

	ADVISORY NEIGHBORHOOD COMMISSION 3C GOVERNMENT OF THE DISTRICT OF COLUMBIA <i>CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE. HEIGHTS</i> <i>MCLEAN GARDENS • WOODLEY PARK</i>
Single Member District Commissioners 01-Dia Black; 02-Deborah Jane Lindeman; 03-Stephanie Zobay 04-Avram Fechter; 05-Bruce Beckner; 06-Trudy Reeves 07-Sheila Hogan; 08-Catherine May; 09-Nancy MacWood	2737 DEVONSHIRE PLACE, NW WASHINGTON, DC 20008 TEL 202/232-2232 • FAX 202/232-0667 Email anc3cmail@gmail.com Listserv http://groups.yahoo.com/group/anc3cgroup Website http://www.anc3c.org

Minutes
Advisory Neighborhood Commission 3C
October 16, 2006 Public Meeting

7:30PM

- I. **CALL TO ORDER:** Commission Chair Nancy MacWood called to order Advisory Neighborhood Commission 3C (ANC3C's) regular monthly meeting for October 16, 2006 at 7:32 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 7:33 p.m. Chair MacWood acknowledged that a quorum had been established. Other commissioners present included Dia Black, Bruce Beckner, Stephanie Zobay, Trudy Reeves and Catherine May.

- IV. **APPROVAL OF AGENDA:** Chair MacWood moved for approval of the following agenda:
 - A. Consent Calendar
 1. Application to the Historic Preservation Review Board ("HPRB") for 2-story rear addition at 3215 35th Street, NW
 2. Approval of contract for ANC Office Administrator
 - B. Discussion with Dr. Patrick Canavan, Director, Dept. of Consumer and Regulatory Affairs ("DCRA"), the Zoning Administrator, Permits Office Administrator, and Chief Inspector for DCRA
 - C. Community Forum
 - D. Commission Business
 1. Consideration of applications to Historic Preservation Review Board
 - i. for a 1-story addition at 3416 Rodman Street, NW
 - ii. for demolition and new construction at 3700 Connecticut Avenue, NW
 2. Consideration of a \$40 million bond application submitted by the Protestant Episcopal Cathedral Foundation to finance new construction at St. Alban School
 3. Consideration of a resolution commenting on the Mayor's Draft of the Comprehensive Plan
 4. Consideration of a resolution commenting on the mapping of the Inclusionary Zoning Text Amendment
 5. Consideration of a resolution commenting on proposed new rules regulating valet parking
 6. Consideration of an HPRB and U.S. Commission of the Fine Arts application at 2240 Cathedral Avenue, NW
 - E. Officer's Reports
 - F. SMD and/or Committee Reports

With minor scheduling arrangements, the agenda was unanimously approved.

NOTE: Commissioner Lindeman arrived at 7:37.

- V. **ANNOUNCEMENTS:** Commissioner Reeves announced a public Metro meeting scheduled for Thursday, October 26 at 7 pm. Commissioner Lindeman noted that on Friday, October 15 at 6 pm, the Hispanic Heritage Fiesta at Oyster School where the commissioners will be the honored guests.

NOTE: Commissioner Hogan arrived at 7:40.

VI. **CONSENT CALENDAR:**

1. *Application to HPRB for a 2-story rear addition at 3215 35th Street, NW*

Chair MacWood read and moved a resolution approving the application, noting that the proposed re-establishment of the driveway had been withdrawn. Commissioner Beckner seconded the motion. Chair MacWood inquired as to whether immediate neighbors had been notified and applicant submitted written confirmation that neighbors did not object to proposed plan.

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

Commissioner Beckner - yes
Commissioner Fechter - yes
Commissioner Hogan - yes
Commissioner Lindeman - yes

Commissioner May - yes
Commissioner MacWood - yes
Commissioner Reeves - yes
Commissioner Zobay - yes

2. *Contract for ANC Office Administrator*

Chair MacWood read and moved a resolution approving the contract offered to the new ANC3C Administrator. The motion was seconded by Commissioner Reeves.

