



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

Regular Meeting Minutes

Wednesday, May 15, 2013 7:00 pm St. Mary's Court
725 24th Street NW

Call to Order

Chair Florence Harmon (06) called the meeting to order at 7:09 pm. Commissioners Jackson Carnes (07), Peter Sacco (08), Patrick Kennedy (01), Armando Irizarry (04), Rebecca Coder (02), Asher Corson (03), and Graham Galka (05) were present.

Chair Harmon made a motion to adopt the agenda. Commissioner Kennedy seconded the motion, which was voted on and passed (VOTES: 8-0)

General Agenda

Safety Report

Lieutenant Craig was present to give the safety report. He said that MPD was stepping up patrols for graduation parties this coming weekend in the Foggy Bottom Historic District.

Public Comments

Foggy Bottom Grocery Bus

Marija Hughes, a local senior resident, said that the Foggy Bottom grocery bus has been operating for 1 year and 5 months now. She said that Family Matters has recently received a \$35 million grant, and Hughes has written a letter asking that the grant money be used to buy a bus for the neighborhood grocery bus service.

M Street Bike Lane Project

Commissioner Coder had attended a recent meeting hosted by DDOT on the M Street Bike Lane project. The meeting had 115 people there, and there was an animated discussion on the matter.

Kennedy Center Expansion

Roger Mosier from the Kennedy Center was present to talk about the Center's plans for renovations on the South End of the building. Mr. Mosier said that the renovations will be funded solely with private donations, and Steven Holl architects has been chosen to design the site. There is a possibility of an addition of a café in the planned program space. The project will last approximately two years.

Mr. Mosier said that peak use night times for shows will not coincide with classroom peak usage time, meaning that parking will not be a problem for the new site.

Commissioner Irizarry brought to Mr. Mosier's attention two concerns raised by neighbors. The first concern was that the neighbors do not want construction trucks and other projects vehicles coming through the neighborhood before the 7 am start of construction.

The second concern was that the neighbors would like the Kennedy Center to provide parking for the increased amount of buses and other vehicles associated with the expansion.

Mr. Mosier took note of the concerns and indicated that they would not be a problem.

Regulatory Agenda

Matters before DC Council

Square 77: Alley Closing and PUD

Commissioner Sacco recused himself from discussing and voting on this matter.

David Avitabile, legal counsel for GW on the Square 77 project, was present. He explained that GW is seeking a letter of support from the ANC for the alley closing, which is set to go in front of the DC Council in the upcoming months.

Mr. Avitabile said that the project cannot go forward without an approval from the DC Council on the alley closing. He said that GW is under time restraints with City Hall set to go offline in the fall of 2016.

Mr. Avitabile said that the new residence hall will have up to 898 student beds, with two stories below grade for student, retail, and maintenance space. He said that GW hears the community's desires for more street level retail; however, GW is limited by the current structure of the building

He said that GW has agreed that at least fifty percent of the retail in the building will be open until at least 9 pm. GW has also made a number of changes to address site congestion. With the removal of on street loading activity for regular deliveries, all retail loading will be within the internal loading dock.

Mr. Avitabile said that all the alleys in the District are created of private property, and that DC precedent says that, when an alley is closed, the alley is transferred to the adjacent property owner(s).

Commissioner Kennedy brought up differences between GW's December filing, which include approximately 1,600 square feet for street facing retail on Eye Street, with the newest filing, which only included approximately 600 square feet. Susi Cora from the GW Division of Operations stated that GW had made some concessions to the Historic Preservation Office, meaning that more beds had to be fit in because there had to be separate entrances for the residence hall and affinity housing. Additionally, GW wanted to make the lobby welcoming and wide enough to drop people down to the below grade retail.

Commissioner Corson stated that there is a commitment in the original campus plan to move students back on campus and because this was a commitment back in the campus plan, it is not necessarily a benefit for this individual project. He questioned whether it was true that traffic will only be increased because of the new retail spaces on Square 77, when traffic could possibly increase even more by the additional student beds on the site. Mr. Avitabile stated that GW's research shows that ninety-seven percent of GW students who live on campus do not own a car, and thus there would not be a significant increase in traffic due to the additional bed space.

A few local neighbors mentioned that all local apartment buildings require students to move in and out at loading zones, and thus GW should use Square 77's internal alley for all student loading and unloading.

