

ADVISORY NEIGHBORHOOD COMMISSION 2F
Minutes of Regular Public Meeting
April 5th, 2006, 7:00PM
Washington Plaza Hotel, 10 Thomas Circle NW
Submitted by: Renan Snowden, Executive Director, ANC2F

Present: **Chairman Charles Reed** (2F01), **Jim Brandon** (2F02), **Chris Dyer** (2F03) (who, by prior notice, arrived at 7:30 pm, due to a conflict in scheduling), **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 7:00PM and directed that a copy of the notice of the meeting be filed with the minutes.

Commissioner Announcements

Biasillo announced that the D.C. government will present the Comprehensive Plan on May 11th at 7PM.

Reed announced that Bill Rice, former spokesperson for the Department of Transportation, has resigned in order to run for City Council from Ward 3.

Reed announced that Annie Russell, the Metropolitan Police Department's Community Outreach Coordinator for the ANC2F area, has sent a letter to the ANC introducing herself. Any resident with questions or suggestions can contact her at (202) 727-1585.

Business Meeting

Approval of Agenda

Motions were made by the indicated commissioners below and seconded to amend the agenda as follows:

Ellison: add proposal to recommend to the Department of Public Works to repave 12th St. between Massachusetts Ave. and Vermont Ave. in order to reduce the noise and damage to the street.

Brandon: add a report on 1314A 14th St., Chirilagua restaurant.

Biasillo: add to the Public Space agenda: road closures for the 2006 Marine Corps marathon and Bobby Van's restaurant, and to ABRA matters a proposal to recommend approval for a substantial change in operations and stipulated license for Bobby Van's.

Reed: add a 5-minute presentation by Chris Kohatsu, of the Department of Consumer and Regulatory Affairs, asked to add a 5 minute presentation.

The foregoing motions were adopted by unanimous consent, and, as amended, the agenda was adopted by unanimous consent.

Minutes

It appeared that the minutes of the March 2006 meeting as presented for approval had not been previously circulated in final form to the commissioners, and, by unanimous consent, consideration of approval of such minutes were deferred until the next meeting of the ANC. The **Chairman** directed the Executive Director to post the draft minutes of the March 2006 on the ANC website as soon as she received the revised draft.

Crime and Public Safety Matters

Chairman Reed spoke briefly on the efforts of the CPSC in the absence on business of both its Co-Chairs. **Reed** commended the Crime and Public Safety Committee, especially its **Co-Chairs Mike Sheaffer and Jennifer Trock**, for effective work. **Reed** specifically cited the committee's organization of an allocution against defendant Melvin Jackson in multiple cases of theft from auto. **Sgt. Emmerman** (MPD-3D) said Jackson received 230 days in jail, to be served consecutively, in large part because of the letters of allocution sent from the community and from ANC2F.

Edward O'Connell, of the U.S. Attorney's office, said that he and **Sheaffer** have created a form letter to track allocution letters from victims, which will make the process easier for other community crime and public safety groups. O'Connell said that the letters presented to **Judge Jeanette Clark** in Jackson's case had an impact on Jackson's sentencing. O'Connell added that **Sheaffer** had also been very helpful in collecting allocution letters from the community in the case of Chris Gaines on short notice. With **Sheaffer's** help, in a two to three day period, his office had a community impact letter to present to the judge in the case. O'Connell added that these letters make a difference in sentencing. O'Connell said that for quality of life crimes, it is not mandatory for a judge to take community letters of allocution into consideration. O'Connell added that when used against a defendant who is negatively impacting a neighborhood, they can be effective in lengthening a jail sentence. O'Connell said he would like to see judges become more accountable to local ANC's in their sentencing.

Reed said that the allocution letters are posted on the ANC2F website, www.anc2f.org. **Reed** said that without community pressure, misdemeanor crimes become a low priority in the very busy U.S. Attorney's office. He also said that the CPSC was seeking to inviting judges to speak and be responsive to the community in that way.

PSA 307 Report – Lt. Mike Smith

Lt. Smith added to the allocution discussion. He recommended not sending letters of allocution for every sentencing in order not to dilute the impact of such letters. He suggested focusing on the worst offenders, the community can be the most effective. For example, he said that when Jackson was arrested for the third time in three weeks, he was held without bond and theft from auto dropped significantly.

