

Minutes for the Meeting of Advisory Neighborhood Commission 2E

April 5, 2005

Georgetown Visitation School, 35th and Volta Place, Heritage Room

The meeting was called to order at 6:32 PM by the Chair, Commissioner Solomon, with Commissioners Eason, Moore, Starrels, Lever, and Clements present, constituting a quorum.

ADMINISTRATIVE

Minutes: The minutes of the March 1, 2005 and March 18, 2005 meetings were unanimously approved as distributed by Commissioner Clements.

Website Update, Financial: Commissioner Lever announced that an agreement had been reached between ANC 2E and Jen Perry to become the new webmaster for the commission's site, www.anc2e.com. It was noted that no motion was necessary to approve this change, as the expenses had been included in the approved budget for Fiscal Year 2005.

32nd Street Agreement: At this time, Commissioner Moore presented former Chair of ANC 2E, Tom Birch, who explained an agreement that had been reached between the residents of 32nd Street and the developers of proposed new townhouses. Mr. Birch had been involved in the negotiations for several years as part of his role on ANC 2E and as a neighbor in the immediate area. Commissioner Moore moved (Clements Second) for the following which passed by a vote of 6-0:

For several years Tom Birch, former ANC2E chairman and 06 commissioner, has represented ANC2E during negotiations and planning for new townhouses on the East side of the 1500 block of 32nd Street on the site of the former nursing wing of the Bowie-Sevier House. An agreement has recently been put forth by the developers and the neighbors and it appears that both sides are prepared to sign. Upon review of the agreement by current ANC2E commissioners, Tom Birch will be designated to sign the agreement on behalf of ANC2E. This designation reflects the commissioners' appreciation for the fine effort former Commissioner Birch applied to this issue.

Commissioner Skelsey arrived at this time.

COMMUNITY COMMENT

Whitehurst Freeway: Commissioner Starrels announced the public meeting on Thursday, April 7, 2005 at St. Johns Church concerning the proposed deconstruction of the Whitehurst Freeway. City officials would be present to hear constituent support, opposition, concerns, etc.

Police Report: Sergeant Bundy of the Metropolitan Police Department presented the police report for the month of March. Total crime had decreased 25%. Specific crimes for the month were as follows: four robberies, three assaults, four burglaries, thirty thefts, nine thefts from autos, and six stolen autos. Of the thirty thefts, many were reported from the Urban Outfitters on M Street. This location has had a continuing problem with shoplifting. Sgt. Bundy noted that the neighborhood emergency pagers were all up and running. He also expressed wishes that more residents attend the Partnership for Problem Solving meetings, sponsored monthly by MPD and the Citizens Association of Georgetown. Attendance at the March meeting had been lower than usual. According to Sgt. Bundy, neighbors at that meeting had stated that parking issues were a continuing concern in Georgetown. He said that MPD has begun to make an extra effort at parking enforcement as a result. The Sergeant introduced one of his officers at this time, who demonstrated one of the two new Segway motorized travel devices that MPD was currently testing in PSA 206. The Segways would assist officers in responding to calls more quickly in the retail district. A neighbor expressed concern about nighttime basketball noise from Volta Park. He stated that the problem occurred nearly every Friday and Saturday night. Each time the resident called the MPD dispatch service, he had to explain to the dispatcher the location of the park and how to find the entrance. He requested that MPD enter the park location into its computer system. Another resident, Ann Goodman, was concerned about an incident concerning a man she discovered hopping fences in her backyard. She called MPD immediately and followed the man down the street into an alley, but was concerned that the police would not respond. Sergeant Bundy replied that he did not know why the dispatcher did not send an officer and suggested that Ms. Goodman call the second district office directly if a similar incident occurred in the future.

Georgetown Project Update: Len Levine informed ANC 2E that work was still on schedule and barring any unforeseen circumstances would be completed within the next three months. The vast majority of the remaining work would be located between Q Street and R Street. WASA would be doing work at Wisconsin Avenue and R Street sometime during the next two weeks. They would also be working on the 33rd Street water main. Pepco would be making service connections in the same area. Streetscape work would resume in late April or early May, contingent upon warmer weather. To complete the project, work would be done to finish repaving from P Street to the end of the project. A neighbor raised questions about newspaper bays that had been installed along Wisconsin Avenue last year, but had since been removed. Ken Gray, Executive Director of the Georgetown Business Improvement District (BID) stated that the bays had been installed by the BID which had received both positive and negative feedback regarding the structures. He did appreciate any additional resident opinions and asked that the neighbor contact the BID office with his praise for the bays. Karyn LeBlanc noted at this time that the multi-bay parking meters would be installed later in the week. Weather had caused a delay in that particular project.

