

**ADVISORY NEIGHBORHOOD COMMISSION 2F
REGULAR MONTHLY MEETING
WEDNESDAY, APRIL 7, 2004, 7:00 PM
THE WASHINGTON PLAZA HOTEL**

IN ATTENDANCE: Cary Silverman, Chair
Helen Kramer, Vice Chair
Tom Funk, Secretary
Bob Hinterlong, Treasurer
Miriam Trimble
Jim Brandon

Community Forum

The Commissioners introduced themselves and gave brief reports. Hinterlong said that he was still waiting for a response from ABRA about their notification procedure. The other Commissioners introduced themselves. Silverman noted that he had been following up on the loss of the post office. He was told by a U.S. Postal Service official that, at this time, there are no feasible bids for the site; however the U.S. Postal Service would continue accepting expressions of interest. He also has been getting more involved with the schools in this ANC, trying to build a stronger relationship between them and the Logan Circle community.

Tim Maywalt of the National Architectural Trust / Capitol Preservation Alliance spoke of the federal historic easement program. This program protects the architectural integrity of historic buildings, and gives the owner a charitable donation. Many homes in the Logan Circle neighborhood would be eligible for this donation. He left brochures in the room for the public.

Jim Smith stated that the city was cutting the budget for DCRA training, and would cut some positions. This will cause projects to take much longer to get through during this building boom. He asked that the ANC send a letter to Sharon Ambrose asking that these cuts not be made.

Mona Bowden asked if the Commission knew whether the Clean City Coordinator position for Ward 2 had been cut. The Commissioners were unaware of the status of the position.

Bill Bonstra provided an update on his project at 1600 14th Street NW (14th and Q Streets). His firm was asked by the HPRB to submit the height of the Barret School. They found that the height of the Barret School is lower than they had originally represented to the ANC and HPRB. Bonstra took responsibility for the inaccuracy, stating that it was based on information that they had received from Eric Colbert, the architect of the Barret School condominium conversion project and took in good faith. Emily Eig, an architectural historian working with the developer, commented that the relationship between the proposed building and the Barret School and other surrounding buildings are not incompatible with the historic district. Andrea Doughty, Q Street resident, noted that approval by HPRB was contingent on receipt of correct information of the height. Doughty said that that it was important that the ANC and the community be able to rely on information they receive at meetings. Randy Creaser, 1420 Q Street, said that this building's approval needs to be in the hands of HPRB at this point, and the ANC need not consider it further. He questioned the compatibility of the building.

Jim Loucks, Logan Circle Community Association Historic Preservation Committee member asked that the ANC continue to support the project. Penny Karas, Bonstra's wife, said that the

building fits the feel of the entire neighborhood, not just a street or a block. Adam Sloane said that varying heights make the street more attractive.

Commissioner Kramer, who also chairs the CDC, pointed out that the CDC voted to support the project unanimously, not due to the height, but due to the cornice line, and refinements the architect made to the Q Street side. She said that the members of the CDC felt that the building is compatible with the neighborhood and that the height issue is a red herring.

At 7:45, Silverman called for a brief break.

Public Safety / PSA Report

At 7:55 Silverman recalled the meeting by introducing Lt. Smith and Lt. Muslim for a PSA report. Crime in 313 and 309 has taken a drop, 15 crimes this year, vs. 39 last year in 313, and there was a similar drop in PSA 309. Prostitution is down. Andre Butler, aka "Church Lady," was recently sentenced to 14 months, plus probation following the sentencing. There is a bicycle rodeo scheduled for June 5 at Shaw High School. Food and beverage donations would be gladly accepted. Lt. Muslim, PSA 310, said that crime was down in that area too. He thanked citizens who are getting involved, and said that he receives many emails. Lt. Smith said that as citizens get more involved, neighborhoods improve.

Silverman said that it has been confirmed that Lt Smith will be the Lt. for the new Logan Circle PSA. Lt. Muslim will co-supervise the neighboring Dupont Circle PSA. Captain Diane Grooms will supervise both the Logan and Dupont Circle PSAs.

