

Please note: In addition to the text and vote counts of the official actions taken by the Commission, these minutes may contain summaries of comments that were made and discussions that took place at the meeting. Such summaries are not intended to be a verbatim account of the meeting.

**Advisory Neighborhood Commission 1C**  
**Adams Morgan**  
**Minutes of June 4, 2014**

**I. Call to Order and Introduction of Commissioners**

A regularly scheduled meeting of Advisory Neighborhood Commission 1C was held on June 4, 2014 at Mary's Center. Chair Simpson called the meeting to order at 7:00 pm. Approximately 35 members of the public attended. In attendance were Commissioners Brian Hart (1C01), Martis Davis (1C02), Ted Guthrie (1C03), Gabriela Mossi (1C04), Billy Simpson (1C06), Wilson Reynolds (1C07), and Jimmy Rock (1C08).

**II. Public Announcements / Comments**

Commissioner Reynolds requested that the public announcements portion of the meeting be moved ahead of the officers' reports because one of the speakers had another meeting to attend. No Commissioner objected and the order was changed.

- Mark Battle, a regional vice president with PEPCO, gave an overview of PEPCO's planned merger with Exelon. Mr. Battle said the merger would be a 12 to 15 month process involving filings with multiple jurisdictions and government agencies. He said PEPCO plans to continue contributions to the community and to keep union contracts in place with no job loss for at least two years. Members of the public and Commissioners asked for more information about contributions to the community. Commissioner Guthrie asked whether Exelon would be better than PEPCO in service delivery. Mr. Battle admitted that PEPCO has had some reliability issues but said that Exelon has an excellent record for reliability. He left materials explaining the merger.
- Monica Green, a volunteer recruiter with AARP's Experience Corps, said she is in need of literacy volunteers to tutor for 1st, 2<sup>nd</sup>, 3<sup>rd</sup> graders. She said she also needs bi-lingual tutors. Commissioner Davis suggested recruiting through the Dupont Village mailing list.
- Ernest Springs announced that the DC Jazz Festival would be held June 24-29 and provided brochures with information on venues and scheduled performers.
- Eileen Keefe announced that she is collecting names to petition for inclusion of a referendum on legalization of marijuana on the ballot in November.
- Elizabeth England of Yes Organic market announced a new program, Cents for Change, beginning in July through which Yes Organic will donate 5 cents to a rotating list of local nonprofit organizations when customers bring their own bags to shop. She said that the list of organizations for July to December contributions include address causes such as education, animal welfare, conservation, and human services.
- Monique Perry, development coordinator at Mary's Center, gave an overview of the types of events and initiatives offered by the organization including neighborhood play groups, candidate forums, and building tree boxes, in addition to their health care, education, social

services. She noted that the organization is in its 26<sup>th</sup> year.

- Kristen Barden, Executive Director of the Adams Morgan BID, gave updates on summer events co-sponsored by the BID. She reported that the summer concert series in front of the BB&T Bank is under way with three concerts left, and that the outdoor movie series with Marie Reed School has begun with over 450 people attending the May 20 showing.
- Kristen Barden also reported that Mint Fitness was holding a field day on the Marie Reed field on Saturday, June 7 that would be open to the public.
- Kristen Barden also announced that the BID sponsors a gathering for those who run home-based businesses every first Friday at Tryst at 12:30.

### **III. Officers' Reports**

#### **a. Chair's Report**

Chair Simpson noted that Gottlieb Simon, Executive Director of the DC Office of Advisory Neighborhood Commissions, was present and welcomed him to the meeting. Chair Simpson also thanked the Reed-Cooke Neighborhood Association for recently conducting a successful neighborhood clean-up day.

#### **i. Location of summer Committee meetings**

Chair Simpson announced that the Kalorama Recreation Center will be used for a children's day camp during the summer so ANC committee meetings would be re-located in June and July as reflected on the printed schedules. Chair Simpson then moved to allocate up to \$600 for payment for use of the various venues for those months. Commissioner Reynolds seconded the motion that passed by a 7 to 0 vote.

#### **b. Secretary's Report**

Secretary Guthrie moved to approve the minutes for the May 7, 2014 ANC1C meeting. Commissioner Hart seconded the motion. Commissioner Mossi noted the misspelling of the restaurant Buca di Beppo. The motion to approve the minutes with the spelling correction passed by a vote of 7 to 0.

