

**FOGGY BOTTOM AND WEST END
ADVISORY NEIGHBORHOOD COMMISSION 2A
MEETING MINUTES
FEBRUARY 17, 2010
PARISH HALL, ST. STEPHEN MARTYR CHURCH
PENNSYLVANIA @ 25TH St., N.W., WASHINGTON DC**

Agenda

1. Call to Order (Rebecca Coder, Chair)
2. Introduction of Commissioners
3. Adoption of the Agenda
4. Public Comments
5. Safety Report
6. Updates on Old Business
7. Liquor License Application from Erandis LLC
8. Triangle Park Renaming Proposal
9. Circulation of FY 2010 Budget
10. Adoption of January 20, 2010 Minutes
11. Announcements from the Chair

Call to order

Chair Rebecca Coder (2A02) called the meeting to order at 7:08 PM. With four commissioners present, she declared a quorum present.

Introduction of Commissioners

Commissioners Asher Corson (2A03), Armando Irizarry (2A04), David Lehrman (2A01) and Chair Rebecca Coder (2A02) introduced themselves. Commissioner Florence Harmon (2A06) joined the meeting at 7:18.

Adoption of the agenda

Commissioner Corson asked consent to add consideration of a resolution on billboard blight in the District of Columbia to the agenda. No objection being raised, this matter was inserted after item 8 in the draft agenda.

Public Comments and Announcements

Gary Griffith, speaking on behalf of Friends of Francis Field, announced that the hearing before the Board of Zoning Appeals on the certificates of occupancy issued for the apartment building at 1255 25th St. has been rescheduled for February 23 @ 1 PM. He reported progress in the form of first steps in the promised renovation of Francis Field by the developer.

A representative of Census 2010 announced that fieldworker positions for the 2010 census were now available and offered brochures describing the importance of the census for the city's continued development.

Safety Report

Officer J.A. Pettigrew of the 2nd District Metropolitan Police reported declines in Police Service Area 207 in all crime categories except assault in January 2010 compared with the same month in 2009. However, he warned that these statistics are for reported crimes and that many crimes go unreported. He described Foggy Bottom/West End as, with adjacent areas of Georgetown and the Dupont Circle/Golden Triangle area, as a "playground for crooks," with the Foggy Bottom Metro Station experiencing visits by professional criminals "on a daily basis." The officer reiterated admonitions to remain personally vigilant to potential crime situations and to call police at 911 immediately rather than confronting perpetrators.

Public Comments and Announcements

Chair Coder reopened this segment of the meeting to accommodate a speaker who had erroneously assumed that the Commission was meeting at West End Library.

A representative of DC Jobs with Justice introduced a worker now on strike against Wings Enterprises, a sub-contractor at work on the Boston Properties building now rising on Square 54 owned by George Washington University; she served as translator as he stated the strike's causes and objectives in Spanish. Discussion focused on the assertion that Wings Enterprises refused to enter into direct communication with the striking workers and on the relation of this subcontractor

to GWU. Michael Akin of GWU explained that Wings Enterprises is a sub-contractor of a sub-contractor of Boston Properties, a GWU contractor.

Commissioner Irizarry moved the consideration of a resolution urging Wings Enterprises to communicate directly with its disaffected workers and urging George Washington University to join with the Commission in supporting such communication. The resolution was adopted, with a quorum present, by a vote of 5-0.

Updates on old business

Chair Coder reported on efforts by Equity Residential (EQR) to persuade city officials to support its plans for Stevens School, which have been accepted by the Deputy Mayor for Planning and Economic Development (DMPED) over the opposition of this Commission and other community groups. Discussion focused initially on the status of the building as an official landmark and subsequently on the purpose and efficacy of further discussion with the developer since EQR remains committed to operating only rental properties and the Commission strongly favors home ownership. Sherry Rutherford Krokowski of Requity, an EQR representative advocated, urged continued “conversation.” The chair stated that the topic would be added to the agenda of the Commission’s March meeting.

