

ADVISORY NEIGHBORHOOD COMMISSION 2F

Minutes of Regular Public Meeting

November 2, 2005, 7:00 PM

Washington Plaza Hotel, 10 Thomas Circle, NW

Submitted by: Chris Kohatsu, Executive Director, ANC2F

Present: **Chairman Charles Reed (2FO1), Jim Brandon (2F02), Chris Dyer (2F03), Bob Ellison (2F04), Sandra Biasillo (2F05), Mike Nelson (2F06)**

Absent: **None**

Community Forum

(Announcements and Reports)

Chairman Reed 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

Dyer announced that the construction project in Green Court continues. He made a site visit, and a water line has to be replaced. Pedestrian and vehicular traffic is expected to open in December.

Ellison announced that the evening parking restrictions on 12th Street have been lifted. He thanked Sean Metcalf and Eric Korpon for their help.

Brandon announced that Hamburger Mary's has changed its name to Dakota Cowgirl. Reed stated that Dakota Cowgirl entered into a voluntary agreement that would not allow them to change their franchise affiliation. Reed stated that this may be a legal matter that should be inspected. Tim Hillard agreed to look into it.

Biasillo announced that the Old Convention Center site would be holding a public meeting next Tuesday at the MLK Library on 901 G Street. She also announced that the D.C. Comprehensive Plan meeting happened at the end of last month. She listed resources for the community to find and provide comment on.

Reed announced that on the ANC2F website, he regularly posts announcements so as not to unduly lengthen monthly meetings.

Reed then recognized the members of Sunrise at Thomas House in the audience. **Miriam Trimble**, (former ANC2F03 Commissioner), said that the Buildings and Grounds Committee was present. Thomas House has been renamed Sunrise at Thomas House on Thomas Circle.

The Buildings and Grounds Committee is concerned with exterior issues outside of Thomas House – items that might be considered for public safety. Signage such as traffic going to the MCI Center should not use their access road. They would like to protest the

timing of the lights on 14th Street at Thomas Circle. Those who must take their time walking through it are not given enough time to cross. One of their residents would like to see a street light across from Green Court so that pedestrians can cross there and go to CVS. They would like to direct traffic to accommodate the senior citizens living there. Reed stated that Trimble and the residents of Thomas House should meet with Dyer and come up with effective ways to communicate their issues with DDOT.

Nelson asked if there was a way to include Logan Circle with these issues. He stated that walking a dog and crossing the street in seven seconds or less is not always possible.

PSA 307 Report – Lt. Mike Smith

The neighborhood is experiencing a sharp increase in robberies (18 vs. 8 last month), but the MPD has also had a lot of successful arrests. He said that the BP gas station seems to be a magnet for criminals.

As to community questions about juvenile offenders, Oak Hill Juvenile Corrections has decided that detention is not the best method in dealing with young offenders, thereby allowing juvenile offenders to roam the streets.

MPD is currently using decoys throughout the neighborhood in order to deal with robbery attempts. Also, foot patrols are going to increase. 21 new bicycle patrols will soon be released throughout 3D.

Again, Smith expressed concern that the US Attorney's Office fails to prosecute cases that MPD thinks should be prosecuted, giving an example of several juveniles traveling in vehicles with guns who were arrested, but not prosecuted on grounds, disputed by MPD, there was insufficient evidence to gain conviction.

John Grimberg asked what the practical effect of a light tower would be. Smith answered that a light tower goes into high crime neighborhoods, because it helps residents and officers stay alert. Grimberg stated that residents are scared to walk around.

Cliff Burns said that there is an uptick in prostitution, and with an uptick in crime, the police force has been taxed. He wanted to know why there is such a serious problem in the neighborhood. Smith answered that 10-12 prostitutes are arrested daily. He also answered that a lot of the prostitutes have stay-away orders. Smith answered that he has limited officers and resources to deal with these problems.

Dyer stated that financial aid needs to be focused on public safety. He advised that residents participate in the upcoming Citizens Summit with the Mayor on November 19.

Carlson Klapthor announced that he had pamphlets for the community.

Sherri Kimble announced that she was there to present a plaque from the Army 10 miler to ANC2F. Kimble also announced that Councilmember Evans's anti-prostitution vehicle impoundment act has been stopped with Councilmember Mendelson's office.

Sergio Menaca stated that Moses's Pupuseria has allowed 14th Street to become an outdoor bar. Grimberg said that the management of the Seville (neighboring property) does nothing to clean their property.

Helen Kramer said that the property owner of Moses' is Ahmed Tutu and he is proposing to rehabilitate or sell the entire property.

Nelson commented that with the exception of the liquor problems, the trash and loitering can be reported and registered through the Mayor's call center: 202-727-1000. If there is trash piling up and the management is not helping, citizens must report this to the government.

-10 minute recess-

Business Meeting

Approval of Agenda – The Agenda as proposed was unanimously adopted.

