



Government of the District of Columbia

Advisory Neighborhood Commission 2C

January 2021 Meeting Minutes

DATE: 12 Jan 2021

ANC-2C COMMISSIONERS PRESENT: Michael Shankle, Gigi Nelson, Ellie Miske

PRESENT: Commissioner Michael Shankle, Commissioner Gigi Nelson, Commissioner Ellie Miske, Lamonté Pryor, Howard Marks, Capt. Jonathan Dorrough, Thomas Lee, Barbara Wanchisen, Christian from St. Mary's, Suzanne Sofge, David Gilliland, Nancy Donovan, Joseph Florio, Renee Ingram, Kevin Harriford, Sidon Yohannes, Sarah Fashbaugh, Jeffrey Jackson, Cameron Downing, Rene T., Joanne Neuhaus, Kevin Wilsey, Henry Ciocca, David Rosenberg, Liz Noe, James Leonard, Stephen O'Brien

ABSENT: Lieutenant Michael Hamelin

1. CALL TO ORDER / ROLL CALL / INTRODUCTION OF COMMISSIONERS /

QUORUM: Made by Shankle at 6:15pm, who noted 3 of 3 Commissioners were present for a quorum. Shankle introduced Commissioners Ellie Miske and Gigi Nelson and provided the web address for the ANC-2C (www.anc2C.us).

2. OPENING REMARKS / APPROVAL OF THE AGENDA: No changes requested.

Miske made a motion to approve the agenda, seconded by Nelson. (Vote 3-0-0)

3. ELECTION of OFFICERS (COMMISSION): Shankle stated four positions are required to be filled: Chair, Vice Chair, Secretary and Treasurer.

Miske nominated Shankle for Chairman, seconded by Nelson. (Vote 3-0-0)

Miske nominated Nelson for Vice Chair, seconded by Shankle. (Vote 3-0-0)

Shankle nominated Miske for Secretary, seconded by Nelson. (Vote 3-0-0)

Shankle nominated Nelson for Treasurer, seconded by Miske. (Vote 3-0-0)

Shankle announced new officers as Michael Shankle, Chair; Gigi Nelson, Vice Chair and Treasurer; and Ellie Miske as Secretary.

4. APPROVAL OF THE MINUTES: Nelson made a motion to approve the December 2020 Minutes, seconded by Shankle. (Vote 3-0-0)

5. TREASURER'S REPORT: Shankle provided the December Treasurer's Report. The balance at the beginning of December was \$57,767.09. There were two total

withdrawals of \$350.00. There were no additions for the month. Ending balance \$57,417.09.

6. **FISCAL 2021 QUARTER ONE REPORT:** Shankle noted the ANC is required to file quarterly financial statements with the office of ANC. There was an error in FY20 Q2 filing that was just found by the auditor's office. There was a \$4 addition to the checking account which was a return of bank fees. That report has been modified to show a \$53,653.94 starting balance and an ending balance of \$54,999.99. Shankle stated the FY21 Q1 report from Oct 1-Dec 30 starting balance was \$58,113.09. There were no receipts, \$700 fees for purchase of services, leaving the ending balance \$57,413.09. The second page of the report shows the transactions made. Nelson and Miske noted the beginning and ending balance need to be adjusted for the \$4 to reflect the ending balance of \$57,417.09. Shankle made a motion to update the FY2021 Q1 Financial Statement to add the \$4 for the correction, then file it, seconded by Miske. (Vote 3-0-0)
7. **ANC SECURITY FUND:** Shankle stated the ANC has the option to participate annually in the ANC Security Fund. This \$25 annual fee bonds the ANC and monies will be used to pay any legal fees in case the ANC is brought into any litigation. Shankle made a motion to participate in the ANC Security Fund for FY 21, seconded by Nelson. (Vote 3-0-0)