Renters Forum: Victoria Rixey, President of the Citizens Association of Georgetown, and Chuck VanSant, Director of Georgetown University Off-Campus Student Life, announced that they would be cosponsoring a Renters Forum for anyone interested on

Thursday, April 21, 2005 at 7:30 PM in the Leavey Program Room on the Georgetown University campus. A panel including attorneys and representatives from DCRA would discuss issues related to tenant rights and safety. Ms. Rixey noted that this was a direct response to the tragic death of Georgetown University student Daniel Rigby last fall. She was especially distraught after learning that many students feared calling DCRA or confronting their landlords for fear of retribution. One particular concern was that many students entered into leases that required payment of rent for an entire semester in advance, which they then feared would be lost if they were evicted from an unsafe residence. Mr. VanSant also noted that the University had planned its spring neighborhood clean-up for April 16th from 9:00 AM until 12:00 PM. The event would begin with donuts and coffee and conclude with a barbecue. Residents and students, in an effort to build a partnership between the two communities and beautify the neighborhood, would meet in the 9/11 Memorial Park on the 3600 block of N Street. At this time, Commissioner Clements reminded attendees of the Run for Rigby, which had been mentioned at the March meeting. He stated that informational brochures were available at the table in the lobby.

Commendation for John Richardson: Commissioner Lever presented a Community Commendation to Mr. John Richardson, the outgoing President of the Friends of Volta Park. Mr. Lever noted that Mr. Richardson has been the driving force behind the organization and that without his work, many of the improvements to Volta Park never would have been possible. *Community Commendation attached.*

Mimsy Linder, Friends of Volta Park, and Dave Salwen, Friends of Rose Park: Commissioner Lever introduced Mimsy Linder, the new President of the Friends of Volta park to the commission and the community. Commissioner Moore, outgoing President of the Friends of Rose Park, introduced Dave Salwen, that organization's new President.

Summary of the Mayor's Budget: Patrick Canavan, the new Director of the District Consumer Regulatory Agency (DCRA), introduced himself. He was previously the Director of DC Neighborhood Services. He stated that, under his leadership, DCRA would focus its work around three main goals: 1. creating a single point of contact for citizens dealing with the agency 2. communicating clear expectations to those citizens and also business owners/landlords 3. guaranteeing closure on every issue brought to the attention of DCRA. He also wanted to make DCRA more fair, consistent, and timely. Next, Mr. Canavan presented highlights of the Mayor's budget for FY 2006. The main goal of the budget was to support economic development. The theme of "Great Streets" drew the proposal together. Noting the current projected surplus of \$1 billion, efforts in 2006 would focus on under-funded programs/agencies, infrastructure improvements, and tax relief for the citizens of the District. Efforts would be directed at building new communities, both residential and retail, in distressed parts of the city. Affordable housing would be part of this plan. Mr. Canavan noted the success of the area around the Convention Center and said that the Mayor wanted to build similar bridges between communities in other portions of the city. Proposed tax relief would amount to approximately \$95 million. Mr. Canavan then took questions regarding DCRA. In response to a question by Commissioner Clements, he confirmed that the Georgetown

area task force implemented after the Prospect Street fire in the fall was continuing under his direction. DCRA would also have representatives at the Run for Rigby. Commissioner Eason asked a question concerning the “tear-down” authority that DCRA had been unsure about in the past. Mr. Canavan replied that he had been working closely with the DC Attorney General’s Office and he had now been assured that DCRA could legally exercise such authority. The agency was merely waiting for an egregious offender on which to use the power initially, in hopes of drawing major media attention and sending a strong message to illegal builders across the city.

