

ADVISORY NEIGHBORHOOD COMMISSION 2F

Minutes of Regular Public Meeting

September 7, 2005, 7:00 PM

Washington Plaza Hotel, 10 Thomas Circle, NW

Submitted by: Chris Kohatsu, Executive Director, ANC2F

Present: **Chairman Charles Reed (2FO1), Jim Brandon (2F02), Chris Dyer (2F03), Bob Ellison (2F04), Sandra Biasillo (2F05), Mike Nelson (2F06)**

Absent: **None**

Community Forum

(Announcements and Reports)

Chairman Reed noted that a quorum was present, called the meeting to order at 7:00 PM and directed that a copy of the notice of the meeting be filed with the minutes.

Commissioner Announcements

Dyer said he wanted to thank everyone participating in the tree inventory project that happened as a joint project with LCCA. He stated that if anyone is free on September 15, 2005, to please join him in the Charge of the Light Brigade – a citizens group to inventory broken street lights and areas that need better lighting. Please see him or email him at: chris@christopherdyer.com for further information.

Brandon announced that his son works in New Orleans, Louisiana. He read an excerpt from an article published in *The New York Times* praising the work and heroic efforts of his son during the aftermath of Hurricane Katrina.

Reed announced that **Bob Ellison**, having been duly sworn now sits as the fully participating ANC Commissioner for SMD 2F-04, and welcomed him to the Commission.

Gottlieb Simon, Executive Director of the Office of ANC was welcomed to the meeting by **Reed**. Simon introduced **Mark White**, his assistant.

Crime and Safety Report PSA 307 – Sgt. Stuart Emerman, MPD

Emerman reported that crime is down 15% from last year. There is a 57% decrease in robberies. An earlier incident where four juveniles were running around with guns on the 1300 block of P Street has been resolved and the matter turned over to the judicial system. There has been a slight increase in assault with domestic weapons. Bicycles are being stolen again. Lighting in back alleys should be requested by residents in order to curb this.

1307 12th Street (Tremont) – In this matter, two occupants known to have drug ties have entered into an agreement to vacate the premises. MPD is working with INS officials because they understand that one of these individuals is to be deported. Currently, the U.S. Attorney's office is having problems closing cases.

October Operation Fight Back – In response to citizen requests for the next Operation Fight Back to focus on the 1200 block of N Street, unfortunately, the current plans cannot be changed. The October Operation Fight back will focus on the 1300-1500 block of 9th Street on the West side as originally planned.

15th & P Street, NW, Day Laborers – An organizing network met at the Foundry United Methodist Church on Sunday, September 4, 2005. Emerman was present at the meeting, and said that MPD is trying to curb public urination, sexual harassment, and sidewalk alcohol consumption and drug use. Residents should call MPD when harassed, assaulted, or if witnessing drinking and drug use.

PSA 307 Police Force – Currently, the PSA is short three officers: two due to injury, one is in the process of being promoted. The Commander has assigned **Officer Joseph McKenna** to be the new partner to **Officer Michelle Caron**.

Nelson asked if Emerman was aware of the spike in prostitution and in drug trades in the 9th Street area. He asked about police activity observed over the weekend. Emerman answered that Lt. Mike Smith made a couple of arrests in the area. He elaborated that the Major Narcotics branch of MPD is undergoing a large management change as is the Anti-Prostitution Task Force. Emerman said that prostitution is a difficult crime to charge because one of the two parties involved must admit to being part of the crime. This necessitates having an undercover police officer involved, which is difficult due to limited MPD resources.

Nelson asked if the Shiloh Baptist Church was closing 9th Street for a festival. Emerman stated that he believed this was the case, but wasn't sure. **Dyer** and **Nelson** stated concerns that the Church had not come before the ANC for permission, but during the discussion it appeared that block closings for festivals do not require ANC input.

Community Announcements

Rob Halligan, an ANC commissioner from the adjoining Dupont Circle ANC announced that the Third District Citizens Advisory Council meets monthly and for September, will meet in Logan Circle with Commander McCoy to talk about crime in the Third District. The meeting will be held on Thursday the 27th at 7 PM.

