

ADVISORY NEIGHBORHOOD COMMISSION 2F
Minutes of Regular Monthly Public Meeting
Wednesday, December 5, 2012 – 7:00 PM
WASHINGTON PLAZA HOTEL
10 THOMAS CIRCLE, NW

Present: Charles Reed (2F01) (Chairman), Nick Barron 2F02, Samuel V. Goekjian (2F03) Matt Raymond (2F04), Matt Connolly (2F05), Mike Benardo (2F06) (Vice Chairman).

Chairman Benardo 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.

Commissioner Announcements

Raymond announced that there is a Ward 2 community meeting on December 11th at 421 7th Street, NW, two blocks south of the Gallery Place station, from 6:30pm to 8:30pm on the overall zoning revamp. The revamp meetings will be in January for other wards.

Benardo announced that a press release came out on November 30th that the time period has now opened for Historic Homeowner Grant Program up to \$25, 000. The deadline is December 21, 2012.

Reed announced that it was his 87th public meeting as a commissioner and he thanked his fellow commissioners and the community for their support over the past 8 years. He expressed appreciation for the progress and development of the community due to the work of the many individuals and groups within the community and the work of his predecessors. **Reed** also acknowledged the work of **Helen Kramer** who served the community on the commission for 10 years.

Benardo echoed **Reed's** sentiments, thanking those commissioners who will not be returning and offering his best wishes for their future in addition to wishing those who were returning his best as well.

COMMUNITY FORUM

Report from Office of the Mayor-James Bulger, Outreach & Service Specialist, Ward 2

Mr. James Bulger noted the DCPS closings and that there was a public meeting with DCPS right now in regards to the proposed closings, including at Garrison Elementary. **Mr. Bulger** acknowledged that the comment process was still open. The Mayor will have his annual quarterly ANC meeting this Thursday. **Vice Chair Raymond** will be attending the event tomorrow. The Chancellor is on the agenda and will be explaining to the chairs in detail about the DCPS proposed school closures. He also noted that community input is highly encouraged in these matters. **James Bulger** can be reached at 202-340-7229 or james.bulger@dc.gov

Report from Office of Jack Evans, City Council Member, Ward 2

Sheri Kimbel, Director of Constituent Services, and Councilmember Jack Evans reported that they just came from a meeting regarding the school closures. Councilmember Evans reported that there was an enormous contingent from Garrison Elementary. He believes that the Chancellor definitely heard the message that residents were concerned and objected to the closures.

In addition to discussing the school closures, **Evans** also thanked the four commissioners who are retiring, recognizing **Charles Reed** for representing the neighborhood in many capacities and also **Mike Benardo**, **Nick Barron**, and **Sam Goekjian** for all the work they have done, as well as thanking those who were staying on in their roles, including **Matt Raymond** and **Matt Connolly**.

Reed expressed his appreciation for **Councilmember Evans**' gratitude.

Evans also reported that the ABC Bill passed its first reading yesterday at the City Council meeting. The "Group of Five" and "400 foot rule" stipulations were eliminated from the bill. **Evans** noted that the one change that stayed in the bill was if the ANC enters into a VA, and a "Group of 5 (individuals) also has a protest, that protest is assumed into the ANC agreement and therefore stands (i.e. if the ANC's protest supersedes one by a Group of 5." There is a second reading on the bill in two weeks. Any comments on the version that just passed are welcome.

PSA 307 Report – Lieutenant Carroll

Lieutenant Carroll is head of PSA 307. **Lieutenant Carroll** reviewed crime statistics for the prior month in Police Service Area (PSA) 307, covering a large portion of the ANC 2F area from 9th Street, NW to 14th Street, NW and L Street, NW to F Street, NW. **Lt. Carroll** reported that the MPD have recently moved to a new data system and are still working out final glitches. There have been no robberies in the past 30 days in PSA 307. However, Chief Lanier has begun a new campaign as robberies continue to be significant factors in other PSAs. **Lt. Carroll** noted that thefts from autos often increase during the holidays. Lt Carroll suggested not leaving gifts in cars or anything of value visible. They have had 17 arrests in PSA 307. Please free to contact them if you have any issues. **Lieutenant Carroll** can be reached via cell phone at 202-437-8198 or via email at jefferyw.carroll@dc.gov. If it is an emergency, please call 911 for immediate response.

