

Foggy Bottom & West End Advisory Neighborhood Commission 2A
Regular Meeting Wednesday, July 20, 2011, 7:00 PM
Heart House (American Association of Cardiology)
2400 N Street, NW

Meeting Minutes

Call to order

Chair Rebecca Coder called the meeting to order at 7:13 pm.

The following commissioners were present and introduced themselves: Chair Rebecca Coder (2A05), Commissioner Florence Harmon (2A02), Commissioner Asher Corson (2A03), Commissioner Armando Irizarry (2A04), and Commissioner Eric Malinen (2A05). Commissioner David Lehrman was not present. With five of the six commissioners present, a quorum was established.

Chair Coder made three changes to the Agenda, after which the agenda was moved and accepted.

- Stevens School presentation will follow Safety Report.
- Whole Foods will present a request for support for seating on 22nd and H Street.
- The American Institute of Architects will present its filing for PUD as the last item under the Board of Zoning Adjustment topic.

General Agenda

Public Testimony, Comments and Announcements

Johnny Barnes, Executive Director for ACLU for Nation's Capital, stated that DC Statehood is alive and energetic. He cited as an example the much publicized arrest by DC Council members and residents who were protesting Congress determination that DC can't use its own monies for its own priorities, such as women's health. Mr. Barnes invited the community to join the ACLU in its goal of achieving statehood.

Community member Chris Labas inquired about the use by the National Park Service of the park located at Washington Circle. He also thought we should think of ways the park can be used in order to bring Foggy Bottom and West End and city wide residents together.

Community member Elizabeth Elliott referenced the work of Professor Iris Miller, whose class proposal included a project to address sustainable elements for the Washington Circle park. She also added that there are issues with the park on E Street, between 21st and 22nd Streets – regarding loitering and litter and that a renewed focus was needed by the police and park officials.

Commissioner Coder announced that an interim board, of which she is a member, has been established to assess the feasibility of establishing an "aging in place" initiative in the Foggy Bottom and West End area. Their next step is to survey the needs of the neighborhood. More information was available in a flyer placed on the table by the entrance.

Community member Marilyn Rubin stated that she heard that the Watergate in Safeway will close in November 2011. In addition, she had heard that the Post Office may also move out from Watergate since their lease will soon expire.

Commissioner Irizarry also stated he heard this, and expressed concerned about it, and expressed interest in maintaining the Safeway in the community.

Chair Coder understood that the residents of Watergate are working to reestablish retail in the commercial space with a new leasing agent.

General Agenda

Public Safety Report

The Public Safety Report was given by Sgt Dyson, Officer Christopher Clemens and Officer David J. Casetta of the Metropolitan Police Department, PSA 207.

The safety statistics reported:

Robberies were down from last year (from 19 to 10), but burglaries increased (from 17 to 25) and auto thefts increased (from 25 to 43). The majority of burglaries and auto thefts were related to GWU campus, its garage parking and break-ins into dorm rooms. The officers are educating students regarding these robberies, burglaries and auto thefts.

There were 24 crimes last month:

- 16 auto thefts on the 900 block of 24th, 25th, 26th Streets. In one situation a laptop was left in plain view in the car. The officers suggested that items be secured away from sight.
- 5 burglaries in dorms, where the criminal entered from back doors and rear windows. Officers suggested locking doors and windows, removing mail left in front, leaving lights and motion detector lights on.
- 3 robberies (2 occurred in one day). The robberies occurred on June 25 in the 2300 block of M Street and 1200 block of 23rd St on June 9 at 6-7am. The robbers stole a vehicle from Takoma, Maryland and drove to DC, where they robbed two people and left the vehicle in DC. The police recovered the vehicle, whose owner did not know the vehicle had been stolen. An investigation is ongoing regarding these robberies.

Officer Casetta discussed the efforts by crime patrol to focus on auto thefts, burglaries (in apartments and dorms) and robberies.