Debra Erenberg, from the Center for Science in the Public Interest, gave a presentation on the MEAL Act (Menu Education and Labeling), to be introduced by Councilmember Mendehlson next month. This act will require fast food restaurants to list calories and fat content on their menus, and will only apply to chain restaurants with 10 or more locations. The purpose of the act is to help people manage their health. Erenberg

stated that Americans eat out twice as much as they did in the 70's. Without nutrition information most people don't realize if they are making bad decisions for their body.

Erenberg stated that this bill is supported by many medical organizations and was introduced last year, but did not receive endorsement from Councilmember Evans. She passed around a petition asking the councilmember to support it. **Reed** said Erenberg should wait until a bill is introduced before the City Council in order to receive ANC2F's support.

Ed Bailey, owner of Halo, a nightclub at 1435 P Street, thanked ANC2F for its support of Halo's expansion. The newly renovated bar will be open in the next few days. He also informed the community that Halo will begin posting placards for an entertainment license. Bailey stated that Halo is not seeking permission for a dance floor. Rather, the application will seek to allow cover charges or live entertainment. He stated that many fundraisers are held at Halo, and with this endorsement the establishment can raise money at the door.

Giorgio Furioso said that on Saturday, Sept. 10, 2005, the art galleries in the neighborhood would be having open houses to coincide with the opening of the restaurant, Viridian.

Bob Darling asked if there was an ANC policy aimed to make our environment more healthful and beautiful. He cited works from the Mayor and forestry department. He said that ANC2F encourages development that cuts down trees and forestry, unnecessarily, in his mind. A 12th Street developer ended up cutting down two trees in order to get the Commission's approval. Currently, 25 Logan Circle paved over their garden and cut down more trees to create parking space. He asked what citizens can do to approach members of the ANC to care for the environment. **Reed** answered that the Commission will act upon information it receives of illegal activity such as un-permitted home additions such as described, and solicited such information from the community.

Sean Metcalf, of Ward 2 Councilmember Evans's office, announced that on September 22, Evans is having a community hearing at 1350 Pennsylvania Avenue to introduce legislation to toughen prostitution laws.

Desi Deschaine from the Executive Office of the Mayor spoke on ways citizens can help with Hurricane Katrina evacuees. Approximately 290-300 people arrived into the District from Louisiana, of them 11 children, and all children are being placed in D.C. public schools. Deschaine stated that the American Red Cross is running a temporary shelter at the D.C. Armory and that their greatest need is money. **Deschaine** urged donations to the Red Cross at 1-800-HELP-NOW, or www.redcross.org.

Sgt. Emerman noted that Sept 23-24-25 the IMF returns to DC, a period in which protests and other traffic dislocations can be expected. **Chris Kohatsu** added that the IMF meetings will be followed by anti-Iraq war protests (and counter-protests).

The meeting recessed for five minutes.

Business Meeting

The meeting was recalled to order at 7:40 pm. **Reed** noted that the agenda was quite large, and that audience commentary would therefore be limited.

Approval of Agenda

Without objection, the Commission adopted agenda additions offered by **Dyer** (requesting a letter to DC forestry officials in light of **Darling's** concerns, and another letter to the managing construction company performing work at 13th & M streets because their workers have been observed soliciting prostitution), **Brandon** (to approve Whole Foods pending application to outdoor seating area), **Reed** (requesting investigation of allegedly un-permitted additions to HR-57 club in 1400 block of 14th Street). Upon motion by **Brandon**, seconded by **Biasillo**, and after discussion, the agenda as amended was unanimously approved.

Approval of July Minutes

Minutes of the meeting of July 6, 2005 were presented and were approved. The Executive Director was instructed to file them and to post them on the Commission's website.

Public Safety and Housing Matters

N Street Resident Associations

Jennifer Trock spoke on behalf of the condominium associations and residents from the 1200 block of N Street with respect to the issues of: prostitution, drug dealing, loitering, and aggressive pan-handling. Trock asked the ANC to provide assistance in combating these issues, specifically in seeking dedication of more police resources in the area.

Trock stated that on that block, there were four areas that needed monitoring: N Street, the BP gas station, the alley at Mr. Wash, and the Tremont Apartments.

She reported that the BP Station (on 13th Street) allows aggressive pan handling, public urination, and employs pan handlers. The station has a posted no-loitering policy which the surrounding Residents would like to see the owners enforce.