The resolution was unanimously approved by voice vote.

VII. **COMMISSION BUSINESS**

- a. *Consideration of a Historic Preservation Review Board and U.S. Commission of the Fine Arts application at 2240 Cathedral Avenue, NW*

Homeowner Susan Otis described the rear brick addition that would replace the existing structure and would not extend the footprint of the house. Ms. Otis stated that all surrounding neighbors were aware of the application and were in approval. Commissioner Black explained that the application is reviewed by Fine Arts because it overlooks federal parkland.

Commissioner Black read and moved a resolution approving the addition. Commissioner Lindeman seconded.

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

Commissioner Beckner - yes
Commissioner Fechter - yes
Commissioner Hogan - yes
Commissioner Lindeman - yes

Commissioner May - yes
Commissioner MacWood - yes
Commissioner Reeves - yes
Commissioner Zobay - yes

- b. *Discussion with the following employees of the Department of Consumer and Regulatory Affairs ("DCRA"):*

*Linda Argo, Deputy Director, Communications & Customer Service
Nicholas Majett, Deputy Director, Inspections & Compliance
Monica Lamboy, Deputy Director, Licensing & Permitting*

Bill Crews, Zoning Administrator
Eric Rogers, ANC Liaison
Chris Kohatsu, Community Affairs Advocate
Sam Williams, Vending & Special Events Coordinator
Gus Viteri, Director, Office of Information Systems

Chair MacWood opened the discussion by explaining that ANC3C is continually handling DCRA issues with uneven results. She had asked Director Patrick Canavan to attend a public ANC3C meeting and address outstanding concerns. Due to an unforeseen circumstance, Mr. Canavan was unable to attend tonight's meeting. DCRA agreed to attend the November meeting if the Commission felt more time was needed.

The following issues were discussed:

1. New Vending Policy

According to Ms. Argo, DCRA will resume regulating vendors in January 2007. Effective October 15, 2006 the DC Council lifted a moratorium on new licenses and DCRA anticipates 3000 new license applications. As it has been determined unconstitutional to control the number of vendors by restricting the number of issued licenses, DCRA is trying to control them by controlling the space for this use.

- Only 3 vendors will be permitted per block on a first-come, first-served basis;
- All vendors will be mapped on a GIS system;
- Locations require public space permit; current locations will be "grandfathered in" pending review of legal rights;
- A draft of the regulations will be published in mid-November 2006;
- There are different regulations for commercial and neighborhood zones.

Commissioner Lindeman asked for an explanation of the vending issue at the Woodley Park Metro Station. Mr. Williams explained that a vendor had been illegally locking his cart, which was oversized, to the Metro and using electricity from neighbor stores. DCRA cited him for these infractions and seized his license on Friday (3rd seizure).

2. 3101 Cathedral Ave, NW, new construction of a single family home

Commissioner Zobay inquired about zoning issues relating to this construction. According to Mr. Crews, the work has been stopped and cannot resume until a wall test has been conducted to check the size. The building can only occupy 40% of lot.

Chair MacWood stated that the ANC had asked for zoning inspection months ago, but nothing had been done. She raised concern that the wall test had not been done and the inspector had not noticed it. Mr. Crews responded that he was looking to do better training for the inspectors, and that DCRA wants to ensure that zoning regulations are followed.

Mr. Crews assured the commission that he will call Commissioner Zobay if the stop work order is lifted.

3. 2733 Cathedral Ave, NW , a duplex built and rented to Kuwaiti Ambassador

Commissioner Zobay described a guard house which appeared near the alleyway abutting the duplex. Concerns include whether the guard house is on public or private property and whether a permit had been granted for construction of the guard house. Commissioner Zobay indicated that she has spoken with Richard Massey of State Department about this issue. Mr. Crews agreed to investigate.

