

	<p style="text-align: right;"><b>ADVISORY NEIGHBORHOOD COMMISSION 3C</b>          GOVERNMENT OF THE DISTRICT OF COLUMBIA          CATHEDRAL HEIGHTS • CLEVELAND PARK •          MASSACHUSETTS AVE. HEIGHTS          MCLEAN GARDENS • WOODLEY PARK</p>
<p>Single Member District Commissioners          01- vacant; 02- Gloria Day; 03-Stephanie Zobay          04-Avram Fechter; 05-Bruce Beckner; 06-Trudy Reeves          07- Richard Rothblum; 08-Catherine May; 09-Nancy MacWood</p>	<p style="text-align: right;">2737 DEVONSHIRE PLACE, NW          WASHINGTON, DC 20008          Telephone: 202/232-2232 • Fax: 202/232-0667          web: <a href="http://www.anc3c.org">www.anc3c.org</a> • email: <a href="mailto:anc3cmail@gmail.com">anc3cmail@gmail.com</a></p>

**Minutes**  
**Advisory Neighborhood Commission 3C**  
**October 15, 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 October 15, 2007 at 7:35 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 on the website and the Northwest Current.

**III. ESTABLISHMENT OF QUORUM:** At 7:38, Chair MacWood acknowledged that a quorum (5 of 9 commissioners) had been established. Other commissioners present included Trudy Reeves, Stephanie Zobay, Bruce Beckner, Catherine May and Gloria Day, Bruce Beckner and Richard Rothblum. *(Note: Commissioner Fechter arrived after the meeting had been called to order.)*

**IV. APPROVAL OF AGENDA:** Chair MacWood moved for approval of the following agenda:

- I. **Establishment of Quorum**
- II. **Verification of Notice**
- III. **Approval of Agenda**
- IV. **Announcements**
- V. **Officer's Reports**
- VI. **Presentation by WASA contractors** of upcoming lead pipe replacements on 33rd Place, 27th St., Porter St., and Norton Place; and pipe replacements scheduled for 2009 on Connecticut Ave. between Taft Bridge and Woodley Rd., which will include work on Cathedral Ave., 27th, 28th, and 29th Streets
- VII. **Community Forum**
- VIII. **Commission Business**
  - a. Consideration of liquor license application for new wine bar at 3238 Wisconsin Ave
  - b. Consideration of revised HPRB application for 3316 Newark St. that includes replacement of rear roof dormer and 3-story rear addition, and landscape plans to address two rear retaining walls
  - c. Consideration of DDOT proposed optional plans to construct one lane bump-outs and crosswalk or crosswalks in the 2500 block of Porter St.

- d. Consideration of HPRB application to alter windows on the east, side facade at 3519 Porter St.
- IX. **Presentation by and discussion with Sidwell Friends School** of revised plans to build a gymnasium on 37th St., and new retaining wall on Wisconsin Ave. (*Sidwell's HPRB application will be considered at November ANC meeting and the BZA application for special exception at the December ANC meeting.*)
- X. **SMD and/or Committee Reports**
- XI. **Adjournment**

Commission moved consideration of 3519 Porter before consideration of DDOT's proposal on Porter.

**The revised agenda was approved by a unanimous voice vote of 7-0.**

#### **V. ANNOUNCEMENTS:**

1. Metro/DDOT having public meeting regarding 30 bus lines on Thurs, Oct 18, and Wed Oct 24.
2. Energy Expo at Convention Center on 11/10/07
3. Woodley Park Fall Festival at Marriott
4. Transportation Committee meeting at 7:30 at Norse Hall at St. Albans Church

#### **VI. Officer's Reports**

1. Commissioner Zobay moved to approve September minutes, with understanding that grammatical changes would be made, seconded by Commissioner Day.  
**Approved by unanimous voice vote of 7-0.**

**VII. Presentation by WASA contractors** of upcoming lead pipe replacements on 33rd Place, 27th St., Porter St., and Norton Place; and pipe replacements scheduled for 2009 on Connecticut Ave. between Taft Bridge and Woodley Rd., which will include work on Cathedral Ave., 27th, 28th, and 29th Streets.

Russell Adams, contractor, presented plans for the lead service replacement program. They will be seeking private property owner's consent when they replace lead pipes in public space near houses. They will notify the property owner starting 45 days in advance before construction. Within two weeks restoration of the curb side landscaping will be completed and within 60 days the pavement will be replaced. They are working with DDOT to schedule lead pipe replacement before regularly scheduled sidewalk repavement. It will take about 2 weeks to replace the pipes. All lead pipes are scheduled to be replaced all by 2016.