Overall, crime was up in the March by 14%. From September through February there had been a steady increase, but over the last three months from January through March, crime is down by 67%. One cautionary note: with the warmer weather, there may be an increase in prostitution.

Sean Metcalf, of Councilman Jack Evans office, said that the Evans' anti-prostitution bill had left Councilmember Phil Mendelson's office and would be voted on by the council in one week.

Nelson asked if the officers knew anything about a car crash in the area of 11th St. and M Street. Lt. Smith said that a homicide case had been closed in that area, on the 1400 block of 8th St., which may have been the noise.

Lynne Munson complained about an increase in loitering and people smoking crack in Gompers Park. **Biasillo** responded that because the park was under the jurisdiction of the U.S. Park Police, it was best to call them directly with complaints. **Nelson** provided the number for the U.S. Park Police: (202) 426-6710.

DCRA Presentation

Chris Kohatsu (immediately past Executive Director of ANC2F) spoke briefly on DCRA's efforts to revitalize programs cut back in the early 1990's and to create more user-friendly governmental services, such as a new homeowner's center within DCRA to provide a one-stop permitting center for home additions and remodeling. **Biasillo** asked if the homeowner's center helped with HPRB approvals. **Kohatsu** said that it does HPRB approval, but not zoning approval.

Secondly, **Kohatsu** said the DCRA had been effective in stopping illegal construction. At 1325 13th St., NW, there was no placarding posted, no work order, and open wiring running from a truck parked on the street. A stop-work order was issued after the department received complaints. Kohatsu said to call DCRA's hotline (202) 442- STOP in the future to lodge similar complaints.

Nelson noted that this information was also posted on the DCRA website, <http://dcra.dc.gov>.

- 10 minute recess -

Community Development Committee (CDC) Report

Consent Calendar Items: 1321 Naylor Court (Variance request from the BZA), 1125 11th St. (traffic control plan), 1124 9th St. (approval of massing and concept for HPRB review).

Biasillo asked if there was a way to check on lighting for the covered sidewalk during construction at 1125 11th St. She said that many projects on 11th are dark. **Dyer**, CDC Chair, said he will keep track of the developer and construction plans.

Dyer said the CDC did not approve design for 1124 9th St. but the developers will return to the CDC to present its design plan.

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

RESOLVED, That the unanimous recommendations of the CDC be and are hereby approved, and, accordingly, it is,

FURTHER RESOLVED, That with respect to 1321 Naylor Court, NW, (BZA Application 17485), ANC2F advise the Board of Zoning Adjustments that the pending application pursuant to 11 DCMR § 3103.2, for a variance from the buildings on alley lot height requirement under subsection 2507.4, and a variance from the nonconforming structure provisions subsection 2001.3, to construct two row dwellings in the R-4 District at premises 1321-1325 Naylor Court, N.W. (Square 367, Lot 862) be granted, the ANC2F having determined that in a public hearing held March 29, 2006 before the Community Development Committee of the ANC all conditions necessary for approval of the variances were supported; and it is,

FURTHER RESOLVED, That respect to 1123 11th Street, NW, ANC advise that the traffic control plan submitted to the meeting of the Community Development Committee of the ANC at its public meeting held March 29, 2006, be granted; and it is,

FURTHER RESOLVED, That the appropriate officers of the ANC be and are hereby authorized and instructed to take such steps as may be required to implement such recommendations.

Vote: Unanimous (6-0).

The ANC also considered the recommendation of the CDC with respect to 1124 9th Street, NW, but prior to the submission of these minutes for approval it was discovered that ANC2F has no jurisdiction over the subject property, it being located within the boundaries of ANC2C. Accordingly, any action taken with respect to this property shall not be deemed effective.

1146 – 1454 Church Street – Variance Request for BZA (Application No. 17459)

This matter was tabled by unanimous consent to a later time in the meeting due to the fact that the developer and its representatives were not present when the matter was called; it was removed from the table after such parties appeared at the meeting, and considered as here reported.

