Advisory Neighborhood Commission 1C
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Lynn Taylor (1C08)

May 26, 2005

Chairman Carol J. Mitten and Members of the
Zoning Commission of the District of Columbia
441 4th Street, NW – Suite 210-South
Washington, DC 20001

Re: Jemal's Citadel, LLC and Faison Enterprises, Inc. – PUD Application at 17th St. & Kalorama Rd., NW
Case No. 04-30 (Square 2572, Lot 36)
Hearing Scheduled: June 6, 2005

Dear Chairman Mitten and Commission Members:

Pursuant to 11 DCMR § 3012.5, the Adams Morgan Advisory Neighborhood Commission 1C (ANC 1C) respectfully submits the following report on the above-referenced Application for approval of a Planned Unit Development (PUD) at premises commonly known as "The Citadel," located on the northeast corner of 17th Street and Kalorama Road, NW.

The Applicant proposes to convert the existing and currently vacant structure into a building housing a full-service grocery store and an additional retail or service area, to expand the building to include an area for office space, and to provide parking on two existing underground levels. ANC 1C's comments below are organized according to the applicable subsections of section 3012.5 of the Zoning Regulations:

3012.5(a) – The application under review is identified above.

3012.5(b) – The application was considered at a public meeting of ANC 1C on Wednesday, May 4, 2005. As explained below, the application may be considered again by ANC 1C at its next scheduled monthly business meeting on Wednesday, June 1, 2005.

3012.5(c) – Proper notice of the May 4, 2005 meeting was given by ANC 1C in the form of publication in a community newspaper, transmittal of e-mail and Internet notice to approximately 1,500 neighborhood residents, stakeholders and other interested parties, posting of notice on the ANC 1C website (*www.anc1c.org*), and posting of notices on lampposts at various locations within the Commission area.

District of Columbia
CASE NO. 04-30
EXHIBIT NO. 30

3012.5(d) – ANC 1C has eight Single Member Districts (SMDs). A quorum of five Commissioners is required for action. All eight Commissioners were present at the May 4, 2005 meeting.

3012.5(e) – At its public meeting on May 4, 2005, ANC 1C adopted the Resolution attached to this report. The resolution describes ANC 1C's extensive negotiations and discussions with the Applicants, their contemplated grocer-tenant Harris Teeter, Inc. (HT), immediate neighbors, and the community at large to assess the impacts of the proposed PUD, capture the project's benefits for the community, and mitigate adverse effects where practicable. As a result of those negotiations, and for the purpose of gaining the support of ANC 1C and the community for their PUD application, the Applicants and HT have proposed entering into a Memorandum of Understanding (MOU) with ANC 1C, the most recent draft of which is dated April 28, 2005. An unexecuted copy of that draft MOU was submitted by the Applicants to the Zoning Commission on May 17, 2005 as an attachment to their supplemental materials.[1]

The April 28, 2005 draft MOU proposes to address more than 200 items and issues associated with the application. Many of these pertain to strictly ministerial or administrative matters, or are simply restatements of the requests for zoning relief made in the application or revisions thereof. The vast majority, however, are proposed resolutions of issues and concerns raised at various points in the discussion and negotiation process. Although the Applicants' May 17th submission suggests that of the identified issues, "over 90 percent were resolved by April 28,"[2] the fact is that the one dozen items remaining unresolved at the time of the ANC's May 4th meeting included some of the most important, and most controversial, issues associated with this proposed PUD.

Accordingly, the resolution approved by ANC 1C on May 4th provides only conditional support for the project. Specifically, the ANC "supports and recommends Zoning Commission approval of the applicants' PUD application, as modified or conditioned by the terms of the April 28, 2005 MOU proposal, contingent upon the applicants and HT agreeing to [a specified list of 12 changes] in that MOU proposal."

