



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
**Advisory Neighborhood Commission 2E**

**Regular Meeting Minutes**

Tuesday, November 29th, 2022; 6:30 p.m.  
Online via Zoom

**Call to Order**

Commissioner Rick Murphy called the meeting to order at 6:32 pm. Commissioners Kishan Putta (2E01), Jenny Mitchell (2E02), Rick Murphy (2E03), Lisa Palmer (2E05), and Gwendolyn Lohse (2E06) were present.

**Approval of the ANC's November 29th, 2022 Meeting Agenda**

Commissioner Lohse moved to approve the ANC's November 29th, 2022 meeting agenda. Commissioner Palmer seconded the motion, which was voted on and passed (VOTES: 4-0-0).

**Approval of the ANC's November 1st, 2022 Meeting Minutes**

Commissioner Palmer moved to approve the ANC's November 1st, 2022 meeting minutes. Commissioner Mitchell seconded the motion, which was voted on and passed (VOTES: 4-0-0).

**Administrative**

**Public Safety and Police Report**

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

**Community Comment**

**Update from the Mayor's Office**

Yasmeen Moten, a representative for the Mayor's Office of Community Relations and Services (MOCRS), gave an update from the Mayor's Office.

**Update from Chairman Phil Mendelson's Office**

Declan Falls, a Constituent Services Specialist for Chairman Phil Mendelson's Office, gave an update from the Chairman's Office.

**Update from Councilmember Brooke Pinto's Office**

Councilmember Brooke Pinto and Brian Romanowski, the Constituent Services Director for the Councilmember Brooke Pinto's Office, gave an update from the Councilmember's Office.

Introduction of Brittany Sawyer, the New Executive Director of the Citizens Association of Georgetown

Brittany Sawyer, the Executive Director of the Citizens Association of Georgetown (CAG), introduced herself to meeting attendees.

Update Regarding the Citizens Association of Georgetown Public Health Committee's Recent Public Meeting

Ms. Sawyer gave an update regarding the Citizens Association of Georgetown Public Health Committee's recent public meeting.

Update from Dog Tag Bakery Regarding the Organization's Vision for Georgetown

Meghan Ogilvie, the Chief Executive Officer of Dog Tag Bakery, gave an update regarding the organization's vision for Georgetown.

Update Regarding the Recent Public Meeting on the Jelleff Recreation Center Project

Commissioner Putta gave an update regarding the recent public meeting on the Jelleff Recreation Center Project.

Update Regarding the District Department of Transportation's Streatery Endorsement Process for 2023 and Beyond

Commissioner Lohse gave an update regarding the District Department of Transportation's streatery endorsement process for 2023 and beyond.

Update Regarding MacArthur High School

Commissioner Putta gave an update regarding MacArthur High School.

**New Business**

Consideration of a Resolution Regarding the Date for the ANC's Regular January 2023 Meeting

Chair Murphy moved to hold the ANC's regular January 2023 meeting on Monday, January 9th, 2023 at 6:30 pm. Commissioner Palmer seconded the motion, which was voted on and passed (VOTES: 5-0-0).

Consideration of a Resolution Regarding the Unsafe Conditions of an Abandoned Wall Adjacent to 1213 30th Street NW

Commissioner Lohse moved to adopt a proposed resolution regarding the matter. Commissioner Mitchell seconded the motion, which was voted on and passed (VOTES: 5-0-0). The resolution reads as follows:

ANC 2E urges the Department of Buildings (DOB) to proactively take responsibility for the well-documented safety issues at Lot 817, Square 1210 (referred to hereafter as the abandoned wall). Attachment 1 includes visuals of the abandoned wall.

A structural engineer from a well-regarded insurance company found that the abandoned wall poses both a physical and personal property risk. Specifically, this expert issued a report noting the “imminent collapse” of the abandoned wall. Lives and property damage are at-risk.

- On its north side, the abandoned wall is attached to a separately owned home at 1213 30th Street NW. The abandoned wall dates back to the early 1800s and holds structural beams for both 1213 30th Street NW as well as beams for 1215 30th Street NW.
- On its south side, the abandoned wall sits over a parking lot that is owned by a bank at 2929 M Street NW.