As to the 1200 block of N, residents complain that from 10:00 pm until 7:00 am prostitutes and drug dealers are active, including engaging in crack deals and pot smoking on the sidewalk. They encourage the ANC to work with MPD in order to get the right resources and prohibit this behavior.

Trock stated that the alley running between Mr. Wash and the BP Station is a “hotbed” for prostitution activity and drug sales. In addition, the alley is used for public urination and defecation. The residents request increased police foot patrols, as well as a commitment from ANC2F to work with project managers of construction in this area to curb these activities.

Trock further stated that MPD has been effective in working with the neighborhood to rid 1307 12th Street (The Tremont) of problem tenants. The residents ask that the ANC work with the property owners to make housing available and affordable to teachers, police officers, firefighters, and emergency response personnel.

Trock then presented a proposed resolution for consideration by the Commission. **Reed** deferred the matter to **Ellison** in light of the fact that the properties discussed were within his SMD. Ellison thanked Trock and the residents for their hard work and an impressive presentation.

Ellison moved that ANC2F adopt the proposed resolution as presented. **Brandon** seconded. Discussion ensued. **Nelson** asked **Emerman**’s opinion whether enforcement in this area would push crime to 11th and 9th Streets. **Emerman** said that if he were to answer it would just be a guess. **Dyer** asked if the BP gas station can go after them at the DCRA level. **Reed** moved to amend the motion on the floor, to add a specific provision that ANC2F communicate with the construction project at 1301 M Street, (as previously mentioned by **Dyer**) requesting its management to cause its workmen to halt communication and solicitation of prostitutes. **Brandon** seconded. The amendment was unanimously accepted and the following resolution was adopted:

WHEREAS, residents of the area bordered by 12th, 13th, N, and O Streets NW (“N Street Area”) have observed increased criminal activities; and

WHEREAS, residents have observed, among other things, crack-cocaine sales on front-door steps, on the sidewalk, in the alley, and at the BP Gas Station (1301 13th Street NW), prostitution on the street and in the alley, aggressive pan-handling and loitering, public urination, and other illegal activities; and

WHEREAS, the community requests the assistance of ANC2F in addressing the heightened criminal activity in the N Street area, it is

RESOLVED, That the above recitals are incorporated herein by reference, and it is,

FURTHER RESOLVED, That ANC2F request increased MPD foot and car patrols in the N Street Area especially during the hours of 10 PM until 7 AM, and it is,

FURTHER RESOLVED, That ANC2F request an increased focus on the N Street Area by MPD's Anti-Prostitution Task Force and Drug Enforcement units; and it is

FURTHER RESOLVED, That ANC2F contact the project managers of the construction work occurring at 13th and M Streets, to halt the solicitation of prostitution by their laborers; and it is

FURTHER RESOLVED, That ANC2F request that the District Government promptly replaces all broken streetlights in the area, including the one at 1217 N Street and the one at 1300 N Street; and it is

FURTHER RESOLVED, That ANC2F request a government issued streetlight survey of the N Street Area, to determine whether it is eligible for additional street lighting; and it is

FURTHER RESOLVED, That ANC2F send letters to the owners of the BP gas station, the District Consumer Regulatory Agency (DCRA) and the Better Business Bureau (BBB) outlining these concerns and requesting that the BP (a) enforce its "no loitering" policy by hiring a security guard to be posted at the station; (b) provide a public restroom or enforce its no-urination policy; (c) exercise responsible hiring practices; and (d) install and maintain a trash can on the corner of 13th and N; and it is,

FURTHER RESOLVED, That ANC2F send a letter to America's Mini-Market and Deli at 12th and N Streets, the DCRA and the BBB outlining these concerns and requesting that the market maintain a clean and litter-free outdoor area and install a trash can on the corner of 12th and N Streets; and it is,

FURTHER RESOLVED, That ANC2F send a letter to MPD Police Chief Ramsey and Commander McCoy requesting more officers, including undercover officers, and other resources for PSA 307, increased involvement by the anti-prostitution and drug enforcement task forces, and additional street patrols in the N Street Area; and it is,

FURTHER RESOLVED, That ANC2F will work with the owners and property manager at the Tremont to attract tenants in need of affordable housing, such as teachers, firefighters, police officers, and emergency response personnel.

VOTE: Unanimous (6-0).

