

**Advisory Neighborhood Commission 6D**  
**Minutes of Business Meeting – December 8, 2014**  
**Held at 1100 4<sup>th</sup> St. SW, Washington DC 20024**  
**Roger Moffatt, Chair**

*\*Minutes to be reviewed prior to and approved at January meeting*

*The Commission convened at 7:00 p.m. The following Commissioners were in attendance at the beginning of the meeting: Roger Moffatt (chairing) Stacy Cloyd, Rachel Reilly Carroll, and Andy Litsky.*

### **Approval of Agenda**

CM Litsky moved to approve the agenda. CM Cloyd seconded. CM Moffatt added to the agenda item 7a, an update from Office of Planning on the SW Small Area Plan. CM Litsky added a request for 10d, a letter to DDOT about visitor parking passes. Other items and their times were moved accordingly. With these changes the agenda was approved 4-0-0.

### **Introduction of Commissioners**

#### **Meeting Announcements**

- CM Moffatt: The next ANC meeting will be 7pm on 1/12/15 at 1100 4th St. SW, 2nd floor.
- CM Litsky: NHL is hosting Winter Classic 1/1/15 at Nats Park. Traffic will be affected.
- CM Carroll: on 1/10/15 there will be a SW playground cleanup, and on 1/28/15 the Council will have a hearing about the SW Small Area Plan.
- CM Cloyd: 12/15/14 myschooldc.org lottery opens for those interested in Pre-K, charters, and out-of-boundary schools. Amidon and Van Ness have guaranteed PK for those who live in those boundaries but families have to enter the lottery.
- Meredith Fascett: Van Ness will offer kindergarten for 2015-6 but families have to enter the lottery.
- Bill Schickler: on 12/16/14 council will have 2<sup>nd</sup> vote on soccer stadium and there will be an assembly of opponents that day at the Wilson building.
- Bob Rubenkoenig: Thanks to the hundreds who attended the Parade of Lighted Boats last weekend despite the rain.

#### **Public Safety Report:**

Presented by a Sergeant from PSA 105 and Officer Michael Berg, both from the Metropolitan Police Dept.

- In PSA 105 and ANC 6D as a whole, violent crime (Homicide, ADW, Sex Abuse, and Robbery), theft, burglary, and total crime are all lower than last year.
- However, theft from cars and theft of cars are up compared to last year.
- CM Litsky asked about criminal activity by O St. Circle. MPD is aware of it and believes it's caused by a group that is an offshoot of—and in dispute with—a Greenleaf gang. This dispute is causing problems not just at O Street Circle but at Greenleaf and James Creek. Private security is helping by barring people. The man who was shot near the circle is not cooperating with police, and while MPD has suspects they have made no arrest.
- CM Carroll asked about tagging on 4<sup>th</sup> St. underpass. MPD will investigate to see if it's gang related. In response to a question from CM Cloyd, they are supposed to be told when someone reports graffiti to 311 but they suggest people call 911 as well. Next month they will bring a number where people can text MPD about this sort of issue.

## Approval of November Minutes

CM Cloyd moved to approve the November minutes, with one typographical change (the date in the section about approving the minutes was incorrect) and CM Litsky seconded. The minutes were approved 3-0-1 (Carroll abstains).

## Southwest Small Area Plan

Melissa Bird, Tracy Gabriel, and Steve Cochran from Office of Planning (OP)