Community Announcements

The Reverend Vernon Shannon of John Wesley Church offered commendations to **Charles Reed** for his service to the ANC and the community, wishing **Commissioner Reed** well in his retirement.

- 10 Minute Recess -

BUSINESS MEETING

Approval of Agenda

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

Add:

Under DCHSEAM Bright Beginnings 5K March 2, 2013

Under ABRA amendment of VA for Torino for sidewalk Cafe

Under DDOT relocation of firebox from 10th Street, NW to location outside

Under ABRA –Discussion of Pending Legislation (ABC Bill)

Under CDC add 1431 Corcoran Street.

Under New Business resolution of gratitude to Charles Reed, Nick Barron, Sam

Goekjian, and Mike Benardo for their service to ANC2F

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

Vote: (6-0) Unanimous

Approval of ANC 2F Minutes of Meeting of November 7, 2012

Minutes of the meeting of November 7, 2012, were presented for approval.

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

Vote: (6-0) Unanimous

Education Community (Evelyn Boyd Simmons, Chair)

Benardo noted that the chair of the Education Committee is currently at the Garrison school meeting. Among DCPS closures that were released last month, Garrison Elementary has been scheduled to close. **Connolly** shared that the community, ANC2F and ANC1B, and Jack Evans opposed the closure, and noted that four Commissioners of ANC 2F signed a letter that was sent to the committee as well as the Mayor opposing the closure of the school. **Connolly** reported that the Education Committee requested that ANC2F pass a resolution this evening formally adopting the letter that was signed by the four commissioners.

Upon motion by **Connolly** seconded by **Benardo** and after further discussion,

RESOLVED, That ANC2F formally adopt the letter that was sent by the four commissioners in November of 2012 opposing the closures and recommending keeping both Garrison Elementary and Seton Elementary open, and that the resolution be sent to the City Council, the Education Committee, the Board of Education and other interested parties.

Vote: (6-0) Unanimous

Evelyn Boyd Simmons, Chair of the Education Committee, arrived later. **Ms. Simmons** shared that she attended a pre-meeting at Garrison Elementary this evening prior to the Chancellor's Meeting attended by Jack Evans. The Chancellor has come out with a proposal to close 20

schools. **Ms. Simmons** noted that the population at Seton Elementary School cannot accommodate the Garrison Elementary School population and shared her concerns over the proposed closures, changes, and projections. **Ms. Simmons** recognized the roles of the Commission and Garrison Parents in a concerted effort to stop the closures. She expressed appreciation for the many neighborhood associations, churches, and community groups who have signed resolutions and offered their support for Garrison Elementary and others in face of closure. **Ms. Simmons** reported that final decisions will be made in January. According to **Ms. Simmons**, Garrison is 64% full and has a 60% utilization rate. Both **Ms. Simmons** and **Chairman Benardo** noted the unfortunate timing and process of the proposals.

Crime and Public Safety Committee (Christopher Linn, Chair)

Christopher Linn noted that MPD's crime statistics site has been down for three months. He also noted that **Lt. Carroll** covered most of the issues involving the ANC. **Mr. Linn** shared that the MPD supports the new FCC program which limits the ability of thieves to take cell phones and then have them re-used. There is a resolution on the agenda this evening which is a follow-up to the Bike and Safety Resolution which came out of a joint meeting with Dupont Circle and ANC2F. The resolution includes language which reinforces the city's plan to prohibit use of bicycles on public sidewalks. ANC2F requested the following: repaving and repainting of 15th street and add additional signage to clarify right of way, painting clearly visible symbols to make it clear that it is illegal to bike on sidewalks, conducting a study identifying how peer cities manage bicycle and include community improvement in their overall approach to bicycle and pedestrian safety. To join the Crime and Safety Committee, or if there are any questions for the committee, please contact **Christopher Linn** at christopher.linn@gmail.com

Upon motion by **Benardo** seconded by **Goekjian** and after further discussion,

RESOLVED, That ANC2F formally adopt the Bike Safety Resolution and send a letter to DDOT in support.