Community member Michele Wiltse stated that there has been an increase of graffiti, such as in the alleyways, and Georgetown bridge, mailbox on 24th/25th and M/N Street. Officers stated they fill out a DPW form regarding graffiti and also forward to the federal government. They use foot traffic patrols to monitor the situation. In addition, Officer Clemens stated that they can have the police gang unit inspect it.

Community member Michele Wiltse stated that there are many bicyclists that are not obeying rules, such as riding on the sidewalks on M Street, not stopping at stop lights, or riding against traffic.

Officer Dyson stated she will get the police bicycle units down to the area. She encouraged residents to report issues to 911.

Community member Chris Labas stated that tourists use BikeShare and may not know or be aware of DC rules. He suggested that the police officers talk with BikeShare as an outreach effort and post flyers regarding DC rules with BikeShare.

Community member Elizabeth Elliott stated that the GWU dorms are occupied in the summer by non-GWU students and asked whether there were any statistics relating to this. Officer Casetta stated that MPD doesn't track this.

Commissioner Irizarry did not receive a notice regarding the installation of cables in his SMD, but has noticed the red, yellow, blue lines on the street. Constituent Services Director Sherri Kimbel of Council member Jack Evans' office will find out more information regarding this.

General Agenda

Historic Stevens School -- update from the Office of the Deputy Mayor for Planning and Economic Development (ODMPED)

Victor L. Hoskins, Deputy Mayor for Planning and Economic Development (DMPED) presented the new plan for the RFP process for the Historic Stevens School. He said that the prior RFP process under the last administration had undergone a legal review. DMPED was told that the process was flawed and needed to start anew. The target date for the new RFP is early to late September. The goal is to have a transparent and smooth process.

Deputy Mayor Hoskins stated that, according to DC law, the DC Council determines whether a property is surplus. Before it does, the Council wants to understand who will develop the property, how it will be used and what community benefits it will generate. The Council will want to know who are the bidders, the selection criteria, and the finalist.

In response to Commissioner Irizarry query regarding the bidding process, Deputy Mayor Hoskins stated that DMPED will evaluate responses, and present all of them to the community. DMPED will evaluate the responses to deem if they are responsive to the RFP criteria, and will exclude those that aren't (such as those that do not provide financial information or an education focus). Bidders will present their offers to the community and the ANC.

Commissioner Harmon noted the intense interest of the charter school community in usage of the school, consistent with the DC laws permitting the right of first refusal to surplus DCPS school buildings, and asked how charter schools would be selected in coordination with the DMPED selection of the developer. In response to this question regarding the process, Deputy Mayor Hoskins explained that Stevens School has not yet been defined as a charter school. DMPED will include the ANC resolution (regarding keeping Stevens School development with an educational focus consistent with the school's African American history), as an exhibit to the RFP. Deputy Mayor Hoskins will work with the Deputy Mayor for Education regarding the school selection process and coordination of the developer partnership process.

Community members congratulated DMPED on listening to the community regarding the Stevens School process and the community's desire to continue an education purpose consistent with the historic building African American history.

General Agenda

Update GWU Hospital Radiation Oncology Unit relocation

Chair Coder stated that GWU Hospital has found a few sites in commercially zoned buildings on K Street to relocate the Radiation Oncology Unit. She thanked Council member Jack Evans and his office for responding to community concerns.

General Agenda

10K Race for DC Road Runners and DVLEAP (Saturday October 1, 2011)

No one was present to discuss the 10K Race for DC Road Runners and DVLEAP.

General Agenda

Overview of the GWU Museum Project

GWU presented an overview of its museum project, which will be located on Square 102 on the corner of 21st and G Street, where a rose garden currently exist and across the street from Tonic Bar and Restaurant. This is the 4th site that was approved for development as part of the 2007-2025 campus plan . GWU is filing for a 2nd PUD stage. The zoning will stay the same as R5E, and the facility will encompass 25,000-26,000 square feet.

The museum project is currently only in the concept phase. It will house GWU's DC collection and will involve different partners. It will encompass a 4 story building that will incorporate and connect to Wood Hall. GWU will present the full plans at the ANC2A's September meeting.