- OP is no longer suggesting a change in density at Waterside Towers or Southeastern University/Shakespeare Theater site. However, the Comprehensive Plan update is ongoing and landowners or other interested parties could advocate there if they wanted.
- SW Library—after hearing from the community, OP supporting a new library on the current site integrated with the new playground.
- Lansburg Park—Goal is to make it more welcoming and better integrate it with the community.
- 4<sup>th</sup> Street—Goal is to attract neighborhood-serving retail, with short term popups until longer leases are signed. This will require marketing and branding strategy.
- Greenleaf—OP notes that community has a strong desire to maintain current amount of affordable housing. DCHA is beginning to plan a mixed-income redevelopment of Greenleaf but they would be the ones in charge of that. DCHA will host a public meeting in January 2015.
- Design guidelines—include setbacks, green spaces, tree canopies, sustainable design, mix of building heights, bike/pedestrian/transit accessibility
- The comment period ends 1/30/15. On 1/28/15 there will be a mayoral hearing at 1100 4<sup>th</sup> St. SW from 6:30-8:30pm. In February and March, OP will respond to comments and prepare a final legislative package and small area plan to send to the Council.
- Plan is available at southwestneighborhoodplan.org or planning.dc.gov, plus at OP's office and SW library. They will come to condo/coop/HOA/tenant/etc. meetings.
- CM Carroll asked if comments could be posted on line and OP will explore that.
- CM Litsky encouraged public to submit comments and cc [office@anc6d.org](mailto:office@anc6d.org) so ANC can know what public wants. He asked that the report include a recommendation that all playing fields at Randall Park, not just Randall Recreation Center, should be preserved, and wants the timeline in the report to mention the senior focus group that happened.
  - Finally, report says that any changes would have to go through PUD process. He thinks the Comprehensive Plan changes may be different and that could have implications for big box stores on South Capitol, which he doesn't want. Tracy Gabriel said there is no specification of uses for S. Capitol in the Small Area Plan because there are already a lot of development rights in place. Steve Cochran says 3 parcels on the SW side of S.Cap between I and M could be incorporated by Zoning Commission into an "expanded downtown," meaning zoning would help them build more residential units. Right now, the maximum density allows for up to 110 feet but the proposal is for up to 130ft/9.5 FAR, of which 3.5 must be residential with 8% inclusionary zoning (in lieu of residential on site developer could develop or pay someone else to do residential elsewhere). There would be setbacks, and ANC and ZC would have to do design review on those parcels. ZC will discuss this on Thursday. CM Litsky expressed concern that the ZC action could happen before Small Area Plan passes the council. OP says zoning rewrite started long before SAP and is open for comments, but it does not conflict with SAP.
- CM Carroll asked about Greenleaf redevelopment, and Mr. Cochran noted that it would be a PUD that would go before ANC and ZC so there would be public input. Design guidelines in SAP would also apply.

- CM Cloyd asked for MC.5 to include specifics of AMI for affordable housing in disposed-of District-owned sites, and a longer affordability covenant.
- CM Moffatt was curious when the area south of M Street was added to the plan, but isn't upset about that it was added. He notes that his neighborhood didn't want streets to be reopened even if that more closely resembles the L'Enfant Plan. OP noted that the only suggested reopenings in SAP were K and L through Lansburgh Park, potentially just for bikes and pedestrians. They understand that communities don't want reopening through condo/coops. CMs Litsky and Moffatt would like the SAP to explicitly state that they do not agree with DDOT's moved, M Street, and soccer stadium plans, which discuss reopening of N and O Streets.

## **Development, Planning, and Transportation**

### *1244 South Capitol*

- After ZC review, most of their design was approved, but ZC asked them to redesign the penthouse setback to improve the views from the west side of South Capitol Street. The developers did so: the setback is now 1-to-1 and it doesn't require a variance. They removed one bocce court and increased the green roof. They also moved the stairs inside so there is more amenity space on the roof. The ANC doesn't have to comment on it, but if they want to ZC needs comments before 12/23. CM Cloyd moved to send a letter to ZC in favor of developer's change to penthouse. CM Litsky seconded.
  - Bill Schickler noted that there is a long waitlist for public housing and it would be better to use the land for public housing.
  - Gene Solon asked how far the penthouse will be façade is set back: 18' 6"
  - The motion passed 4-0-0.
- Curb cuts: the developers would like to eliminate the ones on S. Cap and N Streets, and is proposing two curb cuts on Van Street SE for parking and loading. They are still working with DDOT on specialty paving on Van Street and they'll come back to ANC about public space plan, of which that is a part.
  - CM Cloyd moved to send letter to DDOT in favor of eliminating curb cuts on S. Cap and N and allowing 2 on Van Street with pedestrian refuge between them. CM Litsky seconds. Matthew Marcou at DDOT is the intended recipient.
  - Passed 4-0-0.

