meetings. Commissioner Raia said that Committees were asked to begin announcing their meetings last month, but the ABC Committee has not met since then.

Commissioner Conklin suggested that the design review applications be heard, and if they are not controversial, they could be voted on *en bloc* when a quorum is present. The Commission agreed.

Design Review Applications

BZA 17952 1332 T Street N.W.

Commissioner Raia said the first application was BZA 17952, 1332 T Street N.W. Jennifer Fowler, the architect for the project, introduced the owner, Lincoln Leibner, and requested the Commission's support for a special exception to increase lot coverage to 69%. The project is a new garage, adjacent to an existing two-story garage. They are also asking for a variance to allow an 8-foot setback in the alley, instead of the required 12 feet. The other structures in the alley have a three-foot setback. The new garage will be constructed of brick with details in keeping with the neighborhood. It will have a roof deck. In response to a question from Commissioner Moss, the architect said she and the owner have met with the neighbors and have their support. She has support letters from the immediately adjacent neighbors. Commissioner Moss asked how long the project would take. Ms. Fowler said it would take three months to complete. There are no historical preservation issues. Commissioner Raia said that no concerns have been expressed by neighbors or others on T Street. Commissioner Moss asked about the capacity of the garage. Ms. Fowler said it would accommodate only one car. The property is quite narrow.

Chairperson Nadeau thanked Ms. Fowler for her presentation and said the request would be acted on when a quorum is present.

BZA 17942 AAL 1323 Girard Street NW

Commissioner Akinmboni introduced Rosetta Lai, Executive Director of Asian American LEAD (AAL). Ms. Dorothy Brizil spoke from the audience to say that this issue was contentious and suggested that the Commission defer hearing it until a quorum is present. Chairperson Nadeau asked if there were people present who wanted to speak against the application. Two people raised their hands. She observed that the issue had been before the Commission in the past and asked for the presentation to go forward pending the presence of a quorum.

Ms. Lai said that her organization has been operating a community center at 1323 Girard Street NW with an exemption from the Board of Zoning Adjustment (BZA). She introduced Lan Thomas, the Office Manager for AAL. Ms. Thomas said that AAL is a non-profit 501c3 organization. Its mission is the empowerment and leadership development of Asian-American youth and families. Its headquarters and community center are located at 1323 Girard Street. They have 15 staff located in DC and Wheaton, Maryland. They serve 200 youth in DC and 50 in Maryland. Their annual operating budget is \$1.5 million. Their services include:

- Afterschool academic programs providing homework assistance and tutoring
- Mentoring program
- Family strengthening program

Kinley Bray of Eric Fox, pro bono legal counsel for Asian-American Lead, said that their building is zoned R4. The BZA granted them a special exception for a five-year period in 2003. At the time, a main issue was parking, which was satisfied by the provision of five parking spaces on the property and two spaces on a neighboring property. As most of the employees take public transportation, parking is not a major problem.

Ms. Bray said that an exception to R4 zoning must meet five criteria:

- The applicant must be a non-profit organization
- Must provide services to the neighborhood and immediate community
- No objectionable impacts from noise or traffic
- No items for sale
- Must be in harmony with and have no adverse impact on the surrounding neighborhood

Ms. Bray said that AAL has operated on this site for five years with no issues. It has overwhelming support from other organizations in the area. Other than one opponent, there are no other objections from residents in the neighborhood. The BZA hearing on their application is on July 14th.

Commissioner Moss asked if they are applying for an extension of their special exception. Ms. Bray said they were, and that there were no changes in hours of operation, number of clients or staff services or activities offered. The hours of operation are 10 AM to 7 PM weekdays and occasional board meetings or other special events.

Chairperson Nadeau asked if they have been talking with their neighbors about their application. Ms. Lan said that they have a letter of support from Easter Seals. Chairperson Nadeau asked about nearby residents. Ms. Lan said she did go by and talk with residents and quite a few of them signed their support.

Commissioner Conklin asked for how long the special exception would be extended. Ms. Bray said the BZA has discretion but normally grants for the same time, in this case five years.

Chairperson Nadeau called on members of the community for comment and asked that comments be limited to two minutes length.

Dorothy Brizil said she has lived at 1327 Girard Street, to the west of the property, since 1982. She attended the BZA hearing in March 2004 when the exception was first granted. At that time, she and her husband did not oppose the exception. However,

the BZA placed several specific conditions on the exception. AAL has failed to meet any of those conditions.