Vote: (6-0) Unanimous

DDOT

There is a firebox at 8th Street NW and N Street near Immaculate Conception, who has agreed to renovate and improve and maintain it.

Upon motion by **Benardo** seconded by **Raymond** and after further discussion,

RESOLVED, That ANC2F send a letter to DDOT in support of the moving of the firebox out of the ANC.

Vote: (6-0) Unanimous

DCHSEMA/Street Closures

2013 Bright Beginnings 5K-

Sasha Strohm presented a request for street closing for the Scope-it Out Walk/Race, to be held Saturday, March 2nd, 2013 from 6 AM to 10 AM. **Strohm** stated that the request complies with ANC 2F published street closing policy and that she had made substantial progress in dealing with others entitled to notice and opportunity to comment. **Ms. Strohm** can be reached at 202-560-8069 and sashanel@gmail.com.

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

RESOLVED, That after review of the street closing application of the Bright Beginnings to be held on Saturday, March 2nd, 2013 before the DC Homeland Security Emergency Management Agency (“DCHSEMA”) and presented to the ANC, ANC 2F advise DCHSEMA to grant such application.

Vote: (6-0) Unanimous

ABRA

1318 9th Street, NW Mood Lounge, Ms. “Mimi” Beyene

“**Mimi**” **Beyene**, owner of Mood Lounge, gave a presentation on some proposed changes to the operation of the establishment. **Ms. Beyene** explained several planned changes they are trying to make to the establishment which she believes will make it more community friendly. She reported that their plan is to be opened every day except Monday and to have a restaurant which also serves brunch on Sundays. They are waiting approval from ABRA. The goal is to open the restaurant the 7th of January. The new establishment is to be called Vita, which she noted means “life” in Italian. **Benardo** shared that **Ms. Beyene** gave a presentation at the Naylor Court Association recently to work on issues Mood Lounge has had with the community.

No action needed to be taken.

1316 9th Street, NW, Thally-Update on Voluntary Agreement

Commissioner Raymond has been working with the applicant and with Steve O’Brien, representative, along with a group of neighbors who have standing. He reported that the current point of contention is trash storage. The applicant maintains they do not have enough space indoors to store trash, which is a point of contention in reaching a final VA resolution with neighbors. ANC has passed a resolution empowering **Commissioner Raymond** to sign VA. They are willing to enter into a VA and hope to have final resolution prior to the ABRA medication tomorrow. No action needed to be taken.

1401 R Street, NW, Bar di Bari, Update on Voluntary Agreement

Commissioner Raymond has been working with the applicant and his representative, Stephen O’ Brien of Mallios O’Brien.

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

RESOLVED, That ANC2F enter into a Voluntary Agreement empowering

Commissioner Raymond to amend and sign without further action from the ANC that is no less advantageous than the current draft that is in front of the Commission this evening (attached) and that ANC2F will withdraw its protest upon acceptance of the VA by the ABC Board.

Vote: (6-0) Unanimous

1228 11th Street, NW Tortino

Raymond shared that they have been working on an amendment to the voluntary agreement (VA) to allow service hours to be extended to 8 a.m. in order to allow the establishment to serve breakfast for Tortino.

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

RESOLVED, That ANC2F enter into an amendment to the Voluntary Agreement with Tortino to amend section 10 to permit a sidewalk café of 7 tables, 14 seats, and 7 umbrellas, and to extend the operating hours to 8am in the morning every day of the week.

Vote: (6-0) Unanimous

ABRA updates/ current

Reed shared some of the provisions that have been proposed by the ABC board. Due to these changes, Reed suggests the ANC adopt a proposal to send to the Council that they not accept the proposed changes to the ABC laws and to reiterate opposition to the three remaining provisions that we originally objected to if they remain contrary to the wishes expressed by this ANC.