November Minutes – Draft minutes were presented to the Commission. Brandon moved approval of the November minutes as submitted; Dyer seconded. Unanimously, it was approved.

Crime and Public Safety

Mike Sheaffer – Chair of CPSC reported as follows: He asked that the commissioners staff the committee with people who are willing to work. Reed stated that he and Sheaffer along with Lt. Smith met for several hours to layout the framework for the committee. He asked Sheaffer to go over these details.

Sheaffer stated that he and Jennifer Trock want the committee to focus on 4 areas:

1. To propose Crime and Public Safety Legislation
2. Permits for Applications and Renewals and Inspections
3. Coordinate a presence in the D.C. Judicial system
4. Advocate ANC2F's views to the D.C. government

Finally, the CPSC would form a collation with other groups in the community to make our voice greater. Reed commented that the CPSC has a difficult task which requires back breaking effort and enormous time, noting that this is one reason it is suggested that CPSC work closely with the LCCA to share resources.

Reed delivered to Sheaffer for the Committee's use the response from DCHA on the incidents at Claridge Towers which the ANC had previously requested.

A proposal was presented to elect a co-chair for the CPSC. Dyer nominated and Reed seconded the election of Jennifer Trock as co-chair of the CPSC. After further discussion, including comments from the public, it was,

RESOLVED, That in furtherance of paragraph 7 of the Commission's resolution adopted October 5, 2005, creating the Crime and Public Safety Committee (CPSC), Jennifer Trock be and is hereby elected as Co-Chair of the CPSC to serve until her successor is elected and qualified.

VOTE: Unanimous (6-0)

Nelson asked what kind of qualifications members of the committee should have to be on the CPSC. Sheaffer said that he would put that in an email and forward it later.

Dyer named **Heather Vargas** from his SMD to the CPSC. Brandon named **Bill Selepack** from his SMD.

Liquor License Matters

Fogo de Chao – Reed stated that this restaurant, located at Pennsylvania Avenue and 11th Street, in the Evening Star Building replaces a kosher restaurant that went out of business. It seeks a stipulated license. The restaurant does not impact residents of ANC2F. Upon motion by Dyer, seconded by Reed, and after further discussion, the following resolution was unanimously adopted:

WHEREAS, the application for a Class C Liquor license on behalf of Fogo de Chal, 1101 Pennsylvania Ave NW, Washington, D.C pending before the Alcohol Beverage Control Board (“ABC Board”) was presented to this Commission at its public meeting held November 2, 2005, for the purpose of enabling the Commission to render advice to the Board with respect to such application pursuant to § 1-309 of the District of Columbia Code; and

WHEREAS, the Commission has reviewed such application, be it,

RESOLVED, That Advisory Neighborhood Commission 2F finds that (1) the application complies with the liquor license policies promulgated by the Commission with respect to applicants within this Commission's boundaries, and (2) the applicant's location is in an essentially commercial area in which residential tenancies will not be adversely impacted by the applicant's proposed operations; and it is,

FURTHER RESOLVED; That the Commission determines that the issuance of the license is unobjectionable, and recommends to the ABC

Board that the application as submitted to the ABC Board be approved; and, it is,

FURTHER RESOLVED, That Advisory Neighborhood Commission 2F finds that in is the interests of the Commission's community that the restaurant operation proceed without undue delay, and for that reason further recommends to the ABC Board that a stipulated license issue to applicant pending expiration of the posting/placard period and formal action on the application by the ABC Board; and it is,

FURTHER RESOLVED, That the appropriate officers of this Commission be and are hereby authorized and directed to communicate the foregoing to the ABRA and to take such further action as may be required to effectuate the purposes of the foregoing resolutions.

VOTE: Unanimous (6-0).

Liquor License Renewals

Dyer stated that he did not want to explore separate new voluntary agreements and would rather group the renewals together and recommend approval of the renewals.

Arturo Ramos said that the Chirilagua is the source of the problem at Moses's as earlier mentioned. Brandon stated that he met with the owners who seem to be running a clean operation. They do not sell single bottles, and seem to be a good neighborhood business.

Charles Bijou said that the apartment building next door maybe confused with the establishment. Brandon answered that the apartment building has been closed. **Grimberg** noted that the store has no current voluntary agreement. Kramer answered that was true.

Nelson stated that he had strong reservations with both properties. He asked Lt. Smith to comment on these establishments. Smith answered that he has been concentrating on other areas of the PSA and that he really could not answer.

In light of the above complaints and others presented at the meeting, proposals were made to protest both licenses.