#### **c. Treasurer's Report**

##### **i. Q2 report for FY2014**

Treasurer Dehbozorgi had earlier circulated to Commissioners the ANC 1C second quarter financial report. Chair Simpson moved to adopt the report. Commissioner Davis seconded the motion. Commissioners remarked favorably on the thoroughness of the report and on Treasurer Dehbozorgi's hard work. The report was approved by a 7 to 0 vote.

### **IV. Commissioner Announcements/Comments**

- Commissioner Mossi announced that a meeting of the DC Latino Caucus with DC Council Chair Phil Mendelson would take place on Tuesday, June 10 at 6:30 pm to discuss the role of ANCs and how to serve as a Commissioner.

## **V. Upcoming Meeting Agendas for July**

Chair Simpson announced that the agendas for ANC 1C committee meetings in June could be found on the reverse side of the ANC agenda. He noted that the Planning, Zoning, and Transportation Committee meeting would be held on Tuesday, June 17 instead of on a Wednesday this month.

Commissioner Hart, Chair of the ABC and Public Safety Committee, noted that his committee would consider a request by the owners of Le Liquor to amend its settlement agreement to extend the hours during which they sell alcohol.

## **VI. Scheduled Business**

### **a. Public Services and the Environment**

#### **i. Presentation on Ward 1 School Boundaries – postponed till next month.**

A presentation on school boundaries was postponed until next month's ANC meeting. Vic Miller, a member of the public, said children in the neighborhood should not have to go elsewhere to attend school and urged action on this issue. He provided copies of a resolution that was adopted by the Kalorama Citizens Association in May.

#### **ii. Hotel collective bargaining, tree maintenance, and community outreach**

Commissioner Davis provided a brief status report on agreements with the developers of the proposed Adams Morgan Historic Hotel in the former First Church of Christ, Scientist. Commissioner Reynolds noted that the developers' contributions to the community would not be available until the developers have a certificate of occupancy. Commissioner Reynolds also reported that portions of the ANC's resolutions were omitted in the zoning order issued by the Zoning Commission. Commissioner Reynolds moved a resolution seeking clarification of these omissions. Commissioner Davis seconded the motion.

Commissioner Reynolds explained that the resolution requests the Zoning Commission to clarify its order to include agreements that were conditions for ANC 1C's support of the project, including a labor agreement; specific commitments to maintaining residential public space; and specific commitments to maintaining community outreach before, during, and after construction.

A member of the public asked about the concern with labor issues. Commissioner Reynolds explained that it offers an opportunity to employees, which they are free to take or not.

A member of the public asked about the construction schedule and was answered that it is on schedule to begin this summer if the applicable documents are filed and approved.

A member of the public asked if the omissions in the zoning order were intentional on the part of the Zoning Commission. Commissioner Reynolds answered that the Zoning Commission did not provide an explanation for why the sections were not included.

John Boardman of Unite Here Local 25 said that employees of the hotel have the right to decide free from coercion whether or not to organize. He said they will try to get an agreement with Sydell, the developer, to provide benefits for employees.

Commissioner Guthrie asked about the timing of the labor provision and how that would affect future employees. Mr. Boardman said that processes can be defined and agreed to now and implemented in the future without encumbering employees one way or another. He said setting ground rules early eliminates issues down the road.

Ernest Springs asked whether the zoning order is binding and what legal recourse is available. Gottlieb Simon said the real question is whether the Zoning Commission can remove its support or whether “the train has left the station.” He said ANC 1C can withdraw its support now, but that won’t affect the Zoning Commission’s decision. Mr. Simon added that the Zoning Commission must answer why it did not address ANC 1C’s advice. He said that an ANC cannot initiate litigation, but members of the neighborhood have standing to sue if the Zoning Commission has not given great weight to the advice of the ANC.

The resolution passed by a roll call vote of 7 to 0. Commissioners voting aye were Davis, Guthrie, Mossi, Simpson, Hart, Rock, and Reynolds.

