



**Foggy Bottom & West End
Advisory Neighborhood Commission 2A**

(www.anc2a.org)

Wednesday December 7, 2011 7:00 p.m.

School Without Walls 2130 G Street, NW

Meeting Minutes

Call to Order

Chair Rebecca Coder called the meeting to order at 7:00 p.m.

The following commissioners were present and introduced themselves: Chair Rebecca Coder (2A02), Commissioner David Lehrman (2A01), Commissioner Armando Irizarry (2A04), Commissioner Graham Galka (2A05), and Commissioner Florence Harmon (2A06). With five of the six commissioners present, a quorum was established. Commissioner Asher Corson (2A03) arrived at 7:15pm.

Chair Coder removed the approval of the November minutes from the Agenda. With no objections from the commissioners, the agenda then was moved.

General Agenda

Public Comments

Residents discussed the departure of Safeway from the Watergate. Community member, Marija Hughes, and Commissioner Irizarry have been exploring other store options, and a shuttle service. Community member Ellie Becker raised the issue regarding residents without computers and suggested that they should be able to call in their order, instead of ordering online.

Community member Elizabeth Elliott stated that residents on the FoggyBottomAlert list serve have discussed car sharing to local stores, and that this concept is something that could be part of the “Village” aging in place program. . Community member Michael Dudich stated that the time has come to change the focus to find a replacement full-service grocery store either at Watergate or nearby. He suggested that the neighbors combine efforts with Councilmember Evans on this issue.

Marcus Wingate, outreach manager of Safeway.com, spoke about the delivery of groceries which he oversees. The deliveries are conducted out of the Georgetown Safeway, with 7 trucks servicing the area. The delivery is placed in the customer’s front door or where the resident wants them. The minimal order of \$50 from Safeway.com is still required in order to waive the delivery fee which Safeway will honor for 6 months. Mr. Wingate stated that Safeway is preparing to distribute 5,400 mailers to area residents regarding ordering foods at Safeway.com. He suggested that residents can call Safeway to place an order. The Safeway staff would process the order through their computer. He emphasized that Safeway has to be extremely mindful of security issues related to credit card information.

Commissioner Galka offered to assist distributing the Safeway mailers and flyers to the community.

Commissioner Galka recommended contacting Aging in Place Village that Chair Coder is working on. Chair Coder stated that the interim board for this Village is assessing the community needs. The Village provides a community structure for those living at home, and plans to provide transportation options which could include this current gap for seniors. In response to questions about the costs of membership, Chair Coder stated that there will be a sliding fee scale based on income levels..

Safety Report

No public safety report was given because there wasn't an officer from the DC Metropolitan Department 2nd District present to give it.

2012 SunTrust Rock-N-Roll Marathon – March 17, 2012

No representative was present and the item was tabled.

Historic Stevens School – update on status of RFEI

Matt Troy and Nimita Shaw of the office of the Deputy Mayor for Planning and Economic Development (DMPED) discussed progress on the Request for Expressions of Interest (RFEI) for the Stevens School site. The RFEIs were approved and released on November 29 to developers and educational operators. DMPED has proposed a dual RFEI track for the land and the school to ensure the city sees both strong development and educational operators responding, and then can put the best candidates together. The RFEI includes the ANC2A's April, 2011 resolution.

On December 15, DMPED will hold a pre-response event for all interested parties to tour Stevens. The teams will have until March 1, 2012 to submit proposals. DC will evaluate the proposals and short list the top candidates. In April 2012, DMPED will hold a meeting so the parties can pair up (ie "Meet and Greet" for education and developer teams). The final joint proposals will be presented in May 2012.

Community residents commended DMPED for its approach and the dual track process.

In response to questions from the community residents and commissioners, DMPED stated:

- An educational operator could team up with more than one developer.
- DMPED wants to keep the Stevens School in the public domain. The lots will be split: the education lot will have a long-term lease with DC. The other lot has a purchase option that developers can exercise for a fee. The school site will never leave DC's control.
- The surrounding land will be available for development as a mixed-use project. The monies from the development will be for the rehabilitation of the school. DMPED will review developer proposals to ensure that there will be enough monies for the rehabilitation of the school.
- The corner parcel is owned by the Humane Society. DC would like the organization to remain in DC.
- DMPED has included the office of the Deputy Mayor for Education (DME) in the review process so they can provide assistance to education teams, and help vet the educational operators.

