

ADVISORY NEIGHBORHOOD COMMISSION 2F
Minutes of Regular Public Meeting
December 6, 2006 – 7:00 p.m.
Washington Plaza Hotel, #10 Thomas Circle, N.W.

Present: Chairman Charles Reed (2F01), Christopher Dyer (2F03), Bob Ellison (2f04), Mike Nelson (2F06), At-large Helen Kramer

Absent: Mike Benardo, 2F06, Sandra Biasillo (2F05), Jim Cook (2F02), Jim Richardson (2F02), Samuel Robfogel (2F01) and Mike Sheaffer (2F05)

Community Forum

(Announcements and Reports)

Chairman Reed noted a quorum was present, called the meeting at 7:00, and mentioned this would be the last ANC meeting of the year. He then asked for announcements.

Commissioner Announcements

Commissioner Dyer stated that mayor-elect **Adrian Fenty** is hosting a transition meeting at the Kennedy Center located at 7th and P Streets, N.W. Please consult his website at Fentytransition.org.lvin for further information.

Chairman Reed announced he had recently met with **Al Collins** and the director of the D.C. Department of Transportation to discuss a series of miscommunications regarding work permits for Monarc Construction to perform sewer work in the Q Street alley. DDOT agreed with our position regarding taking criminal action against Monarc and is considering requiring covered sidewalks for all construction projects. They also discussed obtaining more tree boxes because the trees are not growing as scheduled. There was also concern about pedestrian safety while crossing at 15th and N Streets. The ANC has received commitments from **Michelle Corsio** to have more DDOT people attend the meetings. The DDOT's general counsel will send the ANC all the permits. **Chairman Reed** suggested to **Ann Simpson**, a member of the current mayor's Task Force on Parking, that she encourage the **Fenty** team to continue the same philosophy on parking.

PSA 307 Report – Lt. Mike Smith, Metropolitan Police Department, Third District

Lt. Smith gave his monthly crime report: crime during November 2006 was down 25% from this time last year; last week it was down 48%. There is still a problem in the 900 block of N Street, so he personally issued some parking tickets in that area. This action had a dramatic effect on the local denizens; they have been dormant ever since, with a resultant decrease in burglaries. After his team observed some drug activity in the 1200 block of 11th Street, the very next day they set up a camera and made a subsequent arrest for possession of 15 grams of cocaine. One of the Commissioners, **Jennifer Trock**, is employed by a law firm and we are trying to get a civil suit against these criminals. The rowhouse is owned by the defendant's sister and the police are hoping she just sells the property. **Lt. Smith** mentioned a technological limitation with some of the cameras: the cameras are "set on scan" and don't always record crimes taking place right in front of

them. He indicated he had some handouts available on the table; crime maps and crime posters are available for everyone. **Ellison** asked **Lt. Smith** is there were any further arrests at 916 N and the lieutenant replied his team was still investigating.

Community Announcements

Lynne Munson of Alley Cat Allies and Metroferals announced there were many stray cats and kittens on the street, longing for permanent homes and they would be up for adoption this weekend in Adams Morgan. She added that the Washington Humane Society has just started a program for spraying and neutering cats and kittens. **Dyer** mentioned the D.C. Government had recently passed the Comprehensive Plan.

- 10 minute recess -

Approval of the Agenda

Chairman Reed reconvened the meeting by asking for approval of the agenda. He noted that the Halo matter will be deferred to the January meeting.

Approval of September 2006 and November 2006 Minutes

Reed mentioned that page four of the September minutes said the ANC adopted the resolution which **Nelson** proposed, but there is no text of the resolution. He wanted that point corrected and for the Executive Director to make the full resolution available. **Nelson** remarked that in the November minutes, there are “side comments” throughout the minutes and on page seven, we need to have the disbursements before we can approve the November minutes. **Dyer** moved and **Ellison** seconded the motion to approve the minutes. The vote was unanimous.

ANC 2F Crime and Public Safety Report

Sheaffer asked if the ANC had ever determined the correct name of the Crime Committee. **Reed** said, in accordance with the changes in the By-Laws, that committee is now officially called the Crime and Public Safety Committee (CPSC).

