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July 13, 2005

Carol Mitten, Chairman
Zoning Board
441 4th St. NW
District of Columbia Government
Washington, DC

RE: Case No. 03-30 (Square 643 Associates LLD)

Dear Chairperson Mitten:

It has been reported that ANC 6D02 Commissioner David Sobelsohn may have misrepresented the legal actions of ANC 6D during the Zoning Board's June 20, 2005 hearing on this case. I would like the record to reflect the true actions of the Commission.

On May 9, 2005, at our regularly scheduled monthly meeting, ANC 6D voted to oppose developer Steve Tanner's proposed changes to the redevelopment of the historical Old Friendship Baptist Church site. I was among the majority of commissioners who voted to oppose a planned change that would allow the developer to convert the interior of the historical church into residential units rather than a clubhouse. The final vote on this change was 4-3. Commissioners Max Skolnick, Ahmed Assalaam, and Robert Seigel joined me in opposing this proposal. Commissioner Andy Litsky, Roger Moffatt, and David Sobelsohn voted against the opposition.

The commission assumed that a letter notifying the Zoning Board of our decision would be issued immediately, as is our general practice. We learned in July that this did not occur. Commission Chairman Andy Litsky explained at our July meeting that he did not allow the administrative assistant to issue the letter so that the matter could be revisited at our June meeting. However, Commissioner Litsky had no authority to withhold the letter nor could he offer this issue up for reconsideration.

[redacted]
[redacted]
CASE NO. 03-30
EXHIBIT NO. 57

ZONING COMMISSION
District of Columbia
CASE NO.03-30
EXHIBIT NO.57

Advisory Neighborhood Commission 6D
65 I St., SW
Washington, DC 20024

Minutes
May 9, 2005

Chairman Andy Litsky called the meeting to order at 7:01 p.m.

Present: Commissioners Assalaam, Litsky, Moffatt, Siegel, Skolnik, Sobelsohn, and Williams

1. Approval of agenda

Commissioner Sobelsohn made/Commissioner Moffatt seconded a motion to approve the proposed agenda. Without objection, on request of the commissioner indicated, the agenda was amended to include the following: (1) City Council hearing on stadium financing May 13 and 16 (Sobelsohn); (2) update on Waterside Mall (Williams); (3) introduction of Gangplank Marina representatives (Skolnik); and (4) staff contract (Litsky). The motion to approve the proposed agenda, as amended, passed 7-0.

2. Community concerns

Gene Solon spoke about (a) a promised and now late DC Department of Transportation (DDOT) traffic study; (b) an ANC letter regarding Waterside Mall small businesses; (c) ANC sign-in sheets; and (d) hard copies of ANC minutes from prior meetings.

3. Police report

No one attended to report on behalf of the Police Department.

4. Minutes of April 11 meeting

By consensus, discussion of minutes of the April 11 meeting was deferred to the next meeting of the ANC.

5. Gangplank Marina

Dave Gohsman, general manager of the Gangplank Marina, introduced himself. The Marina is a rental facility, like a parking lot, but under the jurisdiction of the Army Corps of Engineers.

6. Waterside Mall

Sandra Fowler introduced herself. Fowler ((202) 530-5750 & sfowler@ncrcdc.com) is vice-president for property management of the National Capital Revitalization Corporation (NCRC). NCRC currently owns the land under the Waterside Mall and the waterfront. NCRC will soon turn over the waterfront land to the Anacostia Waterfront Corporation. Sale of the land under the Waterside Mall to Waterfront Associates is pending in the City Council.

Commissioners Litsky and Williams reported on developments at the Waterside Mall. Commissioner Litsky reported that he urged Waterfront Associates to send a representative to the May ANC meeting. They declined, offering only to make a presentation at an "appropriate time." Litsky will invite them every month until they send someone. He will also send a letter to members of the city council, the mayor, the Office of Planning, and the Office of Economic Development expressing neighborhood concerns about the mall. Commissioner Williams predict-

ed that small merchants were unlikely to return to the mall anytime soon. She urged the Office of Economic Development to prepare an incentive package to lure a new major mall tenant; and urged all Southwest residents to lobby the City Council and especially Councilmember Sharon Ambrose (D-Ward Six) to delay final approval of sale of the mall to Waterfront Associates until neighborhood concerns are addressed.

