

**Minutes for the Meeting of
Advisory Neighborhood Commission 2E**

November 29, 2010
Georgetown Visitation School, 35th and Volta Place, Heritage Room

The meeting was called to order at 6:34 p.m. by Commissioner Lewis, Chair, with Commissioners Solomon, Lewis, Golds, Starrels, Birch, and Eason present, constituting a quorum.

Administrative

Approval of November 29 Agenda

The agenda for the November 29 ANC 2E public meeting was approved on a motion by Commissioner Lewis (Commissioner Solomon seconded) by a vote of 6-0.

Approval of November 1 Meeting Minutes

The minutes for the meeting of ANC 2E held on November 1, 2010 were approved on a motion by Commissioner Eason (Commissioner Starrels seconded) by a vote of 6-0.

Public Safety and Police Report

Lieutenant Hedgecock reported on public safety matters in the community, noting that overall crime is down 10% year to date, though there are some slight increases in robberies. Burglaries and thefts from automobiles are down 40%, most likely due to a significant presence of reimbursable detail officers. Neighboring police areas are seeing increases however. Lt. Hedgecock also mentioned that retail thefts are up during Christmas shopping season, so additional attention will be focused in the retail corridor.

He answered a question from Commissioner Golds regarding on-campus crimes, which are included in the PSA206 crime statistics. He also answered a question from a community member regarding public drunkenness and disorderly conduct, mentioning recent problems with disruptive parties near the University campus and possible drunken youths. He responded to a question from Commissioner Solomon about a possible spike in crime related to the upcoming holiday season.

Lastly, he also spoke about an increase in sexually related incidents, including assaults. He also mentioned that the reimbursable detail officers have been generally effective in the community and they increase patrol presence significantly. The ABRA grant for reimbursable detail officers is targeted to be cut, in which case reimbursable MPD patrols in Georgetown and Burleith will either need to be cut back or will be more expensive.

Financial Report, Revised FY2011 Budget for ANC 2E, and Fourth Quarter Report

Commissioner Solomon reported on ANC 2E's finances, noting that there has not been a significant change since last month's report. The Fourth Quarter FY2010 report has been submitted and a revised budget, as approved at the Commission's November 1 meeting, has been posted online. No community comments have been received regarding the budget as posted, so it will not be amended at this time and will be considered the Commission's budget for FY2011.

Transportation Report—Circulator Stop at Wisconsin Avenue NW and R Street NW reestablished

Commissioners Lewis and Starrels reported on transportation matters in the community, noting the reestablishment of a Circulator stop at Wisconsin Avenue NW and R Street NW. Also, DDOT will install a left-turn lane at 35th Street and R Street in the spring, and will add some parking in the nearby vicinity to offset the loss of spaces on 35th Street NW. Commissioner Solomon reported that the O and P Street rehabilitation project is progressing slowly, though the contracts have been awarded and construction will begin in the early spring. A community member asked a question regarding the possibility of moving the Circulator stop at Wisconsin Avenue NW and M Street NW for safety and traffic concerns.

Commissioner Skelsey joined the meeting at this point.

2011 Public Meeting Dates

The public meeting dates for ANC 2E in 2011, as listed below, were approved on a motion by Commissioner Lewis (Commissioner Starrels seconded) by a vote of 7-0.

- Monday, January 3, 2011
- Monday, January 31, 2011
- Monday, February 28, 2011
- Monday, April 4, 2011
- Monday, May 2, 2011
- Tuesday, May 31, 2011
- Tuesday, July 5, 2011
- Monday, August 29, 2011
- Monday, October 3, 2011
- Tuesday, November 1, 2011
- Monday, November 28, 2011

Community Comment

Commissioner Lewis noted that Commissioners Skelsey and Golds are participating in their last meeting as ANC 2E Commissioners, as their terms are coming to a close. Commissioners Skelsey and Golds thanked the community and Commissioners for their support and expressed appreciation for the opportunity to serve the community. Commissioner Lewis noted plans to honor Commissioners Skelsey and Golds at the January 31, 2011 ANC 2E meeting.

Ruth Werner from Councilmember Evans' office mentioned an upcoming Council hearing about a revised city budget on November 30, 2010, made necessary by a projected budget deficit in FY2011. Commissioner Solomon requested that the reimbursable detail grant to ABRA remain intact for the clear public safety benefits noticed by the community and Lieutenant Hedgecock.

