



**Foggy Bottom & West End
Advisory Neighborhood Commission 2A**
(www.anc2a.org)

Regular Meeting Minutes

Wednesday, October 16, 2013 6:30 pm School Without Walls
2130 G Street, N.W. Washington, DC

Call to Order

Chair Florence Harmon (06) called the meeting to order at 6:37 pm. Commissioners Patrick Kennedy (01), Asher Corson (03), Armando Irizarry (04), Jackson Carnes (07), and Peter Sacco (08) were present.

Chair Harmon made a motion to adopt the agenda, with Ian Swain from DDOT moved to the top of the general agenda. Commissioner Kennedy seconded the motion, which was voted on and passed. (VOTES: 6-0)

General Agenda

Safety Report

Sgt. Michael Lawrence from Metropolitan Police Department PSA 2A07 was present to give the safety report. Sgt. Lawrence said that violent crime was down by eleven percent in the neighborhood. He also reminded everyone to be aware of their electronics, especially when leaving items in vehicles unattended.

Barbara Kahlow, a Foggy Bottom resident, asked Sgt. Lawrence about what was being done to remove the local homeless encampments. Sgt. Lawrence said that he would look into the issue.

DDOT- Update on New Hampshire Avenue Project

Ian Swain from the District Department of Transportation (DDOT) was present to give an update on the New Hampshire Avenue resurfacing project. Mr. Swain said that DDOT had been working to put up the lighting on New Hampshire Avenue. Additionally, he said that they are now focusing on resurfacing the section of New Hampshire Ave. by GW's School of Public Health after DDOT found that the concrete pad under the street was weak. Mr. Swain said that DDOT had done some street excavation in order to pour a new concrete pad.

Mr. Swain also said that DDOT is currently waiting for the National Park Service to reopen after the government shutdown so that DDOT can install the fencing around Washington Circle.

Commissioner Irizarry asked about the status of light shield installation on the streetlights. Mr. Swain recommended that anyone who wants a light shield to be installed outside their house should email their respective Commissioner, who will pass the request up to him.

Ellie Becker, a Foggy Bottom resident, raised concerns about orange signs being left at one of the construction sites, as well as all the road closures as a result of GW's construction projects. Another neighbor wondered whether a crossing signal was going into place on the K Street ramp by New Hampshire Avenue. Mr. Swain said one was in the process of being installed.

Multiple neighbors also raised concerns about the poor design of the island curb at the corner of New Hampshire Ave. and 24th Street NW. Mr. Swain said that, once new crosswalks were painted, the island design would make sense.

Public Comments

Commissioner Sacco gave a quick update on the annual Foggy Bottom West End Block Party, which was happening over the coming weekend.

One neighborhood resident said that lights had been left on in the second floor of the police special operations building in the West End neighborhood, and that trash was accumulating outside the building. Chair Harmon said she would look into the issue.

Commissioner Kennedy said that the U.S. Department of State and DDOT were looking into creating a new, broader perimeter security plan for the Department of State's main building on 23rd Street NW. Commissioner Kennedy said that the Department of State was looking into possibly removing the sidewalk barriers on the east side of 23rd Street NW in an effort to improve pedestrian circulation, and that DDOT was looking to widen the sidewalk on the west side of the street. Commissioner Kennedy said that he would keep the neighbors informed on the status of this proposal.

DC Sustainable Energy Utility

Hasim Dawkins from the DC Sustainable Energy Utility (DCSEU) was present to give an overall presentation on DCSEU. Mr. Dawkins said that DCSEU helps local businesses make improvements to their properties in order to become more energy efficient.

Mr. Dawkins said that the DC Council passed an Act that helps DCSEU create green jobs for DC residents. He also said that the Act creates a surcharge on utility bills to fund the DCSEU. This surcharge helps DC residents pay for CFL light bulbs for as little as \$0.50 by using a special DCSEU card at local supermarkets.

Mr. Dawkins also talked about how DCSEU helps pay for LED lighting upgrades, rebates on Energy Star refrigerators and washing machines, and rebates on gas water heaters and furnaces. Additionally, he said that DCSEU offers energy audits for DC businesses and individuals.

In talking about the history of DCSEU so far, Mr. Dawkins said that the agency had already helped more than 18,000 homes in the District.

Regulatory Agenda

GW Hillel Renovations

Rabbi Yoni Baiser-Blueth from GW Hillel was present to give an update on the project. Rabbi Baiser-Blueth introduced Rob Fishman, the Project Manager for the project.