The overall goal of the PUD process is to permit flexibility of development and other zoning incentives, "provided, that the project offers a commendable number or quality of public benefits and that it protects and advances the public health, safety, welfare, and convenience." 11 DCMR § 2400.2. While the ANC's resolution certainly acknowledges that the proposed project indeed offers benefits to the community, it also makes clear that the project will have a number of adverse impacts that must be mitigated in order for the project to be acceptable, and that the public benefits the Applicants have offered thus far are not yet sufficient in either number or quality to justify the extraordinary flexibility and incentives they seek under the PUD process.

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[1] Although the cover sheet to the attachment in the Applicants' May 17th filing uses the date April 28, 2005, the document actually submitted contains the date 5/17/05 in the bottom right-hand corner of each page. To the best of our knowledge, the contents of the submitted document are identical to those of the version dated 4/28/05 on which the ANC's resolution was based. In the unlikely event ANC 1C discovers any discrepancies between the two documents, we will bring them to the Commission's attention at the scheduled June 6th hearing.

[2] Applicants' Supplemental Reports, *Testimony of Lindsley Williams,* Item XIV(F), p. 11

The burden of justifying a PUD application lies with the Applicants. At a minimum, the Applicants must prove that "the impact of the project on the surrounding area and the operation of city services and facilities [will not be] unacceptable." 11 DCMR § 2403.3. Rather, the Applicant must demonstrate that those impacts will be either "favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project." The ANC was not satisfied by the Applicants' April 28th MOU proposal that their anticipated grocer-tenant HT would take the steps necessary to mitigate the most significant adverse impacts of the project on the community, or that the level of public benefits and amenities proposed by the Applicants were sufficient to outweigh those impacts.

In section 2403.6 of the Zoning Regulations, "public benefits" are defined as "superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title" (emphasis added). While the Applicants have attempted to claim that the introduction of a new supermarket to the Adams Morgan neighborhood is itself a public benefit, they have also repeatedly asserted that the supermarket itself could be developed as a matter of right. In fact, it is the Applicants' insistence on the inclusion of nearly 24,000 square feet of office space and associated lobby, elevator, and other office-serving areas that cause this project to exceed the matter-of-right gross floor area and floor area ratio allowances.

Thus, while the ANC welcomes the added convenience and neighborhood improvement that HT will provide, the supermarket itself cannot be considered a "public benefit" within the meaning of the Zoning Regulations. Accordingly, because it does not constitute a "public benefit," it likewise cannot be considered a "project amenity," which is defined in section 2403.7 simply as "one type of public benefit." Moreover, it is not sufficient that a proposed PUD merely be minimally acceptable insofar as its public benefits and project amenities are concerned. Rather, it "must be acceptable in all proffered categories [of section 2403.9] and superior in many." 11 DCMR § 2403.10. It is not evident to the ANC at this time how the proposed office space, which is the primary basis for use of the PUD process here, offers superior public benefits to the neighborhood or the public beyond what a matter-of-right supermarket would provide.

Set out below are the 12 specific issues that remained unresolved as of the date of the ANC's meeting, a summary of the ANC's issues or concerns with respect to each, and the relationship of each still-open item to the PUD evaluation standards in Part 2403 of the Zoning Regulations. The listed row numbers refer to the applicable row in the April 28th draft MOU proposal:

1) Row 18 – Require that all future office and retail tenants agree as a condition of their respective leases to abide by the applicable terms of the final MOU.

> The only signatories to an MOU entered into at this time would be Jemal's Citadel LLC (the property owner), Faison Enterprises, Inc. (the developer), and HT (the only antcipated tenant known at this time). Future retail/service and office tenants have not yet been determined. Since many of the MOU's provisions will be applicable to them as well, it is necessary that the owner and developer commit themselves in the MOU to requiring compliance with the MOU by those future tenants.

2) Row 208 – HT to implement a definitive plan to provide employee transit subsidies.

