

ADVISORY NEIGHBORHOOD COMMISSION 2F
Minutes of Regular Monthly Public Meeting
Wednesday, December 7, 2011 – 7:00 PM
WASHINGTON PLAZA HOTEL
10 THOMAS CIRCLE, NW

Present: Mike Benardo (2F06-Serving as Chairman), Charles Reed (2F01), Vacant (2F02), Matt Raymond-will be coming shortly (2F04) (Treasurer), and Samuel V. Goekjian (2F03), Seat for 2F05 remains open.

Chairman Reed called the meeting to order at 7:00 p.m. He noted that a quorum was present and that the meeting had been duly noticed, and he directed that a copy of the notice of the meeting be filed with the minutes. **Reed** announced that in recognition of his recovery from stroke he will temporarily stand down as chairman and will turn over the chairmanship to **Mike Benardo**, currently Vice Chairman, per ANC bylaws.

COMMUNITY FORUM

Commissioner Announcements and Monthly Government Reports

Reed announced he attended a second show-cause hearing for a violation submitted to the ABC Board. Status hearing date set for January 25, 2012, for Mood Lounge. There was a show-cause hearing today on the first Voluntary Agreement violation.

Benardo reported on the show-cause hearing for Mood Lounge. Commissioners **Raymond** and **Benardo** were both in attendance. He noted that the Attorney for the District called three people: an ABRA inspector and two residents. The defense attorney called owner of Mood Lounge. Today's hearing concluded with the board making an announcement that they will have 90 days to render a decision. The penalty may be a fine up to \$500 and two days suspension, which must be a Friday and Saturday for the first infraction.

Raymond noted that there was also an illegal certificate of occupancy issued and expressed concern over the defense's argument that it is not a material breach. **Benardo** noted that he will recommend that the ANC add another violation of the VA by Mood Lounge to this evening's agenda, regarding the licensee's obligation to keep and produce upon demand a log of resident complaints.

Raymond announced that Tortilla Coast will be opening around December 18th.

Benardo announced that the Market at O Street development has progressed since the last ANC meeting. The old Giant grocery store has been leveled and residents are looking forward to the new development moving forward.

Report from Councilmember Jack Evans

Councilmember Jack Evans discussed the results of this afternoon's hearing for Mood Lounge, expressing his appreciation for ANC efforts, and sharing that he spoke with the District's Attorney General to express his concern for the whole situation at the Mood Lounge and its impact on the community.

Evans introduced the a bill about "reimbursable details" in response to the Mood Lounge situation and the recent shooting on Connecticut Avenue in front of Heritage India. He also expressed concern about the restaurants that morph into nightclubs.

Reed noted that if the establishment is in violation of taxes, there is a summary procedure to shut them down. Evans has talked to Natwar Gandhi, DC's chief financial officer, and he is working on it.

Evans reported that the Council has spent a lot of time on ethics bills to address some of the recent concerns the Council has faced. The interim report from City Treasurer reflects city finances are stable. Development that is taking place in the District is the envy of other cities, providing additional tax revenues. The Council has been successful in getting additional funding for police and fire staffing of officers. The DC Fire Department and MPD have not had pay raise in 6 years. As they come for the budget in March, it would be helpful to hear public appreciation for their roles. Evans also recognized the many contributions his director of constituent services, Sherri Kimbel, makes.

Raymond asked what position Evans adopted in respect to Councilmember Thomas. Evans responded that his recommendation was that Councilmember Thomas should take a leave of absence. He then took questions from the community.

Evans will run unopposed in the April 13th primary election. He thanked the community and expressed appreciation for serving the residents and businesses of Logan Circle.

Kimbel announced they have worked heavily with education and have coordinated with Evelyn Boyd Simmons and are committed to middle school options for DC residents.

Executive Office of the Mayor

No one was present from Mayor's Office.

PSA 307 Report – Sergeant David Terestre.

Sergeant Terestre announced that overall crime is up this month from this same month last year, with heavier declines in violent crime. Please keep track of iPods, cell phones, and things that can be taken easily from your hand or pocket. Most of these crimes happen when a person is talking on the phone while walking. Total violent crime for the last month is down 31%, which is significant for the months around the holidays.

Although they have decreased, robberies, theft from autos, and burglaries continue to be a problem in PSA 307.