Commissioners commented and raised issues:

- Commissioner Corson inquired about amenities and variances and was told that the project has not reached that stage yet.

Community members raised issues and concerns:

- relocation of the roses elsewhere on the campus.
- a plaque indicates the donor of the rose garden
- enclosing the quad
- retaining a pedestrian passageway

General Agenda

Redistricting of Wards and ANCs

Chair Coder stated that the Wards and ANCs have to be redistricted as a result of the 2010 census. GWU made a big effort to encourage their students to complete the Census forms and be counted. Chair Coder stated that since the last Census in 2000, there has been more development, adding more condominium and apartment units and therefore residents.

Sherri Kimbel of Council member Jack Evans office presented an overview of the ANC redistricting process as a result of the 2010 census.

The outer boundaries of the Foggy Bottom/West End area will not change. Ward 2 will lose the Shaw area but pick up the Penn Quarter area, which will be designated as ANC2C. Verizon Center and Convention Center will remain in Ward 2.

DC law requires that a single member district represents 2000 people +/- 5%. Commissioners still have to live in the ANC they represent. The election for new ANC commissioners will be held November 2012 and the elected Commissioner will take office in January 2013.

The authority to draw the boundaries of the single member districts lies with District Council members. Each Council member will make recommendations to changes in their Wards to the At-Large Council members and the Council Chair. The Council has the final vote on the changes.

The DC Office of Planning will confirm the populations to ensure that changes meet the criteria.

Sherri Kimbel stated that it was important to Council member Jack Evans to hear community concerns regarding the redistricting process.

A redistricting committee was created to work on the of ANC2A. Council member Jack Evans appointed three co-chairs -- chair of the ANC2A (Rebecca Coder), Asher Corson of Foggy Bottom Association and Barbara Kahlow of West End Citizens Association). Jack Evans also asked GWU to select a representative to serve on the redistricting committee and the representative is Brittany Waddell. Additional members of the committee include Commissioner Florence Harmon, ANC2A Executive Director Susana Baranano. Anyone is invited to attend the redistricting meetings and have input in the process.

The Ward 2 Task Force which includes the ANC chairs held its initial meeting at Council member Jack Evans office. The ANC committees are to provide status reports at August 1 and September 1. The whole process has to be completed by October 11. All changes have to take place by the end of the year when the ANCs will be redrawn.

This ANC2A will be entitled to 1-2 additional commissioners to represent the area that has experienced additional residents.

Commissioners commented and raised issues regarding the redistricting process:

- Commissioner Harmon asked whether one can see where the new residents are residing.
- Commissioner Corson stated that the ANC boundary changes will be presented as one bill which the Council will vote on.

Community members commented and raised issues regarding the redistricting process.

- More information on the counts (number of students in GWU dorms) is needed in order to determine the single member districts. GWU will give a status report in August regarding these numbers.
- Goal is to maintain neighborhood integrity.
- Ward task force meetings should be public.

Regulatory Agenda

Alcohol Beverage Control Board matters - ABC Board decision on change of hours for Rivers restaurant (Watergate)

Commissioner Irizarry stated that this ANC2A did not object to the license for the Rivers restaurant in Watergate. However, in September/October 2010, Rivers amended its application to change the hours of closing from 12am to 1am daily. Currently the closing hours are 10:30 pm on Monday thru Thursday, and 11 pm on Friday through Sunday.

In September 2010, the ABC board approved the license to the new owners of Rivers with the same hours, allowing it to close on midnight. The ANC2A supported their application with no objection on condition that the hours would not change.

In October 2010, Rivers wrote to ABC requesting extension of hours to 1am. The ABC approved the extension with no finding of fact. Neither the ANC2A nor the neighborhood received notice from ABRA or Rivers of their planned change of hours because Rivers has said that this change wasn't significant. Commissioner Irizarry has received many complaints from Watergate residents of patrons walking at 1am alongside the Watergate residences and disturbing the peace and quiet.