7. Other zoning and development issues

a. Baseball stadium

1) Text amendment to zoning overlay

Representatives of the city government made a presentation and addressed questions about the baseball stadium proposed for South Capitol and N Streets, SE. On June 2, the Zoning Commission will hear a proposed amendment to the zoning-regulations overlay to clarify that zoning regulations permit the building of a stadium at the proposed site and to establish a review process for approving a stadium design. Joel Lawson of the Office of Planning (OP) promised to distribute, to the ANC by May 23, 2005, an updated report on the stadium. He also announced another community meeting about the stadium proposal, to take place May 24. Toni Griffin of the Anacostia Waterfront Corporation promised that any plan for the stadium would include preferences for residential parking. Kathleen Penney of DDOT promised to deliver to the ANC a comprehensive plan for neighborhood traffic, including the impact of the proposed new stadium. Warren Graves of the Sports and Entertainment Commission and Alan Harwood of DDOT reported that, starting this spring, something resembling but not exactly the same as an environmental-impact study would be prepared to consider the impact of a new stadium on the surrounding neighborhood and the Anacostia River.

Commissioner Sobelsohn made/Commissioner Siegel seconded a motion that began "Advisory Neighborhood Commission 6D opposes the proposed text amendment (05-08) to the zoning overlay, related to a proposed baseball stadium, unless that proposed text amendment is revised to read as follows: " The specific revisions demanded are in a document, attached to these minutes, entitled "PROPOSED REVISIONS TO ZONING COMMISSION TEXT AMENDMENT FOR BALLPARK SITE." Commissioner Moffatt made/Commissioner Skolnik seconded a motion to amend the underlying motion so that it would, instead, begin "Advisory Neighborhood Commission 6D opposes the proposed text amendment (05-08) to the zoning overlay, related to a proposed baseball stadium, for reasons including but not limited to that proposed text amendment's failure to read as follows:" The motion would continue with the same specific revisions listed in the document, attached to these minutes, entitled "PROPOSED REVISIONS TO ZONING COMMISSION TEXT AMENDMENT FOR BALLPARK SITE." The motion to amend passed 4-1, with Commissioner Sobelsohn voting no and Commissioners Assalaam and Williams not voting. The main motion, as amended, passed 5-0, with Commissioners Assalaam and Williams not voting.

2) City Council hearing May 13 and 16

On May 13 and 16, the City Council's Finance Committee will hold hearings on stadium-financing proposals. Commissioner Sobelsohn made/Commissioner Siegel seconded a motion to authorize Commissioner Litsky to send the committee a letter arguing that not enough information is yet available to evaluate stadium financing proposals, and including a reference to ANC 6D's October 2004 vote to oppose the stadium proposal. The motion passed 5-0, with Commissioners Assalaam and Williams not voting.

b. Old Friendship Baptist Church

The owner of the Old Friendship Baptist Church building has applied for approval for his project from the Zoning Commission. He proposes to build 21 condominium units around the old church building, and promises an effort to rent the church building itself to a nonprofit organization, if granted permission by the Zoning Commission. OP's Lawson reported that the owner has withdrawn, from his proposal, the option of locating a "private club" in the church building. Lawson also advised that a part of the owner's proposal including some portion of "affordable housing" would mean the sale of an undetermined number of units at an undetermined below-market price to a buyer with less than 80% of the DC area's average median income. In addition he advised that the owner has not yet committed to any specific "green building" design features.

Commissioner Sobelsohn made/Commissioner Moffatt seconded a motion to support the owner's application for approval of the Old Friendship Baptist Church redevelopment on condition that he (1) commit to maintain Randall Park, just behind the church site; (2) provide more than one residential unit as "affordable housing"; and (3) commit to specific green-building design features. Commissioner Moffatt made/Commissioner Siegel seconded a motion to amend the underlying motion to remove part (1), the maintenance of Randall Park. The motion failed in a tie vote: Commissioners Litsky, Moffatt, and Siegel voted yes; Commissioners Assalaam, Sobelsohn, and Skolnik voted no; and Commissioner Williams did not vote. Commissioner Sobelsohn moved to amend the underlying motion to add a requirement that the owner withdraw the option of building residences in the church building. The motion to amend failed for want of a second. Commissioner Sobelsohn asked to withdraw the underlying motion. By a vote of 7-0, the underlying motion was withdrawn. Commissioner Skolnik made/Commissioner Williams seconded a motion to oppose the Old Friendship Baptist Church proposal before the zoning commission. The motion passed 4-3, with Commissioners Litsky, Moffatt, and Sobelsohn voting no.

