



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Advisory Neighborhood Commission 2E

Regular Meeting Minutes

Tuesday, January 7th, 2020; 6:30 p.m.
Georgetown Visitation School, Heritage Room – 1524 35th Street NW

Call to Order

Commissioner Rick Murphy called the meeting to order at 6:31 pm. Commissioners Kishan Putta (2E01), Joe Gibbons (2E02), Rick Murphy (2E03), Anna Landre (2E04), Lisa Palmer (2E05), Gwendolyn Lohse (2E06), Elizabeth Miller (2E07), and Matias Burdman (2E08) were present.

Election of ANC Officers

Election of the ANC's Officers for 2020

Commissioner Gibbons moved to elect Commissioner Murphy as the ANC's Chair, Commissioner Palmer as the ANC's Vice Chair, Commissioner Landre as the ANC's Secretary, and Commissioner Burdman as the ANC's Treasurer for 2020. Commissioner Lohse seconded the motion, which was voted on and passed (VOTES: 8-0-0).

Approval of the Agenda

Approval of the ANC's January 7th, 2020 Meeting Agenda

Commissioner Palmer moved to approve the ANC's January 7th, 2020 meeting agenda. Commissioner Burdman seconded the motion, which was voted on and passed (VOTES: 8-0-0).

Approval of the ANC's December 2nd, 2019 Meeting Minutes

Commissioner Palmer moved to approve the ANC's December 2nd, 2019 meeting minutes. Commissioner Burdman seconded the motion, which was voted on and passed (VOTES: 8-0-0).

Administrative

Public Safety and Police Report

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

Approval of the ANC's 2020 Meeting Schedule

Commissioner Gibbons moved to approve the ANC's 2020 meeting schedule. Commissioner Lohse seconded the motion, which was voted on and passed (VOTES: 8-0-0).

Approval of the ANC's Participation in the 2020 ANC Security Fund

Commissioner Gibbons moved to approve the ANC's participation in the 2020 ANC Security Fund. Commissioner Palmer seconded the motion, which was voted on and passed (VOTES: 8-0-0).

Approval of the Addition of New Officers to the ANC's Bank Signature Cards

The Commission did not take any action regarding this matter.

Approval of the ANC's FY 2020 Quarter 1 Financial Report

Commissioner Gibbons moved to approve the ANC's FY 2020 Quarter 1 financial report. Commissioner Burdman seconded the motion, which was voted on and passed (VOTES: 8-0-0).

Community Comment

Update from the Mayor's Office

Amr Kotb, a Ward 2 representative for the Mayor's Office of Community Relations and Services (MOCRS), provided an update from the Mayor's Office.

Update from Councilmember Jack Evans' Office

No one was present regarding this matter.

Update from Georgetown University

Peter Sacco, the ANC's Executive Director, provided an update on behalf of Georgetown University.

Discussion Regarding Verizon's Recent Service Outage in the Neighborhood

Commissioner Lohse led a discussion regarding Verizon's recent service outage in the neighborhood.

Discussion Regarding Proposed Metrobus Route Changes in the Neighborhood

Commissioner Putta led a discussion regarding the proposed Metrobus route changes in the neighborhood.

Discussion Regarding the Urban Forestry Division's Female Ginkgo Replacement Policy

Several commissioners and meeting attendees discussed the Urban Forestry Division's female ginkgo replacement policy.

Announcement Regarding the Department of Parks and Recreation's Upcoming Meeting on Ellington Field

Commissioner Putta made an announcement regarding the Department of Parks and Recreation's upcoming meeting on Ellington Field.

Announcement Regarding Proposed Changes to DC's Comprehensive Plan

Chair Murphy made an announcement regarding the proposed changes to DC's Comprehensive Plan.

Announcement Regarding the ANC's Monthly Small Business Award

Commissioner Lohse made an announcement regarding the upcoming awarding of the ANC's Monthly Small Business Award.

