



Government of the District of Columbia

Advisory Neighborhood Commission 2C

December 2020 Meeting Minutes

DATE: 8 Dec 2020

ANC-2C COMMISSIONERS PRESENT: Kevin Wilsey, Michael Shankle, Jamaal Burton

PRESENT: Commissioner Kevin Wilsey, Commissioner Michael Shankle, Commissioner Jamaal Burton, Commissioner Elect Gigi Nelson, Commissioner Elect Ellie Miske, Lamonté Pryor, Brian Romanowski, Howard Marks, Lieutenant Michael Hamelin, Thomas Lee, Austin Himes, Barbara Wanchisen, Trelynda Kerr, Mike Anderson, Doug O'Connor, Christian Metosa, Suzanne (6th St Flats), Caroline (6th St Flats), Caroline (6th St Flats), Jasmine W (6th St Flats), Matt Minora, Suzanne Sofge

ABSENT: Anna Noakes, Capt. Jonathan Dorrough, Wendy Cadell

- 1. CALL TO ORDER / INTRODUCTION OF COMMISSIONERS / QUOROM:** Made by Wilsey, who introduced himself and the two other Commissioners. Noted 3 of 3 Commissioners present for a quorum.
- 2. OPENING REMARKS / APPROVAL OF THE AGENDA:** Wilsey noted that Anna Noakes will not be present for the call, so there will be no announcements from the Ward 2 Mayor's Liaison. If there are any questions about COVID-19 response or numbers, feel free to call her at 202.297.6566 or email her at Anna.Noakes@dc.gov. No other changes to the agenda. Wilsey made motion to approve, seconded by Burton. (Vote 3-0-0)
- 3. APPROVAL OF THE MINUTES:** Shankle made motion to approve the November 2020 Minutes, seconded by Wilsey. (Vote 3-0-0)
- 4. TREASURER'S REPORT:** Shankle provided the November Treasurer's Report. The balance at the beginning of November was \$58,117.09. There were two total withdrawals of \$350.00. There were no additions for the month. Ending balance \$57,767.09.
- 5. 2021 MEETING SCHEDULE:** Wilsey questioned availability for viewing. Shankle

stated that new commissioners viewed dates and determined schedule, continuing meetings be held the second Tuesday of each month. The dates are as follows: January 12, February 9, March 9, April 13, May 11, June 8, July 13, August 10, September 14, October 12, November 9, and December 14. Shankle recommended start time move from 6:30pm to 6:00pm beginning in January and requested community input on this change. With no opposition to the change, Shankle made motion to approve meeting schedule, seconded by Wilsey. (Vote 3-0-0)

COMMUNITY ANNOUNCEMENTS

- 1. Ward 2 Mayor's Liaison – Anna Noakes, Mayor's Office of Community Relations and Services, Ward 2 Liaison, Anna.Noakes@dc.gov:** Not present
- 2. Ward 2 Councilmember Brooke Pinto Update - Brooke Pinto Councilmember, Ward 2, bpinto@dccouncil.us, or Lamonté T. Pryor, Scheduler/Executive Assistant, lprior@dccouncil.us:** Pryor introduced Brian Romanowski, Pinto's Constituent Services Coordinator.

Pryor noted the end of the legislative period is next Tuesday. All councilmembers will meet for the final session for 2020 and reconvene the first Tuesday in January.

Regarding Public Safety, they continue to work with MPD and Mayor's office, noted uptick in package theft, encouraged awareness. With large increase in car theft, residents should be mindful to not leave keys in ignition or leave car running.

Pryor requested residents be mindful as temperatures drop in reference to the homeless population and noted they should call the Hypothermia Hotline if concerned about a person's wellbeing.

In a recent DDOT meeting with Pinto, Pinto continued to emphasize involving community with DDOT decisions, not just in 2C but throughout the ward.

Pryor noted Mayor Bowser's Bridge Fund Initiative is a \$100m investment in small biz and workers during COVID-19. The Restaurant Bridge Fund that opened 12/7 will close 12/28. The Hotel Bridge Fund has already closed. Entertainment and Retail do not currently have dates listed. Information will be posted as received.

Regarding the January 20 Inauguration, Pryor noted community should be prepared for uptick in visitors January 15-24. The transition team has stated there will be a shift to duality of virtual and in person event for the inauguration, and that they may have a large in person event July 4. They will update information as quickly as possible.

Pryor thanked Commissioners Wilsey and Burton for their service, welcomed Commissioners Elect Nelson and Miske, looks forward to continued work with Commissioner Shankle. Pinto will be in touch to create correspondence.

Shankle requested the community contact for inauguration plan. Pryor stated it may be Nyasha Smith, as she oversees the swearing in for the new commissioners, etc.

