

ADVISORY NEIGHBORHOOD COMMISSION 2F
Minutes of Regular Public Meeting
May 3rd, 2006, 7:00PM
Washington Plaza Hotel, 10 Thomas Circle NW

Present: Chairman Charles Reed (2F01), Chris Dyer (2F03), Bob Ellison (2F04), Sandra Biasillo (2F05)

Absent: Jim Brandon (2F02), Mike Nelson (2F06)

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

Chairman Reed announced that Vice Chair Brandon is in critical condition at Georgetown hospital after suffering a massive cerebral hemorrhage. Brandon is capable of receiving visitors and is room 6304. By consent, and upon motion duly made and seconded, it was unanimously

RESOLVED, That ANC2F, acting as a body as well as on behalf of its individual members and the entire community, does hereby express its deep concern over the illness of Vice Chair James Brandon, and conveys with this resolution the abiding hope for his recovery.

Reed congratulated Commissioner Ellison on his recent marriage and offered the best wishes from the ANC and from the community.

Reed announced that Mesfun Ghebrelul, owner of Barrel House Liquors, had a newborn daughter and offered congratulations.

Reed announced the Office of the Deputy Mayor for Public Safety and Justice is offering grant funds. The application deadline is May 26th. More information can be found at <http://dmprj.dc.gov/dmprj/site>.

Biasillo announced that Thursday, May 11th at the City Museum there will be an open community forum for a review of the old convention center site. She said there are some concerns for Blagden Alley, including traffic control on 10th St. Reed said he will attend.

Ellison said that Bill 16647, the anti-prostitution bill, was marked up and voted out of the Judiciary Committee. He does not know when it will be voted on by the full council or filed.

Dyer said that the Thomas Circle construction should be finished by the end of July. He recommended the website <http://loganupdates.blogspot.com/> to stay updated on neighborhood issues, such as this. He said a rededication on August 1st is planned.

PSA 307 Report – Lt. Mike Smith

Lt. Smith reported that crime was up in April by 37% from March. Compared with April of 2005, robberies are down 50%, assault with a deadly weapon is down 17%, and total crimes are down 5%. However, compared to April 2005, burglary is up 383%.

A burglar has been breaking into condos, including the 1300 block of 13th Street, N.W., by following people into buildings and posing as a delivery person. Electronic items, such as photography equipment and scanners, have been reported stolen from these crimes. **Lt. Smith** recommended all guests meet residents at the front of building.

Dyer asked if the police are able to do anything about aggressive panhandling. He had heard complaints about the 1200 block of 14th St. Lt. Smith asked residents to call the police with a very specific description, including clothing, tattoos, and facial hair for anyone they see aggressively panhandling. Lt. Smith also reminded residents to leave a phone number and name with their call.

Jennifer Trock said that she heard from Councilmember Phil Mendelson's office that the anti-prostitution bill will be in front of the council on June 6, 2006.

- 10 Minute Recess -

Business Meeting

Approval of Agenda

The agenda for the meeting was amended by unanimous consent as follows:

Add: consideration of liquor license application renewals of S&W Liquors (9th and P Streets, N.W.), District Liquors (11th and M Streets, N.W.), Barrel House Liquors, (1341 14th Street, N.W.); and stipulated license for Hunan Palace Restaurant (1015 Vermont Avenue, N.W.).

Add: consideration of advice the D.C. Zoning Commission with respect to pending proposals affecting charter school use.

Move: proposal for bylaw changes to follow CPSC report.

As modified above, the agenda was duly and unanimously adopted.

Approval of Minutes

Minutes for the March and April, 2006, meetings were presented for approval. **Biasillo** offered a correction to the Treasurer's report in the April minutes to include a payment to the DC Treasurer for \$22.00

As corrected, the minutes of March and April, 2006, were duly and unanimously approved. **Reed** directed that copies of the minutes be posted on the ANC2F website.

