

**ADVISORY NEIGHBORHOOD COMMISSION 3-C
GOVERNMENT OF THE DISTRICT OF COLUMBIA**

Cathedral heights · Cleveland Park · Massachusetts Ave. Heights · McLean Gardens · Woodley Park

**2737 DEVONSHIRE PLACE, NW
WASHINGTON, DC 20008
(202) 232-2232 FAX: (202) 232-0667
anc3cmail@gmail.com**

I. CALL TO ORDER

Chair Nancy MacWood called to order Advisory Neighborhood Commission 3C (ANC3C's) regular monthly meeting for February 13, 2006 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. Other commissioners present included Bruce Beckner, Dia Black, Avi Fechter, Sheila Hogan, and Stephanie Zobay. Commissioner Reeves arrived at 7:38 p.m., Commissioner Lindeman arrived at 7:58 p.m., and Commissioner May arrived at 8:53 p.m.

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

Chair MacWood acknowledged that a quorum (at least five members of the commission) was present.

IV. APPROVAL OF AGENDA

Commissioner Beckner requested a petition for Residential Permit Parking on the 3700 block of Quebec Street, NW be considered during the meeting. The item was added to Community Forum. Chair MacWood moved for approval of the following corrected agenda:

- A. Consideration of a Public Space Application from 2901 Normanstone Drive, NW to replace an existing brick retaining wall.
- B. Consideration of a Public Space Application from 3210 Rodman Street, NW to replace a concrete block retaining wall.
- C. Consideration of a Special Exception Application from 2700-2716 Porter Street, NW to build a new 27-unit apartment building. According to DCMR § 353, a special exception is necessary in an R-5-A zone district.
- D. Consideration of a Public Space Application from 2331 Calvert Street, NW. to establish an enclosed sidewalk café and an open sidewalk café, serving Open City Restaurant.
- E. Discussion with Zoning Administrator Bill Crews.
- F. Consideration of a resolution opposing the mid year transfer of three teachers from John Eaton Elementary School.

- G. Consideration of a resolution regarding the emergency proposal by Pepco to the Public Service Commission to build additional transmission lines to serve as an alternate power supply source primarily for federal installations.
- H. Consideration of a resolution for Residential Permit Parking on the 3700 block of Quebec Street, N.W.

Commissioner Fechter seconded the motion.

The agenda was unanimously approved 6-0.

II. ANNOUNCEMENTS

- A. Chair MacWood announced that the presentation by Stop and Shop, Inc. regarding Giant Food would be postponed until February 28, 2006, at 7pm, place to be determined. Representatives for Stop and Shop, Inc. were snowed in and unable to make the public ANC3C meeting. The rescheduled meeting will be a community meeting, and not a public ANC3C meeting, thus no ANC3C quorum is necessary.
- B. Chair MacWood announced that a community meeting sponsored by Commissioner Lindeman will be held on Monday February 27, 2006, from 6:30 – 10:00 p.m. at Oyster Bilingual Elementary School (corner of 29th Street NW and Calvert Street NW) regarding JBG's plans to redevelop the Marriott Wardman Park Hotel property.
- C. Chair MacWood announced that a grant application had been received by ANC3C from the Woodley Park Community Association, Triangle Park Subcommittee. The ANC3C By-Laws require a month notification for grant applications. The application will be considered at the March 2006 public meeting of ANC3C.

III. CONSENT CALENDAR

Public space application for 2901 Normanstone Drive, NW to replace a brick retaining wall with a concrete block and facing stone wall, extending 2 feet beyond the original footprint:

Chair MacWood inquired if anyone was present at the meeting regarding this application. With no objections, Chair MacWood moved for approval of this application. The motion was seconded by Commissioner Black.

The motion was unanimously approved by a vote of 6-0.

NOTE: Commissioner Reeves arrived at 7:38 p.m.

