NEWS

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City cites vendors

■ D.C. says non-students cannot eat at Ivory Tower venues

by Michael Barnett
Senior News Editor

GW is contesting city and Foggy Bottom officials' efforts to prevent Ivory Tower eateries from serving non-students.

The food fight began Wednesday afternoon, when city officials told several Ivory Tower venues to immediately stop serving non-students because GW was violating zoning rules that forbid it to sell to anyone except students. University officials said they were able to secure a delay in the order's implementation while they appeal to a city panel, which will hear arguments in January.

Last week's events marked the latest in a long history of bitter battles between the University and some Foggy Bottom residents, who are protesting the 23rd Street residence hall as an example of what they say is GW's blatant disregard for city laws and Foggy Bottom's residential character.

In issuing cease and desist orders to at least three of Ivory Tower's five venues, D.C. Consumer and Regulatory Affairs officials acted on the longstanding complaints of the local Advisory Neighborhood Commission. The six-member commission is an elected body that advises the District on zoning issues.

On Wednesday, city inspectors cited Café Gallery, Coggins' and Pita Pit for "service to the general public" and the improper placement of signs on the Ivory Tower's exterior, according to a violation notice obtained from one of the vendors. The citations called for the venues to immediately "limit service to students only" and remove the outside advertisements.

ANC members filed a complaint against the Ivory Tower in September, claiming GW was ignoring residential zoning orders that keep it from selling food to non-students. They also protested the existence of a sidewalk entrance to Coggins', which is located on the building's ground floor.

"The order gave them venues to feed students only," said ANC chair Dorothy Miller, who has consistently opposed the construction of academic and residential facilities, which she and others claim have destroyed a neighborhood that 20 years ago featured primarily sleepy streets and low-rise townhouses.



Michael Jon Roy/Hatchet photographer

Students wait in line at Pita Pit, once of at least three Ivory Tower venues ordered to stop serving the general public last week.

In an interview Friday night, Miller said she was unaware that the city agreed to stay the cease and desist orders. "To my knowledge, I have not been notified it's been rescinded," she said.

University officials disputed the ANC's claim that city orders restrict Ivory Tower venues to serving only students. University Senior Counsel Charles Barber said he was optimistic that the city's Board of Zoning Adjustment will rule that the venues can have a diverse clientele and advertise on the building's facade. The BZA, which arbitrates zoning disputes, will hear arguments from city officials and GW lawyers beginning Jan. 18.

Residential zoning laws usually preclude the establishment of retail stores, but University officials secured permission to house venues in the Ivory Tower before the facility was built, Barber said.

"We think this doesn't have any legal merit," Barber said. "But this is something that has to be resolved with the BZA."

Barber noted that many D.C. college campuses keep venues open to the public. Shops at 1957 E St. and the Marvin Center, which are also located in areas zoned residential, have always kept their doors open to non-students.

Barber said "it's not really clear" to officials why city inspectors served citations, but speculated that a newly appointed D.C. zoning chief "may be misinformed."

Yvonne Rockett, the regulatory and consumer affairs inspector who issued violation notices to vendors Wednesday, did not return multiple messages left at her office Friday afternoon. Public information officers at the city's regulatory affairs and zoning offices also did not return calls from The Hatchet.

The Ivory Tower tussle is the latest manifestation of the ill will between GW and some Foggy Bottom residents.

What began almost a decade ago as a neighborhood zoning battle has spilled into the courts and the local political scene. University officials openly supported former Student Association President Kris Hart's failed effort last month to oust Miller from her ANC seat. While building the Ivory Tower two years ago, officials successfully fended off a resident's lawsuit that sought to halt construction of the 779-bed residence hall.

The battle has also morphed into a war of mutual recriminations. Miller and some other residents have routinely derided University officials as corporate criminals. University officials have called Miller and other residents "antagonistic" and "pests," and privately use harsher words to describe them.

For the Ivory Tower vendors caught in the middle of the fray, Wednesday's citations came as a surprise. On Friday, several managers who were unaware that the citations had been stayed were ignoring the city's order anyway. On Friday

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BZA
Case No. 17249
Exhibit No. 18

Board of Zoning Adjustment
District of Columbia
CASE NO. 17249
EXHIBIT NO. 18

TOWER

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afternoon, the usual mix of Ivory Tower patrons – students, hospital workers in scrubs and workers from the massive government buildings around the corner – ate in the building, unaware of the order.

Sun Kim, a manager at Café Gallery, called the city's actions "unusual" and impossible to enforce.

"There's nothing we can do," he said. "We can check everyone's ID? This is a bar? It's not going to work like that."

Ron Boatright, vice president of operations for Coggins', said he did not blame GW for the city's actions.

"No one knew about this," he said. "We would consider it public space."

"At this point I would not fault the University," he continued. "You have to assume that they didn't lease this space under false pretenses."

As he spoke, Boatright waved to three middle-aged women who were exiting his establishment.

"Thank you," said one of the women.

"I know you'll be back," he said as he bid them goodbye. ■

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