

**FOGGY BOTTOM & WEST END
ADVISORY NEIGHBORHOOD COMMISSION 2A
MEETING MINUTES
NOVEMBER 10, 2010
ST. STEPHEN MARTYR PARISH HALL
25TH & PENNSYLVANIA AVE., N.W.**

Call to order

Chair Rebecca Coder called the meeting to order at 7:06 PM. She and commissioners Irizarry, Malinen, Harmon and Corson introduced themselves. A quorum being present, the Commission adopted the draft agenda, modifying it to move discussion of transportation issues to December.

General agenda

Public comments

Barbara Kahlow, a “resident and activist,” raised “an ethical question” regarding the association of Commissioner Corson with a potential developer of the Stevens School property. Mr. Corson pointed out that he planned to recuse himself from the Stevens School matter and that this plan had been discussed with the chair and with Commissioner Harmon, in whose single-member district the property lies. Commissioners Coder and Harmon supported him in this plan. Ms. Kahlow reiterated her warning against “a tainted process.”

The manager of the Foggy Bottom 7-11 store on New Hampshire Avenue, N.W., described his plan to operate the store on a 24-hour basis. Commissioner Coder suggested a formal presentation of this plan for the December meeting. Several neighbors of the store spoke in support of the plan and of the store’s accommodating attitude toward neighborhood concerns.

Elizabeth Elliott reported concerns about construction noise related to the hotel development in east Foggy Bottom, surrounding by residences and student housing. Commissioner Coder invited more specific information for possible inclusion in a letter to the appropriate agency.

Safety report

Commissioners Coder and Corson reported on their meeting with Commander Klein of the Metropolitan Police Department 2nd District, where they were reassured that the sexual assault reported in the neighborhood last month is not the work of a “sexual predator.” Sgt. Donald M. Phillips of the MPD stated that he was not permitted to discuss the case further as it is still under investigation. Crime in general is down in Public Safety Area 207, Sgt. Phillips reported, but noted that the main incitement to crime in the area was “unattended property,” especially in parked cars, and to inattentive pedestrians whose absorption in cell phone conversations or music-listening devices made them liable to become “a walking statistic.” He explained the division of responsibility among different units of the MPD and promised to pass along complaints about excessive speeding on Pennsylvania Avenue, N.W., to the traffic division that has jurisdiction. Audience comments concerned vandalism in the 1000 block of 22nd St., N.W., and in the alley paralleling this street between K and L streets. Complaints were voiced about thefts in the nearby PMI parking garage and about the timing of the pedestrian lights around Washington Circle. Commissioner Coder recommended the ANC send a letter to DDOT regarding the timing of the pedestrian lights. Commissioner Irizarry recommended a DDOT safety audit such as has been used successfully on Virginia Avenue, N.W.

Informational presentations

GWU Hospital

Commissioner Coder, in introducing Kimberly Russo, Chief Operating Officer of George Washington University Hospital, referenced information provided by the GWU office of Community Relations and distributed to commissioners via e-mail. This information sets forth the calendar for formal presentations to the Commission of university second stage planned unit development projects for Square 103 at the

December 15, 2010 meeting, Square 39 in February 2011 and Square 55 in March 2011.

Ms. Russo introduced members of the Radiation Oncology Department at GWU Hospital and distributed information on the department's planned move from 2300 K St., N.W., in a building soon to be torn down, to an expanded facility in leased commercial space at 1250 23rd St., N.W. Discussion focused on the volume of the new space and new equipment to be housed there, parking capacity and on anticipated growth in the number of patients seeking treatment in the new space. In response to audience questions, Ms. Russo and her colleagues described that a "very conservative" 3 % growth was anticipated over the next ten years and that growth in the number of cancer patients would be balanced by a "downward" trend in the proportion of patients using radiation as opposed to other therapies.

In response to a question from Commissioner Malinen, Ms. Russo stated that GWU Hospital is not subject to the university's campus plan and is a separate entity owned by UHS in which the university holds only a 20% ownership share. Ms. Russo asked for a letter stating that the Commission had no objection to the radiation oncology move, which the Commission voted to provide, predicated that the parking issues raised be addressed.

Stevens School

Commissioner Corson recused himself from the following discussion.