A family trust with multiple assets owns the abandoned wall. ANC 2E06 Commissioner Gwendolyn Lohse and the homeowners of 1213 30th Street NW have worked with DOB, under the former Department of Consumer and Regulatory Affairs (DCRA), to have notices of infraction issued for the abandoned wall. The owner of the abandoned wall has ignored these notices and the associated fines; meanwhile, the risk to life and property grows.

DOB appears to be unable to determine how to apply its codes to the abandoned wall given that the wall is neither a vacant nor an abandoned building. The odd nature of this property appears to be the cause of ongoing inaction by DOB. ANC 2E appreciates the work of DOB staff members to assist, however the ANC calls upon DOB leadership to:

- Immediately, within the next month, have the abandoned wall secured using the technical methods recommended by the structural engineer from the well-regarded insurance agency USSA. The cost of the work by DOB contractors should be charged to the owner of the abandoned wall.
- Require the owner of the abandoned wall to pay the already-issued DOB fines.
- Given the structural beams encased in the abandoned wall, consider mediating a potential change of ownership of the abandoned wall once the current liability of collapse has been addressed.

The property owners whose safety and property are at risk due to the abandoned wall should not need to pursue a costly civil lawsuit against the owner of the abandoned wall. Rather, ANC 2E and its residents look to DOB to proactively pursue a structurally sound solution.

#### Consideration of Commendations for Commissioners Jenny Mitchell, Rick Murphy, and Lisa Palmer

Commissioner Lohse moved to adopt proposed commendations for Commissioners Jenny Mitchell, Rick Murphy, and Lisa Palmer. Commissioner Putta seconded the motion, which was voted on and passed (VOTES: 5-0-0). The commendations read as follows:

ANC 2E commends the dedication that ANC Commissioners Rick Murphy, Lisa Palmer, and Jenny Mitchell have shown to Georgetown and its residents. Their contributions have improved our village and helped its residents in countless ways.

ANC 2E wants to call special attention to Commissioner Murphy's service as Chair of ANC 2E and Commissioner Palmer's service as Vice Chair. Both have shown exceptional leadership as Chairs, including serving during a global pandemic that brought about local challenges requiring unforeseen ANC involvement. ANC 2E will miss the expertise, humor, and unwavering thoughtfulness of these wonderful commissioners.

### **Alcoholic Beverage Control Board**

#### **Application by Maman for a New Retailer's Class "C" Restaurant License at 1353 Wisconsin Avenue NW**

Chair Murphy moved to adopt a proposed resolution regarding the matter. Commissioner Palmer seconded the motion, which was voted on and passed (VOTES: 5-0-0). The resolution reads as follows:

ANC 2E protests Maman's application for a new Retailer's Class "C" Restaurant license at 1353 Wisconsin Avenue NW based on the adverse impact on the peace, order, and quiet of the neighborhood.

#### **Application by L' Avant Garde for Renewal of the Establishment's Retailer's Class "C" Restaurant License at 2915 M Street NW**

Commissioner Lohse moved to adopt a proposed resolution regarding the matter. Commissioner Palmer seconded the motion, which was voted on and passed (VOTES: 5-0-0). The resolution reads as follows:

ANC 2E protests L' Avant Garde's application for renewal of the establishment's Retailer's Class "C" Restaurant license at 2915 M Street NW based on the adverse impact on the peace, order, and quiet of the neighborhood. The ANC agrees to withdraw the protest when a satisfactory settlement agreement is executed by the ANC and the applicant and presented to the Alcoholic Beverage Control Board for approval.

ANC 2E authorizes Commissioner Gwendolyn Lohse to negotiate and execute a settlement agreement with the applicant. The ANC further authorizes Commissioner Lohse and/or ANC 2E Executive Director Peter Sacco to represent the ANC at all hearings concerning the matter.