HT has estimated that it will employ a total population of approximately 180 individuals, approximately 40% of whom will be full-time employees and the remainder part-time. Approximately one-third of these, or roughly 60 employees, will be on-site at any given time. The PUD contemplates only 7 parking spaces in the garage for managers and the likelihood of approximately 14 stacked spaces for non-management employees; according to the proposed MOU, those stacked spaces will be used "mostly for those with mobility handicaps or whose hours start before or end after hours during which public transportation is available or who have non-recurring off-site appointments."

This means that for the remaining two-thirds of the employees on any given shift, those who drive to work will not have a place to park in the garage. The likely result – for which we have much current evidence based on our neighborhood's experience with the employees of the nearby Washington Hilton and Towers – is that those HT employees will use the already overtaxed local streets to take already limited available street parking away from local residents and transient visitors. This is an unacceptable situation, and HT is therefore being asked to provide incentives for its employees, particularly those living beyond walking distance from the store, to take public transportation to work.

3) Rows 210-211 – HT to provide greater specificity with regard to actions taken and to be taken in connection with its proposed partnership with Jubilee Jobs, as well as with regard to contacts made and relationships established with other neighborhood non-profits – including but not limited to Mary's Center, Good Shepherd Teen Learning Center and Latin American Youth Center – for the purpose of training and employment.

"Employment and training opportunities" are one form of public benefit under section 2403.9(e) of the Zoning Regulations. The ANC was initially impressed by HT's stated willingness to work with local non-profit Jubilee Jobs and other community organizations to provide training and employment to Adams Morgan residents and to others living nearby. However, we have been disappointed by the limited nature of HT's contact with these non-profits thus far and by a seeming lack of specificity in HT's commitments.

4) Row 213 – HT to provide ANC 1C with more specific information regarding the number and/or percentage of its store employees expected to receive the described benefits package.

The ANC asked for additional information regarding HT's program of medical, insurance, retirement, and other employee benefits.

5) Row 216 – Greater specificity in HT's plans to extend its "Second Harvest" program to DC.

Second Harvest is a program whereby grocers contribute food to area feeding programs, soup kitchens, etc. that is still edible but can no longer be sold at retail. HT participates in this program in other areas in which it operates. The ANC sought to ensure that HT would extend that participation to the DC area.

6) Row 218 – In recognition of the permanent loss to the community of a large space previously used for recreational purposes and still zoned to allow such use, the applicants shall also agree to install and/or provide ongoing maintenance for one or more park- or recreation-related infrastructure amenities within the boundaries of ANC 1C, and to display historical photographs

and other memorabilia in a public area of the PUD depicting former recreational and other uses of the building.

The Citadel building was originally built to house a roller skating rink and bowling alley, and for many years it operated as such. Thereafter it served as an important arts space in the community, at various times housing a film studio, a sound stage, and an arena at which concerts and dances were held. The current owner has allowed the building to remain vacant for the last few years, but the building's origins and historic uses are still alive in the memories of many Adams Morgan residents.

Given the enormous profit that the owner and developer stand to reap from the redevelopment of this property as proposed in the PUD application, the ANC believes that the primary "public benefit" to be gained from this project should come in the form of public facilities or open spaces that replace the historic recreational uses that will be permanently lost when the project is completed. We have asked the Applicants to commit to provide such a benefit.

Section 2403.13 of the Zoning Regulations provides that "[p]ublic benefits . . . such as public facilities or public open space, may be located off-site; provided, that: (a) There is a clear public policy relationship between the PUD proposal and the off-site benefit; and (b) The off-site benefit shall be located within . . . the boundaries of the Advisory Neighborhood Commission for the area that includes the PUD site." The ANC's request meets those requirements.

Consistent with the PUD regulations' interest in historic preservation, 11 DCMR § 2403.9(d), we have also asked that the Applicants' commit to displaying historical photographs and other memorabilia of the building's former recreational and arts uses in a public area of the premises.

7) Row 225 – Limit the hours of HT's operations to 7 am to 11 pm year-round.

