

Minutes for the Meeting of Advisory Neighborhood Commission 2E

September 5, 2006
Georgetown Visitation School, 35th and Volta Place, Heritage Room

The meeting was called to order at 6:39 PM by the Chair, Commissioner Solomon, with Commissioners Starrels, Lever, Eason, Skelsey, Halley and Clements present, constituting a quorum.

Police Report: Lt. Lucas of the Metropolitan Police Department presented the police report for the month of August. During that month the following crimes were committed in PSA 206: five robberies, nine burglaries, three stolen autos, and five thefts from auto. Lt. Lucas noted that two arrests were made in the robberies. She also stated that many of the thefts from auto were committed when cars were left unlocked and valuables were visible. Chip Dent raised questions about foot patrols in Georgetown. Ron Lewis of the Citizens Association of Georgetown announced the CAG Safety Summit to be held on September 11th.

ADMINISTRATIVE

Minutes: The minutes of the June 27, 2006 and August 4, 2006 meetings were approved unanimously as distributed by Commissioner Clements.

Financial Quarterly Report: Commissioner Lever, the Treasurer, announced that approval of the 3rd Quarter financial would be delayed due to an unresolved issue from the 2005 budget.

Authorization of funds for Legal Counsel to Represent ANC2E before the BZA: Commissioner Eason announced that the ANC sought legal representation before the BZA to appeal decisions allowing reclassification of homes from semi-detached to row houses due to accessory structures. Several Commissioners noted that such reclassification would set a bad example in Georgetown and would lead to increased massing in the neighborhood. Commissioner Clements stated that, while he worried about massing, such appeals would not set any sort binding precedent for future projects in the area. Commissioner Eason moved (Lever Second) for the following which passed by a vote of 6-1 (Clements Opposing):

Whereas, Advisory Neighborhood Commission 2E (ANC2E) has previously authorized filing of appeals (Appeals) to the District of Columbia Board of Zoning Adjustment (BZA) of certain decisions of the District of Columbia Department of Consumer and Regulatory Affairs (DCRA) and the Zoning Administrator (ZA); and,

Whereas, the BZA has docketed the Appeals as follows:

- BZA Appeal No. 17513, 1242 Potomac Street, NW

- BZA Appeal No. 17519, 1812 35th Street, NW

Whereas, the Commission desires to retain legal counsel to represent its interests in the Appeals before the BZA; and,

Whereas, the Commission has determined that Laurie Horvitz and the law firm of Finkelstein & Horvitz are exceptionally qualified to represent the Commission's interests in the Appeals.

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

Resolved:

- That Laurie Horvitz and the law firm of Finkelstein & Horvitz be, and hereby are, authorized to represent the Commission in the Appeals.
- That the Commission's Chair be, and hereby is, authorized to enter into a representation agreement with Counsel on such terms and conditions as the Chair deems appropriate, subject to a maximum rate of \$200 per hour, and an overall cap of \$2,000
- That the Commission's Chair advises the BZA of the designation of counsel as authorized hereby.

COMMUNITY COMMENT

Welcome to Phyllis Hedlund, Director of the new City Collegiate Public Charter School: Ms. Hedlund was introduced as Director of the new charter school, currently housed at the Jellef Boys and Girls Club. She said that fifty-seven 7th grade students were currently enrolled and that the school operated with thirteen faculty and staff members. She said that the school would make every effort to reduce the impact on the neighborhood and that students would be supervised when arriving in the morning and departing in the afternoon.

Welcome to Zach Dobelbower, new Planning Coordinator for Ward 2: Zach Dobelbower was introduced as the new Ward 2 liaison for the Office of Planning. He noted that he would focus on park use, acceptable retail solutions, and residential balance.

Update on the Hardy Middle School Renovation: Representatives for DC Public Schools and DDOT appeared before the ANC. Commissioner Lever raised questions about the pending traffic proposal which would reduce impact on residents as well as the aging sewer system in the area. The representative from DDOT stated that he had not heard of the proposal. Commissioners Solomon and Lever noted that this was completely unacceptable and that DDOT needed to pay more attention to the project. Truck traffic was a major concern for several other commissioners and residents.