### **Public Space Committee and Old Georgetown Board**

#### **Public Space Application by the Georgetown BID for the Extension of the Widened Sidewalks Program**

and

#### **OG 23-048 (HPA 23-076) Curb Lane of M Street and Wisconsin Avenue, NW**

Commissioner Lohse moved to adopt a proposed resolution regarding the matter. Commissioner Palmer seconded the motion, which was voted on and passed (VOTES: 5-0-0). The resolution reads as follows:

In the summer of 2020, in response to COVID public health needs, ANC 2E supported the temporary widened sidewalks pilot so that our businesses could safely accommodate their customers. The ANC stated to the District Department of Transportation (DDOT) the following with regard to the pilot application: “The ramifications of the pilot on Georgetown will be significant, and thus this resolution is not intended to create a permanent solution.” Over the past two years, our community has experienced both positives and negatives regarding the widened sidewalks’ impact, while evolving its thinking regarding the uses of public space.

Using these lessons, the applicant, ANC 2E, DDOT, and others are collaborating on the long-term design of Georgetown’s public realm, streetscape, and transportation functions. Collaborative activities that will occur in 2023 include:

- Community-Wide Analysis: DDOT, with management support from the applicant, will conduct a Georgetown Transportation Access and Circulation Study. The study will focus on making our streets and sidewalks safer, more accessible, and less congested while honoring the historic character of the neighborhood. Community input will be a critical part of this study.
- Citywide Streatery Guidelines: The District’s temporary program for streateries will end on December 31, 2023. A set of proposed permanent guidelines will be issued for comment sometime in 2023. Many of the applicant’s sidewalk extensions house temporary streateries.

As previously communicated to DDOT, outdoor dining, which many of the applicants’ wider sidewalks host, has been well received. ANC 2E, however, continues to have concerns regarding the impact of the wider sidewalks on aesthetics, traffic flow, and safety, including:

- Aesthetics: The pilot materials, especially the cement barriers required by DDOT, are not in keeping with Georgetown’s historic character. The aesthetic is especially unappealing in places where there is limited use of the widened sidewalks. Guidelines and enforcement for what sits on the wider sidewalks are not consistently applied. ANC 2E strongly believes that beyond this application, should there be a more permanent design for sidewalk extensions proposed in the future, any such application must be more in keeping with the historic character of Georgetown.
- Traffic Flow: M Street NW and Wisconsin Avenue NW are principal arterials per DDOT’s functional classification map. Many necessary functions, including people and package delivery, bus stops, shared rides, loading and unloading, and trash management now frequently use traffic lanes, thus causing inefficient traffic flow. Illegal parking is frequently seen near retail establishments. Long-term proposals should better incorporate the necessary functions of a busy commercial area.
- Safety: Long-term proposals must address safety issues for more crowded roads and sidewalks. For example, the application increased the amount of bike and scooter parking on the widened sidewalks; however, attracting more bikes and scooters to these major roads with no integration plan means riders are squeezed between the

cement barriers and big trucks, or ride among pedestrians and strollers on the sidewalks.

While ANC 2E supports another year-long extension of the pilot given 2023 planning activities, the ANC does request that DDOT and the Georgetown BID considers short-term solutions to improve the above-noted traffic flow and safety concerns. Options may include closing underutilized widened sidewalks where dining is not occurring. Additional aesthetic enforcement is expected. The ANC looks forward to long-term planning regarding our community's valuable public spaces.

## **Zoning**

### **Zoning Commission Application for a Consolidated Planned Unit Development (PUD) and Related Map Amendment at 3000 M Street NW**

Commissioner Palmer moved to adopt a proposed resolution regarding the matter. Commissioner Mitchell seconded the motion, which was voted on and passed (VOTES: 5-0-0). The resolution reads as follows:

ANC 2E generally supports the Zoning Commission application for a consolidated planned unit development (PUD) and related map amendment at 3000 M Street NW. The ANC supports the requested map amendment provided that the related PUD is deemed sufficient. Per Section 304.3 of the DC Code, "in deciding a PUD application, the Zoning Commission shall judge, balance, and reconcile the relative value of the public benefits and project amenities offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case."