Commissioner Harmon expressed her appreciation of DMPED 's work and the dual track. She stated her desire to see GWU's School of Education involved as they could help a school operator succeed on a far greater level. She asked about how to clarify zoning guidance on height as it related to connecting to K Street which some developers had previously proposed and which was somewhat concerning. In response, DMPED said this issue is something that the Office of Planning must advise developers on.

Chair Coder asked about the process for providing information and assistance for education teams throughout the RFP process. In response, DMPED explained that the DME can provide assistance. She also expressed concern about the last round, and how some developers misled the community on whether or not they had secured rights for the Humane Society parcel, and had presented plans that included it. In response, DMPED explained only developers with a binding contract would be able to present plans that include the Humane Society parcel.

Regulatory Agenda

Matters before the DC Department of Health

GWU Hospital Radiation Oncology Center Relocation to K St Commercial District

Kim Russo, Chief Operating Officer of GWU Hospital introduced the hospital's leadership team, and gave a presentation on the certificate of need for the new location of the Radiation Oncology Center at 2131 K Street, which is within DC's K Street commercial district.

GWU Hospital opened in 2002 at its current site without a radiation unit in the hospital, which was instead placed in the Warwick Building on Washington Circle. The Warwick Building is now scheduled to be demolished and will be the future home of the GWU School of Public Health. GWU Hospital rescinded the previous certificate of need for 1250 23rd Street in response to the concerns of the condominium's residents. The Radiation Oncology Center will vacate the Warwick site and move to a temporary location on 23rd Street. The move to K Street will take 4 to 6 months to complete. GWU is purchasing the K Street building and will be renovating it.

Commissioner Corson stated his appreciation that the Radiation Oncology Center will be placed in a commercial building in the commercial district on K Street, with no residents. Chair Coder concurred.

Commissioner Harmon proposed a motion to support the certificate of need for the relocation of GWU Hospital Radiation Oncology Center to 2131 K Street. Chair Coder seconded the motion. The motion passed unanimously. **(VOTE 6-0) (Attachment # 1)**

1730 Pennsylvania Avenue

Chop't at 1730 Pennsylvania Avenue, presented their application for an outdoor sidewalk café consisting of tables and 24 chairs. This outdoor café will be seasonal, and will open 10:30am – 9pm. It will not interfere with the pedestrian clear way of 10 feet. The chairs and tables will be brought inside when not in use. Chop't is located next to Wells Fargo and nearby Starbucks. Chair Coder expressed her appreciation that the tables and chairs will be moved indoors when not in use.

Commissioner Lehrman proposed a motion to support the Chop't application for a sidewalk café. Chair Coder seconded the motion. The motion passed unanimously. **(VOTE 6-0) (Attachment # 2)**

Matters before the ABC Board

Renewal for Foggy Bottom Grocery (FoBoGro), 2140 F Street

Chair Coder stated that FoBoGro's liquor license was up for renewal. Commissioner Harmon stated she wanted to learn more about the specific issues of community members Barbara Kahlow and Sara Maddux. She stated that the ABC Board typically wants the community to work out these issues.

Commissioner Harmon stated a lot of times you have to work with the applicant, for example she was able to have the Starbuck's refrigerated delivery truck change their delivery schedule and location for idling.. She was also successful in having owners voluntarily agree to inform their patrons about the community Quiet Zone. Commissioner Harmon stated she expects owner to address problems and live up to their promise.

Commissioner Harmon stated she wants to hear the concerns raised by all the parties, and opened the floor to comments from the community.

Community member Sara Maddux stated that Kris Hart gave sworn testimony to the ABC Board that there wasn't going to be any loitering in front of his establishment. However, Ms. Maddux states that there are people loitering and jaywalking there. She stated that Mr. Hart had also promised that the delivery trucks would not double park in front of or on the side of his store. Ms. Maddux stated that delivery trucks are double parked there. She stated that Mr. Hart also gave sworn testimony that liquor sales would stop at 10pm. However, DC extended that until midnight. Ms. Maddux stated that Mr. Hart is not keeping with the sworn testimony he gave to the ABC Board.

Community member Barbara Kahlow declared that this was a nuisance property, providing alcohol up to midnight even though it is designated a R5E residential zone and therefore in direct violation.

Community member Laetitia Kobrick stated that she walks by FoGoBro many times and has seen customers but not heard shouting nor any noise disturbance. She has not seen delivery trucks. She has seen jaywalking.

Community member Elizabeth Elliott stated that students, half of whom live in her part of the neighborhood, start partying Thursday evening continuing through Sunday morning. She stated that GWU had agreed under the PUD that this would be controlled.