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

RESOLVED, That ANC2F send a letter to the City Council advising them not to adopt the Omnibus Bill in its present form citing provisions the ANC previously opposed.

Vote: (5-1) Passed

Community Development Committee Report (Matt Raymond, Chair)

1401 R Street, NW, Bar di Bari, Update on Voluntary Agreement

Raymond reported that the CDC heard a presentation for sidewalk café for Bar di Bari at 1401 R Street, NW. **Raymond** noted that CDC recommended to the full ANC that it approve the pending application.

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

RESOLVED, That ANC2F send a letter to DDOT advising them of its support for the pending application of Bar di Bari for a sidewalk café at 1401 R Street, NW.

Vote: (6-0) Unanimous

1225 Eye Street, NW, Starbucks-DDOT request for sidewalk cafe

Raymond reported that Mr. Joe Spinelli, representative for Starbucks gave a presentation on a proposal for a sidewalk café at 1225 Eye Street, NW. The proposed café will include loose tables and chairs, umbrellas 6 tables, 12 seats, 2 tree boxes, with a cap of 18 occupancy on the patio. Mr. Spinelli indicated that there were adequate bathroom facilities available for customers.

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

RESOLVED, That ANC2F send a letter to DDOT advising them of its support for the pending application of Starbucks for a sidewalk café at 1225 Eye Street, NW.

Vote: (6-0) Unanimous

1400-1404 14th Street, NW-BZA Application Abdo Development

Raymond reported that Abdo Development gave a presentation for BZA variances. The project is seeking two variances and one special exception. The first variance design was approved by HPRB to move the project height from 50 feet to 65 feet to step the level back ten feet. The second variance requested is for parking. The project cannot successfully put in a parking structure underground due to lot and financial limitations. They are completing negotiations for a special parking rate in a nearby structure. They are required to have 38 parking spaces, 15 for residential. The applicant reports that they have currently negotiated 20 spaces with the Washington Plaza Hotel and are looking for other options. The third BZA request is for a special exception on the rear yard setback. The existing structure exceeds the limit and they would like to replace it on the same footprint.

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

RESOLVED, that ANC write a letter advising the BZA of its support for the application for two variances for height setback and parking and one special exception for rear yard setback for 1400-1404 14th Street, NW as requested in their application.

Vote: (6-0) Unanimous

1232 9th Street, NW Wagtime, LLC

Raymond reported that the CDC heard a presentation seeking support for three specific exception approvals from Wagtime, LLC. Applicant's representative, Leila Batties of Holland

and Knight spoke on behalf of her client. Wagtime acknowledged that they have been out of compliance/in violation and would like to seek variances so that they can be in compliance with current zoning requirements that were not in place when they made their original applications prior to 2007. In March 2005, they were given a certificate of occupancy that did not cover all the uses for the site. Regulations were changed in 2007 and they were advised by DCRA to get proper authorization. Their goal is to bring the property into full compliance. The property is a three-story building which includes a retail story, pet grooming, daycare, and an animal shelter.

Raymond shared portions of e-mails he has received from constituents **Ralph Brabam**-who communicated that Wagtime was an “excellent business and source of pride, enhances streetscape, wonderful offerings, exceptional community partner, donated countless items to fundraiser and events. **Sarah Kuziak**, longtime customer and resident, wrote heartily in support renewal of COO stating it was “Well-managed. . .part of vibrant community.

Benardo shared that Wagtime is in his Single Member District and has received comments from constituents complaining of noise recently but lots of support for Wagtime operating within the law.

Reed shared that the history of Wagtime on Q Street, NW was that it was problematic.

The applicant is seeking the following special exceptions 1) Animal Boarding, 2) Pet Grooming, and 3) Animal Shelter

Richard Nydek of 929 M Street, NW, requested that the owners not use the outdoor deck as he heard a dog barking over the weekend.