Rabbi Baiser-Blueth started off by saying that he was not currently asking for a vote from the Commission. He went on to explain how GW Hillel was the Jewish hub and home for GW students. He said that the proposed new building would have a small auditorium, as well as a Kosher café due to the lack of Kosher dining options on campus.

Rob Fishman said that the project would eventually require variances for lot occupancy for parking, a floor area ratio (FAR) variance, and a rear yard variance. He said that the FAR variance would allow them to build a full fourth floor to the building.

Rabbi Baiser-Blueth said that GW Hillel was committed to, through this project, creating a sustainable model for the organization, which he said was a registered 501(c)(3) organization. He also said that GW had committed to leasing the top two floors of the building, which would be used for some form of student space.

Rob Fishman said that the total square footage of the building would be about 4,750 square feet on each floor. He said that GW Hillel has been in the current facility for 25 years, and that they have no plans to leave the current site.

Susi Cora from GW's Division of Operations said that because GW is going to lease a part of the space, an amendment to the campus plan will be required.

Chair Harmon was wondering when it would go in front of the Campus Plan Advisory Committee (CPAC). David Avitable, legal counsel for GW, said that GW thought that they could schedule a special CPAC meeting so that GW Hillel's application could move forward in a timely manner.

Commissioner Corson asked why a site that GW does not own would require an amendment to the campus plan. Mr. Avitable answered by saying that, because it would be a University-leased space that will be within the boundaries of the GW campus plan, that it would require an amendment to the campus plan.

Chair Harmon asked the rest of the commissioners whether they would be okay with talking about the project at the regularly scheduled CPAC meeting in November, which everyone agreed to.

ABRA License Renewals

Shadow Room

Steve Acott, a co-owner of the Shadow Room, was present to give an update on the Shadow Room's alcohol license renewal with the Alcoholic Beverage Regulation Administration (ABRA).

Chair Harmon prefaced the discussion by saying that Councilmember Graham (Ward 1) recently proposed and passed legislation which included a requirement that every establishment in the District that is serving or selling alcohol must go through a license renewal process this year.

Mr. Acott said that, because of the license renewal process, Shadow Room had the opportunity to re-open their settlement agreement with the neighborhood. He then said that Shadow Room had filed a petition to terminate their settlement agreement. Mr. Acott said that the next step would be

to politely request a meeting with the neighbors, with Shadow Room's attorneys and partners present.

Sara Maddux, a Foggy Bottom resident, asked whether the condition still exists for Mr. Acott to appear in front of the ANC every month to request extended hours. Mr. Acott said that it still does.

Chair Harmon said that she felt that the local neighbors did not want to see the settlement agreement terminated. In clarifying, Mr. Acott said that the liquor license renewal process and the settlement agreement termination process occur simultaneously.

Ms. Maddux said that the conditions outside Shadow Room on weekends had still not improved, even after months of complaints by neighbors and the ANC. Chair Harmon said that she thinks neighbors have a lot of problems that a police detail would resolve.

One neighbor reiterated the concerns he had brought up at previous ANC meetings, and said that nothing had been done about them. He said that the neighbors were still voicing their same complaints over and over again, and that nothing had been done about the complaints.

Barbara Kahlow said that she thought that the ANC had no choice today but to protest Shadow Room's filing.

Chair Harmon introduced her resolution to the Commission and meeting attendees. She added that she thought the Commission should add something about the termination of the settlement agreement, and that there should be more on the history of neighborhood complaints.

Commissioner Irizarry said that, not only should it be mentioned that the settlement agreement should not be terminated, but that it should be modified to include a police detail.

Commissioner Kennedy thought the ANC should have a backup alternative to having Chair Harmon serving as the ANC representative on the issue. Chair Harmon said that Commissioner Kennedy could serve as the backup on the issue.

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

The 51st State and Bayou

There was no representative present from either establishment to talk about their alcoholic license filings.

ABRA licensee termination of Voluntary Agreements (n/k/a Settlement Agreements)

Commissioner Corson said that, since the ANC had not been given any notice on Shadow Room's filing to terminate their settlement agreement, the ANC should vote to protest any license renewal if there is also an attached filing for a termination of a settlement agreement.

Commissioner Corson made a motion to give the Chair the authority to protest any ABRA applications that would amend or terminate any existing settlement agreements.

Commissioner Irizarry made an amendment that Chair Harmon should also send a letter to ABRA saying that the ANC is not receiving notice of any attempts to terminate settlement agreements at

local establishments, and that the ANC is going to protest any applications for termination of settlement agreements when the ANC does not receive notice.