Bernardo recognized members from the District of Columbia Fire Department, including **Sergeant Thomas B. Thornhill** from the Sixth Battallion at 1018 13th Street, NW. Captain Thornhill wants to make their presence felt in community. He reported that staffing is up, and they have more ambulances in service now than ever before. Over the last six years they have increased 13 units to be at 48 units. The Paramedic Engine Program has been in the works for 5 years now to start Advance Life Support (ALS), one of recommendations from the Rosenbaum Program. Under the improved system, an ALS provider is available within 3 minutes, while waiting for the ambulance coming from a distance. This makes a significant difference in survival rates. They are currently working on peak staffing to help with high volume times and when they have extra personnel available they will station them appropriately. They took questions from the community.

Sergeant Terestre also shared that they are seeing a district-wide increase in credit card and identity theft. NYPD reports that it is the number one crime to top cash or credit cards making up 78% of street robberies. Please be aware of it and take efforts to prevent it.

Terestre noted that the realignment for MPD Police Service Areas will go into effect sometime in the new year. Boundaries are moving slightly eastbound including additional PSAs. Some of the 2nd District will be included in 3rd District and some of Columbia Heights area will return to the 4th District. Police patrols and the number of officers you see on the street will not change.

Benardo, who works in the fraud section at FDIC, encouraged individuals to always try and use a credit card, since consumer protection is better with credit cards than a debit card.

Community Announcements

Tim Lipka, who is on Jack Evans re-election campaign, invited residents to come out tomorrow night at Nellie's from 6pm to 8pm at the corner of 9th and U Street. Sherri Kimbel has some nominating petitions that have been signed.

Lily Mendelson, a resident of Ward 2, works at the Latin American Youth Center (DC Prevention Center) as Community Organizer for Ward 2. Her position focuses on youths and substance-abuse prevention. She invites people to contact her at lily@layc-dc.com if they have any questions.

Matt Connolly lives in 2F05 and is getting petition signatures for the ANC's open seat for 2F05. He is hoping to join the commission in January.

Mr. Arman Amirshahi from Lima Restaurant & Lounge announced that they were here for a public-space issue (below on the agenda).

- 10 Minute Recess -

BUSINESS MEETING

Approval of Agenda

Upon motion by **Benardo**, seconded by **Reed**, and after further discussion, the agenda was approved with the following additions, with a direction that a copy of the amended agenda be filed with the minutes and posted on the ANC 2F website:

Add under ABRA - DC Thai Restaurant & Bakery
Move from ABRA to DDOT - Lima Restaurant
Correction under Community Development – 1328 not 1324 14th Street, NW
Add under new business - ANC 2012 Meeting Dates

Upon motion by **Reed**, seconded by **Goekjian**, and after further discussion, the minutes were approved and corrected as indicated above, with direction to the Executive Director to post the same on the ANC 2F website.

Vote: (5-0) Unanimous

Approval of November Minutes with correction by Barron. Moved by Benardo, seconded by Raymond

Vote: (5-0) Unanimous.

DCHSEMA/StreetClosures

None

ABRA

Parc Deux Restaurant 1601 14th Street, NW-New License, Petition Date 12/19/11

This is an application for Class “C” license on the NE corner of 14th and Q for a establishment that will be in the style of a Parisian café and restaurant. This is the first DC venture for Stephen Starr, owner of Starr Restaurants in Philadelphia. The concept for restaurant is a French bistro, which will serve breakfast, lunch, and dinner and hopefully be a neighborhood place where community gathers. They are planning on investing between six and seven million on the renovation and ensured that they will do everything they can to be good neighbors.

Reed indicated that the ANC had prepared and submitted a draft of a VA. The restaurant seating capacity of 400 is a concern because of the impact of parking, noise pollution, safety, and traffic concerns. **Reed** expressed hope that the terms of the VA would be acceptable and that the process will go smoothly.

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

RESOLVED, that the Commission protest the application of *Parc Deux Restaurant 1601 14th Street, NW-New License, Petition Date 12/19/11* on

the grounds that the licensee's proposed new operations will disturb the peace, order and quiet of the community and lower the real estate valuation of nearby properties and that we seek to enter into a VA to be submitted ASAP, with the understanding that we will withdraw the protest upon acceptance of VA.

Vote: (5-0) Unanimous

DC Thai Restaurant and Café 1018 Vermont Street, NW -New License, Petition Date 1/3/11

DC Thai is seeking a new license. **Reed** noted that the ANC does not typically protest restaurants in the central business district, where there are not a substantial number of residents to be affected.

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

RESOLVED, based on DC Thai's location, the ANC will take no action.

Vote: (5-0) Unanimous

Mood Lounge

The existing VA requires that the Mood Lounge make a log of complaints and to produce it on demand. **Reed** noted they have misinterpreted the records retention of the log to be an obligation that would cease after 3 years.

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

RESOLVED, that in citing the violation of VA, we will request a show cause hearing for this breach of agreement.