Shankle noted DDOT 7th ST corridor paved over artwork at 7th and H ST intersection, and he has been unable to get a response from DDOT, Romanowski will reach out to them and follow up.

Neuhaus looking for contact on inauguration information to pass on to residents regarding timing of security and so forth. Pryor stated he believed Nyasha Smith to be the contact. Does not believe councilmembers have been briefed yet.

Marks asked Pryor about materials left behind from the Chinatown Friendship Arch project on H ST between 7th and 8th. Marks has called 311 and DDOT, DDOT stated that they would reach out to the contractor, requested follow up. Romanowski will

include in his email to DDOT.

Pryor noted that Pinto was happy to see reaction to the Holiday Market and will be there to shop this weekend. Neuhaus noted city is charging huge fees to be part of the market, that it's unfair to artists who already aren't doing well this year. Wilsey noted taxes are also high in that area.

Shankle noted that Metro Generator at 7th and H ST NW was supposed to be moved by mid-November and is still there. Romanowski will follow up.

- 3. MPD 1st District Crime and Community Awareness, Captain Jonathan Dorrough, Jonathan.Dorrough@dc.gov, 202.729.2179:** Not present

- 4. MPD 2nd District Crime and Community Awareness, Lieutenant Michael Hamelin, michael.hamelin@dc.gov:** Hamelin noted homeless just laying on bench or sidewalk may not be sleeping – doesn't hurt to check that they are awake, alert, breathing. If concerned call MPD. They do have blankets, can make assessment. Especially if they appear to be under the influence because they will not feel cold due to the effect of the drugs/alcohol.

Regarding COVID-19, temperature checks, masks are being used by MPD, anyone noting otherwise should call MPD and report it.

Hamelin noted there will be a PSA 209 event at 10th and H ST December 16 from 2-3p to pass flyers out regarding theft and theft from auto awareness. In 41 recent crimes, there were 4 assaults and 37 property crimes, which were mainly theft and theft from autos, and few auto thefts. The flyers are also on how to prevent robberies and burglaries. Hamelin asked attendees to come say hello and pass out flyers.

Regarding event next weekend for the marches, the MPD will be fully activated.

Regarding the Inauguration, the MPD will be fully activated. Hamelin stated he anticipates a different crowd due to COVID-19, which doesn't mean groups won't show up. The MPD will take necessary security measures regardless of size of crowd. Neuhaus requested more information. Hamelin stated he assumes they will have a parade and that street closures will be like years past. Pennsylvania Avenue will be shut down, assumes a block in every direction would be shut down. Noted this is a multi-agency event.

Shankle requested more information on demonstrations for the upcoming weekend. Hamelin stated they aren't expecting anything but will be fully prepared for any issues that arise.

Lee noted that there was an incident in Germany with someone being injured at a holiday market and wanted to know if barriers should be put up to protect artists and pedestrians going to the market. Shankle noted one side cannot have barriers because of emergency access, offered to investigate.

- 5. Department of Public Works, Wendy Cadell, Inspector, Wendy.Cadell@dc.gov:**
Not present

LOCAL EVENTS THAT IMPACT THE COMMUNITY

- 1. Community Outreach Event for Second District:** Wilsey reiterated the information Hamelin gave regarding this Community Outreach Event, Wednesday, December 16, 2020 from 2p-3p at 10th and H ST NW.

ALCOHOLIC BEVERAGE LICENSING (ABRA)

- 1. Chinatown Market, 521 H ST, NW – (ABRA - 019616). Renewal of Type: B Retail-Grocery. Ng Shu Kwan, 202.842.0130**

Shankle stated he was not able to get in touch with anyone from Chinatown Market. Had heard some concern from constituents regarding this license and its renewal.

Wilsey noted there were complaints from 6th St Flats.

Suzanne stated she lives on ground level of 6th St Flats and can see how liquor sales impact the neighborhood. This summer noted people being there for hours and hours, people being sold alcohol then hanging out in the alley, urinating and defecating there. She believes there was an agreement in 2011 that the store was to clean up cups, and not sell to visibly intoxicated people. Those steps are not being taken. Suzanne suggested a community study to see effect on neighborhood and stated that she is opposed to license being renewed.

Wilsey stated there was a moratorium on single serving sales, may be a violation of law, and asked if anyone had reached out to ABRA. Suzanne noted they have reached out to MPD, they don't see the sale, just what comes after, and asked if MPD records can be used as a metric. Metosa stated that St. Mary's parishioners have the same concerns.