Commissioner Corson accepted Commissioner Irizarry's amendment as a friendly amendment. Commissioner Kennedy seconded the final motion, which was voted on and passed. (VOTES: 6-0)

Public Space Application: Hyatt Place Hotel

Chair Harmon let everyone know that the hotel had emailed her saying that they were withdrawing the public space application. The item was thus removed from the agenda.

Abdo Development, 2224 F Street, Allen Lee

Gordon Buist, the Chief Operating Officer of Abdo Development, LLC was present to give an update on the project. Mr. Buist explained how Abdo Development, which owns the hostel-style Allen Lee Hotel in Foggy Bottom, was planning on renovating the entire building and turning the hotel into a small unit, reasonably priced hotel.

Mr. Buist said that the Allen Lee building is not historically landmarked, however he said Abdo Development is treating it as though it is landmarked. Mr. Buist showed a visual presentation with the plans and renderings for the new building. He said that new windows would increase the building's energy efficiency, along with other green elements that would be added to the building

Mr. Buist then said that the interior of the hotel would include pod-style, small, affordable hotel rooms. He said that the rooms would be in the \$150 a night range. He said that fire sprinklers would be added to the entire building. He also said that some of the rooms would have bunk beds, along with upgraded finishes.

Mr. Buist said that the construction company would provide signage out front of the building with the cell phone number of the project superintendent. He stressed the point that Abdo Development wants to be good neighbors in the neighborhood.

Commissioner Kennedy asked if Abdo Development needed anything with regards to regulatory approvals from the ANC. Mr. Buist said that they would eventually file a public space application, and they would ask for support from the ANC at that point.

Commissioner Kennedy also reiterated the point that he appreciated how Abdo Development was activating the streetscape on F Street through a proposed street level patio in front of the building.

Commissioner Carnes said that he would like to see Abdo Development work on widening the sidewalk on the backside of the building along Virginia Avenue.

Going back to the project proposal, Mr. Buist said that the project design involved the elimination of common bathrooms so that every single room would have an in-suite bathroom. He also said that Abdo Development plans on renovating the townhouse next door to the Allen Lee, which they also own. Their hope is to use the townhouse as a manager's residence for the hotel.

Commissioner Irizarry wondered who the operator of the hotel would be. Mr. Buist said that it would be an independent hotel management company. He added that they were looking at companies that only manage hotels.

Commissioner Irizarry also wondered what the construction schedule for the project would look like. Mr. Buist said that it would take about twelve months to complete the renovation.

Zoning Regulations Rewrite

Chair Harmon made a motion to pass the resolution written by neighborhood resident Barbara Kahlow, but without Ms. Kahlow's section A of the "therefore be it resolved" portion. Commissioner Carnes Jackson seconded the motion, which was voted on and passed. (VOTES 5-0-1 (Commissioner Kennedy abstains))

Eastbanc Project

Ben Sonnett from Eastbanc was present to give an update on the West End Library (Square 37) and fire station (Square 50) projects. Mr. Sonnett started off by saying that Eastbanc was currently waiting on the West End Library to complete the renovation of their new temporary space in the Watergate Complex so that the library could move out of their current building.

Mr. Sonnett said that Eastbanc is planning on beginning construction on the library site in January or February of 2014. He also said that the construction schedule for the Square 50 West End Fire Station project was contingent on the fire station moving, which is currently being worked out with D.C. Department of General Services and the D.C. Fire Department.

Mr. Sonnett also said that Eastbanc envisions not closing down any of the streets for the Square 37 project. He said that cranes for the Square 37 project would be erected sometime in the spring.

Board of Elections Proposal

Clifford Tatum from the D.C. Board of Elections was present to give an update on a new proposal from the Board. Mr. Tatum said that the Board of Elections was proposing to redraw the voting precinct lines across the city to mirror current ANC single member district (SMD) boundaries. Through this new voting method, all of the voters in one SMD would go to a single voting place.

In reflecting on the overall proposal for the Foggy Bottom and West End neighborhoods, Mr. Tatum said that ANC 2A's SMDs would have polling locations at the School Without Walls, St. Paul's Parish, and the School Without Walls at Francis-Stevens.

Commissioner Irizarry said that he was concerned about the fact that local residents were experiencing constant change in their polling place locations.

Chair Harmon adjourned the meeting at 9:06 pm.

Resolution #1 – ANC 2A Protest Resolution of Shadow Room ABRA License Renewal

Foggy Bottom and West End
Advisory Neighborhood Commission 2A

c/o West End Library

1101 24th St., N.W.

