



**Foggy Bottom & West End Advisory Neighborhood Commission 2A** ([www.anc2a.org](http://www.anc2a.org))  
**Regular Meeting Minutes**

Wednesday September 19, 2012 7:00-9:00 p.m.  
School Without Walls 2130 G Street, NW

**Call to Order**

Chair Florence Harmon called the meeting to order at 7:01pm. Commissioners Graham Galka and David Lehrman were also present. When Commissioners Armando Irizarry and Asher Corson arrived at 7:08 pm, quorum was obtained. Commissioner Rebecca Coder was not present.

Chair Harmon stated changes to the agenda: An item regarding EastBanc and West End Library project will be added per Commissioner Coder's request. An update on the New Hampshire project and the installation of a stop light on 22<sup>nd</sup> and I Streets also will be added to the agenda.

Chair Harmon made a motion to adopt the agenda. Commissioner Galka seconded the motion which was voted upon and passed. **(VOTES 5-0-0)**.

**General Agenda**

**Safety Report**

Officers reported that crimes overall has decreased in the area, including violent crimes. However, the crimes that were committed were preventable and were crimes of opportunity: such as robberies from autos involving stealing of laptops and GPS items. The crimes occurring at Whitman Place and Columbia Plaza were not related. Thefts from dorm rooms were internal thefts and are handled by GWU police.

**Public Comments**

**Chair Remarks**

Community member Ellie Becker introduced the staff firemen for Fire Station Engine 23. They stated this station was slated for renovation starting in a few months, which will maintain the design and original feel of the building, with improvements occurring in the interior.

The firemen stated the smoke detector program has started, whereby the station will check smoke alarms and assist in installing them. Residents can request a free smoke and carbon monoxide detector. Contact information is 202-673-3331.

**Updates**

**West End Fire Station**

Chair Harmon stated the item regarding the new temporary location of the West End Fire Station (while it is undergoing renovations) will be discussed at the October meeting when DMPED staff will be invited to provide a presentation.

#### Watergate

Commissioner Irizarry stated CVS/pharmacy will move from their current space in the Watergate into the space where the former Safeway was located, and will expand and have more grocery items and staples. Opening date is targeted for spring 2013. No vendor has been identified to occupy the space where the CVS is currently located.

#### Parking Permits

Chair Harmon stated Council Member Jack Evans has requested ANCs to respond to the parking permit issue. Chair Harmon announced a Parking Permit Think Tank Forum will be held on Wednesday September 26 from 6:30-8:30pm at Wilson High School that will focus on a comprehensive curbside parking management policy. There is also an online survey. Several upcoming Think Tank Forums will be held throughout the Wards.

#### PEPCO

Chair Harmon stated the Public Service Commission will hold a hearing on PEPCO on October 11 at 10am. To testify, community members must sign up by October 4<sup>th</sup>. The Public Service Commission has made changes to the application for Utility Discount Program. For more information, contact P. Walker at the PS Commission at 202-626-9168.

#### DDOT Public Space Committee: New Hampshire Avenue Project

DDOT staff addressed issues about plans for transitioning New Hampshire Avenue as two-way between Washington Circle and M Street and Dupont Circle and traffic light at the intersection of 22<sup>nd</sup> and I Streets and other issues pertaining to the New Hampshire Avenue project.

#### DDOT: Traffic signals

DDOT has provided notice to proceed to the contractor to start construction of traffic signal at the intersection of 22<sup>nd</sup> and I Streets. The work will involve digging to install conduits and manholes for the traffic signals. DDOT plans to have the traffic signal operational in December 2012.

Community member Ellie Becker suggested the installation of a stop light at 22<sup>nd</sup> and H Street. She was told that DDOT will conduct a study. Chair Harmon stated it was good news that by December 2012 there will be a traffic signal at the intersection of 22<sup>nd</sup> and I Street.

#### DDOT: New Hampshire Avenue from H Street to Dupont Circle

DDOT staff involved in this portion of the New Hampshire Avenue Project updated community members on following topics related to the Project:

#### *Landscaping*

Based on community requests from last month, crepe myrtle trees will be planted on the medium island on New Hampshire Avenue. ANC2A must coordinate with NPS regarding this request. DDOT will plant the trees.