The owners and managers of Rivers stated that they have learned many things in operating Rivers. They learned they had to obtain an entertainment endorsement from ABRA for the patio seating 50 people and a piano bar. During the hours between 12pm to 1am, they do not have many patrons, averaging about \$220. They will consider changing the hours back and be respectful of the neighbors. They have not received any noise complaints from neighbors in the last 8 years.

Rivers has reached out to the community and will meet with them again next Tuesday. The kitchen has to be open up to 2 hours after liquor has stopped being served.

Community members commented and raised issues:

- Watergate residences can be seen from Rivers' patio.
- encourage ANC2A to pass a resolution to ask ABRA to rescind the change of hours
- ANC2A needs to tell ABRA that they can't make their own rules and say neighbors don't matter
- ANC2A should tell ABRA that it was a wrong decision
- the community and Rivers can work it out
- Watergate retail needs help
- Watergate Hotel had/has liquor license and is allowed to stay open to 2am
- Would like to have Rivers in Watergate

Commissioners commented:

- Commissioner Harmon suggested that if Rivers does not roll back its hours in one month, the ANC2A will pass a resolution to have ABRA rescind its hours and monitor the situation. She added that she wanted to have a waiting period so the community and Rivers can work it out and

have a special meeting in August if necessary. She expressed concern with the ABRA and Rivers for not respecting the process by extending the River's hours without public notice, by characterizing the change as insubstantial, and by stating in the Rivers' request letter for this change that it was just "tweaking" its application.

- Commissioner Corson hoped that it could be worked out, but asked that the ANC2A request ABRA to rescind the extension of hours, advise ABRA they should not have extended the hours in the first place without notice to the neighborhood. He did not agree with the other commissioners to allow time for a neighborhood meeting with Rivers. He was concerned that Rivers thought that the change of hours would not be of concern to the neighborhood and made the changes "behind their back."

- Chair Coder expressed the desire to balance the needs of the residents with the retail and commercial establishments. She added that the ABC Board looks to have neighborhood work out any issues with the retail and commercial enterprises. However, the ABRA and ABC Board should have given public notice to the neighborhood and the ANC.

- Commissioner Malinen stated he wanted ANC2A to send a letter requesting that the hours be rescinded and that the process of notification be followed. The letter should also inform the ABC that they made a mistake. The procedural problem is glaring and the community found out about it in a round about way.

- Commissioner Irizarry proposed a resolution for the ANC2A- to write to the ABC Board and petition them to reconsider approval of the extension of hours for Rivers. He asked that the hours be changed back and that the board void their approval action. The resolution requires the ABC Board not to assume that change of hours is inconsequential and to alert the ANCs and neighborhood of such changes in the future.

- Commissioner Irizarry suggested to hold the resolution to allow a time period during which the neighborhood and Rivers can meet and make a voluntary agreement. If they do not resolve the issue, then the ANC2A will ask for rescission of the change of hours. The resolution would include language to let the ABC Board know that their actions were inappropriate and that they need to give notice to the community and the ANC.

- Commissioner Corson asked that language be included to rescind the additional time. Commissioner Irizarry considered Commissioner Corson's amendment as friendly.

Commissioner Irizarry made a final motion to write to the ABC Board to expressing the concerns raised and request that they rescind the extended hours and re-establish the hours of operation until 12am. The ANC2A approved the motion. (Appendix X) **VOTE 5-0.**

Regulatory Agenda: Public Space matters

Toni Morrison bench at Lisner Auditorium

GWU asked the ANC2A for approval of installing a plaque on and next to a bench that will be located south of the Hippo next to the Lisner Auditorium. The bench is provided by the Toni Morrison Foundation and is not segmented. GWU stated that Lisner was desegregated in 1944,

one of the first buildings to do so. ANC2A approved the motion to write a letter of support for this bench and the supporting plaque (Appendix X). **VOTE: 5-0**