Public Space, Street Closings, Traffic and Parking Matters

By ruling of the chair, **Reed** asked that discussion of and action upon all street closing requests be consolidated and acted upon in a single resolution. After presentations by applicants for street closing permits, upon motion by **Dyer**, seconded by **Biasillo** and after further discussion, it was

RESOLVED, That this Commission has reviewed the applications for street closing permits submitted to it and indicated below, and finding that such closures would not unduly inconvenience residents nor adversely impact businesses within the vicinity of the closures, such requests be and are hereby recommended to the District of Columbia Emergency Management Agency for approval in accordance with the respective requests:

- **AIDS Walk Washington**, September 30, 2005
- **Fannie Mae Help the Homeless Walk**, November 19, 2005
- **Leukemia & Lymphoma Annual Light the Night Walk**, October 6, 2005
- **Thomas G. Labrecque Classic Road Race**, November 20, 2005
- **Race for Hope**, May 7, 2006, and it is,

FURTHER RESOLVED, That the appropriate officers of this Commission communicate the foregoing advice to the District of Columbia Emergency Management Agency.

VOTE: Unanimous (6-0).

Found Sound – Public Art Project

Lisa Kolker appeared before the Commission representing **Found Sound** in support of a pending public space permit to place a unique sound booth on the sidewalk in front of 1412 14th Street, NW, as a public art display in which citizens may experience artistic sounds. Following the presentation, upon motion by **Reed**, seconded by **Dyer** and after discussion, the Commission,

RESOLVED, That the Commission, finding that the proposed use of the space would promote the arts, would not unduly impact the foot traffic on 14th Street, and not unduly inconvenience residents nor adversely impact businesses within the vicinity of the project, advise the District of Columbia Department of Transportation Public Space Committee that the permit application of Found Sound for a public space permit to place a sound booth at 1412 14th Street, NW, from October 15 through November 5, 2005 be granted, and it is,

FURTHER RESOLVED, That the appropriate officers of this Commission be and are hereby authorized and directed to communicate the foregoing advice to the District of Columbia Department of Transportation Public Space Committee.

VOTE: Unanimous (6-0).

1010 Massachusetts Avenue Traffic Control Plan

Jesse Delgado, who had requested time to present a request of Commission approval of a traffic control plan, did not appear, and this matter was tabled.

12th Street Repaving and Rush Hour Restrictions

Eric Korpon requested that the Commission advise appropriate District agencies to remove rush hour restrictions on 12th Street (between Massachusetts and Vermont Avenues) and to repave the middle lane of 12th Street. **Sean Metcalf**, of Councilman Jack Evan's office, supported the request.

Ellison thanked **Korpon** for bringing this to the attention of the Commission. Upon motion by **Ellison**, seconded by **Dyer** and after further discussion, the Commission,

RESOLVED, That Advisory Neighborhood Commission 2F, finding that rush hour parking restrictions places an undue hardship upon the residents of 12th Street, NW, between Massachusetts and Vermont Avenues, noting that such restrictions were of relatively recent origin, and further finding that the removal of such restrictions would significantly alleviate the burden on the area without unduly creating traffic hazards or delay, advise DDOT to remove such restrictions, and it is,

FURTHER RESOLVED, That the Commission further notify DDOT that this portion of 12th is in disrepair and advise that it be repaved expeditiously, and it is,

FURTHER RESOLVED, That the appropriate officers of this Commission be and are hereby authorized and instructed to implement the foregoing resolution.

VOTE: Unanimous (6-0).

Shared Car Services Public Parking Spaces

Dyer spoke in support of a pending request by ZipCar, a shared car company that serves constituents in the neighborhood, before DDOT to lease eight (8) public parking spaces below Massachusetts Avenue and outside of Logan Circle's residential zone.

Brandon opposed the proposal on grounds that the shared car companies are for-profit and therefore, do not deserve free parking. **Nelson** noted that ANC2F had at its July meeting endorsed the concept and had recommended the Commission approved two (2) spaces, one for ZipCar and FlexCar (another car-sharing service company). He stated that eight (8) additional spaces would bring the total amount to ten free spaces in the neighborhood. **Reed** asked for Brandon to clarify his objection, pointing out that the spaces are not provided free, but are leased for a fee from the City. **Brandon** stated that he parks on the street, and he and his constituents struggle daily to find parking spaces. **Dyer** remarked that studies have shown that ZipCar encourages car-sharing and once again, the suggested spaces are far from residential areas.