The applicant, DC Hampton LLC, seeks pursuant to 11 DCMR § 3103.2, a variance from the residential recreation space requirements under section 773, to allow the construction of a 28 unit multiple dwelling in the Arts/C-3-A District at the above premises (Square 209, Lots 911 and 917). The applicant was represented at the meeting by its counsel, **Chris Collins**, Esq. (Holland & Knight LLP), its architect, **William Bonstra** (Bonstra Haresign Architects) and **Luigi Canali**, a principal of the applicant.

As a preliminary matter, **Biasillo** said that the under ANC2F procedures, this matter would ordinarily be required to be first presented to the CDC. It appearing to the ANC that the matter is scheduled for hearing before the BZA on May 2, 2006, by consent the matter was heard by the full ANC in order to advise the BZA by the scheduled hearing date.

Bonstra stated that this matter, both as to parking and as to recreational variances had previously come before the ANC in November 2004, had received ANC2F approval then.

Chairman Reed pointed out that the minutes and correspondence of the ANC clearly disclose that only a variance from recreational space requirements was before the ANC2F then. In any event, the matter is before the BZA again, as a result of which the ANC is entitled to act upon, and advise the BZA with respect to, any new information presented to the ANC. **Dyer** added that prior action by ANC2F on this project related to HPRB, and the ANC has not previously given, nor requested to give, advice to the BZA on this project.

Collins presented the position of applicant. He said the project includes raising the front elevation for an existing historical building. As to recreational space, **Collins** said that the current regulation requires 4,000 sq. ft. of recreational space, of which 2,000 would be outdoors. The applicant seeks to reduce this by variance to 923 sq.ft., all outdoors, due to the fact that the building roof, where much of the recreational space in projects of this are set, is restricted due to air conditioning unit placement. **Collins** argued that the building contains many private balconies and terraces, and he represented that such space suffices for recreational space, despite its not being common elements of the condominium. He also said that the BZA had once before voted to eliminate the requirement (as to which, **Biasillo** pointed out that we act here on the basis of what the regulations as they currently apply).

The **Chairman** opened the floor for community comments on the issue of recreational space variance. Several community comments were made. **Martin Chin** said he objects to the recreation space variance because he has an overall objection to the design of the building. **Dyer** and **Brandon** noted that the issue of design had addressed at the December 2005 meeting of the ANC when design, massing and concept had been reviewed and favorable advice given to the HPRB. **Charles Yulish**, representing the Q. St. Citizens Association, asked the ANC to consider another element of consideration: the developer has sold all the potential recreation space, and has therefore deliberately and artificially created the constraints of which he now complains for the purpose of increasing the profitability of the project.

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

RESOLVED, That ANC2F advise BZA to grant application 17459 for variance with respect to from the residential recreation space requirements under section 773, the ANC having determined that the applicant has met its burden to show that it meets all requirements under 11 DCMR § 3103.2; and that in reaching this conclusion the ANC is mindful of the fact that in similar cases, the BZA has routinely granted recreational space requirements.

Vote (4-2), **Biasillo** and **Nelson** dissenting. Motion carries.

The **Chairman** then asked **Collins** and **Bonstra** for the factual bases upon which the applicant relies for the parking space exception. **Collins** indicated that there is questionable legal authority for the BZA to interpret the existing historic property exception from parking requirements. In the absence of the historical designation, the applicant would be required to provide 14 spaces, but that, due to with historic designation, no spaces would be required. The applicant intends to provide 7 spaces voluntarily, but seeks a variance of the remaining 7 that would have been required without historic designation.

Commissioners pointed out to the applicant's representatives that § 8 of the Zoning Act, a variance is available only on a showing that (1) the variance request is due to exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or (2) by reason of exceptional topographical conditions or other

extraordinary or exceptional situation or condition of a specific piece of property; that the strict application of zoning regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property; and (3) the grant of the variance would not result in substantial detriment to the public good and or substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The representatives were asked to address those requirements. In response, **Bonstra** stated that historic designation prohibited a curb cut, and that the only entrance to parking would be from a 10 foot alleyway. To provide the additional 7 spaces sought by the variance would require an expensive heavily sloping ramp that would add another underground level at a substantial (but unspecified) additional project expense.

