FORT LINCOLN CIVIC ASSOCIATION, INC.
P.O. Box 41025 Washington DC 20018 (202) 269-1625 Fax (202)526-8034 email:fortlincolncivicassoc@att.net

November 25, 2002

HAND-DELIVERED

D.C. Zoning Commission
441 4th St., N.W., Suite 210 South
Washington, D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
2002 NOV 25 PM 4:34

Re: ZC Application No. 02-33

Dear Commissioners:

The Fort Lincoln Civic Association, Inc. (FLCA) was incorporated in October 2000 and has as its general boundary the area covered by the Fort Lincoln Urban Renewal Plan (see Bylaws, Attachment No.1). The FLCA has a membership of approximately 150 residents consisting of both homeowners and renters. The site of the subject application falls within the boundaries of the FLCA. This letter is submitted in opposition to consideration of ZC Application No. 02-33 and request postponement of the hearing to satisfy the notice requirements of Section 3014.3 of the *Commission's Rules of Practice and Procedure.*

On November 14, 2002, the Executive Board of the FLCA unanimously agreed to send this correspondence to inform the Zoning Commission of the lack of community awareness and involvement in the process of considering the above-numbered application. A few members of the community learned of the existence of the application on October 23, 2002 at a meeting of residents of Advisory Neighborhood Commission 5A, held at the Thurgood Marshall Extended Elementary School (located in the Fort Lincoln community). The Fort Lincoln community is one ANC Single Member District (5A12) represented by Robert King, who hosted the ANC Commission meeting. There are a total of 12 Single Member Districts, all of whom were invited to the meeting. The notice circulated in the Fort Lincoln community and the agenda of the ANC meeting did not mention a rezoning case. There was only a general reference to: "Ft. Lincoln Commercial/Residential Development Status" (see Attachment Nos. 2 and 3). The Fort Lincoln Developer, Michele Hagans was on the meeting agenda to brief the community (as she had done the previous year, for the first time in 10 years) on the status of her company's development plans. Other prominent guest including the Mayor, were on the agenda. The attendees at the meeting were primarily non-Fort Lincoln residents since the ANC Commission deals with issues well beyond the Fort Lincoln community. The ANC Commission conducted its business according to their agenda.

During the course of the meeting, Mr. King introduced Ms. Hagans, who very broadly reviewed development plans for the community and did not mention the rezoning case.

ZONING COMMISSION
District of Columbia
Case 02-33
Exhibit 10

ZONING COMMISSION
District of Columbia
CASE NO.02-33
EXHIBIT NO.10

Following Ms. Hagans, Mr. King called upon Edward Walterbeek, a Fort Lincoln resident. Mr. Walterbeek stated that Mr. King had asked him to introduce a motion to unanimously adopt a resolution supporting a rezoning petition before the Zoning Commission. The audience and ANC Commissioners raised objections to this action. They wanted to know how such a motion could be made at an ANC Commission meeting when no notice, written information or discussion of the matter has taken place with Fort Lincoln residents? It has long been the practice of ANC 5A to require a separate meeting in the affected SMD before the ANC will place a zoning matter on its agenda. In stunning conflict with that requirement Mr. King proclaimed he was now holding a Single Member District meeting. Mr. King then asked Ms. Hagans to review the rezoning case. Following Ms. Hagans' three minute general reference to the case, and the continued objections of the few Fort Lincoln residents in the audience, Mr. King called for a vote of ayes and nays and declared the motion passed. He made no effort to limit voters to residents of SMD5A12. The tone and circumstances surrounding this illegal surprise vote are captured in a front page story in *The Common Denominator* newspaper (see Attachment No. 4).

This action by Mr. King is an affront to due process. The Fort Lincoln community never had notice of the rezoning application and no opportunity to become educated on, or to discuss or debate its merits. Mr. King had prior knowledge of the rezoning application well before October 23rd. He chose to raise the matter not at a noticed meeting of Fort Lincoln residents, but rather a meeting at which he could spring the issue on a larger audience and force a so called vote of approval. We have serious questions about the implications of this zoning change, some of which are referenced in the attached newspaper article, that require study and analysis.