***Resolution Seeking Clarification of Zoning Commission Order 11-17***

***Whereas***

*Advisory Neighborhood Commission (ANC) 1C, on August 27, 2012 conditioned its support for the Adams Morgan Hotel*

*“Whereas ANC 1C wishes to make clear that approval of this project is conditional and predicated on the adoption and inclusion of Attachments (A), (B), (C) and (D); and”  
(Page 4, ANC 1C Resolution August 27, 1012)*

*Including,*

*the signing of a labor peace agreement (Attachment B) and*

*a specific commitment to residential public space maintenance (Attachment (A) (1); and*

*Construction Management of Traffic, and Delivery Materials (Attachment C); and*

***Whereas***

*The Zoning Commission, on February 25, 2013 in its Order 11-17,*

*gave great weight to the ANC’s support and*

*recognized that the ANC 1C placed conditions on its support,*

***Be it resolved***

*That ANC 1C requests the Zoning Commission to clarify Order 11-17, and to clarify that the Zoning Commission has incorporated all the ANC’s conditions and to order the following*

*- Within thirty days of the Zoning Commission amendment, the hotel developer, owner, operator shall enter into a labor peace agreement with a union for voluntary recognition where workers at the hotel so choose; and*

*- On or before the issuance of a Certificate of Occupancy the Applicant or the Applicant’s agent shall make available to ANC 1C a plan that shall include the following elements to be applied to*

*maintenance of residential public space excluding commercial corridors and adjacent residential streets cleaned by the Adams Morgan Partnership BID:*

*(1) The creation and establishment of a Supervisor for Adams Morgan Public Space Street Cleaning and Tree Maintenance who shall serve only or in part as the Developer's agents in all matters relating to the services provided by Residential Public Space Maintenance personnel.*

*(2) The commitment of not less than \$8,000 per month of wages, materials and equipment to provide residential public space maintenance for a period of five years.*

*(3) A commitment to services to be provided as follows:*

*(a) Coordination with the District Department of Transportation, Office of Urban Forestry (UFA), and Casey Trees to identify all trees only on residential streets that are four inches or less in diameter 'young trees'.*

*(b) The watering and mulching of all young trees planted on residential streets as seasonally appropriate and in cooperation with advice from UFA and Casey Trees.*

*(c) When not engaged in (b), the sweeping of sidewalks, curbs and gutters on residential streets. The bagging and removal of trash, leaves and appropriately sized refuse that can be contained in plastic bags.*

*(d) Communication to ANC 1C of the location of oversized items such as tree branches, household goods and furniture as well as public safety hazards such as hanging branches, missing utility covers or other such hazards on public space.*

*Following the issuance of a Certificate of Occupancy but not before the opening of operations, rental of hotel rooms or sales the developer, developer's agent or Supervisor for Adams Morgan Public Space Maintenance shall make available to ANC 1C the following:*

*(1) Contact information, including electronic mail address and phone numbers, including a cellular phone of the Supervisor to all members of ANC 1C.*

*(2) A map of the residential streets inside the boundaries of ANC 1C defining sections that shall help define the operational geography of anticipated delivery of services.*

*(3) A commitment to provide a representative at each duly noticed monthly public meeting of ANC 1C to report on services rendered and anticipated, and locations both in the past 30 days and future 30 days.*

*- Following the issuance of appropriate and necessary permits, but prior to any work, staging, construction or receipt of materials begins the developer shall commit to the following:*

- (1) The identification of one or more persons to act as Community Outreach Coordinator(s), including an electronic mail address, phone numbers, including a cellular phone number.*
- (2) The identification of a location in, at, or near the construction site where members of the public will have access during at least five days of the week and posted hours of the day to view plans, make inquiries and file complaints.*
- (3) Timely notice and not less than seven days to ANC 1C of all permits requested and issued for use of public space.*
- (4) Advanced notice to ANC 1C seven days in advance of planned closing of any street or section of street. This shall not include closing of a street due to an emergency, but any such closing shall be communicated to members of ANC 1C as soon as possible.*

- (5) *The creation and updating of an electronic web site to share information and receive inquiries.*
- (6) *Electronic reports to ANC 1C and the community of planned work schedules, scope of work and projected associated truck traffic on a timely and recurring schedule.*
- (7) *The attendance at ANC 1C monthly meetings of a representative to provide reports and updates on construction activities and respond to community concerns.*
- (8) *Construction and the staging and preparation of construction work shall conform to District of Columbia regulations and shall only take place Monday through Saturdays and only from the hours of 7:00 AM to 7:00 PM.*

**b. ABC and Public Safety**

**i. Timehri settlement agreement**

Action on the Timehri settlement agreement was postponed until the July meeting.

**ii. Shenanigans settlement agreement**

Steve O'Brien, counsel for Shenanigans, reported that negotiations on a settlement agreement are currently at an impasse. Commissioner Guthrie said progress has been made and that he hopes talks continue so there will be something to vote on in July. Chair Simpson said he is optimistic that an agreement can be reached if the parties are willing to work at it. No motion was offered in order to allow agreement talks to continue.

