



# **Advisory Neighborhood Commission 2A**

*"Serving the Foggy Bottom and West End communities of Washington, D.C."*

## Regular Meeting Minutes

Wednesday, February 15, 2014; 7:00 p.m.  
School Without Walls – 2130 G Street NW

### Call to Order

Chair Patrick Kennedy (01) called the meeting to order at 7:02 pm. Commissioners Rebecca Coder (02), Asher Corson (03), Armando Irizarry (04), Graham Galka (05), Florence Harmon (06), Jackson Carnes (07), and Peter Sacco (08) were present.

Commissioner Sacco made a motion to adopt the agenda. Commissioner Coder seconded the motion, which was vote on and passed (VOTES: 8-0).

### Community Forum

#### Safety Report

Officer David Hunter was present to give the safety report. Officer Hunter said that total crime in the neighborhood was down by seventeen percent and property crime was down by twenty-four percent.

Commissioner Sacco asked Officer Hunter about a question he had recently received from a neighbor regarding a lack of police enforcement during the closing and opening times of the hypothermia warming shelter at the West End Library. Officer Hunter said that at least once officer spent each night either in the shelter or outside in a cruiser.

Barbara Kahlow, a neighborhood resident, asked what was being done with regards to the homeless encampments located in between Foggy Bottom and Georgetown. Officer Hunter said that hypothermia season presented an interesting dilemma and that focus on homeless encampments would begin in the spring.

Officer Hunter talked about a recent scam where people posing as PEPCO employees were calling residents demanding money for unpaid bills. He told everyone to avoid any scams where people demand money over the phone.

Chair Kennedy asked about some recent violent attacks at local clubs. He asked if there were any visible trends with the attacks. Officer Hunter said that he hadn't noticed any trends in our neighborhood.

#### New Hampshire Avenue Streetscape Update

Ian Swain, the District Department of Transportation's (DDOT) representative for the project, was not present.

Chair Kennedy asked the audience if there were any particular issues that needed addressing since the project was supposed to finish the next month, and the audience talked about recurring issues that had already been discussed at previous ANC meetings.

#### Report from the Office of Councilmember Jack Evans, Ward 2

Kevin Stogner, General Counsel for Councilmember Jack Evans, was present to give an update for the Councilmember's office. He said that the office was working on a tax series recently raised in the Washington Post.

Commissioner Harmon said that she had not heard from DDOT on the ANC's resolution for residential only parking on one side of 22nd Street NW near the Shadow Room nightclub. She said that she might need help from Councilmember Evans' office.

Commissioner Irizarry told Mr. Stogner to thank Sherri Kimbel, Councilmember Evans' Director of Constituent Services, for her help with changing the policies of the neighborhood senior citizen supermarket shuttle.

#### Commissioner Announcements

Commissioner Sacco made a public announcement regarding the upcoming GW Senior Prom.

Commissioner Carnes made a public announcement regarding the D.C. Council's alley closing hearing for GW's Square 75 project, which was set to be held the next day.

Chair Kennedy said that two appeals had been filed of the Zoning Administrator's decision to grant building permits for the Hyatt Place Hotel, and that the Board of Zoning Adjustment (BZA) had scheduled a hearing on the matter.

Chair Kennedy also said that, at the recent quarterly meeting of ANC chairs with Mayor Gray, the Mayor's office said that it would be releasing a recommendation on the school feeder and boundary changes in May. Chair Kennedy said it could be problematic for our neighborhood because there is a chance that residents living in ANC 2A will no longer be in-boundary for Wilson High School.

#### Public Comments

Sara Shapiro, a local resident, talked about the ADA ramps that were set to be installed at 23rd and E Streets NW. She said that she found no ADA ramps anywhere in the city that used three parking spaces, and she wondered why E Street had to lose three spaces for the new ADA ramp. Chair Kennedy said that the work on the ramps had stopped

because of the cold weather. Ms. Shapiro said she wanted to change the plans while work had stopped, and Chair Kennedy said he was committed to making sure there was no loss of parking in the neighborhood.

## **General Agenda**

### Discussion of Supermarket Shuttle Policies

In giving a history about the situation with the supermarket shuttle policies, Commissioner Irizarry said that a new supermarket shuttle was created at the Watergate after the closure of the Watergate Safeway. He said that a new contractor, Terrific, recently took over for Family Matters as the shuttle operator. He added that the D.C. Office of Aging pays for the shuttle.

Commissioner Irizarry also said that during a recent snowstorm, only six or seven neighbors showed up for the shuttle, and were denied transportation because the driver said that the number of residents that showed up did not meet the minimum number required to operate the service. Commissioner Irizarry said that he and a few Watergate residents reached out to Councilmember Jack Evans' office, and Councilmember Evans got involved and ensured that the situation would not happen again.

