

WPCA Special General Meeting Minutes
St. Thomas Apostle Church: 2665 Woodley Road, NW
Recorded by Stephanie Zobay

I. Call to Order:

The meeting was called to order at 7:24pm, on April 5, 2006, by President Nour Jurgenson. President Jurgenson introduced herself and Kurt Vorndran as Parliamentarian.

II. Agenda Items

- A. Establishment of a Quorum: At the request of President Jurgenson, Stephanie Zobay, Secretary, confirmed that at a quorum, consisting of at least 12 members of the Woodley Park Community Association, was present.
- B. Reading of the Resolutions: At the request of President Jurgenson, Stephanie Zobay read Resolution One, as offered by the Petitioners and to which the membership had been notified by email:

“Be it resolved that after reviewing the traffic study and environmental assessment submitted by JBG/CIM Group in support of its/their application for curb cut(s), the Woodley Park Community Association should endorse any curb cut(s) on Woodley Road until specific issues of environmental impacts, safety issues, traffic congestion and parking shortages related t each phase of site development have been resolved to the satisfaction of the Woodley Park community to be determined by vote in a future general meeting [or general meetings] called for that purpose”,

and Resolution Two, offered by President Jurgenson:

“Be it resolved that the Woodley Park Community Association does not object to the currently pending curb cut application by JBG Cos., conditional on the following:
(1) A determination by the DC Zoning Administrator (Mr. Bill Crews), that the development in question satisfies all existing zoning requirements as a “matter-of-right”, and
(2) The signing by JBG Cos. And WPCA of the Construction Management Agreement (“CMA”) as originally developed by the WPCA Hotel Subcommittee and agreed to by JBG representatives”.

Doug Tyrka offered a friendly substitute amendment to Resolution One, which he proposed to replace Resolution One, as follows:

“The WPCA opposes any and all new curb cuts/driveways as well as any and all applications for curb cuts/driveways and street tree removals at the Wardman Development Site on Woodley Road, NW”.

A brief community discussion regarding the friendly substitute amendment followed, with Commissioner Deborah Jane Lindeman offering the following second degree amendment:

“... with a principal address at 2660 Woodley Road, NW”, to replace “...on Woodley Road, NW”.

The second degree amendment by Commissioner Lindeman was accepted by Mr. Tyrka. Further discussion included comments stating that the friendly amendment seemed to cut off any flexibility for future negotiations should this be necessary. Clarification of “street trees” was said to mean any trees located in the public space portion of the Marriott Development Site, which extends 30 feet from the curb. Nan Simpson, one of the petitioners, accepted Mr. Tyrka’s substitute amendment to Resolution One.

Additional discussion inquired as to who the petitioners were. Ms. Simpson gave a brief history regarding the signing of the petition, stating that there were original signers and then additional signers. President Jurgenson then read the names of the full slate of petitioners.

Kathleen Kaufman inquired as to what the community was giving up by voting yes for Resolution One and no to Resolution Two. Kurt Vorndran stated that a Construction Management Agreement (“CMA”) was negotiated, which goes beyond the law regarding what the construction crew may do, such as restricting hours of work, truck routes, where workers may eat lunch, etc. JBG Group said they would agree to the CMA in exchange for support on the curb cuts. Two specific items included restricting work on holidays and no signing required from the ANC. The two attorneys then reviewed the CMA for correct legal language. Thus, if the community votes for Resolution One, then Resolution Two becomes moot. Ms. Kaufman inquired whether the subcommittee had a view on whether the CMA was the best deal negotiated. Mr. Vorndran replied that was for WPCA to decide.

Elba Morales urged that the two resolutions be kept separate. Mr. Vorndran offered clarification, noting that he would like the CMA benefits to the neighborhood without any concessions to the developer but we lacked a negotiating partner under such circumstances. Bruce Forrest commented that the vote of the subcommittee was not accepted either, as the subcommittee vote did not approve all curb cuts.

