



ADVISORY NEIGHBORHOOD COMMISSION 1B

Government of the District of Columbia

Minutes

**Thursday, May 6, 2010,
7:00 PM, Reeves Center, 2000 14th Street N.W.**

The regular monthly meeting of Advisory Neighborhood Commission 1B occurred on Thursday, May 6, 2010, at 7:00 pm in the Reeves Center, Commissioner E. Gail Anderson Holness being present as Chair and Commissioner Myla Moss as Secretary. Commissioners present during the meeting: Rosemary Akinmboni, Myla Moss, Sedrick Muhammad, Brianne Nadeau, Peter Raia, and Deborah Thomas. Commissioner Smith was absent.

Chairperson Anderson Holness observed the presence of a quorum and called the meeting to order at 7:05 PM.

Chairperson Anderson Holness then made the following announcement:

Good evening and welcome to the May 2010 meeting of ANC 1B. I am Commissioner E. Gail Anderson Holness, Chairperson of the Commission. Before I call the meeting to order, I would like to make the following announcements on behalf of the Commission.

- ✓ We ask that you silence your cell phones. By “silence” I mean either put them on “silence” or turn them off if you are able. The vibration and rings interfere with our recording and we sometimes lose valuable information.
- ✓ Our meeting agenda is based on a strict time frame. We want to address all issues and assure participation by all interested parties, but we also want to make sure that our meeting ends at a reasonable hour. Therefore, we ask that all presentations be limited to five minutes. Mr. Jim Irwin, our staff director, will give each presenter a three-minute and one-minute warning, and then will announce the expiration of time. We request all those asking questions to be as brief and concise as possible. Ask a question, and not make a major statement or give us a dissertation. Community announcements at the end of the meeting are limited to two minutes each. We want to do this because individuals start to leave the meeting after they make their presentations, and we want the community to be involved as much as possible in all of the business of ANC 1B, so that is why we want to have our meetings for about an hour and a half. That way, people will want to stay

and they will be interested in what is happening in our community, and we will all be knowledgeable about what is going on.

- ✓ This meeting is audio-recorded for the public record and the draft minutes of the meeting, which will be published on our website as soon as possible.
- ✓ We welcome and encourage public comment at appropriate points in the meeting. Normally, we will ask for public comment on issues before the Commission before any motion is offered for official action. Once a motion has been made and seconded, comment and discussion is confined to Commissioners.
- ✓ We ask that all those making presentations, asking questions, or making comments speak loudly and clearly for the benefit of our recording device. Please state your name, residence address, and what organization you represent. If you are representing yourself as a resident, rather than an organization, please say so.
- ✓ For the accuracy of our public records, we ask that all those making presentations, asking questions, or making comments complete the very brief speaker information form located on the sign-in table at the back of the room. Please give the completed form to our Staff Director, Jim Irwin, either before or after you speak to the Commission. The purpose of this form is to assure correct spelling of your name in the minutes, accurate address and accurate statement of representation.

Chairperson Anderson Holness asked Commissioners to introduce themselves.

Presentations

United Negro College Fund

Chairperson Anderson Holness invited the representatives of the United Negro College Fund (UNCF) to make their presentation.

Ms. Olivia Shay-Byrne, representing Reid Smith, counsel for UNCF, introduced Talah Shahlavi of Reid Smith and Gerald Chen-Young, Investment Manager at UNCF. She said that they are proposing a 319,000 square foot mixed use project at the former Broadcast One development. They will purchase 50,000 square feet of office space, 5,000 square feet for the College of Knowledge, and the balance will be residential. They are requesting the Commission's support for up to \$26 million in tax-exempt bonds to enable to purchase and construct their new space. They are requesting a letter of support.

The College of Knowledge will be on the lower level of the building and will provide students with the knowledge and skills to apply for college or university.

Mr. Chen-Young said that he managed three investment portfolios for UNCF. They had about \$1.1 billion in investments. UNCF's headquarters is currently located in Fairfax, Virginia. They moved there from New York City in the early 1990s. The current thinking is that Fairfax is not representative of UNCF. It is not close to the Washington D.C. universities, the multilateral institutions, the District government, the Capitol. It is in many senses an anachronism to have UNCF out in the suburbs. The Shaw neighborhood just down the street from Howard University offers natural synergies. The UNCF funds scholarships not just for African American students, but through their Gates Foundation partnership, for all minority students. A thousand students per year, almost anywhere in the world, receive scholarship support from UNCF. The location is natural, it fits, and it feels good to be in Washington D.C.

Commissioner Moss congratulated UNCF on the City Council's unanimous vote to provide UNCF with a tax abatement of \$5.1 million over two years. She said she had testified in favor of UNCF receiving that tax abatement and was delighted that UNCF would be an anchor tenant for the development.

Chairperson Anderson Holness asked if there were any questions from Commissioners. There was none. She asked if there were any questions from the community. There was none.

Commissioner Moss moved that ANC 1B send a letter of support to the D.C. City Council for the issuance of tax-exempt revenue bonds.

Commissioner Muhammad seconded the motion.

The motion was adopted unanimously, 8 yes, 0 no.

Officers Reports

Secretary's Report – Minutes of April 2010 meeting

Commissioner Moss submitted the draft minutes of the April 2010 meeting for approval.

Commissioner Moss moved that the draft minutes of the April 2010 meeting be approved with any corrections as necessary.

Commissioner Nadeau seconded the motion.

Commissioner Lopez noted one correction on page three of the minutes under the Public Safety Committee report. He asked that the location of 14th and Fairmont Streets N.W. be noted as located in ANC 1B07. Commissioner Muhammad said he was not sure of the address. Chairperson Anderson Holness said the minutes could be corrected to read "in the area of 14th and Fairmont Streets N.W."

There were no other corrections

The motion was adopted, 7 yes, 0 no, 1 abstain. Commissioner Ferrer abstained.

Treasurer's Report

Commissioner Ferrer reported that four checks were written at the April meeting: 2 checks to James Irwin for staff wages and office supplies, a check to Commissioner Ferrer in the amount of \$1,057.77 for reimbursement of furniture moving expenses, and a check to the African American Civil War Museum for a grant of \$2,200.00.

Commissioner Ferrer noted the list of checks that were cashed in April.