4. 2625 Connecticut Avenue, NW, Illegal construction of a new Dominoes Pizza restaurant

Commissioner Black explained that this was a clear cut case of illegal construction, but she had great difficulty in getting a response from DCRA.

Mr. Crews explained that this situation is not clear cut: Neighborhood Commercial Overlay District ("NCOD") only restricts frontage on the ground floor. This location is in a rear basement, so frontage

restriction doesn't apply. The real issue is that there is a limit on the ratio of floor area devoted to non-residential use in the Woodley Park NCOD. Dominoes would have exceeded the allowable commercial space at that location. Mr. Crews indicated that Dominoes is looking elsewhere.

Nicholas Majett, former assistant attorney general, is new to DCRA and in charge of enforcement. He added that a 13 week curriculum on how to do better inspection has been established.

Commissioner Black asked for clarification of applicability of WP NCOD if someone wants to have a back alley business. Mr. Crews responded that frontage restrictions would not apply but other overlay restrictions would apply—floor area ratio, for example.

Chair MacWood also asked that Macomb-Wisconsin NCOD be measured. Mr. Crews agreed.

Commissioner Lindeman added that the commission has been talking about this issue since June. What more could we have done to have this issue resolved more quickly? Mr. Crews replied that Customer Service has hired more representatives so that they can provide better service.

5. Asia Trail construction at the National Zoo

Commissioner Black raised the issue that the National Zoo is using Hawthorne Street, NW as a construction entrance, but should be using Connecticut Avenue, NW. According to Commissioner Black, neither the District Department of Transportation (“DDOT”) nor DCRA are taking any sort of responsibility. DDOT saying it's a DCRA issue because DCRA issued the permit for the construction entrance. DDOT is also not clear on who is the correct contact person, as the Zoo is on the boundary of Ward 1 and Ward 3. According to Commissioner Black, the Zoo is also doing construction on Sundays without permits.

Mr. Crews said that he will check the permits, but that DCRA doesn't issue permits on non-zoned government-owned land. An audience member added that it requires National Capital Planning Commission (“NCPC”) approval. Ms. Argo promised to get Commissioner Black a definitive answer.

6. Renovations at Kennedy Warren

Commissioner Black stated that renovations in this building affect the garage and elevators, shutting down elevators so that residents have accessibility issues. The noise, dust, and debris are also having an affect on the entire building. Commissioner Black has called DCRA inspectors, with unsatisfactory results.

The problem with noise, Mr. Majett explained, is that it stops when inspector gets out there and the noise has to be measured with a decibel reader. If the situation is bad, DCRA can put the construction on hold, but it could possibly exacerbate the issue.

Tamara Brown, President of the Tenants Association, stated that quality of life in the older wing of Kennedy-Warren is very poor and the impression is that the landlords want people to move out. They have only one operating elevator. Commissioner Black agreed and said that management has not been responsive.

Commissioner Lindeman asked DCRA to meet with the community on Oct 28, at a forum for tenants that would give them information about their rights and enforcement methods.

Mr. Majett explained that if they don't find illegal construction, inspectors can't revisit because they get accused of harassment. Chair MacWood asked Ms. Argo to coordinate a plan for effective inspections.

7. St. Sophia's Festival permitting - 90% signature requirement for Special Event Permits

Commissioner May inquired as to the procedure utilized by DCRA in granting permits to St. Sophia's for their Greek Festival at the last minute. Sam Williams clarified the following points:

- The perimeter is measured 500 ft from the perimeter of the special event space
- If residents are not present, the house keeper can sign. For apartments, an authorized tenant association representative can sign for the entire building. DCRA can eliminate a residence from requirement if applicant demonstrates a high degree of effort but fails to obtain a signature.
- MPD validates signatures. If fraud is suspected, DCRA will canvass the area.
- Applicant can start obtaining signatures any time after the festival description and dates are published.
- Mayor can designate permission on public property but not on private property
- Residents cannot give support in an ongoing fashion.