O'Connor noted sensitivity to homelessness, displaced persons, and knowledge that the Market is an important edifice to the Chinatown community. In the time he has lived here, there have been issues with peace and quiet, pedestrian safety, and declining property values. There are no security cameras, thought there was a directive to have them installed. Noted it may be difficult to directly tie loitering to the Market. Requested thoughts from 2011 and questioned if added ramifications may be helpful. Neuhaus asked if there were photographs.

Wilsey stated that in 2011 there was a meeting prior to the deadline to protest, but as there was not a quorum of commissioners the ANC was unable to protest the license. Mike Anderson tried to protest it without ANC support. Wilsey did not think that ABRA will do anything because it is a renewal, thinks cameras would be helpful, seems like a lot of public drinking, loitering, using alley as a bathroom, all contributing to slide in property values. The ANC could protest based on that to get the Market's attention, and maybe then come to an agreement. Wilsey wanted to know what the hopeful outcome is of the protest. Is it to keep them in business and improve things or put them out of business?

Suzanne stated the goal is not to put them out of business but to improve these practices. If catered to something different, other residents would become clients.

Kerr stated she has been to Market as a consumer and remembers when ordinance was passed regarding single serving sales. She spoke to the cashier when she saw single sales and, he just shrugged. She questioned whose responsibility it is to check that single serving alcoholic beverages are not being sold, asked what they as community members can do to help. Stated this has been an issue since 2005, that the owners are nice, but sometimes there is a language barrier. She also noted that customers wander down and hang out at their building.

Mike Anderson concurred with everything previously stated. For the 2008 license renewal there was a protest filed by the ANC, mediation, then a voluntary agreement where Market agreed to clean up, not sell single serving alcoholic beverages and not sell to people who are drunk. Anderson stated that single serving sales and selling to people who are drunk are both illegal. The Market did not follow the rules, so a protest was filed in 2011. The ANC couldn't participate without the quorum, the MPD didn't join because the ANC hadn't, so it was just the Downtown Association protesting. The Market didn't agree to mediation. The lawyer for the Market managed to strike 8 people from testifying. In 2012 the ABC renewed another set of restrictions, but those items have been disregarded. Impact is increased because of COVID-19's effects on the neighborhood. Anderson encouraged the ANC to protest and wants the MPD to join the protest. Wilsey agreed that ANC needs to be on board to help facilitate the complaints and get the right people involved.

Marks stated that he has noted the decline of Chinatown, and that in 2009 the Mayor's Office of Asian and Pacific Islander Affairs created a report called the Chinatown Cultural Development Small Area Plan. This was a roadmap on how Chinatown could be brought back to its former glory. The 100 page report can be found at:

<https://planning.dc.gov/sites/default/files/dc/sites/op/publication/attachments/Chinatown%20Cultural%20Development%20Small%20Area%20Action%20Plan.pdf>. Marks

noted that 11 years later none of the recommendations have been implemented and asked what happened.

Suzanne suggested the ANC could help by replacing benches that were removed so people have other places to sit. Caroline stated this has been an issue for years.

Customers call it “The Party.” They own a unit in 6th St Flats and now cannot find anyone to rent their unit. Property value has stayed the same since 2007 while they’ve seen other areas in the neighborhood improve. They were involved in trying to maintain the cultural aspects when lived there and understand the importance of the Market in the community. She was unaware that they should contact ABRA and had only been contacting police. Wilsey noted that ABRA has a hotline, if issues are documented they will send investigators out, if found in violation, ABRA can revoke the license. Anderson noted complaints can be filed online as well.

Wilsey stated he believes the Market is violating their agreement from 2009 and that the ANC should protest the license to get the Market to address these things.

Kerr noted ownership since 2005 and asked what residents can do to document and better help the fight.

Miske noted that she is also a consumer at the Market and asked if license renewal protest was the proper venue to address compliance issues. Miske noted that renewal can be prevented with violations, but there hasn’t been much documentation. She asked if it is fair to the business owner to have this done without communication. Anderson stated that they have to ensure they are being empirical, not seduced by the narrative. They prepared the data (vagrancy, panhandling in the immediate area) vs. other ABL holders within 1-3 blocks, and there is a significant difference that anyone in the neighborhood can observe.

Shankle asked if there was evidence that exists (video surveillance etc.) from the 6th ST Flats residents or others. Kerr noted that when the Market was told they couldn’t do single service sales they changed to selling 2 at a time instead and questioned how people should get evidence. Shankle noted that he wasn’t asking people to collect evidence, he was asking if any already existed, and was clear that ABRA should be doing the investigating. Himes then provided visual evidence of the 2 beers he had just purchased from the Chinatown Market, cash through the window. Anderson stated he was able to get more evidence in 2 days than an ABRA investigator did in two weeks, evidence is available. Lawyer for Chinatown Market repeatedly put the burden on the people rather than the Market, and the ABC bought the Market’s case. For purpose of the meeting, there are ways to get evidence.