Upon motion by Reed, seconded by Ellison, and after further discussion, it was,

RESOLVED: That in light of numerous complaints by the community, particularly residents near the establishments in question, the Commission determines that the peace, order and quiet of residential areas bordering on and near the licensed premises are adversely impacted, and that licensee's

operations as currently conducted materially and adversely impact real estate values in the area; and that, accordingly, licensee fails to meet the appropriateness standards set forth in D.C. Code §§ 25-313, 25-314 and 25-315 and § 23-400 of the Municipal Code; and it is

FURTHER RESOLVED, That the Commission deems it to be necessary and appropriate in the public interest that the Commission protest the renewal of the license no. 73448 (Class C), Chirilagua Beer & Wine, Inc. (T/A) Izalco Beer & Wine, 1314 14th Street, NW, and license no. 60368 (Class C), Ergoy Injera, Inc. (T/A) E.I. Market, 1712 14th Street, NW, and to advise the Alcoholic Control Beverage Administration not to renew such license; and the appropriate Officers of the ANC be and are hereby authorized and directed to file such protest; and it is;

FURTHER RESOLVED: That any incumbent Commissioner of ANC2F be and is hereby authorized to represent the Commission before ABRA in connection with such protest.

VOTE: Unanimous (6-0)

Community Development Committee (CDC) Report

1321 Naylor Court - There was a unanimous approval at the CDC meeting to recommend approval for the concept, design, and massing of this project, but a divided vote on the BZA variance requests.

Upon motion by Dyer, seconded by Nelson, and after further discussion, it was,

RESOLVED, That ANC2F at its duly noticed public meeting held November 2, 2005, with a quorum present and acting throughout, considered the proposal of 1321 Naylor Court, NW, pending before the Historic Preservation Review Board, and after hearing from the developer and the community, and having received the unanimous recommendation of the ANC's Community Development Committee to approve the concept, design, and massing of the project, determines to recommend the HPRB that the concept, design and massing of this project be approved, and it is,

FURTHER RESOLVED, That the appropriate officers of this Commission be and are hereby authorized and directed to take such further action as may be required to effectuate the purposes of the foregoing resolutions.

VOTE: Unanimous (6 – 0).

After a lengthy discussion on the question of the advice of ANC2F to the BZA with regard to the variances sought on this project, the developer, **Paul Harrison**, asked that the matter be withdrawn from further consideration at this meeting. He indicated that he would re-present the project at the next meeting of the CDC with special attention devoted to demonstrating that the requested variances meet the statutory requirements under D.C. Code § 6-641.07(g)(3)(2001).

Email Distribution

A proposal was presented to engage a new internet service provider for email distribution.

Upon motion by Biasillo, seconded by Dyer, and after further discussion, it was

RESOLVED, That it is in the best interests of ANC2F to change its current Email internet service provider so as to permit more efficient list serve and Email distribution; and, to that end, the Executive Director is authorized and directed to negotiate a contract with Interland company, for a price not to exceed \$21.00 per month, which contract may be executed by the Chairman and Treasurer, with the understanding that the Commissioner Biasillo will have the opportunity to negotiate further with respect to the price of the contract.

Vote: Unanimous (6-0)

Dyer asked about time. Biasillo said that it could be at the end of the month.

Bylaws Review

Reed announced that one or more Commissioners had expressed opposition to a bylaw change suggested by Reed that would avoid deadlocks by permitting passage of matters receiving tie votes if the chairman of the meeting at which the tie vote occurs has voted in favor of the proposal. In view of this, Reed withdrew the suggestion, indicating that he would give further thought to the matter before formally proposing any such amendment.

Public Space, Street Closings, Traffic and Parking Matters

901 New York Avenue NW— A proposal was presented to the Commission to advise the District of Columbia Department of Transportation Public Space Committee to grant a pending request for a space permit for a sidewalk café at 901 New York Avenue, NW, the Aedinna Restaurant.

Upon motion of Nelson, seconded by Dyer, and after further discussion, it was,

RESOLVED, That ANC2F having reviewed the proposal for a sidewalk café to be located on the public space at 901 New York Avenue, NW, and deeming the use to be convenient to the community and not obstructive to pedestrian traffic, finds the proposal to be in the best interests of the community, and, accordingly, recommends to DDOT that the application be approved as submitted.

VOTE: Unanimous (6-0).

Treasurer's Report

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

RESOLVED: That the treasurer's report be and is hereby accepted; and the following expenditures authorized and ratified, as the case may be:

United States Treasury - \$860.36 (July, August, September Kohatsu withholding)

D.C. Treasurer - \$5.50 (Kohatsu October withholding)

Chris Kohatsu - \$700.00 (October wages)

Verizon - \$58.41 (October utility bill)

Sandra Biasillo - reimbursement for office supplies - \$110.40

VOTE: Unanimous (6-0).

Biasillo also reported that all three allotments have been released to the ANC. She commented that the DC auditor's adverse findings in the recently received auditor's report would be replied to. Brandon asked for explanations of some of the findings. Biasillo indicated that she had not had time to study the report fully and was not prepared to discuss it at this time. The Chairman directed that a discussion of the report and proposed responses be placed on the agenda for the next months ANC2F monthly meeting for discussion. Dyer recommended that Brandon and Biasillo confer in the interim as to any questions Brandon may have.

Adjournment

Brandon moved for adjournment, which by unanimous consent was approved. The meeting was adjourned at 9:16 pm.