Megan Moudau representing 1320 9th Street, NW, with law firm believe that granting the special BZA exceptions would be an adverse impact on the community due to noise, waste, and certificate of occupancy-operating in violation of their C of O and believe that they are not trying to cure the violations and they have a history of violations. Strongly encourages that the BZA has one-year term to test and see if Wagtime does comply.

Elise Hogan, 901 R Street, NW spoke in support of the Wagtime, sharing her positive experiences with the business owners and inte

Amy Chiccone 1111 11th Street spoke in support of Wagtime, noting it was a safe, secure facility for her dog.

Jeffrey Proctor, 1240 9th Street, NW, shared he was the closest neighbor, noting that he never has experienced undue odors from the business, and that the company fostered dogs from Hurricane Katrina and dogs who have been abused. He also shared that he experienced a personal illness and they donated grooming for his cats noting they were “solid, contributing community members.”

Lisa Gelfling 937 O Street, NW spoke in support of Wagtime noting they were “outstanding community members.”

Greg Melcher, shared that he wants to understand that the applicant will follow the rules regarding the use of the outdoor space. If they will commit to not using the space, and staying within the regulations, he can offer them support.

Helen Kramer urged commissioners to vote in favor of exceptions.

Finally, **Benardo** noted that the owner of the neighboring gallery shared with him that they had not had issues with Wagtime.

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

RESOLVED, that ANC that it write a letter recommending the BZA of its support the application for the two variances and one special exception for Wagtime, LLC.

Vote: (5-0-1 abstention) Passed

1431 Corcoran Street, NW-HPRB

Raymond reported that John Linam, Jr, architect, gave a presentation for HPRB support for concept and massing for a condo conversion of an existing townhouse at 1431 Corcoran Street, NW. The project is using an existing three story row house to be converted into a 4 unit condo consisting of three stories plus a mezzanine level. The proposal includes a bay projection which does not infringe on public space. They are not seeking a special exceptions or variances. The hearing for this project is December 28, 2012.

Donna Planker, 1429 Corcoran Street, NW, acknowledged that they received notice of proposed project, but post CDC meeting. Ms. Planker expressed aesthetic concerns regarding the design and the street view.

Lindsay Reishman, R & D Development, is the developer for the project. He reported that they have been working with Steve Calcott at HPRB in an effort to find something that works in the neighborhood. Mr. Reishman acknowledged regret that the timing has not been and expressed desire to maintain good relationships in the neighborhood.

Evelyn Boyd Simmons, who lives across from the proposed project, noted Mr. Reishman's role in the community and sponsorships in the past of Easter egg hunts expressing her appreciation for his desire to work with neighbors.

Jacqueline Davis, 1429 Corcoran Street, NW, echoed concerns about the current proposed project, particularly the height of the project. Ms. Davis does not believe it fits in the streetscape or conforms to the surrounding. She also expressed concern over potential rat problems with commencement of construction.

Matthew Brown, 1427 Corcoran Street, NW asked about the process.

Roslyn Cohen, 1426 Corcoran Street, NW asked that her comments be shared by Mr. Brown protected by a Trust and has invested in maintaining character of the block, residential parking concerns, construction will infringe on the rights of residents to quiet of homes.

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

RESOLVED, that ANC that it write a letter requesting HPRB defer its consideration for concept and massing for the project at 1431 Corcoran Street, NW until the ANC is able to meet and consider the design for the project.

Vote: (6-0) Unanimous

New Business

Resolution of Gratitude for the service of outgoing commissioners: **Nick Barron, Charles Reed, Mike Benardo, and Sam Goekjian.**

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

RESOLVED, that ANC adopt a resolution of gratitude and thank them on behalf of the community.

Vote: (6-0)

Treasurer's Report Sam Goekjian

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

RESOLVED, That the following expenses be and are hereby adopted:

| | |
|---|-------------------------|
| Jennifer Dusek #1172 (November Salary)..... | \$683.20 |
| Verizon #1173..... | \$71.12 |
| New laptop | (not to exceed \$1,000) |

Vote: (6-0) Unanimous

Adjournment

There being no further business, the meeting was adjourned at 10:42 PM.