

**Advisory Neighborhood Commission 1C
Adams Morgan
Minutes of December 7, 2016**

I. Call to Order and Introduction of the Commissioners

A regularly scheduled meeting of Advisory Neighborhood Commission 1C was held on December 7, 2016 at Mary's Center. Chair Guthrie called the meeting to order at 7:04 pm. Approximately 32 members of the public attended. In attendance were Commissioners Julie Seiwel (1C01), Hector Huezo (1C02), Ted Guthrie (1C03), Alan Gambrell (1C05), Billy Simpson (1C06), Wilson Reynolds (1C07), and JonMarc Buffa (1C08).

II. Presentation from the Office of Unified Communications.

Karima Holmes, Director of the DC Office of Unified Communications, gave a presentation on the operations of the DC call centers for 911 and 311 calls. Ms. Holmes described how callers' private information is protected and how callers can choose to use Smart911 to enter their profile with the centers. Ms. Holmes said that the 311 system, which involves services from 15 agencies, was recently overhauled. She said they have had success with the updated mobile app and portal enhancements for requesting street light repairs and are now using it for other services, including missed trash pick-up and broken parking meters. Ms. Holmes described their community outreach efforts, which includes tours of the center, and provided statistics on requests placed from the Adams Morgan area. She said the top areas for requests were parking issues, bulk collection, street light repair, illegal dumping, and graffiti removal.

A member of the public asked for more citywide statistics, which Ms. Holmes said she could get for him. Commissioner Buffa asked how calls about parking violations reports are handled. Ms. Holmes said messages are relayed instantly to parking enforcement, but they may not pull them up right away.

Kristen Barden encouraged everyone to take the tour of the center, which she said is fascinating.

Commissioner Huezo asked about options for callers with limited English proficiency. Ms. Holmes said that callers can press a number for Spanish which directs the call to a Spanish speaking staffer, but they also use a translator service for other languages.

III. Officers' Reports

a. Chair's Report

Chair Guthrie announced that there would be a series of public meetings in December about a possible high speed rail line between Washington and Baltimore.

Chair Guthrie also commented that he enjoyed working with this group of Commissioners over the past two years saying that even when there were disagreements, the discussions remained congenial and he hopes this continues in the new year.

b. Secretary's Report

i. Minutes for November 2, 2016 meeting

Secretary Simpson moved to approve the minutes for the November 2, 2016 monthly ANC 1C meeting. Commissioner Guthrie seconded the motion. Commissioner Buffa made a correction to

his comments made during the Meridian International development discussion, adding that he questioned the developers' commitment to make certain changes. The minutes as amended then passed by a vote of 7 to 0.

Secretary Simpson echoed Chair Guthrie's comments about appreciating the other Commissioners and thanked all the Commissioners for being fantastic colleagues.

c. Treasurer's report

i. Quarterly Report for Q4 of FY2016

Treasurer Gambrell moved for adoption the quarterly report for the fourth quarter of 2016.

Commissioner Simpson seconded the motion. Treasurer Gambrell gave a brief overview of the ANC's current finances and noted that ANC 1C was commended for being one of 7 ANC's to get its quarterly report in with no corrections for the last quarter. He also noted that the auditor has been helpful. Commissioners then voted 7 to 0 to adopt the quarterly financial report for Q4 of FY2016.