IV. COMMISSION BUSINESS

- A. *Consideration of a Public Space Application for 3210 Rodman Street to replace a concrete block retaining wall with a brick faced retaining wall:*

Commissioner Beckner commented that the current wall is deteriorating and the replacement wall would have a brick facing, as opposed to the current wall, which is constructed of cinder block. He has spoken with the applicant and the surrounding neighbors have no objection. Commissioner Beckner read and moved a resolution on this matter. Commissioner Fechter seconded. Homeowner Andrew

Colb noted that he utilized the new Homeowners shop at DCRA and received staff approval from HPO. Chair MacWood asked about his experience with this new procedure. Mr. Colb said it was OK.

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

Commissioner Beckner - yes
Commissioner Black – yes
Commissioner Fechter - yes
Commissioner Hogan – yes

Chair MacWood – yes
Commissioner Reeves – yes
Commissioner Zobay – yes.

NOTE: Commissioner Lindeman arrived at 7:58 p.m.

B. *Consideration of Special Exception Application pursuant to BZA §353 from the Embassy of the People’s Republic of China. The Special Exception is required to build a new 27-unit apartment house at 2700=2716 Porter Street, NW because it is in an R-5-A zone district. The existing apartment building is entirely occupied by embassy employees, their families, and the Embassy’s Education Office and the use is expected to continue :*

Attorney Carol Brown of Holland and Knight indicated her firm represented the applicant on this issue. K.C. Dutton from Ehrenkrantz, Eckstut & Kuhn provided the architectural overview. The new building will replace the current apartment building in essentially the same location and the scale will be similar to the current neighborhood buildings, perhaps a bit more contemporary. An underground parking garage with 27 spaces will be constructed on the main street level. A large community room will also be accessible from this level, which will extend upward to the next level. The lower level will house the kitchen and game room for residents. An enclosed loading dock will also be constructed at this level. Resident and visitor housing will complete the upper two floors. There are currently 12 housing units for the current staff and 15 housing units for visiting scholars, relatives, and staff. This will remain in the new building.

Questions about office use were asked by the Commission as well as community members. Mr. Lianpu Ding, Third Secretary of the Ministry of Education, indicated that the building is not the Education Office for the Embassy. That office is located in the Chinese Embassy. The question was asked whether people would come to the Porter Street office to conduct business, as this use is not allowed in an R-5-A zone district. Mr. Dutton indicated that the office space is for the current residents and visiting scholars only. No one who does not reside at the residence will work at the residence and the office use is for their convenience and not to operate the Education Office.

Additional comments regarded play areas for children residing in the residence and number of visitors on a daily basis. Currently twelve families are housed in the residence and remain for a period of three years.

Commissioner Fechter read and moved a resolution on this matter. Commissioner Zobay seconded the resolution. Commissioner Fechter added that the resolution allowed for the BZA to explore the office space issue in a public record. Regarding the proposed building, Commissioner Fechter went on to say that the day-to-day use remains the same, the community space on the East side of the building is the only substantial change, and the architecture does not detract from the neighborhood. Thus he feels the project meets the burden of proof.

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

Commissioner Beckner – yes
Commissioner Black - yes
Commissioner Fechter - yes
Commissioner Hogan – yes

Commissioner Lindeman -yes
Chair MacWood – yes
Commissioner Reeves – yes
Commissioner Zobay – yes.

C. Consideration of a Public Space Application to occupy public space for the purpose of establishing a 10-table enclosed sidewalk café adjacent to 24th Street, NW and a 10-table open sidewalk café adjacent to Calvert Street, N.W. Both areas would serve Open City Restaurant at 2331 Calvert Street, N.W.: :

Constantine Stavropoulos, proprietor of Open City Restaurant, presented the architectural drawings for this application. Commissioner Lindeman read and moved a resolution on this application. The resolution received a second from Commissioner Reeves. Chair MacWood commented that she assumed Mr. Stavropoulos has considered the mechanical regulations of outdoor seating spaces such as aisle width, etc. and the restrictions on music, which Chair MacWood read.