This regulation has been very strictly enforced since January 2006.

8. DCRA approval of after hours construction at Sidwell Friends School

Commissioner Beckner stated that in July DCRA granted a construction permit to Sidwell Friends School for 18 hr work days. It was done without asking for ANC comments. Is there any mechanism so that the ANC can be notified? Ms. Lamboy responded that they are sensitive to schools so that they can get construction done before September, but that she will look into the after hours permitting process.

9. Charter School Oversight

Commissioner Hogan mentioned that a third charter school has been allowed to locate at Christ Church located at 3855 Massachusetts Avenue, NW without a Certification of Occupancy. Commissioner Hogan asked about city-wide policies concerning charter schools that rent buildings without a Certification of Occupancy

Mr. Crews explained the DCRA does no oversight of Charter Schools. He stated that the Zoning Commission took action to restrict Charter Schools in residential zones and DCRA is working with them to make sure they are complying with the required safety measures.

Mr. Crews added that the use of the church lawn for Christmas tree sales requires a permit and if the church does not have a permit for a Christmas tree lot to call 442-4400.

10. Automatic Renewal/Evergreen Contracts

Commissioner Hogan stated that the Temple at 3801 Massachusetts is an ongoing eyesore and noted that it is not the facility that was proposed to ANC3C. She inquired as to what is the enforcement of completion bonds, and how do you make sure that the construction is completed.

Mr. Majett explained that there is nothing on the books regarding completion bonds; in order to do an inspection, DCRA has to receive a complaint. In this case, it can be approached as a nuisance.

11. 3417 Massachusetts Avenue, NW: Soka Gakkai

Commissioner May asked Mr. Crews to confirm that no permits would be issued on the Soka Gakkai property without notification to the neighborhood and the ANC. Mr. Crews confirmed this.

c. Consideration of applications to Historic Preservation Review Board for a 1-story addition at 3416 Rodman Street

The architect presented plans for a 1-story addition to rear of the house. The exit is a side stairway which will rise approximately 3 feet to a landing. According to the architect, the next-door neighbor, who has sent copies of letters and photos, has concerns with the side stairway. Commissioner Beckner read and moved a resolution in support of this application. Commissioner May seconded. **The resolution was approved by a roll-call vote of 8-0 as follows:**

Commissioner Beckner - yes

Commissioner Black - yes

Commissioner Hogan - yes
Commissioner Lindeman - yes
Commissioner May - yes

Commissioner MacWood - yes
Commissioner Reeves - yes
Commissioner Zobay - yes

d. Consideration of applications to Historic Preservation Review Board for demolition and new construction at 3700 Connecticut Avenue

The owner of the property made the presentation to the commission. According to him, the 1920s bungalow, like others on street, was gutted in the 60s, which completely changed character of this house (built a doctor's office). The owner asserts that the building has been so altered over the years that it no longer contributes to the historic nature of the area.

This is a concept demolition request. If approved at concept level, they will go through the design stage. It would be replaced by apartment building on the same scale as that of neighboring apartment buildings on Connecticut Avenue, NW.

Commissioner Beckner read and moved a resolution not opposing the demolition. Commissioner Black seconded. Chair MacWood offered friendly amendment to describe the house, distinguishing it from any other house in the area. Commissioner Reeves inquired as to whether the neighbors had been notified and to have them write letters in support or rejection. Commissioner Hogan voiced concerned that the commission is unclear as to whether the house is a contributing structure or not.

Commissioners Zobay and Reeves asked that it this decision be postponed. The issue was tabled until November and until more information was provided on the building's contributing status.