- Construction of a fire escape on the rear of the building
- Installation of a handicapped access lift
- All children's activities to be under adult supervision
- Grade back yard and provide egress from the back yard to the alley

Ms. Brizil said none of these things has been done:

- The fire escape never had been constructed. There are 60 children in a three-story building, but no rear fire escape
- There are many days when as many as 30 children are completely unsupervised outside in the afternoon
- The expanded egress to the alley never had been constructed, so that there is a great deal of congestion when employee vehicles are parked in the yard.

Ms. Brizil said that, in the past month, the community center has been completely out of control. Time did not permit her to tell of all the examples of this, but she did not say it lightly. Chairperson Nadeau asked her to give one example. Ms. Brizil said that AAL cut down trees in their back yard and permitted the tree limbs to fall on her car and her magnolia tree. They put up a new fence but left an eight-foot gap so they could turn their cars around by using her property. She felt this was very disrespectful of her and her property. She has depositions from her neighbors, who saw the tire tracks in her yard. She asked the Executive Director to stop this practice, but it continued. Ms. Brizil concluded by saying that the zoning exception is not a right, but something granted on condition, AAL has failed to live up to any of the conditions agreed upon. In the past six months, they have become a terrible neighbor.

Gary Imhoff, Ms. Brizil's husband, said that the issue for the ANC is not whether AAL is a good organization or doing good work in the community. The issue is that five years ago, the BZA issued a certificate of occupancy to AAL based on written certain conditions. Those conditions have not been fulfilled. The most important issue is the fire escape. A program that has 50-60 children in a three-story building should have a fire escape. AAL made no attempt to meet any of the conditions of their certificate of occupancy until this March, when they paved the back yard, but did not provide the required rear alley access. None of the other conditions have been met. Mr. Imhoff asked the Commission to, at the very least, make support of the AAL application conditional on fulfilling the commitments it made five years ago to the BZA.

Chairperson Nadeau asked for AAL's response to these comments.

Ms. Bray said she wanted to address two misstatements.

First, AAL does not have a variance, but a special exception. A variance is a request for a waiver from all zoning rules. A special exception is a predetermined compatible

use that is allowed as long as certain criteria are met. The BZA does not have discretion to grant a special exception so long as those criteria are met. The BZA may require special treatment to meet concerns and to ensure that the use operates in harmony with the neighborhood and mitigates any adverse impacts. AAL is asking for the extension of a special exception, not a waiver or variance of the rules..

Chairperson Nadeau noted that the Commission is concerned with the feelings of the residents and asked Ms. Bray to address Ms. Brizil's and Mr. Imhoff's complaints.

Ms. Bray said she would respond to a second misstatement. BZA's order from 2003 has no conditions. AAL did proffer certain improvements in its application, which have not been made, but these improvements were not relevant to or material to the granting of the special exception. The granting of a special exception was not conditioned on doing these improvements. At the time of application, AAL was beginning an ambitious \$2 million fund-raising campaign to renovate the entire building. The improvements mentioned were part of that proposed renovation. One suggestion was that additional rear egress might be helpful, but there is rear egress now and AAL agreed to consider eventually constructing additional rear egress. In response to a question from Chairperson Nadeau, Ms. Bray acknowledged that there is no fire escape. She said that the 2003 BZA hearing included testimony that the fire marshal had inspected the building and found it complied with all relevant life safety codes. AAL engaged an architect to review their plans, who recommended an additional life safety enhancement in lieu of the fire escape on the rear of the building, which is quite expensive. This included creating an area of refuge in the building and altering the ventilation system, enhancing what was already a compliant life safety situation in the building. AAL could not have acquired the original certificate of occupancy had they not complied with all fire codes.

Ms. Bray said that the handicapped lift mentioned by Ms. Brizil is not a condition or requirement of the BZA order. The BZA order was not even conditioned on parking. However, a careful review of the transcript indicated that the BZA intended to condition the order on the provision of five parking spaces on the property and an agreement with Easter Seals to maintain two additional spaces. Because of this review, AAL had paved their back yard. Ms. Bray said that in its application, ALL submitted a "wish-list" of improvements it hoped to make to the property, but that the funds were just not available to carry them out. AAL did meet all the criteria for a special exception in 2003 and they meet all the criteria today.