Regulatory Agenda: Public Space matters

Outdoor tables at Starbucks – 1959 E Street

Starbucks on 1959 E Street was not present to present plans and Commissioner Malinen reviewed what the Public Space Committee had sent to the ANC. The plans included placing three tables with eight chairs within the space on the sidewalk behind the bushes. ANC2A approved this plan with no objections. (Appendix X) **VOTE: 5-0**

Regulatory Agenda: Public Space matters

Whole Foods on 22nd and H St Seating

Whole Foods located on 22nd and H Street will open September 6. They requested support from ANC2A for a public space permit to provide seating on 22nd Street and I Street block nearby its entrance. The hours for outdoor café will be the same as the store – until 10pm.

Whole Foods also requested expedited support so that this agenda item be placed on the August agenda to coincide with the opening of the store in September.

Commissioners Corson wanted a see-thru fence as the boundary of public space. Chair Coder proposed a motion for sending a letter of support to the Public Space Commission for Whole Foods to provide cafe seating on 22nd and I Street and that this request be included at the earliest available committee hearing. The ANC2A approved this motion. (Appendix X) **VOTE: 5-0**

Regulatory Agenda

Board of Zoning Adjustment - 7/11 Hours Extension

Commissioner Corson stated that the 7/11 is currently open from 7am to 11pm. He stated that the 7/11 had made agreements with the Foggy Bottom Mews, and the community members residing in the houses next door and across the street. None of these neighbors have opposed the extension of these hours.

Commissioner Corson proposed that the ANC2A pass a resolution to approve the 7/11 extending its hours to 24 hours on a temporary 1-year trial period, with the condition that there are no operational changes to the original agreement (such as trash pickup). After the one-year trial period, the impact of the extended hours will be evaluated.

Commissioners commented and raised issues:

- Commissioner Harmon requested another condition to the resolution - that the 7/11 remain as the same franchisee.
- Commissioner Malinen requested that after the one year trial period, the 7/11 need not reapply and refile, on the condition that there are no adverse impacts.
- Chair Coder stated that the BZA can address Commissioner Malinen's concerns in its final order.

Commissioner Corson proposed a final motion to support the 7/11 extension of hours, subject to one year review from the ANC2A at a monthly meeting, at which the community will assess the situation and that the franchisee remain the same.

The ANC2A approved the extension of hours for 7/11. **(Appendix X) VOTE: 5-0**

Regulatory Agenda

Board of Zoning Adjustment - American Institute of Architects PUD extension

American Institute of Architects requested a PUD extension of two years because of the current financial situation which has delayed renovation.

Commissioners commented and raised questions.

- Chair Coder stated that the SP2 zoning test amendment has become regulation which was the crux of the argument used by the applicant for justifying a PUD. She preferred the applicant go through the BZA given the request is for minor relief.
- Commissioner Malinen stated that he has fought changes to zoning and has asked for relief to roof structure and height. He also added that he liked some of the features but didn't feel it was necessary for them to go through a PUD, but instead should go through the BZA.
- Commissioner Harmon stated she agreed with Commissioners Malinen and Coder.
- Commissioner Malinen proposed a resolution regarding this PUD extension, stating that the conditions changed to a different zoning without merit (Appendix X).
- Commissioner Corson expressed concern regarding the perceived misuse of the PUD process by the firm of Goulston & Storrs.

The ANC2A Commission approved this motion. **VOTE: 5-0.**

Commissioner Harmon presented a motion to have her send thank you letters to DC regulatory agencies who assisted with the Shadow Room/Sanctuary 21 matters. ANC2A passed the motion. **VOTE: 5-0.**

Commissioner Irizarry asked for a motion to have him send on behalf of the Commission a letter of thanks to the National Park Service regarding Jaurez Circle. **VOTE: 5-0**

Administration

Third Quarter Financial Report

Commissioner Malinen presented the 3rd Quarter Financial Report. He reported that ANC2A has a balance of \$25,000, with \$1,600 going for salary, \$2,000 for purchase of services (legal advice for the nightclub issue) and received an allotment of \$7,600. Typically, the ANC's monies are used for supplies and legal services that extend the reach of its power to benefit the community.

