

Minutes for the Meeting of Advisory Neighborhood Commission 2E

July 3, 2007

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

The meeting was called to order at 6:33 p.m. by Commissioner Solomon, Chair, with Commissioners Birch, Lewis, Solomon and Starrels present, constituting a quorum. Before the first vote was taken, Commissioner Eason joined the meeting.

COMMUNITY COMMENT

Police Report

Commissioner Lewis presented a letter of appreciation and thanks from the ANC 2E Commissioners to MPD Sergeant Carlos Bundy on the occasion of Sergeant Bundy's completion of his tour of duty in PSA 206. A copy of the letter is on file with the Commission.

MPD Lieutenant Felicia Lucas presented the police report for June 2007, comparing statistics on various categories of crimes with earlier statistics. These statistics are available at <http://crimemap.dc.gov/presentation/query.asp>. There is also a Second District web site at 2D_mpd@yahoo.com. Lieutenant Lucas introduced Sergeant Lennox Antoine to the community, who is succeeding Sergeant Bundy on the evening shift in PSA 206. Lieutenant Lucas reminded the community that the next Partnership for Problem Solving meeting will be at 10:30 a.m. Saturday, July 14 in the community room at the Second District Station.

ADMINISTRATIVE

Approval of Minutes

The minutes for the meeting of ANC 2E held on June 5, 2007 were approved on a motion by Commissioner Eason (Birch second) by a vote of 5-0.

Approval of Quarterly Financial Report

Commissioner Eason, ANC 2E's Treasurer, presented a quarterly financial report for the second quarter of the calendar year (the third quarter of the fiscal year). The report was approved on a motion by Commissioner Birch (Eason second) by a vote of 4-0 (Starrels not present).

Approval of Clarification of ANC 2E Grant Guidelines and Reaffirming of Grants

After discussion by Commissioners, Commissioner Lewis moved (Solomon second) to adopt the following resolution, which passed by a vote of 4-0 (Starrels not present):

The section of the ANC 2E Guidelines for Consideration and Award of Grants entitled “Limits to Grants” is clarified to read as follows:

“Unless determined otherwise in any particular case by the Commission, no single organization may receive grants totaling more than \$1000 in any fiscal year.”

ANC 2E reaffirms its approvals at its June 5, 2007 meeting of two separate grants to the Second District Citizens Advisory Council and confirms that these grants are consistent with the Guidelines for grants as clarified.

NEW BUSINESS

ABC Matters

Rugby Café

Commissioner Starrels reported that discussions are proceeding on a possible Voluntary Agreement with Rugby Café, with the hope of presenting an agreement for approval at the September meeting of the Commission.

ABC Consent Calendar

On June 26, 2007, the ANC gave notice to the community listing certain establishments that are up for ABC license renewal, with a petition dates of July 9, July 16, July 30 and various dates in August, that will not be reviewed at this time by the ANC unless a request to do so is received by the ANC by the time of this meeting. Such a request was received with respect to Neyla, Royalty Bar and Grill (formerly Fetoosh), and Bangkok Bistro, see below. No other such request had been received as of the time of this meeting. Commissioner Starrels asked if there was a motion to consider any of the remaining listed establishments at this time, and there was no motion. Commissioners and community members proceeded to discuss the three establishments about which questions had been raised

Neyla

Community members raised concerns about trash-related issues connected with Neyla, including uncontained trash, leaking grease and rodents. After discussion, Commissioner Starrels recommended going forward quickly to bring these issues to the attention Neyla’s management and of the Department of Public Works and the Department of Health as enforcement matters, rather than filing a protest. It was noted also that to the extent the current Voluntary Agreement may be violated, a remedy is available of a show cause proceeding at ABRA. Commissioner Eason moved to protest the license renewal but there was no second, so this establishment stayed on the consent calendar.

At this point in the meeting, Commissioner Birch moved to approve the ABC consent calendar (Starrels second), which passed by a vote of 5-0.

Bangkok Bistro

Community members and Commissioners discussed complaints about un-permitted use of a back patio, noise, rats, grease, trash, and obstructing public space. Commissioner Starrels recommend meeting with the owner to correct this and following up with appropriate enforcement actions, including a show cause proceeding if need be. No motion was made to protest the license renewal so the establishment stayed on the consent calendar.

Royalty Bar and Grill (formerly Fetoosh)

Community members and Commissioners observed that this establishment had undergone an apparent significant change of operations. Management had been invited to the ANC meeting to present information on the changes and on contemplated operations, but no management representative was present at the meeting. Commissioner Starrels moved (Eason second) to adopt the following resolution, which was approved by a vote of 5-0:

ANC 2E protests the renewal of license No. 3802 at 3277 M Street because of the adverse effect on peace, order, and quiet that the new operation known as Royalty Bar and Grill might have on the community.

