



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Advisory Neighborhood Commission 2E

Regular Meeting Minutes

Monday, November 29th, 2021; 6:30 p.m.
Online via Zoom

Call to Order

Commissioner Rick Murphy called the meeting to order at 6:32 pm. Commissioners Kishan Putta (2E01), Jenny Mitchell (2E02), Rick Murphy (2E03), Lisa Palmer (2E05), Gwendolyn Lohse (2E06), and Elizabeth Miller (2E07) were present.

Approval of the Agenda

Approval of the ANC's November 29th, 2021 Meeting Agenda

Commissioner Palmer moved to approve the ANC's November 29th, 2021 meeting agenda. Commissioner Lohse seconded the motion, which was voted on and passed (VOTES: 6-0-0).

Approval of the ANC's November 1st, 2021 Meeting Minutes

Commissioner Palmer moved to approve the ANC's November 1st, 2021 minutes. Commissioner Mitchell seconded the motion, which was voted on and passed (VOTES: 6-0-0).

Administrative

Public Safety and Police Report

Lieutenant John Merzig, a representative for the Metropolitan Police Department's (MPD) Second District, gave an overview of the recent crime statistics for the neighborhood.

Community Comment

Update from Ward 2 Education State Board of Education Representative Allister Chang

Allister Chang, the Ward 2 Member of the DC State Board of Education, gave a presentation regarding Ward 2 education updates.

Update from the Mayor's Office

Anna Noakes, a Ward 2 representative for the Mayor's Office of Community Relations and Services (MOCRS), gave an update from the Mayor's Office.

Update from Councilmember Brooke Pinto's Office

Brian Romanowski, the Constituent Services Director for Councilmember Brooke Pinto's Office, gave an update from the Councilmember's Office.

Update from Chairman Phil Mendelson's Office

Declan Falls, a Community Outreach Specialist for Chairman Phil Mendelson's Office, gave an update from the Chairman's Office.

Announcement Regarding the Four Seasons Hotel's Holiday Market

Commissioner Palmer gave an announcement regarding the Four Seasons Hotel's Holiday Market.

Announcement Regarding Georgetown Cooks

Commissioner Miller gave an announcement regarding the *Georgetown Cooks* cookbook.

New Business

Consideration of a Resolution Regarding a Request for the Ward 2 Councilmember's Office to Collaborate with Various Federal and City Offices to a Provide Biannual Summary to ANCs of Arrests and Sentencing for Armed Robberies, Assaults, and Burglaries

Commissioner Lohse moved to adopt a proposed resolution regarding the matter. Commissioner Mitchell seconded the motion, which was voted on and passed (VOTES: 5-0-0). The resolution reads as follows:

Communities throughout DC are interested in both understanding the range of efforts to increase safety in the city and the current status of more aggressive crimes, including shootings, armed robberies, assaults, attempted kidnappings, and burglaries. New crime prevention efforts such as Building Blocks DC are examples of unique approaches being proactively tried by the city. With regards to current crime, it can be a challenge to gather data that provides communities with relevant and understandable snapshots. This challenge exists as there are many city and federal agencies involved in the steps from an initial crime to a potential sentencing, which may include social service support.

ANC 2E has held some initial dialog with our Ward 2 Councilmember regarding this challenge. Given the Ward 2 Councilmember's work on the DC Council's Committee on the Judiciary and Public Safety, ANC 2E asks the Ward 2 Councilmember to pilot the delivery of such data to a few ANCs starting in 2022 and perhaps aiming for quarterly summaries. The ANC would welcome being part of such a pilot. The data would include information on types of crime, victim(s) age, percentage of arrests issued, court status, and sentencing description for both adult and juvenile offenders. The ANC understands that this pilot would be a heavy lift, requiring DC Council staff to work with various sources such as the Metropolitan Police Department (MPD), the Department of Behavioral Health (DBH), the Department of Youth Rehabilitation Services (DYRS), and the legal and court branches.

Consideration of a Resolution Commending the S&R Foundation on Maintaining and Improving the Adjacent Playground

Commissioner Putta moved to adopt a proposed resolution regarding the matter. Commissioner Palmer seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

WHEREAS, the tot lot adjacent to the former Fillmore School on 35th Street NW has been a community treasure for thousands of neighborhood families,

WHEREAS, since purchasing the property in 2015, the S&R Foundation has, of their own goodwill, continued to maintain and improve the playground and in 2018 the foundation very helpfully agreed to a written maintenance commitment with ANC 2E and the Burleith Citizens Association, and

WHEREAS, in 2020 and 2021, despite the pandemic, the foundation not only continued maintenance but went above and beyond their written agreement in making various improvements to the tot lot at their own expense.

