

	ADVISORY NEIGHBORHOOD COMMISSION 3C GOVERNMENT OF THE DISTRICT OF COLUMBIA <i>CATHEDRAL HEIGHTS • CLEVELAND PARK •</i> <i>MASSACHUSETTS AVE. HEIGHTS</i> <i>MCLEAN GARDENS • WOODLEY PARK</i>
Single Member District Commissioners 01-Dia Black; 02- Gloria Day; 03-Stephanie Zobay 04-Avram Fechter; 05-Bruce Beckner; 06-Trudy Reeves 07- Richard Rothblum; 08-Catherine May; 09-Nancy MacWood	2737 DEVONSHIRE PLACE, NW WASHINGTON, DC 20008 Telephone: 202/232-2232 • Fax: 202/232-0667 Website http://www.anc3c.org

Minutes
Advisory Neighborhood Commission 3C
February 12, 2007 Public Meeting
Second District Police Station
7:30PM

I. CALL TO ORDER: Commission Chair Nancy MacWood called to order Advisory Neighborhood Commission 3C (ANC3C's) regular monthly meeting for February 12, 2007 at 7:34 p.m. The meeting was held in the community room at the Second District Police Station, 3320 Idaho Avenue, NW, Washington, DC 20008.

II. VERIFICATION OF NOTICE: Chair MacWood verified that the proper notice was published in the Northwest Current and posted on the Cleveland Park list serve, the Woodley Park list serve, and the ANC3C website.

III. ESTABLISHMENT OF QUORUM: At 7:35, Chair MacWood acknowledged that a quorum (5 of 9 commissioners) had been established. Other commissioners present included Richard Rothblum, Stephanie Zobay, Gloria Day, Dia Black, Avram Fechter, and Catherine May.

IV. APPROVAL OF AGENDA: Commissioner Fechter moved, seconded by Commissioner Zobay, for approval of the following agenda:

- A. Discussion with Bill Crews, DC Zoning Administrator
- B. Commission Business
 - a. Consideration of a Historic Preservation Review Board application to replace rear sleeping porches with new construction and a 3 foot extension in the rear yard at 3509 Idaho Ave.
 - b. Consideration of a Public Space application to install lights in public space at Medaterra Restaurant, 2614 Connecticut Ave, and to extend the sidewalk café permit from 7 months to 12 months
 - c. Consideration of a resolution requesting authorization for additional staff persons in the Office of the Zoning Administrator and funding for new positions
 - d. Consideration of a resolution regarding DC Voting Rights
- C. Community Forum
- D. Officer's Reports
- E. SMD and/or Committee Reports

The agenda was unanimously approved by a vote of 5-0.

V. ANNOUNCEMENTS: Oversight meetings: DCRA issues, and DPR meeting (Friday)

Chair MacWood introduced Kristen Barden, Ward 3 Outreach Coordinator of Mayor's Office of Community Relations. Her email is Kristen.barden@dc.gov.

VI. DISCUSSION WITH BILL CREWS:

- a. The discussion started with Cleveland Park Overlay, which Mr. Crews acknowledged was over the limits for restaurants and is perhaps as high as 40%. He expressed concerns that current definitions of restaurants didn't follow common logic (for example, Macgruders doesn't seem like eating establishment). Various agencies' definitions of a "fast food" restaurant and a "delicatessen" are conflicting. He's been trying to establish consistent naming, which would also conform to national codes.

NOTE: Comm. Beckner arrived at 8:17 pm.

- i. One key issue is when does a vacant property loses its eating establishment status? Zoning had been using the regulations applied to non-conforming uses. Chair MacWood objected that equating a restricted use and a non-conforming use is legislating. When she asked what immediate interpretations he would use, he said he would have to talk to the General Council. Chair MacWood and Commissioner Beckner asked that the commission approve a formal resolution asking that the Zoning Administrator address whether the space formerly occupied by McDonalds could be occupied by a new restaurant even though there is an excess of restricted uses pursuant to the overlay.
- ii. Commissioner Fechter made a motion that the ANC request a formal response on whether or not a new restaurant can open, Commissioner Black seconded. **The motion was unanimously approved by a voice vote, (8-0).**
- iii. Chair MacWood asked that no permits be given while the ANC is waiting for the formal response. Mr. Crews agreed to try, but admitted it was not fool-proof.
- iv. Commissioner Rothblum asked if the Commission could draft the response letter; Chair MacWood said she didn't want to follow the practice formerly used by law firms whereby they drafted letters for zoning officials signatures,.
- b. The discussion moved to the Macomb-Wisconsin overlay. Chair MacWood asked for notice so ANC commissioners can accompany the technicians doing the measurements.
- c. Mr. Crews moved on to the new house at 3101 Cathedral, which seems to be too big. He stated he would be happy to meet with the neighbors, but that the house met lot occupancy requirements—house 2306.58/lot 6155 sqft=37.5% lot occupancy (max is 40). After some questions about the area that can be included in determining lot occupancy, Mr. Crews agreed to provide the definition of the private property line versus the building restriction line and the 40% rule. Commissioner Zobay also mentioned that she hasn't seen a permit for the brick wall that's in public space.
- d. Commissioner May then moved on to the extension of institutions in residential zones for purposes other than worship. ANC 3C had asked the Zoning Administrator to put a hold on matter of right permits until the zoning questions had been settled. Particularly, Commissioner May is concerned that the Soka Gakkai building has not been evaluated as a church or other place of worship. Mr. Crews stated that he is in the process of conducting research about the organization and other zoning regulations in major cities. The goal is to try to figure out objective criteria rather than questioning whether or not it is a religion. No additional permits have been approved, so they are proceeding at their own risk. Commissioner Fechter suggested that Mr. Crews refer definitional issues to Zoning Commission so that there is

consistent ruling across the city. Commissioner May added that there should be some process for evaluating permits for additional uses in religious buildings.