The owner noted that he had notified the Cleveland Park Architectural Review Committee ("ARC") on August 30 but didn't hear anything. He also reported that the neighbor was going to join the demolition but decided not to try because it was deemed a contributing house to the historic district.

e. Consideration of a \$40 million bond application submitted by the Protestant Episcopal Cathedral Foundation to finance new construction at St. Alban School

Steve Rippe and Dick Schoenfeld, Board Chair, and Joe Smulkus, presented the application to the commission. St. Albans school is looking for funding from a financial institution for Centennial Hall, and has decided to proceed with requesting a tax-exempt bond from DC City Council. The benefit to St. Albans is a reduction in the interest rate on a construction loan. The application requires that the school do two community programs. St. Albans hoped to get Counsel approval by year end, and commence construction in the first quarter of 2007. St. Albans noted that they have implemented a neighborhood liaison group to address construction issues.

Commissioner May read and moved the resolution, co-sponsored by Commissioner Hogan, in support of the bond. Commissioner Hogan seconded.

Ms. Carmella Veneroso, President of the National Cathedral Resident Association, spoke in favor of the bond. According to Ms. Veneroso St. Albans has been making steps to alleviate parking/traffic problems and they have committed to her that they will resolve the parking issue. Ms. Veneroso added that the neighborhood would like to see that all the students park on the campus, not on the city streets.

St. Albans has been instituting a registration program for all the cars on campus. They have instructed the students to park on the north side of Garfield Street, NW. They have talked to parents and the visiting teams to alleviate parking issues at events. St. Albans representatives said the school will continue its commitment to work with the neighborhood to resolve the parking issues.

Ms. Veneroso also felt that the neighbors should decide who should be on the liaison committees—at this point the liaison has been selected by St. Albans. She also recommends that they expand the committee, so that more blocks are represented by liaisons selected by neighbors.

Commissioner Lindeman asked to see letters or proof from neighbors that they approve the project, with full disclosure (if the kid goes to the school, contractors). She offered a friendly amendment to add “whereas St. Albans requires all staff, students, or visitors use other parking besides neighborhood streets.”

Commissioner May responded that she doesn’t think that signatures are required. She has canvassed the neighborhood and found no objection to the project. Commissioner May added that the neighborhood wants to see the building completed. Commissioners Hogan and May reject the friendly amendment.

When asked about events on the campus, St. Albans committed not to have a large-scale tournament, but they will have summer programs. They are posting events on their website and sending emails. They are working on directing traffic for events and pick-up. MPD has been doing ticketing during games. St. Albans representatives said the school is serious about a fundamental shift in the parking situation.

Commissioner Hogan commended St. Albans for the green roof.

Commissioner Black offered a friendly amendment to add more description of the effort that was taken to canvass the neighborhood. Amendment accepted. **The revised resolution was approved by a roll-call vote of 7-1 as follows:**

Commissioner Beckner - yes
Commissioner Black - yes
Commissioner Hogan - yes
Commissioner Lindeman - no

Commissioner May - yes
Commissioner MacWood - yes
Commissioner Reeves - yes
Commissioner Zobay - yes

f. Consideration of a resolution commenting on the Mayor's Draft of the Comprehensive Plan

Chair MacWood read and moved a resolution regarding the Mayor’s Draft of the Comprehensive Plan. Commissioner Hogan seconded.

Commissioners asked for language regarding truck traffic, encouraging non-polluting commercial trucks and alternative-fueled cars, revising the Residential Parking Permits around metro stations, ANC input, construction management, providing financial support and/or tax relief to disabled, and improving swimming facilities.

NOTE: Commissioner Beckner left at 11:28 pm.

The resolution and attachments as amendment were approved by a roll-call vote of 7-0 as follows:

Commissioner Black - yes
Commissioner Hogan - yes
Commissioner Lindeman - yes
Commissioner May - yes

Commissioner MacWood - yes
Commissioner Reeves - yes
Commissioner Zobay - yes

g. Consideration of a resolution commenting on the mapping of the Inclusionary Zoning text amendment

Commissioner MacWood read and moved a resolution regarding the Inclusionary Zoning amendments. Commissioner Lindeman seconded. After a brief discussion, **the resolution was approved by a vote of 7-0 as follows:**