Commissioner Corson said that the community would like to see a second metro entrance funded. Mr. Avitabile stated that the amount of money GW would contribute would not be nearly enough to fund a complete second entrance, and that GW has committed to look at funding a second metro entrance when the time comes to redevelop Academic Center.

Commissioner Carnes made a motion to rescind the original resolution passed at the ANC's April meeting for the alley closing. Commissioner Irizarry seconded the motion, which was voted on and passed. (VOTES: 7-0-1 (Sacco recused))

Commissioner Carnes presented the Commissioners with a resolution, calling for the Council to add community amenity money for a second Foggy Bottom Metro entrance on the Council bill for the closing of an alley on Square 77.

The ANC will designate a Commissioner to represent the ANC in front of the Council at the discretion of the Chair.

Commissioner Carnes made a motion to adopt the resolution. Commissioner Corson seconded the motion, which was voted on and passed (VOTES: 7-0-1 (Sacco recused))

The ANC took no action on the Square 77 PUD resolution.

New Hampshire Avenue Streetscape Project

Mike Tucker from DDOT was present to give an update on the New Hampshire Avenue project.

Matters before ABC / ABRA

McFaddens

Chair Harmon made a motion to authorize Commissioner Coder to send a letter to ABRA, raising the ANC's concerns with McFaddens and that the ANC wants to see the current voluntary agreement continued. Commissioner Irizarry seconded the motion.

Commissioner Coder expressed interest in keeping the protest option open, but stated that the voluntary agreement with regards to their hours is pretty strong.

Chair Harmon amended the resolution to give Commissioner Coder the authority to mention past underage drinking violations and give her the authority to protest the ABRA license on the grounds of property values; and peace, order, and quiet.

Commissioner Coder made a motion to adopt the resolution. Commissioner Irizarry seconded the motion, which was voted on and passed. (VOTES: 8-0)

The ANC took no action on the remaining ABRA notices.

Greenhouse Bistro

Commissioner Coder had concerns about the newly proposed Greenhouse Bistro at 2030 M Street NW. She said that the owner owns another club downtown called Lima and was also concerned about the late hours specified in the ABRA filing for the bistro.

Chair Harmon made a motion to protest Greenhouse Bistro's Class C tavern license on the grounds of peace, order, and quiet; property values; and pedestrian and vehicular safety. Commissioner Coder seconded the motion, which was voted on and passed (VOTES: 8-0)

Chair Harmon made a motion to amend the resolution to give Commissioner Coder or the Chair the ability to negotiate a settlement agreement for the Greenhouse Bistro. Commissioner Kennedy seconded the motion, which was voted on and passed. (VOTES: 8-0)

Administration

March Minutes

Chair Harmon made a motion to approve the regular meeting minutes from the March meeting. Commissioner Coder seconded the motion, which was voted on and passed. (VOTES: 8-0)

Second Quarter Financial Report

Commissioner Galka made a motion to approve the second quarter financial report. Commissioner Kennedy seconded the motion, which was voted on and passed. (VOTES: 8-0)

FY 2013 Budget: October 1 to September 31

Chair Harmon made a motion to adopt the budget for FY 2013. Commissioner Galka seconded the motion, which was voted on and passed. (VOTES: 8-0)

Rewrite of Bylaws

Commissioner Carnes gave options for amending the bylaws, including working groups or a committee. Commissioner Corson thought the ANC should have a committee, where Commissioners and neighbors are invited to participate.

Commissioner Coder made a motion to form a committee to work on bylaws, with Commissioners Kennedy and Carnes serving as the co-chairs. Chair Harmon seconded the motion, which was voted on and passed. (VOTES: 8-0)

Grant Process

The ANC talked briefly about rolling out a grant process for neighborhood projects, with funding provided by the ANC. Commissioner Galka said that he would like to see some sense of accountability in the grant application and process.

The ANC will follow up with other ANC's and the Office of Advisory Neighborhood Commissions on the correct procedures for awarding grants.

Chair Harmon called the meeting adjourned at 9:56 pm.

Attachment #1 – Square 77 Alley Closing Resolution to DC Council:

May 16, 2013

VIA EMAIL

Chairman Phil Mendelson
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.