The 3rd Quarter Financial Report was approved. **VOTE: 5-0**

Adoption of June 15 and May 18 Minutes

The May 18 and June 15 minutes, with one editorial change to the June 15 minutes, were approved. **VOTE: 5-0**

Announcements from the Chair

There being no further business, the Commission adjourned at 10:30 PM.

Approved September 21, 2011

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



c/o West End Library

1101 24th St., N.W.
DC 20037

Washington

July, 23 2011

Mr. Nick Alberti, Interim Chair
Alcoholic Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, D.C. 20009

Re: ABRA-060020 / ABRA-085729, Watergate 600, LLC, t/a Rivers at the
Watergate, 600 New Hampshire Avenue, NW

Dear Chairman Alberti and Members of the Board:

At a duly noticed meeting on June 16, 2010, and with quorum present, the Foggy Bottom and West End Advisory Commission 2A considered the application for the renewal of an alcoholic beverage license for the restaurant at 600 New Hampshire Avenue NW in the Watergate complex. The ANC did not object to this renewal because it did not extend the hours of operation, which have historically been to 12:00 am under the license, but, in fact, the restaurant had closed at 11:00 pm (see License No. ABRA-060020). On September 29, 2010 the Board approved transfer of this license, on a no substantial change basis, to Watergate 600, LLC, t/a Rivers at the Watergate.

On October 14, 2010, the new licensee wrote to the ABC Board requesting to “tweak” its operating format by extending its hours of operation from 12:00 am to 1:00 am on the basis that no dwellings can be seen from the premises and that licensee’s predecessor was never the subject of peace, quiet, and order complaints. Citing D.C. Code S. 25-404(b)(3) and (4) (Application for Approval of Substantial Change in Operation), the licensee argued that this change was not “potentially of concern to the residents” and would not constitute a “substantial change in the nature of the operation.”

Neither the ABC Board nor ABRA gave notice to the ANC nor to the community of licensee’s request to extend the hours of operation. On October, 27, 2010, licensee’s request was approved by ABRA (see License No. ABRA-085729). There is no record of any hearing wherein the merits of licensee’s request to extend the hours was discussed, nor did the ANC receive notice of

any such hearing, if there was one.

The change to extend the hours of operation from 12:00 am to 1:00 am is indeed a substantial one for our neighborhood. There are dwellings in the same block as the Rivers restaurant. Since the extension of the hours of operation, we have received complaints from residents about the noise that the restaurant patrons make when they leave the restaurant at the new extended hours. This is affecting the residents' peace, quiet, and enjoyment of their homes.

Extending the hours of operation from 12:00 am to 1:00 am is a "substantial change" within the meaning of D.C. Code § 25-404. The lack of notice in this instance deprived the ANC and residents the opportunity to provide valuable input to ABRA regarding the extension of hours.

At its duly noticed, regularly scheduled meeting on July 20, 2011, with 5 of the 6 commissioners present constituting a quorum, ANC 2A voted unanimously (5-0) to approve the attached resolution which gives notice to the ABC Board and ABRA that extensions of hours of operation and similar changes to licenses are in fact a substantial change within the meaning of D.C. Code § 25-404, and therefore require, and we request, that the ABC provide timely notice under its regulations to ANC 2A so that we may consider those changes and that ABRA rescind the extension of hours of Rivers at the Watergate and set the closing hours of operation to 12:00 am.