Commissioner Ferrer reported that there were three expenses to be approved:
\$1,389.76 for staff wages to James Irwin
\$380.73 for office supplies and printing to James Irwin
\$107.90 for website hosting and maintenance fees for the last eight months to Philip Spalding

Commissioner Raia said he thought that Mr. Spalding had been removed from the website account and someone else's credit card was being used to pay the fees.

Commissioner Nadeau said that they had waited until they hired someone, and then it did not happen.

Commissioner Ferrer said that the change had been discussed with Mr. Spalding and the charge would go on Mr. Irwin's credit card. Mr. Irwin is waiting to get a user name and password for the website account from Mr. Gottlieb Simon.

Commissioner Ferrer moved that ANC 1B approve the reimbursement of the three expenses as stated.

Commissioner Moss seconded the motion.

The motion was approved unanimously, 8 yes, 0 no.

Commissioner Ferrer moved that ANC 1B approve the Treasurer's Report for April, 2010.

Commissioner Moss seconded the motion.

The motion was adopted unanimously, 8 yes, 0 no.
Commissioner Ferrer referred to the 2010 First and Second Quarterly Reports that had been circulated to the Commission for review.

Commissioner Lopez asked if these were the final reports and were all receipts available.

Commissioner Ferrer said they were and the reports would be circulated again with all receipts and documentation scanned and accompanying them.

Commissioner Lopez asked about the payment of state and federal taxes.

Commissioner Ferrer said those were still being worked out and would go into the next quarterly report.

Commissioner Ferrer moved that ANC 1B approve the 2010 First Quarter Report.

Commissioner Moss seconded the motion.

The motion was adopted unanimously, 8 yes, 0 no.

Commissioner Ferrer moved that ANC 1B approve the 2010 Second Quarter Report.

Commissioner Moss seconded the motion.

The motion was adopted unanimously, 8 yes, 0 no.

Commissioner Ferrer said that the furniture that had been donated and stored would have to be moved into the new office space at the Reeves Center. Mr. Irwin was searching for a new vendor because the first one had added costs after the move that were not acknowledged up front. Commissioner Ferrer proposed to review the cost of the new vendor, approve it, and circulate it to the Commission. There was no objection to this proposal.

Public Safety and Public Safety Committee Report

Commissioner Muhammad reported that he had met with Lt. Jova, representing PSA 305 and Lt. Pierce and Sgt. ____ [inaudible] who represent PSA 304. Starting this month, on May 27th, the Public Safety Committee will begin meeting regularly. The meetings are fully supported by the Metropolitan Police Department. The Fire/EMS Department will be represented as well. He said that when he had identified the meeting location, he would be going to the residents of the area and putting out notices of the meeting.

Commissioner Muhammad said he had a report on crime in PSA 304 and 305 for the past thirty days. Commissioner Muhammad's full report was circulated to the Commission and is appended to these minutes for review.

Commissioner Muhammad moved that his report be adopted for information purposes.

Commissioner Ferrer seconded the motion.

The motion was adopted unanimously, 8 yes, 0 no.

Design Review Applications and Design Committee Report

Mr. Tony Norman, Chairperson of the Design Review Committee, reported that this was the last day for people to join the committee. As the Commission decided at the April meeting, committee membership would be closed on May 6th. He also reported that the committee now has 14 members, including three or four architects and the Dean of the Howard University School of Architecture.

Chairperson Anderson Holness thanked Mr. Norman for his work in rebuilding and revitalizing the committee, and she thanked all who had joined for their willingness to serve.

Mr. Norman reported that the committee had reviewed the proposal of the African American Civil War Memorial Museum to relocate the museum to the Grimke School and carry out renovations there. The committee expected to review the Museum's applications for public space permits, traffic management and other matters at a later date. At present, the committee had approved the concept of the museum's renovation of the school and recommended that the Commission support that concept.

Commissioner Raia moved that ANC 1B support the concept of the African American Civil War Memorial Museum renovation of the Grimke School as presented by the Design Review Committee.

Commissioner Muhammad seconded the motion.

The motion was adopted unanimously, 7 yes, 0 no.

Mr. Norman reported that the committee discussed a proposal by merchants in the 2000 block of 14th Street N.W. to place a communal trash compactor in the alley to improve trash management. However, the committee did not actually hear from or receive a written proposal from an applicant and therefore could not take action. The committee found the concept very interesting.

Chairperson Anderson Holness asked if anyone was present to speak to the proposal.

Mr. Sheldon Scott, Restaurant Marvin, said the project is designed to address the problem of trash disposal for businesses on that block. These businesses occupy 100% of their lots and do not have space for trash disposal. This has caused problems for them and for residents. They propose to place a communal trash compactor on public space in the alley for trash disposal and another for recycling. They are now in the process of designing a relationship between the businesses that will allow one of them to be identified as the applicant for the public space permit.

Commissioner Ferrer asked if they yet had an applicant.

Mr. Scott said they did not yet have an applicant.

Chairperson Anderson Holness asked if there was some action the Commission should take at this meeting.

Mr. Norman said the committee did not have a written proposal, but liked the concept. He thought there should be a written proposal or request.

Mr. Scott said they would like a letter from the Commission supporting the concept.

Mr. Scott Pomeroy, a member of the Design Review Committee, said that the request had been sent earlier last week by e-mail but did not come through until last night. The request was for the Commission to support the general concept of the public space application, subject to verification of the specifics at the next Design Review Committee meeting.

Commissioner Moss asked what Mr. Scott's timeline was for resolving the contractual relationship among the merchants and identifying an applicant.

Mr. Scott said it would be a matter of two or three weeks. They were currently waiting to receive a contract from the trash disposal vendor.

Commissioner Akinmboni asked who specifically was involved in the proposal.

Commissioner Raia said that all the merchants on the 2000 block of 14th Street N.W. would be involved.

Commissioner Ferrer asked if the Commission would be voting only on the concept of the project, and would the project come back to the Commission at the next meeting for approval of the public space application.

Mr. Pomeroy said the request was for support of the concept. The public space application and the details would be brought to the Commission at the next meeting, but the Department of Transportation wanted the project concept presented to the Commission before the application was filed.

Commissioner Raia moved that ANC 1B support the concept of the communal trash compactor as presented.