Commissioner Conklin observed that the biggest complaint from AAL's neighbors is that the Brizil property is being used as a turn-around for parked cars.

Ms. Bray said that AAL has bent over backward to be responsive to their neighbor and to notify them in advance of any work being done. AAL has letters to back that up. There is no turn-around going on in Ms. Brizil's yard. A licensed contractor did the work. It was not done to circumvent any kind of access in the back. There is nothing to substantiate the claim that people are driving on her property. In fact, while the fence

was under construction, Ms. Brizil took a shovel and undermined part of the concrete, so there has been damage to AAL's property because of this neighbor's behavior. AAL has done everything it can to placate and to respond to their neighbor's legitimate concerns. Unfortunately, it has been quite difficult to maintain the relationship.

Mr. Imhoff insisted on reading to the Commission two paragraphs from the 2003 BZA finding-of-fact:

"The applicant proposes to renovate the existing building on the subject property as a community center. An exterior egress will be constructed at the rear of the building with a staircase connecting the basement and three above-grade floors, and a handicapped lift providing access to the first floor."

"The rear portion of the subject property will be graded and paved so as to provide four parking spaces accessible from the alley. A fifth space reserved for handicapped use will be located in the driveway and accessed from Girard Street."

Mr. Imhoff said that Ms. Bray might say that AAL is not bound by the BZA's findings of fact, but they testified to it, they promised to do it, and the BZA issued the certificate of occupancy on the understanding that these conditions were incumbent on AAL to do.

Ms. Bray observed that the BZA does not issue certificates of occupancy.

Chairperson Nadeau noted that Commissioner Smith had arrived. She observed the presence of a quorum and called the meeting of ANC 1B to order at 8:10 PM.

Commissioner Akinmboni observed that the BZA hearing would be on July 14th. She suggested that she should go to the property, investigate the issues from both sides, and report her findings to the Commission by e-mail before its July meeting. The Commission can then make an informed decision and communicate it to the BZA before their July 14th meeting. Commissioner Akinmboni observed that AAL has been in their property for five years and has been a good neighbor. She hopes that everyone can work together to resolve these differences amicably.

Chairperson Nadeau said the Commission would vote on this question at the July meeting after receiving Commissioner Akinmboni's report.

Howard Theatre Restoration Funding

Chairperson Nadeau called on Commissioner Moss, who moved that ANC 1B send a letter of support of Howard Theatre seeking bond financing under the Economic Development Committee for the restoration of the theatre.

Commissioner Conklin seconded the motion.

The motion was adopted unanimously, 6-0

BZA 17952 and HPRB 09232 - 1332 T Street N.W.

Commissioner Raia moved that ANC 1B send a letter of support to the BZA so that the owner can obtain a variance and continue construction of a new garage.

Commissioner Moss seconded the motion

The motion was adopted unanimously, 6-0.

1336 T Street N.W.

Mr. Ted Houseknecht, owner, said they have the remains of a historic one-story garage on their property. They propose to restore the garage and add a second floor. They are applying for a special exception due to size of lot and a use exception to convert the existing one-story garage into a two-story carriage house. They have no intention of renting or subdividing the property. It will be used as an artist studio. Both he and his wife are architects. His lot is very deep, as are others on the street. Several other lots have garages or carriage houses. The design will be consistent with other historical structures and other carriage houses on the block. He said that they have spoken to all their neighbors and have their support.

Chairperson Nadeau asked if there were any questions from the community.

Mr. Phil Spalding asked what the current lot occupancy is. Mr. Houseknecht said it was 71.3%. and his proposal would not change the percentage.

Jerry Schulz, 1913 12th St NW, asked if the building would have water, heat, cooking facilities, or kitchen. Mr. Houseknecht said that it would have full plumbing, but no kitchen or cooking facilities. He would be happy to have BZA approval conditioned on that. He also said that the proposal would allow him to restore on-site parking.

Commissioner Raia moved that ANC 1B send a letter to the BZA and HPRB supporting the application for a special exception and use exception for 1336 T Street N.W.

Commissioner Conklin seconded the motion.

The motion was unanimously adopted, 6-0.

Community Announcement – Missing Person

Commissioner Moss asked that the Commission allow another community announcement regarding a missing person. Members of the family were present.

Ms. Lakeisha Thompson said that Ms. Peggy Nichols, 35 years old, is suffering paranoid schizophrenia and multiple personality disorder. She walked away from her home on the 2300 block of 11th Street NW on May 19th and has been missing since

then. Ms. Thompson said she wanted to pass out flyers to everyone present and asked their help in finding Ms. Nichols. Anyone with information should contact MPD.