Further, Section 305.2 of the DC Code states, "public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title." The applicant proposes two direct financial contributions as part of its PUD application: \$600,000 to the Housing Production Trust Fund (HPTF) and \$400,000 to the National Park Service (NPS) to support the C&O Canal.

ANC 2E supports the contribution to the Housing Production Trust Fund. However, while the ANC is pleased to see inclusion of the support for the renovation of the C&O Canal in this application, specifically within the ANC and between 31st Street NW and 34th Street NW, the ANC also believes that the dollars contributed as part of this portion of the PUD contribution should be distributed to a DC Government agency or nonprofit who is well set up to efficiently, in a timely basis, and effectively spend the contribution as described in the applicant's filing, moving the needle forward on a project that is of great concern to an important treasure serving both the surrounding neighborhood and the public writ large. As the ANC understands it, it is unusual for a PUD contribution to be distributed to a federal agency, in part because there is no oversight of federal agencies for issues like failing to comply with conditions set forth in PUD applications.

In summary, ANC 2E supports the requested map amendment provided that the PUD is deemed sufficient. The ANC is also pleased to see support for the renovation of the C&O Canal between 31st Street NW and 34th Street NW as part of the applicant's contribution but

would prefer that a DC Government agency or nonprofit stewards the funds for the proposed renovation noted in the application.

### **Public Space Committee (Continued)**

#### **Public Space Application for the Placement of Transformer Statues in Planters at 3614 Prospect Street NW**

Commissioner Palmer moved to adopt a proposed resolution regarding the matter. Commissioner Lohse seconded the motion, which was voted on and passed (VOTES: 5-0-0). The resolution reads as follows:

ANC 2E notes that the applicant for the public space application for 3614 Prospect Street NW did not attend tonight's ANC meeting even though they were made aware of our review of this application. Nonetheless, the ANC takes the same position regarding the public space application, requesting the use of public space for sculptures, as we did in our March 1, 2021 resolution, which is that this application has a procedural deficiency and thus the requested permit cannot be granted at this time. As the ANC stated in the 2021 resolution, all items that are viewable in public space must be reviewed by the Old Georgetown Board (OGB), who will determine if and how an applicant's plans abide by the standards of the historic district. After the ANC issued this resolution, the applicant did indeed apply to OGB; such application was received by OGB on April 16, 2021. At that time, the OGB issued the following guidance:

“The Commission regrets that work commenced without permit. No objection to issuance of permit for the temporary installation of two sculptures depicting “Transformers” characters on existing brick planters in the public right-of-way, per materials received 16 April 2021, PROVIDED the sculptures are installed no longer than six months from the submission date.”

ANC 2E does not believe that the applicant returned for a Public Space Committee hearing after receiving OGB feedback. Per the Transportation Online Permitting System (TOPS), it appears that at least six violations were issued and the status of the 2021 application is still listed as “revise and resubmit.” Nonetheless, the ANC is reviewing this application today as part of the public space application recently submitted by the applicant. Once again, because OGB's previous support for this installation was conditional through October 2021 only, the ANC believes that the applicant must return to OGB prior to the Public Space Committee considering that this is a new public space application.

As for the contents of the application itself, ANC 2E notes that other residents in the historic district use the public space for things like planters and potentially even art installations, and the ANC does not typically even see applications for such use of public space, particularly when they are not impeding pedestrians' ability to pass through public space. Likewise, this proposed installation would not interfere with pedestrian passage on the sidewalk. For consistency's sake, the ANC will not comment on the subject matter of the application here either, regardless of our opinions about how these installations fit or do not fit within the context of the historic district. The ANC asserts that, unless there is something here that is more than meets the eye, any discussion of how these statues fit within the historic district is

best left to OGB, who, as a matter of proper procedure, should review this application prior to a public space review.

As such, ANC 2E does not support the granting of a public space permit at this time and asks for the applicant to go through the appropriate steps such that OGB can review this application and provide guidance to the appropriate permitting agencies prior to any public space review.

### **Adjournment**

Chair Murphy adjourned the meeting at 8:26 pm.