Brian Vargas stated that he and his wife recently moved to the District and sold their cars, based on the knowledge of shared-car companies available to them. He said that having the service available to them encouraged them to get rid of their cars and ease the burden of traffic in the neighborhood.

After further discussion, Dyer moved for approval of the suggested eight spaces for ZipCar. Biasillo seconded, and it was

RESOLVED, That ANC2F, finding that ZipCar, provides residents an alternative to owning cars, with the potential benefit to the community of alleviating parking problems, advise DDOT to accept the request of ZipCar to lease eight (8) parking spaces South of Massachusetts Avenue, and it was

FURTHER RESOLVED, That the appropriate officers of this Commission be and are hereby authorized and instructed to implement the foregoing resolution.

VOTE: Approved (5-1, **Brandon** dissenting).

Community Services

Black Cat Annual Art Grant

Reed stated that he was contacted by **Dante Ferrando**, owner of the Black Cat Club on 14th Street, who stated that he would like to support arts in the community by making small grants (generally, \$250-\$500) to worthy projects and asked the Commission to refer applicants to him.

Frank Mobilio, president of Logan Circle Community Association, asked that his contact information be passed to Ferrando.

Liquor License Matters

Veranda, 1100 P Street NW

Mary Brown reported on progress in dealings between the owners of Veranda and nearby residents who have protested the pending liquor license application. She stated that ongoing negotiations looking toward a voluntary agreement appeared promising and asked for ANC2F participation as a co-protestant. **Aleksander Duni** and **Orland Duni**, owners of Veranda, addressed several community concerns, stating that only computer or radio music was intended in the background, and no disc jockeys were to be involved. No nightclub operation is intended. The patio would be used for outdoor dining in warm weather. The menu would feature tapas and mezze from Spain, southern France, Italy, and Greece.

The restaurant's interior would feature an open kitchen seating area, with two or three wait staff, one to two bartenders, and a small staff in the kitchen.

Reed noted that the relationships did not seem intensely adversarial and augured well. **Nelson** asked if both parties would seek resolution before the protest deadline of the September 20, 2005. Both answered it was possible. **Reed** pointed out that in order to preserve standing under ABRA procedures and D.C. statute, the Commission needed to file a protest, and moved for approval of the protest of the Veranda application with **Nelson, Reed, Brown** and **Tim Hillard** designated as representatives of the Commission before the ABC Board. **Nelson** seconded. After further discussion, it was decided

WHEREAS, the application for a Class C Liquor license on behalf of Veranda, pending before the Alcohol Beverage Control Board (“ABC Board”) was presented to this Commission at its public meeting held September 7, 2005, for the purpose of enabling the Commission to render advice to the Board with respect to such application pursuant to § 1-309 of the District of Columbia Code; and,

WHEREAS, the Commission heard extensively from members of the community at large, the applicant, and residents of properties adjoining or nearby the premises of the applicant, be it,

RESOLVED: That in light of concerns as to hours of operation and potential noise from music and other community concerns, ANC2F seek to negotiate a voluntary agreement (the licensee having indicated its willingness to do so, among other protestants and the licensee) and, in order to protect the interests of the Community pending execution by the parties of a mutually satisfactory voluntary agreement and its acceptance by the Alcohol Beverage Control Board (“ABC Board”), ANC2F protest the application pending the execution of a mutually agreeable voluntary agreement which is approved by the ABC Board, whereupon the protest

shall be withdrawn; and the appropriate officers of the ANC be and are hereby authorized and directed to file such protest; and it is;

FURTHER RESOLVED: That Chairman Reed, Commissioner Nelson, Mary Brown, and Tim Hillard be and are hereby authorized to negotiate a voluntary agreement containing terms that are consistent with voluntary agreements recently approved by the ANC and consistent with published ANC policy on such agreements, and to present the same to this Commission for its approval; and, it is

FURTHER RESOLVED: That the aforesigned persons be and are hereby appointed, as a group or individually, to represent the Commission in proceedings on this matter before the ABC Board.

VOTE: Unanimous (6-0).