Liquor Licenses

Review of current cases & applications

Joe Caplan Liquors

Commissioner Moss said that this is a standard liquor store located on 7th Street N.W. They have had no problems since their last renewal.

Commissioner Moss moved that ANC 1B support the renewal of the liquor license of Joe Caplan Liquors.

Chairperson Nadeau asked if there were any comments from the community. There were no comments.

Commissioner Conklin seconded the motion.

The motion was adopted unanimously, 6-0.

Boston Wine & Spirits

Commissioner Moss said that this liquor store is renewing its license and wants to change its hours of operation to close at 10 PM instead of 9 PM. There is no opposition from the neighbors.

Commissioner Moss moved that ANC 1B support the renewal of the liquor license of Boston Wine and Spirits, with an extension of operating hours to 10 PM.

Chairperson Nadeau asked if there were any comments from the community. There were no comments.

Commissioner Conklin seconded the motion.

The motion was adopted unanimously, 6-0.

Best Way Liquors

Commissioner Raia said he has no action to recommend on this renewal application.

Chairperson Nadeau said that the Commission would be taking no position on the application.

Mr. Phil Spalding said that many people in the neighborhood are not pleased with the physical appearance of the business. He asked Commissioner Raia if there have been any discussions with the owner about upgrading their appearance. Commissioner Raia said he had not yet initiated discussions with them although he hoped to do so, but as far as he knew, no one in the community opposed the renewal of their license.

Harvard Liquors

Commissioner Smith said that this business is located at the corner of Harvard Street and Sherman Avenue. Two years ago, the Commission protested this license and went through three or four mediation sessions, but could not come to a conclusion. Part of the problem was that they sold liquor to a minor. ABRA conducted an investigation.

The business was subsequently sold, but there still was no voluntary agreement with the new owner. Commissioner Thomas said there were many issues with loitering, public drinking and inebriation, and they will be working to contain the problems.

Commissioner Smith moved that ANC 1B protest the renewal of Harvard Liquors' license on the basis of peace, order and quiet.

Chairperson Nadeau asked if there were any comments from the community. There were no comments.

Commissioner Raia seconded the motion.

The motion was adopted unanimously, 6-0.

Café Collage

Commissioner Raia said the owner of Café Collage was present. She was requesting a letter of support from the Commission to change the hours of operation for her sidewalk café from closing at 8 PM to closing at 10 PM and to use the back yard as a summer garden with a 10 PM closing time.

The owner told the Commission that Café Collage is located in a residential townhouse. Since it looks like a residence, having a sidewalk café will help attract business.

Commissioner Raia said that the owner, who just recently took over the business, is upgrading the exterior of the front of the building.

Chairperson Nadeau asked if the owner had consulted with the neighbors. The owner said she has talked with the neighbors and they support her plans and her application.

Mr. Spalding said it was important to clarify that the back yard could be used as a summer garden, but the front yard is public space and requires a DDOT permit for a sidewalk café.

In response to questions from the Commission, Commissioner Raia stated that the owner has a voluntary agreement with neighbors, not with the Commission. That agreement limits the hours of operation for the sidewalk café to 8 PM. The owner is applying to DDOT for a public space permit.

Mr. John Snelgrove, owner of St. Ex, said that Café Collage has been a great neighbor and he fully supports her application.

Ms. _____Kim, 1336 T St NW, said that she was part of the voluntary agreement with the previous owner. She has not had any contact with the new owner regarding this application. She wants to work with the new owner regarding amending the voluntary agreement. Café Collage has been a good neighbor.

Commissioner Raia moved that ANC 1B send a letter of support to DDOT for Café Collage's application to open a summer garden in the back yard with closing hour of 10 PM and for a public space permit to operate a sidewalk café in the front with closing hour of 8 PM pending amendment of the voluntary agreement with the neighbors.

Commissioner Moss seconded the motion

Commissioner Thomas strongly encouraged the owner of Café Collage to negotiate an amended voluntary agreement with the neighbors before going to DDOT.

The motion was adopted, 6-0.

Ulah Bistro Summer Garden

The owner of Ulah Bistro, located at the metro plaza at 13th and U Streets, said his proposed summer garden would be on the SunTrust side of the plaza.