New Business

Special Event Application for the Lawyers Have Heart 10K and 5K on Saturday, June 13th, 2020

Commissioner Palmer moved to adopt a proposed resolution regarding the matter. Commissioner Gibbons seconded the motion, which was voted on and passed (VOTES: 8-0-0). The resolution reads as follows:

ANC 2E appreciates that the Lawyers Have Heart 10K and 5K has a long history of successfully raising funds to support the American Heart Association and the ANC remains grateful for the commitment that the runners make to such an important cause. However, this race continues to present significant challenges to our community and, as such, the ANC cannot support the request for the race to be run through ANC 2E once again this year.

For reference, here is some of the feedback from residents who live west of the race on Water Street NW after this past year's race:

- "A way was provided to get OUT of our garage on Water Street, then north on Potomac and right on Grace to Wisconsin. But there was no way back to our garage or the Potomac Boat Club. K St. was totally blocked off. And all the tents and concessions filled K St."
- "We were stuck in our garage and couldn't get to Max's gym class on time and our maintenance man and crew couldn't get into the building."
- "The speakers were really loud and everywhere. I thought it was overkill."
- "The noise from the speaker was unbearably loud and it started at 6:45 and continued nonstop for several hours. I received numerous complaints from residents of the Papermill Condo. The sound level was excessive and unbearable at any time of the day much less that early and showed no consideration of the community."
- "The noise Saturday woke me up at 7 and, as I had earplugs, I thought something was falling down in my house. Then I thought someone was attacking my door. I got up and opened the bedroom window to see what was going on and thought that the loudspeaker may be the police warning residents of some disaster or evacuation - seriously."

- “I hate their microphone - but I was up already so it wasn't as bad as some years...I hear from people who live far from this area how much good they do, but when you live here - you have a different reaction.”

ANC 2E has, over the years, made a good faith effort to support this race. ANC 2E05 Commissioner Lisa Palmer has personally spoken to race organizers as well as the Homeland Security and Emergency Management Agency (HSEMA) to review concerns and implement solutions, many of which were specifically laid out in the ANC's 2019 resolution which is attached to this resolution by reference. Unfortunately, the situation has not improved. As noted specifically in last year's resolution: "ANC 2E also notes that should the provisions noted above and implemented in 2018 not be met in 2019, the ANC will no longer support the granting of permits for this race.”

Many races run through ANC 2E05 but year after year, ANC 2E receives significant numbers of complaints about this specific race. As a result, ANC 2E no longer supports the granting of permits for this race in ANC 2E05.

Alcoholic Beverage Control Board

Application by Church for a Substantial Change to the Establishment's Retailer's Class "C" Restaurant License at 3222 M Street NW

The Commission did not take any action regarding this matter.

Application by Foxtrot for a New Retailer's Class "B" Full-Service Grocery License at 1267 Wisconsin Avenue NW

Commissioner Palmer moved to adopt a proposed resolution regarding the matter. Commissioner Gibbons seconded the motion, which was voted on and passed (VOTES: 8-0-0). The resolution reads as follows:

ANC 2E protests Foxtrot's application for a new Retailer's Class "B" Full-Service Grocery license at 1267 Wisconsin Avenue NW based on the adverse impact on the peace, order, and quiet of the neighborhood.

Application by Foxtrot for a New Retailer's Class "C" Restaurant License at 1267 Wisconsin Avenue NW

Commissioner Palmer moved to adopt a proposed resolution regarding the matter. Commissioner Gibbons seconded the motion, which was voted on and passed (VOTES: 8-0-0). The resolution reads as follows:

ANC 2E protests Foxtrot's application for a new Retailer's Class "C" Restaurant license at 1267 Wisconsin Avenue NW based on the adverse impact on the peace, order, and quiet of the neighborhood.

Application by Liberte / L'Annexe for a Substantial Change to the Establishment's Retailer's Class "C" Restaurant License at 2917 M Street NW

The Commission did not take any action regarding this matter.

Application by Brasserie Liberte for Renewal of the Establishment's Retailer's Class "C" Restaurant License at 3251 Prospect Street NW

The Commission did not take any action regarding this matter.

Zoning

Board of Zoning Adjustment Application for a Special Exception from the Rear Addition Requirements to Construct a Two-Story Rear Addition to an Existing, Attached Principal Dwelling Unit at 3626 T Street NW

Commissioner Putta moved to adopt a proposed resolution regarding the matter. Commissioner Gibbons seconded the motion, which was voted on and passed (VOTES: 8-0-0). The resolution reads as follows:

ANC 2E has no objection to the Board of Zoning Adjustment application for 3626 T Street NW.