Community members made comments regarding the conditions of the sidewalks in the winter months and James Bracco of the Georgetown BID invited the community to participate in the Merriment in Georgetown event on Sunday, December 5 on Wisconsin Avenue.

New Business

Effects of special events including races on Georgetown residents and traffic:

Commissioners Lewis and Starrels spoke about the numerous special events that close down streets in Georgetown and their effects on residents and traffic. After discussion by commissioners and community members focusing on the impacts of these events on the community, Commissioner Lewis made the following motion (Commissioner Starrels seconded), which passed by a vote of 7-0:

Advisory Neighborhood Commission 2E reports that recent events such as races that close off streets in Georgetown are having an increasingly adverse effect on our community.

These events – especially events that close or restrict M Street, N.W. in Georgetown; Key Bridge; or K Street/Water Street, N.W. in Georgetown – can cause traffic gridlock; block residents from entering or leaving their homes, including especially residents living in the area between the waterfront and M Street, N.W.; interfere with churchgoers, especially on Sundays, and with commercial activities in Georgetown, especially on Saturdays; and are beginning to occur with a frequency that is very disruptive and unacceptable in our community.

We urge in general that District of Columbia permitting authorities begin finding alternative routes for activities that would otherwise impact M Street in Georgetown, Key Bridge, or K Street/Water Street in Georgetown.

In analyzing the pros and cons of these activities and making specific recommendations, we will also consider charitable or governmental sponsorship versus for-profit sponsorship, as well as any positive effects of the event for the community.

ANC 2E will begin taking a much closer look at these activities at the proposal stage and will not approve activities when substantial adverse effects are anticipated.

DC Triathlon—Sunday, June 19, 2011 and Nation's Triathlon—Sunday, September 11, 2011:

A representative (Charles Brodsky) from the DC Triathlon and the Nation's Triathlon spoke about next year's proposed events, including road closures and times. After discussion by

commissioners and community members focusing on the nature of the events and their potential impacts on both the residential and business communities, the Commission deferred a vote until the January 2011 meeting so that the Commission and the community can learn more about the charitable compared to the for-profit nature of the events and explore alternative routes that do not impact Georgetown.

Possibility of Additional Capital Bikeshare locations in Georgetown:

Commissioner Lewis spoke about the possibility of adding more Capital Bikeshare stations in Georgetown. Discussion by commissioners and community members focused the benefits of the program and on possible locations, including near Montrose Park, near Rose Park and near Volta Park. Other suggestions from Commissioners and community members included stations in the East Village, in front of Marvelous Market, near the public library, under the Whitehurst Freeway, and the sidewalk outside of Hyde-Addison Elementary. Community members are encouraged to contact the ANC with further suggestions.

Philly Pizza/Go Fresh - Possible appeal of Zoning Administrator's decision to grant a certificate of occupancy:

Commissioner Lewis spoke about a possible appeal of the Zoning Administrator's decision to issue a new certificate of occupancy to Go Fresh, the current name of the occupant of the former Philly Pizza location, and whether ANC 2E should support such an appeal were it to happen. After discussion by commissioners and community members, Commissioner Starrels made the following motion (Commissioner Lewis seconded), which passed by a vote of 5-2 (Commissioners Golds and Eason dissenting):

WHEREAS, at its regularly scheduled meeting on November 29, 2010 (this "Meeting"), Advisory Neighborhood Commission 2E ("ANC 2E" or the "Commission") considered potentially filing an appeal of a decision by the D.C. Department of Consumer and Regulatory Affairs and the D.C. Zoning Administrator to grant a certificate of occupancy to Mehmet Kocak for the use of the premises 1211 Potomac St., N.W. (the "Premises"), as a prepared food shop to be known as Philly Pizza or Go Fresh;

WHEREAS, the number of ANC 2E Commissioners that constitute a quorum for ANC 2E is four (4), and there were seven (7) ANC 2E Commissioners present at this Meeting;

WHEREAS, Mr. Kocak's intended use of the Premises does not appear to qualify under the D.C. Zoning Regulations for use as a prepared food shop, and based on past history, Mr. Kocak's illegitimate use of the Premises has resulted in significant negative impacts to the residents of this block of Potomac Street;

WHEREAS, certain residents of ANC 2E-05, residing on Potomac Street (the "Potomac Street Residents") in close proximity to the Go Fresh/Philly Pizza establishment, are considering filing an appeal of this certificate of occupancy to the D.C. Board of Zoning Adjustment ("BZA");

WHEREAS, if the Potomac Street Residents elect to go forward with such an appeal, they have requested that the ANC file the appeal.

