

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

IN ATTENDANCE: Cary Silverman, Chair (arrived 7:10 pm)
Helen Kramer, Vice Chair
Tom Funk, Secretary
Miriam Trimble
Jim Brandon
Bob Hinterlong- absent

Community Forum

Kramer started the meeting at 7:05 in the absence of Chair Silverman.
Commissioner Reports: Helen Kramer said that she and Funk would be attending mediation for the protest of the renewal of the liquor license at 13th Street Quality Market.

Public Safety / PSA Report

Lt. Smith announced that Wag Time's Certificate of Occupancy for Boarding has been revoked and announced that Capt. Groomes has been promoted to Inspector Groomes. He was questioned about the prostitution problem around Thomas Circle. Smith said that the lead prostitution officer was killed in an armed robbery last month, and he has not been replaced yet. Smith urged citizens to keep calling and reporting prostitutes when they see them. He was told that there is still a problem with parking on the sidewalk in front of the Post Crossing apts.

Ramona Burns, Ward 2 Transportation Planner

Ramona Burns introduced herself as the new Ward 2 Transportation Coordinator. She deals with transportation problems in the ward. She reported that work on Thomas Circle will begin in the Fall. She was asked to check into the repaving of Naylor Court, an historic alley. Kramer asked about traffic signals at the corners of 11th and O, and 13th and O, which have been promised for several years. Burns said she would look into it and let her know. Burns said she doesn't have a list of what is budgeted to be paved next year, but would get it to the ANC as soon as she had it. Funk asked about the residential permit parking for the area around the convention center. In response to a question, she said there was a five-year moratorium on utility replacement when they pave a street or sidewalk, although WASA's lead pipe replacement program has overridden that this year. Burns' contact info is 672-2234, email Ramona.burns@dc.gov

Cary Silverman arrived at the meeting and said he wanted to make some announcements. He said he testified at the HPRB hearing for 1314-1320 14th Street NW. At the hearing, the Board decided that the new addition should be shorter by 1-2 stories. Silverman also reported on the revocation of the Certificate of Occupancy for Wag Time. He met with Mr. Powell, the owner of the auto repair parking lot in the alley abutting the 1400 block of Corcoran Street. They have cleaned up the tree box and are looking into landscaping and fencing. He then announced that this is his last meeting for the ANC as he is moving to Mt. Vernon Square. Kramer said that she wanted to express the appreciation of the commissioners and the public for the hard work and long hours he has put in to make the neighborhood better. A round of applause followed.

1151-1153 14th Street, sidewalk safety discussion

Silverman said that he spoke with Charlene Dickens of DDOT, who was present at the meeting, about this issue. Peter Roberts, Executive Director of Thomas House, said that they have had a good relationship with the builders up to this point, but the fact that the developer wants to close the sidewalk along 14th Street is a problem. The residents would like them to put in a covered walkway. Dr. Edward Sayre, President of the Thomas House Residents Council, said that having the sidewalk closed would be a real hardship for many of the residents. Many can't cross 14th at the circle, so they go down 14th to L Street, which is a smaller intersection. This sidewalk closing would eliminate that option. Joan Millen said that she is concerned about trucks entering the site, and the fact that they want to move the bus stop on that corner.

Silverman said that the normal procedure is for the contractor to come to the ANC when they are ready to begin construction. This issue came to the ANC early, due to their concern, but that it is just a discussion at this time. The full hearing will take place at a CDC and ANC meeting. Kramer said that she wanted to reiterate that the timing on the pedestrian walk signal at 14th and Thomas Circle is too short for able bodied persons to cross, let alone elderly. Al Hedin of PN Hoffman said that they plan to relocate the bus stop until construction is completed. It is impossible to construct the building with the bus stop in place. He said he thought a covered walkway would not provide the protection needed, as there is no other way to access the site—no side or back alley. He wants to review it and try to find a better solution—he is in favor of working on the timing at that corner. They are sending a letter to DDOT about the light timing and the surface of the roadway there.

Silverman said that he hoped that all parties would come to an agreement prior to the next CDC meeting on August 25th. That will make it go thru smoothly and then onto ANC at the September meeting. Charlene Dickens said that PN Hoffman knows they will not get their permits until the ANC has signed off on the traffic plan.