Georgetown University and the Duke Ellington School Track: Linda Greenan, Georgetown University Assistant Vice-President for External Relations, announced that a five-year contract had been signed between DCPS and the University. The agreement would allow the Georgetown University track team to practice at the facility three days each week. In return, the University would pay for renovations to the track. The work would begin in late April and last approximately six weeks. No competitions would be held at the location. In response to a question from a resident, Ms. Greenan stated that Georgetown University was nearing a deal with a buyer for the Wormley School on Prospect Street. She could not release any other details prior to the sale.

John Deatruck, DDOT and the Mayor’s Budget: John Deatruck from the District Department of Transportation (DDOT) presented aspects of the Mayor’s budget that would affect DDOT’s future projects in Georgetown. A regular street repair program would be in place for Georgetown, typical of past budgets. In terms of these repairs, Mr. Deatruck said the DDOT would coordinate with WASA to reduce damage to newly paved streets. In addition, money was in place for regular street rehab and the alley program. The Georgetown entrance would also begin construction within the next 60-90 days. This project had previously been delayed to develop an updated proposal after gathering neighborhood input.

Canal Pedestrian Bridges and the O and P Street Reconstruction: Mr. Deatruck stated that the trolley tracks would be removed from all of O Street and P Street, except for one block of P Street, from Wisconsin Avenue to Potomac Street. In the short term, he said that additional wedging on the tracks would be needed before construction was set to begin. Construction of the 33rd Street pedestrian bridge would commence on Tuesday, April 12, following a groundbreaking by Dan Tangherlini, Director of DDOT. All were invited to attend.

NEW BUSINESS

Special Items

Restoration of Blues Alley: John Deatruck and Commissioner Starrels announced that Blues Alley would be repaved using blue-gray concrete, with large square scoring as had been proposed previously. DDOT had found the cost of brick to be prohibitive. A brick option had been explored following a request by ANC 2E at the March 1, 2005 meeting.

It was noted that an amendment to the commission's previous resolution did not necessitate a new resolution in the matter.

Speeding Between R and Q Streets on 30th and 31st Streets and Between R and P Streets on 28th Street: Commissioner Eason presented a proposal and petition from many of his constituents concerned about the problem of speeding in East Georgetown. Residential areas were continually being used as a short-cut, with excessive speeds creating a risk to pedestrians. Several residents and Commissioner Lever noted that the issue was not confined to only this area, but an epidemic sized problem, across Georgetown and Burleith. It was recognized that these particular streets suffered from, perhaps, the worst of the problem. John Deatruck stated that such problems were very difficult to solve and suggested that MPD be asked to increase their enforcement in the immediate vicinity. There were concerns, however, that MPD efforts at certain times would not curtail speeding at other times. Commissioner Eason moved (Moore Second) for the following, which passed by a vote of 7-0:

ANC 2E requests the Department of Transportation to conduct a traffic-calming study to see what devices might be used to slow down traffic for the safety of pedestrians and vehicles alike on 32nd, 31st, 30th and 28th Streets, running south of R Street.

Public Space Permit for Capital One Piggybank Statue: A representative for the Public Relations firm for Capital One presented plans for a financial education program this spring in partnership with many DC Public Schools. Students would be encouraged to raise money and save it for their schools. The money would then be matched with grants from Capital One. The program's goal would be to teach students and their families the importance of saving and budgeting. As part of the program, Capital One would be erecting large Piggybank statues around the city, decorated by local artists with designs by students, to inform residents about the program and draw attention to the financial education efforts. Capital One wished to place one of these statues on the sidewalk by Francis Scott Key Park on M Street. Commissioner Skelsey raised questions about the possibility of advertising for Capital One through the project. In response to specific questions, the PR representative stated that the Capital One logo would not be on the statues. Commissioners also questioned the placement of the statue. The representative said that the prominent position near the Key Bridge would maximize the number of people who saw the Piggybank. Several Commissioners expressed thoughts that perhaps the statues ought to be placed on the grounds of the schools, since the main targets for the educational program were the students who attended the participating schools. Many Commissioners voiced support for a program such as this that taught important aspects of financial responsibility. Commissioner Eason moved (Lever Second) for the following which passed by a vote of 7-0:

Although it is a worthy effort by Capital One to promote good money management for public middle school students, ANC 2E is unable to support the use of public space at M Street and Key Bridge for a Piggybank statue. We

suggest that Capital One redirect its efforts to placing such a statue on school grounds where it might be more meaningful.