The proposed PUD, although involving a parcel zoned C-2-B, is located in the midst of a dense residential neighborhood – and one that has grown significantly denser in the last two years as a result of several multi-unit developments that have either been completed or are now being constructed. The streets surrounding the project are also very narrow – only 30 feet curb-to-curb on the 17th Street side, the same or possibly less on the Kalorama Road side. Sixteen small rowhouses are located directly across Kalorama Road from the store's proposed pedestrian and garage entrances, and several dozen condominium and apartment units have been or being constructed directly across the 17th Street intersection. In addition, the Dorchester House, with nearly 400 rental apartments, is located immediately to the east of the PUD, and the Dorchester's owners have proposed their own PUD which would add more than 100 additional rental units immediately to the north.

Given this density of pre-existing and developing residential use, there is great concern that the supermarket, if operated before 7 a.m. or past 11 p.m., would greatly disturb the peace, order and quiet of the neighbors and the entire Reed-Cooke section of the neighborhood. This is potentially a significant adverse impact, the mitigation of which could best be accomplished by a limitation on the supermarket's hours of operation.

8) Row 232 – Specify that HT will refuse deliveries from trucks exceeding 40 feet in length.

In earlier discussions, and in recognition of the narrow rights of way near the project, HT led the ANC and the community to believe that no trucks in excess of 35 feet would be used to deliver goods to the supermarket. As discussions evolved, it became evident that HT trucks of up to 40 feet in length would have to be used. Moreover, outside vendors might attempt to use trucks exceeding even that length. While the ANC appreciates HT's commitment to limit its own truck sizes to 40 feet, the potential for 45-foot or even longer combination vehicles clogging the narrow streets of Reed-Cooke are a cause for great concern. Accordingly, the ANC has insisted that HT commit to refusing deliveries from trucks exceeding 40 feet in length, rather than merely relying on ad hoc DDOT restrictions, which truckers routinely ignore in Washington, DC because such restrictions are rarely if ever enforced.

9) Row 239 – Specify a formal mechanism for implementation of a truck management plan.

The April 28th MOU proposal declined to establish a truck management plan until HT "approaches full operation." That fails to provide adequate assurance to the community that we will not be overrun by delivery trucks and drivers who are not appropriately managed or disciplined by HT's loading dock personnel.

10) Row 248 – Hours for beer and wine sales to be 9 am to 10 pm, as provided in current law. Further, HT shall enter into a Voluntary Agreement in connection with its Class B ABC license application substantially similar to that entered into by ANC 1C with Safeway.

Notwithstanding pending Council legislation that might allow supermarkets or grocers to sell beer and wine until as late as midnight, ANC 1C does not believe that such outlets should receive a competitive advantage over the many smaller ABC retailers in our community. Hours for all off-premises retailers ought to be the same. This adverse impact can be easily mitigated by agreement of the parties.

11) Rows 292-293 – Specify the mechanisms for administration and enforcement of the MOU's terms, as well as for management of the construction process.

To the extent that any specific MOU terms are not incorporated by the Zoning Commission in its Order or by the ABC Board in its grant of a Class B ABC license to HT, the ANC insists that such terms must be administered and/or enforceable through other meaningful approaches. In the absence of such enforceability, the mitigation measures, public benefits, and other negotiated elements of the MOU will turn out to be largely meaningless if any of the parties elect not to adhere to its requirements. To date, the Applicants have proposed only the skeletal framework of an administration concept; there has been virtually no discussion of enforcement.

12) Row 296 – Provide a letter to ANC 1C signed by an authorized officer of HT regarding the intended disposition of the currently owned "Class A" ABC license, consistent with the representations outlined in an e-mail from its ABC counsel to its zoning counsel dated April 21, 2005 (should be combined with Row 247).