### *ZC 11-13 St. Matthews Extension of Time for PUD (Trammel Crow)*

- Hearing is on 1/12/15.
- CM Moffatt moved to send letter to ZC request a postponement of hearing because owners/developers have not come before the ANC, and request that the hearing be scheduled at a time that is not an ANCGD meeting. Cloyd seconds but expresses concern that if postponement isn't granted the ZC could just move ahead without ANC feedback. CM Litsky asked that the letter include a strong message that the ANC cannot endorse the extension of the PUD at this point because of a lack of community engagement.
  - Bill Schickler—this is in a FEMA flood zone.
  - Will Rich—when does PUD expire? No one on the ANC was sure.
  - Gail Fast—can we amend the motion to say we don't support it if it isn't postponed? All commissioners agreed.
  - Passed 4-0-0.

## **Alcoholic Beverage Committee: Coralie Farlee, chair.**

### *Announcements*

- Dr. Farlee circulated attendance of ABC members. She recommends that the ANC fill all seats on the ABC in January with people who are interested in and available to attend meetings, and consider who wants to be the next chair.
- Council rules about controlled carry allow some restaurants to ban guns from their premises. However, holders of CT and CXs aren't allowed to prohibit controlled carry. She suggests the ANC ask the Council to allow holders of any time of liquor license the option of banning guns.

### *Navy Yard Oyster Company*

- Applicant August Parro was present. The restaurant will be on the water side of 301 Water Street and they're asking for a CR license. It will be a wine-heavy oyster bar with full service restaurant. Water views, 2 levels of indoor space, 2 summer gardens on the river with walking space between. Plans to open in May or June. The applicant also owns a saloon on the 600 block of Pennsylvania Ave SE. Dr. Farlee noted that the ABC and the applicant agreed to what is a fairly standard settlement agreement (SA) and the ABC voted 5-0 in support of approving the SA. CM Litsky moved to approve the SA, CM Cloyd seconded, and it passed 4-0-0.

### *Due South (see also "Other Presentations and Motions" section)*

- Applicant Bo Blair was present. He is requesting a tavern license (CT). The establishment's address will also be 301 Water Street SE but it will face Water Street rather than the river. Dr. Farlee noted that the SA reflects several compromises—the ABC would have preferred a CR license but Mr. Blair wanted a CT. He agreed to reduce hours, but not as much as the ABC wanted. The SA prohibits live music or entertainment in summer garden, and any recorded music must be inaudible in housing units. However, the SA does not include a requirement that the 1D commander would have to approve bands. Standing would be allowed in the summer garden but the occupancy would be restricted to 92 people. Dr. Farlee noted that it took two weeks to get a response from Mr. Blair and his attorney, and since she only heard back the day of the meeting the ABC has not voted on this version of the SA.
  - CM Litsky asked about difference between CR and CT licenses—CT doesn't have to serve as much food and has fewer reporting requirements to ABRA. The kitchen can close further before closing. The CMs expressed support for serving food along with drinks, and CM Carroll noted a preference for all establishments in the Lumbershed to have the same license type. Mr. Blair said if the ANC required a CR license he would want the establishment open for more hours.
- CM Cloyd moved to send a letter to ABRA protesting the application for a license on the grounds of peace, order, and quiet—this would allow the ABC more time to work out an SA. Litsky seconded.
- Mr. Blair said he would agree to the SA as is with the only change being that it would have a CR license. CM Litsky withdrew his second from CM Cloyd's motion and moved to approve the SA with the change from CT to CR. Cloyd seconded, noting that this change would allow Due South to ban firearms from the premises, and a CR would not.
  - Meredith Fascett asked about Due South's ideas for blocking sound. Mr. Blair mentioned hedges and fences as things he's used at other establishments, but said he was not sure if they'll be needed for Due South.
- The motion passed 3-0-1 (Cloyd abstained).