Commissioner Muhammad seconded the motion.

The motion was adopted unanimously, 8 yes, 0 no.

Liquor Licenses and ABC Committee Report

Commissioner Raia announced that the ABC Committee would be meeting on Wednesday, May 19, 2010 at 7:00 PM at the Thurgood Marshall Center. He said that current committee membership was drawn from the single-member districts of Commissioners Lopez, Muhammad and Thomas, and from his district.

L&S Lounge, LLC t/a GII Restaurant & Lounge, 2632 Georgia Avenue, N.W. – Retail Class C Restaurant License Application

Commissioner Raia noted that Commissioner Smith was absent. At his request, Commissioner Raia was handling this license application.

Commissioner Raia moved, on Commissioner Smith's behalf, that ANC 1B protest the license application of GII Restaurant and Lounge on the basis of peace, order, quiet and parking.

Commissioner Muhammad seconded the motion.

Commissioner Raia said that Commissioner Smith would be the lead for this application, but in his absence, Commissioner Raia said he would assist with the ABRA concerns that Commissioner Smith might have, so that when it was assigned to a Commissioner he would assist with those concerns.

Commissioner Thomas commented that the same location had been before the Commission two years ago. She had talked with Commissioner Smith about an hour before the meeting and she was familiar with the business. [remaining comments inaudible.]

Commissioner Nadeau asked if the Commission would have the opportunity to hear from the applicant.

Commissioner Raia asked if Commissioner Nadeau needed to hear from the applicant.

Commissioner Nadeau asked if it was not the point of having the application on the agenda that the public could hear what the application was.

Commissioner Nadeau commented that if the Commission was protesting, it should understand why.

Commissioner Raia suggested that the applicant take three minutes to tell the Commission what his business was about.

Mr. Andrew Kline, attorney for the applicant, said he was surprised that a motion to protest had been made before the applicant could make a presentation to the Commission.

Mr. Kline said the applicant was a small neighborhood establishment. The occupancy rate is 102. The application is for a Class C Restaurant license, serving food. The applicant had a fact-finding hearing before the Alcoholic Beverage Control Board (ABCB) because there had been a previous application for the location and the Board was concerned that the applicant was in fact independent from the property owner, who had been the previous applicant. The Board was completely satisfied with him and that he was independent. This would be an upscale establishment and Mr. Kline invited the Commissioners to visit it. He asked the Commission to support the license application and repeated his surprise that a motion to protest was made before the applicant had made his presentation.

Commissioner Thomas asked if it was standard procedure to protest every license application on the basis of peace, order, quiet and parking.

Commissioner Raia said it was not standard because the Commission had not protested every license.

Commissioner Thomas said that it appeared to her that every new liquor license applicant seemed to be subject to protest, no matter who it is. She said she had asked this question a while back, and she did not get any clarity.

Commissioner Raia said he wanted to make it clear that it was not standard. He could bring the question to the ABC Committee and see if they wanted to make it a standard.

Commissioner Thomas said she believed that every new license had been subject to protest as a way of negotiating a voluntary agreement. Was she correct about that?

Commissioner Moss said that the lion's share of those applying for renewal or for a new license had been protested to make sure that they were properly vetted with civic associations as well as the development and drafting of a voluntary agreement. It was not the posture of the Commission to be anti-business or to sink renewals or new applications. It was just the process of vetting it with the community and getting a sound voluntary agreement and consensus with the residents and the merchant.

Chairperson Anderson Holness observed that, since she had become Chair, the position was that businesses go to the community organizations and talk with them, which would make it easier for different committees to work properly.

Commissioner Thomas said she liked the way that worked. Her question, again, was whether this was standard procedure. On the one hand the answer was no, but on the other hand she observed that that was what the Commission had been doing. She needed clarity so that she could tell businesses in her single member district what to expect.

Chairperson Anderson Holness noted that Commissioner Raia had said that Commissioner Smith could not attend the meeting. He had come by briefly before the

meeting began but had to go out of town on business, so he was not at the meeting and this application was in his single member district. One of the things they wanted to do was put it in abeyance until Commissioner Smith could be present, because that is his single member district. However, because of time constraints and other issues relating to this matter, they decided to bring it at this meeting. Therefore, the motion came directly from the Chair of the ABC Committee.

Commissioner Nadeau asked if the Commission was protesting on the basis of peace, order and quiet, or was the Commission protesting to buy time because it had not done its homework.

Commissioner Raia said that Commissioner Smith was not present to talk about that so he could not answer that question.

Commissioner Nadeau asked if Commissioner Smith had said why he wanted to protest.

Commissioner Raia said that there were issues with the application. He asked the applicant if he had gone before the community yet.

Commissioner Ferrer asked if the applicant had met with the Pleasant Plains Civic Association.

Mr. Kline said no.

Chairperson Anderson Holness noted that the Commission had asked individuals, especially since January, to go before neighborhood community organizations prior to coming to the full Commission. The Commissioner for the single member district should help to make that happen. The Commission had been very successful in enforcing that with other individuals and groups that have come before it. Until that happens, the Commission would send the individual back to the community to go to that community and then bring the issue back to the Commission, so that the Commission might vote on it based on what the residents have said. She observed that all Commissioners agreed that this was a good policy to have because it let the Commission know that the community was either for or against the particular issue. Right now, the Commission did not have that information.

Commissioner Raia said that if Commissioner Smith came back to the Commission and said he had spoken with the community, a voluntary agreement might not be necessary, and at that point the Commission could withdraw its protest.

Commissioner Ferrer asked if the applicant had been before any of the other civic associations in the area.

Mr. Kline said no.

Commissioner Ferrer said that his single member district bordered that of Commissioner Smith. They were right across Georgia Avenue from each other. There was a real lack of good restaurants in the neighborhood and they would love to see a good new restaurant come in. However, he had concerns about the application because of the history of the location and the previous applicant. He asked Mr. Kline if he could share the results of the ABCB fact-finding hearing. He asked if there was a transcript of the hearing.

Mr. Kline said there was a transcript, and he could summarize the results. He said that the applicant, Mr. Askew, went to the hearing with his business plan. The Board was satisfied with his plan and was also satisfied that Mr. Askew's relationship to the previous applicant, who was also his landlord, was strictly as tenant to landlord. The landlord had no interest in the business. Mr. Askew had his own vision for the business. The Board was completely satisfied with all of that.