Kris Hart, owner of FoBoGro stated he had not received any complaints regarding noise or loitering. He stated that one of the deans lived next door and has a new baby, and has never complained. He stated that Ms. Kahlow does not live near the store. He looks forward to working with Commissioner Harmon to work out any potential problems.

GWU's Brittany Weddell stated that jaywalking is not a FoBoGro issue but a campus-wide problem, and that GWU has undertaken an awareness campaign regarding this issue. They are also working with DC MPD and will keep the Commission updated regarding this issue.

Commissioner Lehrman stated that he lives about 150 yards away from FoBoGro. He stated that he recognizes GWU's good faith efforts to educate students regarding crossing streets. He stated that it was hard to control jaywalking and that Commissioner Harmon could talk to the police regarding ticketing students for jaywalking.

Chair Coder stated she had pulled the records and investigative history relating to FoBoGro. They did not receive any violations. They have a good track record and do not have any issues. Chair Coder stated that other liquor establishments whose records she pulled (Riverside Liquor, Bayou and McFadden's) had received violations for selling to minors, assaults and/or noise violations, for which DC MPD responded. Chair Coder also stated that FoBoGro had recently been commended for passing an underage sting operation by ABRA. Commissioner Corson said that at times concerns are not reflected in ABRA's records.

Commissioner Harmon proposed that she would work with the parties to try to resolve these issues.

GWU Construction Noise

Commissioner Harmon discussed recent press reports related to GWU's construction and its impact on students who are her constituents.

Community member Barbara Kahlow stated typically a construction management plan will address hours and such issues. Community member Michael Dudich stated this was not only related to GWU construction, but is a neighborhood-wide and city-wide issue. He wants consistent rules. Chair Coder stated that DCRA issues regulations regarding construction times.

Community member Marija Hughes said she used to live in Columbia Plaza but moved because of continual construction noise. She wants the citation for the DCRA rules and regulations regarding construction.

Community member Elizabeth Elliot stated that since August 1999 there has been a continuous flow of construction projects in the neighborhood. At first, GWU was not following DC code, but with community effort and persistence and ANC support the code was followed.

GWU staff Brittany Weddell said she would take the lead regarding construction issues.

GWU staff member Susi Cora stated GWU ensures that their construction agreements address the items of concern to Commissioner Harm. For example she recently contacted Clark Construction regarding construction noise. They monitored the situation for six months and rectified the problem on Square 55.

Commissioner Harmon said that even though construction doesn't start until 7am, workers are present beforehand resulting in noise. She has worked with construction management plans for other establishments. She wanted to review the construction management plans and contracts.

Matters before the DC Zoning Commission

Update on progress to address neighbors' concerns re: West End Library Development – EastBanc

Chair Coder stated that in the previous November ANC meeting, the Commission passed a resolution providing conditional support for the West End Library redevelopment. She stated that she had since met with the developer and addressed as many of the concerns as were realistic, that she was working towards a memorandum of agreement with the developer and a construction management plan, and that she was comfortable with fully supporting the applicant and recommended this to the full commission. She opened the floor for comments.

Community member Ken Nook, who lives on 24th Street, stated he had concerns regarding the design of the building, specifically the change of the height from 90' to 110', and the issue regarding trucks accessing alley by backing into it.

Community member Howard Biel who lives at the Ritz, expressed the Ritz's continued concern about the design of the building. He added that the proposed building was distinctive and great, however its design placement was the challenge. He praised EastBanc on its communication process, and asked for clarification on the mezzanine level. He also stated that EastBanc had minimized the effect on traffic on 23rd and 24th Streets with the one way ingress and egress. EastBanc responded to the concerns.

In response to questions from the community members:

- The new library will have 21,000 square footage.
- Library will decide its signage since it will be the library building.
- The ANC2A was comfortable with the public benefits and amenities..
- The life span of the maintenance fund is expected to be 70 years.
- EastBanc stated that some people love the building design and some hated it.
- EastBanc wants the support from ANC2A and to take a chance on this design.
- EastBanc has changed the design in response to community issues raised in previous ANC meetings: they sculpted and pulled the building back from the property line across from the Gibson.
- EastBanc and the ANC are working to construction plans and the MOA.
- The PUD allows the height of the building to be 110'. The other competing proposals presented was the same height.
- The height and density are fixed with limits as indicated in the PUD (110') and FAR (8.4).
- There are no limits on parking although Office of Planning wants less.
- EastBanc wants to work with community members regarding their concerns and to mitigate any problems.
- EastBanc will include delivery hours in the MOA.
- The condominiums will be @ 1,500 square feet, which is significantly greater than the average square feet for units in DC.
- The neighborhood will get a new fire station and new library.
- EastBanc currently does not know which bakery/coffee shop retail will occupy the lower levels. However, the retailers will be neighborhood based.
- There will not be nightclubs since the area is zoned CR.
- EastBanc will address trash pickup from the alley in the zoning order.