Approval of Agenda

Kramer added 1224 13th Street NW to the CDC agenda. Brandon moved approval of the amended agenda. Hinterlong seconded.

VOTE: Approved 6-0.

Approval of Minutes

Kramer moved acceptance of the minutes. Hinterlong seconded.

VOTE: Approved 6-0.

Community Development Committee (CDC) Report

1. 1224 13th Street – Historic Landmark Designation Request

The developers of 1224 13th Street have requested historic landmark designation status. Notification did not reach Kramer in time to put it on the CDC agenda. Kramer said that nothing about the building merits historic landmark designation, which is a more major designation. Emily Eig gave a review of criteria a building needs for landmark status 1) site of an historic event; 2) significant association with an important person; or 3) architectural structure significance, i.e. showing architectural features or construction methods and materials that are no longer used. Eig reviewed this building many years ago, in association with the Logan Circle historic survey, and it was not considered eligible for landmark status then. Silverman asked how old the building is. Kramer said that it was built in the 1880's. Everything from that era

surrounding it was torn down many years ago. Kramer moved that the ANC send a letter to HPRB requesting that landmark status not be given to this building as it does not meet the qualifications. Brandon seconded.

VOTE: Approved 6-0. Kramer to send letter.

2. 1101 K Street, NW - JBG/Rockwood, BZA Application #17158 - Pursuant to 11 DCMR § 3104.1, to reduce the number of required parking spaces (from 161 spaces to 121 spaces) by 25% under section 2108, serving a proposed mixed use office/retail building in the DD/C-2-C and DD/C-3-C District at premises 1101 K Street, N.W. (Square 316, Lots 817 and 818).

The developers at 1101 K Street NW have requested that some of the parking at the building be moved to the "vault" area, which is not on the land owned by the developers, but will be leased from the city. This requires a zoning variance to reduce the number of required spaces. Kramer moved approval of the zoning variance. Funk seconded.

VOTE: Approved 6-0. Funk to write letter

3. 910 M Street, NW, Faison Enterprises - Concept review of height and massing; zoning relief for roof structures, court variance, lot occupancy, bay projections, rear yard variance, lot line variance

The CDC reviewed the height and spacing at 910 M Street NW, as well as special exceptions and variances. Kramer reviewed the variances, which include: a roof structure special exception, court variance to permit a functioning core for the east wing of the apartment building, lot occupancy variance, variance to permit bay projections into the 40' setback, partial rear yard variance to compensate for the setback, variance for the 35' lot line extension to permit a 40' extension of the DD/C-2 zone into the DD/C-2-A zone. The Committee voted to support the variances and the height and massing. Kramer moved that the ANC accept the recommendation of the CDC and send a letter to the BZA. Brandon seconded.

VOTE: Approved 6-0, Funk to write the necessary letters.

4. 1304 Rhode Island Avenue, NW – Kenneth & Susan Rosenau, BZA Application #17153 - Pursuant to 11 DCMR § 3104.1, for special exceptions to allow a home occupation (law office comprising 1,125 square feet, and employing two paralegals or clerks who do not reside on the premises) under subsections 203.4(b) and (d) and 203.10(b), on the first floor and part of the second floor of a flat (two-family dwelling) in the R-5-B District at premises 1304 Rhode Island Avenue, N.W. (Square 242, Lot 65).

An application to permit a home office at 1304 Rhode Island Avenue was reviewed and rejected by the CDC. The ANC had previously voted to ask that an inspector be sent as the building was being used for offices and they did not have the zoning required. Kramer pointed out that there were a number of inconsistencies in the application seeking the variance. There was substantial turnout at the meeting from residents who live on the block and were opposed to the application. There was support from neighbors who live elsewhere in the neighborhood. Their lawyer, Mr. Gell, said that the misstatement of fact would be corrected, but Kramer has seen nothing to date. The CDC voted 6-1 against the application with two abstentions.