Additionally, as of November 23rd, the site in question was **not** posted as required under Section 3014.3 of the *Commission's Rules of Practice and Procedure*, compounding the lack of notice to the Fort Lincoln community (see Attachment No. 5).

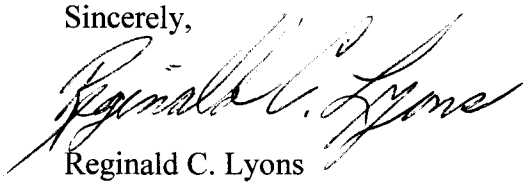
This action by Mr. King was illegal. The failure to post must be cured. A hearing at this point will further compound the illegality of Mr. King's action and put the hearing process in jeopardy. The FLCA requests that the Commission reject any report in this case of ANC 5A based on the action of Mr. King at the October 23rd meeting, and that the hearing be postponed until: (1) the site is properly posted, and (2) the Office of Planning makes a detailed presentation to the Fort Lincoln community on the proposed map amendments to include but not be limited to the following:

- The impact of the proposed map change on the Ft. Lincoln Urban Renewal Plan;
- The impact of the proposed map change and potential development on existing and future land uses;
- A detailed statement, including architectural drawings, of the developer's plans if the zoning change is approved;

- An explanation of how community residents have been involved in, and educated about, the planning of the proposed development, including the proposed map changes; and
- The impact of the proposed changes on existing and future transportation issues including streets, parking and traffic.

It is long past time for Fort Lincoln's developer to honor its obligation to partner with the Fort Lincoln community in planning and developing the Fort Lincoln Urban Renewal Area. We trust the Zoning Commission in its process will unite the Fort Lincoln community with the planning and development of the Fort Lincoln community.

Sincerely,



Reginald C. Lyons
President

Attachments
Cc:
ANC5A
Office of ANC Commissions
Councilmember Catania
Councilmember Orange

ATTACHMENT No. 1

for discussion or action. Therefore, members of the Executive Board shall recuse themselves from involvement in any decisions where a conflict of interest might appear to exist.

Section 2. President

The President shall be the chief executive officer of the Association. The President shall preside over regular and annual meetings of the Association and of the Executive Board. With the approval of the Executive Board, the President shall appoint all chairpersons of committees and shall be an ex-officio member of all committees except the Nominating Committee. The President shall have the general supervision of all the officers of the Association and the chairpersons of its committees and shall see that their duties are properly performed.

The President shall sign, along with the Treasurer, all checks and orders for payment of money by the Association that exceed $500. The President, alone, shall open all mail containing bank statements for Association accounts. Thereafter, the President shall promptly forward the bank statement to the Treasurer.

The President shall cast the deciding vote in case of tie on all matters coming before the Association; shall see that all orders and resolutions of the Executive Board and Association are carried into effect; and shall execute all contracts and agreements authorized by the Executive Board.

Section 3. Vice President

In the absence or disability of the President, the Vice-President shall perform the duties and exercise the powers of the President. The Vice President shall serve as an ex-officio member of all committees, and shall have such other powers and duties as may be prescribed by the Executive Board or by the President.

If the office of the President shall become vacant, the Vice President shall assume such office until the vacancy has been filled by an election.

Section 3. Secretary

The Secretary shall attend all meetings of the Executive Board and Association; shall record all votes; and shall take minutes of all proceedings. The Secretary shall keep the Association membership roster, which shall be open to inspection by any member of the Association and shall perform such other duties as may be prescribed by the Executive Board.

BYLAWS OF THE FORT LINCOLN CIVIC ASSOCIATION, INC.

INDEX

ARTICLE I.	Nonprofit Corporation	2
ARTICLE II.	Boundaries	2
ARTICLE III.	Objectives	2
ARTICLE IV.	Membership	2
ARTICLE V.	Meetings	3
ARTICLE VI.	Executive Board and Officers	4
ARTICLE VII.	Elections	6
ARTICLE VIII.	Committees	7
ARTICLE IX.	Amendments	10
ARTICLE X.	Parliamentary Authority	10

ARTICLE I. Nonprofit Corporation

The name of the nonprofit corporation shall be the Fort Lincoln Civic Association (hereinafter referred to as the Association).