In other old business, Chair Coder reported the acceptance by the Urban Forestry Administration’s of the ANC’s K Street Trees committee report and the UFA’s review of the report’s proposal regarding tree replacements. She announced that the Commission will present its protest of the liquor license application of Panutat LLC dba “Sanctuary 21” on February 22. She announced also that DMPED’s decision timeframe on the West End Library and Fire Station redevelopment was uncertain: “hoping for march but many moving variables so won’t commit.” The Office of Zoning’s final rule on retail zoning in certain SP-2 areas was also announced.

Liquor license application of Erandis LLC doing business as “Litestars”

Scott Rome, attorney for Erandis LLC, appeared with his clients to explain the business plan and food service concept of Litestars, a restaurant planned for 2101 L St., N.W. Discussion focused on Litestars’ healthful menu concept and on the desirability of such mid-priced restaurants in enhancing the livability of the Foggy Bottom and West End neighborhoods. Chair Coder moved that the Commission support Erandis in its ABRA application and also in any future public space application to the District Department of Transportation (DDOT.) The motion was approved by a vote of 5-0.

Naming park space in honor of Duke Ellington

Anita Darnell described a proposal to designate the unnamed triangular park at the intersection of New Hampshire Avenue with M. St. and 21st St. “Duke Ellington Park” in honor of the composer and musician who was born nearby on Ward Place in

1899, Dick Golden spoke at length on Ellington's career and on the national and international honors he received during and after his lifetime. Chair Coder moved adoption of the following resolution, which was adopted by a vote of 5-0.

WHEREAS, Edward Kennedy "Duke" Ellington's birth in the West End neighborhood of Washington, DC, has been established by his official District of Columbia birth certificate, which shows that he was delivered by a midwife on April 29, 1899, at a house at 2129 Ward Place; and

WHEREAS, Duke Ellington's achievements as a major figure in American music--as a composer, instrumentalist, and band leader--have been recognized before and after his death in 1974, specifically:

In 1966 he was awarded the Grammy Lifetime Achievement Award. In 1969, he was awarded the Presidential Medal of Freedom. In 1973, he was made a member of the French Legion of Honor. In 1986 he was depicted for the first time on a United States postage stamp. In 1999 he was awarded a citation by the Pulitzer Prize Board. In 2009, he was depicted on on a commemorative U.S. quarter by the United States Mint; and

WHEREAS, residents of today's West End neighborhood wish to recognize and honor West End native Duke Ellington with a fitting memorial.

THEREFORE, BE IT RESOLVED that the unnamed triangular park at the intersection of New Hampshire Avenue, M Street, and 21st Street NW--which is the nearest public park to Duke Ellington's birthplace on Ward Place--be named "Duke Ellington Park."

Resolution on billboard blight in the District of Columbia

Commissioner Corson read a draft resolution that had been circulated to commissioners earlier and accepted as friendly amendments the deletion of certain phrases proposed by Commissioner Lehrman. The resolution was then adopted by a vote of 5-0. The action clause of the resolution is as follows; the full text and the findings which accompany it are appended to these minutes.

RESOLVED that ANC2A

1. commends the Department of Consumer and Regulatory Affairs for its renewed efforts to secure the removal of offensive billboards in the District;
2. urges the Council of the District of Columbia
 - A. to disapprove the resolution entitled "Billboard Blight Removal Approval Resolution;"

B. take up for consideration as permanent legislation the forward-looking proposals of DCRA as a first step toward significant and effective regulations for combating billboard blight in the District.

Circulation of FY 2010 Budget

Chair Coder directed attention to the budget proposal provided to each commissioner and which will be made available to the public via the ANC2A website. Discussion focused on equipment needs and the removal of an hour limitation on work by the executive director. The budget will come up for final review and approval at the March 17 meeting.

Adoption of January 20, 2010 minutes

Chair Coder moved the approval of the minutes as drafted and revised by the executive director. She added to the motion recognition to Commissioner Irizarry and appreciation of his leadership of the Commission during his 2009-10 term as chair.