COMMUNITY ANNOUNCEMENTS

1. **Ward 2 Mayor's Liaison – Joe Florio, Mayor's Office of Community Relations and Services, Ward 2 Liaison, 202.805.7122, Joseph.Florio@dc.gov:** Florio was notified residents have had issues getting vaccine appointments. All 6700 timeslots have been booked. Anyone who did not get an appointment who is 65 and older should sign up for alerts at www.vaccinate.DC.gov, as this is the best way to be kept up to date. The telephone number is 855.363.0333, hours are Monday-Friday 8am-7pm, Saturday 8am-4pm. Florio does not have an exact timeframe of when appointments will open again. Shankle asked if the phone number was best if people did not have internet access

and Florio concurred. Since residents cannot set up appointments by phone, Shankle asked how those people will be prioritized. Florio stated who should be covered in the next round of appointments. Shankle reiterated if someone isn't internet savvy, they might not be able to get appointments before someone who is. Florio requested anyone reach out to him directly if there are concerns.

Donovan stated she signed up for text alerts but never received any info. She did get info from Pinto's newsletter. Called twice and with over 100 in line in front of her both times, requested a call back but never received one. Florio requested Donovan email the information so he can follow up.

Neuhaus requested a super priority group for older people. Florio will relay this to his team.

Marks noted issues with the rollout. Concerned with the addition of 65–75-year-olds. Marks stated every time you try to get an appointment you must re-fill out the same form. Department of Health hasn't assured the public what's going to happen next week. Marks will forward this info in an email to Florio.

Miske requested any additional information regarding the Mayor's statement on the Inauguration. Florio noted the Mayor is encouraging everyone take part virtually. The Mayor sent a letter to the President to declare a pre-emergency declaration to prepare for upcoming events. The Mayor is also requesting a special security event January 11-January 24, urging Dept Homeland Security to coordinate with the Department of Defense, Department of Justice, Congress and Supreme Court to establish a federal security force so the MPD can focus locally.

Marks noted there was no coordination with Metro Bus and the street closures. Busses were turned back at 7th and N with no advance warning to riders, and requested Metro be looped in with closures. Florio agreed and will follow up on the coordination with Metro.

2. Ward 2 Councilmember Brooke Pinto Update - Brooke Pinto Councilmember, Ward 2, bpinto@dccouncil.us, or Lamonté T. Pryor, Scheduler/Executive

Assistant, lpryor@dccouncil.us: Pryor noted it's a new council period through 2022. The Councilmember will continue to serve on the Committee of Judiciary and Public Safety and the Committee on Business and Economic Development. She will

now be serving on Housing and Executive Administration, which oversees Housing, Aging Affairs and the Executive Office of the Mayor, and the Committee of Government Operations and Facilities which will oversee general government operations including contract procurement and government building maintenance. She will also serve on a special committee on Covid 19 Pandemic Recovery, working to identify solutions to help the District sustain its Covid relief efforts going forward.

Regarding safety, Pryor noted from now until post Inauguration, the Council is working closely with the MPD and other agencies to ensure safety.

Regarding the Inauguration, sign up for texts, as this will give you updated info on all things Inauguration. Text INAUG2021 to 888-777. If see or hear anything suspicious, please call 911. Report it to keep you and your community safe.

Shankle stated the info Pinto's office has sent out has been extremely helpful for constituents.

Neuhaus requested information on Inaugural parade. Pryor stated it currently states there will be a parade, but the information is still being collated. Shankle noted the parade will have pre-recorded portions, etc. Miske requested the website info from Pryor: <https://bideninaugural.org/faq/>

After additional comments from Marks and Neuhaus regarding the vaccination, Shankle committed to contacting the Health Department and making sure these concerns are articulated. Nelson stated Safeway had a list and people misinterpreted how it was rolled out - it is not separate from what the DC government is doing. Nelson noted if anyone has signed up for the Safeway list, they need to understand they are still going to be waiting.

Gilliland noted he can see long lines, that senior citizens were standing outside for hours, and suggested locations be used where people can be indoors to be safer like high school gyms, etc.