ANC2F Crime and Public Safety Committee Report

Mike Sheaffer said the first public meeting of the crime committee was held on April 24th, 2006, at the Washington Plaza Hotel. Five community members and five committee members attended. The committee discussed abandoned property and organized the first DMD walk for 2F06 to look for graffiti, overblown trash, and other neighborhood concerns.

Trock added that she is working with **Lt. Smith** on the case of Melvin Jackson, who was convicted of multiple thefts from auto. **Sheaffer** said that letters of allocution from the community were very helpful. **Reed** requested that the CPSC obtain crime figures that correlate drops in crimes with jail time for offenders like Jackson. This would give credence to future allocutions, by permitting us to show the Courts that jail time saves the community from notorious repeat offenders.

Amendment of By-laws to create a non-voting temporary position

Reed put before the meeting a proposal for a bylaws to provide for a non-voting delegate from single member ANC districts arising from vacancies which are not fulfilled or fulfillable by formal elections under the D.C. ANC statutes. **Reed** explained that when a commissioner resigns, moves, or becomes incapacitated less than 6 months from a general election date, then there is no election and no temporary filling of that seat. This leaves the affected SMD without a representative on the ANC. **Dyer** suggested an amendment to the proposal that only registered voters in this affected SMD can vote. **Ken Rosen** noted that the amendment procedures of the bylaws require that the proposed amendment may be adopted not earlier than the June meeting.

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

RESOLVED, That this Commission provisionally approves the proposal (as amended) to amend Article IV of the ByLaws of ANC2F by adding the following sections thereto, and sets down for the next public meeting of this Commission a confirmatory vote to adopt such amendment in accordance with Article XII of the ByLaws:

Section 5. (a) If a vacancy occurs on the Commission, by reason of death, incapacity, move out of the SMD or resignation of a commissioner and either (i) the vacancy occurs within six months of a general election during which District of Columbia statute (D.C. Code § 1-309.06) provides for the election of an interim commissioner to complete the term of such vacancy, or (ii) the vacancy occurs before such six months but no interim commissioner candidate is qualified to be elected in accordance with D.C. Code § 1-309.06 or no candidate is elected thereunder; then, the Commission may, but is not required to, provide for a non-voting representative (“Delegate”) from the SMD in which the vacancy has occurred. so as to better assure that the interests of residents in that SMD are represented. For purposes of this Section, the Commission may declare a temporary vacancy when it reasonably appears to the Commission that a commissioner is incapacitated or will be absent and temporarily unable to perform his or her duties.

(b) Where a vacancy has occurred, the Commission may hold an election for Delegate as follows. The Commission shall announce a date for the election not sooner than 3 weeks from the date of such announcement. Persons wishing to stand for election shall present petitions to the Commission signed by

at least 15 registered voters in the relevant SMD at least 2 weeks from the election date. The Commission shall conduct the election at a duly called public meeting. Only persons qualified to vote in the District of Columbia shall be entitled to vote in the election. Write-in votes shall not be allowed. If only one candidate qualifies, the Commission shall appoint such person to be the Delegate. If no candidate qualifies, the Commission may, but is not required to, appoint a candidate who resides in the SMD at issue.

(c) Where the Commission has declared a temporary vacancy, the Commission may appoint a temporary Delegate for the duration of the incapacity or absence or hold an election in accordance with subsection (b), above.

(c) Only persons having the same qualifications as commissioners under D.C. law and these Bylaws shall be entitled to be Delegates. They shall serve until duly elected or appointed Commissioners fill the vacancies.

(d) Any references in these Bylaws to "members of the Commission" or "elected representative of the Commission" shall not include Delegates, except that Delegates shall full rights to the floor, including making and seconding motions, at all Commission meetings, but they may not vote on motions, nor shall their presence be counted for purposes of determining a quorum.

Vote: Unanimous (4-0)

ABRA Matters

1414 14th St., Sav-On Liquors, Substantial Change in Liquor License

Reed put a proposal on the table to support the proposed change of operating conditions of this licensee in order to enable the licensee to have the same closing hours as other retailers in the area.

