

ADVISORY NEIGHBORHOOD COMMISSION 2F
Minutes of Regular Public Meeting

June 1, 2005, 7:00 PM

Washington Plaza Hotel, 10 Thomas Circle, NW

Present: **Charles Chairman Reed (2F01), Jim Brandon (2F02), Chris Dyer(2F03), Sandra Biasillo (2F05), Mike Nelson (2F06)**

Absent: **None** (seat 2F04 currently vacant)

Community Forum

The Chairman noted that a quorum was present, called the meeting to order at 7:00 PM and directed that a copy of the notice of the meeting be filed with the minutes.

Commissioner announcements:

Nelson commented that he was disappointed that the Daddy Grace Memorial Day Church parade failed to seek ANC approval for the closing of streets in connection with their annual celebration. Reed said he would take it into account as it happened in his SMD. Reed stated he will send a letter to the group reminding them of necessary steps to receive approval.

Dyer suggested that a reminder also be sent to emergency response teams.

Brandon stated his parish has another parade in another SMD and they go through the DCMPD to seek approvals.

Biasillo stated it's not necessary to come before ANC, but at a minimum, a group should send a letter.

Dyer stated that a new law was enacted and that all parades must go through ANC for approval. It might be that they are not aware of the new regulation.

Reed stated that the Commission will revisit this during the business portion of the meeting and special events policies.

Brandon announces that the 14th & U Main Street initiative would like to speak briefly at the next meeting and should be on the agenda next month.

Reed noted the resignation of **Sherri Kimbel** as retiring Executive Director of ANC2F, and as a token of appreciation presented a gift from the Commissioners to Sherri for her dedicated service to the Commission and to the community at large. Brandon notes that the gift was not paid for with public funds.

Reed welcomed and introduced **Chris Kohatsu** as new Executive Director of ANC2F, whom the Commission in executive session immediately prior to the public had voted unanimously extend an offer of employment.

Reed announced that the Memorial Day Services at Logan Circle sponsored by the National Park Service had been well attended and impressive. He urged that the community visit and use the Circle.

Public Crime and Safety Report

Lt. Mike Smith gave the report for PSA 307, announcing the results of a year long investigation on a Blagden Alley fencing operation in which it is alleged that stolen goods were traded for drugs. Although Lt. Smith was not initially given adequate MPD resources for the investigation, ultimately in March, he was able to have a police task force assembled, with Detective Swenson in charge of monitoring this activity. In March, six search warrants for: 1206 9th Street, 1208 9th Street, and other places in Virginia and Maryland were issued. As a result, crack cocaine, \$24,000 in cash, computers, television's, bicycles and other properties were recovered and five arrests were made, and more are expected. He hopes this has a significant impact on the community. Tomorrow, an unrelated robbery search warrant for a property near 15th and Massachusetts Ave. will be executed. Nelson asked if the property recovered came from this neighborhood. Lt. Smith said yes.

Helen Kramer initiated a discussion about prostitution problems in the community. She mentioned that people have reported that they leave to work out at nearby gyms and see prostitutes working the streets. Lt. Smith said that 38 prostitution arrests were made in PSA 307 last month, which is lower than the prior year's same period. The MPD Prostitution Unit covers the entire city and not just our PSA. Smith said that Ward 2 **Councilmember Jack Evans** will be hosting a public forum on this issue shortly. The Council is to have a meeting on a few of the bills that Evans is trying to pass regarding this issue.

Lt. Smith said that on Monday he arrested a prostitute and a john whom he happened upon, and charged them with indecent exposure. Smith pointed out that the Court released the prostitute on personal recognizance, despite the fact that she had numerous prior offenses and a bench warrant outstanding for her arrest. Lt. Smith appealed to the community to become active in complaining to the D.C. Superior Court, through its Chief Judge. At Reed's request, Lt. Smith undertook to provide a report of the detailed facts of the incident so that Reed might address a formal letter to the Chief Judge. In response to a request to Nelson, Reed agreed to copy all Commissioners on the letter.