Commissioner Lehrman expressed his support of a dialogue between residents and EastBanc.

Chair Coder stated that whenever a condo sells, it generates monies for the maintenance fund. The fund will be perpetual. Chair Coder also added that it was time for a new traffic study of the West End area from DDOT.

Reimbursable Detail Expansion and Promoter Regulation Act of 2011 introduced by Council Member Jack Evans

Commissioner Harmon proposed a motion to delegate to her the writing of a resolution to support Council Member Jack Evans bill regarding requiring nightclubs and entertainment establishments (bars and restaurants) to provide additional security from midnight until one hour after closing

time. Chair Coder seconded the motion. The motion passed unanimously. **(VOTE 6-0).**
(Attachment # 3)

Administration

Adoption of October 4, 2011, October 19, 2011 and edits to June minutes

Chair Coder made a motion to approve the changes to minutes of the October 4 and October 19, 2011 meetings provided by Commissioner Harmon and adopt the minutes. The motion was seconded by Commissioner Irizarry. The motion was accepted and passed unanimously. **(VOTES: 6-0).**

Chair Coder made a motion to amend the June 15 meetings related to factual aspects of the Hilton Garden Inn that the attorney had brought to the Commission's attention. Commissioner Irizarry seconded the motion. The motion was accepted and passed unanimously. **(VOTES: 6-0).**

Update on 4th Quarter Financial Report

Chair Coder updated the Commission on two minor amendments to the 4th Quarter Financial Report in order to reconcile \$12 bank charges and June salary (which was paid in July) which were included on the check listing but not on the summary page. These were filed with the DC Auditor.

Announcements from the Chair

Chair Coder announced the next ANC2A meeting will be held on January 18, 2012. The meeting locations will be posted as space is still being secured. She wished everyone happy holidays.

There being no further business, ANC2A adjourned at 9p.m.

Attachment #1

INSERT a copy of the letter

Attachment # 2 - 1730 Pennsylvania Avenue – Chop't



District Department of Transportation

Public Space Management Branch
1100 4th Street SW / 2nd Floor
Washington, DC 20024

Tel. (202)442-4670 Fax (202)442-4867 Inspections: (202)671-7050



November 30, 2011

ANC-2A01
ANC

DDOT Tracking Number 66844

Dear ANC2:

This is to notify you of an application to occupy public space for the purpose of PS Rental: Sidewalk Cafe (unenclosed) at the premises at 1730 PENNSYLVANIA AVENUE NW, WASHINGTON, DC 20006.

Enclosed are plans showing the proposed work. Please review the application and plan and return this letter to the Public Space Management Branch (PSMB) advising it whether or not ANC2 has any objections to the application. The response must be received at the PSMB no later than thirty (30) days from the postmarked date of this letter, excluding Saturdays, Sundays, and legal holidays. If a response is not received within that period it is assumed that ANC2 has no objections to the application. If ANC2 has objections, they must be provided to the PSMB in writing and with supporting details. Please provide ANC2's response in the space below and return this letter with any correspondence pertaining to this application to:

District Department of Transportation
Public Space Management Branch
1100 4th Street S.W. / 2nd Floor,
Washington DC 20024,

Please Note: For 2's response to carry "Great Weight," this request must be voted on by the commission as a whole at a properly noticed meeting that is open to the public.

Please call (202) 442-4670 with questions. (FAX: 202-535-2221)

Attachment(s)

PLEASE COMPLETE THIS & RETURN TO THE PUBLIC SPACE MANAGEMENT BRANCH
Date of ANC Vote: 6-0 (please attach any resolution, if available)

ANC2 has no objection to this application.
 ANC2 has the following objections to this application:

(Please attach additional pages if necessary)

Name: Rebecca Coder Title: Chair ANC 2A
Signature: [Handwritten Signature] Date: 12/07/11

Attachment # 3

**Reimbursable Detail Expansion and Promoter Regulation Act of 2011 introduced by
Council Member Jack Evans**

INSERT a copy of the resolution