8. Alcohol Beverage Control matters

Commissioner Siegel made/Commissioner Sobelsohn seconded a motion to extend the time for the meeting to 10:15. The motion passed 5-2, with Commissioners Moffatt and Williams voting no.

a. The Lime

Commissioner Litsky reported that the owners of the Lime have applied for a permanent liquor license. After brief discussion, this item was withdrawn from the agenda.

b. Zanzibar

Commissioner Litsky reported that the Alcohol Beverage Control Board will hold a hearing on this license application June 2. He plans to attend.

c. H2O

Commissioner Litsky reported that the Alcohol Beverage Control Board held a hearing on May 4. He is waiting for more information in preparation for working out a voluntary agreement.

d. Cantina Marina.

Commissioner Litsky reported that, weather permitting, Cantina Marina plans to do a "sound check" Friday May 13.

Advisory Neighborhood Commission 6D
65 I St., SW
Washington, DC 20024

Minutes
June 13, 2005

Chairman Andy Litsky called the meeting to order at 7:00 p.m.

Present: Commissioners Assalaam, Litsky, Moffatt, Siegel, Skolnik, Sobelsohn, and Williams

1. **Approval of agenda**

   Commissioner Sobelsohn made/Commissioner Siegel seconded a motion to approve the proposed agenda. Without objection, on request of Commissioner Skolnik, the agenda was amended to (a) add reconsideration of the ANC's May motion on the Old Friendship Baptist Church; (b) add liquor-license-renewal applications of Cantina Marina and H2O; (c) delete discussion of committee structure. The motion to approve the proposed agenda, as amended, passed 6-0, with Commissioner Moffatt not voting.

2. **Community concerns**

   a. Gene Solon read a printed statement.
   b. Sara Livingston discussed traffic on P St., SW. She also distributed copies of an ANC 6D "fact sheet" she had prepared.
   c. Ron McBee spoke about proposed redevelopment of the Old Friendship Baptist Church site.

3. **Police report**

   From Police Service Area 104, Sergeant Harvey reported that, except for thefts from autos, neighborhood crime has dropped since this time last year. He also reported that the police have made no final determination regarding the death of Arvin Sharma. Sharma's body was found in the Anacostia River April 25th, over a week after he vanished just after leaving The Lime, a liquor-license applicant at 1924 Half St., SW. Finally, Sgt. Harvey reported on a late-night party Saturday, June 11, at H2O on the waterfront. He called it an "unscheduled event" and a "chaotic situation," which drew 5,000 cars, and to which the police committed 30 officers. Peter Jones, the mayor's Ward Six Neighborhood Services Coordinator, promised to convey to the mayor commissioners' concerns about the event—including noise, traffic, and assaults—and to report back at the ANC's July 11 meeting.

4. **Approval of minutes**

   a. April 11. Commissioner Skolnik made/Commissioner Sobelsohn seconded a motion to approve the April 11 minutes. Commissioner Sobelsohn made/Commissioner Moffatt seconded a motion to end debate. The motion to end debate passed, 5-2, with Commissioners Assalaam and Williams voting no. The motion to approve the April 11 minutes passed 5-2, with Commissioners Assalaam and Williams voting no.

   b. May 9. Commissioner Williams moved to table discussion of the May 9 minutes. The motion failed for want of a second. Commissioner Sobelsohn made/Commissioner Skolnik seconded a motion to approve the May 9 minutes. Without objection, on the motion of Commissioner Sobelsohn, the May 9 minutes were amended as follows: (1) on page 3 under item 8, change the designation of each of the following four sub-items from 1-4. to a.-d.; (2) on page 4, renumber items 9-11 as 10-12; and (3) on page 4, under item 10.[new 11b]., in the third sentence, replace "Robert Siegel" with "Roberta Weiner," so it

reads "reimbursement to Roberta Weiner." As amended, the motion to approve the May 9 minutes passed 5-0, with Commissioners Assalaam and Williams abstaining.

