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Minutes of the August 7, 2007 meeting of Advisory Neighborhood Commission 1-D

These minutes approved at the September 4, 2007 meeting.

Call to order

[7:06 pm] Gregg Edwards called the meeting to order at 7:06 pm. Present were four of the six ANC 1D Commissioners: Gregg Edwards, Dave Bosserman, Joe Esparza, and Jack McKay, constituting a quorum.

Public discussion

[7:06 pm] **John Wade** of 1600 Park Road introduced himself. **David Ahn** reported on the status of the Bestway Supermarket. **Dr. Sahr Bockai** reiterated his problems with his property at 3130 16th Street, which he wants to raze in order to put a stop to abuse by vagrants and vandals. **Jonathan Mellon**, of the Historic Preservation Office, noted that the razing of a property in a historic district required approval by the Mayor's Agent. **Fay Armstrong**, of Historic Mount Pleasant, reported on their assessment of the structure, and observed that there is very little of the original fabric of this house remaining. The interior has been destroyed, and the exterior covered with siding, under which there might be some original structure. It is nonetheless one of the original clapboard structures of the neighborhood, and was FDR's chauffeur's house, and HMP is divided on the question. An officer from the DC Fire Department (name unintelligible) spoke. **Ayari de la Rosa**, representing LEDC, spoke in support of Hear Mount Pleasant, specifically with reference to Don Juan's Restaurant. **Claudia Schlosberg** spoke for Hear Mount Pleasant. **Adam Hoey**, vice president of Mount Pleasant Main Street, said that Main Street was endorsing the Hear Mount Pleasant model voluntary agreement. **Steve Mudd**, speaking for All-Ways Mount Pleasant, said that they had agreed to support the HrMP voluntary agreement, despite "strong divisions". **Rick Massumi** noted that he was the lawyer for three Mount Pleasant restaurants, attempting to eliminate the unnecessarily harsh provisions of their current voluntary agreements. **Barbara Cameron** noted that the businesses along Mount Pleasant Street "are really struggling", and suggested that the name "Mount Pleasant" be added to the Columbia Heights Metro station. **George Escobar**, of the Office of Latino Affairs, spoke in support of the Hear Mount Pleasant approach to a new voluntary agreement, and noted that the Latino businesses of Mount Pleasant were feeling oppressed by government regulation. **Monica Rubio** spoke of her complaints about the commercial district.

Secretary's report

[8:12 pm] Jack asked if there were corrections to the minutes of the July 11 meeting, distributed to the commissioners on July 15. There being none, Gregg declared the minutes accepted.

Treasurer's report

[8:12 pm] Joe presented the quarterly reports for the first and second quarters of FY07. Jack moved that the commission approve these two quarterly reports. *Motion passed, five to zero.*

3130 16th Street raze permit

[8:17 pm] Jack moved that the rules be suspended so that the matter of a raze permit for 3130 16th Street could be considered immediately, ahead of the Priority items. *Motion approved, five to zero.*

Resolved, that ANC1D advises the DCRA to issue a raze permit for 3130 16th Street NW.

Resolution passed, four votes "yes", one vote "no" (Gregg).

(at 8:24 pm, the recording failed, so the following items are not time-stamped.)

Endorsement of the Hear Mount Pleasant Voluntary Agreement

Jack introduced this resolution:

Resolved, that ANC1D endorses the Hear Mount Pleasant voluntary (cooperative) agreement, and advises the Alcoholic Beverage Control Board to accept that agreement, as a replacement for any existing agreements.

Why: this agreement has been developed in extensive consultation between residents and Mount Pleasant restaurateurs, and carefully balances the needs of the restaurant proprietors against the concerns of the nearby residents. New types of entertainment are allowed the restaurants, with rigorous safeguards to prevent unreasonable disturbances of those nearby residents. The Mount Pleasant commercial district needs to be permitted to offer entertainment, for the economic viability of these restaurants. Many Mount Pleasant residents want modern entertainment to be available in their own neighborhood, within easy walking distance of their homes. The current ban on live music, live entertainment, and dancing must be lifted for the benefit of both restaurants and residents. Concerns of disruption of peace, order, and quiet in the neighborhood must be addressed, and are addressed in this voluntary agreement, through the Responsible Hospitality Partnership mechanism.

This agreement has won the support of Hear Mount Pleasant, of numerous residents, and of several Mount Pleasant restaurateurs and their legal representative. It liberalizes the regulation of Mount Pleasant restaurants, while carefully addressing problems of noise.

This is a hard-won, compromise agreement, and deserves a fair chance to prove that it can open the doors to better music and entertainment in Mount Pleasant, while protecting nearby residents from disturbance.

Resolution passed, 5 to 0.

Responsible Hospitality process (position statement)

Gregg offered this resolution:

Resolved, that ANC1D invites our neighbors to participate in a prototype Responsible Hospitality process towards further improvement of the ANC-approved Cooperative Agreement.

Resolution passed, 5 to 0.