In introducing this subject, Commissioner Coder noted that many neighbors had learned of the Stevens School issue from a *Washington Post* article of November 6, 2010 (reproduced in these minutes as Appendix 1) and that the Commission had been informed shortly before that the Deputy Mayor for Planning and Economic Development (DMPED) planned to hold a hearing on the disposition of the Stevens School property on December 1 and had invited new proposals from developers who had expressed an interest in the property two years ago. Discussion focused on a recapitulation of DMPED's handling of the disposition and redevelopment process during the past two years, which all commissioners and most other speakers regarded as flawed, and on the timing of these latest developments. Extended discussion focused on the educational potential of the property and on the value of

schools to the future growth of population and the tax base in the West End. A parent from the School Without Walls and persons familiar with the growing reputation of the Francis/Stevens program urged careful consideration of Stevens School's educational potential. Mary Lord, a member of the District of Columbia Board of Education, applauded the Commission's stand in opposition to the early DMPED actions and noted the opportunity for educational consortia and other innovations in Foggy Bottom and the West End. Other speakers spoke in similar terms.

Commissioner Harmon having circulated a draft resolution to commissioners, Commissioner Coder read the draft resolution aloud. Commissioner Irizarry offered a friendly amendment, which was accepted. The resolution was then adopted by a vote of 5 in favor, none opposed. A copy of the resolution is included in these minutes as Appendix 2.

Planned presentations on Circulator bus service and WMATA's plans for the Foggy Bottom metro station were postponed until the December meeting.

Regulatory agenda

ABRA

The Rookery (ABRA-078057; class CT 01). Commissioner Coder recapitulated the history of this license. In June 2009, a police representative spoke to the problems here with loud music and other disturbances. The residential character of surrounding property has increased with the completion of 2501 Pennsylvania. Residents of Windsor Court and of the Westbridge elaborated on the problems, citing their experiences with noise, blocked alleys and unresponsive police who are hamstrung by procedural issues. Commissioner Corson called this "one of the most problematic properties in our area." He moved to protest the renewal of this license on the basis of the threat to the peace, order and quiet of the neighborhood, parking and fire code violations and on its negative impact on property values. The motion passed by a vote of 6-0. A copy of the letter of protest is included as Appendix 3 to these minutes.

No action was taken on the license renewal application of the 51st State Tavern or on the substantial change requested by Froggy Bottom Pub in its license. However, Commissioner Coder directed the executive director to write to the former applicant, inquiring as to whether the banners that routinely hang from the railing that encloses 51st State's outdoor seating area are compliant with regulations governing signage and on the use of public space.

Commissioner Coder reported briefly on the status of ongoing negotiations regarding Walgreen's liquor license application. She also reported that the management of the Shadow Room, whose liquor license renewal is currently under protest by the Commission, had requested an appearance before the Commission but then had withdrawn the request.

Administration and Committee Reports

The executive director reported that there are no precedents for ANCs development of a records retention schedule but that the Commission is governed by District of Columbia schedules generally and by the general rule that the Commission is responsible for retaining only records that it has created, though other records may be retained for convenience or reference. He will continue to seek guidance from the DC archivist's office.

On motion of Commissioner Coder, the minutes for October 13, 2010, as amended by Commissioner Malinen, were approved by a vote of 6-0.

On motion of Commissioner Harmon, the agenda was amended to include the matter of nominating a candidate for the Cafritz award for exemplary service by a District of Columbia employee.

Commissioner Harmon then moved the nomination of Gottlieb Simon of OANC, which passed by a vote of 6-0. Commissioner Irizarry suggested inviting support from ANC's 2B and 2C for this nomination.

The December 15 meeting was scheduled to begin at 6:30 PM at the West End Neighborhood Library.

There being no further business, the Commission adjourned at 9:21 PM.

Appendix I

[This is a clipping from the *Washington Post* and was added manually to the version submitted for adoption on January 19.]

Appendix 2

**Foggy Bottom and West End
Advisory Neighborhood Commission (ANC -2A)**
c/o West End Branch Library 725 24th Street, NW Washington, DC 20037
(202) 386-6207

The Honorable Valerie Santos
Deputy Mayor for Planning and Economic Development
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 317
Washington, D.C. 20004

November 11, 2010

RE: Proposed Re-use or Development of Stevens Elementary School
Building

Dear Ms. Santos:

At its properly called regular meeting on Wednesday, November 10, 2010, the Foggy Bottom and West End Advisory Neighborhood Commission (ANC 2A) considered the matter of the proposed re-use or development of Stevens Elementary School, located at 1050 21st Street, NW, Washington, DC 20036.