Embassy Suites, 14th and K Streets, NW

David Del Russo, General Manager of the applicant and **Roderic Woodson**, its counsel, requested the Commission to support the pending Class CR license application, including a stipulated license. **Del Russo** stated that the hotel's restaurant would have a 255 seating capacity, with a sidewalk café on the North side of the structure, and that DDOT's Public Space Committee had already approved this. He stated that the hotel is expected to serve Convention Center visitors and to become a destination for the community. Del Russo said he intends for the hotel to operate as a good neighbor to the community.

Reed moved to advise the ABC board that the license be granted as applied for and pending that, the ABC Board authorize the stipulated license. Biasillo seconded, and after discussion, the following resolution was adopted:

WHEREAS, the application for a Class C Liquor license on behalf of Embassy Suites Hotel, 1000 K Street, NW pending before the Alcohol Beverage Control Board ("ABC Board") was presented to this Commission at its public meeting held September 7, 2005, for the purpose of enabling the Commission to render advice to the Board with respect to such application pursuant to § 1-309 of the District of Columbia Code; and

WHEREAS, the Commission has reviewed such application and has heard from representatives of the applicant and taken public comment thereon; be it,

RESOLVED, That Advisory Neighborhood Commission 2F finds that (1) the application complies with the liquor license policies promulgated by the Commission with respect to applicants within this Commission's boundaries, (2) the applicant's location is in an essentially commercial

area in which residential tenancies will not be adversely impacted by the applicant's proposed operations, and (3) applicant's outdoor sidewalk café will be a welcomed amenity to the area; and it is,

FURTHER RESOLVED; That the Commission determines that the issuance of the license is unobjectionable, and recommends to the ABC Board that the application as submitted to the ABC Board be approved; and, it is,

FURTHER RESOLVED, That Advisory Neighborhood Commission 2F finds that in the interests of the Commission's community that the Hotel operation proceed without undue delay, and for that reason further recommends to the ABC Board that a stipulated license issue to applicant pending expiration of the posting/placard period and formal action on the application by the ABC Board; and it is,

FURTHER RESOLVED, That the appropriate officers of this Commission be and are hereby authorized and directed to communicate the foregoing to the ABC Board and to take such further action as may be required to effectuate the purposes of the foregoing resolutions.

VOTE: Unanimous (6-0).

La Lima Restaurant and Lounge, 1401 K Street NW

Chris Kohatsu announced that the ABRA notice was sent to the wrong ANC and that a commissioner from that ANC forwarded the ABRA notice information. **Dyer** stated that he did not want to protest this application, as it was far from a residential area. **Giorgio Furioso** noted that there are residential projects under construction such that the applicant's premises will have nearby residents. **Helen Kramer** said that recent arrivals to the neighborhood may not know the history of this area, which has prostitution, with prostitutes using local lounges, sufficiently rampant that it creates traffic blockages at 2 am. **Reed** favored a formal, protective protest.

Upon motion by **Reed**, seconded by **Brandon**, and after further discussion, the following resolution was adopted:

WHEREAS, the application for a Class CR Liquor license on behalf of La Lima Restaurant and Lounge pending before the Alcohol Beverage Control Board ("ABC Board") was presented to this Commission at its public meeting held September 7, 2005, for the purpose of enabling the Commission to render advice to the Board with respect to such application pursuant to § 1-309 of the District of Columbia Code; and,

WHEREAS, the Commission did not receive timely notice of the application, due to the fact that the notice from ABRA was sent to another ANC, and,

WHEREAS, the Commission would not ordinarily protest an application for license where the premises are located in the downtown D.C. business districts that do not have nearby residential tenants or that do not have an over concentration of licensed facilities, and,

WHEREAS, the Commission determines to file a protest unless a committee consisting of Commissioners Dyer and Reed after review of the application satisfy themselves that the operation proposed by the applicant will be consistent with the Commission's liquor licensing policies, will not adversely impact residential tenancies or tend to exacerbate existing prostitution problems in the area, be it,

RESOLVED, That Advisory Neighborhood Commission 2F, ("ANC2F") having concerns over the potential impact on noise, traffic and location of the applicant's premises in an area where prostitution problems have been and continue adversely impacting the Commission's area, protest the application ABC Board, and it is,