Review of ANC2F Performance Under its 2005-2006 Goals and Objectives

Statement

Reed announced the next agenda item is to discuss the state of the ANC and remarked that Commissioners **Nelson** and **Ellison** will not be returning. **Reed** suggested discussing how the ANC’s goals and objectives have been accomplished. He himself thought the ANC had been very active and had made “great progress.” Specifically, the ANC has increased the number of available parking places, including spaces for Flex cars. The ANC members have served on the mayor’s Task Force, when requested. **Reed** commended **Dyer** on the huge amount of time he had spent on LCCA. **Biasillo** chaired our planning study in the area of zoning, including plans for the old Convention Center site and she also did some remarkable work in getting condo housing for low income Hispanics. The ANC obtained a number of grants. The ANC got a lot of ABRA issues and, under **Helen Kramer**, revamped our plans. The ABC was basically at war with this ANC. The ANC worked hard to try and change things with the help of some new members over there. The same is true with the Zoning Commission. The ANC worked

with committees to create the Crime and Public Safety Committee. **Jennifer Trock** has done some outstanding work with **Lt. Smith** “to put some bad guys away in long prison terms.” **Mike Sheaffer** is now working with Operation Crackdown with some pro bono lawyers to develop a civil suit against some of the neighborhood criminals. **Reed** wanted to give each Commissioner an opportunity to state some of his individual achievements.

Dyer noted he was personally able to visit with about half of his constituents. He did an inventory of all of the empty tree boxes, prepared a report and sent it off to the DDOT. This resulted in planting 100 new tree plants. In the area of charter schools, he moderated the town hall meeting. The Comprehensive Plan was also approved. **Nelson** observed there are two new businesses on 9th Street: Vegate, a vegetarian restaurant, and Viva. He felt his SMD is “fairly well informed” and he looks forward to passing on the torch to his replacement. **Ellison** credits **Mike Sheaffer** with working hard to practically eliminate prostitution on 13th Street. On election day, **Reed** solicited voters for their E-mail addresses for inclusion in our List Serve. He concluded the discussion by asking people to read the minutes posted on the ANC Website and to give us feedback.

Crime and Public Safety Matters

Mike Sheaffer, the Co-Chair, stated that vacant properties include 1316 12th Street. This site “used to be trashed” and the D.C. Government then cleaned up the front of the property. He stated the ANC has “reported 1400 9th Street a number of times,” and the DCRA insisted this site was “secure property.” **Sheaffer** indicated this was not the case. The ANC asked **Councilman Evans** to perform an audit on both 1000 M Street and 1316 12th Street. **Sheaffer** deplored the storage of trash cans on the streets and contracted with the Court Offender Services to get more trash pick ups. He added that six juveniles were charged with assaulting a pedestrian in the 1200 block of P Street. A drug dealer was arrested and the ANC successfully handled two allocation cases in the past six months. The ANC hopes to institute a civil suit against the owner of 916 N Street and will write a letter to help facilitate the process. The ANC still has a protest against District Liquor’s alcoholic license. There is a lot more graffiti around and we’ll ask the city to post notices to discourage people from writing graffiti.

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

RESOLVED, That the ANC write a letter to Officer McCoy of the Third District to deploy additional police resources to conduct an Operation Crackdown action to monitor the activities at 916 N Street, N.W.

Vote: (4-0) Unanimous

Lt Smith added that we had two armed robberies in two weeks in the 900 block of N Street. **Sheaffer** said he had asked the city to repair the street lights in that block. **Nelson** asked the officer if he had any current knowledge about Meeps. **Lt. Smith** responded he had made a large bust there last year; there were a lot of stolen goods at 1208 9th. He added the situation had turned into a homicide investigation. The officer

added that he thought that many of the area businesses “have become more legitimate” in recent days.

ABRA Matters

Park Place Liquor License Application and Sidewalk Café (918-920 14th Street, N.W.)

Dyer stated that **Marc** and **Anne Barnes** wanted to open a nightclub at 920 14th Street, directly across from Franklin Park. He noted that the **Barnes** said they had missed the chance to apply for a liquor license. He mentioned that some of the commissioners are concerned that this nightclub will bring 600 to 1,000 people into the downtown area.

Reed asked **Barnes** why the application specifically mentioned 1,000 people and she replied that a business pays according to the occupancy the Board determines.

Dyer had a number of concerns: because this is a downtown nightclub, what security provisions will be in place when 1,000 people exit into the streets at closing time? Also, if there are any problems at the club, will they spill out into adjacent Franklin Park? He said parking would be a problem. The prior resident of this site had been a small one level carryout. If the nightclub is approved, the density will increase tremendously. The facility will be house a restaurant on the first two floors with space on an upper level, to be rented out for special activities. **Dyer** added the ANC would entertain entering into a voluntary agreement with the **Barnes** to address these issues.