Commissioner Irizarry said that the shuttle driver now knows where he can pick up neighbors in the case of bad weather. He added that the shuttle runs every Wednesday in the morning.

One local resident asked if small shopping carts could be brought on the bus. Commissioner Irizarry said he believed that they could.

### GWUPD Policies Discussion

Commissioner Corson said that he was curious about the G.W. University Police Department's (UPD) current door knocking policies. He said that since no one from UPD was present at the meeting, he would write a letter to UPD regarding the policies instead.

### Presentation by Office of Tax and Revenue

Norman Evans from the D.C. Office of Tax and Revenue (OTR) was present to talk about upcoming tax policy changes, including what was new for the 2014 filing season. Mr. Evans said that OTR was now offering prepaid Visa gift cards as a refund distribution option for refunds greater than \$25 and less than \$2,500. He said that the card would be convenient for those who do not have bank accounts and could be used for retail shopping and paying for bills online.

Mr. Evans then said that on this year's tax form, a date of birth box had been added to the personal information part of the form. He said that this was added to combat identity theft and to notify taxpayers about benefits they could receive based on their age.

Mr. Evans said that OTR encourages people to file online, one option for which is the DC Free File program.

Mr. Evans then said that DC residents might be eligible to increase their tax refund. He said that those who qualify for the Federal Earned Income Tax Credit might now be eligible for the DC Earned Income Tax Credit.

Mr. Evans added that throughout March his office would be holding a series of tax assistance days.

Sara Maddux, a neighborhood resident, asked where she could pick up tax booklets. Mr. Evans said that he heard that they were being delivered to libraries. He added that OTR is printing less and less tax booklets each year as more taxes are being done online.

Commissioner Irizarry asked what services would be offered to local seniors. One local resident said that AARP and the D.C. Library would be offering services.

#### Presentation on Prospective P.U.D. Application at 2100 K Street, NW

David Avitabile from Goulston & Storrs was present, representing the applicant for the property.

Chair Kennedy prefaced that he and Commissioner Harmon had already met with the applicant. Chair Kennedy said that the applicant had not submitted a PUD application yet and that an amenities discussion would happen at the next ANC meeting.

Mr. Avitabile said that the property was being presented as a PUD. He added that the property was located 2100 K Street, adjacent to International Finance Corporation (IFC) building.

Mr. Avitabile then introduced Mark Helian, the architect for the project. Mr. Helian showed images of the current site and the plans for the new building. He said that the new building would seamlessly connect with the IFC building. He added that there would be a small loss of parking spaces on the site, as well as the removal of the windows on the back interior portion of the IFC building.

Mr. Helian said that the new building would look distinctly different from the IFC building, and that it would have its own identity.

Mr. Avitabile said that the alley on the site was a private alley, so there would be no alley closing process with the DC Council. He also said that the IFC perimeter security barriers would continue around the rest of the new building. He added that the new barriers would require a public space application.

Mr. Helian said that new retail space would be introduced at the corner of 21<sup>st</sup> and K

Street that would connect to a larger retail space on the second floor. He said that there would be a maximum of 4,000 combined square feet of retail space.

Commissioner Coder asked who the property owner was. Mr. Avitabile said the applicant was Professional Associates and that the IFC would lease the new space from Professional Associates with the possibility for the IFC to purchase the space in the future.

Commissioner Harmon asked where the PUD would apply to. Mr. Avitabile said that the PUD would apply to the entire block, including both the new project and the current IFC building.

Commissioner Corson asked if any variances would be needed. Mr. Avitabile said that there were technically no variances since the PUD would apply to the entire site in order to increase the Floor Area Ratio (FAR) on the new project building, which would give the applicant an additional 40,000 square feet on the site.

Commissioner Coder asked why the applicant was applying the PUD to the entire site and not just to the piece of this new project. Mr. Avitabile said that, by applying the PUD to the entire site, it would allow the applicant to increase the FAR, where the additional 40,000 square feet would be brought over to the new project site.

Sara Maddux, a neighborhood resident, said that the IFC building was originally supposed to have a movie theater and space for the community, but that it never matriculated. She also said that, in order for the project's new retail space at 21st and K Street to succeed, the applicant would need to have retail space at the corner of 21st and Pennsylvania Avenue.