FURTHER RESOLVED, That in such protest, the Chairman of ANC2F, any commissioner thereof, and Tim Hillard, or any of them, shall be designated to represent the Commission in such protest before the ABC Board, and it is,

FURTHER RESOLVED, That the filing of a protest be delayed until the last day for filing such protest unless Chairman Charles Reed and Commissioner Dyer in their good faith judgment determine that the operation proposed by the applicant will be consistent with the Commission's liquor licensing policies, will not adversely impact residential tenancies or tend to exacerbate existing prostitution problems in the area, in which case no protest shall be filed, and, it is,

FURTHER RESOLVED, That the appropriate officers of this Commission be and are hereby authorized and directed to take such further action as may be required to effectuate the purposes of the foregoing resolutions.

VOTE: Approved (5 – 1, Dyer dissenting).

Vegetate Update 1414 9th Street NW (#72764)

Nelson reported that the application approved by this Commission was nevertheless protested by Shiloh Baptist Church and the protest period extended due to

assertions (false in **Nelson**'s view) by certain persons that the application was not properly placarded.

Nelson read a letter restating the story. Shiloh Baptist Church used a bus to drive 100 people to protest at the meeting, and there, the ABC board forced the applicant to go through a delay. **Dyer** suggested that the Commission send a very strongly worded letter to ABRA from the ANC, because in good faith, a deal was negotiated, and now, an organization whose membership is not a part of our district has usurped us. **Reed** stated that because the ABC Board has already required re-placarding, there was no action for the ANC to take. He suggested the ANC might support a stipulated license to ease the problem of the delay to the applicant. As a stipulated license may pose other problems for the applicant, **Nelson** undertook to confer with the applicant and determine whether they wished to seek a stipulated license.

Community Development Committee (CDC) Report

Consent Calendar Items (*matters as to which CDC action was unanimous*)

Noting objection from **Ken Rosenau**, the Commission modified the consent calendar by removing 1306 Rhode Island Avenue.

Upon motion by **Dyer**, seconded by **Nelson**, and after further discussion, it was,

RESOLVED, That the recommendations of the Community Development Committee presented to the Commission in its report, be and are hereby adopted with respect to:

- 733 15th Street, NW (Zoning Exemption)
- 1200 R Street, NW (Traffic Control Plan)
- 1312 Naylor Court, NW (Roof Deck Approval)
- 1110 Vermont Avenue, NW (Public Space Permit)
- 900 Massachusetts Avenue, NW (Recommendation to HPRB of concept, massing, and design), and it is,

FURTHER RESOLVED, That the appropriate officers of this Commission be and are hereby authorized and directed to take such further action as may be required to effectuate the purposes of the foregoing resolutions.

VOTE: Unanimous (6-0).

Regular Calendar Items (*matters as to which CDC action was not unanimous*)

1600 14th Street (Modification of Traffic Control Plan)

A request for support for a modification of the existing TCP for this project was presented to the meeting. Upon motion by **Dyer**, seconded by **Reed** and after further discussion, the Commission,

RESOLVED, That the Commission, finding that the requested modifications to the traffic control plan for the construction project at 1600 14th Street (which modifications consist of leasing the first three parking spaces on the North side of Q Street, West of 14th to use for a dumpster, site trailer and storage in order to free up masonry staging space on the site) will reduce safety hazards on the site and avoid further delays to the project, thereby accelerating the end of adverse impacts on the surrounding area caused by the construction disruption, and further finding that these advantages outweigh the disruption and inconvenience to the surrounding area of removing the three parking places, advise DDOT that it approve such modification; and it is,

FURTHER RESOLVED, That the Commission in making such advice relies upon the representation of the developer that the use of such spaces will be leased only for the period from September 15, 2005, to February 15, 2006 unless inclement weather conditions over the winter require a slight additional period to complete masonry work, and it is,

FURTHER RESOLVED, That the appropriate officers of this Commission be and are hereby authorized and directed to take such further action as may be required to effectuate the purposes of the foregoing resolutions.

VOTE: Unanimous. (6 – 0)

1306 Rhode Island Avenue NW (recommendation to HPRB of concept, design, and massing)

Ken Rosenau stated that, contrary to the representations on behalf of the developer made at the CDC meeting which reviewed this matter, the building is a single family home and not an eight (8) unit dwelling. **Kramer** asked that this new information be sent to the CDC because it was not an improvement from eight (8) to four (4) and added density to the neighborhood. She stated that the way the architect presented it was that there would be a reduction in usage rather than an increase in density. **Dyer** said that this issue is not of importance to HPRB. Furthermore, Dyer stated that opponents of the project were present at the meeting, and that the committee voted unanimously to approve the project, and would probably do so again if the project were to return to the CDC.