Commissioner Ferrer said he would like to have the findings of the hearing.

Mr. Kline said the Board did not make any findings per se because they usually do not, other than to decide whether any further action is warranted, so there are not any formal findings. Other than his summary, a transcript of the hearing would be the only thing available.

Commissioner Ferrer said he would get the transcript. He said that, until the applicant had presented to the community organizations in the area, as the Commissioner representing the district directly across from the location, he would want the Commission to protest the application so that the community had the chance to weigh in prior to any action by the Commission.

Commissioner Moss asked Mr. Askew if he could describe his experience in the restaurant business prior to applying for this license.

Mr. Askew said he had not had a liquor license before this. He had experience as a restaurant manager in the District.

Commissioner Moss asked how long Mr. Askew had been leasing the present location.

Mr. Askew said he had had the lease for several weeks, and had signed a ten-year lease. He said he did not expect any problem and would be very happy if Commissioners would come and see what he was doing to create an upscale restaurant. He had already invested a lot of money.

Commissioner Moss asked if Mr. Askew was planning to have music in his summer garden.

Mr. Askew said he did not plan to have live music or loud music, but he did plan to have recorded classical jazz.

Commissioner Moss asked if that was part of the application.

Mr. Kline said no.

Commissioner Moss observed that would be part of a voluntary agreement negotiation.

Commissioner Raia said that was between the applicant and Commissioner Smith, who was not able to be present. He said the community wanted the applicant's business, but part of the confusion was related to the past history of the owner and previous applicant.

Commissioner Moss encouraged the applicant to visit with the residents and the civic associations in the neighborhood.

Chairperson Anderson Holness asked if there were any questions from the community.

There was none.

Commissioner Ferrer observed that the applicant should go to the Pleasant Plains Civic Association because it would be great advertising as well. A lot of residents were members and would be excited about the applicant's plans.

Commissioner Raia requested a friendly amendment to the motion to say that if Commissioner Smith determines in consultation with the Pleasant Plains Civic Association and other groups that a voluntary agreement is not needed, then the Commission will withdraw the protest.

Commissioner Nadeau said she did not think the Commission could do that.

Commissioner Raia said that Commissioner Smith, based on his determination, could say that there was no issue and withdraw the protest.

Commissioner Nadeau said the Commission had to vote to withdraw a protest.

Chairperson Anderson Holness asked Commissioner Raia to restate his motion.

Commissioner Raia moved that ANC 1B protest the license application of GII Restaurant and Lounge on the basis of peace, order, quiet and parking, and that if Commissioner Smith, in consultation with community organizations, determined that no voluntary agreement was needed, the Commission would withdraw its protest. Commissioner Nadeau said that this could not be done without another vote.

Commissioner Raia said that it would have to come back next month anyway.

Commissioner Nadeau asked then why bother amending the motion.

Commissioner Raia said the Commission could just protest the license if that was what Commissioner Nadeau wanted. He said the next ABCB hearing was just to schedule a future hearing.

Chairperson Anderson Holness said there was a motion on the floor and called for a vote.

The motion failed 4 yes, 5 no by roll call vote.

YES

Raia
Muhammad
Ferrer
Anderson Holness

NO

Moss
Thomas
Nadeau
Lopez
Akinmboni

Commissioner Raia moved that ANC 1B protest the license application of GII Restaurant and Lounge on the basis of peace, order, quiet and parking.

Commissioner Muhammad seconded the motion.

The motion was adopted 5 yes, 4 no by roll call vote.

YES

Moss
Raia
Muhammad
Ferrer
Anderson Holness

NO

Thomas
Nadeau
Lopez
Akinmboni

The Independent, 715 Florida Avenue N.W., Retail Class C Tavern License Application

Commissioner Moss introduced Mr. Sheldon Scott and Mr. Ian Hilton, the applicants. She noted that the applicants had been very proactive in reaching out to residents and neighborhood associations.

Mr. Scott said they were applying for a Class C Tavern License for an Italian full-service restaurant on the first floor, with lounge and soft seating on the second floor, and a summer garden roof-top.

Commissioner Moss said the community was delighted with the proposed activity at this location. This had been a long-dormant location and the proposed business is much-

needed in that area. She said that she and the applicants were in the process of discussing a voluntary agreement. It had not yet gone to the ABC Committee. She would recommend that the license be protested so that the applicants could go before the civic association and the ABC Committee, so that a voluntary agreement could be negotiated that would address the roof deck.

Commissioner Moss moved that ANC 1B protest the application of The Independent on the basis of peace, order, quiet and parking.

Commissioner Ferrer seconded the motion.

Commissioner Lopez asked if ABRA needed to know that the applicants were changing the nature of their operation from a café to a full-service restaurant.

Commissioner Raia said they would have to notify ABRA when they get their license.

Commissioner Raia asked Mr. Scott if the license would change from a C-T to a C-R license since they were proposing a full-service restaurant.

Mr. Scott said the license would remain as a C-T.

Commissioner Nadeau asked what reason there was for protesting on both peace, order and quiet and parking. She thought a protest was on one basis or the other.

Commissioner Raia said there were three reasons for protest, and that a protest could be based on any combination of the three. Parking was a new addition.

The motion was adopted unanimously, 9 yes, 0 no.

Chairperson Anderson Holness reiterated and emphasized that it was necessary for those coming to the Commission to first meet with their community organizations, so that the community could weigh in. The Commission was in agreement with businesses coming into the area, but wanted businesses to come in the right way, and that was to get community input so that the community could buy into the business concept.

Commissioner Moss said that the applicants in this case had done that, but they still had to meet with the civic association.

Commissioner Nadeau noted that the agenda had eight items under the purview of the ABC Committee. She asked why the Committee had not met to review the items before the full Commission meeting.

Chairperson Anderson Holness said the ABC Committee did not meet because there were other issues taking place, and these were the items that they asked to have on the agenda. She said some committees did not always meet because of other issues, and there were other extenuating issues that caused the ABC Committee not to meet.

