



Advisory Neighborhood Commission 2A

“Serving the Foggy Bottom and West End communities of Washington, D.C.”

Special Meeting Minutes

Wednesday, October 7, 2015; 7:00 p.m.

GWU School of Media and Public Affairs, Room B07 – 805 21st Street NW

Call to Order

Vice Chair Florence Harmon (06) called the meeting to order at 7:07 pm. Commissioners Rebecca Coder (02), John Williams (03), Philip Schrefer (05), and Eve Zhurbinskiy (08) were present.

Vice Chair Harmon made a motion to adopt the agenda. Vice Chair Harmon noted the exigent circumstances that had provided good cause for, and necessitated, less than seven days public notice of the special meeting but noted that proper public notice had been accomplished and that notice had been specifically sent to the counsel for Hilton Garden Inn and the hotel’s principals. Commissioner Schrefer seconded the motion, which was voted on and passed (VOTES: 5-0).

Regulatory Agenda

Consideration of a Resolution Regarding Request for Consent Calendar Modification to PUD Order by Hilton Garden Inn (2201 M Street NW, Zoning Commission Case Number 07-21B)

Vice Chair Harmon gave an overview of the history of the planning process for the Hilton Garden Inn. She said that Chair Kennedy had received a hand delivered copy of the hotel’s application to the Zoning Commission. The hotel was applying for a minor modification to the hotel’s existing zoning order to be placed on the Zoning Commission’s consent calendar. She said that the matter was in regards to the hotel’s sign that was located near the roof of the building.

Vice Chair Harmon said that she was concerned for her constituents who live adjacent to the hotel, but that she was particularly concerned with the process that the hotel and its legal counsel took when submitting the minor modification application, which is why she thought the ANC should take action in response to the application.

Barbara Kahlow, a local resident, said that the ANC had to file a statement within seven days of receiving the minor modification application if the neighborhood wanted to have the request moved off of the Zoning Commission’s consent calendar and scheduled for a public hearing.

Sally Blumenthal, the president of the condominium board at 22 West, said that since the ANC received the application on Monday, October 5th, and that the next Monday, October 12th was a federal holiday, the commission would have until Tuesday, October 13th to file a statement.

Commissioner Coder said that since she was the commissioner for the area that included the Hilton Garden Inn at the time that the project was first proposed, she had particular concerns with both the proposal and the legal process that the developer was going through for the proposal.

Howard Biel, a local resident, was present. He said that he was wondering who the developer for the hotel was and who the law firm representing the hotel was. Vice Chair Harmon responded with that information. She added that the Board of Zoning Adjustment (BZA) had already ruled a year ago that the hotel had to take down the sign that was installed near the roof, but that the formal order from the ruling had still not been issued.

Ms. Blumenthal provided additional context regarding the zoning order that was issued in 2011, including how the hotel's developer approached the Zoning Administrator in attempt to mischaracterize a portion of the zoning order to allow for the installation of a sign near the roof of the building. She said that the developer's argument was based on the fact that a slide in a presentation that was attached to the zoning order included a reference to a lighted sign being installed near the roof. She added that the slide was filed after all of the BZA formal presentations and that the sign on the slide was obscured. She said that, in contrast, the BZA order clearly did not permit the sign that Hilton Garden Inn installed.

Ms. Blumenthal said that the perspective of the 22 West condominium board was that this application for a minor modification was a last minute attempt to prevent the sign near the roof from being taken down because of the fact that the BZA's order from their ruling had not been issued yet.

Sara Maddux, a local resident, said that she had attended the first community meetings with the developer's architects for the project, and that the hotel's signage was an issue from the very beginning of the discussions. She also suggested that it was a good time to write a letter to the Attorney General's office, asking them to direct the legal counsel at BZA to issue the order from their ruling.

Vice Chair Harmon distributed a resolution that Ms. Blumenthal and Ms. Kahlow had worked on together. She read the resolution aloud.

The commissioners and community members made several edits to the proposed resolution. Vice Chair Harmon also suggested designating Commissioner Coder, Chair Kennedy, and herself as the commission's representatives in the matter.

Vice Chair Harmon made a motion to adopt the resolution, subject to the editorial improvements as discussed during the meeting. Commissioner Schrefer seconded the motion, which was voted on and passed (VOTES: 5-0).

Approval of an Expense to Retain Legal Counsel Regarding Request for Consent Calendar Modification to PUD Order by Hilton Garden Inn

Vice Chair Harmon made a motion to authorize up to \$5,000 in legal fees in order to retain appropriate zoning counsel regarding the matter. Commissioner Coder seconded the motion, which was voted on and passed (VOTES: 5-0).

Vice Chair Harmon adjourned the meeting at 7:52 pm.