Barbara Kahlow, another neighborhood resident, wanted this PUD application to reflect the prior IFC PUD application, which was withdrawn by the IFC and never acted upon by the BZA. Mr. Avitabile said that the IFC withdrew their original PUD application because they were able to build the IFC building to an increased height of 130 feet through a new law at the time that enabled such added height through transferable development rights (TDR), which thus rendered the need for a PUD application unnecessary. Ms. Kahlow said that the neighbors would bring up the prior PUD application by the IFC, even though the IFC withdrew their PUD application, in this PUD process.

Commissioner Carnes asked about the history as to why the old IFC PUD benefits were never provided. Mr. Avitabile said that the benefits were never provided because the IFC withdrew its PUD application. Ms. Kahlow said that she wanted to do an analysis of this at the next meeting. Mr. Avitabile added that it was based on the new transferable development rights (TDR) law that was passed around the same time as the original IFC project. She said that the IFC was built with purchased TDR credits, rather than pursuant to the approved PUD.

## **Regulatory Agenda**

### **Report by Ward 2 Education Network**

Chris Sondreal, ANC 2A's representative on the Ward 2 Education Network, was present. Mr. Sondreal talked about the last network meeting that drew more than 100 residents to talk about changes to school feeder patterns and boundaries. He said that, as a follow up to the meeting, the network would be making recommendations to D.C. Public Schools (DCPS) on the changes.

Regarding upcoming neighborhood school events, Mr. Sondreal said that School Without Walls at Francis-Stevens would be having a partnership event at a local law firm the next day. He also said that Ross Elementary would be holding its annual auction on March 22<sup>nd</sup>. He added that the last open house at Francis-Stevens would be held the next Tuesday, and that the enrollment lottery closes on March 3<sup>rd</sup>.

### **Consideration of a Resolution in Support of Garrison Elementary School Modernization**

Mr. Sondreal passed out a resolution to the Commission in support of the modernization of the Logan Circle neighborhood's Garrison Elementary School. He said that the school was having a hard time attracting residents of the growing neighborhood. He added that the school did neighborhood surveys, and local residents said that they did not want to send their children to the school because of the school's aging facilities.

Mr. Sondreal said that the school was budgeted to get a phase one renovation in FY 2015. He then said that the school was among the worst on the current list of schools that have yet to get a renovation. He added that local residents were asking for the DC Council to budget for a full modernization of the school in FY 2015.

Commissioner Corson said that talking about walkability and maintaining the students' ability to walk to school might strengthen the resolution.

Commissioner Coder said she wondered if the Garrison Elementary School renovations would affect funds for the renovation of the School Without Walls at Francis-Stevens. Mr. Sondreal said that it should not and that Francis-Stevens was supposed to get a phase one renovation in FY 2015 as well. He added that the Home and School Association at Francis-Stevens had been talking to the DCPS Chancellor about moving the renovation forward.

Chair Kennedy added that the School Without Walls at Francis-Stevens received some minor renovation work in the 2008-09 academic year, while Garrison Elementary School received none.

Commissioner Coder asked for a friendly amendment to add the "West End community" to the second "whereas" of the resolution.

Chair Kennedy asked to waive the reading of the “whereas” sections of the resolution based on Mr. Sondreal’s description of the issue, and with no objections, he read the “therefore be it resolved” clause of the resolution aloud.

Commissioner Carnes made a motion to adopt the resolution. Commissioner Coder seconded the motion, which was voted on and passed (VOTES 8-0).

#### Application for a New ABRA License by Café Deluxe

Brian Sullivan, the applicant for the project, and his counsel, Andrew Kline were present to talk about the application.

Chair Kennedy said that the applicant was asking for an entertainment endorsement until 2 or 3 am. Multiple neighbors were not pleased with the idea of the ANC approving of an entertainment endorsement.

Mr. Sullivan said that he had heard about the ANC’s previous objections on the hours for the exterior patio, and he said that he would be filing an amendment to the ABRA application to reduce the hours.

Mr. Sullivan then said that the entertainment endorsement would be used for special events in an interior ballroom of the adjacent hotel and would not used for the actual Café Deluxe restaurant.

Chair Harmon, in whose SMD the project falls, distributed a resolution to the Commission, which objects to the sidewalk café hours portion of the ABRA application. She said that if the applicant’s amendment goes through, the ANC would withdraw the resolution.

Sally Blumenthal, the President of Condominium Association at 22 West, said that the residents were excited about Café Deluxe coming to the neighborhood; however, they were also concerned about the sidewalk café hours. She added that the residents were also concerned about the entertainment since the architecture of Café Deluxe has glass windows, which would not do much to contain the sound. Mr. Sullivan assured everyone that the entertainment would be in the interior hotel ballroom and not in the restaurant. He added that Café Deluxe’s business model does not call for restaurant entertainment.