Reed remarked that former 3rd District MPD Chief James Shugart had been very successful in reducing prostitution drastically by the simple expedient of taking up to

the legal limit of time in “papering” prostitution arrests. The time ate heavily into the “street” time of the arrested prostitute, who typically moved out of the area rather than have her earnings impacted. Helen Kramer said that Councilmember Evans arranged a meeting years ago with the chief justice and she was present. They showed him video activity at nighttime and went over the seriousness of this issue. She felt this had a positive impact.

A member of the Rhode Island West Association reports increasing complaints on that block, especially during the hours of 6-7 AM, and is forming its own task force to deal with the problem. He undertook to have RIW members contact Brandon.

Smith noted that one of enforcement problems is that young police officers are reluctant to deal aggressively with arrests for fear of false arrest complaints. Smith remarked that he points out to such officers that there are usually other, less subjective crimes, which the officers can enforce, such as parking tickets, etc., that also have the effect of breaking up prostitution incidents.

National Historic Trust Presentation (by **Denise Johnson**):

A presentation was made to familiarize the community with the SmART Streets project under the NHTP aegis. The SmART streets project is a fully funded community project to enliven pedestrian environment around the convention center. The presentation set forth current plans and programs and invited community input. Reed pointed out that the general aims of the SmART project was within the framework of the ANC’s Plans Review Committee under Basillio.

General:

Chairman Reed noted communications received: (i) Thanks from Army to handle request for street closing; (ii) from St. Johns Community Services publicizing available healthcare services; (iii) from Spirit Corps as to free community information/referral center and mediation services for families in need; (iv) from BZA detailing required information on ANC input in order to receive “great weight” consideration (referred to Dyer as CDC Chair); (v) from DDOT on contractor compliance with 1401 14th Street TCP (traffic control plan) and street signage which appear to be generating erroneous parking tickets.(vi) from DDOT giving notice of scheduled repaving and creation of bike lane on 14th St. between S and Wallach place; (vii) from EEOC officially announcing election of ANC2F04 vacancy petition period (5/31 through and 6/20); from Superior Court re availability of free mediation services in connection with domestic relations problems; (viii) from Jim Graham responding to ANC2F letter regarding pending ANC protection legislation.

The meeting was recessed for 10 min.

Business Meeting

Approval of Agenda

A draft agenda was laid before the ANC. By consent the agenda was amended to add a request for street closing by Capital Pride, and a walk/jogathon proposed by the Americans Association of Diabetic Educators. Thereafter, by unanimous consent, the agenda, as amended, was approved. The Chair directed that a copy of the amended agenda be filed with the minutes of this meeting.

Approval of Minutes

Upon motion by Graham and seconded by Dyer, the ANC approved minutes of its public meeting of May 4, 2005, as presented.

VOTE: Approved 5-0.

The Chairman directed that the minutes be posted on the ANC website.

NEW BUSINESS

Election of Vice Chairman.

Chairman Reed announced that due to the resignation of Matt Raymond (SMD 2F04) from the ANC, the position of Vice Chairman is currently open. The Chairman opened the floor to nominations for a successor. Upon motion by Nelson, and second by Dyer, Commissioner Brandon was nominated to serve as Vice Chairman, no other nominees being proposed. Following discussion on the motion, it was

RESOLVED, That Commissioner Jim Brandon be and is hereby elected to be the Vice Chairman of ANC2F with all the rights and obligations pertaining to that office, and to remain in such office until his successor is elected and qualified to serve.

VOTE: Approved 5-0

Capital Pride street closings.