3. MPD 1st District Crime and Community Awareness, Captain Jonathan

Dorrough, Jonathan.Dorrough@dc.gov, 202.729.2179: Dorrough stated some officers are still out injured, but all are expected to be OK. Going forward, they are

concerned about additional events being planned. He does not have specific details, there is concern, they are prepared, all officers are on 12-hour shifts, all days off and leave are cancelled. Dorrough stated he believes they will be ok with additional resources. He has not seen anything suggesting businesses will be being targeted. It is up to everyone to take precautions they are comfortable with. If concerns develop, they will be shared.

Marks mentioned the Downtown BID's monthly security meeting, stated the secure zone will be widened, and requested more information about that. Dorrough stated he does not have information, but info is posted on website as it is released.

Sofge asked about disallowing RV parking in downtown area. Dorrough stated parking was restricted through much of the downtown area. They were answering calls all day the day before about suspicious vehicles, assumes the same will happen for the Inauguration.

Dorrough stated in last 30 days there have been 4 violent crimes, one was the stabbing, the victim was not cooperative, he guesses it was a low-level drug transaction. There is some video evidence but without victim cooperation it's tough to prosecute. Property crime is down 67%. 17 property crimes in last 30 days.

Joanne asked about requirements for residents so they can get around during closures. Dorrough stated he has not seen anything is in place yet.

Shankle stated he placed in the chat the Interfaith Preparedness & Advisory Group (IPAG) meeting information for the January 13 meeting Marks referenced. They will be giving information related to street closings and parking restrictions.

Dorrough stated to get text updates text INAUG2021 to 888-777.

Dorrough stated hotels had issues with their internal security not being prepared for issues and MPD was unable to assist, requested hotel owners consider that regarding the Inauguration.

4. MPD 2nd District Crime and Community Awareness, Lieutenant Michael Hamelin, michael.hamelin@dc.gov: Not Present.

5. Alcoholic Beverage Regulation Administration – COVID-19 Violations. John Fiorentine, Supervisory Investigator, John.Fiorentine@dc.gov, and Sarah Fashbaugh, Community Resource Officer, Sarah.Fashbaugh@dc.gov:

Shankle stated he asked ABRA to come speak about how COVID 19 violations are being monitored and enforced not only in 2C but throughout the city.

Fashbaugh noted there will be Commissioner training in mid-February, that interior dining restriction is continuing and that other Phase 2 adjustments remain in place. ABRA provides public trainings as well. Liquor stores are up for renewal this year in March.

Fiorentine stated he is one of 3 in the Enforcement Division for ABRA. Regarding Harry's, they were visited and inspected six times since March 15 and have been cited 5 times: 2 verbal warnings, 1 written warning and 2 monetary citations. To date ABRA has received 3 formal complaints, all 3 were acted upon, resulting in inspection or enforcement action. ABRA will continue to monitor Harry's as well as all establishments. They have 3 shifts of investigators that monitor in the city and respond to complaints. They get info from MPD, 311, online complaints, emails, and phone calls.

Shankle noted ABRA has done a lot of education for businesses and establishments around COVID restrictions. Shankle is concerned establishments are not following the precautions, putting the entire community at risk. Shankle asked at what point something more than a slap on the hand happens.

Fiorentine stated their process is progressive and follows their SOP (Standard Operating Procedures). He noted BarCode's enforcement action resulted in a suspension of the alcohol license, and stated it depends on the totality of the circumstances, the egregiousness of violations and assessments of whether the establishment is proactive in taking actions. For most offenses, the first is usually verbal or written, the second a \$1000 fine, then fine is increased. For most offenses there will not be a draft to suspend the license until 4th offense for minor offenses. Some establishments have not had any previous offenses and have gone straight to the board for adjudication at the potential suspension of their liquor license, due to egregiousness and willful non-compliance. Regarding Harry's, subsequent

violations will result in \$2000 fine (\$1000 fines have been adjudicated and paid) and should there be egregious violation, the investigator would pursue a case package for adjudication by the Board and a potential suspension of their liquor license. This does not preclude the Fire Marshall or another entity from taking their own actions. Fashbaugh noted people often ask why places aren't shut down, it is because ABRA doesn't always get the violation reports to investigate. The community is a large portion of their enforcement. The Hotline (202.329.6347) is monitored until 4am. She encourages community members to make reports. The more information they get, the better, and it's best to report it when seen, don't wait.