5. Millennium Arts Center

The ANC heard plans for the Millennium Arts Center (the former Randall School building) from Konrad Schlater, of the Office of the Deputy Mayor for Planning and Economic Development; and from Kathryn Keane, deputy to the director of the Corcoran Gallery of Art. The building has about 140,000 square feet. The ANC currently has its office and holds its meetings in the building.

Schlater noted that, in February 2005, the mayor signed a contract to sell the property to the Corcoran for $6.2 million. The contract requires that the Corcoran and any future owner devote at least 90,000 square feet of the building to the arts. Before completion of the sale, the artists currently on-site must be relocated. This will probably take all summer. The city is urging the Corcoran to use part of the site for residences, which would have to include some "affordable housing." Schlater promised to (a) report back to the ANC on who paid $1.5 million to induce the prior lessee to vacate and release all his legal interest in the property; and (b) give the ANC ample notice of the date to vacate, plus help finding new (or interim) office and meeting space.

Keane predicted it would take at least one year to study the site and estimate renovation costs. She promised that, after renovation, the building would have space for artists currently on-site and also for community activities, including ANC offices and meetings. But the Corcoran would devote most of the space to a satellite facility for its College of Art. With $17,000 annual tuition (and many scholarships), the College currently has 350 undergraduates and 1,000 other students. She promised to report back on what percent of the property the Corcoran will devote to the College. She also promised that the Corcoran would consider helping to provide one or more neighborhood schools with arts education. Finally, she expressed the Corcoran's openness to residential development on the property, and promised to make sure any such development was "acceptable" to the neighborhood.

6. October Marine Corps Marathon

Bret Schmidt, Operations Coordinator of the Marine Corps Marathon, reported on the Sunday, October 30, 2005 marathon. The marathon will start in Arlington and attract about 30,000 runners. The first is expected to cross into ANC 6D by 9:30 a.m.; the last must leave Washington by 1:45 p.m. The marathon will use the HOV lanes of I-395. He expects little impact on ANC 6D or on I-395 weekend traffic.

7. Department of Motor Vehicles' Move to Southwest

Stan Edwards, Associate Director of the DC Department of Motor Vehicles (DMV), and Lucinda Babers, DMV Deputy Director of Operations, reported on DMV's plans to move to Southwest. The DMV currently splits its central operations between 65 K St., NE and 301 C St., NW. DMV's 65 K St. lease expires soon, and the owner plans to demolish the building on November 1, 2005.

Since May 2004, the DMV has contemplated consolidating and moving its headquarters. According to Babers, DMV started scouting specific sites in January 2005. On March 31, DMV signed a lease to move its entire central operations (except ticket adjudication) into the old United Way building at 95 M St., SW, next to the Anthony Bowen School. The DMV plans to move by stages, starting in early July and ending by mid-October 2005.

Edwards claimed DMV had kept the city administrator informed of its plans. But at the ANC meeting, both Mary Ann Floto, of the mayor's Office of Community Affairs, and Peter Jones, of the mayor's Office of Neighborhood Services, denied advance knowledge of the move. ANC 6D commissioners began receiving informal notice on May 31. Some commissioners

first learned about it June 10. Written notice came on June 13, the date of the June ANC meeting.

For 130 employees and 560 daily visitors (170,000 per year), the new facility will have 80 parking spots, 15 for employees and 65 for visitors. Because 95 M St. overlaps part of the Half Street inspection station, DMV will cut a driveway between the two sites. DMV also plans to reduce a traffic island on M St., SW. On June 13 DMV started making "curb cuts" around the United Way building.