Special Items

DDOT Rulemaking for Valet Parking

Commissioners and community members discussed regulations proposed by the D.C. Department of Transportation governing valet parking services that utilize the District of Columbia's public space. It was noted that the current proposal takes into account earlier comments by ANC 2E asking that the regulations accommodate occasional valet parking by residents. Following the discussion, Commissioner Birch moved (Starrels second) to adopt the following resolution, which passed by a vote of 5-0:

ANC 2E appreciates the Department of Transportation's attention to regulate the use of valet parking in the community and is supportive of the proposed rulemaking as it appears in the June 15, 2007 DC Register.

Zoning and Planning

Consent Calendar: Commissioner Birch moved (Eason second) to adopt the following resolution, which passed by a vote of 5-0:

The following items are considered to be on ANC 2E's Consent Calendar and will be sent to the Old Georgetown Board and other agencies without objection:

Georgetown University temporary MRI Mobile Unit

1410 34th Street, rear alteration (OGB 07-188, HPA 07-299)

1025 31st Street, front door, sign, light fixtures, awning (OGB 07-187)

3034 M Street, Liz Claiborne, storefront alterations, signs, awnings (OGB 07-191)

1355 28th Street, alteration to door opening for window (OGB 07-189)

2804 O Street, fence and brick piers (OGB 07-183)

1617 29th Street, rear landscape plan, fence, retaining wall, steps, fountain, terrace, relocation of condensers (OGB 07-190)

BZA Application for 3255 N St (BZA Application # 17643): An application to the Board of Zoning Adjustment was presented for an area variance to increase the height of a garage at 3255 N Street. After discussion by Commissioners and community members, Commissioner Lewis moved (Eason second) to adopt the following resolution, which passed by a vote of 4-0 (Solomon not present):

ANC 2E recommends that the application for an area variance be denied for this property.

The applicant's proposal exceeds existing height limits and effectively creates a second story on the garage. Functionally and visually, this is not deserving of an area variance.

Functionally, the applicant now claims the area will be used for pool equipment and storage (though not long ago the applicant was saying the space would be used for a teen-age recreation room). Alternatives exist, however, under existing zoning requirements. Pool equipment could be accommodated on the first floor of the garage in the third parking bay, for example, or elsewhere on the property. Storage for canoes – even if this were worthy of serious consideration for an area variance, which we do not believe it is – could similarly be accommodated on the first floor of the garage. There is nothing of substance that is peculiar or exceptional about these circumstances, and no recognizable hardship or special conditions exist that would justify an area variance – all the more so, given the risk that a second story eventually might be used as a dwelling space.

Visually, a second story on this structure would loom above almost all of the garages in this historic row and would be inconsistent with the historic character of these properties. Granting the application would be of substantial detriment to the public good and inconsistent with the intent and purpose of the zoning regulations.

For these reasons, we recommend that the application for an area variance be denied and we authorize ANC Commissioners Ed Solomon, Ron Lewis, Bill Skelsey, Jenna Lowenstein, Bill Starrels, Tom Birch, and Charles Eason, or any one of them, to represent ANC 2E in presenting this report.

3206 N Street (OGB 07-193): Plans were presented for an enclosure of a sitting area under a trellis. After discussion by Commissioners and community members, Commissioner Starrels moved (Eason second) to adopt the following resolution, which passed by a vote of 5-0:

ANC 2E objects to the proposed concept to enclose the seating area. It does not fit in with the neighborhood and compromises and violates the open space which is an amenity to the community.

2800 Pennsylvania Avenue, Four Seasons Hotel –

Plans were presented for alterations, an addition and new terrace at the second floor level, alterations to the Canal and east facades, and enclosure of a balcony.

OGB 07-200: After discussion by Commissioners and community members, Commissioner Starrels moved (Eason second) to adopt the following resolution, which passed by a vote of 5-0:

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

OGB 07-199: After discussion by Commissioners and community members, Commissioner Starrels moved (Eason second) to adopt the following resolution, which passed by a vote of 5-0:

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

OGB 07-194: After discussion by Commissioners and community members, Commissioner Starrels moved (Solomon second) to adopt the following resolution, which passed by a vote of 5-0:

ANC 2E does not object to the concept as presented. While not objecting to this concept, we do note concern that attention be given to the interaction of the 29th Street terrace façade with the street, so that it continues to convey the spirit of the open corridor that it is generally enclosing.

1626-32 Wisconsin Avenue (OGB 07-186): Concept plans had been shown to the Commission for construction of a new condominium building facing 33rd Street. Rather than presenting those plans at the meeting, the applicant withdrew them from the Commission's consideration and committed to notifying the Old Georgetown Board in writing that the applicant was withdrawing the plans from OGB consideration on July 5. After discussion by Commissioners and community members, Commissioner Lewis moved (Starrels second) to adopt the following resolution, which passed by a vote of 5-0:

ANC 2E appreciates that the application has been withdrawn and that the applicant will meet with the neighbors and community representatives over the summer to discuss the possibilities at this site. We understand that the application will not be considered at the July 5 OGB meeting but if it is, ANC 2E feels the proposed plans are too tall, too large for the site and not in keeping with historic Georgetown.