ARTICLE II. Boundaries

The Association is located in the northeast area of the District of Columbia enclosed by Bladensburg Road on the west to the Prince George's County line, the Prince George's County line on the north, South Dakota Avenue on the south, intercepting New York Avenue extending eastward to the Anacostia River on the east.

ARTICLE III. Objectives

The Association is organized exclusively for charitable, educational, and scientific purposes, including for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501 (c) (3) of the Internal Revenue Code, or the corresponding section of any future federal tax code for the betterment of the Fort Lincoln community and the District of Columbia as a whole. The Association should express the will of its citizens on matters affecting the city in general and Fort Lincoln in particular, and to encourage the further development of Fort Lincoln as an Urban Renewal Area in accordance with the 1975 Land Disposition Agreement.

ARTICLE IV. Membership

Section 1. Composition: The Fort Lincoln Civic Association shall have two classes of membership as follows:

Class I. - Individual Membership

Class II. - Organizational Membership

Section 2. Class I. – Individual membership shall be open to all natural persons who own residential property or reside within the Association's boundaries, as designated in these bylaws, and who are at least eighteen years of age.

Section 3. Class II. – Organizational membership shall be open to businesses, church organizations, nonprofit organizations and other entities within the Fort Lincoln community, upon the affirmative vote of a majority of the Class I members present and voting at any regular meeting of the Association. All Class II memberships shall be subject to annual renewal.

Section 4. Dues: All Class I and Class II members shall pay dues to the Association. The amount of dues and dates payable shall be established by majority vote of the Association at a regular meeting upon recommendation of the Executive Board.

ARTICLE V. Meetings

Section 1. Regular Meetings

A regular meeting of the members of the Association shall be held once each month at a time, on a date and in a place specified in the notification of the meeting, except that no regular meeting shall be held in the months of July, August and September. The determination of the time, date and place for regular meetings shall be by resolution of the Executive Board.

Section 2. Annual Meeting

The regular meeting in May of each year shall be the annual meeting of the members of the Association. The business of the Association to be conducted at each annual meeting shall include the election of officers in accordance with Article VII, the presentation of the annual report of the Executive Board, of the Treasurer, and of all standing and special committees.

Section 3. Special Meetings

A special meeting of the members of the Association shall be held at the request of (1) the President, (2) one-third of the Executive Board, or (3) fifteen Class I members in good financial standing, at a designated date, time and place. Only such business may be conducted as the notice of the meeting specifies. No special meeting shall supercede a regular meeting.

Section 4. Quorum

At all meetings of the Association, not less than fifteen Class I members shall constitute a quorum for the conduct of business. Attendance by Association members and members of the public will be recorded on an attendance list to be filed with the meeting minutes.

Section 5. Notice of Meeting

The Secretary shall notify the members of the Association in writing of the date, time and place of any regular or special meeting, not less than five days before the meeting is to be held.

Section 6. Manner of Voting

The voting on all questions by the Association usually shall be by voice vote or by a show of hands and the results shall be entered in the minutes. Each member in good financial standing shall be entitled to one vote. Secret balloting shall be used to elect officers of the Association (refer to Article VII, Section 1) and for special purposes as may be designated by the Executive Board. Election shall be won by plurality.

ARTICLE VI. Executive Board and Officers

Section 1. Composition

The officers of the Association shall be President, Vice-President, Secretary, and Treasurer. These officers shall be members of an Executive Board comprised of themselves, Presidents or recognized designees of the condominium and apartment complexes located within Fort Lincoln, three Fort Lincoln residents elected at-large during the annual meeting, and chairpersons of all Standing Committees.

The Executive Board shall exercise oversight over all officers, committees and activities of the Association in accordance with the provisions of these Bylaws. Each member of the Executive Board who is in good financial standing with the Association shall be entitled to one vote.