Robert York appeared on behalf of Capital Pride requesting approval of its street closing and parade permit. Mr. York stated that this is the 40th anniversary of Capital Pride. The parade is proposed to be extended for the first time to 14th & 17th streets. The parade starts at Francis Junior High, and ends on 14th Street. Dupont ANC has

unanimously approved the application as to the portion of the route falling within its jurisdiction. DDOT approved. The parade begins at 6:30 PM, although its organizers anticipate that 14th street will be impacted only from about 7:45 to 8:15 PM. Extensive discussion and community comment was received. No adverse community comment was received; **Tim Hillard** asked whether parking was to be affected. In response, York pointed out that only the right (West) side of 14th would be affected, noting that traffic will still operate on the East side. Chairman Reed asked **Mr. David Winer** (an owner of two restaurants on P Street, whether the parade would adversely affect his business. Mr. Winer indicated that the effect is mixed. There will be more traffic, but most of it will simply be milling around. Nelson asked why the route did not include Logan Circle, to which York replied that parade floats will involve large semi-trucks with turning circles. Upon motion by Brandon, with Nelson seconding, and after discussion (Dyer noting that Thomas House has no objection), it was

RESOLVED, That it having been requested by Capital Pride organizers that on Saturday, June 11, 2005, the following streets be closed for the times indicated: P Street from 16th to 14th Streets NW, and 14th Street NW, from Church Street to Thomas Circle.

And it appearing to this Commission that such closures would not unduly inconvenience residents nor adversely impact businesses within the vicinity of the closures, such request be and is hereby recommended to the District of Columbia Emergency Management Agency that the permits be granted, and it is

FURTHER RESOLVED, That the appropriate officers of this Commission communicate the foregoing advice to the District of Columbia Emergency Management Agency.

VOTE: Approved 5-0.

Diabetic Educators convention and walkathon

Commissioner Nelson presented a request for ANC2F recommendation of approval of the AADE convention and walkathon. Upon motion by Dyer, with Brandon seconding, and after discussion, it was,

RESOLVED, That it having been requested on behalf of AADE that on August 13, 2005, I and H Streets from the Renaissance Hotel, and for a half-block be closed 6:00 to 7:15 AM;

And it appearing to this Commission that such closures would not unduly inconvenience residents nor adversely impact businesses within the vicinity of the closures, such request be and is hereby recommended to the District of Columbia Emergency Management Agency that the permits be granted, and it is

FURTHER RESOLVED, That the appropriate officers of this Commission communicate the foregoing advice to the District of Columbia Emergency Management Agency.

VOTE: Approved 5-0.

Liquor License Matters

Sidewalk café seating for Merkado: David Winer, principal in Merkado Restaurant, 1423 P Street NW, appeared before the Commission seeking approval of a pending ABRA application for substantial change of operations under its liquor license. Merkado seeks a sidewalk café of 10 tables, 30 seats, with no winter operation. Closing hours are 10:00 PM on weekdays, and 11:30 PM on weekends. Seats and tables would not be removed overnight.

Upon motion by Nelson, seconded by Brandon, and after discussion, it was,

RESOLVED: That the application to the Alcohol Beverage Control Board (ABC Board) with respect to license No. 71487 was considered by ANC2F; and it is

FURTHER RESOLVED: That after a review of the proposed operation of the sidewalk café which forms the basis of the licensee's application, and it appearing to the ANC2F, that the licensee is in compliance with the liquor license policy guidelines of this Commission; and it further appearing that the proposed amenity would not unduly disturb nearby residents, and is a welcome amenity in the neighborhood, operated by a licensee as to whom the ANC has not to date received any complaints with respect to its other restaurant located on the same block; ANC2F determines that such application should be approved by the ABC Board, it is

FURTHER RESOLVED: That ANC2F should and hereby does advise the ABC Board by recommending approval of the pending application, and the appropriate officers of this ANC be and are hereby instructed to implement this resolution.

VOTE: Approved 5-0

In connection with the liquor license application, Merkado also has pending a request before the Space Committee of the District of Columbia Department of Transportation; in connection therewith, and in light of the approval above, it was duly moved, seconded, and after discussion,

RESOLVED, That ANC2F, having reviewed the application of Merkado Restaurant as presented to the meeting and now pending before the Space Committee of the District of Columbia Department of Transportation, deems the addition of the outdoor café a welcomed

amenity for the residents of this ANC and finds the plans as presented to be in the interests of the Community, and therefore, recommends approval of the space permit for the café; and it is,

FURTHER RESOLVED: That ANC2F should and hereby does advise the ABC Board by recommending approval of the pending application, and the appropriate officers of this ANC be and are hereby instructed to implement this resolution.