### *Parking Spaces*

There will be no net gain or loss to the parking spaces on New Hampshire Avenue as a result of the construction project.

### *Sidewalks*

DDOT requested a speedy decision from ANC2A regarding the type of material for the sidewalks along New Hampshire Avenue. It does not include the sidewalk in the historic district, which will remain brick.

DDOT provides its sidewalk standards on its website. There are three types of sidewalk in DC:

- Concrete pavers (2" thick) lying on top of 4" concrete slab lying on top of 4" gravel base;
- Aggregate Concrete (4" thick) lying on top of 4" gravel;
- Brick lying on top of ¾" mortar lying on top of 4" concrete lying on top of 4" gravel base.

The current plan involves two types of materials for the sidewalks on New Hampshire Avenue:

- Exposed 4" aggregate concrete on 4" thick gravel is planned for the sidewalks on New Hampshire Avenue north of Washington Circle.
- Brick on concrete is planned for the sidewalks on New Hampshire Avenue south of Washington Circle. The brick sidewalks will be reduced in width where tree roots extend and will provide gullies for water to flow into the roots and trees.

DDOT staff indicated that brick sidewalks are more susceptible to settlements with drainage and tree roots. Individual brick may pop up even with the new concrete bases. An example of brick sidewalks can be found on 24<sup>th</sup> street (west side) south to H Street, nearby the GWU School of Public Health project. Bikers are discouraged from using brick sidewalks, making it safer for pedestrians. Concrete can show its wear and also cracks. Both materials have maintenance problems.

Community members commented and raised issues regarding:

- Accidents on brick sidewalks, which are slippery when it rains;
- Management of trees growing along concrete sidewalks;
- Changing the sidewalks from brick to concrete can result as an eyesore.

Commissioner Irizarry asked for statistics or experience regarding which (brick or concrete) leads to more cracking or slipping. He was told that DDOT will contact them with information.

Commissioner Corson asked whether faux brick print pressed onto concrete is an option. An example of this type of sidewalk can be found on 55 M Street NW. Commissioner Corson was

told that this would affect the project schedule and may require them to submit a rebid. In addition, the pressed faux print can wear down and the paint can fade needing repainting.

Chair Harmon stated ANC 2A will consider a resolution, on the regulatory agenda, regarding the choice of sidewalk type on New Hampshire Avenue. The choice of sidewalk material is:

- Brick on mortar on concrete; or
- 4" concrete sidewalk with exposed aggregate.

### *Two-way New Hampshire Avenue*

Last month, DDOT staff presented to ANC 2A their proposal of changing New Hampshire Avenue from three lanes to a two-way street with a bike lane on the right lane. After hearing the community concerns last month, DDOT staff has now revised their plan. They now propose to keep northbound New Hampshire Avenue as a one-lane traffic lane, with a bike lane on the right. The southbound New Hampshire Avenue will remain two-ways. A bike lane southbound is under study. Safety for pedestrians was of primary concern, where pedestrians and vehicles compete for the light signals and right of way.

### *Construction Schedule*

DDOT staff presented the construction schedule for the next two months. It will involve reconstruction and resurfacing, starting from west side to east side.

### *Field Office*

There will be an onsite construction field office at 1712 I Street, Suite 100. Mike Tucker will be at this location.

## **Regulatory Agenda**

### **DDOT New Hampshire Ave project (sidewalks):**

Council Chair Harmon asked the community members and the Commissioners about their choice of sidewalk: concrete or brick. The majority of those present indicated a preference for concrete sidewalks. Chair Harmon made a motion to pass a resolution that DDOT rebuild New Hampshire Avenue's sidewalks in concrete. Commissioner Corson seconded the motion, which was voted upon and passed. (VOTES 5-0-0.)

### **Matters before ABRA and ABC:**

#### **Resolution re Council Member Graham's Proposed Liquor Legislation**

Chair Harmon stated that the DC Council had not yet passed Council Member Jim Graham's proposed ABRA legislation. Therefore, ANC 2A will postpone this issue to the next meeting in October.