IV. Commissioner Announcements and December Committee Meeting Agendas

- Commissioner Gambrell expressed his appreciation for working with his fellow Commissioners and the public. He said he has been impressed with how involved people are in this community and noted that ANC 1C is recognized in the city for how thorough it is in providing meaningful and fact-based feedback to various boards. He said it has been a pleasure to serve as a Commissioner.
- Commissioner Seiwel also said it has been a pleasure to serve on the Commission for the past term and she introduced the new Commissioner for her single member district, ANC 1C01. She also announced that the agenda for the December 14th ABC and Public Safety Committee meeting would include the monthly police report, a restaurant license application for Barada Cuban restaurant, and a license change application for the Bottle Shop.
- Commissioner Buffa announced that the Planning, Zoning, and Transportation Committee would not have the traffic study presentation as originally scheduled. Commissioner Buffa also reported that the Historic Preservation Review Board did not approve the Meridian International project and that the board agreed with ANC 1C on 4 of the 7 issues raised by the ANC, including opposition to the proposed height of the building. He said there was a good turnout at the hearing with three Commissioners testifying and he thanked everyone who was involved in this matter. He added that there will be another hearing and the fight will continue. Finally, Commissioner Buffa said that he appreciated working with the Commissioners and that he felt a lot of good work was accomplished. He added that he was not sure whether he would be coming back since his election results were in a recount.
- Commissioner Huezo announced that the Public Services and the Environment Committee would not meet in December. He then thanked each departing Commissioner individually for their diligence and the quality of their work. He also thanked the city for bringing alley palooza and the street light campaign to Adams Morgan, and asked Councilmember Nadeau to continue to fund infrastructure investments that have helped Adams Morgan and DC. Finally, he announced that the neighborhood clean-up in his SMD would be on Saturday, December 10.
- Commissioner Reynolds cautioned people to remember safety tips while traveling and shopping during the holiday season.
- Commissioner Buffa announced that the December 21st PZT Committee meeting would be at the Kalorama Recreation Center. Later in the meeting, Commissioner Buffa also reminded the public that the PZT Committee would be discussing a request from the Line DC hotel for an extension of

working hours to 11 pm to facilitate removal of lead paint. Commissioner Simpson clarified that the request is for interior work only to be performed within the church portion of the property. Commissioner Reynolds asked how long the work would last, and Seth Dubner of DC Line Hotel said it would take about 30 days starting in January. Mr. Dubner added that the work would be done by a contractor licensed for lead paint removal. Elizabeth Horen asked on what days the work would be done and Mr. Dubner answered that it would be done on Mondays through Saturdays.

- Commissioner Buffa also thanked the DC Fire Department for its quick response to a major fire at Beekman Place.
- Commissioner Gambrell thanked Mary Coogan for help in supporting the Commission over the past term.

V. Public Announcements / Comments

- Benedicte Aubrun asked about the status of residential parking passes for 2017. Commissioner Simpson said that people can apply for them on DDOT's website. Elizabeth Horen of Councilmember Nadeau's office and Shinada Phillips of the Mayor's office provided more information on the residential permit parking program.
- Kristen Barden, Executive Director of the Adams Morgan Partnership BID, reported that the kiosk at the corner of 18th Street and Columbia Road now has a "Thanks Obama" chalk board where people can write messages of thanks to President Obama. She said they will be taking pictures of the messages and sending them to the DC Historical Society.

VI. Scheduled Business

a. Planning, Zoning, and Transportation Committee

i. 2222-2224 18th Street NW

Commissioner Buffa reported that the Planning, Zoning, and Transportation Committee voted to recommend sending a letter in support of plans for a doggy day care business at 2222-2224 18th Street NW. The lawyer for the owner of the business presented a summary of their plans to use the two buildings, which are currently vacant, to provide dog care. She explained that they are required to apply for a special exception with the Board of Zoning Adjustment since they intend to provide animal boarding for more than 10 dogs. She said they will satisfy required conditions with respect to keeping activities within closed buildings, noise mitigation, handling of animal waste, and odor control.

Commissioner Buffa commented that in their printed materials they could list a closer Metro stop.

Commissioner Huezo confirmed that the name of the business is the Life of Reilly.

Commissioner Gambrell commented that it looked like a comprehensive application and he wished the owner good luck with his business.

Commissioner Simpson said it is a good example of the type of neighborhood-serving retail services that we want in Adams Morgan and said he would support the application.

Commissioner Buffa said it is a good application and it seems that they have taken a big step forward to mitigate the rat problem.

Commissioner Reynolds noted that the former business at that location was a diner that was a source of problems with rats and that he was happy to see that this new business has a plan to address that issue. He wished the owner luck.