Suite 504
Washington, DC 20004

Re: S.O. 13-00803
Proposed Closing of Public Alley in Square 77

Dear Chairman Mendelson:

On May 15, 2013, at a duly-noticed regular public meeting and with a quorum present, the Foggy Bottom and West End Advisory Neighborhood Commission (“ANC”) 2A voted 7-0-1 to condition support for the above-referenced application from The George Washington University to close a public alley in Square 77 and adopted the following resolution:

RESOLVED that ANC 2A conditionally supports The George Washington University’s application for closing of a public alley in Square 77 provided sufficient amenities are given to the community to relieve (a) the burden of the additional congestion in the PUD Application (to the Zoning Commission) and (b) the adverse impacts imposed by the University on the Foggy Bottom-West End residential community. The ANC conditionally supports the public alley closing provided sufficient amenities are provided to the community as the alley closing provides the University a tremendous benefit. We understand that the University revised its Application to eliminate the on-street loading zone for trucks but not for residential move-in, move-out, and other year-round deliveries and made a retail commitment. However, the ANC remains concerned that the University has not provided sufficient community contributions to support the transfer of public property free of charge to the University and the added additional congestion to come with this project.

The University has proposed the alley closing in order to facilitate the construction of a new on-campus residence hall included in the 2007 Foggy Bottom Campus Plan and related PUD. The alley closing allows the University to construct an infill building on this site, which will combine three existing residence halls into a new larger residence hall.

The University also represents that the new residence hall will also contain retail space both at the ground floor and on the first level below grade, as well as additional space for student life. Even though the Campus Plan exempted the location from the I Street Corridor retail requirements, as part of the Square 77 alley closing process, the University has recently proposed a retail component to help activate the public space along the ground level and contribute to the development of the planned I Street Retail Corridor. Additionally, as part of the same process, the University agrees to a commitment that no less than half of the establishments in the project will close no earlier than 9:00 pm. However, the University recently amended its application to provide that only 600-700 square feet of retail will be provided on street level, which does not allay the ANC’s concern for active nighttime retail that enhances safety.

The University has agreed to make additional changes to the square that will allow for service and deliveries to continue to be made within Square 77, rather than from the public streets. Specifically, the University has agreed to construct a shared loading and service area for the new residence hall and the Marvin Center, as well as manage loading activity through a dock coordinator and other provisions of its proposed loading management plan. Additionally, as part of the Square 77 alley closing process, the University has recently agreed to maintain mail and package service where it is presently located. To address the ANC's concern about on-street loading, the University has decided to eliminate the on-street loading space. Instead, the University will schedule the limited large truck deliveries it expects during times when other deliveries are not made to the Square 77. This will allow the trucks to use the on-site loading area, and the on-site Dock Manager for the Square will coordinate all deliveries. Thus, all truck deliveries (except for residential move-in, move-out, and delivery vans) will be confined to the interior of the site.

Because the University's application for the Square 77 alley closing provides for the transfer of public land to the University—a tremendous benefit—the University should provide the community with a commensurate public benefit. ANC 2A, in conjunction with discussion with the staff of Ward 2 Councilmember Jack Evans, suggests the following types of public benefits that would be appropriate to be provided:

Discrete elements of a second entrance to the
Foggy Bottom-GWU Metro Station in the
Washington Metropolitan Area Transit Area (“WMATA”) System

In conclusion, the ANC supports the proposed Square 77 alley closing subject to the D.C. Council conditioning its approval of the alley closing to require the following conditions:

- That the University will provide the retail space both at the ground floor and on the first level below grade and that the University will commit that no less than half of the establishments in the project will close no earlier than 9:00 pm. However, as stated, because of the de minimus amount of street level retail, the ANC remains concerned that active street level retail that promotes nighttime safety of pedestrians is lacking.
- That the University has already decided to keep mail and package service where it is and to address the issue of on-street loading space for large trucks, the University will eliminate the on-street loading space. Instead, the University will commit to schedule the limited large truck deliveries it expects during times when other deliveries are not being made to the Square. This will allow the trucks to use the on-site loading area, and the on-site Dock Manager for the Square will coordinate all deliveries. Thus, all truck deliveries will be confined to the interior of the site, further minimizing any impacts on the surrounding community.
- That the University provides sufficient public benefits to the community as specified above.