WHEREAS, the Potomac Street Residents have hired Martin Sullivan of the law firm of Sullivan, Styles & Barros, LLP, as zoning counsel to prosecute this appeal on their behalf and on the ANC's behalf as well, should the ANC authorize such representation;

WHEREAS, ANC 2E therefore wishes to authorize Mr. Sullivan to represent ANC 2E in filing and prosecuting such an appeal, provided the Potomac Street Residents ultimately elect to prosecute the appeal;

Therefore, it is

RESOLVED, that ANC 2E authorizes Martin P. Sullivan to represent ANC 2E in filing and prosecuting this appeal, and authorizes Mr. Sullivan to work closely with ANC 2E-05 Single Member District Representative Bill Starrels in doing so, as he did in early 2010 on behalf of the ANC in a previous matter relating to these same Premises;

FURTHER RESOLVED, that should the Potomac Street Residents elect to move forward with the appeal, that Mr. Sullivan is authorized to sign the appeal application and any other documents necessary for the filing of an appeal on behalf of ANC 2E, subject to review and approval by ANC 2E-05 Single Member District Representative Bill Starrels;

FURTHER RESOLVED, that if the appeal is filed and prosecuted, ANC 2E recommends to the Board of Zoning Adjustment that this appeal be granted and that DCRA proceed immediately in revoking the subject certificate of occupancy and ceasing Philly Pizza's or Go Fresh's unlawful use; and it is

FURTHER RESOLVED, that ANC 2E Chairman Ron Lewis, and ANC 2E-05 Single Member District Representative Bill Starrels, or any ANC 2E Commissioner or agent authorized by them, are authorized to present this Resolution in person at the BZA hearing.

ABC Issues

Lapis Voluntary Agreement:

Commissioner Starrels updated the community on the progress of Lapis' voluntary agreement. After discussion by commissioners and community members, Commissioner Starrels made the following motion (Commissioner Solomon seconded), which passed by a vote of 7-0:

ANC 2E agrees to the voluntary agreement as presented with an amendment to include a passage restricting occupancy to twenty-eight (28) patrons inside the establishment and twelve (12) patrons in the outside dining area.

Malmaison Voluntary Agreement Update:

Commissioner Starrels gave an update on the status of the voluntary agreement for Malmaison, which is in negotiation and anticipated to be presented at a future ANC 2E meeting.

Midtown Café Voluntary Agreement:

Commissioner Lewis noted that under ANC and CAG auspices, neighbors and the establishment have worked together to negotiate a voluntary agreement. After discussion by Commissioners and community members, Commissioner Lewis made the following motion (Commissioner Starrels seconded), which passed by a vote of 7-0:

ANC 2E adopts the voluntary agreement relating to Midtown Café as presented.

License renewal for “Saloun,” 3239 M Street NW, License No. ABRA-022973:

Commissioner Starrels spoke about Saloun and some of the issues regarding the establishment, including noise and the opening of windows not permitted in their voluntary agreement. After discussion by commissioners and community members, Commissioner Starrels made the following motion (Commissioner Birch seconded), which passed by a vote of 7-0:

ANC 2E protests the renewal for Saloun (License No. 022973) for issues of peace, order and quiet.

Application for License by “Nathan’s,” 3150 M Street NW, License No. ABRA-060142:

A representative from the property spoke about their plans for the new establishment, including the conversion of the license from a Tavern CT license to a Restaurant CR license. After discussion by commissioners and community members, Commissioner Starrels made the following motion (Commissioner Birch seconded), which passed by a vote of 7-0:

ANC 2E approves the license renewal for “Nathan’s,” License No. 060142.

Old Georgetown Board

With one exception, Commissioner Lewis recused himself from the consideration and vote of all of the following items relating to the Old Georgetown Board on the ANC 2E agenda for this meeting. Mr. Lewis did participate in the consideration and vote with regard to 3240 Q Street NW, as it is located in his single-member district. Commissioner Birch chaired the meeting for consideration of the following OGB-related matters.