### **EastBanc/Library**

Chair Harmon gave an update on this project. She stated EastBanc/Library project is being held up by a lawsuit from Renaissance Project, which has appealed the Zoning Commission order.

Chair Harmon stated the West End Library Friends have written a letter to Ralph Nader to encourage speedy resolution of this matter so that construction could begin. Commissioner Corson stated that all the organizations listed on this letter were united on this issue and expressed this at the Zoning Commission Hearing. He is disappointed that this project is being delayed.

Chair Harmon made a motion to permit the inclusion of ANC 2A's support for the West End Library Friends letter. Commissioner Galka seconded the motion, which was voted upon and passed. **(VOTES 5-0-0)**.

### **Marshall's Bar & Grill**

Representative from Marshall's explained the situation regarding a \$3000 ABRA fine they received. It involved an incident of a patron who had a drink in his hand and went outside the door to the summer garden area but within the property at 1:00 am.

The sidewalk café is within their property and is open to 11:00 pm. Liquor is not served at the sidewalk café after 11:00 pm, but it does continue to serve liquor in their bar inside until 1-2:30 am depending on the day.

Representatives of Marshalls requested that the hours of their summer garden be changed so that it stays open later.

Commissioner Corson stated Marshall's has been a good neighbor and is within his SMD.

Chair Harmon stated she has not heard of any complaints from residents regarding this establishment. She stated that Marshalls will have to apply for extended hours from ABRA. However, representatives of Marshalls stated they needed a letter from ANC 2A because they are bound by the voluntary agreement regarding the summer garden café.

Commissioner Corson made a motion to modify their voluntary agreement with ANC 2A to permit Marshalls to extend their summer garden closing hours to those of the indoor establishment, with the specification that the patio will only be used for individual patrons going outside from indoors, smoking with a drink in their hand. Alcohol and food will not be served in the patio after 11:00 pm. Commissioner Galka seconded the motion, which was voted upon and passed. **(VOTES: 5-0-0) (Attachment 1)**

### **ABDOTEL Hotel**

Commissioner Galka stated the Abdotel Hotel was located on the former Allen Lee Hotel on 23<sup>rd</sup> Street and Virginia Avenue. They are applying for a liquor license because they were proposing to establish a restaurant and an upscale hotel. Allen Lee Hotel has been used as a safe haven shelter for abused women.

Commissioners agreed to request ABRA to postpone consideration of a liquor license for planned restaurant at the hotel, located at 2224 L St, so the hotel's representative can present their proposal at the October meeting of ANC 2A.

## **DC Water**

Chair Harmon provided an update to the DC Water project on the repairs to the internal joints on M Street NW. She announced the scheduled work will begin Sept 24<sup>th</sup> at 8:00 am. The metal plates on the street will not be removed daily, only when necessary.

The remobilization and restoration project will start this month and continue through October 5<sup>th</sup>. It will involve removal of caps, replacing emergency valves.

Chair Harmon stated DC Water has informed that the water main break on 22<sup>nd</sup> Street and L Street has been fixed.

## **Matters before the DC Zoning Commission:**

### **ANC 2A minor modification to GWU Campus Plan re GW Advisory Committee**

GWU agreed to filing a joint modification with ANC 2A to their campus plan to modify the language pertaining to the GWU Advisory Committee, so that there could be at least three ANC commissioners on the GWU Advisory Committee: one representative from Foggy Bottom and another from West End area. ANC 2A has not appointed any members to this Advisory Committee.

Commissioner Corson expressed his gratitude to GWU for working with the community on this issue.

Chair Harmon made a motion to accept the draft resolution with agreed upon changes to support a joint filing with GWU to modify the Campus Plan's terms pertaining to the Advisory Committee. Commissioner Irizarry seconded the motion that was voted upon and passed.  
**(VOTES 5-0-0) (Attachment 2)**

### **Square 75**

Representatives of GWU provided an updated on Square 75 (2100 block of Pennsylvania Avenue) since their preliminary presentation in the fall 2011 and February 2012. GWU will provide a full presentation next month.