Nelson asked Bonstra if he had considered vertical parking. **Bonstra** said that vertical parking does not conform to zoning to use in a historic district. **Dyer** asked if the developers had investigated leasing parking spaces. **Collins** said they were still waiting for answers on leasing spaces.

The **Chairman** then opened the floor for community comment. **Phillipa Hughes**, having provided written comments to the ANC, argued against grant of the variance. Hughes said that parking is heavily impacted in the 1400 block of Church Street, where there are currently fewer spaces than units; when development of all 5 condominium projects currently under construction on this block are completed, there will be a near 1 to 1 ratio of units to parking spaces. She said that other projects were required to install underground parking. She indicated that her signature on her opposition provided to the ANC was on behalf of herself individually and the following property owners on Church Street or abutting the project in question: the **Metro Condominium Association**, **Saxon Court Condominium Association**, and **Charles Yulish**, who, in turn, was representing the Q. St. Association, an unincorporated association of residents of the 1400 block of Q Street.

Charles Yulish raised questions of safety, indicating he did not believe a fire engine could go down Church St. with parking on both sides of it. He said that the third statutory factor—no public detriment or impairment of the Zoning intent—had not been met.

Ellison again inquired if the project would be economically infeasible if the additional spaces were to be required. The representatives did not directly respond, instead seeking to characterize the nature of the difficulty of providing the additional spaces.

Reed pointed out that parking in the Logan Circle area is reaching crisis proportions, as is evidenced by the highly charged disputes between residents and churches in the area.

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

RESOLVED, That ANC2F advise the Board of Zoning Adjustments to deny the above application (17459) for variance, the ANC having determined, in a full public hearing before the Commission with counsel, architect, and principal of the applicant present and having made a presentation to the Commission, that the applicant has failed to carry its burden of proof for a variance in all three requirements required by law for such variance.

Vote: (5-1), **Ellison** dissenting. Motion carries.

ABRA Matters

Proposal to Recommend Change in Liquor Licensing Laws to DC Council

Nelson raised for discussion the current state of DC law on the availability of liquor licenses to establishments within certain distances of schools and other certain enumerated institutions. The matter is at issue in the case of **Vegetate** restaurant, a license application for which ANC2F entered into a Voluntary Agreement and advised the ABC Board to grant the license.

Reed stated that as has been previously discussed in public meetings of the ANC, the question is one which arises from drafting errors and omissions in D.C. Council revisions to the liquor licensing laws. **Reed** further stated that it is in the interests of the community that these errors and omissions be corrected, and for that purpose moved to create an ad hoc committee to explore how best to achieve this result.

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

RESOLVED, That ANC2F hereby constitutes an ad hoc committee, to be called the "Ad Hoc Committee on Liquor Licensing Laws Review," which shall committee shall exist until December 31, 2006, unless earlier terminated by the ANC, which committee shall advise ANC2F on means by which to correct current anomalies in the DC liquor licensing laws that have the effect of precluding the establishment of restaurants and other retail operations deemed by the community to be amenities to the area; and it is,

FURTHER RESOLVED, That Commissioner Dyer be and is hereby appointed as chairman of such committee, with Commissioner Biasillo to serve as its other member.

VOTE: (6-0) Unanimous.

Stan Williams, a trustee of the Shiloh Baptist Church, was recognized. He said that the Church's primary concern was about the liquor license for the Queen of Sheba restaurant, located near the church's child care facility. **Williams** said the church was worried that Queen of Sheba could be grandfathered in if **Vegetate** were to receive a liquor license.

Dyer asked if Queen of Sheba had received a liquor license. **Williams** answered that the restaurant had received provisional licenses. **Dyer** said he thought it was unfair to group **Vegetate** and the Queen of Sheba together because the ANC had reached a voluntary agreement with **Vegetate**.

Chirilagua Restaurant – ANC2F Liquor License Protest

Frank Young, representing the restaurant, said improvements had been made in an attempt to reach a voluntary agreement with the ANC. Improvements include a dumpster located behind the restaurant and chained shut when not in use and carry-out bags are now transparent. **Young** added that loitering is a concern for the entire block. **Reed** responded that these were constructive moves and that the owner should try to negotiate with **Brandon** after the meeting.

Nelson recommended that the manager report any violations by customers. The manager of said he is working on issuing “stay-away” orders for repeat offenders and offering different products to attract a more upscale clientele.