Kenneth Rosenau, who owns the home with his wife, said that it was not a law firm, but a husband and wife who practice law. They have very few clients who come to their home. Susan Rosenau said that none of the errors on their application had any bearing on the number of visitors who would come to their home. She promised that the errors would be corrected, and that they were unintentional, and not done in malice, including that they knew that the house was not used as an office prior to their purchase of the home. Susan said that they want one additional paralegal. They are permitted one; they have two, plus an employee who has a residence in their home. The amount of space used for office is under the 25% limit permitted.

Connie Maffin said that the neighbors are very concerned about commercial encroachment into the neighborhood. She said if it is not precedent setting and not transferable, than she would have no objection. Kramer suggested that if the Rosenaus would remove the computer from the front room so that it doesn't look like an office, it would help. Rosenau said that they hung curtains six months ago that hide the computer in the front window. Silverman asked if there was any discussion with the neighbors about this. They had an open house and invited the neighbors but very few showed up. Jim Kane said that Rhode Island West heard a presentation from them, and that there was support for it informally.

Michael Daly lives across the street and said that he has noticed no additional foot traffic, and that they are good neighbors. As long as this use does not transfer if they sell the home, he has no objection. Deborah Applegate said that she is a realtor and has a computer in her front window and no one has asked her if she runs a business out of her home. Grafton Bigelow who lives in the neighborhood, is concerned about the business growing and asked who would monitor it. Rosenau said that they are deliberately downsizing, and that they had more paralegals when they had an office. Randall Borgersen said that concerned neighbors could ask an inspector to come out if they felt it was growing.

Kramer moved that the ANC send a letter to the BZA approving the application of the Rosenaus, provided that prior to the hearing date they correct the misstatements in their application. Funk made a friendly amendment that the terms the Rosenaus agreed to be included in the letter to the BZA, and that the letter state that this not be viewed as a precedent for other law offices or other offices to be opened or granted in the neighborhood. Kramer accepted the amendments. Funk seconded. Brandon asked about the square footage requirement and Kramer explained it.

VOTE: Approved 6-0. Kramer and Silverman to write the letter.

5. Gov't of the District of Columbia, Washington Convention Center Authority, BZA Application #17145 - Pursuant to 11 DCMR § 3103.2, for a variance to allow public events and a temporary (3 to 4 years) all-day commuter parking lot at the site of the former convention center under subsection 1702.7(c), in the DD/C-3-C District at 900 9th Street, N.W. (Squares 344, 373 and 374, All lots); Consideration of CDC subcommittee recommendation.

Kramer explained what the convention center authority wanted to do with the 10.2 acre former convention center site. They will need zoning adjustments in order to operate an "all day commuter parking lot" at the site. The item was so contentious that a subcommittee was appointed. This resulted in two versions of a resolution, each submitted by a commissioner who has an SMD that borders on the convention center.

Funk said that he met with Richard Neidich, Jim Loucks and Bob Hinterlong and they discussed their concerns. Funk then met with Susan Linsky, Special Assistant to the Deputy Mayor for Economic Development and Planning, and presented a plan that he felt was very comprehensive. It gives parking relief for the neighborhood, for example. Funk said that bus parking seems to be the hot button issue. It is his understanding that the buses will be parked at the south end of the site, and that they will enter the parking lot from H Street. Funk said that if the bus parking is eliminated, it would take away from the success of the overall program. The differences in the two versions include the bus parking (one permits it, the other has buses parking at RFK Stadium). Brandon asked how many committee members had seen the revised amendment and had voted on it. None of the members had voted on it.

Hinterlong said that the members had discussed many issues at their meeting, including security issues, lighting, daily commuter parking discouragement, etc. They wanted to severely discourage all day commuter parking, but encourage people who came to shop and dine for a few hours. The committee came to an informal agreement prior to Funk and Hinterlong meeting with Linsky. The differences in the two versions include the use of the convention center site for activities such as protest demonstrations and the issue of buses. Hinterlong said that he opposes the lot for bus parking in part because the buses do nothing for our community. They are coming from out of the area, drop off visitors at the Smithsonian, and come back to park and idle in the parking lot, bringing nothing to our neighborhood, except noise and fumes.