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

RESOLVED, That ANC2F advise the ABC Board to approve the substantial change in liquor license for Sav-On Liquors, the Commission having determined that the applicant's application pending for substantial change in operations due to a new closing time of 10 p.m., is in full compliance with the ANC's policies on liquor licensing.

VOTE: Unanimous (4-0).

Be Bar – Voluntary Agreement Update

Dyer reported that requests by ANC2C and a group of 8 individuals to protest Be Bar were rejected by the ABC Board. Unless overturned in an appeal from the Board's decision, these protestants will have no further standing. This leaves ANC2C as the only protestant, and,

although such protest is formal only, pending conclusion of a voluntary agreement acceptable to the parties and adopted by the ABC Board.

Reed warned that ANC2C's protest was denied on the grounds that it had failed to give timely, formal notice of consideration of a proposal to protest, including failing to give the licensee such notice. He pointed out that ANC2F must be very careful to comply with such requirements, at risk of having no standing when a decision is made to protest. **Reed** asked the Executive Director to be make sure that all agendas are noticed in accordance with law, including notice to all parties of interest.

Dyer added that ANC2F almost did not qualify as a protestant because it initially did not use the appropriate language of "peace, order, and quiet" as a reason for protesting.

Tom McGuire, owner of Be Bar, thanked the community for its support of Be Bar's liquor license application and invited everyone to attend the bar once it opens.

1450 P St., Best-In Liquors, 1341 14th St., Barrel House Liquors, Liquor License Renewal

Dyer asked if there were voluntary agreements with each establishment. **Reed** answered that there are voluntary agreements.

Sheaffer asked the representative from each establishment how important sales of single beers and certain wines are. **Mesfun Ghebrelul**, of Barrel House Liquors, said his store only sells single microbeers and no single high concentration wines. **Amare Lucas**, of Best-In Liquors, said his store does not sell 12 oz. beer singles and no longer sells cups of ice at all.

Reed said these are two establishments that the neighborhood values and would like to advise the ABC Board to renew their liquor licenses.

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

RESOLVED, That ANC2F advise the ABC Board to approve the liquor license renewal application for Best-In Liquors, the Commission having determined that the applicant's application pending for renewal is in full compliance with the ANC's policies on liquor licensing.

FURTHER RESOLVED, That ANC2F advise the ABC Board to approve the liquor license renewal application for Barrel House Liquors, the Commission having determined that the applicant's application pending for renewal in full compliance with the ANC's policies on liquor licensing.

VOTE: Unanimous (4-0).

1428 9th St., S & W Liquors, 1211 11th St., District Liquors, Liquor License Renewal

Dyer reported that Commissioner Nelson had told him that these two establishments were not complying with their voluntary agreement. Both establishments have a May 30, 2006, petition date.

Sheaffer asked what District Liquors has been able to do to limit loitering and public drinking on its block. **Ayung Kim**, of District Liquors, responded that there are cameras outside

to monitor loitering and he tells people to leave if they are loitering or urinating in public. **Kim** added that his store still sells single beers because the store is too small to sell wine.

Biasillo responded that it may be possible for District Liquors to sell wine if it stopped selling single beers. The issue of single beers is a very big criteria for the ANC when it considers filing a protest.

In response to the same question posed by Sheaffer, a representative from S & W liquors, said that his store does not sell single units of alcohol or tobacco and has put up signs to deter loiterers.

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

RESOLVED, That ANC2F will authorize filing of a protest against the application for renewal of a liquor license for S & W Liquors with the ABC Board on the basis of detriment to peace, order and quiet.

FURTHER RESOLVED, That ANC2F will authorize filing of a protest against the application for renewal of a liquor license for District Liquors with the ABC Board on the basis of a detriment to peace, order and quiet.

FURTHER RESOLVED, That ANC2F will instruct Chairman Reed and Commissioner Nelson to negotiate an updated voluntary agreement with S & W Liquors and District Liquors.

VOTE: Unanimous (4-0).

Update on Legislation Regarding the 400 Ft. Rule

Dyer said **Councilman Jack Evans** introduced legislation to amend liquor laws so that onsite consumption premises will be exempt from the rule restricting establishments that sell liquor from being located within 400 ft. of a school. This legislation will help **Vegetate**, 1414 9th St. N.W., among others. **Dyer** recommended waiting until June for action on this issue.