Fashbaugh noted <https://abra.dc.gov/> is an excellent resource.

Shankle stated residents have called the police department to file complaints and asked if MPD notifies ABRA. Fiorentine noted calls should be made directly to ABRA enforcement as direct calls can be addressed in minutes, it sometimes takes hours for ABRA to get the information from other agencies.

Miske requested the name of ABRA's framework. Fiorentine responded that it is the Enforcement Standard Operating Procedure and is available on the ABRA website. Miske asked if procedure is the same from before COVID, has ABRA made any changes. Fiorentine noted the progressive punitive process. Because of COVID, the adjudication period has been greatly condensed, and what used to take months now takes days. Every Tuesday the weekly report is published with the date of violation and date of action. The Board does acknowledge the seriousness and is being very proactive.

Miske questioned the level of Harry's violations. Fiorentine noted they are COVID specific violations. They are secondary, but the fines are higher.

Neuhaus asked if police involvement would assist with expediting the process.

Fiorentine noted the Chief of Police has it in his authority to close an establishment for public safety, resulting in a hearing within 96 hours. This is typically done in a violence situation. The Chief of Police can also request a fact-finding hearing.

During COVID, he is not aware of a Chief of Police who is looking to use his authority for COVID type violations. ABRA has done joint inspections with different agencies. Dept of Health, DCRA, DDOT all have different authorities.

Fiorentine noted they have not taken any referrals from the White House.

Fashbaugh noted complaints can be filed anonymously.

LOCAL EVENTS THAT IMPACT THE COMMUNITY

1. None

ALCOHOLIC BEVERAGE LICENSING (ABRA)

1. **Five Iron Golf DC, 575 7th ST, NW – (ABRA – 117509). New Retailer's Class "C"**

Restaurant. Sidon Yohannes, Esq., Associate, The Veritas Law Firm, syohannes@theveritaslawfirm.com, 202.686.7600. Yohannes stated the application is for an indoor golf simulator facility, Sunday 8a-2a, Mon-Thu 6a-2a, Fri 6a-3a, Sat 8a-3a. Henry Ciocca, Chief Legal Officer, stated Five Iron Golf's business model is to provide inclusivity and accessibility, to try to offer a broad variety of activities with simulators, lessons, etc. They open early morning hours in urban environments and offer a membership including those times, attracting a broader membership base. Yohannes noted in other locations there are policies and procedures in place to address COVID 19. Ciocca added they have internal protocol and SOPs, are aware of and on top of the regulations.

Nelson inquired about outdoor dining. Yohannes stated the facility does not have outdoor dining at the time. Indoor load is 170 with 60 seats.

Miske requested more info on COVID precautions and effectiveness and how they affect occupancy. Ciocca stated they go through an extensive cleaning and hygiene process after every use, social distancing will be enforced, and a limited number of people are allowed within each simulator. When they can serve food and beverage under current guidelines they will. Presently they cannot so that would be closed off.

Management and staff will enforce masks at all time. Reservations are required.

Lee requested specific location. Shankle stated it is a block south of Gallery Place, it will be replacing Rosa Mexicano. Marks requested info on business model.

Ciocca reviewed pricing for both bay rental and lessons.

Shankle made a motion to send a letter of support for the license, seconded by Nelson. (Vote 3-0-0)