ON BEHALF OF THE COMMISSION

Respectfully submitted,

Rebecca Coder
Chair

Cc: Commissioner Armando Irizarry, 2A-04
Michael Fonseca, Counsel for the Applicant
Fred Moosally, Director, ABRA
Martha Jenkins, General Counsel, ABRA

ANC 2A Resolution Regarding Substantial Change and Proper Notice

WHEREAS, DC Code § 25-404, titled Application for Approval of Substantial Change in Operation, requires that the Alcoholic Beverage Control Board (“the Board”) provide notice to the ANC before making a substantial change in the nature of the operation of a licensed establishment;

Changes in hours of operation, sales and/or entertainment, among other changes, are substantial for the ANC because those changes may affect peace, order, quiet and real property values of residents:

The location of the establishment is not a proper factor to consider in determining whether a change is substantial, because the noise or other nuisance that an establishment’s patrons produce when they leave the establishment may affect homes that are in the same block or vicinity of the establishment, even if they not immediately adjacent or within sight of the establishment;

Therefore, be it RESOLVED that any filing by an applicant to amend its application pursuant to DC Code§ 25-404, should be considered to be substantial if the amendment relates to changes in hours of operation, sales, and/or entertainment;

And, be it further RESOLVED that this ANC respectfully requests that the Board and ABRA provide the ANC with timely notice of any such application for amendment so that the ANC can consider the amendment and provide feedback or make recommendations to the Board and ABRA.

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Foggy Bottom and West End
Advisory Neighborhood Commission 2A



c/o West End Library
DC 20037

1101 24th St., N.W.

Washington

July 23, 2011

Meridith Moldenhauer, Chairperson
DC Board of Zoning Adjustment
441 4th St., N.W. Suite 200
Washington, DC 20001

Re: BZA Case No. 13596, 912 New Hampshire Avenue, NW

Dear Chairperson Moldenhauer and Members of the Commission:

At its duly noticed, regular monthly meeting on July 20, 2011, with 5 of 6 commissioners present constituting a quorum, ANC 2A voted unanimously (5 to 0) on the following resolution:

WHEREAS on November 10 and December 2 1981, the District of Columbia Board of Zoning Adjustment considered the application of 7/11 at 912 New Hampshire Avenue, NW to operate a small “grocery store and delicatessen” within the Foggy Bottom residential community;

WHEREAS ANC 2A protested this application and zoning change before the Board of Zoning Adjustment on the grounds that it was a “chain store” that would bring negative impacts to the surrounding neighbors including increased litter and noise;

WHEREAS the 7/11 at 912 New Hampshire Avenue NW is seeking to extend their operating hours to 24 hours a day;

WHEREAS many of the neighbors surrounding the 7/11 support the extension and there has been no expression of opposition from surrounding neighbors;

WHEREAS the 7/11 at 912 New Hampshire Avenue NW has maintained a good reputation among neighbors for keeping a clean and well-tended property in Foggy Bottom;

WHEREAS 24 hour operation still could present certain problems to the Foggy Bottom residential community such as unwanted noise;

THEREFORE BE IT RESOLVED THAT ANC 2A supports the application of the 7/11 at 912 New Hampshire Avenue NW on the condition that the extension be granted for a one year trial period for the community to assess the impact of this change and that the franchisee remain the same.

ON BEHALF OF THE COMMISSION

Respectfully submitted,

Rebecca Coder
Chair

Cc: Commissioner L. Asher Corson, 2A-01

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



c/o West End Library
DC 20037

1101 24th St., N.W.

Washington

July 23, 2011

Ms Catrina Harrison, Coordinator
Public Space Committee
DC Department of Transportation
1100 4th Street, SW, 2nd Floor
Washington, DC 20024

Re: Whole Foods Public Space Request

Dear Ms. Harrison:

At its duly noticed, regular monthly meeting on July 20, 2011, with 5 of 6 commissioners present constituting a quorum, ANC 2A discussed the proposed public space application for Whole Foods outdoor café and seating area.

The ANC voted unanimously (5 to 0) in support of this application, and further requested that the Public Space Committee include the applicant on its earliest agenda to expedite the processing.

The Foggy Bottom and West End neighborhoods are thrilled to have Whole Foods opening, and ask for your support in this matter.

ON BEHALF OF THE COMMISSION

Respectfully submitted,

Rebecca Coder
Chair

Cc: Commissioner Florence Harmon, 2A-06
John Long, MV&A Architects

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



c/o West End Library
DC 20037

1101 24th St., N.W.