Alero Lounge, 1301 U Street N.W., renewal of retail Class C Restaurant License; Crème Café & Lounge, 1322 U Street N.W., renewal of Retail Class C Restaurant License; Little Ethiopia Restaurant, 1924 9th Street N.W., renewal of Retail Class C Restaurant License; Portico, 1914 9th Street N.W., renewal of Retail Class C Restaurant License

Commissioner Raia moved that ANC 1B support the applications for renewal of Retail Class C Restaurant licenses for Alero Lounge, Crème Café and Lounge, Little Ethiopia Restaurant, and Portico.

Commissioner Nadeau seconded the motion.

Commissioner Muhammad asked if Alero Lounge had to come to the Commission regarding additional outside seating.

Commissioner Raia said he had to check with ABRA. They might have permission because ABRA might have deemed it not a substantial change so that they could do it without coming to the Commission.

Mr. Scott Pomeroy said they had gone before ABRA and the Public Space Committee. The space was part of their original license and permit, but they had not used it before.

The motion was adopted unanimously, 9 yes, 0 no.

Columbia Lodge #85, 1844 3rd Street N.W., renewal of Retail Class CX Club License

Commissioner Moss asked if there were any representatives from the Columbia Lodge present. There was not.

Commissioner Moss said that the Lodge was a historical organization that did great community work, including feeding the homeless every Sunday. While they were a historic group and very important, particularly to the African American community, they had not always been good neighbors and the community was not pleased with them. They had had violations of liquor laws and a show-cause hearing last fall relating to selling liquor without a license on the second floor of their building. They have had some fights and police calls. They had not yet met with the LeDroit Park Civic Association and a voluntary agreement had not yet been negotiated. They did not have their security plan properly vetted and implemented.

Commissioner Moss moved that ANC 1B protest the application for renewal of the Columbia Lodge #85 Retail Class CX Club License on the basis of peace, order, quiet and parking.

Commissioner Muhammad seconded the motion.

The motion was adopted unanimously, 9 yes, 0 no.

Mesobe Restaurant and Delimarket, 1853 7th Street N.W., renewal of Retail Class C Restaurant License

Commissioner Moss asked if any representative of the applicant was present. No representative was present.

Commissioner Moss said that this was a small business operated by a husband and wife with a large family. While they were very responsible, the community needed a voluntary agreement with them. They had not reached out to the community or to her since they submitted their application.

Commissioner Moss moved that ANC 1B protest the application of the Mesobe Restaurant and Delimarket for renewal of a Retail Class C Restaurant license on the basis of peace, order, quiet and parking.

Commissioner Muhammad seconded the motion.

The motion was adopted unanimously, 9 yes, 0 no.

Masa 14, 1825 14th Street N.W., Application for Substantial Change to Retail Class C Restaurant License

Commissioner Raia observed that there was a protest hearing for Masa 14 next week. He said he had sent out e-mails to Commissioners regarding the final touches on what the Commission needed to vote on. The only pending issue is the outdoor roof deck. Everything on the inside had been negotiated. The community and the other ANC had not reached any agreement on the outside deck. He had communicated this to Commissioners in an e-mail.

Commissioner Raia moved that ANC 1B support a voluntary agreement with Masa 14 establishing a closing hour for the outdoor deck of 11 PM on weekdays and 12 midnight on weekends.

Commissioner Raia said this represented the majority opinion of the Commissioners who did respond to his e-mail. He needed a vote on this at this meeting in order to convey it to ABRA.

Chairperson Anderson Holness asked if anyone from the applicant was present.

Commissioner Raia said that the applicant was present, but no one who opposed the application was present.

Commissioner Thomas asked if the Commission had not voted to support full hours of operation.

Commissioner Raia said that applied to the indoor operation. The minutes of the March meeting would show that he had said that they would negotiate a 12 midnight closing for the deck at the latest. The 85 residents who were protesting the application had as their first choice no deck at all, their second choice was 11 pm closing weeknights, 12 midnight closing weekends if they had to compromise, and their last choice would be 1 am closing on weeknights, 2 am closing on weekends. Commissioner Raia had communicated that to all Commissioners and asked for their vote. He had four responses, all of whom favored the 11 pm weeknights/.12 midnight weekends closing option.

Commissioner Thomas noted that Commissioner Raia was negotiating and protesting on behalf of the Commission, but was also listed as a witness on behalf of the resident protestants.

Commissioner Raia said he was listed as a witness for the residents as a private citizen. He would represent the Commission if the Commission decided to go to full protest, if an agreement could not be made.

Commissioner Nadeau asked Commissioner Raia if he would still be a witness for the other protestants if the Commission voted to support the agreement.

Commissioner Raia said he would be a witness as a resident, not as a Commissioner.

Chairperson Anderson Holness said that this was not an issue to be dealt with by the Commission because it was a matter of Commissioner Raia's privilege in his personal life. His role as a Commissioner was a separate piece. She did not think this was an issue that could be discussed at this meeting. It could be taken up at another time.

Commissioner Thomas said that the situation was complicated and she was asking again, as she had asked almost a year ago, that there be clear standards for how liquor licenses were dealt with. Right now the Commission did not have such standards. The Commission should formulate such standards and stick with them.

Chairperson Anderson Holness said she understood Commissioner Thomas's concern and she was going to suggest a way of addressing that issue, but for this situation with this application, the motion would be held off until the Commission heard from the applicant. She said that the committee meetings were open to everyone's participation and that was the purpose of having committee meetings, so that as many of these issues as possible could be ironed out before they got to the full Commission. This would cut down on the amount of time spent in Commission meetings. Commissioner Raia announced the committee meetings and all Commissioners and the community were invited to participate.

Commissioner Nadeau noted that there were two months between the date when the Commission voted to protest and granted Commissioner Raia the opportunity to

negotiate an agreement. He had one meeting where he did not invite the applicant, then went a month without another meeting. She said she heard what the Chairperson was saying and she agreed with it, but that was not what was being done.

Commissioner Raia asked if Commissioner Raia meant invited to the committee or to the people that protested the application.

Commissioner Nadeau said that Commissioner Raia had the opportunity to invite Masa 14 to the ABC Committee meeting in March, and then he did not hold a committee meeting in April, so those were two missed opportunities where the Committee could have been heard on the agreement.