Whatever is on DDOT's 2008 paving schedule will not be permanently patched after the lead service replacement. The street will be redone within 60 days if the street is not on the DDOT's repaving schedule. They are trying to coordinate with other WASA agencies and DDOT, coordinating with other utilities (PEPCO) is not done.

#### **VII. Community Forum**

Adam Bloom asked commission for support for regulations to address first amendment rights. Looking for support to ask Fenty for reasonable restrictions on protests in residential areas. Commissioners asked him to present more information via email.

**NOTE: Commissioner Fechter arrived at 8:07.**

### **VIII. Commission Business**

- a. Consideration of liquor license application for new wine bar at 3238 Wisconsin Ave

Commissioner Rothblum presented 2 options for a voluntary agreement with Enology, a new wine bar at 3238 Wisconsin Ave. 1<sup>st</sup> agreement is most restrictive: Closing by 12 am on weekdays and 2 am on weekends. 2<sup>nd</sup> agreement would abide by the first agreement for 3 months, and if there are no problems, then ANC 3c would revise the agreement to allow the bar to stay open another 30 minutes and then after another 3 months it would be able to stay open until 12:45. No other business in the Macomb-Wisconsin business overlay has an agreement. Outdoor seating will be closed by 11 pm.

Commissioner Reeves asked that language be added requesting that dumpsters always be covered. Commissioner Beckner asked that the bar consult with the ANC as requested. Commissioner Fechter asked why we would put extra restrictions on the new restaurant that other bars in the area aren't subjected to. He asked that the latest closing be the same time as the other bars in the area. Commissioner Beckner is concerned about the behavior when customers leave the restaurant. Owners don't have any control over that except when the loud people are on the street.

A community person from McLean Gardens came to support the bar and didn't want undue, unfair restrictions on the new bar.

Commissioners Rothblum and MacWood have been hearing from a significant minority who want the restrictive hours, and the owner seems to be amenable to the earlier hours.

Rothblum moved the voluntary agreement for the phase-in of the closing times over a 3 month period, seconded by Commissioner Zobay.

Commissioner Fechter moved to amend the closing hours to 12:45, seconded by Commissioner Reeves.

**The amendment was approved by a vote of 7-1 as follows:**

Commissioner Day - pass  
Commissioner Beckner - yes  
Commissioner Fechter - yes  
Commissioner May - yes  
Commissioner MacWood - yes

Commissioner Reeves - yes  
Commissioner Rothblum - no  
Commissioner Zobay - yes  
Commissioner Day - yes

**The voluntary agreement as amended was approved by a vote of 8-0 as follows:**

Commissioner Day - yes

Commissioner Beckner - yes

Commissioner Fechter - yes

Commissioner May - yes

Commissioner MacWood - yes

Commissioner Reeves - yes

Commissioner Rothblum - yes

Commissioner Zobay - yes

Commissioner Rothblum read the resolution to approve the ABRA license contingent on the signing of the voluntary agreement, seconded by commissioner Fechter. **Approved by voice vote 6-0** (*Note: Commissioner Beckner and Reeves were out of the room*).

- b. Consideration of revised HPRB application for 3316 Newark St. that includes replacement of rear roof dormer and 3-story rear addition, and landscape plans to address two rear retaining walls

**Note: Commissioner May left the meeting at 8:50.**

Mr. Laird returned to the ANC to talk about the plans. Two retaining walls have been built in the ravine, which made neighbors object. The landscaping plans were included in the plan, but after the meeting with neighbors, which a week prior to the ANC meeting, the landscaper is revising the plans and will bring them next week.

A neighbor was concerned about the stone retaining walls in the rear of the house. Wrote letter to Chair MacWood, and another was written about the motion that was adopted by the HPRB. He was concerned about the change of the ravine area. HPRB recommended that the owner work with neighbors to get a new plan before the plans were to be presented again, but the neighbors didn't get to see the plans. When they did get the plans, they asked to get 6 weeks time to ask for professional advice, but the owners are unwilling to delay. The landscape plan is not a plan, it is a concept.

Mr. Gilday, architect, said that the retaining walls are modeled on another house that he had built, and they have a legal document stating that they can do construction. The transcript from the meeting reveals language, "suggesting" they talk to neighbors, but not mandating that they do so.

Chair MacWood presented ANC's position. She acknowledged that the addition's approval is complicated by the retaining walls. The HPRB admits that approval of the retaining walls was a mistake. Now, everyone's trying to figure out how to reduce the impact on the ravine, which is an open wooded area that is enjoined by people on both sides of the ravine.