Commissioner Coder asked if there would be any outdoor amplified music. Mr. Sullivan said that two outdoor speakers would be added, which would be just 4 by 6 inches large and would play music from the interior of the restaurant.

Commissioner Corson said that he prefers what the local restaurant Ris did to what the West End Bistro did for their sidewalk cafés. He said that Ris’ space makes it feel as

though the public still owns the space.

Commissioner Harmon said that she would like the applicant to amend the application so that it would state that the entertainment would only be in the ballroom and specifically not in the restaurant.

Commissioner Corson said that the hours for Café Deluxe should be consistent with other establishments in the neighborhood and that no other neighborhood establishments have amplified outdoor music.

Chair Kennedy proposed to amend the resolution to just say that ANC 2A protests the application based on adverse impacts to peace, order, and quiet, residential parking, vehicular and pedestrian safety, and impact on residential real property values. Commissioner Harmon also suggested that the resolution should state that Chair Kennedy and Commissioner Harmon would represent the ANC on the issue.

Mr. Kline said that, based on the multiple concerns voiced by neighbors, his team would not recommend that they amend the ABRA application any further in the event that his team has to go to a hearing with ABRA.

Commissioner Harmon made a motion to adopt the amended resolution. Commissioner Irizarry seconded the motion, which was voted on and passed. (VOTES: 8-0)

#### Public Space Application for Hyatt Place Hotel at 2121 M Street

Commissioner Harmon, in whose SMD the hotel project lies, talked about the public space application. She said that the ANC does not know if a new public space application was filed, and since the ANC has only heard that the new application was filed but that the ANC has not actually received the new application, that the ANC should object to any outstanding application.

Commissioner Harmon presented a resolution of objection to the public space application. She said the objection was based on the placement of the hotel's drop-off zone in the new street bike lane, in addition to other issues that the parties involved were currently addressing. She added that the ANC could withdraw the objection at a later point in time.

Commissioner Coder made a motion to adopt the resolution. Commissioner Irizarry seconded the motion, which was voted on and passed. (VOTES 8-0)

#### Resolution Regarding Exterior Sign at Hilton Garden Inn

Sally Blumenthal, president of the condominium association at 22 West, presented on the issue. She said that the Hilton Garden Inn would have a ribbon cutting in a few months and that residents had concerns about the new exterior sign the hotel installed. She also said that the ANC previously objected to having a backlit sign on the façade of the hotel

and that the plans approved by the Zoning Commission did not include a backlit sign.

Ms. Blumenthal then said that a backlit sign has recently appeared on the hotel. She said that she called the hotel's lawyer for the project, who said that the sign conforms to the previous zoning order. She added that she then contacted the Zoning Administrator to ask that they enforce the zoning order and explain why the sign conforms to the order.

Ms. Blumenthal said that she was asking the ANC to support the local residents in pushing the applicant to change the sign. She said that if the applicant does not change the sign, a group of local residents would appeal to the Board of Zoning Adjustment (BZA).

Commissioner Corson asked what the ANC would be voting on. Ms. Blumenthal said that the ANC would be part of a letter asking the Zoning Administrator to enforce the zoning order for the sign.

Commissioner Harmon made a motion to support Ms. Blumenthal's request. Commissioner Coder seconded the motion. Commissioner Corson asked for an amendment that the resolution should say that the exterior sign should not be installed. Both Commissioner Harmon and Commissioner Coder accepted the amendment as friendly. The final motion was voted on and passed. (VOTES: 8-0)

#### Application to List the Former O.S.S. Headquarters Building on the National Register of Historic Places

*Commissioners Harmon and Irizarry recused themselves from discussing and voting on the matter.*

Dr. Peter Sefton, the Landmarks Chair for the D.C. Preservation League, was present to talk about the matter. Mr. Sefton said that the D.C. Preservation League was looking to have the O.S.S. Headquarters building added to the National Register of Historic Places. He distributed a handout summarizing the history of the site.

Mr. Sefton said that the D.C. Office of Historic Preservation believes that the site is eligible for the National Register of Historic Places; however, the site has not been added yet.

Mr. Sefton added that the State Department, which owns the O.S.S. property, originally planned to tear down the building in 2008 to make way for a new State Department complex. He added that, currently, the State Department has promised to preserve the O.S.S. Building as part of the new complex.

Mr. Sefton said that he believes the National Register listing would help protect the building from the possibility of the State Department deciding to tear it down. He showed the Commission an old photo of the O.S.S. complex from the late 1950s.

Commissioner Kennedy asked what protections were in place under the National Register of Historic Places. Mr. Sefton said that a new federal law says that if a building is eligible for the National Register for Historic Places, the government should not tear it down or alter its historical context.