During an earlier period, when a moratorium on the issuance of new ABC licenses was in effect in Adams Morgan, HT acquired an existing Class A license from a licensee who had exited the retail business. A Class A license entitles the holder to sell spirits, as well as beer and wine, but not to do so on Sunday. HT sells only beer and wine, and wishes to do so on Sunday. Following the lifting of the ABC moratorium during the summer of 2004, HT concluded that it would seek a more appropriate Class B license, but this left the fate of the Class A license unclear. The ANC has made it clear that it does not wish the Class A license to be resold for use within its boundaries, and has requested a written commitment from an authorized HT officer to that effect.

Since the May 4, 2005 ANC meeting, authorized representatives of ANC 1C have continued to engage with the Applicants and HT in further negotiations aimed at reaching agreement on these 12 issues. Some progress toward that end has been made, but that progress has been regrettably slow and inadequate:

- As to three minor issues (application of MOU to future tenants; employee benefit information; and participation in Second Harvest), HT has provided the information or assurances requested by the ANC.

- On six important issues (partnering with local non-profits in training and employment programs; limiting hours of operation; refusing delivery from over-length trucks; truck management plan; ABC hours and issues; and treatment of the dormant Class A liquor license), the ANC, the Applicants, and HT have had extensive and constructive discussions, and have offered or exchanged proposals, but no firm agreements have yet been reached.

- On three significant issues – incentives for employees to commute by public transit rather than automobile; contribution of an appropriate public amenity related to parks and/or recreation; and meaningful terms for administration and enforcement of the MOU), the Applicants and/or HT have not yet offered or signaled a willingness to accept any satisfactory resolution. Thus, agreement has not yet been achieved on all critical issues, and the MOU remains unsigned as of the date of this report.

The ANC's May 4th resolution provided that if agreement on the foregoing 12 issues was not reached by May 24th, the ANC reserved the right to revisit this matter at its Wednesday, June 1st meeting "and to withdraw or otherwise alter its support for the PUD application by a majority of those Commissioners present and voting, and to request that the Zoning Commission waive its 7-day filing requirement to permit the submission of such revised ANC views." Please see the discussion below concerning the ANC's motion, filed concurrently with this report, to permit such a revised submission.

In addition to the conditions of the ANC's support related to the Applicants' and HT's public benefits and mitigation requirements, ANC 1C also conditioned its support of the PUD application on the agreement of the District Department of Transportation (DDOT) to take the following actions prior to the opening of the HT:

1) Adoption of a one-way street plan using, at a minimum, one of two ANC-preferred options discussed in the report of DDOT's consultant on this matter, in order to mitigate the effects of increased truck traffic making these narrow streets unsafe or impassable in

continued two-way operation, due to the width of most delivery trucks in relation to the 30 foot right-of-way with parking on both curb lanes;

2) Installation of a traffic signal at the intersection of 16th Street and Kalorama Road, NW to accommodate the increased traffic that will be visiting HT, particularly during the evening rush hour and on weekends, and particularly because the difficulty in making a left turn from Kalorama Road, NW across 16th Street will create a safety hazard for motorists and pedestrians in the area and/or cause a major backup of traffic, including truck traffic, on Kalorama Road; and

3) Installation of signage to prohibit large trucks from using certain streets in the Reed-Cooke section of the neighborhood.

Although we have not yet seen DDOT's report and recommendations to the Office of Planning and/or the Zoning Commission, we believe based on our discussions with the agency that DDOT has or will recommend adoption of those three items.

***3012.5(f)** – ANC 1C supports and recommends approval of the PUD Application, as modified or conditioned by the terms of the Applicants' and HT's April 28, 2005 MOU proposal, but only contingent upon the Applicants and HT agreeing to the several changes in that MOU proposal enumerated above in our discussion of ANC issues and concerns. The ANC's support is further contingent upon the District Department of Transportation (DDOT) agreeing to take the three actions specified above with regard to traffic and transportation issues in the affected area.*

Since agreement with the Applicants and HT had not been reached on the outstanding MOU issues by the time of today's required public notice of the ANC's June 1, 2005 meeting, the ANC may revisit this issue at its June 1st meeting and may withdraw or otherwise alter its conditional support for the PUD application. Accordingly, concurrent with the filing of this report, ANC 1C has also filed a motion pursuant to 11 DCMR §§ 3000.8 and 3012.6 for a waiver of the seven-day advance filing requirement in order to permit the submission of a revised ANC report, whether agreement is reached on all issues or the ANC on June 1st votes to withdraw its support or otherwise alter its position.