Rat Infestation, 1600 Block of Wisconsin Avenue: Ken Gray, Executive Director of the Georgetown Business Improvement District (BID), expressed his concerns to the ANC about a serious rat problem on the 1600 block of Wisconsin Avenue. He stated that this particular block was one of the worst in Georgetown. Some neighbors and Commissioner Eason stated that the problem extended beyond this block. Commissioner Lever said that he had never seen a rat infestation as bad as the one on this block. Rats lived in hundreds of holes in the brick walls on this block and were even active during daylight hours. Mr. Gray said the proportion of the problem required a coordinated effort so that rats did not just flee to other areas on the block when one area was treated. Commissioner Lever moved (Clements Second) for the following which passed by a vote of 7-0:

ANC 2E resolves to request the Mayor's Office, our Ward 2 Neighborhood Services Coordinator, the Department of Public Works, Department of Transportation and the Department of Public Health to take a consolidated approach with the Georgetown BID to deal with and resolve the rodent problem in the 1600 block of Wisconsin Avenue, NW.

ABC Matters

Status of Smith Point Protest: Commissioner Starrels stated that on June 29, 2004, ANC 2E passed a resolution to protest the substantial change to the liquor license for Smith Point on Wisconsin Avenue. In February of this year, the ABC Board ruled against the change, which limited the capacity of the establishment to 85, as stated in the Voluntary Agreement with ANC 2E. Commissioner Starrels noted that if ANC 2E lifted its protest of the license, the 85 person capacity could not be changed until the license came up for renewal. Commissioner Starrels moved (Lever Second) for the following which passed by a vote of 5-0 (Clements and Eason abstaining):

ANC 2E has withdrawn its protest of Smith Point at 1338 Wisconsin as lodged by the letter dated June 30, 2004. We trust that the establishment will abide by the Voluntary Agreement that is currently in place and by the conditions laid down by the ABC Board in its February 2005 ruling.

3206 N Street, Neyla (ABC No 21020): Commissioner Starrels informed ANC 2E that negotiations over a new Voluntary Agreement with the proprietor of Neyla were ongoing. The negotiations would also include representatives from the Citizens Association of Georgetown.

3101 K Street, Mate (ABC No. 72014): Commissioner Starrels presented a draft Voluntary Agreement for Mate with the owner of the establishment and his attorney. The Voluntary Agreement would include measures prohibiting promoters, prohibit cover charges, and limit the type/volume of music. These measures would prevent the restaurant from operating as a nightclub, stated Commissioner Starrels. Due to the fact

that construction was not yet completed, the property had not been yet been issued a Certificate of Occupancy. Several Commissioners and Karen Cruse, Chair of the Alcoholic Beverage Control Committee for the Citizens Association of Georgetown, were concerned about the ambiguity surrounding the capacity for the restaurant, and the inconsistency of prior numbers quoted by the applicant and his attorney. The attorney then stated that the Voluntary Agreement would call for maximum capacity of 199 persons. Commissioner Clements, Secretary, noted that, at the March 1st meeting of ANC 2E, the attorney had said that the occupancy would be 166 people, according to the unanimously accepted minutes of that meeting. Clements also stated that the ANC possessed audio cassette tapes of the prior meeting that would support the minutes. It was then discovered that the ABC application for Mate requested an occupancy of 99 people. To further complicate the matter, the building permit limited the capacity to 147 people. The owner stated that since renovations had not yet been completed, the seating design and eventual capacity had not yet been considered. Ms. Cruse expressed doubts that the construction would have commenced without a plan for seating. Noting that exact numbers would be necessary to responsibly enter into a Voluntary Agreement with Mate and that the proposed opening was to fall after the May 4th meeting of this ANC, the commission decided to table the issue until the following month.