Commissioner Sacco made a motion to send a letter in support of adding the O.S.S. Headquarters building to the National Register of Historic Places. Commissioner Carnes seconded the motion, which was voted on and passed. (VOTES: 6-0, Commissioners Harmon and Irizarry recused)

#### Proposal to Install Parking Meters on the National Mall and Consideration of a Resolution in Support of Expanded Circulator Service

Chair Kennedy talked about a proposal to add parking meters on and around the National Mall, which would fund a new Circulator route on the National Mall. He added that a National Mall Circulator route used to exist; however, it was restricted because of the National Park Service's exclusive contract with Tourmobile, which has since ceased to exist.

Chair Kennedy said that he is interested in adding another new Circulator route to connect the National Mall route to the Foggy Bottom Metro station, then on to Dupont Circle and U Street before ending near Howard University. He added that he is interested in this additional route because he wants to connect our neighborhood and the National Mall, promoting local businesses in the process.

Commissioner Coder asked if the parking meters on the National Mall would be on property controlled by the District Department of Transportation (DDOT). Chair Kennedy said that the meters would be on National Park Service property, but that money collected by the meters would be funneled through DDOT to fund the new National Mall Circulator route

Chair Kennedy read a resolution aloud, which supports both the National Mall Circulator route proposal and his proposal for a new Foggy Bottom-Dupont-U Street-Howard Circulator route.

Chair Kennedy made a motion to adopt the resolution. Commissioner Sacco seconded the motion, which was voted on and passed. (VOTES: 6-0, Commissioners Harmon and Irizarry recused)

#### Request by FRESHFARM Market to Reserve Parking Spaces for 2014 Season

Reg Godin from FRESHFARM Markets was present to talk about a request to reserve a certain amount of nearby parking spaces for farmers to park at during the Foggy Bottom Farmers Market's 2014 season. Mr. Godin passed out a letter to the Commission asking for support from the ANC.

He said that the requested parking spaces would be located on New Hampshire Avenue next to the George Washington University Hospital between 24th Street and Washington Circle.

Commissioner Carnes made a motion to send a letter of support for FRESHFARM's request. Commissioner Coder seconded the motion. Chair Kennedy asked for a friendly amendment to note a previous issue with farmers parking in the residential area near the market. Commissioner Carnes and Commissioner Coder accepted the amendment as friendly. The motion was voted on and passed. (VOTES: 8-0)

#### Proposal to Declare Stevens School as Surplus Property for Disposition

Chair Kennedy said that the Deputy Mayor for Planning and Economic Development put out a notice that a surplus hearing was scheduled for the Stevens School property. Chair Kennedy asked if the ANC wanted to put any comments on the record for this initial hearing on the matter.

Chair Harmon asked to defer discussion on the topic, and the Commission agreed to do so by acclimation.

#### Request for Letter in Support of the Marine Corps Marathon

Two representatives from the Marine Corps Marathon were present to talk about the event. They said that they were waiting on approval from the director of Rock Creek Park to see if the marathon could go through the park this year.

The representatives said a full cleaning crew goes through after the race and that the organizers always leave the race cleaner than they found it. They added that the marathon would be on October 26, 2014. They added that the marathon provides a large economic benefit to the community.

Commissioner Irizarry said that Watergate residents sometimes complain about a cheering space being placed along the route by the Watergate. He requested that the cheering space placement be far enough away from the residential buildings.

Commissioner Irizarry made a motion to send a letter of support for the marathon with a special note that the organizers mitigate impacts to Watergate residents. Commissioner Coder seconded the motion, which was voted on and passed. (VOTES: 8-0)

### **Administrative Agenda**

#### Approval of 1st Quarter Financial Report

Chair Kennedy noted that the ANC received a full allotment from the D.C. government

during the past quarter.

Commissioner Irizarry made a motion to adopt the 1<sup>st</sup> Quarter Financial Report. Commissioner Galka seconded the motion, which was voted on and passed. (VOTES: 8-0)

Designation of Jackson Carnes to report ANC 2A Before DC Council

Chair Kennedy made a motion to designate Commissioner Carnes as the ANC's representative at the upcoming D.C. Council committee hearing on the Square 75 alley closing. Commissioner Galka seconded the motion, which was voted on and passed. (VOTES: 8-0)

Chair Kennedy adjourned the meeting at 9:35 pm.

Respectfully submitted by **Peter Sacco**, ANC 2A Secretary.

A handwritten signature in black ink that reads "Peter Sacco". The signature is written in a cursive, slightly slanted style.