On May 17, 2005, authorized representatives of ANC 1C met with officials of the DDOT in an effort to reach agreement on the three traffic and transportation issues enumerated in the ANC's resolution. We believe that DDOT has or will recommend adoption of those three items; however, ANC 1C has not yet seen DDOT's report and recommendations to the Office of Planning and/or the Zoning Commission.

3012.5(g) – The attached Resolution was approved by a roll call vote of 5-2, with 1 abstention.

3012.5(h) – Any or all of the following Commissioners are authorized to present this report:

- ANC 1C Chairperson Alan Roth;
- ANC 1C Vice Chairperson Graham King;
- Commissioner Josh Gibson, who chairs the ANC's Planning, Zoning, and Transportation Committee and in whose SMD (1C07) the property in question is located.

3012.5(i) – The signature of ANC 1C's Chairperson is provided below.

Please feel free to contact me at 347-3030 (W) or 667-7812 (H) if you have any questions about this report.

Thank you for your consideration of our views, which we trust will receive the "great weight" required by the Advisory Neighborhood Commission Act, D.C. Official Code § 1-309.10(d) (2001), and section 3012.6 of the Zoning Regulations.

Sincerely,

Alan J. Roth
Chairperson

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing and attachments were served by first-class mail, postage prepaid, this 26th day of May, 2005, on the following:

Norman M. Glasgow, Jr.
Holland & Knight
2099 Pennsylvania Ave., NW – Suite 100
Washington, DC 20006-6801

Ken Laden
District Department of Transportation
2000 14th Street, NW – 7th Floor
Washington, DC 20009

Maxine Brown Roberts
D.C. Office of Planning
801 North Capitol Street, NE
Washington, DC 20002

Stephen N. Gell, Esquire
1101 30th Street, NW – 5th Floor
Washington, DC 20007

Alan J. Roth

ADVISORY NEIGHBORHOOD COMMISSION 1C
RESOLUTION ON PLANNED UNIT DEVELOPMENT FOR
HARRIS TEETER AND OTHER RETAIL AND OFFICE USES

WHEREAS, Faison Associates (for Douglas Development, Inc.) has filed an application with the Zoning Commission (ZC Case No. 04-30) to establish a Planned Unit Development (PUD) within a building known in the Adams Morgan community as "The Citadel" at the intersection of Kalorama Road and 17th Street, NW (Square 2572, Lot 36), and

WHEREAS, the PUD has been designed primarily for the operation of a full-service supermarket by Harris Teeter (HT), and will also include office space, an area for one additional retail or service business, and parking and loading facilities for those uses, and

WHEREAS, Advisory Neighborhood Commission 1C (ANC 1C) has engaged in extensive discussions and negotiations with the applicants, HT, immediate neighbors, and the community at large to assess the impacts of the proposed PUD, capture the project's benefits for the community, and mitigate adverse impacts where practicable, and

WHEREAS, in response to such discussions and negotiations, the applicants and HT have proposed entering into a Memorandum of Understanding (MOU), the most recent draft of which is dated April 28, 2005, for the purpose of gaining the support of ANC 1C and the community for their PUD application, and

WHEREAS, the Zoning Commission hearing on this application is scheduled for Monday, June 6, 2005, and the Zoning Regulations in 11 DCMR 3012.5 require an ANC's written report on a PUD case to be filed at least 7 days before the hearing in order to receive "great weight,"

NOW, THEREFORE, BE IT RESOLVED, that ANC 1C supports and recommends Zoning Commission approval of the applicants' PUD application, as modified or conditioned by the terms of the April 28, 2005 MOU proposal, contingent upon the applicants and HT agreeing to the following changes in that MOU proposal:

1) Row 18 - Require that all future office and retail tenants agree as a condition of their respective leases to abide by the applicable terms of the final MOU;

2) Row 208 – HT to implement a definitive plan to provide transit subsidies for its employees, tied to a percentage of employees living beyond a specified radius from the PUD.