The Executive Board shall set policies and organize activities that are consistent with the objectives of the Association.

The Advisory Neighborhood Commissioner representing Fort Lincoln shall be invited to accept an ex-officio position on the Executive Board.

Members of the Executive Board are expected to avoid even the appearance of a conflict of interest with business brought before the Board

The Secretary shall maintain a file of all official records and correspondence of the Association, making them available to the Executive Board and membership in the conduct of Association business.

The Secretary shall send out or cause to be sent all notices of meetings.

A vacancy in this position shall be filled by majority vote of the Executive Board until a new election is held at the next annual meeting.

Section 4. Treasurer

The Treasurer shall keep or cause to be kept all the books and accounts of all the financial transactions of the Association. The Treasurer shall render to the Executive Board, or cause to be rendered, whenever requested, statement(s) of the financial condition of the organization and all of his or her transactions as Treasurer.

The Treasurer shall sign all checks and orders for payment of money by the Association. The Treasurer, along with the President, shall sign all checks and orders for payment of money by the Association that exceed $500. Requests for Association funds must be submitted in writing on a FLCA Payment Request Form to the Treasurer. The Treasurer, along with the President, must approve all such requests prior to payment.

A vacancy in this position shall cause an audit of the Association's records. The vacancy then shall be filled by majority vote of the Executive Board until a new election is held at the next annual meeting.

ARTICLE VII. Elections

Section 1. Election of Officers

The officers of the Association shall be elected by the membership by a plurality vote at each annual meeting and take office immediately upon the conclusion of the annual meeting. Voting shall be by secret ballot.

Section 2. Eligibility

Any Class I member of the Association shall be eligible to hold office if the member is in good financial standing and has attended at least three meetings during the year prior to the election. All officers must be and must remain members in good standing in the Association.

Section 3. Term of Office

Term of office shall be for two years, with staggered elections, the President and Secretary being elected in one year, and the Vice President and Treasurer being elected in the following year.

Section 4. Reelection

All officers shall be eligible for reelection at each annual meeting.

Section 4. Resignation

Any officer may resign at any time by giving written notice to the President or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein.

Section 5. Filling of Vacancies

In the event of a vacancy in the office of the President, the Vice-President shall assume the Presidency in accordance with Article VI, Section 3. In the event of a vacancy in the office of Vice President, Secretary or Treasurer, any such vacancy shall be filled by majority vote of the Executive Board until such officer shall have been duly replaced as determined in Article VI, Officers.

Section 6. Procedures

The President of the Association shall appoint a Nominating Committee subject to the majority approval at a meeting of the Executive Board. The Nominating Committee will be knowledgeable about the Bylaws of the Association; receive names of nominees and verify the eligibility of the nominees; prepare ballots; certify results of the election and safeguard all records regarding the election; and present final results of the election in written form to the Association.

ARTICLE VIII. Committees

Section 1. Types of Committees

The Association will have two types of committees: (a) standing, which have a continuing existence; and (b) special, which cease to exist when they have completed a specified task, or in May (unless reestablished).

Matters of general concern to the Association shall, if time permits, first be referred to an appropriate committee or the Executive Board for consideration and recommendation to the Association.

Section 2. Committee Composition

Each committee shall have a minimum of three and a maximum of seven voting members, including a Chairperson who shall be appointed by and serve at the pleasure of the President. The Chairperson of each Committee shall appoint the remaining members of the Committee, with the advice and consent of the President. Additional persons may be invited by the Committee to participate in meetings, but shall not have a vote on the Committee.

Section 3. Scope of Responsibility

Each committee chair shall submit a written report of the activities of his or her committee at each annual meeting. Committee chairs shall submit a copy to the President for review and appropriate action no less than 30 days prior to the annual meeting.

Committee reports shall be based on discussion and approval by a majority of its members.

Each committee shall endeavor to monitor legislation, regulation and policies that are proposed, enacted or adopted by local, regional or federal governmental bodies that affect or concern the Committee purview.