Vote: Approved (5-0)

The Studio Theatre – Voluntary Agreement. Chairman Reed laid before the Commission an amended Voluntary Agreement with respect to The Studio Theater, which had been negotiated based on the authority granted at the May 4, 2005, meeting of the ANC. He indicated two minor changes which were inserted at the initiative of the ANC designed to strengthen the incentives for off-street parking for patrons of the Theater. Brandon asked if Reed had contacted St. Luke’s parish 15th and P to obtain their cooperation in making available evening parking for the Theater. Reed said he had not done so yet, but would. Upon motion by Reed, seconded by Dyer, and after discussion, it was,

RESOLVED: That an amendment to the existing Voluntary Agreement between The Studio Theatre and ANC2F and Rhode Island West Association was presented to the ANC2F for consideration in connection with the Theatre’s substantial change in operation application currently pending before the Alcoholic Beverage Control Board (ABC Board) as license no. 25750; and it is

FURTHER RESOLVED: That after a review of the Voluntary Agreement; and it appearing to the ANC2F, that the agreement is in compliance with the liquor license policy guidelines of this Commission; and that it fairly addresses the concerns of this Commission that off-street parking problems associated with the Theatre’s operations may be ameliorated by the terms of the Voluntary Agreement, ANC2F does hereby approve the Voluntary Agreement as presented to the meeting, and advise the ABC Board that ANC2F recommends approval of the Voluntary Agreement; and it is.

FURTHER RESOLVED; That upon approval by the ABC Board, ANC2F withdraws its protest of the licensee’s aforementioned application currently pending before the ABC Board; and it is

FURTHER RESOLVED; That the appropriate officers of this ANC be and are hereby instructed to implement this resolution.

VOTE: Approved 5-0

Smoking ban:

Eric Marshall of the American Cancer Society (ACS) and Sherri Kimble acting for the Restaurant Association of Greater Washington (RAMW) appeared before the Commission with respect to a proposal made to the Commission by the ACS to (1) adopt a Commission resolution to advise the City Council to report out of committee proposals for a comprehensive city-wide workplace smoking ban so as to permit voting by the Council on the bills, and (2) adopt a Commission resolution endorsing and approving such a ban and advising the Council to that effect. Dyer stated that as a matter of full disclosure he does work for the American Lung Association which is in favor of the ban, but that he does not have pecuniary interest in the outcome of the ANC's action on the matter.

Marshall, speaking for proponents of the ban, indicated that a number of ANC's had approved the above resolutions. He set forth arguments as follows: Second-hand smoke kills 35,000-45,000 every year; workplace smoking compounds youth asthma; over 75% of white collar workers are currently protected under existing law, but not bartenders and servers whose health interest is equally compelling; such bans are being enacted nationwide and worldwide (example: NYC, Boston, San Francisco, Dublin, Auckland, Sweden); independent scientific studies show no adverse economic impact to restaurants and bars (to the contrary, indications are for improved sales and restaurant/bar employment, e.g., 8.7% in New York City). Smoke-free law supported by 74% in DC and by 8 of the 13 DC Councilmembers.

Sherri Kimble stated that the RAMW believes the smoke issue should be a matter of individual choice. Over 90% have chosen smoke-free areas. Those that don't, use filtration systems. Where bans exist, smokers are forced outside where there are no filters, and where smokers create litter. She stated that one of the pending bills require much more expensive filtration systems and provides for higher taxes on restaurants who install such systems in lieu of an actual ban. She also indicated that Washington restaurant and tourism business would be adversely impacted, since smokers would simply go to Virginia if smoking is important.

Brandon asked what has been done to encourage the city to do anti-smoking campaigning. Marshall responded that the existing settlement in the tobacco industry litigation is earmarked for such publicity. Kimble indicated that the Council's Committee on Health has recommended an exemption for outdoor patios, but the Council does not necessarily have to adopt this recommendation.

Extended further discussion ensued.