Commissioner Raia said the location would not block access to the ATM machine.

Commissioner Smith made a rough sketch of how the summer plaza would be placed and showed it to Commissioners.

Commissioner Raia said that the owner has already met with neighbors regarding his proposal.

Jerry Schulz, 1913 12th St NW, asked about access to the business drop-box at SunTrust. Commissioner Raia said the summer garden would not block access.

Mr. _____, 1903 7th Street, said he had noticed chairs located in the space. The owner said they had placed chairs to figure out the best use of the space.

Commissioner Moss requested a proper schematic diagram of use of the space. Chairperson Nadeau asked the owner to e-mail a schematic diagram to Commissioner Raia, and asked Commissioner Raia to distribute it to the other Commissioners.

Commissioner Raia moved that ANC 1B send a letter of support to ABRA for Ulah Bistro's summer garden with hours of operation no later than 12 AM seven days a week and that they be granted a stipulated license so that they can open immediately to serve the public.

Commissioner Conklin seconded the motion.

The motion was adopted unanimously, 6-0.

Duffy's Tavern

Commissioner Raia said the owner and neighbors need more time to work out issues. Commissioner Raia move that ANC 1B defer consideration of Duffy's Tavern application to change their license from CR to CT to the July 2nd meeting.

Commissioner Smith seconded the motion.

The motion was adopted, 6-0.

Grant Applications and Grant Committee Report

Chairperson Nadeau noted that Commissioners had two grant applications in hand for review in advance of the meeting, the Ethiopian Community Services and Development Corporation and the Mentoring Works 2. The other applications on the agenda had not been received or reviewed by Commissioners, as far as she knew. Commissioner Thomas said he did not know what the agenda item described as Community Grant was. It was agreed to remove that item from the agenda because the application was never submitted. Commissioner Akinmboni suggested that there was a lack of clarity in the grant proposal process, especially how grants are received and distributed to the Commissioners, and when grants are distributed. Chairperson Nadeau asked if Commissioner Akinmboni, as Chair of the Grants Committee, would serve as the central receiving point for grant applications. Commissioner Akinmboni said she would do so, but wanted to receive grant applications by at least the fifteenth of the month before the next Commission meeting so that she could make sure all Commissioners received them in a timely manner. Chairperson Nadeau said that an announcement would be put up on the website that grant applications must be e-mailed or ground-mailed to Commissioner Akinmboni at least 15 days before the meeting. She suggested that Commissioner Akinmboni work with Jim Irwin to arrange for transmission of grant applications that may be sent by regular mail to make photocopies for all Commissioners. Jim Irwin was asked to get all this information up on the website.

Chairperson Nadeau asked about the current rule that Commissioners receive grant applications by the meeting the month before they are to be considered. Commissioner Akinmboni said she thought 15 days was enough, rather than the month-before rule. Chairperson Nadeau observed that this would be a change of rules and should be voted on at the next meeting. Commissioner Conklin suggested that Commissioners Akinmboni and Smith should work together to develop a comprehensive recommendation on the rules and policies governing grant applications, which they would present at the Commission's July meeting. Commissioners Akinmboni and Smith agreed to do this.

Approval of May Meeting Minutes

Commissioner Moss noted that the minutes of the May meeting had not been approved due to the lack of a quorum. Chairperson Nadeau said that the minutes had not yet been submitted for review by Commissioners. Commissioner Moss asked if there was a reason for the lack of minutes. Chairperson Nadeau said that the Secretary had said she would be preparing the minutes, but she did not think any Commissioner had received them. Chairperson Nadeau said she had invited the Secretary to return to the meeting numerous times, and did not know what else to do. She noted that Jim Irwin had offered to prepare the transcription of the May meeting. With the Secretary's approval, this record could be distributed electronically before the July meeting and voted on then. If the Secretary had minutes prepared and submitted them, the Commission would vote on them as well. Chairperson Nadeau said she had no answer for why the minutes were not ready; she could only speak to what she knew.

Commissioner Moss asked if there would be a Treasurer's Report. Commissioner Conklin said that Commissioner Lopez had been unavoidably detained at work and was trying to get to the meeting as soon as possible. Chairperson Nadeau said that if Commissioner Lopez arrived, the Treasurer's Report would be given.