Chairman Reed concurred with everything **Dyer** said and added, if anything, he was even more concerned than **Dyer** was. The chairman added: “Our policy should not be to impede businesses in that part of town, but we are concerned with ‘residential occupancy’ and you are right across the street from Franklin Park. At closing time, we are concerned that safety issues exist. I am concerned about how the operation will proceed and I want a voluntary agreement.” **Dyer** continued by saying he liked the sidewalk café idea but was concerned it would be the only outside café open until 3 or 4 in the morning.

Reed made a motion, which was seconded by **Nelson**, to have the ANC consider taking action on the proposed application on the grounds of its impact on public, health, safety, peace and quiet. The purpose of this is propilactic: **Commissioner Reed** needs time to deal with the owners to achieve their business objectives and also to protect the community’s best interests.

There was discussion about how to procedurally continue: **Reed** announced that the statute was worded so that if the ANC failed to have a draft protest by January 8, we would need a voluntary agreement. ABRA then would determine whether or not they would accept the voluntary agreement; they have the right to reject it. **Reed** is in favor of waiting until the last day to file a protest.

Richard Williams, a resident of the nearby Midtown condos, then protested the idea of a voluntary agreement and mentioned he is “not concerned about noise. Any people leaving the nightclub at closing time would only awake the homeless people in Franklin Park.” He then directed his remarks specifically to **Dyer**, saying he did “not appreciate

[**Dyer**] saying he supported nightlife and then protesting the protest.” **Williams** said this was “unacceptable” to him and the club “sounds like a reasonable nightclub to me.”

Dyer then picked up the gauntlet by saying, “I was planning to abstain from voting, but with your challenge, I now support the motion.”

Helen Kramer stated that without filing a protest under the ABC, the ANC has no standing with the ABC. Therefore, they could just ignore any voluntary agreement or any other comments the community could file. She said the regulations state the ANC has to file a pro forma protest in order to have the right to be heard before the Board. Then the ANC files a letter, withdrawing its protest. It is a pro forma matter and does not mean that the ANC actually protests this restaurant’s operations.

Dyer mentioned that it is not violating nightlife to require a nightclub to provide parking or to ask them how they will provide security. It is restricting nightlife if these folks are asked to close at midnight and to get a restaurant and tavern. He concluded by saying, “I am darned if I’m going to allow a nightclub bringing 600 people into our neighborhood if they can’t handle parking.”

Anne Barnes stated she and her husband are not interested in a voluntary agreement because they feel they are known in the community and have a good pro-safety track record with their ownership of the Love nightclub in N.E. The **Barnes** told **Dyer** that they are proponents of safety because they don’t allow people to bring weapons into their clubs. They go to every ANC and appeal to them. The **Barnes** provided far more parking spaces at Love than the Zoning Board required. They have a paramedic at the nightclub and they pay police officers overtime to police our clubs.

Commissioner Reed informed **Mrs. Barnes** that they “do not have a track record in Franklin Square. What you are saying, is ‘Trust Me.’” **Reed** stated the ANC has heard that many times, and the ANC experience is that without a voluntary agreement, nightclub owners do what they want to do. **Reed** told **Barnes** he “respectfully disagrees with both your approach and your representations. Last meeting, you said the time had expired and there was no right for the ANC to protest. That is simply not correct.” He added that ABRA may give them a license, but he felt it was “arrogant” for the **Barnes** to appear before the ANC to address some of these concerns the ANC does have.

Reed added that initially the **Barnes’** plan was for a restaurant and now they are saying it would actually be a nightclub. He wanted some clarification. **Dyer** answered by saying it would be a restaurant primarily in the daytime but would turn into a nightclub at night.

Anne Barnes stated she could not remember the date at the ABC board. She had a phone call from the ABC and ABRA would post an advertisement. This never happened and the ad was reposted in the newspaper on November 16.

Reed restated the motion, which **Nelson** seconded, and it was

RESOLVED, that the ANC form a propilactic partnership to seek to negotiate a voluntary agreement with the **Barnes** regarding their nightclub's operations in Franklin Park.

Vote: (3-0), **Dyer** abstained. Motion carried.

Chairman Reed concluded by saying that this ANC does not consider a voluntary agreement to be coercive. There are certain restrictions in voluntary agreements, with the understanding that perceived problems can lead to the removal of restrictions.

Halo Substantial Modification of Operations (Roof Deck) (1425 P Street, N.W.)