Committees shall carry out duties as specified in the Bylaws and other related tasks as identified by the Association membership or assigned by the President.

Section 4. Standing Committees

A. Finance

The Finance Committee shall prepare and submit an annual budget for the Association for review by the Executive Board no less than 30 days prior to consideration. The budget must be approved by a majority of Class I members in good financial standing.

B. Auditing

The Auditing Committee shall audit Association books not more than thirty days prior to the annual meeting and report these results at said meeting.

C. Membership

The Membership Committee shall be responsible for collection of dues, solicitation of new members and review of applications for Class II membership, and other duties as prescribed by the President and Executive Board.

D. Communications

The-Communications Committee shall make recommendations and conduct approved activities and programs to promote the Association and its concerns, objectives and policies through publications, special activities and other means.

E. Public Safety

The Public Safety Committee shall be responsible for advising and assisting the Association in promoting and preserving the safety and security of the community, and shall provide liaison to the Police, Fire, and Transportation Departments, Metro and other agencies and community groups involved in public safety.

F. Roads and Grounds

The Roads and Grounds Committee shall monitor the appearance and upkeep of roads, sidewalks and landscaping around and throughout the Fort Lincoln residential areas, and make recommendations to the Association for visual improvements to enhance property values. This committee shall also make recommendations to the Association concerning the development of policies, programs and activities to encourage, maintain, develop and improve recreation facilities and services for the Fort Lincoln community.

G. Public Health

The Public Health Committee shall monitor and advise the Association on services, programs and policies involved in the delivery and maintenance of public health in the Fort Lincoln community.

H. Education

The Education Committee shall be responsible for assessing the interests and needs of Fort Lincoln residents concerning educational services, issues and programs, and shall maintain liaison and consult with schools, Parent-Teacher Associations, and other groups involved in education.

I. Planning and Zoning

The Planning and Zoning Committee shall review and make recommendations to the Association concerning proposals and plans for private or public development in and adjacent to the Fort Lincoln community.

J. Senior Affairs

The Senior Affairs Committee shall make recommendations to the Association concerning the development of policies and programs, and conduct approved activities, for senior-citizen residents of the Fort Lincoln community.

K. Youth

The Youth Committee shall develop and make recommendations to the Association concerning policies and programs, and conduct approved activities for youth in the Fort Lincoln Community.

ARTICLE IX. Amendments

The Association reserves the right to amend, alter or repeal any provisions contained in the Bylaws at any meeting of the Association by a two-thirds vote of those members present at said meeting and entitled to vote, provided that written notice of any proposed amendment has been circulated widely within the Association's boundaries and is available for inspection with the Association's Secretary at least thirty days prior thereto.

ARTICLE X. Parliamentary Authority

All meetings of the Association shall be conducted in accordance with Robert's Rules of Order.

At the regular meetings of the Association, the following shall be the standard order of business:

1. Call to Order
2. Reading and Approval of Minutes of the Previous Meeting
3. Communications
4. Committee Reports
5. Unfinished Business
6. New Business
7. Adjournment

These Bylaws were adopted by majority vote
during a duly constituted meeting of the
Fort Lincoln Civic Association on
April 18, 2001.

ATTACHMENT No. 2

ANC5A & SMD 5A12
COMMUNITY MEETING

INVITED GUEST:
Mayor Anthony A. Williams
DC Council Chairwoman Linda Cropp
Council Member Wd. 5 Vincent Orange
Fort Lincoln Developer Michele Hagans

AGENDA

Legislative Calendar/Budget
Community Concerns
5TH District Police Reports
Ft. Lincoln Commercial/Residential Development Status

Wednesday, October 23, 2002
6:00 – 9:30 p.m.
Thurgood Marshall Middle School
31st Place & Fort Lincoln Drive, NE

Senior Buildings 3298, 2855, 3001, and 3005 be in the Lobby at 5:45 p.m. for transportation.
Refreshments Will Be Served!