Announcements from the Chair

The next three meetings of the Commission, scheduled for March 17, April 21 and May 19, 2010, will be held in the large meeting room of the West End Neighborhood Library from 7 until 9 PM.

There being no further business, the Commission adjourned at 8:59 PM.

Appendix: Resolution on billboard blight in the District of Columbia

WHEREAS, in 1931, as a means of protecting the nation's capital city against visual pollution by billboards, the United States Congress banned the erection of new billboards in the District, conferring "grandfather" rights on then-existing billboards;

WHEREAS an undetermined number of grandfathered billboards still exist;

WHEREAS, notwithstanding the Congressional ban, the District has become littered over the years with additional billboards of all sizes and configurations;

WHEREAS in 2000, the Congressional ban was seriously breached when the Mayor, at the insistence of billboard companies, proposed regulations that allowed huge billboards dubbed "Special Signs" to be erected in the District employing a new technology that can produce signs of enormous size of 10,000 square feet or more, covering the side of a many-story building (while existing DC regulations limit the size of other billboards to 300 square feet);

WHEREAS the Council allowed those regulations to become law;

WHEREAS these actions provoked vigorous and widespread opposition at the neighborhood, District-wide and national levels, resulting in 2001 in the Council's enacting a Permanent Moratorium on any new Special Sign Permits beyond 32 permits that had already been issued, and defining the geographic areas within which Special Signs could be located;

WHEREAS the Department of Consumer and Regulatory Affairs has recently undertaken vigorous efforts to get rid of billboard blight, resulting in the removal of a number of billboards erected in violation of District law, but also resulting in a lawsuit by Clear Channel, Inc., the owner of five of the old "grandfathered" billboards located in residential neighborhoods to block their removal by the District;

WHEREAS DCRA then rescinded the removal order, opting instead to draft and publish in the DC Register on December 11, 2009 proposed forward-looking regulations that, among other things, would have made clear the District's right to remove such billboards by means of "amortization", without concessions to the billboard company -- a mechanism successfully used by many jurisdictions to get rid of billboard blight and regarded as anathema by the billboard industry;

WHEREAS notwithstanding DCRA's proposed new regulations, the Attorney General of the District agreeing to a settlement with Clear Channel by which the company would remove the five old billboards, in return for which the District agreed (1) to rescind DCRA's proposed new regulations, (2) to propose other new regulations lifting the Special Sign moratorium to allow DCRA to issue new Special Sign permits to any owners of grandfathered billboards in return for the removal of

those billboards, and (3) to issue three such Special Sign permits to Clear Channel if the regulations lifting the moratorium became law;

WHEREAS the proposal to amend DC regulations to lift the Special Sign moratorium and allow trades of old billboards for Special Sign permits is pending before the Council, under the title “Billboard Blight Removal Approval Resolution”;

WHEREAS any such trade of an old size-limited conventional billboards for potentially huge Special Signs is virtually certain to produce much more billboard blight square footage than it would get rid of, at great profit to the billboard companies and at great aesthetic cost to the District’s streetscapes;

WHEREAS when development displaces an old “grandfathered” billboard, that sign is gone forever, so that the great majority have now disappeared, and this process of attrition is ongoing, but when a Special Sign is displaced, the permit can be moved to another location, and then another, in perpetuity,

WHEREAS the nation’s capital city is the last place billboard blight should be tolerated; and

WHEREAS the five old billboards at issue in the Clear Channel litigation have now been removed, as required by the settlement, and both Clear Channel’s and the District’s obligations under the settlement have been fully discharged, leaving the Council free to act in the best interest of the District,

NOW THEREFORE BE IT RESOLVED that ANC 2A

1. commends the Department of Consumer and Regulatory Affairs for its renewed efforts to secure the removal of offensive billboards in the District;

2. urges the Council of the District of Columbia:

A. to disapprove the resolution; and

B. and to take up for consideration as permanent legislation the forward-looking proposals by DCRA as a first step toward significant and effective regulations for combating billboard blight in the District.