Bobby Van’s Steakhouse

Upon motion by **Dyer**, seconded by **Reed**, and after discussion following a presentation by applicant licensee’s manager **Maurice Evans**, it was,

RESOLVED, That ANC2F advise the ABC Board to approve the stipulated liquor license of Bobby Van’s Steakhouse, the Commission having determined that the applicant’s application pending for substantial change in operations due to the creation of a sidewalk café, is in full compliance with the ANC’s policies on liquor licensing.

Vote (6-0) Unanimous.

Public Space, Street Closings, Traffic and Parking Matters

Army Ten Miler

George Banker, Operations Manager for the race, made a presentation for the Army Ten Miler Race to be held on October 8, 2006. The race will use the same route as last year.

Komen National Race for the Cure

Jewel Hanson presented the course, which will differ from last year. The race will start at 10th St. and Constitution Ave. and end on Jefferson Ave. and 4th St. The race will take place on June 3rd, 2006.

Capital Gay Pride Parade

Dyer stated that the parade route will be the same as last year, ending above Thomas Circle. The parade will be June 11th, 2006.

Marine Corps Marathon

The course is the same as last year. The race will be October 29th, 2006.

American Diabetes Foundation

The race will be June 11th, 2006, using only 9th St. and Pennsylvania Ave. in the early morning.

Bobby Vans Steakhouse

Maurice Evans, General Manager, presented the application for a sidewalk café for the restaurant located at 12th St. and New York Ave. The restaurant has an ABC license and has a public space approval. Placard will arrive in one week. Evans said that because the seating will be outdoors, ABC considers this a substantial change to their liquor license.

Light the Night Walk

The walk will benefit the Leukemia-Lymphoma Society and take place October 14th, 2006.

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

RESOLVED, That the ANC2F advise DCEMA to approve the street closures for the Army Ten Miler; the Komen National Race for the Cure; the Capital Pride Parade; the American Diabetes Foundation Run; and the Light the Night Walk in accordance with the proposals presented to the ANC by representatives of the foregoing activities, the ANC having determined that all applicants are in compliance with the street closure policies of ANC2F.

Paving of 12th Street.

A proposal was presented to the ANC to advise DDOT for certain repaving.

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

RESOLVED, That ANC2F has determined that in the interests of safety, repavement of 12th Street, N.W., between Massachusetts Ave. and Vermont Ave. is necessary and that DDOT be advised to complete such repavement as soon as possible.

Vote: (6-0)

Source Theater Closing

A proposal was placed before the ANC by **Chairman Reed** for support of the retention of the Source Theater on 14th Street N.W.

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

RESOLVED, That ANC2F, having determined that the Source Theater, located on 14th Street, N.W., has been a community amenity of valuable merit to residents of the Logan Circle area, and to the City at large, and understanding that this resource may be lost due to financial difficulties which the City may be in a position to resolve through grants or other means, shall advise the City and the appropriate agencies thereof to take all steps necessary to protect, retain and support this important resource in the performing arts.

Vote (5-0), **Nelson** abstaining. .

Office of the Attorney General Response

Reed stated that the adverse decision of the Office of Attorney General to the request for opinion to the effect that the ANC2F's repurchase in 2004 of a computer from its then executive director did not violate DC law now gives rise to a need for legislative relief. **Reed** indicated that he would initiate efforts for such relief, particularly since the state of the law in the District of Columbia does not provide adequate flexibility to ANCs to make expenditures in emergencies

without the need for a formal meeting of the commission. There is a need for a more practical solution on the issue of credit cards and emergency expenditures.

Treasurer's Report

Upon motion by **Biasillo**, seconded by **Reed**, 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:

Emmanuel House:	\$1000.00 – Grant Application Funding
Verizon:	\$58.31 – Phone Service
Renan Snowden:	\$684.80 – Wages
Dept. of Treasury:	\$310.80 – Quarterly Federal Payment
DC DOES:	\$24.00 – 1 st Quarter State Unemployment
D.C. Treasurer:	\$22.00 – Snowden March Withholding

Vote: Unanimous (6-0).

Adjournment

There being no further business, the meeting was duly adjourned at 10:15 pm.