The Square 75 project will involve the construction of a Class A office building, which is eleven stories tall. Half of the property is zoned C4. GWU is requesting the Zoning Commission to extend its permit to the existing 90' building to the east, so that it can construct a new building. This involves amendment or modification to their Stage One PUD.

GWU representatives stated that the Square 75 will involve adjusting the alley behind the office buildings and President Condominium. They propose that the alley be moved to abut the President Condominium and to re-allocate parking spaces. GWU's request for the alley closing was filed in August 2012. A public hearing will be held on November 15, 2012.

GWU representatives stated that their proposed community amenities corresponded to half of the site which was approved in the Campus Plan:

- Pennsylvania Avenue building will be LEED Gold;
- Retail will be located on the ground floor of the Pennsylvania Avenue building;
- Rehabilitation of three houses (with preservation of their façade) on 2400 block of F Street into affordable housing containing 1/2/3 bedrooms;
- Streetscape improvements.

Representatives of GWU stated that residents of the President Condominium will not experience shadowing since the new Pennsylvania Avenue building is to the north of them. GWU is continuing discussion.

Chair Harmon stated the construction of GWU Square 75 development on Pennsylvania Avenue would greatly affect President Condominium located behind it on Eye Street.

The residents of President Condominium stated their concerns:

- the absence of a curb cut on Pennsylvania Avenue, NW;
- the parking garage entrance on I Street, NW;
- the relocation of the alley to directly abut the President Condominiums.

Their requests, among other things, were:

- moving the alley to other side of Rice Hall;
- washing windows of the President Condominiums by the construction management company;
- establishing green space next to President Condominiums.

### **Council Member Jack Evans' Request for Comments regarding Residential Parking**

Chair Harmon stated this agenda item regarding residential parking will be addressed at next month in October.

### **Hilton Garden Inn**

Representative from the Hilton Garden Inn stated they were to go before DDOT Public Space Committee with their proposed revision of the driveway entrance and curb cut. They are asking for approval from ANC2A. The representatives provided a history of the project: DDOT requested and approved 3' layby. However, the community opposed this request. After discussion, the layby has been proposed to be an 8' layby.

In response to community concerns about the signage (specifically its size and location), the representatives stated it has not been determined, but signage will be according to the Zoning Commission's approval order.

Representatives of Hilton Garden Inn also discuss issues pertaining to the paving, curb cut, driveway, bike rack, tree planting and landscaping, and canopy.

Chair Harmon made a motion to indicate to DDOT that ANC 2A has no objection to the signage and the revision of the driveway entrance, and to the agreed upon curb cut layby. Commissioner Corson seconded the motion, which was voted upon and passed. **(VOTES: 5-0-0) (Attachment 3)**

**Administration**

**Adoption of ANC2A Minutes**

Chair Harmon stated the minutes of ANC 2A of July 10, July 11, July 18 and August 15, 2012 will be voted upon at the next meeting in October.

The ANC2A meeting was adjourned 9:08 pm

**ATTACHMENT 1: ANC 2A Resolution re Modification of Voluntary Agreement with Marshall's Bar & Grill**

Government of the District of Columbia  
Foggy Bottom and West End  
Advisory Neighborhood Commission 2A



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c/o West End Library

1101 24<sup>th</sup> St., N.W.  
DC 20037

Washington

September [ ], 2012

Mr. Fred Moosally, Director  
Alcoholic Beverage Control Board  
2000 14th Street, NW, Suite 400S  
Washington, D.C. 20009

Re: Marshall's Bar & Grill  
2524 L Street NW Washington, DC 20037

Dear Fred:

At its duly noticed, regularly scheduled meeting on September 19, 2012, with five of the six commissioners present constituting a quorum, ANC 2A voted unanimously (5-0) to provide support, under certain specified conditions, for the extension of the summer garden hours for Marshalls Bar & Grill, located at 2524 L Street NW, Washington, DC 20037.