- e. Commissioner Black introduced the parking issues at the Kennedy Warren. Since it's a pre-1958 building, they can't reduce parking, but not required to provide additional parking. The problem is that they agreed to a PUD (#351) when they built a new wing. Mr. Crews agreed to look into the issue.

VII. COMMISSION BUSINESS

- a. *Consideration of a Historic Preservation Review Board application to replace rear sleeping porches with new construction and a 3 foot extension in the rear yard at 3509 Idaho Ave.*

As the architect was absent, Chair MacWood presented the plans. The back of the house will be replaced plus an additional 3 ft extension. Chair MacWood read and moved the resolution approving the construction, Commissioner Black seconded.

The resolution was approved by a vote of 6-0 as follows:

Commissioner Black - yes
Commissioner Day - yes
Commissioner Fechter - yes

Commissioner May - yes
Commissioner MacWood - yes
Commissioner Rothblum - yes

NOTE: Commissioners Beckner and Zobay were absent at the time of the vote.

- b. *Consideration of a Public Space application to install lights in public space at Medaterra Restaurant, 2614 Connecticut Ave, and to extend the sidewalk café permit from 7 months to 12 months*

Applicant, Angie Aly, presented plans to extend their seasonal patio to a year-round patio. Atty Ed Grandis, on behalf of next-door neighbor, came with concerns that the application is not compliant with DC law, and complained that the restaurant violates several regulations—including, that they store their tables and chairs outside at night and that they have an outdoor speaker. He added that the fee structure for an unenclosed sidewalk café is based on seasonal use, however the city has been granting permits if the owner is willing to pay extra fees. Several other businesses in the area have year-round permits and there are no residents nearby.

Commissioner Day read a resolution conditionally approving the resolution. Commissioners Fechter, Zobay, May, MacWood and Black offered a friendly amendments regarding the language of the resolution; all the amendments were accepted.

Commissioner Fechter called the question, Black seconded, all approved. Commissioner Day moved the revised resolution, Commissioner Fechter seconded.

The resolution was approved by a vote of 6-2-0 as follows:

Commissioner Beckner - no
Commissioner Black - yes
Commissioner Day - yes
Commissioner Fechter - yes

Commissioner May - yes
Commissioner MacWood - no
Commissioner Rothblum - yes
Commissioner Zobay - yes

- c. *Consideration of a resolution requesting authorization for additional staff persons in the Office of the Zoning Administrator and funding for new positions*

Chair MacWood read the resolution's resolves, and moved the resolution. Commissioner Beckner seconded.

The resolution was approved by a vote of 8-0 as follows:

Commissioner Beckner - yes	Commissioner May - yes
Commissioner Black - yes	Commissioner MacWood - yes
Commissioner Day - yes	Commissioner Rothblum - yes
Commissioner Fechter - yes	Commissioner Zobay - yes

- d. *Consideration of a resolution regarding DC Voting Rights*

Commissioner Black moved a resolution regarding DC voting rights, Commissioner Fechter seconded. Commissioner Fechter offered blanket friendly amendment to change all 3c-01 to 3c, accepted.

The resolution was approved by a vote of 8-0 as follows:

Commissioner Beckner - yes	Commissioner May - yes
Commissioner Black - yes	Commissioner MacWood - yes
Commissioner Day - yes	Commissioner Rothblum - yes
Commissioner Fechter - yes	Commissioner Zobay - yes

VIII. COMMUNITY FORUM: no issues raised.

IX. OFFICER'S REPORTS

1. Treasurer: Commissioner Fechter moved to approve the First Quarter 2007 Financial Report, Commissioner Black seconded, unanimously approved by voice vote.
2. Secretary: Commissioner Zobay introduced the October Minutes, Commissioner Fechter moved approval, seconded by Commissioner Day, unanimously approved by voice vote. Commissioner Zobay introduced January minutes. Commissioner Fechter moved to table January minutes to March, Commissioner Beckner seconded, unanimously approved.

X. SINGLE MEMBER DISTRICT AND/OR COMMITTEE REPORTS

1. Commissioner Zobay to bring a resolution regarding the voting rights of the new council members to next meeting.
2. Commissioner Rothblum to distribute more information about the Anacostia Waterfront Corporation
3. Announcement: Mayor Fenty will speak to the community on March 3 at Cleveland Park Citizens Association.

ADJOURNMENT: Chair moved to adjourn. Without objection, the meeting was adjourned at 10:00 pm.

The next meeting of ANC 3C will be Monday, March 19 at 7:30 PM in the Community Room of the Second District Police.