For additional information contact Commissioner Robert (Bob) King
202-635-7664
FORT LINCOLN CIVIC ASSOCIATION
ESTABLISHED 1980
VOTE

ATTACHMENT No. 3

Advisory Neighborhood Commission 5A

Meeting Agenda

Meeting Title	Monthly Community Meeting	Start Time	7:00 PM
Results Desired		Stop Time	9:00 p.m.
Date	Wednesday, October 23, 2002	Place	Thurgood Marshall Elementary School

PERSONS ATTENDING

1	All ANC 5A Commissioners	2	Mayor Anthony Williams
3	Council Chairperson Linda Cropp	4	4th & 5th Districts MPD
5	Council Member Vincent B. Orange, Sr.	6	Ms. Michelle Hagans, President, Ft. Lincoln Realtors
7	Mr. Eugene Pair, Principal, Thurgood Marshall School	8	
9		10	
11		12	
13		14	
15		16	
17		18	
19		20	

ITEMS TO BE DISCUSSED

		X
1	Invocation/Roll Call	
2	Approval of Agenda	
3	Minutes	
4	Correspondence	
5	Committee/SMD Reports	
6	Police Reports 4th & 5th Districts	
7	Invited Guests: Mayor Williams; Council Chairperson Cropp; Councilmember Orange, Ms. Hagans; Mr. Pair	
8	Adjournment	
9		
10		

MEETING NOTES

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

ATTACHMENT No. 4



The Common Denominator
Washington's Independent Hometown Newspaper

Fort Lincoln rezoning under fire

ANC disputes endorsement as hearing nears

(Published November 18, 2002)

By JOHN DeVAULT

Staff Writer

Residents of Fort Lincoln New Town are alleging improper moves aimed at creating a false appearance of strong local support for a zoning change sought by an embattled real estate developer working in partnership with the D.C. government to construct a long-delayed shopping center on the city's eastern edge.

The focus of their charges is Advisory Neighborhood Commissioner Robert King, whose single-member district (5A12) wholly encompasses Fort Lincoln New Town. The residents' charges are being echoed – and amplified – by some of King's fellow ANC 5A commissioners.

King narrowly survived an election challenge on Nov. 5 to retain his ANC position. Challenger Regina Russell lost by 24 votes and made King's authoritarian style a major issue in the campaign.

Critics say King conducted a surprise – what some called "illegal" – vote seeking support for the zoning change from those attending an Oct. 23 ANC meeting, where developer Michele V. Hagans, president of Fort Lincoln New Town Corp., spoke to residents about proposed commercial and residential projects at Fort Lincoln.

Hagans needs the zoning change in order to go forward with development of the shopping center. The new zoning would substantially change the Urban Renewal era community's original development plan.

"I was taken aback by Mr. King's surprise motion. It wasn't on the agenda," said Fort Lincoln homeowner Chaka Burgess.

"My concern was that the residents were poorly informed at best by a purely verbal presentation," he said. "There was nothing on paper for anybody to consider at all."

Others said that because the ANC meeting was a monthly "community meeting," open to residents from all of ANC 5A's 12 single-member districts, only a minority of the attendees were Fort Lincoln residents – thus making an informed vote to demonstrate that neighborhood's sentiments toward the zoning change in their district impossible. The zoning commission, like other D.C. agencies, is required by law to accord "great weight" to an ANC's vote when making decisions.

The bottom line, according to ANC 5A11 Commissioner Martha Pappano, is that King "tried to conduct a single-member district vote at a community meeting, and you can't do that. It was an illegal vote."

As King hastily pushed for the vote, the meeting – at which Mayor Anthony A. Williams had fielded contentious queries earlier in the evening – quickly collapsed into chaos, as some of King's fellow-ANC commissioners denounced the unscheduled vote as illegal. ANC Chairman Norma Broadnax quickly ruled the meeting adjourned and the commissioners, except for King, walked out. Meanwhile, some audience members loudly stated their objections as King spoke over them, pressing on with the vote after the meeting was adjourned.

King declared that the "ayes" had won and last week affirmed that he would submit that result to the D.C. Zoning Commission when it considers the proposed Fort Lincoln zoning change at a hearing on Nov. 25.

The vote, King said, was "absolutely" valid.