Chairperson Nadeau asked the applicant if he had any comment to make.

Mr. Andrew Kline, attorney for the applicant, said that Commissioner Raia had approached them before the last status conference and said the Commission wanted to enter into a voluntary agreement with the applicant. They discussed closing hours of 1 AM weekdays and 2 AM weekends. He asked Commissioner Raia if that was acceptable. He said it was. Mr. Kline said he asked Commissioner Raia if he should draft the amendment to the agreement or should Commissioner Raia. Commissioner Raia said Mr. Kline should draft it. Mr. Kline said he did so and sent it to Commissioner Raia, and the next thing he knew, a poll of Commissioners was being conducted. Mr. Kline said he thought Commissioner Raia was authorized to negotiate with them; he thought they had a deal; he wasted his and his client's time and money drafting an amendment to a voluntary agreement that Commissioner Raia was apparently not authorized to enter into.

Commissioner Moss asked Mr. Kline what was the deal that he understood had been agreed upon. Mr. Kline said that the only issue to be negotiated was the hours of the outdoor roof deck, and the hours that had been agreed to were 1 AM closing Sunday through Thursday and 2 AM Friday and Saturday, which was an hour earlier than the full hours allowed, which had been applied for and on which the applicant was prepared to go to full hearing.

Commissioner Raia said he remembered the agreement differently. The first proposal was 12 midnight closing, which Mr. Kline said would not work for his client. Commissioner Raia said he had told Mr. Kline he would have to go back to the Commission. He then sent out the e-mail asking for the Commissioners' vote on the closing hours, and got the responses of 11 pm closing weekdays and 12 midnight closing weekends.

Chairperson Anderson Holness noted that there was a motion on the floor and called for the question.

Commissioner Ferrer asked that the motion be restated.

Commissioner Raia moved that ANC 1B support an amendment to the voluntary agreement with the applicant to specify closing hours for the outside deck of 11 PM on weeknights and 12 midnight on weekends.

Commissioner Muhammad seconded the motion.

The motion failed, 4 yes, 5 no, by roll call vote.

YES

Raia
Muhammad
Ferrer
Anderson Holness

NO

Moss
Thomas
Nadeau
Lopez
Akinmboni

The motion failed, 4 yes, 5 no.

Commissioner Nadeau moved that ANC 1B support an amendment of the Voluntary Agreement with MASA 14 to set closing hours of 1:00 AM Monday through Thursday and 2:00 AM Friday and Saturday.

Chairperson Anderson Holness asked in whose single-member district was this licensee located.

Commissioner Raia said it was his single-member district, which was going to a full-protest hearing.

Commissioner Lopez seconded the motion.

Commissioner Moss asked if Commissioner Nadeau would accept a friendly amendment to modify the hours to 12 midnight Monday-Thursday and 2:00 AM Friday-Saturday.

Commissioner Nadeau said she would accept Commissioner Moss's friendly amendment.

Commissioner Raia offered a friendly amendment that the closing hours be 12 midnight seven days a week to match the closing hours of the licensee's outdoor seating.

Commissioner Nadeau asked if that meant the roof deck would close at 12 midnight on Friday and Saturday.

Commissioner Raia said that the closing hour would be the same as for every other outdoor café in the area.

Chairperson Anderson Holness asked if Commissioner Nadeau would accept the friendly amendment.

Commissioner Nadeau asked the applicant if he would accept Commissioner Raia's proposed closing hours for all seven days.

The applicant said no.

Commissioner Nadeau said that she would not accept Commissioner Raia's friendly amendment.

Chairperson Anderson Holness restated Commissioner Nadeau's motion: Commissioner Nadeau moved that the closing hours for the roof deck would be 12 midnight Monday through Thursday and 2:00 AM Friday and Saturday.

Mf. Andrew Kline asked if the applicant could be heard on the motion.

Chairperson Anderson Holness said no, the motion had been made and seconded and only Commissioners could speak to the motion.

Chairperson Anderson Holness called for a vote on the motion.

The motion was adopted 6 yes, 1 no, 2 abstain by roll call vote.

YES

Moss
Thomas
Nadeau
Lopez
Akinmboni
Ferrer

NO

Raia

ABSTAIN

Muhammad
Anderson Holness

Grant Applications and Grants Committee Report

Commissioner Akinmboni reported that the Grants Committee met on Monday, April 26, 2010 at 7:00 PM. She presented her report on the meeting, which had distributed in advance to all Commissioners. That report is appended to these minutes.

Chairperson Anderson Holness thanked Commissioner Akinmboni for her report and for her work in organizing and leading the Committee.

Commissioner Nadeau, a member of the Committee, thanked Commissioner Akinmboni for her work. She added that, since the Committee meeting, WeR4U had provided additional information to the Commission on other funding sources, so the Committee was now able to recommend that the Commission approve that grant application.

Commissioner Nadeau encouraged Commissioners to review the Committee's recommendations regarding the types of grants to be encouraged. She hoped that after review, these guidelines might be posted on the Commission website.

Commissioner Ferrer asked what additional information had been provided about the WeR4U grant application.

Commissioner Nadeau said that they had found additional sponsors and donors for their event, so the Commission was no longer the sole funding source. A list of sponsors had been provided to all Commissioners as part of the grant application.

Ethiopian Community Services and Development Council grant application

Commissioner Muhammad said he did not understand the Committee's recommendation to provide \$2,000 to the Ethiopian Community Services and Development Council (ECSD) when the Committee did not know if those who would benefit from the grant lived in ANC 1B.

Commissioner Akinmboni said that the Committee was recommending that funds be granted only after the applicant had provided that information to the Commission. She said that was what the Committee had done with WeR4U. They had asked for additional information, and when satisfactory information was received, they were able to support the grant.

Commissioner Muhammad asked if ECSD representatives had attended the Committee meeting. Commissioner Nadeau said they had not attended. They intended to invite grant applicants to the committee meetings in the future.

Commissioner Muhammad asked if a check for \$2,000 was ready for the ESCS.

Commissioners Akinmboni and Nadeau said no, they were not recommending approval at this meeting.

Commissioner Ferrer said the Commission had to vote on the application.

Commissioner Muhammad asked if the grant application for \$2,000 would be approved if ECSD could provide information that the grant would benefit the residents of ANC 1B.