Ethiopian Community Services and Development Corporation

Commissioner Moss noted that this application was distributed to Commissioners for review at the April meeting. This is a 501c3 organization located at 1901 9th Street N.W. They are requesting \$1,000. This organization works with immigrant youth ages 14-18. They provide mentoring, teach English language skills, cultural competency, life skills, employment readiness and computer skills. Grant funds would be utilized to purchase software, notebooks, calculators and other supplies for their summer workshops. The total project cost is \$11,000.

Commissioner Moss moved that ANC 1B support the Ethiopian Community Services and Development Corporation grant proposal for \$1,000.00.

Commissioner Raia seconded the motion.

The motion was adopted unanimously, 6-0.

Mentoring Works 2

Ms. Camille McKenzie said her organization works with underserved youth. They are holding a Family Day on June 13th at the Parkview Recreation Center. The event includes food, fun, sports activities, when families can get together and kids can be kids. Mentoring Works 2 organizes events like this each month during the summer.

Chairperson Nadeau noted that the application did not include a budget and asked that Ms. McKenzie get a budget to Treasurer Lopez as soon as possible.

At this point in the meeting, Commissioner Lopez arrived.

Commissioner Smith moved that ANC 1B support Mentoring Works 2 grant application for \$1,000.00.

Commissioner Moss seconded the motion.

The motion was adopted, 7-0-1.

Commissioner Lopez abstained, as he was not present for the discussion of the grant.

Arose Youth Development

Commissioner Akinmboni introduced Mr. James Parker, Program Director.

He said his program was founded in 1993.

Chairperson Nadeau interrupted to ask if their grant proposal called for the purchase of tables and chairs, since the Commission is not permitted to give grants to purchase tables and chairs. Mr. Parker said no, they propose to rent tables and chairs for a specific event.

Mr. Parker said they are serving four locations serving over 100 families. They are providing jobs for 40 youth this summer and mentoring for them throughout the year.

They are holding an event on June 22nd to involve the community in supporting their program and to recruit youth to the program. They need funds for rental of tables and chairs. They have other funding sources but they will not permit use of funds for that purpose.

Chairperson Nadeau noted that there was no budget with the application and asked if Mr. Parker had one available. He said he did not have one on hand, but he could submit it tomorrow. Chairperson Nadeau asked him to submit the budget to Treasurer Lopez.

Commissioner Akinmboni moved that ANC 1B support Arose Youth Development's grant application in the amount of \$2,000.00.

Commissioner Smith seconded the motion.

Chairman Nadeau asked Mr. Parker how he submitted his application in May. He said he sent it to an e-mail address provided by Commissioner Akinmboni,

The motion was adopted, 7-0.

Arts Under the Stars

Commissioner Smith said that this application had been submitted in May. He was under the impression that it had been distributed to all Commissioners, but was mistaken. All Commissioners now had a copy of the application. Commissioner Smith said that this project first came to the Commission four years ago. It started in the Sankofa Books courtyard and provided an environment for spoken word, music and other performance arts. This is an important project to get youth off the street and into positive and productive activities. It also puts a lot more activity and eyes on Georgia Avenue.

Chairperson Nadeau noted that the maximum grant amount is \$2,000 according to the written rules.

Commissioner Raia said he did not remember such a rule.

Commissioner Smith agreed that there was a maximum for individual groups, but when a consortium of groups, like this project, applied for a grant, the maximum could be exceeded. The scale of this project, running from April to October, is another justification for exceeding the maximum. The Commission has done this in the past for this project. Commissioner Smith asked that the minutes for the past three years be reviewed. He suggested they would show that he was correct.

Chairperson Nadeau suggested that, if that were the case, perhaps a different application forms for consortia would be appropriate to comply with grant rules. Commissioner Smith said he thought the rule was put in place about 4½ years ago when Commissioner Hunter was the Chairperson. He decided that the cap should be \$1,000, but if multiple organizations applied together for a project, that cap could be exceeded.

Commissioner Smith moved that ANC 1B support Sankofa's grant application for Arts Under the Stars for \$4,000.00.

Commissioner Moss seconded the motion.

The motion was adopted, 6-0-1. Commissioner Conklin abstained.

Commissioner Smith encouraged his fellow Commissioners to attend Arts Under the Stars at Sakofa Books, 2714 Georgia Avenue, N.W.

Westminster Neighborhood Association

Chairperson Nadeau noted that this application had been circulated to Commissioners by e-mail, although past the cut-off date.