Richard Neidich said that he and his partner are, and have been, very involved in the convention center. He said that if the bus parking is really critical, then it should be for a one year period at most, and another program for parking buses should be worked out within that year. The second problem is enforcement. The WCCA has no enforcement power, and no one who has is involved with this site has any enforcement authority. Jim Loucks, the fourth member of the committee, also feels that parking for 30 buses is too much. Neidich feels that people from the Convention Center should be deputized to enforce city regulations. That way they would have someone who could handle problems as they arise.

Claude Bailey, General Counsel of WCCA, said that Rick Rybeck of the DDOT Policy and Planning Office would explain why they want to park buses on the site. Susan Linsky, Special Assistant Office of Planning introduced Elliott Rhodeside, the landscape architect for the site. His firm was hired to see how many parking spaces could be put on the site, along with amenities. He pointed out the access points (entrances and exits), and that there would be no access from New York Avenue. He said that the lot will be landscaped and that paint will be used to provide form and pattern. They will use plant material to try to control soil erosion as well as permeable paving materials. Linsky said that it will be a true destination for all residents of the District.

Rybeck said that they were as concerned about commuter parking as the ANC is, and that there is no intention to permit or encourage commuter parking. It is against the laws of District for buses to idle for more than three minutes. He blamed enforcement on the police officers—that they felt too important to issue tickets to idling buses. He said that parking enforcement persons were empowered to issue tickets for idling buses. He also said that buses would have to abide by the rules of this parking lot if they used it. He feels that the buses now drive through neighborhoods and this will take them out of the neighborhoods. He has been working on a long range tour bus parking plan. Parking at RFK would impact neighborhoods over there.

Brandon asked how many buses the lot could hold. Rybeck said that they looking at a maximum of 30 buses, and they could still park 1,000 cars. Lt. Smith took exception with Rybeck's

comments about police being “too important to issue tickets.” Lt. Smith stated that officers do write tickets for buses, but often buses turn off their engines when they see police, making enforcement difficult.

Hinterlong pointed out that in their own document, they called for a need to park 500 buses and talked about this site. Rybeck said that it was never seriously considered. Funk asked why the Ward 2 Transportation Planning Coordinator was never replaced, so that we had someone to talk to about these issues. Rybeck said that they have talked to a candidate for that position.

Trimble asked if this would mean more buses near Thomas House. She also complained about the buses idling in the parking lot next to Thomas House. Rybeck said that she should call the Mayor’s Call Center, 727-1000, if she sees buses idling, and they would dispatch a parking enforcement officer. Neidich said that the parking enforcement officers are under staffed.

Jo-Ann Neuhaus, Executive Director of the Penn Quarter Neighborhood Association said that they should use the site to hold some of the festivals that now take place on Pennsylvania Avenue. Linsky said that her office’s mission was to bring economic development into the area.

Frona Hall asked about security. Linsky said that the site will be monitored full time. It will be illuminated, and more people means better security. A question was raised about encouraging people to drive into the neighborhood, vs. encouraging them to use metro or other forms of mass transportation. It would bring more congestion on the streets as 1000 people drive to the parking lot.

Funk said that this parking lot is a profit venture for DC to pay for the demolition of the site. Funk moved that the ANC accept the plan as revised, and add the Office of Planning, the DDOT and the MPD as signers to the agreement, that bus idling be added to the agreement and traffic control should be added to the amended agreement. Silverman said that other issues could be discussed at a later date, but that we should stick to the convention center site issues at hand.

Bailey said that he appreciated the spirit of Funk’s motion, but the hearing is on Tuesday and it might be difficult to accomplish all that by then. There was discussion about a traffic control plan. Kramer seconded Funk’s motion.