We understand that that the ABC Board recently imposed a fine of \$3,000 on Marshalls for a patron who had stepped outside to the summer garden area with a drink in hand after the summer garden hours ceased. While ANC 2A appreciates ABRA's enforcement of license restrictions, this establishment has not been the source of neighborhood complaints about late night noise from its patrons. Therefore, ANC 2A would like to explore the possibility of avoiding such fines by extending Marshall's summer garden closing hours to those of the indoor establishment, with the specification that the patio will only be used for individual patrons going outside to smoke with a drink in their hand. Alcohol and food will not be served in the patio after 11 pm. ANC 2A has a voluntary agreement with Marshalls and would be willing to modify it to extend the summer garden hours with the above restrictions if legally possible.

Please let me if we can proceed on this matter.

Sincerely,

Florence Harmon  
Chair

cc: Martha Jenkins, ABRA  
Tarek Moukly, Marshall's Bar & Grill

**ATTACHMENT 2: ANC 2A Resolution Re Minor Modification to GWU Campus Plan Advisory Committee Provisions.**

Government of the District of Columbia  
Foggy Bottom and West End  
Advisory Neighborhood Commission 2A



c/o West End Library 1101 24<sup>th</sup> St., N.W.

Washington DC 20037

November 13, 2012

Anthony Hood  
Chairman  
D.C. Zoning Commission  
441 4<sup>th</sup> Street, NW, Suite 210  
Washington, DC 20001

**Re: ANC Resolution Regarding Application of The George Washington University (“GWU”) for Minor Modification of Condition P-7 of Z.C. Order No. 06-11/06-12 (the Foggy Bottom Campus Plan and First Stage PUD)**

WHEREAS, PUD Condition P-7 (Paragraph a) of the Campus Plan Order states that key functions of the Advisory Committee would include: reviewing GWU’s compliance reporting, monitoring GWU’s compliance with the Order’s conditions, and reviewing GWU’s development proposals.

WHEREAS, these provisions of PUD Condition P-7 do not reflect the current views of the ANC 2A and GWU about issues of common interest, which view this Advisory Committee as simply a forum to facilitate communication between the community and GWU about GWU development proposals.

WHEREAS, the current provisions of PUD Condition P-7 could be interpreted to set up an unelected voting body whose scope is already a function of ANC 2A, by vesting this body with procedures that could be used to issue opinions to the Zoning Commission that could undercut the regulatory “great weight” afforded ANC 2A resolutions to the Zoning Commission under DC law.

WHEREAS, as elected officials, ANC 2A believes that it can represent the majority community view on GWU’s compliance and campus plans before the Zoning Commission, and GWU does not disagree with this conclusion. *See* Letter dated May 16, 2012 from Alicia Knight, GWU, attached hereto.

WHEREAS, in the four years since that Order was issued, the ANC 2A has not appointed members to the Advisory Committee due to ANC 2A concerns that the Campus Plan Order

establishes that committee as an unelected voting body that undercuts the regulatory “great weight” afforded ANC 2A under DC law as elected representatives of the community to advise the Zoning Commission on the community’s positions.

WHEREAS, particularly of concern to ANC 2A is the equally split membership of the Advisory Committee and its quorum requirements because the quorum is set at half of this membership.

WHEREAS, in the past, the ANC 2A was concerned that GWU could state its support for GWU’s compliance or plans without any community member participation whatsoever. *See* letter dated December 26, 2007 from L. Asher Corson, Chair of ANC 2A, attached hereto.

WHEREAS, the quorum requirements also indicate an ability of the Advisory Committee to issue opinions on zoning matters that may be considered by the Zoning Commission as representative of community views. Accordingly, ANC 2A has not appointed members to the Advisory Committee, such that it has not been established.

WHEREAS, based on comments by Chairman Hood and representatives of GWU and ANC 2A at the April 5, 2012 Zoning Commission’s hearing on the GWU Museum proposal, it appears that the Zoning Commission, GWU, and ANC 2A agree that the provisions of PUD Condition P-7 could be clarified to indicate that the Advisory Committee is simply a forum to facilitate community and GWU discussion of campus plan development issues, and not a body that will issue opinions to the Zoning Commission in campus plan matters that could undercut the positions of ANC 2A. *See* GWU letter dated May 16, 2012 from Alicia Knight, attached hereto.