### *Elimination of Community Cooperative Agreements w/ Licensees*

- CCAs are agreements between ANCs and establishments that are not voluntary or settlement agreements. They are not approved or enforced by ABRA. They include things like hiring preferences for local residents. There are 5 CCAs in 6D: Station 4, Spirit cruises, Harry's Reserve, Schulman Liquors, and Capitol Yacht Charters. Dr. Farlee recommended that ANC 6D rescind them since they haven't been enforced and are not enforceable.
  - CM Litsky asked if this would affect VAs and SAs; Dr. Farlee said no.
- CM Litsky moved to remove all 5 CCAs. CM Cloyd seconded.
  - Bill Schickler asked if we would also remove ban on cocaine because of unenforceability.
- The motion passed 4-0-0.

### **Other Presentations and Motions**

- SW BID: CM Cloyd moved to send a letter in support of the SW BID to DSLBD and to allow CM Litsky to testify in support at the DSLBD hearing. CM Litsky seconded. After discussion and the commissioner's agreement to add a passage noting that condominium, cooperative, and homeowners' associations will not have to pay BID taxes, the motion passed 4-0-0.
- Waterfront Metro station repairs: CM Moffatt moved to send letter to WMATA complaining about lights being out on the canopy, and asking for repairs to leaks into the station at the base of the elevator. CM Cloyd seconded and the motion passed 4-0-0.
- CBCC Community Benefits Agreement (CBA) for Soccer Stadium: Felicia Coutts presented. CBCC has been negotiating for CBA. When the council did the first vote approving the stadium, there were some community benefits included, such as: funding of convention center-waterfront Circulator line and improvements to the Randall Rec. Center in FY 2015, meeting rooms, and a Community Foundation.
  - CM Litsky asked how the foundation will differ from Friends of Southwest. Ms. Coutts said the foundation will help registered nonprofits in ANC 6D's current boundaries, not just SW.
  - Gene Solon asked what CBCC stands for: Near SE/SW Community Benefits Coordinating Council.
- Winter Classic: CM Litsky moved that the ANC send a letter to DDOT asking them to extend VPPs until 1/1/15 so local residents and their guests can park during the Winter Classic. CM Cloyd seconded, adding that 2015 passes should also be valid that day. The motion passed 4-0-0.
- Since Bo Blair left without signing the amended Settlement Agreement voted on during the ABC section of the meeting, CM Litsky moved if Mr. Blair does not provide the ANC with a signed copy of the most current version of the SA by Thursday (12/11) at noon, that the ANC protest the Due South license application on the grounds of peace, order, and quiet. He further moved that Mr. Blair and his attorney will be notified by Coralie of this via email before midnight on 12/8. CM Cloyd seconded, and the motion passed 4-0-0.

### **Commission Updates and Administrative Matters**

- Chair's report: computer and scanner are being fixed. Happy holidays, everyone!
- Treasurer's report: nothing new to report. Quarter ends 12/31/14.

### **Community Concerns**

- Bill Schickler: expressed sorrow for loss of Marion Barry. Commended Gene Solon for award from DC civic groups for his community efforts. Noted that Rosslyn is very overdeveloped and

has vacant buildings. We should not plan for the 1% when there are 70k on public housing waitlist.

- Gene Solon: it is shameful that ANC 6D residents got very little notice about hearing by PSC about new substation in Buzzard Point. It's unclear why there was this delay and ANC should investigate. PSC has informed him that they'll still receive testimony on case 11-23, so there is still an option for ANC to comment.
- Felicia Coutts: improvements at Randall Park will break ground next week.

*The commission adjourned at approximately 9:54 p.m.*

*Minutes prepared by Stacy Cloyd*

*Attested by:* \_\_\_\_\_