VOTE: Approved 4-2, Hinterlong and Brandon opposing.

New Business

6. ANC Policy and Procedure- Special Event Permits

Special events personnel from the Mayor’s Office addressed some of the problems with special events in the city. Brian Hubbard is with the DC Emergency Management Agency. Silverman asked if the ANC is going to have to review every special event that impacts part of this ANC. They responded that the ANC would review only parades, races and walks, but not festivals, which go through a different procedure requiring consent from all neighboring businesses. Kramer commented that organizations should have to show that there is a positive economic impact on the city. It is not enough for them to cover the costs of trash pick up and police staffing. The inconvenience to residents caused by street closings and losing police presence in the neighborhoods is not compensated. The second issue Kramer asked about is the issue of terrorism. These large events lend themselves to be targets for terror attacks. Hubbard said that steps are taken by the city to try to ensure the safety of the residents.

Jo-Ann Neuhaus, Executive Director of Penn Quarter Neighborhood, stated that she was happy to finally be asked for the neighborhood views on holding special events in their neighborhood. They would like to get fewer events on Pennsylvania Avenue, and no events that fence in the activity. These events should not be on Pennsylvania Avenue, but should be at JFK Stadium or perhaps at the new site at the former convention center. It's not a crime issue; it's a quality of life issue.

Silverman said that he would like to put together a standing resolution for special events. It will be discussed at a future ANC meeting.

7. Walk for Children (May 22, 2004), Event Permit Request

There was no representative from the event to answer questions. The event was viewed as low impact and noncontroversial by the Commission. Brandon moved approval, Trimble seconded.

VOTE: Approved 6-0.

8. Box Life Theater, 1336 14th Street, NW, ABC Application No. 50267 Class CX License, Consideration of Voluntary Agreement

Mark Zimin, Manager of Box Life gave an update on their voluntary agreement negotiations. He provided an updated version of the draft agreement to the Commission. Zimin feels that the Applicant has addressed parking concerns, hours of operations, noise and trash issues. None of the other protestants have signed off on the voluntary agreement yet, but they all had received a copy of the latest version as of the prior Friday. Eric Stultz, of Rhode Island West Neighborhood Association, thought that there were some issues outstanding, but that most have been resolved.

Jim Kane, a resident of Rhode Island Avenue and a protestant, said that three people have signed the lease for the property—Mark Zimin, Nick Nichols and “Hidden Agenda Corporation.” He showed documents that the property had been leased to be an exercise studio originally in October 2003. Kane commented that the liquor license application should be resubmitted to reflect what the business will be.

Zimin explained that Hidden Agenda was just a humorous name. The name on the liquor license is 1404 Rhode Island Avenue, LLC. The exercise studio was the Certificate of Occupancy (C of O) that was issued during the previous “sauna” days, according to Zimin. It cannot be changed until the construction is complete and the building is changed to a theater. Then, a C of O will be issued for a theater use.

Kramer said that she was Chair of the ANC during all the problems with Metro Café, and that there were ongoing problems that were never solved until the café was closed due to new construction.

Mike Duffy, manager of Helix Hotel, said that Nick Nichols (the former owner of the Metro Café who has some level of involvement with Box Life Theater) claimed that he never knew there was a noise issue at Metro Café, or he would have handled it. Nichols also said that he would not be a part of the legal operation of it, but would only be booking acts. Now they have found out that he is a signer on the lease and is much more involved than he represented. Duffy is

also concerned about the trash issue—he is not sure where the dumpster will be located, and has received no solid answer.

Lt. Smith said that he also remembered problems with Metro Café. Another neighbor said that he has had problems with Helix Hotel in the past, but they were promptly fixed. He feels that there are problems with density, getting people in and out, noise, etc. The application says that it is in the business district, but it really is not. This is a mixed use district.

Zimin said that many of the issues are addressed in the voluntary agreement. If they do not live up to the agreement, then they may lose their license. Kramer said that even if all the other concerns are addressed, she cannot imagine how this tiny location on 14th Street can handle the traffic.