Community Announcements & Open Forum

Gregory Melcher addressed a problem on the 1300 block of Naylor court in the Blagden Alley historic district. 1317 and 1325 Naylor Court were grandfathered in as repair shops. If a property in a revised zoned area is not used in that way for three continuous years, the zoning reverts to the R-4 zoning. This property has not been used for repair shops for over three years. He would like to have a letter sent to the acting Zoning Administrator to make certain that no C of O's are issued for such a use in the future.

Andrea Doughty said that Wag Time could still operate until they receive their written documentation. She wants to ask the Office of the Attorney General to expedite this issue so that neighbors get their peace and quiet back. They would like to ask ANC 2F to write a letter to the Office of Attorney General to expedite the matter.

A request was made from the Turkish American Cultural Organization for a special event at Freedom Plaza on September 19th. It was determined that not enough information was available for the Commission to take a vote on it at this meeting. They will come back in September.

Eric Marshall of Breathe Free DC gave an update on their issue to make DC totally smoke free. They do not have the votes to get on the ballot this year. Funk said he supported it.

George Banker of the Army Ten Mile gave an overview of a 10 mile race to be held October 24th. They are asking for no road closings, but will have the runners accompanied by police. The race starts at 8 am and will be over by 10:30 am. It will cross into ANC 2F at Independence Avenue only.

Cary called a short break at 8:30 pm.

Approval of Agenda

Silverman added 1317 Naylor Court to the agenda, and a letter expediting the Wag Time C of O issue to the agenda. The revised agenda was approved by acclamation, 5-0.

Approval of Minutes of June 2, 2004

The minutes were approved by acclamation, 5-0.

Community Development Committee (CDC) Report

1. 14th and R Street: Variance for court no longer needed. Due to some revisions to the project, the court variance was no longer necessary, and the developer wanted to let the ANC know. It is just a pro forma matter.
2. 1010 Massachusetts Avenue The alley bisects the lot, and they would like to close it to use the full frontage of the lot. The closing of an alley requires the approval of Congress so they are starting the process. The CDC approved the request.
3. Square 317, Request for closing a portion of a public alley, bounded by K, 11th, I and 12th Streets - The property fronts I Street, and the alley is off of I Street. It is currently used for parking, not public right-of-way. There will be no vehicular access to the back of the building. There will be a loading dock off of 12th Street. Delivery trucks are completely off street when they deliver. The parking garage entrance and exit is off of 11th Street.
4. 1410 Q Street, NW, review of rear addition- not enough material was presented, so the developer is coming back to the CDC in August.
5. 1125 11th Street – the developer and architect presented revisions to the project. The committee suggested the blank wall be broken up with striations or with “fake” windows to break it up. The committee voted to recommend that the ANC approve the concept design and massing of the building, with further review later of the articulation of the masonry on the M Street side.

Kramer moved that the ANC move approval of items 1-3 and 5. Funk seconded.

VOTE: Approved 5-0. Funk to draft letters for items 2,3 and 5.

6. 1401 Q Street The developer requested three variances:

1. A Special Exception is sought from the requirement of section 1901.1 of the Uptown Arts – Mixed Use (Arts) Overlay District zoning regulations that retail or service establishments occupy no less than 50% of the ground floor. The project provides 37 percent of the ground floor for such uses. The first floor of this building is very deep, and the developer argues that it would be difficult to find commercial tenants who would want to have more than 40 feet of space from the 14th Street entrance. Kramer said that the developer would be giving an update on this issue.
2. An interpretation or Special Exception is sought for section 1901.6, which limits eating and drinking establishments to no more than 25% of the linear foot frontage within the Arts Overlay District. The regulation is ambiguous as to how this limitation is to be measured. The developers do not want to be constrained if the limit is applied on a building-specific basis. Kramer said that this item has been dropped by the developers and is no longer sought.
3. A variance is sought from section 773.3, which requires 15% of the gross floor area of a residential building located in a commercial district to be used for recreational purposes. They are providing 6%, including a large community room off the courtyard. The building will have a roof deck, private terraces and private balconies, a total of 4,339 square feet, which do not count toward the zoning requirement. They do not want to count the roof deck as public space because section 773.9 requires that it be accessible to those with mobility limitations, which would require elevator access to the roof. This would necessitate making the mechanical penthouse higher, contrary to the efforts to reduce the building height.

Kramer said that there was some discussion on a restaurant morphing into a nightclub. The Q Street residents have since then presented a petition asking for additional parking if the developer obtains their variance for reduced recreational space, requesting no more height, even if it is for a roof structure, and saying that there were enough restaurants on that section of 14th Street already. Lindsley Williams presented some changes made since the CDC meeting. They have added additional parking spaces, bringing the total to 35. They have added some recreational space. They have withdrawn their request for approval of less than 50% of the retail space requirement and will not be putting in a restaurant.