Shankle asked 6th St Flats residents if there were 5 of them who would be part of a protest. Wilsey recommended 7 people, based on having a virtual meeting with ABRA recently about a case from over a year ago, that establishment hasn't been open since March, so will probably get put off for another year. Wilsey noting that this may be a time-consuming process for the residents involved.

Burton stated he doesn't know if urination and quality of living is affected only by the store as they have an assisted living building and a homeless shelter on that block as well. Wilsey stated his primary concern is with code violation and agreed with Burton that all issues can't be contributed to one business. The other two liquor stores sell higher end liquor. Himes stated he was told by another customer that the customer goes to the Market because it's the only location that "sells what he wants."

Shankle moved to send a letter of protest for the renewal based on public nuisance and littering. Burton disagreed with littering aspect. Kerr stated that other locations have security to move people along etc. but that does not happen in this location. Wilsey stated there are no loitering laws in DC, so cannot put that on the store owner. Anderson reiterated that you can't sell to someone intoxicated. Shankle requested a second on the motion. Burton moved that the motion be amended to the two points that Anderson made.

O'Connor stated documentation from 2011 shows there is a 1200-foot ruling about not disturbing peace, order, quiet, pedestrian safety or disrupting property values. Burden of proof is difficult, and they are sensitive to the business impact. Jasmine W is a recent buyer at 6TH St Flats and wants to be clear what the implications are of protesting the liquor license. No malicious intent. Shankle noted that is a great point. The protest does not mean that the establishment will lose their license. It forces the two parties into mediation to work toward a settlement agreement. Wilsey says there is no way ABRA will take away their liquor license. By doing the protest, it forces the parties together with a mediator with a goal of a settlement agreement that goes onto their license. It is up to the community and the ANC to make sure everyone is aware. Shankle stated that with the settlement agreement, ABRA would be required to enforce the terms of the agreement, the Market could be fined, and

license pulled if there are violations.

Miske stated that single serves are banned through ABRA laws, questioned if two servings sales could be banned as well. Curious if the letter would be calling for their renewal to be denied or calling for "X" prohibitions to be enforced. Miske asked if the letter would specify what the concerns are. Wilsey noted the letter usually just states the ANC is protesting the license based on the following reasons, and that the ANC hopes to come to a settlement agreement with the applicant. If they cannot come to a settlement agreement, then it will go to a protest hearing. The ANC does not want them to lose their license, but they must comply. If violations continue, they may not get their license renewed. Miske reiterated concern that the Market may lose their license, and Wilsey reiterated that he doesn't think that is a concern. Kerr asked the difference in licensing between a store and a restaurant, if there's a percentage they need to sell to maintain a particular license.

Shankle amended the motion and moved to protest the liquor license of the Chinatown Market based on Chinatown Market not complying with ABRA regulations and public nuisance. Seconded by Wilsey. (Vote 3-0-0)

Anderson noted that the protest date is December 28. He has reached out to ABRA about the date and placarding, ABRA reset the timeline, and then the original date placard went back up.

2. 1000 K, LLC, Embassy Suites Hotel, 900 105y ST NW – (ABRA – 117427). New Retailer's Class "B" (25%) License. Matt Minora, Associate Attorney, Mallios & O'Brien PLLC, 202.625.7700, mminora@malliosobrien.com

Minora stated the hotel already has a full license, this is for the gift shop as an amenity to the guests. There is no outside signage or street access. 25% B license allows a hotel that already has an ABC license for other areas to sell beer and wine in enclosed containers in their market areas. 25% B license limits the overall alcohol sales to being 25% of the sales of food and beverage. Minora asked for a stipulated license to operate through the petition deadline date January 19, 2021.

Wilsey made a motion to send a letter to support the stipulated license, seconded by Burton. (Vote 3-0-0)

TRANSPORTATION / PUBLIC SPACE

PLANNING, ZONING, ENVIRONMENT, AND HISTORIC PRESERVATION

OTHER

Shankle thanked Wilsey for his 5 terms / 10 years of service and Burton for his last two years on the ANC. Wilsey noted appreciation for current team.

Marks noted that the Hong Kong Shanghai Bank Corporation opened a branch at NW corner of 7th and H ST, great deals for new customers.

Shankle noted that Kura Sushi also recently opened.

Shankle congratulated Nelson and Miske.

ADJOURNMENT Wilsey made motion to adjourn, seconded by Shankle. (Vote 3-0-0)

Minutes Prepared: Gayle Gardner

ANC 2C Secretary: Jamaal Burton

Next Meeting: January 12, 2021, 6:00PM

Minutes Approved: ANC 2C Commission on January 12, 2021.