Commissioners then voted 7 to 0 to send a letter in support of the BZA application for special exception to allow a doggy day care/pet grooming business to operate at 2222-2224 18th Street NW.

The lawyer acknowledged Commissioner Gambrell's earlier comment, and said that ANC 1C has a terrific reputation among land use lawyers for being dedicated and hardworking and a lot of that is thanks to Commissioner Gambrell's efforts at BZA.

ii. PUD Resolution

Commissioner Simpson made a procedural motion to include on the agenda consideration of a resolution on proposed planned unit development regulations without the typical 10 days' advance notice on the on the basis that not doing so would be adverse to the community. Commissioner Gambrell seconded the procedural motion that then passed by a vote of 7 to 0.

Commissioner Gambrell gave a broad overview of the purpose of PUD regulations which suspend the applicable height and density rules for what are deemed high quality projects. He noted that the Office of Planning had submitted language suggesting that the PUD exceptions could apply even to row houses, although that may not have been their intent. He said that after conversations with the Zoning Commission and with the Office of Planning, the amendments were resubmitted, but they still pose some challenges related to square footage minimums and height allowances.

Commissioner Buffa noted that the intent of the regulations was that qualifying projects would provide meaningful community benefit in return for extra square footage and height.

Larry Hargrove said that PUDs are given a bonus in height and size of the building. He said the original proposal which was built into the new zoning regulations by the Office of Planning would have allowed row house lots to qualify for the exceptions. Mr. Hargrove said the Office of Planning's new proposal still leaves mixed use zones such as exist in Adams Morgan vulnerable to incompatible development. He said a developer could assemble as few as two lots and get a 20% bonus in allowable size, even in a historic district.

Commissioner Buffa commented that developers start from a matter of right for size, which can pose problems in historic districts. He offered a friendly amendment to Commissioner Gambrell's resolution adding a reference to the threat that increasing zoning density and building height poses for historic districts. The amendment was adopted without opposition.

Commissioner Huerdo agreed that the community is at a disadvantage when developers start to argue matter of right.

Commissioner Simpson said that the PUD concept has the potential for abuse because developers want to use them for non-exceptional projects, rather than for truly exceptional projects as intended. He said he would support Commissioner Gambrell's resolution.

Commissioner Buffa suggested attaching the ANC's previous resolution on this issue when sending the letter to the Zoning Commission. Commissioner Gambrell agreed.

Commissioner Gambrell moved to approve the resolution as amended opposing certain proposed changes to the Zoning Regulations that would allow planned unit developments to become more commonplace. Commissioner Buffa seconded the motion that then passed by a vote of 7 to 0.

(resolution follows on next two pages)

**ANC1C Resolution Opposing Proposed Changes to the
PUD Regulations in Case 08-06F: Resolution 2
December 7, 2016 Passed 7-0**

Advisory Neighborhood Commission 1C (“ANC1C”) adopts the following resolution, votes to send it to the District Zoning Commission (“Zoning Commission”), Zoning Commission, the Mayor’s office, and the City Council. Further, ANC1C authorizes any Commissioner of ANC1C to represent ANC1C before the Zoning Commission in connection with this matter:

Whereas, a Planned Unit Development (“PUD”) is a project-specific zoning action under which the Zoning Commission is authorized to substantially suspend regular zoning rules governing, for example, height and density, for a “high quality” development that offers acceptable public benefits in return.¹

Whereas, the in the newly-enacted ZR16 codify PUD rules in a provision that reads, in part: “As part of the PUD process, the Zoning Commission may grant relief from any building development standard or other standard referenced in the zone reference table with the exception of use regulations.”²

Whereas PUDs-have only been allowed for larger projects where the minimum required lot area for a project has been:

- Commercial zones: the requirement has been 15,000 square feet (required for C2-A and -B [now MU-4 and -5A]);
- Residential zones: the requirement has been either 1 acre (43,560 SF -- required for R5-B and -D [now RA-2 and -4]) or 2 acres (required for R4 [now RF-1]).