With five of the six Commissioners present, a quorum at a duly called public meeting, the following resolution was unanimously approved by ANC 2A, by a vote of 5-0,¹ regarding the development of Stevens School:

WHEREAS the commissioners of Advisory Neighborhood Commission 2A (“Commission” or “ANC 2A”), serving Foggy Bottom and the West End are and have always been convinced of the historical importance of the buildings on this site, viewing Stevens’ heritage as unique, given its establishment in 1868 and original purpose as the first school for children of freed slaves in Washington, D.C.;

WHEREAS the Office of the Deputy Mayor for Planning and Economic Development (DMPED) failed to consider four bids by charter schools for use of the Stevens School in accordance with The School Reform Act of 1995, which provides a preference for charter schools to obtain surplus property, and Public Law 108-335, Section 342(c);

¹ Commissioner Asher Corson recused himself from this matter.

WHEREAS DMPED subsequently solicited for bids from private developers, received nine bids for development of the Stevens School, and before consideration of these nine proposals by ANC 2A, through a non-transparent process, DMPED then narrowed its selection to three finalists without notice or explanation to the community;

WHEREAS DMPED then narrowed the selection from the three finalists and awarded selection of development of the Stevens School to Equity Residential, Incorporated (“EQR”), an apartment building development option unanimously opposed by ANC 2A;

WHEREAS after eighteen months of overwhelming community opposition to EQR, DMPED recently announced it would cancel plans to turn Stevens School into the apartment building proposed to be developed by EQR;

WHEREAS DMPED has recently asked six of the nine original developers that originally made proposals to submit final offers for the development of Stevens School by the end of November 2010;

WHEREAS DMPED has not specified how it selected these six proposals it is currently considering for development of the Stevens School;

WHEREAS on November 1, 2010, DMPED issued a notice for a surplus hearing to be held on December 1, 2010 regarding the Stevens School, so, according to news reports, that DMPED can recommend award of the property to a particular developer, prior to the departure of the Fenty administration, and then have the property declared surplus afterwards.

WHEREAS ANC2A and community members have not had an opportunity to review the current proposals that DMPED is considering for redevelopment of the Stevens School;

BE IT RESOLVED, therefore, that ANC 2A strongly requests that DMPED cancel the 12/1/2010 surplus hearing on Stevens and restart the process under which the Stevens School is considered for re-use or development under incoming Mayor Vincent Gray.

BE IT FURTHER RESOLVED, therefore, that incoming Mayor Gray should make the future of Stevens School a model project for re-use or development, in a manner that follows existing law, and by engaging the community and the ANC 2A fully in a transparent process that allows for the opportunity for a thoughtful and open discussion to take place.

ON BEHALF OF THE COMMISSION.

Sincerely yours,

Rebecca Coder
Chairman, ANC 2A

cc: The Honorable Adrian Fenty, Mayor
The Honorable Vincent Gray, Mayor-Elect
Jack Evans, Council member

Appendix 3

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

November 15, 2010

Charles Brodsky, Chairman
Alcohol Beverage Control Board
1250 U Street, NW, 3rd Floor
Washington, DC 20009

Re: ABRA-078057, Pocomo LLC, T/A The Rookery, 2513 Pennsylvania Avenue, NW

Dear Chairman Brodsky and Members of the Board:

At its regular, duly noticed meeting on November 10, 2010, the matter of the liquor license for Pocomo LLC, T/A The Rookery, came before the Commission. With a quorum present, ANC 2A voted unanimously to protest the renewal of this license based on the following: adverse impact on the peace, order and quiet of the neighborhood; impact on residential parking, and vehicular and pedestrian safety; and, impact on residential property values.

Over the past two years, specific complaints related to the Rookery have been received by the full commission, and the commissioner in whose single member district the establishment is located. In addition, constituents have registered complaints with ABRA and the Metropolitan Police Department. Complaints relate to noise from live performances within the venue, which are audible in the surrounding condominiums, complaints about patron behavior when disbanding at closing, as well as overcrowding within the club and outdoor space.

ANC 2A therefore urges the Board to deny this application.

Respectfully Submitted,

Rebecca Coder, Chair