2. **H Street, LLC, H Street Fine Wine and Liquors, 475 H ST NW – (ABRA – 117405). Retailer’s Class “A” Liquor Store License. Jeffrey Jackson, JeffJackson02@verizon.net, 202.251.1566.** Jackson stated they have been in business about 15 years, transferring license to this location. Notes location will be selling premium liquors, domestic, international beer and wines, no single sales, no half pints, no malt liquors, and no check cashing. Open Sunday-Thursday 9a-10p, Friday-Saturday 9a-12a. Jackson stated they have maybe 3 weeks of work to do on the inside, so they are looking for a stipulated license as well. Christian from St. Mary’s Parish is concerned with oversaturation of this type of business and asked if business will be selling cigarettes. Jackson stated they will not be selling any tobacco products. Christian requested information on expanded hours or space, Jackson stated there are no plans for either. Lee requested specific location and what the previous business was. Jackson said it was vacant, between 4th and 5th. Nelson requested information about security process. Jackson stated the business will be responsible for moving anyone who is loitering out of the area and will keep the area clean. Shankle noted issues with another business on the same block and appreciates Jackson’s attention to this in joining the neighborhood. Shankle made a motion to send the letter of support for the license with stipulation, seconded by Miske. (Vote 3-0-0)
3. **Equity H, LLC, Bulldog, 713 H ST NW – (ABRA – 117308). New Retailer’s Class “C” Nightclub. Danielle Balmelle, Agent, 202.714.2976.** Not Present. Shankle noted he attempted to contact the agent on numerous occasions, has left multiple messages, and has not heard back from Balmelle. A nightclub is being proposed for the old Matchbox space, occupancy load of 250, seating for 100, full restaurant menu with a Sidewalk Café of 12 seats. Hours of Operation Sunday-Thursday 8a-3a, Friday-Saturday 8a-4a. Sidewalk Café Hours of Operation Sunday-Thursday 8a-2a, Friday-Saturday 8a-3a. Hours of Alcoholic Beverage Sales, Service and Consumption Sunday-Thursday 8a-2a, Friday-Saturday 8a-3a. Shankle noted he cannot determine how a sidewalk café would fit on the block and is challenged by the hours of operation outdoors. The facility is a half a block from residential building, and the sidewalk café hours should end before midnight Monday-Thursday

and before 3a on Saturday and Sunday. Shankle requested information from former Commissioner Wilsey about the ANC previously restricting outside cafes to 12a. Wilsey noted 12a on weekends, 11p during the week if close to residential area with some exceptions. 2a is extremely late and 3a is out of the question. Harriford from the Residences at Gallery Place stated the similar rooftop area was until 11p, and he thinks it's rare for any operation to be open until 4a. Concerned about wide open timeframe without anyone presenting how it will be managed. Neuhaus requested maximum capacity and thinks it's too much. Wanchisen asked how this should be considered when the agent doesn't appear when they are on the agenda. Shankle noted he does not know but finds it problematic that the agent is not there to address the questions the community has. The protest deadline is before the next ANC meeting, and he feels it should move to protest stage to engage in mitigation to get questions answered. Shankle made a motion to send a letter of protest based on hours of operation and proximity to residences, seconded by Nelson. (Vote 3-0-0)

4. **William Hill Sports Books, ARAMARK Sports and Entertainment Services, LLC and American Wagering, Inc., 601 F ST NW 0 (ABRA – 117580). New Retailer's Class "C" Tavern. Stephen J. O'Brien, Esq, Mallios & O'Brien PLLC, sobrien@malliosobrien.com, 202.625.7700.** O'Brien stated this is a joint application by ARAMARK Sports and Entertainment and American Wagering, a subsidiary of William Hill. Liz Noe from ARAMARK and Jim Leonard from William Hill are also on the call. William Hill is going into the former Green Turtle space but is encompassing some space that used to be part of the Capital One Arena. William Hill is operating a temporary sports book out of the Box Office area of the Arena while this facility is being renovated and repaired. There will be 17 windows where one can place a bet, and 20 self-service terminals. ARAMARK will provide the food and beverage. The intention is to make it a facility where the community would dine even if not interested in betting. Have applied for 2a closing during the week, 3a closing on the weekends because of the time zones differences in wagering. O'Brien used the World Cup as an example of an event that can have enormous time differences. He also noted there will be 62 space sidewalk café in the existing

footprint.