Board of Zoning Adjustment Application for a Special Exception Under the Penthouse Use Provisions to Construct a Roof Deck for a Bar and Restaurant Use Above an Existing Attached Building at 3219-3221 M Street NW

Commissioner Palmer moved to adopt a proposed resolution regarding the matter. Commissioner Gibbons seconded the motion, which was voted on and passed (VOTES: 8-0-0). The resolution reads as follows:

ANC 2E believes that the roof deck will be of relatively low impact in the neighborhood due to the reasons provided in the applicant's Burden of Proof statement. However, the ANC does ask the Board of Zoning Adjustment to learn more about any sound-related issues which may arise due to the use of the roof deck to ensure that the deck will not adversely affect the use of neighboring properties, including the residential properties across the street from the applicant.

Continued Hearing for the Board of Zoning Adjustment Application for an Area Variance from the Corner Store Requirements to Operate a Corner Store on the First Floor and Basement of an Existing Mixed-Use Building at 3428 O Street NW

Commissioner Palmer moved to adopt a proposed resolution regarding the matter. Commissioner Burdman seconded the motion, which was voted on and passed (VOTES: 6-2-0). The resolution reads as follows:

At ANC 2E's October 2, 2019 meeting, the Commission considered 3428 O Street LLC's application for a use variance permitting the operation of a bagel shop, characterized as a prepared food shop, at 3428 O Street NW. At that meeting, the Commission carefully considered the views of residents who either supported or opposed the application. After considering whether issuance of the requested variance would present a public detriment to the surrounding neighborhood, the ANC voted 6-2-0 in favor of the application.

On December 5, 2019, 3428 O Street LLC amended its application. Although the nature of the operation proposed for the location has not changed, the applicant now characterizes the proposed business as a "corner store" and seeks an area variance that, like the earlier application, would permit the operation of a bagel shop at the location. In reviewing the amended application, ANC 2E considered the same issue the Commission addressed on October 2, 2019: whether the operation of a bagel shop at 3428 O Street NW would present a public detriment to the surrounding neighborhood. The ANC continues to believe that the operation of a bagel shop at 3428 O Street NW would NOT present a public detriment to the surrounding neighborhood, per the reasons previously stated during the ANC's testimony at the Board of Zoning Adjustment (BZA) hearing in December of 2019.

ANC 2E respects that the BZA will pay close attention to whether the proposed use meets the test for a relief from the so-called "750 foot rule", that is U-254.6(g). The ANC is also concerned with the integrity of the zoning code. The ANC believes that the area variance should, in fact, be granted for the following reasons:

1. ANC 2E understands that the "750 foot rule" was created in an attempt to prevent commercial areas on M Street and Wisconsin Avenue NW from creeping into nearby residential areas. The location in question, however, presents a unique scenario. In this case, the MU zone within 750 feet of the subject property is a small outlier of a zone section comprising only a half-block of property, completely removed from M Street or Wisconsin Avenue NW. Further, this section itself is still a considerable distance from the subject property.
2. It was always contemplated that exceptions to the 750 foot rule could be made as is currently being requested, should certain criteria be met. We believe that the applicant has met its burden of proof as required in Subtitle X 1002.1 and 1002.2

As a result, ANC 2E believes that the applicant has met its burden of proof such that the BZA should grant area variance relief for the application in Case No. 20135.

Finally, ANC 2E understands that some neighbors of 3428 O Street NW have already been in discussion with the owner of the proposed bagel shop and are working to develop an understanding and agreement around potential quality of life issues which some neighbors believe will arise as a result of this shop's operations. The ANC strongly supports these discussions and, should the various parties find it helpful, would be willing to participate in such conversations. Ultimately, the ANC envisions a scenario where both the concerned residents and the operator of the proposed shop have an understanding such that the shop is a boon to the community and a successful endeavor.

Adjournment

Chair Murphy adjourned the meeting at 9:26 pm.