THEREFORE, BE IT RESOLVED that ANC 2E highly commends the S&R Foundation for maintaining and improving the tot lot for the enjoyment of our community's children and families into the future.

Alcoholic Beverage Control Board

Application by The Bourbon Concierge for a New Retailer's Class "A" Liquor Store License at 2816 Pennsylvania Avenue NW

Commissioner Palmer moved to adopt a proposed resolution regarding the matter. Commissioner Lohse seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

As an administrative matter, ANC 2E designates Commissioner Lisa Palmer as the ANC's representative on all matters related to The Bourbon Concierge's application for a new Retailer's Class "A" Liquor Store license at 2816 Pennsylvania Avenue NW.

Consideration of a Resolution Regarding the ANC's Protest of Bozzelli's Italian Deli's License Application

Commissioner Palmer moved to adopt a proposed resolution regarding the matter. Commissioner Lohse seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

ANC 2E formally drops its protest of Bozzelli's Italian Deli's application for a new Retailer's Class "D" Restaurant license at 3000 K Street NW.

Request from Tony and Joe's and Nick's Riverside Grill to Allow for the Transport of Alcohol From and To the Establishments on New Year's Eve

Commissioner Palmer moved to adopt a proposed resolution regarding the matter. Commissioner Mitchell seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

ANC 2E endorses the one-day exception for Tony and Joe’s and Nick’s Riverside Grill for New Year’s Eve. This includes allowing patrons to take their alcoholic beverages from Tony and Joe’s to Nick’s Riverside Grill and vice versa. The ANC has supported this exception over the years and the ANC continues to do so.

Zoning

Board of Zoning Adjustment Application for Special Exceptions from the Matter-of-Right Accessory Uses and the Accessory Building Development Standards at 1963 39th Street NW

Chair Murphy moved to adopt a proposed resolution regarding the matter. Commissioner Putta seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

ANC 2E joins with the applicant and the opposing residents in asking the Board of Zoning Adjustment (BZA) to postpone the currently pending hearing on this matter.

Board of Zoning Adjustment Application for a Special Exception from the Matter-of-Right Uses and Area Variances from the Corner Store Requirements to Construct a Rear Addition to an Existing, Attached, Two-Story with Basement Principal Dwelling Unit at 3343 Prospect Street NW

Chair Murphy moved to adopt a proposed resolution regarding the matter. Commissioner Lohse seconded the motion, which was voted on and passed (VOTES: 4-2-0). The resolution reads as follows:

Almost 40 years ago, the then owner of 3343 Prospect Street NW (the “Premises”) applied to the Board of Zoning Adjustment (“BZA”) for a special exception to allow the existing nonconforming use of the Premises to change from an upholstery shop to a small (20 seat) tearoom serving a limited menu of croissants, pastries, salads, coffee, tea, and soft drinks (Application No. 14041, the “1983 Application”).

ANC 2E opposed the 1983 Application, arguing that the proposed change in use would give rise to “...more deliveries, more activities, more noise...” and more problematic hours of operation. ANC 2E also noted:

“There are no off-street parking or loading facilities available at all to serve the site. All loading would occur from the public street. Any persons who traveled (sic) by car to the site, employees or customers, would have to park on the street or use other public parking elsewhere in the vicinity. On-street parking is generally in very short supply in the Georgetown area. Additional demands on that parking should be avoided.”

Acting unanimously, the BZA denied the 1983 Application, concluding as follows:

“To grant the application would be a significant intensification over the prior use, substantially increasing the amount of noise, traffic, vibration, congestion of foot traffic, litter, and other deleterious external effects which the proposed nonconforming use can be expected to generate. It would also compound the extreme

parking problems suffered by neighborhood residents...the proposed use would adversely affect the neighborhood and would not be in harmony with the general purpose and intent of the Zoning Regulations and maps...”

The nonconforming use proposed by the Applicant in Case No. 20564 is not materially different from what was proposed in 1983 – the Applicant’s tenant would serve a limited menu of prepared foods, including juices, soups, and salads, to its customers – but the impact on the surrounding neighborhood would, if anything, be worse now than it would have been had the 1983 Application been granted. The clientele of the proposed Corner Store would consist of customers who walk or drive to the establishment and third-party delivery services. Walk-in customers, who carry their meals away from the Premises, would undoubtedly be the source of a significant increase in litter and noise along nearby sidewalks. Customers who drive would impact traffic and increase demands on parking, the neighborhood’s scarcest resource. Internet enabled third party delivery services, which did not even exist in 1983, would add to the litter and noise, not to mention the disastrous effect that they would have on traffic and parking. The undeniable fact is that things have not improved since 1983. The intersection of 34th Street and Prospect Street NW is now one of the most congested intersections in ANC 2E, and parking problems in the surrounding area are, if anything, more extreme now than they were forty years ago. One could hardly imagine a worse location in ANC 2E for a corner store selling prepared food than the corner of 34th Street and Prospect Street NW. The proposed use would not be in harmony with the Zoning Regulations and the Zoning Maps and would clearly and indisputably tend to adversely affect the use of neighboring property in the R-20 Zone.