Washington

July 23, 2011

Ms Catrina Harrison, Coordinator
Public Space Committee
DC Department of Transportation
1100 4th Street, SW, 2nd Floor
Washington, DC 20024

Re: Starbucks, 1959 E Street, NW, Outdoor Seating

Dear Ms. Harrison:

At its duly noticed, regular monthly meeting on July 20, 2011, with 5 of 6 commissioners present constituting a quorum, ANC 2A reviewed plans for the addition of outdoor seating at the Starbucks located at 1959 E Street, NW. The ANC voted unanimously (5 to 0) taking a position of no objection related to this application.

Please let me know if I can answer any questions in regards to this matter.

ON BEHALF OF THE COMMISSION

Respectfully submitted,

Rebecca Coder
Chair

Cc: Commissioner Eric Malinen, 2A-05

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



c/o West End Library
DC 20037

1101 24th St., N.W.

Washington

July 23, 2011

Ms Catrina Harrison, Coordinator
Public Space Committee
DC Department of Transportation
1100 4th Street, SW, 2nd Floor
Washington, DC 20024

Re: GWU Lisner Auditorium – Toni Morrison Society Bench

Dear Ms. Harrison:

At its duly noticed, regular monthly meeting on July 20, 2011, with 5 of 6 commissioners present constituting a quorum, ANC 2A reviewed plans for the construction of the Toni Morrison Society Bench and installation of the “A Bench By The Road Plaque.” The ANC voted unanimously (5 to 0) in support of this application.

Please let me know if I can answer any questions in regards to this matter.

ON BEHALF OF THE COMMISSION

Respectfully submitted,

Rebecca Coder
Chair

Cc: Commissioner Florence Harmon, 2A-06
Susie Cora, The George Washington University

Government of the District of Columbia
Foggy Bottom and West End
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c/o West End Library
DC 20037

1101 24th St., N.W.

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July 23, 2011

Anthony Hood, Chair
DC Zoning Commission
441 4th St., N.W. Suite 200
Washington, DC 20001

**Re: PUD Extension Request for Case No. 08-27 & 08-27A, American
Institute of Architects, 1735 New York Avenue, NW**

Dear Chairman Hood and Members of the Commission:

At its duly noticed, regular monthly meeting on July 20, 2011, with 5 of 6 commissioners present constituting a quorum, ANC 2A discussed the proposed Planned Unit Development (PUD) extension requested by the American Institute of Architects. The ANC voted unanimously (5 to 0) against extending the PUD as the applicant has not met the requirements set forth in DCMR 2408.10.

In this case, the material facts upon which the Zoning Commission based its original decision have substantially changed. Namely the SP-2 text amendment to allow street-level retail has become regulation (see Zoning Case 09-11). The original crux of the applicant's argument to utilize the PUD process for minor relief and significantly change the zoning from SP-2 to C-3-C centered on the *then* limitations of retail use within an SP-2 zone.

As the ANC stated in its original objection, the minor relief sought by the applicant can easily be facilitated via the Board of Zoning Adjustment process. Additionally, the ANC was previously concerned, and remains concerned about the change in zoning without true merit. The SP-2 zone plays an important role in this case as a buffer to the historic properties south of the AIA building (see Zoning Case 97-7). The ANC feels that the PUD process should be reserved for its original intent -- that of significant development projects that could not be accomplished via the normal zoning process.

Given that the applicant does not meet the test for extension, the ANC requests that the Zoning Commission deny this request. The ANC designates any commissioner to represent it before the Zoning Commission on this matter.

ON BEHALF OF THE COMMISSION

Respectfully submitted,

Rebecca Coder
Chair

Cc: Paul Tummonds, Goulston & Storrs, Counsel to the Applicant
Joel Lawson, Office of Planning
Eric Malinen, ANC 2A-05
Barbara Kahlow, West End Citizens Association