3) Rows 210-211 – HT to provide greater specificity with regard to actions taken and to be taken in connection with its proposed partnership with Jubilee Jobs, as well as with regard to contacts made and relationships established with other neighborhood non-profits –including but not limited to Mary's Center, Good Sherpherd Teen Learning Center and Latin American Youth Center – for the purpose of training and employment.

4) Row 213 – HT to provide ANC with more specific information regarding the number and/or percentage of its store employees expected to receive the described benefits package.

5) Row 216 – Greater specificity in HT's plans to extend its "Second Harvest" program to DC.

6) Row 218 – In recognition of the permanent loss to the community of a large space previously used for recreational purposes and still zoned to allow such use, the applicants shall also agree to install and provide ongoing maintenance for one or more park- or recreation-related infrastructure

amenities within the boundaries of ANC 1C, and to place historical photographs and other memorabilia in a public area of the PUD depicting former recreational and other uses of The Citadel.

7) Row 225 – Limit the hours of HT's operations to 7 am to 11 pm.

8) Row 232 – Specify that HT will refuse deliveries from trucks exceeding 40 feet in length.

9) Row 239 – Specify a formal mechanism for implementation of a truck management plan.

10) Row 248 – Hours for beer and wine sales to be 9 am to 10 pm, as provided in current law. Further, HT shall enter into a Voluntary Agreement in connection with its Class B ABC license application substantially similar to that entered into by ANC 1C with Safeway.

11) Rows 292-293 – Specify the mechanisms for administration and enforcement of the MOU's terms, as well as for management of the construction process.

12) Row 296 – Provide a letter to ANC 1C signed by an authorized officer of HT regarding the intended disposition of the currently owned "Class A" ABC license, consistent with the representations outlined in an e-mail from its ABC counsel to its zoning counsel dated April 21, 2005 (should be combined with Row 247); and

BE IT FURTHER RESOLVED, that if agreement on the foregoing issues has not been reached with the applicable committees of the ANC by Tuesday, May 24, 2005, then notice may be given on Wednesday, May 25, 2005 of the ANC's intention to revisit this issue at its Wednesday, June 1, 2005 meeting and to withdraw or otherwise alter its support for the PUD application by a majority vote of those Commissioners present and voting, and to request that the Zoning Commission waive its 7-day filing requirement to permit the submission of such revised ANC views, and

BE IT FURTHER RESOLVED, that ANC 1C's support for the PUD application is further contingent upon the District Department of Transportation agreeing to take the following actions prior to the opening of the HT:

1) Adoption of one-way street Option 1B or 2B as described in its consultant's undated report entitled "One-Way Street System: Citadel Site," provided to the ANC by DDOT on April 27, 2005. (ANC 1C requests that the choice between Options 1B and 2B be deferred until after further DDOT consultation with the ANC.)

2) Installation of a traffic signal at the intersection of 16th St. and Kalorama Rd., NW.

3) Installation of signage to prohibit large trucks from using certain streets in the Reed-Cooke section of the neighborhood.

Offered by: **Commissioner Gibson**
Seconded by: **Commissioner King**
Vote: **Approved by roll call vote, 5-2-1**

AYE	**Roth, Canty, King, Gibson, Taylor**
NAY	**Moretti, Miscuk**
ABSTAIN	**Weaver**

Date: **May 4, 2005**