Whereas, even after a 50% waiver (that has been allowed under certain conditions), it has not been possible for a developer to obtain PUD height and FAR bonuses for a project on an individual rowhouse lot.

Whereas, at a duly-noticed public meeting held September 7, 2016, with a quorum present, ANC1C passed a resolution, 7-0, opposing proposed PUD changes in Case 08---06F (attached).

Whereas, at a hearing on Case 08-06F, the Zoning Commission heard proposed changes to PUD rules in a September 22, 2016 hearing but subsequently asked for revisions based upon feedback received before, during and after the hearing.

Whereas, the Office of Planning produced a revised proposal by which the 100% waiver was dropped for all zones, a 5% waiver was allowed in certain RF, RA and MU zones, a 50% waiver was authorized for certain projects in R, RF 1 and RF 3 zones, a larger waiver down to a minimum of 5000 square feet was authorized for certain projects in most other zones, including the predominant Adams Morgan zones of RA-2 (formerly R5-B), MU-4 (formerly C2-A) and MU 5-A (formerly C2-B).

¹ X-300.1

² X-303.1.

Whereas, this revised proposal is an improvement over the rules on minimum area waiver now found in X-§301.

Whereas, the reasons for limiting the waiver to 50% in the case of RF-1 and RF-3 zones apply equally to RA-2, particularly considering that the built environment in RA-2 areas is often indistinguishable in respect of height and bulk of buildings from that of RF-1 and RF-3 areas.

Whereas, the effects on a given zone of a reduction in the PUD minimum area requirement cannot be fully evaluated without taking into account the PUD height limit for that zone specified in X §303.7.

Whereas, the current 50-foot matter of right height limit for RA-2 often substantially exceeds that of the built environment, which would be additionally exacerbated by a PUD that takes advantage of the current 60-foot height limit for RA-2.

Whereas, the Rulemaking proposes a possible reduction in the minimum PUD area for RA-2 from 1 acre (43,560 square feet) to 5,000 square feet, which would leave RA-2 areas vulnerable to incompatible re-development through the assembly of two or more lots for the purpose of new construction exploiting a PUD height increase to 60 feet, in addition to the standard 20% PUD FAR bonus.

Whereas, the current matter of right height limits for Adams Morgan's commercial strips, 50 feet for MU-4 and 65 feet for MU-5, came about only as a result of vigorous community efforts to have them lowered from the substantially higher limits that had been specified in the 1958 Zoning Regulations at a time when the authorities regarded these strips as appropriate for demolition and high-rise redevelopment.

Whereas, even the newly proposed reduced height limits often substantially exceed those of the built environment, and that incompatibility would be further exacerbated by a PUD that takes advantage of the current 65-foot PUD height limit for MU-4 and 90 foot height limit for MU-5A.

Whereas, the Rulemaking proposes a possible reduction in the minimum PUD area for MU-4 and MU-5A from 15,000 square feet, reducible to 7500 square feet by the 50% waiver currently allowed, to 5,000 square feet, which would leave Adams Morgan's commercial strips vulnerable to grossly incompatible re-development through the assembly of two or more lots for the purpose of new construction exploiting a PUD height increase from 50 to 65 feet for MU-4 and 65 to 90 feet for MU-A, in addition to the standard 20% PUD FAR bonus.

Whereas, increasing zoning density and building height under PUDs represents a threat to historic districts.

Therefore, ANC1C resolves:

Urges the Zoning Commission to include RA-2 in a group of zones subject to no more than a 50% PUD minimum area waiver, while retaining its current 1-acre minimum area requirement,

Urges the Zoning Commission to include MU-4 and MU-5A in a group of zones subject to no more than a 50% PUD minimum area waiver, while retaining their current 15,000 square foot PUD minimum area requirement,

Urges the Zoning Commission to substantially lower the inordinate PUD height limit for MU-5A from 90 feet to 70 feet and to lower the height limit for MU-4 from 65 to 60 feet.

iii Electronic Billboards

Commissioner Simpson moved to include electronic billboards on the agenda without the typical 10 days advance notice on the basis that not doing so would be adverse to the community. Commissioner Buffa seconded the procedural motion that then passed by a vote of 7 to 0.