Reed then mentioned the next item of business, the Halo matter, had been removed from tonight's agenda. **John**, one of Halo's owners, said that the protest period will soon end. The Studio's architect has been working with them and with **Miller Beam and Pagnilli** to totally redesign the rooftop deck, which will have glass around it on three sides to decrease the noise. They hope to have a brand-new presentation for the ANC to consider. **Reed** said the owners of Halo intend to give a Christmas present of \$1,000 to help a needy family. **Gwen Clark**, a member of the audience, said she thought this was "inappropriate" for Halo to give the money. **Reed** then restated what he thought was her concern: It was not a conflict of interest for the ANC to mention this gift at an ANC meeting. This is not a situation where the Board as a whole or any individual members is put into a position where there is a conflict. **Ted Brownfield** of SGS Properties, commended **Halo** on the gift and added this was the first he'd heard about the enclosure on the rooftop deck. **Dyer** asked **Halo** if they were aware they were part of the Historic District and added that Halo would have to appear before the HSRB to give the owners another chance to review their rooftop deck.

WASA Settlement: Report on Expected 300% Increase in Water Bills (Al Collins)

Chairman Reed then introduced the next speaker, **Al Collins**, Vice President of Environmental Affairs of Occidental Petroleum. **Collins** stated that older builders have a combined sewer system and that 36 of these system existed around Rock Creek park. A newer way is to have stormwater not go into bodies of water. The Clean Water Act says not to permit raw sewage into the water. He added that we must mitigate 96% of the flow of water and to separate the sewer system. The price was four billion dollars a few years ago. WASA estimates that this will increase our sewer bills about 300%, which would be better than digging up the city streets and increasing the sewer bills by 600%. There are a lot of combined sewers, particularly in Maryland. The settlement agreement has been signed. An environmental group brought suit against the settlement agreement. It could potentially open up this settlement group. He thinks the ANC should support the current settlement agreement, which he feels is the best alternative. He added the ANC could also ask **Eleanor Norton** for help in supporting this. He suggested the ANC sent the letter to EPA Region 3 or to the Department of Justice. If the District asks for Federal money, we need to ask **Eleanor** and also to send a letter to **Fenty**. **Collins** agreed to draft a letter for the ANC to send next month.

Street Closings

Nicola Bededow and **Chris Brown**, sponsors of the 2nd Annual National Marathon, both said they had read the ANC’s website concerning the policies and procedures on street closings and they would comply with them. They added that the neighbors had given their approval of the proposed street closings. **Dyer** stated they would need to obtain 90% of all businesses’ approval before coming before the ANC and they had no objections.

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

RESOLVED, That the ANC send a letter to the D.C. Emergency Management Agency to ask them to grant the street closings, and expressing our support in the two organizations.

Vote: (4-0) Unanimous

Community Development Committee Report (Christopher Dyer, Chair)

Dyer summarized the recent CDC meeting. Buying the tax exempt bonds to fund 1430 K Street “will not cost the D.C. taxpayers anything. The bonds are issued by Wachovia bank in the name of the association, who will be responsible for any default on the bonds.” The CDC proposed the ANC send a letter to **Jack Evans**’ office in support of this application. The second item was the special exemption **Ari Karen** requested for renovating his property at 1631 13th Street. He only wanted to add an addition to the back of the house. His neighbors agreed with his plans and the CDC unanimously recommended to the ANC to support the renovation project. **Dyer** added these items are both on the Consent Calendar, which means the ANC will now discuss them.

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

RESOLVED, That the ANC accepted the recommendations of the CDC with respect to 1430 K Street, N.W. and 1631 13th Street, N.W.

Vote: (4-0) Unanimous

Treasurer’s Report (Given by **Christopher Dyer**, in treasurer **Sandra Biasillo**’s absence)

Dyer stated the balance forward was \$8,219.95 and the ending balance is \$6,265.73.

Nelson has a question about the \$15.00 bounced check fee. **Reed** said it

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

RESOLVED, That the ANC accept the quarterly report.

Vote: (4-0) Unanimous

Dyer said the ANC has three expenditures to approve: the first is to **Jeannine Wray** for her November wages (in the amount of \$684.80) and the second is for a check made payable to the D.C. Treasurer for \$22.00. Additionally, there is a third item: the Verizon telephone bill for \$58.06.

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

RESOLVED, That the ANC approve the three expenditures.

Vote: (4-0) Unanimous

Adjournment

There being no further business, **Chairman Reed** adjourned the meeting at 9:06.