Washington DC 20037

November 5, 2013

Ms. Ruthann Miller, Chairman
Alcohol Beverage Control Board
1250 U Street, N.W., 3rd Floor
Washington DC 20009

Re: ABRA-075871 Acott Ventures, LLC, t/a Shadow Room

Dear Chairman Miller and Members of the Board:

At its regular, duly-noticed meeting on October 16, 2013, the matter of the renewal of the liquor license of Acott Ventures, LLC, came before the Commission. With a quorum present, ANC 2A voted unanimously to protest the renewal of this license based on adverse impact on the peace, order, and quiet of the neighborhood, impact on residential parking, and vehicular and pedestrian safety, and impact on residential real property values. The Commission further voted to designate Commissioner Florence Harmon, in whose single-member district the applicant's business is located, to serve as the ANC's representative in this matter. The Commission also designated Commissioner Patrick Kennedy as an alternate ANC representative in this matter.

At this meeting, as at earlier meetings where the Shadow Room was discussed, neighborhood residents and commissioners offered numerous reasons for protesting this renewal. The deleterious effect of this business on the peace, order and tranquility of the neighborhood are well-documented both by police records and citizen complaints. The traffic and noise generated by the Shadow Room, especially on Thursday nights and weekends disturb the peace and quiet of the vicinity. This disorder further has a negative impact on property values, particularly in the apartment houses and condominiums that border this alley on the west and north and also on nearby properties such as the historic townhouses of Schneider's Triangle.

Sincerely,

Florence Harmon
ANC 2A Chair

cc: ANC Commissioners
Steve Acott

Resolution #2 -- ANC 2A Objection to all ABRA Licensee Termination Requests of Settlement Agreement (f/k/a Voluntary Agreement)

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.

Washington DC 20037

December 29, 2013

Fred Moosally, Director
Alcoholic Beverage Regulatory Administration
2000 14th Street NW
Washington, DC 20009

RE: Settlement Agreement (f/k/a Voluntary Agreement) for Acott Ventures, LLC (t/a Shadow Room) 2131 K Street, NW License No. ABRA-075871
and
Comprehensive ANC 2A Objection to all ABRA Licensee Termination Requests of Settlement Agreement (f/k/a Voluntary Agreement)

Dear Director Moosally:

At its regularly scheduled meeting on October 16, 2013, the Foggy Bottom and West End Advisory Neighborhood Commission (“Commission” or “ANC 2A”) authorized me via a vote of 5-0 to write a letter to ABRA, to indicate that to the extent that Shadow Room representatives seek to terminate the ANC’s Settlement Agreement (f/k/a Voluntary Agreement) via the correspondence sent this fall 2013 to ABRA, the ANC would object. However, it appears that such correspondence does not satisfy the legal requirements to request termination of an ANC settlement agreement.

Additionally, the ANC 2A voted 5-0 at this same meeting, due to concerns about receiving notice of licensee termination requests, to provide ABRA notice that if any ABRA licensee requests termination of its Settlement Agreement (f/k/a Voluntary Agreement) with ANC 2A, the ANC 2A is formally registering an objection to such action until such time as the ANC 2A takes another position on such request.

Sincerely,

Florence Harmon
Chairperson

cc: Applicant
Sarah Fashbaugh, ABRA Community Resource Advisor

Resolution #3 - Title 11, Zoning Regulations – Comprehensive Text Revisions

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.

Washington DC 20037

October 25, 2013

Via ELECTRONIC FILING

Chairman Anthony Hood
D.C. Zoning Commission
441 4th Street NW, Suite 210S
Washington, DC 20001

Re: Z.C. Case No. 08-06A
Title 11, Zoning Regulations – Comprehensive Text Revisions

Dear Chairperson Hood and Members of the Zoning Commission:

On October 16, 2013, at a duly-noticed regular public meeting and with a quorum present, Advisory Neighborhood Commission (“ANC”) 2A voted 5-0-1 to adopt the following resolution.

WHEREAS, the Foggy Bottom and West End Advisory Neighborhood Commission (ANC-2A) seeks to protect the residential quality of life in Foggy Bottom and the West End; and

WHEREAS, the statutorily-set boundaries of the Central Employment Area (CEA) in Foggy Bottom-West End are “east on the E Street Expressway and E Street, N.W. to 19th Street, N.W., north along 19th Street, N.W., to F Street, N.W., west on F Street, N.W. to 20th Street, N.W., to Pennsylvania Avenue, N.W., west along Pennsylvania Avenue, N.W., to 21st Street, N.W., north along 21st Street, N.W. to M Street, N.W., east along M Street, N.W. to 20th Street, N.W. to New Hampshire Avenue, N.W., and northeast along New Hampshire Avenue, N.W. to Dupont Circle on the west”;