Authorization of work with the Washington Architecture Foundation & up to \$2000 for expenses.

Gregg offered this resolution:

ANC1D authorizes its commercial corridor committee to apply to the Washington Architecture Foundation for *pro bono* assistance in formulating alternatives for neighborhood discussion. It authorizes up to \$2000 to cover expenses in seeking and engaging assistance in preparing drawings and descriptions suitable for public discussion.

Resolution passed, 5 to 0.

Restaurant liquor license food sales requirements

Jack introduced this resolution:

Resolved, that ANC 1D endorses the six-month delay of the strict enforcement of food sales requirements for Class CR liquor licenses, as embodied in District Council Act A17-0077, and Resolution R17-0300, introduced as bill B17-0299 and resolution PR17-0403 by Councilmember Graham.

Why: Mount Pleasant restaurants feature very inexpensive food, and most or all find both the \$2000 per occupant, and 45% gross food sales, requirements difficult or impossible to meet. It is not feasible for them to mandate that their patrons consume more food, nor can they raise food prices, to meet either criterion for a Class CR liquor license. It is not desirable to convert them to taverns, nor is it accurate to call them taverns. It is very appropriate for District Council to take time to study the consequences of the alcoholic beverage law on such modest restaurants, which are threatened with the loss of their liquor licenses, and bankruptcy, if this law is rigorously enforced. Mount Pleasant values its neighborhood restaurants as locales for social activity, and this neighborhood would only be harmed by the loss of these restaurants.

Resolution passed, 5 to 0.

Bestway/Zion Holdings public space application

Gregg proposed this resolution:

Resolved, that ANC1D advises the Public Space Administration to reconsider its decision concerning the Bestway/Zion Holdings public space application, due to its failure to meet legal requirements for responses to formal ANC resolutions, and to participation by Denise Wiktor, Public Space Manager, contrary to DC Personnel Regulations.

Why: Bestway/Zion Holdings has long sought a public space permit for a trash enclosure on its 17th Street parking. This ANC has supported that application, formally advising approval of the permit application in January, 2006, and requesting a rehearing by the Public Space Committee with a resolution in February, 2006. DDOT Public Space has ignored those resolutions, despite the legal requirement that such resolutions be given "great weight", meaning that detailed and thorough responses, in writing, are required.

More recently, in April 2007, this ANC advised DDOT Public Space "to refrain from any action concerning Zion Holdings (the Bestway Market) until it responds appropriately to the ANC1D resolutions addressing this permit application". This resolution, like the two of 2006, was ignored.

In April, 2007, two members of this Commission met with Neil Richardson, assistant to Mayor Fenty, to encourage his mediation in this matter. In July, 2007, this ANC formally advised the DDOT Public Space Administration to refrain from any actions concerning this application until discussions with the Mayor's Office were complete.

ANC1D was later told that there had been a meeting of DDOT Public Space with Mr Richardson and Michael Choi of Bestway/Zion during the week of our resolution of July 2007, a meeting from which this ANC was excluded. Denise Wiktor, Public Space Manager, represented that office in this meeting, despite advice from Commissioner Jack McKay that "Ms Wiktor should not be involved in this process, as she has the appearance, if not the substance, of being strongly biased against this permit applicant" (e-mail communication of April 17, 2007). According to Mr Choi, Ms Wiktor "negatively commented on the situation the entire time. Stating everything is illegal, not permitable, Don Juan and Bestway are bad neighbors, never filed for a permit with public space (which is incorrect), etc."

Ms Denise Wiktor clearly appears not to be objective in this matter, being a nearby resident, and being closely associated with residents who have fought with Bestway for years. Whatever the validity of these neighbors' complaints, Ms Wiktor is too closely involved with them to be an unbiased representative of the District Government. In fact, Ms Wiktor's husband is a former president of the Mount Pleasant Neighborhood Alliance, whose current president, Laurie Collins, has been waging battles with Mr Choi and the Bestway for some years, including a number of acrimonious meetings with Mr Choi in the office of Councilmember Graham, arguing this specific topic.

The DC Personnel Regulations concerning Employee Conduct clearly prohibit such participation by Ms Wiktor in this matter:

1803 Responsibilities of Employees

1803.1 An employee shall avoid action, whether or not specifically prohibited by this chapter, which might result in, or create the appearance of, the following:

- (b) Giving preferential treatment to any person;
- (d) Losing complete independence or impartiality;
- (f) Affecting adversely the confidence of the public in the integrity of government.

Considering the failure of the DDOT Public Space Management Office to reply properly to several ANC1D resolutions, and the participation of Ms Wiktor in this decisive meeting with the Office of the Mayor and Mr Michael Choi, in explicit violation of the DC Personnel Regulations, any action taken by that Office must be considered invalid. That matter should be reconsidered, now with members of that Office who are clearly neutral and can handle this issue in a professional manner.

Passed 4 to 0 (Gregg abstaining).

Adjournment

The commission adjourned at approximately 10 pm.