Zoning and Planning

2715 Q Street (OGB 05-123): Commissioner Eason noted that he had inspected the plans for the proposed changes to the Dumbarton House. The brick retaining wall would be reconstructed with the addition of an iron fence. Commissioner Eason then asked if any residents in attendance wished to express concern or support for the project. No such opinions were voiced. Commissioner Eason moved (Moore Second) for the following which passed by a vote of 6-0 (Lever absent):

Whereas, The National Society of The Colonial Dames of America (“Applicant”) has pending before the Old Georgetown Board (“OGB”) of the Commission of Fine Arts an application for final permit review (“Application”), docketed as OG-05-123, for a project at 2715 Q Street, NW (“Project”); and,

Whereas, the Applicant has provided Advisory Neighborhood Commission 2E (“ANC”) with plans dated November 10, 2004 (“Plans”), detailing the work to be done in connection with the Project; and,

Whereas, the OGB has previously reviewed a concept design which includes the work covered by the Application and indicated it had no objection; and,

Whereas, the ANC has (a) reviewed the Plans, (b) afforded the Applicant and the public an opportunity to be heard with respect to the Project at a public meeting of the ANC, (c) reviewed a letter dated February 18, 2005 from Harry Lamot Belin, owner of the adjacent property at 2723 Q Street, NW, in which he

consents to the Project and grants an easement therefore, and (d) finds no reason to object to the Project.

Now, therefore, by Advisory Neighborhood Commission 2E, it is:

Resolved, that the Chairman of the ANC is authorized and directed to advise the OGB in writing that the ANC has **NO OBJECTION** to the Project and to the approval of the Application; and, further,

Resolved, that any Commissioner, or the ANC's Executive Director, are hereby authorized to represent the ANC's position before the OGB.

1703 32nd Street (OGB 05-141): Commissioner Eason noted that he had inspected the plans for the proposed changes to Dumbarton Oaks. A handicap ramp would be installed to allow access to the pre-Columbian Pavilion. Roof and glass replacements to the Pavilion would also occur. Commissioner Eason then asked if any residents in attendance wished to express concern or support for the project. No such opinions were voiced. Commissioner Eason moved (Clements Second) for the following which passed by a vote of 7-0:

Whereas, The Trustees for Harvard University ("Applicant") have pending before the Old Georgetown Board ("OGB") of the Commission of Fine Arts an application for final permit review ("Application"), docketed as OG-05-141, for a project at 1703 32nd Street, NW ("Project"); and,

Whereas, the Applicant has provided Advisory Neighborhood Commission 2E ("ANC") with plans dated September 5, 2003 ("Plans"), detailing the work to be done in connection with the Project; and,

Whereas, the OGB has previously reviewed a concept design which includes the work covered by the Application and indicated it had no objection; and,

Whereas, the ANC has (a) reviewed the Plans, (b) afforded the Applicant and the public an opportunity to be heard with respect to the Project at a public meeting of the ANC, and (c) finds no reason to object to the Project.

Now, therefore, by Advisory Neighborhood Commission 2E, it is:

Resolved, that the Chairman of the ANC is authorized and directed to advise the OGB in writing that the ANC has **NO OBJECTION** to the Project and to the approval of the Application; and, further,

Resolved, that any Commissioner, or the ANC's Executive Director, are hereby authorized to represent the ANC's position before the OGB.

3136 O Street (OGB 05-135): Commissioner Moore introduced the proposed changes to the McLagan residence. She noted that ANC 2E had received letters of support from the neighbors on both sides of the house. The proposed two-story addition would remain within the depth the house to the west and would extend six feet past the house to the east. The final construction would be within the 60% maximum lot coverage allowed by the BZA for a row house. The new structure would measure 12'x13' with the lower level as an open terrace and the upper level as an enclosed room. Commissioner Moore moved (Lever Second) for the following which passed by a vote of 7-0:

ANC 2E supports the plan as presented for 3136 O Street and appreciates the fact that the neighbors were notified and that they are in agreement with the proposed project.

3630 Prospect Street (OGB 05-134): The owner, Mr. Pryor, and the architect for the proposed project presented the plans. The changes would occur on the top level of the house. Larger dormers would be added to the front and a recessed terrace would be added to the back. The changes would make the attic into a usable playroom for the owners' children. Mr. Pryor stated that the neighbors on both sides are absentee owners for most of the year and that he had sent them letters. Neither neighbor had responded with opposition. Neighbors from St. Mary's Place were in attendance. They had been informed of the changes the week of the meeting. They had concerns about the construction, and they stated that previous additions to the Pryor residence (a retaining wall in the rear) were problematic because materials were staged on St. Mary's Place and workers frequently ate meals and loitered in that area. The project also continued longer than expected. Mr. Pryor noted that the project was slowed due to the heavy rains for much of the summer of 2003. One neighbor was concerned that another part of the project, a metal fence to be installed on top of retaining wall, would reduce the openness of the immediate area. Mr. Pryor stated that DC law required a fence of the proposed height on a retaining wall next to an escarpment such as exists on the edge of the property. Commissioner Lever noted that the recessed terrace on the rear was, in effect, a roof deck, which he believed should not be allowed. Commissioner Skelsey said that while ANC 2E usually opposes roof decks because they interfere with the privacy of neighbors, this unique block of Prospect Street does not present such a problem. Commissioner Starrels moved (Solomon Second) for the following which passed by a vote of 6-0 (Lever abstaining):