Regular Calendar

Public Projects

1215 31st Street NW, OG 11-043 (HPA 11-063), Georgetown Post Office, Concept:

Representatives from the property spoke about the addition of a new building at the rear of the property. After discussion by Commissioners and community members, Commissioner Birch made the following motion (Commissioner Solomon seconded) which passed by a vote of 6-0:

ANC 2E appreciates the effort that has gone into the plans for development of the Georgetown Post Office property. We have no objection to the design concept as presented and we encourage the applicant to continue to work with the community to ensure a final product which serves the interests of all those concerned.

Commissioners noted that in accordance with usual practice, ANC 2E will give separate consideration to zoning matters at a later date, including traffic implications and the location of the addition close to residential property, and cautioned that design approval is not intended and should not be taken to indicate zoning approval.

Private Projects

3056 M Street, NW, OG 11-006 (HPA 11-009), Commercial, Permit:

Representatives from the property spoke about a new awning for the restaurant. After discussion by Commissioners and community members, Commissioner Starrels made the following motion (Commissioner Birch seconded) which passed by a vote of 6-0:

ANC 2E implores the Old Georgetown Board to do what it takes to tone down the signage so that it is much more acceptable to the historic nature and character of Georgetown.

2715 Dumbarton Street, NW, OG 11-045 (HPA 11-067), Residence, Concept:

Representatives from the property spoke about a two-story rear addition. After discussion by Commissioners and community members, Commissioner Birch made the following motion (Commissioner Solomon seconded) which passed by a vote of 5-0 (Commissioner Starrels not voting):

ANC 2E has no objection to the concept of an addition at the rear at 2715 Dumbarton Street NW with reservations as to the scale and mass of the addition as proposed, recognizing concerns expressed by the neighbor to the east regarding the impact of this addition.

3020 Dumbarton Street, NW, OG 11-035 (HPA 11-055), Residence, Permit (Reviewed for the Historic Preservation Review Board):

Representatives from the property spoke about in-progress alterations to window and door openings at the rear wing. After discussion by Commissioners and community, Commissioner Birch made the following motion (Commissioner Solomon seconded) which passed by a vote of 7-0:

ANC 2E has reviewed the revised design and we have no objection to what is currently presented, to the extent that it does not deviate substantially from the originally approved design.

2723 Q Street, NW, OG 11-017(HPA 11-020), Residence, Permit:

Representatives from the property spoke about the addition of an aluminum trellis at the rear of the property. After discussion by Commissioners and community members, Commissioner Eason made the following motion (Commissioner Birch seconded) which passed by a vote of 6-0:

ANC 2E has no objection to a trellis at the rear of the property, but asks the Old Georgetown Board to look closely at the proposed materials.

3247 R Street, NW, OG 11-038 (HPA 11-058), Residence, Permit (*Reviewed for the Historic Preservation Review Board*):

This project was moved to No Review without objection.

3240 Q Street, NW, OG 10-269 (HPA 10-478), Residence, Concept:

Representatives from the property spoke about the additions and alterations. After discussion by Commissioners and community members, Commissioner Lewis made the following motion (Commissioner Starrels seconded) which passed by a vote of 7-0:

ANC 2E opposes this project as submitted. The existing house is one of the charming, smaller houses found in Georgetown. The two-story addition plus the new deck would completely change the character of the house, giving it a bulky, elongated appearance (see particularly the applicant's "ELEV-3"). The proposed addition would also extend well beyond the rear of the abutting house to the west, creating a mass and appearance inconsistent with either of the two historically significant houses. The abutting property owner reports also that the applicant's site plan is inaccurate (see "SITE 1") because, most importantly, it shows the abutting house to the west as larger than it actually is; and in particular that the abutting house extends only to the rear of the applicant's house, not to the rear of the applicant's deck as inaccurately shown on the applicant's site plan.

We regret that the applicant and its representative did not consult with the neighbors, as the representative indicated would be done; sent plans and drawings to the ANC only hours before the ANC meeting; did not respond to an invitation to defer consideration; and did not appear at the ANC meeting.

At 10:06 p.m., with no further matters on the agenda, Commissioner Lewis moved (Commissioner Golds seconded) to adjourn this public session of ANC 2E. The motion passed unanimously.

Submitted for the approval of ANC 2E,

Aaron Golds
Secretary, ANC 2E