1018 Vermont Ave., Hunan Palace – Stipulated Liquor License

Cong Jie Chen, Esq., presented the application for a stipulated liquor license. Chen said the restaurant is located in a commercial zone.

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

RESOLVED, That ANC2F advise the ABC Board to approve the stipulated liquor license for Hunan Palace, the Commission having determined that the applicant's application pending for a stipulated liquor license is in full compliance with the ANC's policies on liquor licensing.

VOTE: Unanimous (4-0).

Street Closings, Parking, and Traffic Matters

Proposal to Express Disapproval Over Failure of DC to Institute Parking Remediation Steps

Reed reviewed the history of the ANC’s ad hoc parking committee. That committee coalesced into a task force that successfully worked with DDOT to obtain 150-175 new parking spaces, mostly with slant parking on Vermont Ave., median parking on Rhode Island Ave., and median parking during Sunday church hours. As a necessary part of the proposals, the task force, with the church members fully approving, recommended that parking enforcement commence not later than May after an opportunity for community education and awareness. The Mayor’s recent rescission of his acceptance of these recommendations was disappointing and harmful.

Upon motion by **Reed**, seconded by **Biasillo**, it was,

RESOLVED, That the ANC2F advise Mayor Anthony Williams to reinstitute the decision to commence parking enforcement with respect to Logan Circle parking.

VOTE: Unanimous (4-0).

1301 M Street, Public Space Permit

Carlos Bonner introduced the application to install two monumental signs in front of the building with the name of the condominium “The Jefferson at Thomas Circle.”

Upon motion by **Dyer**, seconded by **Biasillo**, it was

RESOLVED, That with respect to 1301 M Street, NW, ANC2F advise DDOT to grant the pending application for public space permit as submitted to this meeting; 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 resolution.

VOTE: Unanimous (4-0).

Community Development Committee (CDC) Report

Consent Calendar Items: 1440 Rhode Island (Massing and Concept Approval), 1401 K St. (Public Space Permit for Sidewalk Café), 901 11th St. (Raze Permit)

Dyer said the committee’s concerns with how traffic would be affected by the razing at 901 11th St. were addressed at the meeting.

Upon motion by **Dyer**, seconded by **Biasillo**, 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 1440 Rhode Island Avenue, NW, ANC2F advise HPRB that the massing and concept submitted to the meeting of the Community Development Committee of the ANC at its public meeting held April 26, 2006, be granted; and it is,

FURTHER RESOLVED, That with respect to 1401 K. Street, NW, ANC2F advise DDOT that the public space permit for sidewalk café application submitted to the meeting of the Community Development Committee of the ANC at its public meeting held April 26, 2006, be granted; and it is,

FURTHER RESOLVED, That with respect to 901 11th Street, NW, ANC2F advise DCRA that the raze permit application submitted to the meeting of the Community Development Committee of the ANC at its public meeting held April 26, 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 recommendation.

VOTE: Unanimous (4-0).

Blagden Alley/Naylor Court Association on the Impact of Charter Schools

Reed said that the proposed legislation on the placement of charter schools in residential areas without consideration from local ANC's could be harmful. **Reed** said it would be hard to measure impact without traffic control studies and other reviews.

Upon motion by Reed, seconded by Dyer, and after further discussion and a friendly amendment offered by Hal Davitt of the Blagden Alley Association, the following resolutions were unanimously adopted:

WHEREAS the DC Zoning Commission has scheduled a hearing on May 11, 2006 to consider Case No. 06-06, a text amendment to Title 11 of the District of Columbia Municipal Regulations concerning Charter Schools ("the Amendment"),

WHEREAS the Amendment would allow Charter Schools to be located in residential neighborhoods as a matter of right, subject to lot and frontage requirements,

WHEREAS this ANC is generally supportive of publicly-funded Charter Schools,

WHEREAS there is an established regulatory process by Special Exception for siting private schools in Residence Zones, and