However, last week the executive board of the Fort Lincoln Civic Association Inc., a resident group, voted to submit a letter to the zoning commission protesting the vote and contesting its validity.

"We want to make sure the air is clear about what occurred, and if there's any effort to say that the community in any shape had notice and had a vote to approve this, that's not the case," said civic association president Reginald Lyons Sr.

Also last week, Pappano and other ANC 5A commissioners spoke out against what they called their unexpected discovery that Chairman Broadnax drafted a letter on Nov. 7 giving King the right to carry support for the proposed zoning change to the Nov. 25 zoning hearing on behalf of all 12 ANC 5A commissioners. They say no vote by commissioners on the issue has been held.

"I'm flabbergasted," said Pappano. "It makes me extremely curious why a letter like this was drafted, when I know no vote was taken. …It leads me to believe something underhanded is going on here."

Broadnax said last week she did "not recall" any conversation with King prior to the Oct. 23 ANC meeting about his plans to call an

unscheduled vote. But she volunteered that she and King discussed the Nov. 7 letter for the zoning commission before the Oct. 23 meeting.

Fort Lincoln New Town, located along the Prince George's County line in far Northeast Washington, is the product of a unique 1975 public-private agreement among the D.C. and federal governments and, originally, Washington developer Theodore Hagans. After Hagans' death in a plane crash in 1985, his daughter Michele Hagans assumed control of the Fort Lincoln development companies.

In August, the Fort Lincoln Civic Association filed a $60 million lawsuit against the Hagans companies, charging that they violated a central provision of the 1975 agreement virtually from the day it was signed. That provision, they assert, provided for the transfer of Fort Lincoln's 360 acres of federal land to the Hagans companies, under financially favorable terms, only in return for the companies' setting up and substantially funding a nonprofit resident-run corporation to help plan and run Fort Lincoln New Town.

The suit charges that the Hagans companies enjoyed the deal's benefits: Even today, the companies control but pay no taxes on the approximately half-portion of Fort Lincoln they have failed to develop, which sits idle – though full of millions of dollars in roads, sewers and other infrastructure funded by D.C. tax dollars – and off-limits to anyone else.

But, the suit charges, the Hagans companies hid the multimillion-dollar financial commitments to residents laid out in the public-private agreement, which they say include a 25 percent ownership share in the Hagans real estate management firm that was never delivered them.

(As a result of the 1975 contract, it was two D.C. agencies, the National Capital Revitalization Corp. and the city Office of Planning, that submitted the proposed Fort Lincoln zoning change to the zoning commission.)

Fort Lincoln resident Roy Pearson sought to connect the civic association's lawsuit and the current controversy.

"That's what our whole lawsuit is about – to get the funding for meaningful participation by residents in the planning of their community," he said. "Right now, people have no meaningful idea what this zoning change is about – a change from C-3 something to XYZ. It's just gibberish."

He noted that if the new shopping center is built, it will sit on a new section of road just down the street from Thurgood Marshall Elementary School, bringing heavy traffic past the school for the first time.

"But there have been no traffic studies done," he said. "Hagans suggested it was actually premature to do traffic studies."

Homeowner Burgess added: "She said, 'We may need to put down some rumble strips.' That's just not a serious response."

At the Oct. 23 meeting, held at Thurgood Marshall school, Fort Lincoln residents faulted Hagans for the continuing dearth of hard information about her long-stalled plans.

"Every time we have a meeting, it targets the same thing: 'We're going to do it. We're going to do it,'" a resident told Hagans. "Well, I've been waiting 10 years for you to do something here," he said.

Hagans acknowledged that although her company is in "discussions" with big-box stores like Costco and Shoppers Food Warehouse and that she also wants "sit-down restaurants" for the retail strip, not a single store or restaurant has signed on as part of the project.

According to a spokesman at The Peterson Companies, the developer working with Hagans on the retail center, a groundbreaking date has not been set.

Hagans said she could give residents little information about the lot size, design or price of any of the 90 proposed single-family homes that would be part of the new development. (Hagans said about 450 townhouses are also on the drawing board.)