Taste of Georgetown: Juanita Crabb of the Georgetown BID presented plans for the 2006 Taste of Georgetown event to benefit the Georgetown Ministry Center. The event would be held on October 14th from 11:00 AM to 4:00 PM. As DCEMA no longer allowed partial street closures, all of Wisconsin Avenue would be closed between Blues Alley and South Street from 3:00 AM to 8:00 PM on the day of the event. Many neighbors and commissioners were concerned about the timeframe in which the BID informed the ANC of the event details. Commissioners Starrels voiced concerns over redirecting the Georgetown Metro Connection and Circulator buses. Commissioners Clements and Halley expressed concern over suggestions to request partial street closure as this was no longer allowed by city regulations. The ANC would send a letter to the Georgetown BID expressing concern over these issues.

NEW BUSINESS

Special Items

Consideration of CAG's Request for MPD Patrols Funded through a Reimbursable Detail: Commissioner Solomon explained that CAG was requesting additional MPD patrols in Georgetown on residential streets to be funded through a CAG donation as a "reimbursable detail." Tom Birch expressed egalitarian concerns over the proposal as this type of expenditure would not be a possibility for all District residents. Commissioner Clements moved (Starrels Second) for the following which passed by a vote of 6-1 (Eason Opposing):

ANC 2E appreciates the dedication to public safety by the Citizen's Association of Georgetown. The ANC enthusiastically supports CAG's request for an additional police patrol on the residential streets of Georgetown funded through a reimbursable detail.

Lawyers Have Heart Race: Plans were presented for the Lawyers Have Heart Race to be held on Saturday, June 9, 2007. The race would require road closures on Canal Road, M Street, and K Street. Several Commissioners expressed gratitude to the race organizers for the advance notice of the event. Commissioner Starrels moved (Lever Second) for the following which passed by a vote of 7-0:

ANC 2E supports the Lawyers Have Heart 10K Race as presented which is the same as last year's course that proved to be a success for both the Heart Association and for the community.

Charter School Text Amendment: Commissioner Eason summarized a proposed amendment to the DCMR that would allow small schools, as right, to open in residential communities. Commissioner Eason moved (Solomon Second) for the following which passed by a vote of 7-0:

Whereas, the District of Columbia Zoning Commission (ZC) proposed amendments to Title 11 of the District of Columbia Municipal Regulations (DCMR) as published in the DC Register of August 18,2006; and,

Whereas, other Advisory Neighborhood Commissions, and in particular, Advisory Neighborhood Commission 3C, have adopted resolutions in opposition to the amendments proposed by the ZC; and,

Whereas, Advisory Neighborhood Commission 2E has considered the proposed amendments and the resolution in opposition adopted by Advisory Neighborhood Commission 3C.

Now, therefore, by Advisory Neighborhood Commission 2E (“the Commission”), it is hereby

Resolved, that the Commission adopts and incorporates by reference the Resolution of Advisory Neighborhood Commission 3C Regarding Text Amendments to Title 11 to Allow Charter Schools to Locate in Specified Zones as a Matter of Right; and, further

Resolved, that the Commission strongly opposes any proposal to allow location of Charter Schools and other facilities as contemplated by the Zoning Commission proposed amendments without the opportunity for full review by the Commission and the great weight entitled to its views as provided by law; and, further

Resolved, that a copy of this Resolution be provided to the Zoning Commission, the Mayor and the City Council.

Historic Preservation Review Board Request for 3255 Prospect Street:

Commissioner Starrels expressed concern over the proposal for the Dominos Pizza site that was approved by the Old Georgetown Board. He cited massing and scale as major concerns. Commissioner Starrels moved (Eason Second) for the following which passed by a vote of 7-0:

ANC 2E requests the Historic Preservation Review Board of the District of Columbia to review the proposed plans for the building slated for 3255 Prospect Street, NW, at their next scheduled meeting on September 28 2006.