WHEREAS the matter of right establishment of charter schools in facilities in residential neighborhoods that have not presently or previously been used as public schools may have a significant impact upon the neighborhood and the quality of life in the neighborhood; and

WHEREAS the potential impact on residential neighborhoods of the establishment or expansion of private schools is regulated by the Board of Zoning Adjustment and allows for significant input from residents and from Advisory Neighborhood Commissions; and

WHEREAS public school establishment or expansion is subject to the approval of the partially elected, partially appointed School Board with funding authorization by the elected D.C. Council with both bodies inviting and responding to public comment; and

WHEREAS charter schools are not subject to the rules and regulations established for District public schools that ensure the stability of the school and provide mechanisms for the community to address any issues or problems, nor is a proposed charter school subject to the procedures that evaluate the ability of the public infrastructure to support the impacts of a new school,

THEREFORE, IT IS

RESOLVED, That Advisory Neighborhood Commission 2F (“ANC 2F”) supports charter schools locating in Ward 2, and specifically in ANC 2F, but further determines based upon the this ANC’s experience that there should be a mechanism to consider impacts due to a substantial new use in a neighborhood; and it is,

FURTHER RESOLVED, That ANC 2F advise, and does hereby so advise, that the DC Zoning Commission (DCZC) require Special Exceptions for all charter schools planning to locate in Residence Zones and Historical Districts, except for those locating in a facility presently or previously used as a DSPS facility, in the same manner and to the same extent that private schools and child development centers are required to have Special Exceptions to operate in such locations, and it is,

FURTHER RESOLVED, That ANC 2F advise, and does hereby so advise, that the Office of Planning involve neighboring communities in its review of Charter School’s Special Exception applications and obtain input and comment from DC Department of Transportation (DDOT) to mitigate potential negative effects on the neighboring community. DDOT comments should include at a minimum:

1. an evaluation by DDOT as to (a) whether the additional vehicle traffic resulting from the operation of the proposed charter school would create dangerous traffic conditions or significantly increase the traffic on nearby residential streets in a manner that could not be satisfactorily mitigated by an effective traffic management plan, (b) whether the additional demand for on-street parking resulting from the operation of the proposed charter school creates significant adverse effects on nearby residents and whether those adverse impacts can be mitigated by an effective traffic management plan; and
2. a determination by DDOT as to the number of students and staff that the location can reasonably and safely accommodate; and it is,

FURTHER RESOLVED, That ANC 2F advise, and does hereby so advise, that the Office of Planning and the Zoning Commission establish an application process, funding, and disbursement mechanisms to enable Charter Schools to recover legal and other costs related to Special Exception applications; and it is,

FURTHER RESOLVED, That if the current regulations are amended to provide for the location of charter schools in residential zones without the requirement for community reaction and the ability of the advisory neighborhood commissions to provide advice to the zoning authorities communities may be adversely and materially impacted, with the result that the underlying purposes of the Advisory Neighborhood Commissions Act would be undermined.

FURTHER RESOLVED, That the Chairman of ANC2F or his designee be and is hereby authorized to represent ANC 2F on this matter.

Vote: Unanimous (4-0).

Treasurer's Report and Quarterly Report Approval

The Treasurer put before the meeting her monthly report. Upon motion by **Dyer**, seconded by **Reed**, and after discussion, it was,

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

D.C. Dept. of Taxation:	\$22.00 - State Withholding
Verizon:	\$50.18 - Phone
Sandra Biasillo:	\$155.40 - Reimbursement for Payment of Website Fees
Renan Snowden:	\$684.80 - April Wages

VOTE: Unanimous (4-0).

The Treasurer put before the meeting a draft of the quarterly report required by law. . Upon motion by **Dyer**, seconded by **Reed**, and after discussion, it was,

RESOLVED: That the quarterly report, as presented by the Treasurer at the meeting, be and is hereby approved.

VOTE: Unanimous (4-0).

Adjournment

There being no further business, the meeting was duly adjourned at 9:11 p.m.