When questioned as to the advantages of 95 M St., Edwards and Babers said only that it was "best suited to our needs." Pressed for specifics, they pointed out its proximity to the Half Street inspection station. But they also admitted that very few people would visit the two facilities on the same day, and that if many did the 95 M St. location would have inadequate parking. One neighborhood resident noted that inspection-station employees currently use the 95 M St. parking lot. Edwards promised to provide statistics predicting how many visitors would likely use both facilities on the same day. According to Babers, reopening the West Virginia Avenue inspection station—perhaps as early as August 2006—will relieve pressure on the Half Street station. Edwards expressed DMV's openness to community off-hours use of the 95 M St. parking lot, but cautioned that any such use needed the approval of DMV's legal division and office of risk management. He denied that anyone at DMV has contacted anyone planning the new baseball stadium regarding using the 95 M St. lot for ballgame parking.

Chris Delfs, the Ward Six Neighborhood Planner for the Department of Transportation (DDOT), admitted that DDOT has yet to do a full traffic study on the implications of DMV's move to 95 M St.

At the end of their presentation, Edwards promised to return with plan drawings before the next meeting of the ANC. Babers promised to contact the ANC in "a couple of days to set something up."

8. **Fort McNair wall demolition**

Justin Taylor, project manager for the Army Corps of Engineers (ACE) at Fort McNair, presented a plan to demolish a section of the wall marking the fort's historic boundary, in order to make room for a new physical fitness center. The wall went up in the 1980s to replace an earlier wall. ACE plans to demolish 20%, or about 150 feet, of the present wall. Demolition and the new construction will block views from inside the fort looking out, but, Taylor claims, have no effect on views from the outside looking in. Commissioner Moffatt moved to oppose any change to the current wall. The motion failed for want of a second Commissioner Sobelsohn made/Commissioner Skolnik seconded a motion to support, with a letter to the Advisory Council, Fort McNair's proposal to demolish part of the wall, on the condition that the fort erect something to indicate the part of the traditional boundary line where the wall had been. The motion passed 4-2, with Commissioners Moffatt and Siegel voting no and Commissioner Williams abstaining.

9. **Waterfront Metro station canopy**

Jane Morrissey of the Washington Metropolitan Area Transit Authority (WMATA) made a presentation regarding the canopy WMATA is building around the escalators at the Waterfront Metrorail station. WMATA hopes to start construction by July 15 and to finish by September 21. WMATA plans to do much of the work outside peak hours. Morrissey promised that WMATA will post signs, and also individually contact Commissioners Skolnik and Williams (whose districts include the station), warning the commissioners and the general public when to expect noise.

10. **Electric rates**

Carol Randolph of Walls Communications, Inc. made a presentation about the removal of caps

on electric rates and the introduction of competition in electricity providers. She offered to arrange community workshops on conservation tips, how to read electric bills, and how to choose electricity suppliers. She also reminded the ANC of a residential electric-rate discount for senior citizens.

11. Capital Gallery development public-space permit

Damona Smith Strautmanis of Boston Properties made a presentation about the Capital Gallery project at 600 Maryland Ave., SW. Scheduled for completion by April 2006, Capital Gallery will be a 312,000-square-foot multi-tenant office building. Commissioner Skolnik made/Commissioner Sobelsohn seconded a motion to send a letter to DDOT's Public Space office in support of Boston Properties' petition for a permit to erect twelve light fixtures, two benches, and two signs on the plaza in front of the building. The motion passed 6-0, with Commissioner Williams not voting.

12. Liquor license applications

a. The Lime

At 1924 Half St., SW, The Lime would occupy the space formerly held by Pier 9. Its owners would like ANC support for a permanent liquor license and have agreed to sign a voluntary agreement (a copy of which is attached to these minutes). Commissioner Assalaam made/Commissioner Skolnik seconded a motion to support a permanent liquor license for The Lime in exchange for the owners' signing the voluntary agreement. Without objection, at the suggestion of Commissioner Litsky, the motion was amended to include the following changes in the voluntary agreement: (1) in the first paragraph, changing the date of execution to reflect the date the agreement is actually signed; and (2) in the first "Whereas" paragraph, changing the phrase "an Stipulated [sic] Liquor License" to "a Permanent Liquor License." The motion passed 6-1, with Commissioner Sobelsohn voting no. Commissioner Moffatt made/Commissioner Sobelsohn seconded a motion to file a formal protest of The Lime's liquor-license application, pending execution of the voluntary agreement. The motion passed 6-0, with Commissioner Assalaam abstaining. Commissioner Sobelsohn made/Commissioner Skolnik seconded a motion to designate Commissioner Assalaam as the ANC's official representative on this license application at the Alcohol Beverage Control Board. The motion passed 7-0.