The chair invited a motion with respect to the first proposal. Upon motion duly made and seconded, and after discussion, it was

RESOLVED; That ANC2F believes that it is necessary and appropriate in the public interest that pending legislation on a comprehensive city wide ban on workplace smoking be considered and voted upon by the full City Council, and recommends to the appropriate committees of the Council that they markup bills to that effect and bring them to the Council for a vote.

Vote: Approved (3 to 2) *for:* Biasillo, Dyer, Reed; *against:* Brandon, Nelson.

The chair invited a motion with respect to the second proposal. Dyer moved and Biasillo seconded the motion set forth below. In discussion on the motion, Reed expressed the view that, while he favored the ban in principle, the ANC had neither the resources nor the time to undertake a diligent examination of the merits of the pending legislation and, therefore, should let the matter be handled by the Council. Nelson objected to the ban on the grounds that it denied individual choice. Dyer spoke in favor, Brandon on the basis that it is counter to free-enterprise. The motion

RESOLVED, That ANC2F endorse the merits of the city wide smoke-free workplace ban as urged by the American Cancer Society and permit such endorsement to be referred to by the ACS.

Vote: Motion failed (1 for [Dyer], 2 against [Brandon, Nelson], 2 abstentions [Reed, Biasillo])

CDC Report

The report and recommendations of the CDC arising out of its meeting May 18, 2005. Dyer moved that the recommendations of the CDC be accepted by the Commission, Reed seconded; Nelson moved to amend by qualifying the recommendation made with respect to 1425 11th street in view of concerns expressed as to the fenestration on the side of the project. The amendment carried by a vote of 5 to 0. The motion was further amended by unanimous vote, and its amended form was put to vote. Following discussion, it was

RESOLVED, That the CDC report be and is hereby accepted and that all recommendations of the CDC be adopted, except that as to the project at 1425 11th Street, NW, ANC2F recommends to HPRB that it approve the height, massing, and concept of the project, but notes that there are concerns in the Community as to some aspects of the design of the project; and it is

FURTHER RESOLVED, That as to 1425 11th Street, NW, HPRB be requested to direct its staff to cause the developer to return to the ANC when the design is further elaborated in elevations and construction

material and before final HPRB action is taken on design and materials, in order that ANC may have a further opportunity to advise on the matter.

Vote: Approved (5-0)

In the discussion, Nelson stated that the community has issues with window postings, parking, and developer has expressed strong desire to work with community. Dyer pointed out that the only issue before the CDC had been concept. A question was raised on whether the historic preservation regulation applies only to the front façade. **Douglas Parker** stated his understanding that all exterior may be reviewed, even though HPRB typically concerns itself only with the façade. He also stated his concern that the proposed side windows look directly into his backyard and into skylight. Helen – in order for ANC to have any input prior to HPRC you have to take action tonight. I agree with Dyer that proposed wording is not appropriate, that the concerns expressed by most of neighbors are more appropriately considered at traffic control. Kramer suggested the ANC advises the board to instruct its staff to consult further with the developer to require the developer come again before ANC when they have elaborated design concept to discuss further elevation, choice of materials and further issues.

Shawn Wayne who was present, and is the principal project architect. He stated he had attended the CDC meeting and the concerns were not “strong” (as had been stated in the initial recital of the motion). **Samuel Robfogel**, a CDC member who also attended the CDC meeting disagreed. Wayne argued against characterizing the issue as design, when it related essentially to windows. When asked, Wayne indicated he would not agree that the developer would come back before the ANC. Reed indicated that the person most affected was present at the instant meeting and expressed concerns directly.

Old Business

No old business.

Approval of expenditures

Upon motion by Biasillo and second by Dyer, and after discussion, it was

RESOLVED: That the following expenditures be and are hereby approved:

755.85	Sherry Kimbel, May wages (check no. 787)
40.00	DC Treasurer, May withholding (check no. 788)
382.80	Sandra Biasillo, reimbursement for email account, 2 years. (check no. 789)

Vote: Approved 5-0.

Adjournment

There being no further business, the meeting was duly adjourned at 9:45 pm.