WHEREAS, ANC-2A and Foggy Bottom-West End community groups successfully fought boundary exclusions from the statutory CEA definition area, as reflected in the 1994 and 1999 Comprehensive Plan Amendment Acts, to ensure that Environmental Impact Statements would be required for five possible development sites (the old Associated General Contractors PUD at 1957 E Street, the old Red Cross National Capital Chapter at 2025 E Street, the now International Finance Corporation from Pennsylvania Avenue to K Street between 21st and 22nd, the Pan American Health Organization (PAHO) at 23rd and E, and the PAHO support building at 2121 Virginia) and the entire George Washington University (GWU) Campus Plan area; and

WHEREAS, the Office of Planning's (OP) proposal effectively **expands the statutory boundaries for the CEA** into the West End (e.g., in some Squares from West of 21st Street to 22nd Street and from North of Pennsylvania Avenue to M Street) without an accompanying statutory amendment to effectively expand the "downtown" (see Subtitle I-58, **Figure 4**, "All Streets in Downtown Zones with Designated Street Segments"); and

WHEREAS, the current zoning rules for Transferable Development Rights (TDRs) (which increase allowable density and allowable height, including for PUDs) at 11 DCMR § 1709.16 state, "The New Downtown receiving zone consists of the C-3-C zoned portions of Squares numbered 72 through 73, 74, 76, 78, 85, 86, 99, 100, and 116 through 118" in the West End;

WHEREAS, OP's proposal **expands TDRs** into additional Squares in the West End and into some Squares in Foggy Bottom (South of Pennsylvania Avenue) by its proposed Credit Trade Areas which far exceed the 12 Squares in the West End which are included in the current TDR receiving zone rules (see Subtitle I-110, **Figure 20**) ; and

WHEREAS, for Planned Unit Developments (PUDs), OP proposed: (a) **increased Floor Area Ratio (FAR) density** ("the Commission may increase total FAR ... **by** no more than twenty percent (**20%**) of the zone district associated with the PUD. As part of the twenty percent (20%) increase, the Commission may **increase the FAR for non-residential uses by** no more than thirty-four percent (**34%**) of the matter-of-right non-residential FAR permitted within the zone district associated with the PUD) (see §303.3 in Subtitle X-20) and (b) an unjustified **increase in the height limit** in C-2-C zones **from 90 feet to 110 feet** (see Table on Subtitle X-21), including areas within Foggy Bottom-West End; and

WHEREAS, OP's proposed definition of PUD and its proposed provisions governing PUDs (see Subtitle B-20 and Subtitle X-17-41) do not include any provisions covering "**omnibus**" **PUDs**, including an **increase in maximum FAR for a Campus Plan** (e.g., from 3.5 to 4.5) omnibus PUD; however, §301.3-§301.5 in Subtitle X-19 do mention necessary contiguity for PUDs; and

WHEREAS, OP's proposed provisions unfairly allows a "**modification of consequence**" for a PUD **without a public hearing** ("A modification of consequence, including but not limited to a proposed change to a condition cited by the Commission in the final order ... the Commission may consider a modification of consequence by proposed action with no additional public hearing" at §312.6(b) in Subtitle X-38) and also for non-PUDs (see §705.9(b) in Subtitle Z-45); and

WHEREAS, OP proposed changes in the requirements for minimum and maximum **parking** spaces which could adversely affect some future developments in Foggy Bottom-West End; and

NOW THEREFORE, BE IT RESOLVED, for all of the reasons recited herein, that Advisory Neighborhood Commission 2A (ANC-2A) requests that the Zoning Commission: (a) not expand either the CEA or TDRs into more of Foggy Bottom-West End; (b) not allow for

increases in currently allowable density, percent non-residential uses, and height in Foggy Bottom-West End; (c) define and state governing provisions for “omnibus” PUDs; (d) require public hearings for all “modifications of consequence” to zoning Orders, including for PUDs and Campus Plans; and (e) not change the requirements for parking spaces in Foggy Bottom-West End.

The ANC designates any of its Commissioners to represent it before the Zoning Commission regarding this matter.

We respectfully urge the Commission to give careful attention to the concerns articulated in this resolution and letter.

Sincerely yours,

Florence Harmon, Chair, ANC 2A

cc: Jennifer Steingasser, Office of Planning
Joel Lawson, Office of Planning
Elisa Vitale, Office of Planning
ANC 2A Commissioners
The Honorable Jack Evans, Councilmember
Nyasha Smith, Secretary to the Council