b. Cantina Marina and H2O

Commissioner Williams made/Commissioner Litsky seconded a motion to designate Commissioner Skolnik as the ANC's official representative on the following hearings at the Alcohol Beverage Control Board: (1) Cantina Marina, on June 15; and (2) H2O, on June 22. The motion passed 7-0.

Commissioner Sobelsohn made/Commissioner Skolnik seconded a motion to extend the the meeting to 10:17 p.m. The motion passed 6-1, with Commissioner Moffatt voting no.

13. Old Friendship Baptist Church

At its May 9 meeting, ANC 6D approved a motion to oppose the Old Friendship Baptist Church redevelopment proposal then pending before the Zoning Commission. Having voted in favor of that May 9 motion, Commissioner Skolnik made a motion to reconsider. Commissioner Sobelsohn seconded the motion. The motion to reconsider passed 4-3, with Commissioners Assalaam, Skolnik, and Williams voting no. Commissioner Sobelsohn made/Commissioner Siegel seconded a motion to substitute, for the motion to oppose, a motion to support the pending redevelopment proposal on condition that the Zoning Commission approve the applicant's request for permission to lease the church structure to a nonprofit organization for nonresidential use. The motion to substitute failed on a vote of 3-3, with Commissioners Moffatt,

Siegel, and Sobelsohn voting yes; Commissioners Assalaam, Skolnik, and Williams voting no; and Commissioner Litsky abstaining. The ANC took no further action on the original motion to oppose the pending redevelopment proposal.

14. ANC 6D website

DC Access will charge $261 for a year of website hosting: $15 per month for the standard package, $5 additional per month for 10 e-mail addresses, $50 to set up the arrangement, and a 10% discount. Commissioner Sobelsohn made/Commissioner Siegel seconded a motion to appropriate $261 for the first full year of ANC 6D website hosting by DC Access, including 10 e-mail accounts. The motion passed 7-0.

Commissioner Moffatt raised a point of order regarding the time of the meeting. Commissioner Williams made/Commissioner Skolnik seconded a motion to extend the time of the meeting to 10:45 p.m. The motion passed 5-2, with Commissioners Moffatt and Sobelsohn voting no.

15. DC Emergency Medical Services

Victoria Nance and Chinua A. Walker of the American Federation of Government Employees Local 3721 reported an ongoing crisis in the city's Emergency Medical Services (EMS). Nance and Walker urged the ANC to support a bill, pending in the city council, to increase funding for EMS staff and training.

16. Treasurer's report

Commissioner Skolnik, as treasurer, reported having filed ANC 6D's quarterly report. He also gave a monthly treasurer's report for May 9-June 13, 2005, a copy of which is attached to these minutes ANC 6D has approximately $43,000 in current funds.

The monthly report included $711.90 for six expense items for the period May 9-June 13. These expenses cover (a) petty cash, (b) office supplies, (c) staff wages, and (d) postage. Commissioner Skolnik made/Commissioner Sobelsohn seconded a motion to accept the treasurer's report and approve the six expense items. The motion passed 6-0, with Commissioner Williams not voting.

17. Truck traffic along P and 4th Streets, SW

Commissioner Assalaam made/Commissioner Litsky seconded a motion to formally remind the police department to enforce the law prohibiting truck traffic along P St. and 4th St. SW. The motion passed 6-0, with Commissioner Williams not voting.

18. Audience comment

A Waterside Towers resident expressed concern about tour buses that line up in front of her apartment complex and leave their motors running. Commissioner Litsky promised to contact Brian Heller at Arena Stage to suggest Heller ask the tour-bus drivers to obey the city's no-idling law and turn off their engines.

19. Adjournment

Commissioner Sobelsohn moved to adjourn. Without objection, the meeting adjourned at 10:46 p.m.