ANC 2E supports the plans as presented for 3630 Prospect Street. We request that the owner keep in mind the concerns of the residences of St Mary's Place who do not want their street used as a staging area for construction equipment and to keep the impact on them to a minimum during the construction period.

1062 Thomas Jefferson Street (OGB 05-134): Commissioner Starrels asked if a representative for Snap restaurant was in attendance. There was no reply. Commissioner Starrels moved (Moore Second) for the following which passed by a vote of 7-0:

Since no representatives of Snap are in attendance, we cannot endorse the project.

3315 Cady's Alley (OGB 05-132): Commissioner Starrels requested, with no opposition, that the changes to Leopold's Café be forwarded to the consent calendar.

1001 Wisconsin Avenue (OGB 05-130): Tom Curley of Curley Signs and representatives of the new Bank of Georgetown presented plans for signage. The main sign was designed to fit in with the façade of the building, as preferred by the Old Georgetown Board, and would be backlit with fabricated aluminum letters. The letters would be ten inches tall. Mr. Curley assured Commissioner Skelsey that the sign would not be constructed of Lucite. Commissioner Starrels moved (Lever Second) for the following which passed by a vote of 7-0:

ANC 2E supports the signage plans for the Bank of Georgetown at 1001 Wisconsin Avenue.

At this time Commissioner Lever asked for a reconsideration of Snap, 1062 Thomas Jefferson Street: It was noted that the changes to Snap were submitted to ANC 2E in a timely fashion and that the changes were neither major nor offensive. Commissioner Starrels moved (Clements Second) for the following which passed by a vote of 6-0 (Eason absent):

ANC 2E shall reconsider the previous resolution in regards to Snap.

Commissioner Starrels then requested that Snap be moved to the consent calendar.

Consent Calendar for the Old Georgetown Board: Commissioner Lever moved (Solomon Second) to accept the consent calendar which passed by a vote of 7-0. The consent calendar contained the following projects:

1062 Thomas Jefferson Street, Snap Restaurant
3315 Cady's Alley, Leopold's Cafe
3422 R Street, Smallwood residence
3151 K Street, Hershey's Ice Cream
1201 Wisconsin Avenue, Riggs National Bank
3005 M Street, Hu's Shoes

3220 O Street (OGB 05-129): The owner, Mr. Arthur, and his architect presented plans to change the current structure into a main level retail location, with apartments on the first floor, on the second floor, and in the basement. The front awning would be removed and the front façade would be restored to match the neighboring buildings. Commissioner Starrels asked the owner if he had contacted the adjoining neighbors and informed them of the proposed plans. Mr. Arthur replied that the neighbor to west had not been notified, but "as for Mr. Bell [neighbor to the east] I spoke to him this afternoon and there were no objections from him." Commissioner Clements asked the owner if he held a Basic Business License with DCRA for the apartments. The owner stated that he did. Commissioners Clements and Starrels questioned whether the basement apartment would

be legal after the proposed renovation, because it appeared as though there would be only one means of egress. The architect stated that he would ensure the property met all DCRA regulations. Commissioner Skelsey moved (Starrels Second) for the following which passed by a vote of 7-0:

ANC 2E has no objection to the proposed façade alterations and interior work but is greatly concerned about the lack of egress for the proposed basement apartment and other possible fire code violations.

At 9:32 PM, with no further matters on the agenda, Commissioner Solomon moved (Clements Second) to adjourn this public session of ANC 2E. The motion passed with a 7-0 vote.

Submitted for the Approval of ANC 2E,

Brett F. Clements
Secretary, ANC 2E