3509 M Street (OGB 07-196): Plans had been shown to the Commission for partial demolition, alterations, and side and rear additions to create a medical building. However, the applicant's representative did not appear at the Commission meeting when this matter was considered. After discussion by Commissioners and community members, Commissioner Starrels moved (Lewis second) to adopt the following resolution, which passed by a vote of 5-0:

Because of the absence of the architects who were to do a presentation to the ANC, we did not have an opportunity to review this project properly; and because of the high visibility and historical significance of the site, the effects of excavation and construction on adjacent properties, and the magnitude of the proposal, we cannot support the project as we understand it, and we urge the Old Georgetown Board to postpone consideration until September or some later date to permit the ANC and the community to review and comment on the project.

Georgetown University, multi-sports facility and athletic training facility (OGB 07-185 and -185B): Plans were presented for a multi-sports facility and an athletic training facility. After discussion by Commissioners and community members, Commissioner Solomon moved (Starrels second) to adopt the following resolution with respect to design matters considered by the Old Georgetown Board, which passed by a vote of 5-0:

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

1413 35th Street (OGB 07-169): Plans had been shown to the Commission for enlarging a front window well and moving utility connections; new windows on the side elevation; raising the roof and altering the roof line with a new parapet; alterations to rear door and rear windows; and front and rear site work. Subsequently, the applicant withdrew from consideration the proposals affecting the roof line and parapet. The applicant's representative did not appear at the Commission meeting when this matter was considered. After discussion by Commissioners and community members, Commissioner Lewis moved (Starrels second) to adopt the following resolution, which passed by a vote of 5-0:

ANC 2E has serious concerns about changes to the windows and doors, with special concern for the highly visible windows on the north side façade. We agree with the many neighbors who have noted their objections to these proposals and we note that the D.C. Historic Preservation Office has written, "Changing the location, covering-up or changing the dimensions of a window opening is almost never appropriate since it alters the character of the existing window."

3058 R Street (OGB 07-137): Plans had been presented for alterations to the east and rear facades and a new stone terrace. However, the applicant's representative did not appear at the Commission meeting when this matter was considered. After discussion, Commissioner Eason moved (Starrels second) to adopt the following resolution, which passed by a vote of 5-0:

In the absence of a representative of the applicant appearing at the ANC 2E meeting to present the proposal, the Commission asks the Old Georgetown Board to defer consideration of the application at this time.

1611 29th Street (OGB 07-170): Plans were presented for a new double garage door. After discussion by Commissioners and community members, Commissioner Eason moved (Birch second) to adopt the following resolution, which passed by a vote of 5-0:

ANC 2E reaffirms the position adopted at our meeting on June 5, 2007, following review of the additional materials submitted by the applicant.

3213 P Street, Proper Topper (OGB 07-197): Plans were presented for a 2-story rear and side addition. After discussion by Commissioners and community members, Commissioner Birch moved (Starrels second) to adopt the following resolution, which passed by a vote of 5-0:

ANC 2E has no objection to the plans as proposed for concept review.

2913 Dumbarton Street (OGB 07-179): Plans were presented for renovation and an addition. After discussion by Commissioners and community members, Commissioner Birch moved (Lewis second) to adopt the following resolution, which passed by a vote of 5-0:

In view of the late presentation of plans and the inadequacy of information contained and the inattention of the applicant to contact neighbors to discuss the proposed rear addition, ANC 2E requests that the Old Georgetown Board defer consideration of this project to its September meeting with the hope that the concerns of neighbors might be addressed.

1645 31st Street (OGB 07-127): The applicant did not appear at the meeting to present plans but instead sent a communication that the plans differed from the previous month's presentation only in exterior finishes. After discussion, Commissioner Eason moved (Birch second) to adopt the following resolution, which passed by a vote of 4-0-1 (Starrels abstaining):

ANC 2E ratifies and reaffirms our previous comments to the Old Georgetown Board with respect to the massing, design, and finishes of the proposed second residence and asks that the proposal be denied

2520 Q Street (OGB 07-181): Plans were presented for a rear parking pad, retaining walls and fence. After discussion by Commissioners and community members, Commissioner Eason moved (Starrels second) to adopt the following resolution, which passed by a vote of 5-0:

Having reviewed the application as presented this evening the Commission has no objection to the proposal as presented.

At 9:28 p.m., with no further matters on the agenda, Commissioner Lewis moved (Birch second) to adjourn this public session of ANC 2E. The motion passed unanimously.

Submitted for the approval of ANC 2E,

Ron Lewis
Secretary, ANC 2E