Commissioner Raia said the Westminster Neighborhood Association maintains a park on Westminster Street N.W. The total project cost is \$2,575. The community has donated funds. They are requesting a grant of \$1,285.

Commissioner Conklin said she had made clear since her election to the Commission that there must be a clear set of policies and procedures for making grants. When she abstained from voting on an application, she did not mean to denigrate the organization or the proposal. She abstained because she felt strongly that grant applications should comply with stated policies and rules. She hoped that Commissioners Akinmboni and Smith would come back to a future meeting with good recommendations for the Commission to consider.

Commissioner Moss said this has been a very proactive group and very collaborative with other community groups.

Commissioner Raia said he has received at least 30 e-mails from residents who support the park and the application.

Commissioner Raia moved that ANC 1B support the Westminster Neighborhood Association's grant application for \$1,285.

Commissioner Akinmboni seconded the motion.

The motion was adopted, 5-0-2. Commissioners Conklin and Nadeau abstained.

Chairperson Nadeau noted for the record that the Commission received by U.S. Mail a grant application from the Gregory Project of Washington D.C. 2009 Youth Only Leadership March. The march is scheduled for this month. She said that she had invited representatives of the organization to attend the Commission meeting, but they were not present, so she was putting the application aside.

Commissioner Akinmboni asked if the Commission should not go ahead and consider the application if the event was in June. Chairperson Nadeau said she did not think it needed to be considered as the event may have already occurred and no one from the organization was present. If they contacted her, she would certainly submit the application. Commissioner Akinmboni expressed concern about the possibility that the

organization really needed support. Chairperson Nadeau suggested that Commissioner Akinmboni take the grant application and try to follow up with the organization, which she agreed to do.

New Business

Youth Curfew

Commissioner Smith said that he was asking the Commission to table this matter. The idea of a curfew was not to punish youth, but to get them off the streets in a safe manner. He has been working with Commissioner Ferrer and MPD. They are looking at alternatives to a curfew to get youth off the streets in the evenings. He has talked with Officer Chris Wade, an instructor at the Police Academy, about involving cadets with patrol officers so they can become familiar with the streets they will eventually be patrolling.

Commissioner Smith moved that consideration of a summer youth curfew be postponed to the July 2nd, 2009 meeting of ANC 1B.

Commissioner Akinmboni noted that summer is starting and asked why the Commission should delay this issue to July. Everyone knows that youth are now out of school, many youth cannot find jobs, and youth crime on the streets is a problem. The Commission should act quickly.

Commissioner Smith said that he understood the urgency and seriousness of the situation, but support for a youth curfew in the City Council is lacking. He and others are trying to work something out that is positive and feasible.

Commissioner Raia seconded the motion.

The motion was adopted, 7-0.

Marriage Equality Legislation

Commissioner Conklin referred to the recent action of the City Council authorizing the recognition of same-sex marriages performed in other states. She has heard from many of her constituents who feel that this is a very important issue. She believed it is important for many residents of ANC 1B and is a citywide issue of justice. She proposed sending a letter of support to the City Council from ANC 1B supporting their action.

Commissioner Smith said he agreed with Commissioner Conklin and reminded everyone that there would be a meeting of Ward One Democrats on Tuesday, June 9th, at 6 PM in the Reeves Center to vote on this issue.

Commissioner Akinmboni said that she would like to consult with the constituents of her Single Member District before voting on this issue. She wanted to be sure that she was representing her constituents' feelings. She said that this a very contentious and divisive issue throughout the city and many people do not agree with it. She felt that all Commissioners should consult with their SMDs before putting ANC 1B into the middle of this issue.

Chairperson Nadeau said that this agenda item had not received proper notice and suggested that it should be postponed to the July meeting. Commissioner Conklin agreed.

Commissioner Conklin moved that the proposal to send a letter to the City Council supporting its action recognizing same-sex marriages from other states be postponed to the July 2, 2009 meeting of ANC 1B

Commissioner Smith seconded the motion.

The motion was adopted, 7-0.

A member of the audience asked if the proposal was to support both marriage equality rights and the recognition of same-sex marriages from other states. Chairperson Nadeau and Commissioners Conklin and Smith said the intent was to support the City Council's recent legislation recognizing same-sex marriages from other states.