Reed stated that if what Rosenau presented is true, the Commission owes it to the integrity of the process, and to our constituents to hold the party accountable for misrepresentation of information.

Reed moved, and **Nelson** seconded the following resolution in which the Commission, after further discussion,

RESOLVED, That having heard from citizens familiar with the structure at 1306 Rhode Island Avenue, Commissioner Dyer be and is hereby appointed to investigate the information presented before the CDC, and it is,

FURTHER RESOLVED, That if Commissioner Dyer determines that the matter was presented without misrepresentation, the Commission advise the Historic Preservation Review Board to approve the concept, design, and massing of the project, and it is,

FURTHER RESOLVED, That the appropriate officers of this Commission be and are hereby authorized and directed to take such further action as may be required to effectuate the purposes of the foregoing resolutions.

VOTE: Unanimous (6 – 0).

Old Business

HR-57 – 1610 14th Street – Application for a sidewalk café.

Kohatsu informed the Commission that DDOT's Public Space Committee sent notice of approval of its application for a sidewalk café.

Reed stated that while discussing this establishment, it had come to his attention that it may be making illegal improvements.

Upon motion by **Reed**, seconded by **Brandon**, and after further discussion, it was

RESOLVED, that having been notified by constituents of possibly illegal construction at 1610 14th Street, the Commission authorizes Chairman Reed to investigate the matter, if he finds that such illegal construction is occurring that the Commission take such steps as appears necessary and appropriate to cause enforcement action against such construction by the proper D.C. agencies.

FURTHER RESOLVED, that if the matter proved to be correct, and illegal construction was occurring, Chairman Reed would be authorized to

contact the appropriate District agencies, with the full backing of the Commission, so that stop-work orders could be issued.

VOTE: Unanimous (6-0).

Tree Repair

Upon motion by **Dyer**, seconded by **Nelson**, and after further discussion, it was,

RESOLVED, That the Commission and the Logan Circle Community Association having jointly surveyed and inventoried damaged and dead trees throughout the area, the Commission deems it to be in the best interests of the community, and for its health, safety and beautification, a report of such survey and inventory be forwarded to the appropriate District of Columbia agency with the request that damaged and dead trees be repaired and replaced, respectively, and it is,

FURTHER RESOLVED, That Commissioner Dyer be and is hereby authorized and directed to implement the foregoing resolution.

VOTE: Unanimous (6-0).

Whole Foods – 1450 P Street NW

A proposal for an outdoor seating and bicycle storage area on the public space was submitted by Whole Foods Market, 1450 P Street, NW for which a permit has been sought from DDOT. The design was a minor modification of one previously approved by the ANC.

Upon motion by **Reed**, seconded by **Brandon**, and after further discussion, it was

RESOLVED, That ANC2F, finding that the plans for outdoor seating and bicycle storage as presented to the Commission by the applicant for a public space permit pending before DDOT would be a useful welcome public amenity for the community, advise DDOT that the application be approved, and it is,

FURTHER RESOLVED, That the appropriate officers of this Commission be and are hereby authorized and directed to take such further action as may be required to effectuate the purposes of the foregoing resolution.

VOTE: Unanimous (6-0).

Treasurer's Report

Upon motion by Dyer, seconded by Reed, and after discussion, it was,

RESOLVED: That the treasurer's report be and is hereby accepted; and the following expenditures authorized and ratified, as the case may be:

D.C. Treasurer - \$5.50 (Kohatsu August withholding)
D.C. DOES - \$47.65 (Unemployment)
Sherri Kimbel - \$132.00 (July/August wages)
Christina M. Kohatsu - \$700.00 (August wages)
Verizon - \$289.65 (June, July, August)
Earl Fenwick, Jr. - \$1,000 (website development)
Sandra Biasillo – open check for office supplies, amount to be determined after purchases are made.

VOTE: Unanimous (6-0).

Adjournment

The meeting duly adjourned at 10:10 pm.