Commissioner Lindeman reiterated comments made at the previous ANC3C sponsored community meeting attended by Denise Wiktor, Public Space

Manager. Ms. Wiktor indicated that while the city does not like to grant curb cuts when cuts exist, this does not mean they will deny the current application. Plans for the new condominium building have not been submitted to the city. Six separate agencies have the opportunity to weigh in before the curb cut decision is made. Commissioner Lindeman said that ANC3C will not take a position before the Zoning Administrator makes a ruling on “matter of right” regarding the condominium building. Commissioner Lindeman also claimed that Ms. Wiktor said it was premature for JBG Group to be asking for curb cuts without submitting building plans, especially since movement can be addressed on their grounds.

Gerry Shea moved to call the question. A verbal vote was taken as to WPCA acceptance of the substitute motion for Resolution One. A point of order was raised and then withdrawn as to the impermissibility of an unannounced substitute motion to the text provided to the membership by petition.

The resolution was amended by the substitute motion.

Michael Samuels commented that since city officials say it is premature to come forward with a curb cut request, it is equally premature for WPCA to oppose whatever draconian statement is being voted on, and that to close down negotiations is irresponsible.

Commissioner Lindeman noted that while the curb cut applications may have been submitted prematurely, they have been submitted. Zoning could rule any time and the ANC would have to rule without WPCA having any input. Even after a possible 10 day appeal and a 2-4 week wait for Zoning to rule on the appeal, the application is still in front of us.

Martin Murray noted his fondness for Woodley Road, especially in his current role of Co-chair of restoring the Woodley Road / 29th Street triangle park. His concern is with traffic exiting onto Calvert Street. The traffic studies indicated that Calvert Street was the single worst exit point. The safety impact is just as great on Calvert Street as it is on Woodley Road. Without a curb cut on Woodley Road, JBG will have to use existing access points.

Larry Irving noted that the curb cut issue is a neighborhood issue and not one that should divide the community. He noted that the community was trying to get a common amendment and we need to address the issue as a community instead of an “Us v. Them” dialogue.

Ms. Morales commented that the current application is for three curb cuts on Woodley Road and that is what the community can comment on. In addition, the zoning administrator will rule whether the condominium building can be built 90’ as a matter of right or will it have to be something lower. Either way, the condominium building is going forward and the question is whether the community is for or against the curb cuts.

Mr. Tyrka stated that the amended Resolution One establishes the default position and JBG will know where the community stands. The community has the right to change their minds.

Wes Bizzell noted that if the community votes for the amended Resolution One, the CMA will be thrown out. In addition, the CMA has a clause that nothing takes away the rights of the signers under law. Thus, DC law trumps the CMA.

A community member moved to call the question. Mr. Tyrka seconded the motion. President Jurgenson charged members of the community to mark their paper ballots and deposit the ballots in the box being passed around by Martin Murray. The ballots were counted in full view of the community by Martin Murray, Chuck Carlsen, and Nan Simpson.

The amended Resolution One was passed by a vote of 86-20, with 2 abstentions.

Based on the outcome of the vote on Resolution One, President Jurgenson withdrew Resolution Two.

VII. Adjournment

Motion to adjourn was offered by Doug Tyrka. Kurt Vorndran seconded and the meeting was adjourned at 8:47 pm.

List of Executive Member Attendees:

Nour Jurgenson, President

Ellen Passman, Treasurer

Kurt Vorndran, Vice-President

Bill Kummings, At-Large Member

Stephanie Zobay, Secretary

List of Member Attendees:

Over 108 members attended, including Sally MacDonald, Barbara Ioanes, Charles Carlsen, Martin Murray, Deborah Jane Lindeman, Larry Irving, Richard Jones, Bill Smee, Wendy Jacobsen,

List of Non-Member Attendees:

While several reporters were in attendance, a non-member attendance sheet was not available.