Zoning and Planning

3265 N Street (BZA #17516): A request was made of the ANC to endorse a special exception request for lot coverage on a project already approved by the commission. Outerbridge Horsey stated that when the plans were originally submitted, he did not realize that the walkway in the yard would be factored into the lot coverage calculation. The house currently occupied 56.8% of the lot, including the walkway, and a request was made to increase coverage to 66%. Commissioner Skelsey noted that, while special exceptions are not usually desirable, this particular case would not affect the character of the neighborhood. The garage would block the addition. Commissioner Skelsey moved (Eason Second) for the following which passed by a vote of 6-0 (Solomon Abstaining):

ANC 2E notes the rarity with which requests for special exceptions to lot occupancy are approved within historic Georgetown, by this ANC.

The densification of the village by additional footprint building within the visually shared yet still private open space within neighborhood blocks is a serious issue that we intend to continue to manage closely.

In the case of 3265 N Street, given the large lot size, the relative small size and low height of the proposed addition, lack of impact to views from neighbors' homes, ANC 2E does not object to the request as submitted.

Circulator Bus and Taste of Georgetown: At the request of Commissioner Starrels, the ANC revisited the Taste of Georgetown issue. Commissioner Starrels noted that paperwork distributed by the BID indicated that the Circulator bus would use 31st Street the day of the event since Wisconsin Avenue would be closed. He said that he did not want the bus on residential streets and that only half of Wisconsin should be closed. Commissioner Clements noted that new city regulations did not allow for partial street closures. Commissioner Halley echoed Commissioner Clements' concerns and said that it would not make sense to propose something not allowed by law. Commissioner Starrels moved (Lever Second) for the following which passed by a vote of 4-3 (Skelsey, Halley, and Clements Opposing):

ANC 2E does not want the Circulator bus to use 31st Street or any other residential street.

3124 Q Street (OGB 06-259): Plans were presented for an iron fence around the front portion of the residence. Citing the recent murder on the property, the architects stated that the owners wanted the fence for safety. Commissioner Halley noted that it was inappropriate and insensitive to cite the tragedy in any discussion of proposed changes to the property. Several commissioners noted that it would likely not solve any security problem as the fence would not restrict access to the entire property and the gate placement would not allow easy access to the property in order to flee an attacker. Commissioner Halley moved (Eason Second) for the following which passed by a vote of 7-0:

Whereas the Miller residence already is largely contained by a stone wall and landscaping in the front;

Whereas throughout its history, the property has always been open to the front;

Whereas the side and rear of the property is already secured by a fence;

Whereas, the fence would further isolate the Bowie-Sevier estate from the neighborhood;

Whereas the security concerns cited are questionable and inadequately addressed;

Now therefore, by ANC 2E it is hereby resolved:

Resolved that the Commission strongly opposes construction of a fence in the front of the Bowie-Sevier estate as it is incompatible with the character and history of the district as this estate has traditionally been part of the neighborhood; and

Resolved that the Commission strongly opposes the height of the proposed fence.

1715 Wisconsin Avenue (OGB 06-253): Plans were presented for an HSBC bank on the site of the former Japan Inn restaurant at Wisconsin Avenue and R Street. The bank would include on site parking, but no drive-through window. The plans called for twenty inch lettering which Commissioner Eason noted was much larger than the twelve inches allowed in the historic district. Many were also concerned about the material and scale of the changes. Commissioner Eason moved (Halley Second) for the following which passed by a vote of 6-0 (Skelsey Absent):

ANC 2E requests that the applicant revisit the plans to reconsider the mass and material with hopes that the overall design will be more sensitive to the historic neighborhood of Georgetown. We also have obvious concerns about the signage.

3407 R Street (OGB 06-192): The owner presented revised plans for the addition. He noted that the deck had been removed during the revision. The deck was previously a privacy concern for the neighbors. The neighbors still expressed concern over the size of the rear addition. Commissioner Solomon moved (Halley Second) for the following which passed by a vote of 5-0 (Starrels Absent, Lever Abstaining):

ANC 2E opposes the proposed addition at the roof level, as it would change the character of the block. We have no objection to the rear addition but reflect the neighbor's concerns that its size be scaled back.