Shankle noted his primary concern has been security and asked if other William Hill locations have setup like what they are proposing here. O'Brien stated what is happening at the temporary facility is different than what will happen in the permanent facility. They are limited due to COVID restrictions and they are limited due to the number of windows they have in the temporary facility. Once the full facility is open, they believe the lines will subside. O'Brien is confident lines have been orderly, they have rope and stanchion and off duty officers during all hours of operation. Leonard stated they have 150 locations in 14 states. They are typically in casinos or racetracks. They will have their own security. Miske is concerned about sidewalk café hours after midnight. Shankle requested they consider a 12a closing time for the sidewalk café. O'Brien clarified to Noe and Leonard that would mean the café must be cleared by 12a. Leonard stated he is fine with it. Noe requested information about Green Turtle's hours, which O'Brien did not have. Noe stated the intent is to create a high-end location, not a night club. They are not intending to use the space until 2am 7 nights a week. O'Brien stated he believes the hours Shankle proposed are reasonable considering the location. With Noe and Leonard's agreement, O'Brien stated he will amend the letter to the Board tomorrow. Neuhaus noted a pager system might be better to reduce the crowds.

Shankle noted app technology is available now, which has assisted shortening the lines. Harriford was unaware of the geofence of 2 blocks, questioned if people can wander past closing hours. Leonard stated there aren't any regulatory stipulations as far as time is concerned, but at some point in the evening there isn't anything else to wander on. The law stipulates the distance but not a time frame. Leonard noted there have not been any complaints in other locations.

Shankle made a motion to send a letter of support contingent on the change, seconded by Miske. (Vote 3-0-0)

TRANSPORTATION / PUBLIC SPACE

None

PLANNING, ZONING, ENVIRONMENT, AND HISTORIC PRESERVATION

1. 819 7th ST NW, Proposed Building Addition – Historic Preservation Review

Board. Sam Forman, Architect, Studio 3877, sf@studio3877.com,

202.350.4244. Forman stated the project has been supported by Historic Preservation and Chinatown Design Review. The building hosts restaurant space on the 1st and 2nd floors, and office space on the 3rd, 4th, and 5th. The proposal is to add a 6th floor with stairs from the 5th to make an office suite. The addition is to be subtle with subtle detailing. During the addition, the façade will be cleaned, some brick restored, and lighting will be replaced with thin subtle LED lighting. The façade design will include the endless knot. Historic Preservation is looking to get them on the consent portion of the January calendar, they are hoping to have ANC support to move project forward.

Shankle likes the design, that it has minimal impact to the building and that the exterior of the historic portion being restored is a plus. Miske noted she also likes the design.

Forman stated Chinatown Review Board and Historic have been in constant conversation for almost four months.

Lee asked if there is a tenant – there is not at this time, it is a spec build. The 5th and 6th floor will be a combined lease, like a penthouse suite.

Forman stated the office space is going to be renovated on the lower floors as they vacate. Marks questioned a liquor license; Forman reiterated the space will be leased as office space. Marks questioned why the addition wasn't the same color as the rest of the building. Forman stated any addition as part of the design guidelines is to be separate from the building, so it doesn't look like it's part of the original structure.

Marks asked for more information on the Chinatown Review Board. Forman stated they have guidelines that discuss the use of Chinese characters and paying homage to those details. It is a separate review process than the Historic Society.

Nelson asked where the communications tower is getting moved. Forman stated it would get moved to the rear of the building on the alley side, not visible. It will be reduced in size from 8' to 2 ½'.

Shankle noted the Chinatown Review Board engages with the Chinatown Steering Committee. The Chinatown Steering Committee is a group of community representatives that provide input into the design. The Chinatown Steering Committee has been in transition over the years, and they are trying to refortify it to support the Chinatown Review Board.

Nelson made a motion to send a letter of support, seconded by Shankle. (Vote 3-0-0)

OTHER

Shankle noted there is a contract with Gayle Gardner to prepare monthly minutes at a rate of \$175/month and requested the commissioners' input on continuing the service. Both agreed to maintain the service. Shankle made a motion to renew the contract, seconded by Miske. (Vote 3-0-0)

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

Minutes Submitted: Gayle Gardner

ANC Secretary: Elizabeth Miske

Next Meeting: February 9, 2021, 6:00PM

Minutes Approved: ANC 2C Commission on February 9, 2021.