Commissioner Buffa noted that the ANC had previously passed a resolution on electronic billboards but the matter has come up again. He suggested that the previous resolution be resubmitted. Chair Guthrie clarified that the matter is currently before the Council.

Commissioner Buffa explained that the Mayor's billboard proposal would allow video billboards in more parts of the city and would allow the Mayor to designate entertainment zones that can have one of the types of electronic billboards.

Chair Guthrie noted that the DC Council changed the proposed regulations to make the change apply only to Nationals Park. He suggested the ANC could send a letter to the Council commending them for making this change. Commissioner Buffa said that the proposal needs final approval and could still be amended at mark-up, so it would be appropriate to send a letter with ANC 1C's previous position.

Commissioner Huezo suggested that the ANC also reiterate its former position and cite safety and light pollution issues.

Chair Guthrie moved that the ANC send a letter to the District Council commending them for their position restricting the electronic billboard proposal to Nationals Park and encouraging them to maintain that position. He said the letter should include ANC 1C's previous resolution on this issue. Commissioner Huezo seconded the motion.

Benedicte Aubrun said that other provisions in the proposed regulations are also problematic. She specifically cited the ability of residents to register complaints and the size of the billboards.

Commissioner Gambrell said he is not comfortable rushing through a resolution when the ANC is not aware of all the details of the proposed regulations. He suggested keeping the letter general.

Larry Hargrove suggested commending the Council for their remarkable reversal on the regulations. He said the Council revised the proposed rules with respect to the Mayor's discretionary authority to designate entertainment areas where electronic billboards could be erected, and they cut back the number of allowable billboards at Nationals Park. Mr. Hargrove commented that another item worthy of attention is that some billboards have been installed by those trying to take advantage of a perceived loophole. He said that the Department of Consumer and Regulatory Affairs issued a stop-work order on the billboards and that Councilmember Jack Evans at first tried to validate these billboards with legislation, then withdrew that legislation. Mr. Hargrove said that as many as two dozen billboards may be in question and suggested that the ANC urge the Council to oppose any effort to retroactively validate billboards that were erected without proper authority and are currently subject to the DCRA work order and a preliminary injunction. Commissioner Buffa moved to add Mr. Hargrove's concern to the ANC letter. Commissioner Simpson reiterated the pending motion with amendments.

Denis James expressed concern is that the Council could on an emergency basis pass temporary legislation with respect to the billboards in question.

Chair Guthrie moved to send a letter to Mayor's Office and to the District Council (i) commending the District Council for opposing a proposal from the Mayor's Office to allow electronic billboards in areas of the city designated as entertainment areas, (ii) urging the District Council to stay that course, (iii) attaching ANC1C's previous resolution opposing electronic billboards, and (iv) opposing any attempt to retroactively validate electronic billboard installations that are currently subject to a stop-work order. Commissioner Huezo seconded the motion that then passed by a vote of 7 to 0.

b. Public Services and the Environment Committee

i. Unity Park and Line DC Hotel

Commissioner Huezo reported that the Public Services and the Environment Committee held a number of meetings on the Line DC Hotel's plans for Unity Park, and that the Committee voted 4 to 0 at the last meeting to recommend that ANC 1C approve the current plan. He also noted that the Commissioners advised that they do not believe that HPRB has jurisdiction over the park, and that the Hotel would seek further clarification from the Commission of Fine Arts regarding the fountain and statue.

Seth Dubner of DC Line Hotel presented the hotel's proposed plan for Unity Park which includes adding benches around the existing trees; removing the old benches; and replacing the existing paving with permeable pavers in a design of intertwining roots signifying unity, community, and diversity. He also described string lights for the plaza and plans to keep the existing statue and make the fountain operational again. Mr. Dubner said the park will be kept open and flexible for various community functions. He said the plans were presented to the Commission of Fine Arts, which recommended keeping the fountain and statue. He said the CFA also referred the plans to HPRB, which acknowledged that it did not have jurisdiction over the park and so did not issue an opinion. Mr. Dubner said the CFA cited the status and recognition of the fountain and statue in the area saying that as a piece of public art it holds a significant place in neighborhood. He also said that the people he talked to in the Office of Planning also support keeping the fountain and statue.