**c. Planning, Zoning, and Transportation**

**i. Proposed development at 1711 Florida Avenue NW**

Commissioner Rock, Chair of the Planning, Zoning, and Transportation Committee, introduced a resolution that came out of his committee addressing a request for support for variances and a special exception.

Developer Graham Tyrrell presented plans for a proposed development at 1711 Florida Avenue – a former garage purchased with the purpose of redeveloping it into a residential building. Mr. Tyrrell explained that they are trying to fit the historic nature of neighborhood with architectural plans and are incorporating feedback they received at the Planning, Zoning, and Transportation Committee meeting. He explained the variances they are requesting for the roof, parking, loading, and height and said they feel they have addressed community concerns.

Commissioner Guthrie asked how many parking spaces would be lost. Mr. Tyrrell answered that the existing garage has 210 spaces, so about 160 spaces would be lost, but they are slightly above the minimum requirement for a residential building.

Denis James, President of the Kalorama Citizens Association, asked about the exception related to height. Mr. Tyrrell said they are requesting 54 feet 10 inches. Commissioner Simpson explained that according to regulations, adding an extra floor above the limit requires inclusionary zoning, but there is no guidance if only half a floor is added, so in this case the developer agreed to meet half of the obligation with respect to the additional 4 feet 10 inches.

Ernest Springs, President of the Reed-Cooke Neighborhood Association, said he is happy to see the changes that have been made to the plans, but he is still concerned about the impact on traffic on Florida Avenue. He also asked for more information about height and roof structures.

A traffic consultant for the project, Erwin Andres, said that DDOT asks that access not be on minor streets – Champlain in this case – and that improvements need to be made on Florida Avenue. He said that sight lines are not good on Florida Avenue and they will have to file a Public Space application to change that. They will come back to ANC 1C to seek support when they file that application.

Ernest Springs asked about loading. Mr. Andres answered that it would mostly be U-Haul size trucks for moving in and out.

Denis James asked for more information about the Florida Avenue sight line. Mr. Andres explained that they are looking at ways to address alignment and make the intersection safer than it is today. In answer to another member of the public, Mr. Andres explained that V Street comes in at an angle which makes it difficult to see people coming West on Florida. He said one way to mitigate that could be to straighten out V Street so that it meets Florida Avenue at a 90 degree angle, which would also make it a shorter distance for pedestrians to cross.

Chair Simpson asked for a commitment to bring this back to the PZT Committee. Mr. Andres said they still have engineering to take into account before presenting it to PZT, but he agreed they would bring the matter back before going to the Public Space Committee.

Benedicte Aubrun asked how many parking spaces are planned and whether there would be retail tenants. Mr. Tyrrell answered there would be 46 spaces for 129 units and the building would be just residential, no retail tenants.

Commissioner Rock moved a resolution that had been approved in the PZT Committee, and therefore did not need a second. He explained that the resolution addressed three areas: the roof structure, a variance for a loading bay, and a special exception relief for height, which he noted is consistent with Reed-Cooke overlay regulations. He also made a friendly amendment to the resolution to add a compact parking spot variance relief, which was added without objection.

Commissioner Simpson noted that a previous developer had proposed an 80 foot structure for that space, so he is extremely encouraged by the very different scope of this project which is scaled back to a five story building, but the biggest factor in his inclination to support the proposal is the developers' outreach and responsiveness to neighbors.

At Commissioner Simpson's request the developers agreed to look into having a bikeshare station installed. With no objection from other Commissioners, Commissioner Simpson made a friendly amendment adding that the developers would endeavor to add a bikeshare station adjacent to or in proximity to the property.

Commissioner Rock added a friendly amendment without objection to replace the word "basement" with "cellar" in the second bullet of the resolution's Appendix.

Commissioner Guthrie commented that it is refreshing to have a developer actually listen to neighbors.

Commissioner Rock moved to vote on the resolution as amended which passed unanimously by a 7 to 0 vote.