WHEREAS, at a July 18, 2012 meeting, ANC 2A, with a quorum present, unanimously passed a resolution by a vote of 5-0-0, authorizing the Chair to file a joint letter of stipulation agreeing to the Application for Minor Modification of the GWU Foggy Bottom Campus Plan to clarify the role of the Advisory Committee as stated herein. Accordingly, ANC 2A hereby authorizes its Chair to stipulate to a joint letter supporting the Application of GWU for minor modification of the GWU Foggy Bottom Campus Plan Order (ZC Case Nos. 06-11/06-12). On October 26, 2007, the Zoning Commission’s combined Order for the Campus Plan case (ZC No. 06-11) and the omnibus Planned Unit Development (“PUD”) case (ZC No. 06-12) included PUD Condition P-7, “Advisory Committee Proffer.”

WHEREAS, ANC 2A intends this proposed change to clarify the terms of the Advisory Committee in the Campus Plan Order, so that it operates in a manner acceptable to both GWU and ANC 2A.

WHEREAS, ANC 2A has collaborated with GWU in this matter and believes that GWU does not oppose this minor modification.

WHEREAS, in an effort to address these concerns, GWU and ANC 2A have agreed that the provisions of PUD Condition P-7 should be clarified in the Combined Campus Plan Orders in Case Nos. 06-11/06-12, by inserting the following three items from Ms. Knight’s letter dated May 16, 2012 into this combined Zoning Commission order:

- The Advisory Committee shall be a forum for communication and shall not take any “action” as a body on the issues presented for discussion.
- The administrative procedures (outlined in the Condition) that govern the operation of the body shall facilitate the discussions for which the Advisory Committee was established and shall not create a voting or other “position-taking” role for the committee.
- The Advisory Committee shall not take positions on matters, and the role of the ANC and its standing (including the provisions for “great weight”) would not be affected in any way.

WHEREAS, there are some who may argue that this change is unnecessary. ANC 2A believes otherwise. The ANC is an elected body, whose membership will inevitably change over time. Considering that the Campus Plan Order is intended to remain in effect until 2025, there is thus value in having the Zoning Commission state these points explicitly.

BE IT RESOLVED, these modifications are minor changes driven by collaboration of ANC 2A and GWU. ANC 2A therefore requests that the Zoning Commission make the above minor modification to Combined Campus Plan Orders in Case Nos. 06-11/06-12.

ON BEHALF OF THE COMMISSION

Sincerely,

Florence E. Harmon  
Chair

Cc: David Avitabile, Goulston & Storrs

**ATTACHMENT 3: Hilton Garden Inn – DDOT Resolution re revised driveway entrance, signage, curb layby**

Government of the District of Columbia  
Foggy Bottom and West End  
Advisory Neighborhood Commission 2A



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c/o West End Library      1101 24<sup>th</sup> St., N.W.      Washington DC 20037

September 29, 2012

Katrina Harrison  
Coordinator, DDOT Public Space Committee  
District Department of Transportation  
1100 4<sup>th</sup> Street, S.W., 2<sup>nd</sup> Floor  
Washington, DC 20024

Re:    DDOT Public Space Application for 2201 M Street, NW (Hilton Garden Inn) –  
      paving - Tracking No. 73121

Dear Ms. Harrison:

At its regularly scheduled meeting on Wednesday, September 19, 2012, the Foggy Bottom & West End Advisory Neighborhood Commission 2A (ANC 2A), the Commission voted unanimously, a quorum of five of the six commissioners being present, to support this application.

ANC 2A reviewed and supported these public space features of the Hilton Garden Inn. ANC 2A views these as modifications necessary for traffic control and landscaping.

ON BEHALF OF THE COMMISSION:

Sincerely,

Florence Harmon  
Chair

cc:    ANC 2A Commissioners  
      Christopher H. Collins, Holland & Knight