Consent Calendar: Commissioner Clements moved (Lever Second) to approve the consent calendar, which passed by a vote of 6-0. The consent calendar included the following projects:

OGB 06-197, 1426 Wisconsin Ave.

OGB 06-266, 3334 Cady's Alley

OGB 06-256, 3034 M St.

OGB 06-255, 3278 M St.

OGB 06-254, 1229 29th St.

3500 O Street (OGB 06-262): Plans were presented for signage and an outdoor café for the Saxby's coffee shop which would be on the site of the former Sugar's Campus Store. Several Commissioners and neighbors expressed concern over the sidewalk café. They noted that there would be no way to control store hours since the café would not have a

liquor license. Additionally, there was concern about the small size of the sidewalk and what would happen to the outdoor furniture after closing. Commissioner Skelsey moved (Solomon Second) for the following which passed by a vote of 7-0:

ANC 2E does not object to the proposed signage.

Commissioner Skelsey moved (Eason Second) for the following which passed by a vote of 6-1 (Clements Opposing):

ANC 2E adamantly opposes the proposed sidewalk café on both sides as it would add trash and noise as well as restrict sidewalk use to an already busy corner surrounded by residential homes and group houses. ANC 2E would also mention that this additional seating would intensify a non-conforming building use which is contrary to the zoning laws.

1357 Wisconsin Avenue (06-053): Revised concept plans were presented for the property. The OGB had asked that the architect simplify the front and rear of the addition and remove the masonry, as to differentiate between the original structure and the addition. Additionally, the balconies were removed from the revised design.

ANC 2E has no objection to the project as presented.

1675 31st Street (OGB 06-250): Revised plans were presented for a one story rear addition at the second floor level. The new design reduced the addition by sixteen feet, but it was noted that the new structure would be only five feet from the neighbors' window. The neighbors expressed concern over loss of light and air. There was no communication between the neighbors. Commissioner Eason moved (Clements Second) for the following which passed by a vote of 7-0:

ANC 2E still has concerns with the revisions as they still seems to have a negative impact on the air, light and privacy of the adjoining neighbor and since there is no adequate representation that the neighbor was notified, ANC 2E cannot endorse the revised design as presented.

Wormley School Project (OGB 06-261 and OGB 06-238): Revised plans were presented for the Wormley school site. The changes included landscaping and detailing, as well as a fence on the back alley constructed of brick and wood. Changes were also proposed for the central openings on the east and west sides of the main Wormley structure. Commissioner Skelsey noted that deciduous trees were now being proposed in the rear rather than evergreens. Commissioner Starrels moved (Solomon Second) for the following which passed by a vote of 7-0:

ANC 2E supports the concept development of the landscape plans for the six new townhouses and the foundation to grade and garage structure.

Avon Lane: Commissioner Eason moved (Clements Second) for the following which passed by a vote of 7-0:

Whereas, The District of Columbia Department of Transportation (DDOT) has announced plans to renovate Avon Lane, NW: and,

Whereas, the Dent Place Association, which represents the neighborhood which includes Avon Lane, NW, in a letter to the Mayor dated September 5, 2006, requested that the renovation project include establishing planting areas for trees and other landscaping; and,

Whereas, Advisory Neighborhood Commission 2E (ANC2E or Commission) strongly supports creation of planting areas in conjunction with street renovations wherever feasible to create lasting and positive impacts on our community.

Now therefore,

Resolved,

- That the Commission endorses the request of the Dent Place Association to incorporate planting areas on Avon Lane, NW.
- That the Commission encourages the Mayor to authorize and direct DDOT to routinely consider the feasibility of incorporating new planting areas for trees and other landscaping as it plans street renovation projects.

At 10:20 PM, with no further matters on the agenda, Commissioner Clements moved (Solomon 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