Chair MacWood introduced the resolution recommending more time to debate within the neighborhood to be figured out. The directive of the HPRB was not followed through; the neighbors were not consulted on landscaping plans. She read the resolves and moved the resolution, seconded by Commissioner Rothblum.

Commissioner Beckner asserted the right of the owner to construct based on a permit not procured by fraud. It appears to be a punitive action against someone who acted without fraud. Commissioner Beckner offered an amendment that Chair MacWood strike the resolves regarding what HPRB should do about the walls, and HPRB paying for the cost of removing the walls, seconded by Commissioner Zobay.

**The amendment was approved by a vote of 5-2 as follows:**

Commissioner Day - no	Commissioner Rothblum - yes
Commissioner Beckner - yes	Commissioner Zobay - yes
Commissioner Fechter - yes	Commissioner MacWood - no
Commissioner MacWood - pass	
Commissioner Reeves - yes	

Commissioner Fechter suggested that Commissioner MacWood add clearer language that the commission opposes the addition as proposed. Chair MacWood did not accept the amendment, so Commissioner Fechter withdrew his amendment.

**The resolution as amended was approved by a vote of 6-1 as follows:**

Commissioner Day - no	Commissioner Reeves - yes
Commissioner Beckner - yes	Commissioner Rothblum - yes
Commissioner Fechter - yes	Commissioner Zobay - yes
Commissioner MacWood - yes	

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

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

- c. Consideration of HPRB application to alter windows on the east, side facade at 3519 Porter St.

Mark, architect, described the remodeling project, which is due to a collection of books. In order to have enough natural light, he is asking for sandblasted picture window. Neighbors are working on coordinated landscape plan. Commissioner Beckner read a resolution conditionally approving the application, seconded by Chair MacWood. Commissioner Beckner revised the resolution as he read it.

Commissioner Fechter raised concerns that the conditions of the resolution are disapproving the element of the plan that need approval. The project is inconsistent with the historic nature of the neighborhood.

Commissioner Fechter called the discussion to question. All approved by voice vote.

**The resolution was approved as amended by a vote of 6-1 as follows:**

Commissioner Day - pass	Commissioner Rothblum - no
Commissioner Beckner - yes	Commissioner Zobay - yes
Commissioner Fechter - yes	Commissioner Day - yes
Commissioner MacWood - yes	
Commissioner Reeves - yes	

- d. Consideration of DDOT proposed optional plans to construct one lane bump-outs and crosswalk or crosswalks in the 2500 block of Porter St.

Jeff Jennings and George Branyan presented plans. They are concerned about pedestrian safety and excessive speed of motorists in that area. Blue-outs and a refuge island would

serve as both pedestrian safety and speed reduction measures. Commissioner Fechter read his resolution in support of the crosswalks, seconded by Commissioner Beckner.

**The resolution was approved by a vote of 7-0 as follows:**

Commissioner Day - yes

Commissioner Beckner - yes

Commissioner Fechter - yes

Commissioner MacWood - yes

Commissioner Reeves - yes

Commissioner Rothblum - yes

Commissioner Zobay - yes

**IX. Presentation by and discussion with Sidwell Friends School** of revised plans to build a gymnasium on 37th St., and new retaining wall on Wisconsin Ave. (Sidwell's HPRB application will be considered at November's ANC meeting and the BZA application for special exception at the December ANC meeting.)

Jim Wilson and Michael Saxenian presented. In 2004, the commission approved plans for an expansion of middle school (Leed Platinum Building). The Quaker meeting house was not approved because it was immediately next to a historic building. The second set of concerns were about the gym being too close to the Washington home. The current plans move the gym underneath the football field and the meeting house to the center of campus. Net difference between plans is about 6,000 sq feet. There will also be a child development center, which would only be open to the children of the faculty, staff and possibly immediate neighbors.

**Note: Commissioner Fechter left at 10:35.**

Emergency vehicles will have access the field from Wisconsin. Commissioners discussed the gym's emergency exits, which will be on 37<sup>th</sup> Street, but will have no hardware on the outside for entrances. It is a high priority to keep doors closed because of neighbor's concerns and for security as well.

There will be no intentional destruction of trees, except for one small tree. Will be building below the water table, and will be doing more research about the impact on the water.

The commission agreed to host the presenters at the November PNZ meeting to go over the plans in details.

**X. There were no SMD and/or Committee Reports**

**ADJOURNMENT:** Commissioner Reeves moved to adjourn, Commissioner Beckner seconded. Without objection, the meeting was adjourned at 11:10 pm.

*The next meeting of ANC 3C will be Monday, November 15 at 7:30 PM in the Community Room of the Second District Police.*