Commissioner Black - yes
Commissioner Hogan - yes
Commissioner May - yes
Commissioner Lindeman - yes

Commissioner MacWood - yes
Commissioner Reeves - yes
Commissioner Zobay - yes

Commissioner Lindeman noted for the record that she feels the inclusionary units should be identical to the market rate units in the building.

h. Consideration of a resolution commenting on proposed new rules regulating valet parking

Chair MacWood read and moved a resolution on this issue. Commissioner Lindeman seconded. Peter Espensheid read the changes to Commissioner Beckner's resolution in his absence. **The revised resolution was approved by a vote of 7-0 as follows:**

Commissioner Black - yes
Commissioner Hogan - yes
Commissioner Lindeman - yes
Commissioner May - yes

Commissioner MacWood - yes
Commissioner Reeves - yes
Commissioner Zobay - yes

i. Consideration of a resolution to authorize ANC3c to hire a land-use attorney

Commissioner Lindeman described the help required to appeal permits to the BZA. Chair MacWood explained that Mr. Hitchcock would be retained to represent the ANC and the Woodley Park Community Association to develop the legal arguments.

Commissioner Reeves asked for the report for the \$1300 already spent on legal advice regarding zoning issues related to the Wardman Marriott project. Commissioner Zobay asked if appeal was asking for a repeal of the permits, or rather to find that the permit was invalid—it would make an important precedent. Chair MacWood responded that the appeal is premised on the illegal issuing of the permits. If they are found to be illegal they would be rescinded unless there were further legal action.

Commissioner Hogan offered a friendly amendment that only Chair MacWood, or her designee, be the only person to communicate with the lawyer.

A member of the community announced that the community would have liked to have more public communication about this project. Denying the public's opportunity to make comments on spending tax payer funds is bordering on unethical. Chair MacWood responded and clarified that this is not a substantive discussion on the issue of whether or not to appeal, which was decided at a previous meeting, only whether or not we will hire someone to help with the appeal. The community member continued to object. Commissioner Lindeman explained that she had been left out of the loop because the previous resolution didn't authorize her to speak to the lawyer and she was not aware of the deadlines that necessitate the speedy approval of funds for the lawyer.

Chair MacWood read and moved a resolution on this matter. Commissioner Lindeman seconded.

Commissioners May and Hogan expressed reservations about being liable to pay the bill if the partnering organization defaulted. The resolution included language that the ANC would only be responsible for half of the retained attorney's fees in regards to this appeal.

The community member inquired why the ANC is opposed to something that community wants, namely, a below ground facility. Chair MacWood and Commissioner Beckner responded that the Commission cannot ignore government action that appears to conflict with the law and that if the appeal is granted, the developer has a remedy which is to file for a special exception from the BZA. This process would involve the community as well as the ANC.

The resolution as amended was approved by a roll-call vote of 5-1-1 as follows:

Commissioner Black - yes
Commissioner Hogan - yes
Commissioner Lindeman - yes
Commissioner May - abstain

Commissioner MacWood - yes
Commissioner Reeves - no
Commissioner Zobay - yes

j. Consideration of consumer bill of rights

Chair MacWood read and moved a resolution on this issue. Commissioner Hogan seconded. The resolution was approved by a roll-call vote of 7-0 as follows:

Commissioner Black - yes
Commissioner Hogan - yes
Commissioner Lindeman - yes
Commissioner May - yes

Commissioner MacWood - yes
Commissioner Reeves - yes
Commissioner Zobay - yes

VIII. Community Forum - No issue was presented to the commission.

IX. Officer's Reports

Secretary's Report: The approval of minutes was moved to the November meeting.

X. Single Member District and/or Committee Reports - none presented

XI. Adjournment: Chair MacWood moved to adjourn. Without objection, the meeting was adjourned at 12:41 pm.

The next meeting of ANC 3C will be Monday, November 20, 2006 at 7:30 PM in the Community Room of the Second District Police.