Benedicte Aubrun asked if the lights would be kept on all night. Mr. Dubner said there would be a switch to turn them off. He said there will be outlets for public use as well.

Denis James asked if the pavers would be flexible and Mr. Dubner answered that they would be, adding that the CFA asked that the colors for the pavers and benches be natural to blend into landscape.

A neighbor asked if they would consider light fixtures that direct the light downward. Mr. Dubner said that the light level should be low. The neighbor asked if DC Parks and Recreation would maintain the park. Mr. Dubner answered that Department of Parks and Recreation does own the park and that the hotel plans to coordinate with DPR in maintaining it.

Commissioner Seiwel asked whether street lights would be moved. Mr. Dubner said that the two lights that are inside the park would be removed, but those on the perimeter of the park would not be removed.

Commissioner Gambrell asked whether the CFA addressed the statue and the fountain basin separately. Mr. Dubner said CFA did not distinguish the two. Commissioner Gambrell asked whether CFA cited any specific criteria they used. Mr. Dubner answered that they did not. Commissioner Gambrell noted that it is important that ANC votes are backed up by a rule, law, or regulation and said that this is an opportunity to have the fountain basin rebuilt and made more substantial than it currently is. He said it makes no sense to leave it as is.

Chair Guthrie asked about the effect of the CFA opinion and whether the ANC resolution would make a difference. Commissioner Buffa said the CFA would have to give great weight to the ANC's opinion. Commissioner Gambrell asked who makes the final decision. Mr. Dubner said the concept is first presented to CFA; then the hotel will come back to CFA with construction plans; and finally, they will have to go to DCRA for a work permit.

Commissioner Simpson said he would not be opposed to adding a request to improve the base of the fountain, but also said he doesn't want the hotel to have to spend limited funds in a battle with CFA. He said the resolution would not need to mention the fountain and statue.

Commissioner Huezo said he thought that sounds sensible, and that it is not out of bounds for the ANC to recommend that something be done with the basin. Commissioner Buffa asked whether the ANC should send a letter to CFA asking that they reconsider whether the basin could be rebuilt to be more prominent. Commissioner Reynolds said that in the process of getting the fountain to work, they may have to dig around the basin anyway.

Mr. Dubner said that there will be demolition of the surrounding paving and that he spoke with a contractor who said it would not be that hard to get the fountain running again. He is not certain that the basin would have to be taken apart to get the fountain functioning, but they haven't opened anything up yet.

Commissioner Simpson suggested sending a letter to CFA stating that ANC 1C generally supports the proposed concept but encourages the use of more natural colors; and encourages CFA to allow for the possibility of reconstruction of the basin surrounding the statue while preserving its historic features, such as tiles, but making the basin more symmetrical and more prominent. Commissioner Huezo suggested adding that the statue itself be kept. Commissioner Reynolds added that the fountain be preserved as well.

Commissioner Simpson then moved to send a letter to the Commission of Fine Arts noting that ANC1C generally supports the refurbishment of Unity Park as proposed by the Line Hotel (including the preservation of the statue and the fountain), with the following caveats: (i) ANC1C calls for more muted and natural colors for the design scheme than are currently shown in the concept drawings, and (ii) ANC1C urges the Commission of Fine Arts to allow for reconstruction of the basin surrounding the statue. The new basin could incorporate historical elements of the previous basin (such as the decorative tiles), but should provide a more symmetrical, prominent, and functional foundation for the statue. Chair Guthrie seconded the motion that then passed by a vote of 7 to 0.

VII. Adjournment

Commissioner Simpson moved to adjourn at 8:55 pm. Chair Guthrie seconded the motion which passed unanimously.