She promised, however, that Fort Lincoln residents would have the first chance to buy a house if they are built.

"I have made a commitment to have Fort Lincoln residents in here before we open it up to the general market," she said.

But that promise raised the eyebrows of one audience member, Deborah Crain, the Williams administration's Ward 5 coordinator in the Office of Planning.

"I don't know if that's even legal," she said last week. The proposed homes are slated to be sold at market rate.

"It doesn't feel right. I don't want her to step on any landmines or tell people something she later has to retract," Crain said.

At the Oct. 23 meeting, King's call for a vote on the zoning change followed those somewhat testy exchanges between Hagans and residents.

The vote was initiated when King signaled Hagans to recognize Edward Henry Wolterbeek, a Fort Lincoln resident and perennial Republican Ward 5 council candidate sitting in the audience.

Wolterbeek then rose and, reading from a sheet of paper, announced, "Bob King asked me to put on the floor a motion...that we overwhelmingly endorse and favor (the zoning amendment)."

Asked about that motion after the meeting, Wolterbeek replied, "I have no idea what the motion was. Bob King said, 'Make a motion,' so I made a motion. Bob King and I rub each other."

King contested that account. "Hell no, I didn't ask him," he said.

King also defended his right to call for a vote from residents attending the meeting. He argued that since the Oct. 23 meeting was held on his home ground, at Fort Lincoln (ANC 5A's meetings rotate to a different member's single-member district each month), he was hosting that month's meeting. And since, in that capacity, the chairman had turned the floor over to him, he argued that he had a right to call for a vote if he chose.

"There's nothing in the rules says I can't call a vote," King said.

But, said ANC 5A06 Commissioner Mary Baird Currie, "That is something we don't do."

Currie said that issues affecting only residents of a single district are meant to be handled at a single-member district meeting, "so we know that community has had a chance to discuss, reflect and vote."

The result of those deliberations, she said, "are what the commissioner brings back to the ANC as a whole," whose members may vote to support or oppose the decision reached at the single-member level.

On the subject of the Nov. 7 letter from Broadnax giving King power to represent ANC 5A at the upcoming zoning commission hearing, King said last week that Broadnax told the other commissioners about the letter and his designation at a "committee of the whole" ANC meeting on Nov. 7.

"She put it out there for people, and nobody raised an objection, so that carried," he said.

He said that he will take the letter with him to the zoning hearing and will tell the commission that the proposed change has the expressed support of both Fort Lincoln residents and his fellow ANC commissioners.

But other commissioners at the Nov. 7 meeting – which took place around a single oblong table in a room roughly the size of a trailer home – said that vote never took place.

"I was there from the beginning to the end of that meeting, and I didn't hear that," said Pappano. "No vote on the ANC's position on the matter before the zoning commission was taken at that meeting."

ANC 5A10 Commissioner Ruth Goodwin agreed. "It was never brought out on that table, and we did not vote on that," she said.

Copyright 2002, The Common Denominator

ATTACHMENT No. 5

SiteOfZCCaseNo02-33PostingNov2302



View of Site from Ft. Lincoln Dr. at 33rd Pl.



View of Site N. along Ft. Lincoln Dr. from 33rd Pl.



View of Site S. along 33rd Pl. at Ft. Lincoln Dr.



View of Site N. along 33rd Pl. at S. Dakota Ave.

SiteOfZCCaseNo02-33PostingNov2302



View of Site from the intersection of S. Dakota Ave. and 33rd Pl.



View of Site along S. Dakota Ave. at 33rd Pl.



View of Site at S. Dakota Ave. and V St.



View of Site along West Bound Ramp of NY Ave. onto S. Dakota Ave.

SiteOfZCCaseNo02-33PostingNov2302



View of Site along NY Ave. (wooded area)



View of Site S. along Ft. Lincoln Dr. from Premium Distributors



View of Site at Ft. Lincoln Dr. and Premium Distributors



View of Site along Ft. Lincoln Dr. N. of 33rd Pl. to Premium Distributors