Silverman said that he thinks it is one of the strongest agreements that he has seen. He has had conversations with several of the other protestants, most of who say that they are close to signing. Silverman said that he can see voting for it in the future, but he thinks that there are still a few outstanding issues and additional time is needed to allow the protestants to fully consider the latest revised draft.

The issue was tabled until the next meeting. Silverman promised to put it on at the beginning of the agenda.

Old Business

9. Hamburger Mary's, 1337 14th Street, NW, Request for Public Space Rental for Unenclosed Cafe

Glenn Mlaker, owner of Hamburger Mary's, is seeking eight outdoor tables. He has signed a voluntary agreement with his neighbors, the Reeds, on this issue. Kramer moved to approve. Funk seconded.

VOTE: Approved 6-0.

10. Rice Restaurant LLC, 1608 14th Street, NW, § Request for Public Space Rental for Unenclosed Café

Somsak Pollert of Rice Restaurant is requesting outdoor seating of eight tables, with sixteen seats. The furniture will be moved inside at night. Kramer moved approval of the request. Funk seconded.

VOTE: Approved 6-0.

Mimi Trimble left the meeting at 11:25 p.m.

11. 1117 10th Street, NW (Quincy Court), Proposed Traffic Control Plan

Paul Tummonds presented the traffic control plan for 1117 10th Street (Quincy Court). It has been approved by Craig Baldwin. Neidich objected to their use of public parking spaces and the sidewalk for construction materials in their project across the street. He has similar concerns on this project. From May until November 6 spaces on the east side of the road, plus one lane of the west side of the road will be closed. Neidich asked what residents are to do when both

lanes are closed, and they have a truck blocking the middle lane. Kris Manning of Clark Construction said that he could call him at 301-272-8100 any time he saw a problem. With this caveat, Funk moved that the ANC move the traffic plan as presented, Hinterlong seconded.

VOTE: Approved 4-0 (Silverman had temporarily left the meeting.)

12. 1301 M Street, NW – Jefferson at Logan Circle, Proposed Tree Removal

1301 M Street-Jefferson at Logan Circle has six existing street trees. They are all in 4 x 10 tree boxes. They are proposing replacing them with nine 3' caliper trees. Adam Steiner of Lewis Scully and Gionet, Landscape Architects, will oversee the planting and make certain that they are healthy and as large as they need to be. There will be Red Maples on M Street, and Willows on 13th Street. Funk moved approval, Brandon seconded.

VOTE: Approved 5-0.

13. 13th Street Quality Market & Deli, 1209 13th Street, NW

Kramer gave an update of the 13th Street Quality Market negotiations. They are not going well. Funk visited the store and purchased several items that the owner promised he was no longer going to sell, plus Philly blunts. He was also panhandled outside by two different persons. Kramer said that the owner has agreed to clean up the outside, but not much else. The next protest hearing is April 13. Brandon moved to continue. Funk seconded.

VOTE: Approved 5-0.

Treasurer's Report

Hinterlong moved that the ANC approve a resolution acknowledging that the officers of the ANC be signers on the checking account. Kramer seconded.

VOTE: Approved 5-0.

Hinterlong moved acceptance of the following expenditures:

\$300.00	National City Christian Church, May rent
726.62	Sherri Kimbel, March wages
32.00	DC Treasurer, March withholding
53.68	Verizon, phone bill
682.10	US Treasurer, 1 st quarter Federal payroll taxes
43.20	DC DOES, 1 st quarter unemployment
70.61	S. Kimbel, reimbursement for office supplies

With a recent quarterly allotment payment, this leaves a balance of \$17,786.41 in the account when these checks have cleared. Kramer seconded.

VOTE: Approved 5-0.

Quarterly Financial Report

Hinterlong moved approval of the quarterly report. Brandon seconded.

VOTE: Approved 5-0.

There being no further business, the meeting was adjourned at 11:45.