Treasurer's Report

Commissioner Lopez announced that there had been no financial activity since the May meeting. The bank balance is \$90,651.75. He said the major reason why no financial transactions occurred was that he did not have minutes from the May meeting. He needs minutes immediately after the meeting because they provide the written authority for him to disburse funds. Commissioner Lopez said he had noticed that minutes of some past meetings did not record the actual vote approving some payments and receipts. He said the auditors would match disbursements with actions of the Commission recorded in the minutes. He said there are minutes that must be amended and re-approved. He will identify those documents and submit them to the Commission for re-approval. Chairperson Nadeau asked that this be done for the July meeting.

Commissioner Lopez said he agreed with Commissioner Conklin regarding grants rules and procedures. He hopes and expects that all Commissioners will get grant expenditure receipts to him in a timely manner. If he does not have receipts, the auditors will report that, and Commission funds will be delayed or withheld. Grant recipients agree to submit receipts within 60 days of the conclusion of their project.

Commissioner Akinmboni asked whether the Commission has a contract with an approved grant recipient. Commissioner Lopez said that grant recipients sign an agreement, which is a contract. As Treasurer, he is responsible for getting all receipts

that document and support grant expenditures. If he does not get support from the other Commissioners and if receipts are missing, the Commission will suffer.

Purchase of Office Furniture

Chairperson Nadeau said that the Commission would have to purchase furniture for its new office space. She said the budget has a line item for this purpose. As soon as she has an estimate, she will submit it to all Commissioners. [OPM} is helping with the selection of appropriate furniture.

Commissioner Moss asked if the furniture is the permanent property of the Commission. Chairperson Nadeau said that it is.

Hiring of Staff Director

Commissioner Raia asked if a staff director had been hired. Chairperson Nadeau said that the hiring was approved at the executive session in May. Commissioner Raia said he did not believe there was quorum present when that action was taken. Chairperson Nadeau said she believed a quorum was present, although she would have preferred more Commissioners had attended. Commissioner Raia said he thought he would get minutes of the May meeting when a staff director was hired. He needed the minutes for protests he wanted to record, but he never received the minutes. Chairperson Nadeau said that she thought he was working with the Secretary to get what he needed and apologized for the oversight. She said she had hoped to have an additional vote on what would happen at the end of the new Staff Director's probationary period, and that was why she delayed putting him to work. However, the Commission in executive session did vote to hire Jim Irwin at the rate it had approved, so she invited him to start at this meeting. She could not get a quorum for a second executive session to decide on what would happen at the end of the probationary period regarding compensation. Commissioner Raia said he had no objection to Jim Irwin. He objected to how he was hired. Six Commissioners, a quorum, were not present when the vote was taken. Chairperson Nadeau said she counted six people in the room, with one abstention. Commissioner Raia said that what Chairperson Nadeau called an abstention was actually the person walking out of the meeting. Chairperson Nadeau asked what Commissioner Raia proposed. Commissioner Raia said he thought the Commission would vote to hire Mr. Irwin at this meeting, not that he would already be working. Chairperson Nadeau apologized for the misunderstanding and asked what Commissioner Raia proposed the Commission should do now. Commissioner Raia said he thought the Commission had to vote on hiring a staff director.

Chairperson Nadeau moved that ANC 1B hire Mr. Jim Irwin as Staff Director at an hourly rate of \$17.00 for a three-month probationary period.

Commissioner Conklin seconded the motion.

The motion was adopted 5-1-1.

Chairperson Nadeau, noting the presence of a quorum, suggested that the Commission be willing to consider an increase in compensation at the end of Mr. Irwin's probationary period if he performs well.

Commissioner Akinmboni objected to the suggestion, saying that they had set the rate of compensation and nothing more needed to be done. Chairperson Nadeau said she thought it would be better to discuss this matter in executive session. Commissioner Akinmboni objected to the way the Executive Committee handled the matter of hiring a staff director. She said other Commissioners were not included in the meetings. She thought all Commission business, whatever it was, should be conducted by the entire Commission, and the Executive Committee should be dissolved.

Chairperson Nadeau said that every time the Executive Committee had met, every Commissioner had been notified of the meeting and invited to attend. The Executive Committee had never met without inviting the entire Commission, and she wanted that noted in the record. She said she appreciated Commissioner Akinmboni's feedback and looked forward to working with her on ideas of how best to move forward.

Commissioner Conklin moved that the June 2009 meeting of ANC 1B be adjourned.

Commissioner Smith seconded the motion.

The motion was adopted unanimously, 7-0.

The meeting adjourned at 9:24 PM