Commissioner Moss moved that the ECSD grant application be tabled until they can come before the Grants Committee and the Commission and present information on the benefits of the grant for ANC 1B.

Commissioner Ferrer seconded the motion.

The motion was adopted unanimously, 8 yes, 0 no.

WeR4U Grant Application

Commissioner Moss introduced Mr. Jamal Muhammad, Pacifica Radio/WPFW-FM. She said Mr. Muhammad was a jewel and a treasure for the community. He knew more about jazz and the history of jazz than anyone she had ever met. She was delighted that he had applied for funding to help educate the residents of ANC 1B about jazz and African American history.

Mr. Muhammad made some comments on the history of jazz in the U Street corridor.

Commissioner Moss said that the grant would provide that kind of information and education on jazz music for all the residents of ANC 1B

Commissioner Moss moved that ANC 1B approve the WeR4U grant application in the full amount of \$2,000 for jazz seminars.

Commissioner Ferrer seconded the motion.

The motion was adopted unanimously, 9 yes, 0 no.

Friends of Harrison Recreation Center Summer Film Series grant application

Commissioner Raia said that this organization would be having a movie series in Harrison Park and has applied for a grant to cover part of the cost. The Grants Committee supports the application, as does the U Street Neighborhood Association. He asked Mr. Jon Kardon to give a brief description of the project.

Commissioner Raia moved that ANC 1B approve the grant application of the Friends of Harrison Recreation Center for \$2,000.

Commissioner Muhammad seconded the motion.

Mr. Kardon, Vice President of the Meridian Hill Neighborhood Association, said the project was a community event for the greater neighborhood and it was also a fund-raising event for the Friends of the Harrison Recreation Center. Mr. Kardon acknowledged Commissioner Nadeau's active participation and support in organizing the series. It will be a series of five movies shown on four different nights over the summer in June, July, August and September. The films are music-related, to pay homage to the jazz history of the U Street corridor. The films are: Michael Jackson's This is It, Buena Vista Social Club, The Soloist, and a double feature of Soul Power and Duke Ellington's Washington (a PBS documentary). The total cost of the project is

between \$6,000-\$7,000. They requested \$2,000 from ANC 1B, which is being matched by \$1,750 from the U Street Neighborhood Association, \$500 from the Meridian Hill Neighborhood Association, and additional sponsorships from neighborhood businesses. Admission is free.

Commissioner Nadeau said that she had been involved in helping organize the event but wanted to note for the record that she was not benefitting personally in any way from the grant and would like to participate in the vote. There was no objection.

Mr. Kardon said the park was located on V Street between 13th and 14th Streets, N.W.

Chairperson Anderson Holness called for the question.

The motion was adopted unanimously, 9 yes, 0 no.

Commissioner Akinmboni announced that three residents would be joining the Grants Committee.

Commissioner Raia, on behalf of Commissioner Smith, introduced a grant application from the DC Caribbean Carnival. He also introduced a grant application from the Westminster Neighborhood Association.

New Business

Howard University Request for Extension of Filing Deadline for Central Campus Master Plan

Chairperson Anderson Holness said that Howard University had a request for an extension on filing of its campus master plan. She asked Ms. Maybelle Bennett of Howard University to present the request.

Ms. Bennett said that the University was asking for an extension of one year of the deadline for filing its central campus master plan. This request came immediately the first extension, which was requested when the new university president arrived in 2008.

The president took about a year to staff up his management team, including the provost, chief academic officer, the senior vice president for health affairs, chief financial officer, and chief operating officer. These were the people who would have to implement the plan. Most of them were added in January and February of 2010. A campus plan without their input would not be a credible plan.

The second major reason for the request is to give the community and Howard's neighbors an opportunity to fully vet the plan.

Ms. Bennett said she understood that the Commission had a protocol and it was expected that such requests would be taken to the affected community and neighborhood organizations first. However, they were not able to do that if they wanted

to submit their request at the May 24 2010 Zoning Commission meeting. They have asked the community leadership, including the Bloomingdale Civic Association, Pleasant Plains Civic Association, and the LeDroit Park Civic Association, if they would be supportive of this extension so that a real plan could be developed and extra time provided for community review and input.

Commissioner Muhammad asked how this process could be moved faster. He observed that taking a year to staff up and asking for extension after extension could mean that the process could go on for ten years. What progress had been made other than having meetings and asking for extensions?

Ms. Bennett said that over the past two years, the staff had been collecting data. For the first time in over 143 years, this would be a needs-based plan, based on more analysis than anecdote. However, the problem is that the data had not been gathered and maintained in a form that the team now in place could readily use to analyze space utilization, the aging of the faculty and that type of information. That is being done now. On the one hand they were collecting data; on the other hand, they were shaping systems to generate the data. That is part of what was taking so long.

Another part of the situation was that the new president cast a very broad nationwide net to recruit the best management team, and that took a long time. She would have loved to have gotten the president to move faster, but she did not get to do that.

Commissioner Muhammad asked if the Commission's Design Review Committee could help move things along faster.

Ms. Bennett said that the CAC meeting would occur on May 19th, and the members would establish a regular schedule or routine of meetings so that they would know which pieces of the data which had been generated so far could be vetted by the neighbors and the community.

Commissioner Ferrer said that it would seem that Howard would have known at least a month earlier that it would need an extension. He asked Ms Bennett why the request was not made earlier so the community could be involved, and what was the feedback that they had received from the civic associations' leadership.

Ms. Bennett said that they had letters of support from Bloomingdale, Pleasant Plains, and LeDroit Park. She said that they knew that the Zoning Commission had two regularly scheduled meetings each month. What she did not have was permission from her superior, Dr. Miner, to ask for an extension. When she did receive that permission, they immediately went to the Office of Planning, which would make a recommendation. The Howard Plan was due June 29th, and they did not want to get into June before asking for an extension. In addition, the current Chair of the Commission is the only one who had heard their presentations in the past and was most familiar with the overall issue. That person was stepping down at the end of May and they wanted to make sure that he was part of the hearing.

Chairperson Anderson Holness said that the real reason for the extension was that the Commission wanted Howard, like everyone else, to go to community and neighborhood organizations and get thorough input before presenting their plan to the Commission.