FURTHER RESOLVED, that we advise DCRA that Mood Lounge is in violation of its FAR limitation and to investigate this matter.

Vote: (5-0) Unanimous

DDOT

Lima Restaurant, 1401 K Street, NW-Sidewalk Café-Mr. Arman Amirshahi and Masoud Abooghaddareh

Lima Restaurant is requesting a permit for a temporary, enclosed canopy to protect patrons and furniture during inclement weather. The canopy comes out with 35% or higher

chance of rain or if less than 45 degrees. The canopy goes in every evening and is not a permanent structure.

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

RESOLVED, that ANC will advise DDOT's Public Space Committee to approve pending application for an enclosure for Lima Restaurant's sidewalk café, with the understanding that they will maintain a removable canopy and it does not extend to a permanent enclosure.

Vote: (5-0) Unanimous

Community Development Committee-Mike Benardo, Chair

1328 14th Street, NW--The Irwin, Historic Preservation Review-Sherief Elfar and Sarah Alexander, Torti Gallas and Partners, Inc.

Benardo noted that he was not in attendance at November CDC meeting. **Raymond** chaired in his absence. **Raymond** shared that the CDC only considered the historic aspect of the proposed project, as opposed to a pending request for zoning relief. Community members and neighbors had some issues with the façade, elevator penthouse structures, and the materials being used. There was also a discussion regarding height of building, and the outcome of the CDC deliberations was a non unanimous vote (4-4) from CDC. Under ANC practice, only unanimous votes in the CDC are placed on a consent calendar, and therefore the ANC considered the project in toto..

Chip Glasko, lawyer on behalf of owner of building, noted the design is well below the Arts Overlay District height restrictions at 65 feet (75 feet is max). Sarah Alexander, architect, presented revised design for 1328 14th Street NW. The design includes 53 units between 500-600 square feet each and includes one-bedroom, 1BR/den, studio, and efficiency units. At request of community, they have lowered the FAR and are proposing a mixed-use project. All service is on-site enclosed or below grade parking. Additional setback has resulted in loss of two units. The project has been presented at the ANC CDC in August 2011, Sept 2011, HPO in October, and ANC CDC in November 2011. They believe the revised design is more sympathetically related to existing structures. Fourth floor cornice aligns with adjacent structures. Presentation noted the diversity of height in 14th Street corridor.

Jim Kane from the community spoke to the design. Kane expressed appreciation for the changes by the architects, which he feels represent a great evolution of design, but he still believes the design does not achieve a resolution that is appropriate to the 14th Street corridor. He feels it still represents a failure to meet minimum compliance as required by HPRB for new construction in historic district.

Drew Mitchell lives directly across street from building and is impacted by the proposed project. Mitchell commended the quality of design and expressed appreciation for redesign and recommended that ANC approve new design.

Benardo sees the project as fitting in with architecture and style and believes we should support.

Raymond agreed project was in step with surrounding streetscape and applauded architects efforts to accommodate community concerns and respect historical integrity of area.

Barron indicated he received reports from many neighbors stating their objections to the height of the building and is obligated to respond appropriately as their representative.

Bill Fisher inquired as to the retail space designation.

Upon motion by **Goetkjian**, seconded by **Raymond**, and after further discussion, it was,

RESOLVED, That ANC 2F advise HPRB to recommend approval of concept, design and massing.

Vote: (3-2) Motion Passed

Crime and Public Safety Committee

No report made.

Approval of 2012 ANC Meetings

Meetings were approved with removal of July 25th CDC meeting, since there is no August ANC Meeting. Noted ANC meeting in July is one week later than usual because of the 4th of July holiday landing on the first Wednesday of the month.

Motion by **Benardo**, seconded by **Raymond**

RESOLVED, to keep printed dates with removal of July 25th CDC meeting.

ANC (1st Wednesday of the month; no meeting in August)

January 4	July 11 (4 th is holiday-moved up one week)
February 1	August – no meeting
March 7	September 5
April 4	October 3
May 2	November 7
June 6	December 5

CDC (4th Wednesday of the month; no meeting July/December)

January 25	June 27
February 22	July –(no meeting)
March 28	August 22
April 25	September 26
May 23	October 24
	November 28 (moved up one week)

(5-0) Unanimous

Treasurer's Report (Sam Goekjian)

Upon motion by **Goekjian** seconded by **Raymond** and after further discussion, the following expenses were approved.

Jennifer Dusek	\$696.62
Verizon.....	\$62.73

Vote: (5-0) Unanimous

Adjournment

There being no further business, the meeting was duly adjourned at 10:30 PM.