In addition to the fact the Applicant is asking the BZA to reverse its long-established analysis of what nonconforming uses would be appropriate for the Premises, the proposed new use as a Corner Store, which would be less than 250 feet from the property line of a lot in the MU-4 Zone that is occupied by a store with a use similar to that proposed by the Applicant, would undoubtedly have an impact on the principal commercial corridor in Georgetown. The relief that the Applicant requests would violate the intent of the “750 Foot Rule” established by subsection 254.6(g) of subtitle U of the Zoning Code. For that reason alone, the area variance that the Applicant seeks should be denied.

For the reasons set forth above, ANC 2E respectfully recommends that Application No. 20564 be denied.

Old Georgetown Board

OG 22-017 (HPA 21-172) Curb Lane of M Street and Wisconsin Avenue, NW

Chair Murphy moved to adopt a proposed resolution regarding the matter. Commissioner Miller seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

ANC 2E opposes the Georgetown Business Improvement District’s pending application for an extension of the temporary public space permit issued by the District Department of Transportation (DDOT) to facilitate the installation of platforms in the curb lanes of Wisconsin Avenue NW and M Street NW beyond its current expiration date of December 31, 2021.

SMD 2E05 - OG 22-042 (HPA 22-070) 3401 Water Street, NW

Commissioner Palmer moved to adopt a proposed resolution regarding the matter. Commissioner Mitchell seconded the motion, which was voted on and passed (VOTES: 4-0-1). The resolution reads as follows:

ANC 2E believes that this area of our community has two critical needs: (1) 24/7 activity to mitigate the illegal activity that currently takes place under the cover of darkness and desolation, and (2) development that is sensitive to the overall architectural and historic fabric of the community which preserves key viewsheds unique to the ANC's neighborhood.

With this in mind, ANC 2E feels strongly that it is important to redevelop this parcel along Water Street NW due, in particular, to the unsafe conditions there after dark. The ANC knows that adding a building with 24/7 activity as proposed here will make this area far less attractive for illegal behavior. As such, the ANC welcomes this concept proposal.

ANC 2E appreciates the care that has been taken to ensure that a new building in this location will feel relevant from a design and historical perspective. The references to other buildings through the design of the windows and doors, including color choices, are appreciated. As much as the ANC prefers to keep the view as is, the ANC also appreciates that any new development on this parcel of land is likely to substantially change the viewshed of the waterfront. The ANC understands that the proposed height is equivalent to the previous Old Georgetown Board (OGB) supported concept design for this parcel. However, the ANC continues to ask OGB to pay particular attention to the height of this proposed building in the current concept design in order to ensure that the proposed design is both efficient for the developers as well as height- appropriate for the neighborhood. If it is deemed to be appropriate, the ANC further asks OGB and the developers to consider if there may be a way to adjust where the height is situated within the boundaries of the building in order to mitigate any undesirable yet solvable changes to the viewshed.

Finally, as the concept moves forward, ANC 2E strongly requests the following:

1. the developers implement various safety related measures, including the installation of ample lighting on all four sides of the building, in part to serve an expected increase in visitors related to the proposed revisioning of the canal area currently being contemplated as part of the Georgetown Heritage project,
2. the developers refine any floodplain mitigation plans and share these plans with the community,
3. the developers work closely with the Potomac Boat Club, Georgetown Heritage, and other organizations located in close proximity to the proposed site, and
4. the developers create a location for vehicles to drop off passengers and for trash trucks to turn around in order to leave Water Street NW without making a U-turn on Water Street NW itself.

SMD 2E05 - OG 22-032 (HPA 22-060) 1055 Wisconsin Avenue, NW

Commissioner Palmer moved to adopt a proposed resolution regarding the matter. Commissioner Lohse seconded the motion, which was voted on and passed (VOTES: 5-0-0). The resolution reads as follows:

ANC 2E supports the installation of a sliding glass and steel panel enclosure on the terrace facing the C&O Canal at 1055 Wisconsin Avenue NW.

Adjournment

Chair Murphy adjourned the meeting at 9:28 pm.