Commissioner Ferrer said that the fact that Howard had letters of support from all the civic associations was fantastic. He thought that it was important for them to still go to the association meetings this month, let them know about the May 19 meeting, and let them know that this process was going to take another year.

Commissioner Moss said that she thought many in the community were disappointed that the plan was being delayed. However, many universities are slowing the pace of campus planning while they adjust to a new paradigm of thinking about 21st century education and reevaluating their needs for buildings, facilities and programs. She said she supported the extension with the footnote that she was disappointed at the slow pace.

Mr. Norman asked whether Howard would convene its task force on the campus plan and meet on a regular basis. He hoped that would be stipulated in the Commission's support for the extension.

Ms. Bennett said yes.

Commissioner Ferrer moved that ANC 1B support Howard University's request for a one-year extension of the deadline for filing its central campus master plan, conditional on the University's willingness to establish regular monthly meetings of a group of community leaders that can advise the University on the development of the plan.

Commissioner Moss seconded the motion.

Chairperson Anderson Holness emphasized that the Commission strongly requested that Howard University involve Commissioners who represented single member districts around Howard and the community actively in the discussions and development of the plan.

The motion was adopted unanimously, 9 yes, 0 no.

Standards for Commission Handling of Liquor Licenses

Commissioner Thomas said she would like to have, by the next meeting, guidelines or standards on how the Commission would deal with liquor license, to be considered and voted on.

Chairperson Anderson Holness said they would take that under consideration.

Commission Office Space and Lease

Commissioner Thomas asked about the status of Commission office space.

Chairperson Anderson Holness said that the Commission had voted at the April meeting to move into the office space in the Reeves Center. They were waiting on the lease agreement for the space. Once the lease was signed, office policies and procedures would be developed.

Commissioner Lopez asked if the lease had been signed. Chairperson Anderson Holness said it had not been signed and they were waiting to get the final copy.

Commissioner Lopez referred to the Letter of Intent and expressed concern about the requirement for a five-year lease term. He asked what the next step would be.

Chairperson Anderson Holness said the five-year lease term was part of the standard lease agreement. They did not have a one-year term.

Commissioner Nadeau said that the Commission had voted in April for a month-to-month lease. She referred to the April meeting minutes.

Commissioner Ferrer said he did not think anything could be approved beyond a one-year budget term.

Chairperson Anderson Holness said that was something that could be taken back to the Real Estate Service people and worked out.

Commissioner Nadeau said that to make the lease legally binding, the Commission would have to vote to approve the actual lease.

Chairperson Anderson Holness said the lease agreement had not yet been given to the Commission, but it would be submitted for a vote when it was available.

Commissioner Nadeau asked if guidelines and policies for the use of the office could be developed.

Chairperson Anderson Holness said that would be done.

Commissioner Lopez asked who would be involved in drafting those policies.

Chairperson Anderson Holness said the Executive Committee would draft the policies and other Commissioners were invited to be involved in the process.

Executive Committee Meetings and Commission Retreat

Chairperson Anderson Holness announced that the Executive Committee had begun meeting every month at 6:00 PM before the public Commission meeting.

Chairperson Anderson Holness said that the Executive Committee had discussed holding a retreat for Commissioners so that various issues could be discussed at length, including the development of guidelines for liquor licenses. She asked Commissioners to let her know whether July or August would be preferable for the retreat. She said the Commission would meet somewhere inside the District of Columbia, for a few hours on a Friday or Saturday. Dates and times would be worked out later. She asked Commissioners to let her know by e-mail.

Procedures for Dealing with the Commission and Its Committees

Commissioner Lopez asked that procedures for Committees and what people are expected to provide to Committees and the Commission be placed on the website for general public information. That way people who come to Commission meetings will know what they are expected to do beforehand.

Commissioner Ferrer suggested that Commissioner Lopez was talking about a set of Frequently Asked Questions about dealing with and appearing before the Commission and its Committees.

Chairperson Anderson Holness said that could be done.

Commission Representation at ABRA Hearings

Commissioner Akinmboni asked that, if a Commissioner intended to be a witness on his or her personal account in an ABRA proceeding, that the Commission be notified in advance so that another Commissioner could be designated to represent the Commission at that proceeding.

Commissioner Raia said that he thought Commissioner Akinmboni misunderstood the situation. He referred to the previous discussion about the Masa 14 hearing. He said that he was authorized to represent the Commission if the application went to full protest. However, if the application did not go to full protest and he was removed as Commission representative because of that, he could still appear before the ABC Board and testify as a private citizen.

Community Events and Announcements

Commission Announcements

Commissioner Muhammad announced that the Ward One Democrats would meet on Saturday, May 15th, to elect officers in the second floor conference room of the Reeves Center from 12:00 PM to 3:00 PM. He also announced that Commissioner Muhammad announced that the South Columbia Heights Neighborhood Association, of which he is the president, would be meeting on Wednesday, May 19th, at 7:00 PM, at the Josephine Butler Parks Center, 2437 15th Street N.W. This will be a joint meeting with Metropolitan Police Department (MPD) PSA 304. The guest speaker this month will be

Mr. Fred Moosaly, Director of the Alcoholic Beverage Regulatory Administration. On May 27th, the Public Safety Committee would be meeting. The location and time would be announced in the next few days.

Commissioner Thomas announced that the _____[inaudible] Center had relocated as of the past Sunday. Once the new location has been finalized, she will announce it.

Commissioner Moss announced that the Shaw and LeDroit Park neighborhood associations had been successful in getting Metro to keep the Shaw metro station open for full service and late hours. Howard University's graduation was coming up on the weekend. There will be street closings and heavy traffic.

Commissioner Lopez announced that there would be a community meeting with the Mayor's Office, DPR and DPCHA regarding the 14th and Girard Streets Park on Saturday, May 8th at 10 AM at the Columbia Heights Recreation Center, at 1480 14th Street N.W.

Community Announcements

Announcements by community members were inaudible due to the distance of the speakers from the recording device.

There being no further business, Commissioner Ferrer moved that the May 2010 meeting of ANC 1B be adjourned.

Commissioner Moss seconded the motion.

The motion was adopted unanimously and the meeting was adjourned at 9:20 PM.