***ANC 1C RESOLUTION SUPPORTING BZA APPLICATION NO. 18778:  
DEVELOPMENT AT 1711 FLORIDA AVENUE N.W.***

*WHEREAS the Planning, Zoning & Transportation Committee of ANC 1C, as well as ANC 1C as a whole, have reviewed the application of KJ Florida Avenue Property, LLC (“Applicant”) for special exception and variance relief to construct a residential building at 1711 Florida Avenue N.W. (the “Application”); and*

*WHEREAS ANC 1C recognizes that the Applicant has engaged in extensive community outreach in connection with the Application, and as a result of that interaction and community input, the Applicant has agreed to certain terms and conditions as outlined in the Appendix to this resolution:*

***NOW THEREFORE BE IT RESOLVED** that ANC 1C supports the Board of Zoning Adjustment granting to the Applicant the special exception relief with respect to roof structures that is requested in the Application on the basis that the relief sought will be in harmony with the general purpose and intent of the Zoning Regulations, and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

***BE IT FURTHER RESOLVED** that ANC 1C supports the Board of Zoning Adjustment granting to the Applicant the special exception relief with respect to the height of the building on the basis that*

- (i) after community consultation, the Applicant is now only requesting a minor height adjustment from the relevant 50 foot cap, to no higher than 54 feet, 4 inches, and 54 feet, 10 inches to the top of parapet of the proposed building,*
- (ii) the minor height adjustment is necessary due to the adaptive reuse of the existing parking garage, causing the main residential floors to be seated several feet above the ground atop the existing underground portions of the parking garage, and*
- (iii) the minor height adjustment above the 50 foot cap is not inconsistent with the policy set out in Section 1403.1 of the Reed-Cooke Overlay Regulations and Section 3104 of the Zoning Regulations; and*

***BE IT FURTHER RESOLVED** that ANC 1C supports the Board of Zoning Adjustment granting the Applicant variance relief with respect to the loading dock requirement of a*



*55 foot loading bay, down to a 30 foot bay, and that ANC 1C fully supports the proposed plans for loading to occur on-site in the parking garage as opposed to on-street; and*

***BE IT FURTHER RESOLVED*** that ANC 1C supports the Board of Zoning Adjustment granting the Applicant variance relief with respect to the grouping requirement for compact car parking; and

***BE IT FINALLY RESOLVED*** that the above positions be conveyed to the Board of Zoning Adjustment by the Chair of ANC 1C or the Chair of the PZT Committee as soon as possible following adoption.

### **APPENDIX**

*In connection with the application of KJ Florida Avenue Property, LLC (“Applicant”) for special exception and variance relief to construct a building at 1711 Florida Avenue N.W. (the “Application”), the Applicant has confirmed to ANC1C that it agrees to the following terms in order to ensure that the Application can be granted without substantial detriment to the Public Good:*

- *The Applicant has confirmed that it will comply with the inclusionary zoning requirements of Section 1402.1 of the Reed-Cooke Overlay Regulations.*
- *The Applicant has agreed that, in light of the additional height requested, the Applicant will include 50% of 50% (i.e. 25%) of the proposed cellar residential square footage in the inclusionary zoning floor-area-ratio calculation, which is expected to result in one additional inclusionary unit beyond what would otherwise be required pursuant to Section 1402.1 of the Reed-Cooke Overlay Regulations.*
- *The Applicant has agreed that it will endeavor to have a bikeshare station installed adjacent or in proximity to the property.*

#### **ii. Proposed roof deck at 1821 Vernon Street NW**

Commissioner Rock introduced a matter that came before the PZT Committee as a Historic Preservation Review Board issue. He said that HPRB had no issue with a proposed roof deck at 1821 Vernon Street, but thought it may need additional scrutiny. The owner and developer presented the proposal at the PZT meeting. Commissioners wanted assurance that the structure couldn't be seen from the street, but otherwise had no opposition.

Commissioner Rock moved to send a letter to the HPRB supporting the proposed roof deck. Commissioner Reynolds seconded the motion. Commissioner Davis asked what the neighbors are saying about the proposal. Commissioner Rock said the developers have said they have spoken to the neighbors and they had no objection. Commissioner Rock said he could make the ANC 1C letter of support contingent on a letter of support from the neighbors. However, after further discussion, Commissioner Rock withdrew the motion.

**iii. Buca di Beppo valet parking**

Commissioner Rock reported that the PZT Committee voted out a motion to send a letter to the DDOT Public Space Committee to delay for 30 days the Buca di Beppo revised valet parking application in order to obtain needed information. He offered the same motion which passed unanimously.

Hector Huevo, an Adams Morgan resident, thanked the ANC for acting on the hotel resolution.

**VII. Adjournment**

Commissioner Davis moved to adjourn at 9:05 pm. Commissioner Mossi seconded the motion which passed by a unanimous vote.