The ANC respectfully requests that the Council hold a fully noticed hearing on the closing of the alley. The ANC designates any commissioner to represent it before the D.C. Council, at the discretion of the ANC's Chairman, regarding this matter.

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

Sincerely yours,

Florence Harmon, Chair, ANC 2A

cc: Roland F. Dreist, Jr., Surveyor, D.C.
David Avitabile, Goulston & Storrs
Jack Evans, Ward 2 Councilmember
Council Member Anita Bonds, At-Large
Council Member Vincent Orange, At-Large
Council Member David Catania, At -Large
Councilmember David Grosso, At-Large
Councilmember Jim Graham, Ward 1
Council Member Mary M. Cheh, Ward 3
Council Member Muriel Bowser, Ward 4
Council Member Kenyan McDuffie, Chair Pro Tempore, Ward 5
Council Member Tommy Wells, Ward 6
Council Member Yvette Alexander, Ward 7
Council Member Marion Barry, Ward 8
ANC 2A Commissioners

Attachment #2 - McFaddens ABC Board Resolution

May 28, 2013

Ruthanne Miller, Chairperson
Alcoholic Beverage Control Board
2000 14th Street NW
Washington, DC 20009

RE: ABC Application of Washington 009, LLC, t/a McFaddens ("McFaddens") Class C License No. ABRA-060591

Dear Chairperson Miller and Members of the ABC Board:

At its regularly scheduled meeting on Wednesday, May 15, 2013, the Foggy Bottom and West End Advisory Neighborhood Commission ("Commission" or "ANC 2A") considered the ABC renewal of the Class C ABRA license for McFaddens located at

2401 Pennsylvania Avenue NW A. With eight of the eight commissioners in attendance, a quorum at a duly called public meeting, the following motion was unanimously approved:

ANC 2A protests the renewal of the ABC license for Washington 009, LLC, t/a McFaddens, Class C License No. ABRA-060591.

The current hours, underage drinking violations, police incidents and the need for a full time MPD police detail to control unruly patron behavior that affects nearby residents were noted. The Commission voted to protest the renewal of McFadden's ABRA license based on concerns related to peace, order, and quiet of the neighborhood, impact on residential parking, and vehicular and pedestrian safety, and adverse effects on nearby residential real property values.

The Commission also voted unanimously to designate Commissioners Florence Harmon, and Rebecca Coder as representatives of ANC 2A before ABRA and the ABC Board on this matter.

ON BEHALF OF THE COMMISSION:

Sincerely,

Florence Harmon
Chairperson

cc: Licensee
Sarah Fashbaugh, ABRA Community Resource Advisor

Attachment #3 - Greenhouse Bistro ABC Board Resolution

May 28, 2013

Ruthanne Miller, Chairperson
Alcoholic Beverage Control Board
2000 14th Street NW
Washington, DC 20009

RE: ABC Application of MAR Concepts Corporation, t/a Greenhouse Bistro ("Greenhouse Bistro"), Retailer's Class "C" Tavern, No. ABRA-092058 2030 M Street, NW

Dear Chairperson Miller and Members of the ABC Board:

At its regularly scheduled meeting on Wednesday, May 15, 2013, the Foggy Bottom and West End Advisory Neighborhood Commission (“Commission” or “ANC 2A”) considered the ABC Application of Greenhouse Bistro for a Class “C” Tavern license to be located at 2030 M Street, NW. With eight of the eight commissioners in attendance, a quorum at a duly called public meeting, the following motion was unanimously approved:

ANC 2A protests the issuance of ABC Application of Greenhouse Bistro”), Retailer’s Class “C” Tavern, No. ABRA-092058 2030 M Street, NW.

The proposed hours of operation of the interior tavern, the sidewalk café with 80 seats, entertainment endorsement, particularly for the sidewalk cafe, and its proximity to residential housing were noted. The Commission voted to protest the application of Greenhouse Bistro based on concerns related to peace, order, and quiet of the neighborhood, impact on residential parking, and vehicular and pedestrian safety, and adverse effects on nearby residential real property values.

The Commission also voted unanimously to designate Commissioners Florence Harmon, and Rebecca Coder as representatives of ANC 2A before ABRA and the ABC Board on this matter.

ON BEHALF OF THE COMMISSION:

Sincerely,

Florence Harmon
Chairperson

cc: Applicant
Sarah Fashbaugh, ABRA Community Resource Advisor