Williams said that there are 26 apartments; they could have up to 30. Zoning requires one space for every two units. They are providing 35 spaces, which is more than one to one.

Silverman said that this ANC has previously granted exceptions for recreational space, usually to alleviate undesirable elements. This building has such an element.

Kramer moved that the ANC support the request for a variance from Section 777.3 (recreational space requirement) taking into consideration that the developer has made substantial changes to meet the requirements of the HPRB, and that they cannot count space such as the roof deck and balconies as recreational space; further that the ANC support a variance from the 50 percent ground floor area retail space requirement, as the difference is less than four percent. The Commission took note that the developer is providing more than the required number of parking spaces. Silverman added that the developer has said that they will provide two levels of parking, absent any problems with ground water, etc. Brandon seconded.

VOTE: Approved 5-0, Silverman to write letter.

7. 1529 14th Street, Phaeton on 14th, request for tree removal – Douglas Bissanti and Steven Dickens presented changes to their request. There are two sycamores and one pin oak at the front of the property. They now request to remove the pin oak and the northernmost sycamore tree, saving the middle sycamore tree. They would trim the middle tree back. Silverman asked whether the PepCo vault could be moved slightly to save the tree on the left. Donald Bradhurst, an arborist, said that the north tree has a solid trunk on it, but that the vault will weaken the root system a lot. The pin oak is not in particularly good shape. Monica Pusalati said she had extensive work done two years ago in this area and the tree survived with no problem. Eric Colbert said that the crane they will be using cannot go around the trees. They are using pre-fabricated slabs and they will be bringing them in from the front. Pusalati said that they really do not need the trees removed for the vault, they need them removed for the crane. John Grimberg said they are sacrificing these trees as a cost containment issue. They are some of the last trees of their size on 14th Street.

Kimbel asked how they would know that the tree left would survive when Bissanti said that all three trees would die if they were not given permission to take them down. The arborist said that the northernmost tree was damaged already.

Bissanti said that they would put in replacement trees and that they wanted trees in front of the project. Kramer moved that the ANC approve removal of the pin oak and the northern sycamore, subject to the developer replacing the trees with the maximum caliber that can be used, and that they work with the arborist. Trimble seconded.

VOTE: Approved 5-0

New Business

1317 Naylor Court was presented earlier by Greg Melcher. The request is to write a letter to the BZA asking that the zoning administrator enforce that the zoning revert to the original R-4 zoning. Brandon seconded.

VOTE: Approved 5-0, Hinterlong to write letter with assistance of Kramer and Greg Melcher

Silverman moved that the ANC send a letter to the Board of Zoning Adjustment asking that the revocation of the C of O for Wag Time be expedited.

VOTE: Approved 5-0.

Old Business

Silverman presented a standing resolution regarding special event permits. In drafting this resolution, Silverman consulted with Alexander Padro, Charles Docter and the Penn Quarter Association, and they are all in acceptance of the resolution. This resolution should be included in all packets of those who need approval of ANC2F for their special event. If this resolution applies to their event, they will not need to make a formal presentation to the commission. Silverman moved adoption of the resolution. Trimble seconded.

VOTE: Approved 5-0, Silverman to send the letter to the Special Events office. Kimbel asked if this resolution would mean approval for the Army Ten-Miler that was presented at the meeting earlier. Silverman said that it did, and that their event was approved.

Treasurer's Report

The following expenditures were presented for approval:

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| 300.00 | National City Christian Church, August rent |
| 709.15 | Sherri Kimbel, June wages |
| 32.00 | DC Treasurer, June withholding |
| 655.26 | US Treasurer, 2nd quarter Federal payroll taxes |
| 155.40 | Cary Silverman, reimbursement for Internet hosting for one year |
| 54.00 | Verizon, phone bill |

In addition, we need to approve a check for DC DOES (unemployment). We do not have this bill yet, due to a problem with the mail that is being resolved, but it is due this month. We have not received the Verizon bill either, but it is always around \$54. In addition, we need to approve a check to DC Treasurer in the amount of \$32 for July withholding, and a check not to exceed \$750 for Sherri Kimbel's wages for July. The check signers will verify the amount prior to signing the check.

Funk moved approval of the treasurer's report. Brandon seconded.

VOTE: Approved 5-0.

There being no further business, the meeting was adjourned at 10:00.