Commission discussion centered on the appropriate hours for the outdoor spaces. The hours of outdoor café dining were limited to 7 a.m. to 11 p.m. on Monday through Thursday, 7 a.m. to Midnight on Friday and Saturday, and 8 a.m. to 11 p.m. on Sunday. Commissioner Lindeman commented on the possibility of changing the hours through a voluntary agreement when Mr. Stavropoulos applies for an outdoor liquor license. Chair MacWood responded that the Alcohol Beverage Control Board has not been honoring voluntary agreements that include additional provisions unrelated to the alcohol license when issuing alcohol permits.

Community comments included the fact that the current hours observed by Open City indoors seem fine, but outdoor noise associated with alcohol consumption may increase. Barbara Ioanes, former President of WPCA, noted that Woodley Park Community Association has not received any adverse comments on this issue.

Commissioner Fechter made a motion to call the question. The motion received a second from Commissioner Zobay. **The motion was approved by a unanimous vote of 8-0.**

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

Commissioner Beckner – yes
Commissioner Black - yes

Commissioner Fechter - yes
Commissioner Hogan – yes

Commissioner Lindeman -yes
Chair MacWood – yes

Commissioner Reeves – yes
Commissioner Zobay – yes.

NOTE: Commissioner May arrived at 8:53 p.m.

V. COMMUNITY FORUM

A. Commissioner Black announced that the Smithsonian National Zoo is hosting a meeting to reveal the Facilities Master Plan on Wednesday, February 15, 2006 at 6:30 p.m. – 8:30 p.m. at the Visitor’s Center. Community comments will be accepted until March 15, 2006.

B. Chair MacWood introduced the District of Columbia Zoning Administrator, Bill Crews. Chair MacWood indicated that the motivation for the invitation to Mr. Crews was the issuance of permits within the Woodley Park Commercial Overlay District that were not in compliance with the overlay restrictions.

Mr. Crews began his address by indicating he formerly had been an ANC Commissioner from 2002-2006 on Capital Hill, in ANC6C. With respect to the Woodley Park Commercial Overlay District, Mr. Crews commented on the fact that the data pertaining to the Squares/Lots within the Overlay have been corrected. With respect to the issuance of a permit for a Subway Sandwich Shop, Mr. Crews said that his technicians simply missed it and that the public should not have to suffer when DCRA errs.

Chair MacWood interjected and explained the problem. Only 25% of the linear ground floor street footage can be attributed to restaurants and bars in Woodley Park. When the neighborhood was mapped out in 2004, it was determined that the neighborhood was over the restaurant footage and thus, no new permits could be issued until and unless the percentage was brought below 25%. Subsequently, DCRA, without referencing the overlay, issued permits to a Subway Sandwich Shop to locate in a space previously occupied by a card and gift shop. A Stop Work order has been placed on the space. Mr. Crews indicated that DCRA wanted to double check the overlay footage before revoking the permits for Subway.

Commission discussion began with Commissioner Black acknowledging how much community energy has been expended to fix the error of DCRA. Commissioner Lindeman pointed out that the online review of pending permits is truncated and should be fixed to allow users to see all the data. In addition, she noted that Commissioners only just this month have begun receiving the data on pending permits. This data should be transmitted bi-weekly at least, and should be reviewed before being transmitted as some of the input is faulty. Commissioner Zobay said she had been to DCRA to review the permit file of the Subway. She was told that if her name was not on the application, she could not see the file. In addition, she was told to file a complaint, which she did. However, DCRA has never acknowledged the complaint. Finally, Commissioner Zobay asked Mr. Crews if the permit information accessible on the DCRA website could be expanded to include the type of establishment applying for assorted permits. Commissioner Lindeman noted that anyone can call the stop work hotline at 202-442-STOP.

Community discussion included a variety of complaints against DCRA. Emails to Mr. Crews were not returned to community members related to this issue. When DCRA attempted to map out the Commercial Overlay in the past, they did not know the proper streets and addresses to include and community confidence in the upcoming re-mapping is low. DCRA needs to include interested community members in this undertaking. The permit issued to Subway did not indicate the permit was for a Subway. The Commercial Overlay in Woodley Park prohibits any new fast food restaurants. The current permit indicates it is an A-3 permit, but this category is not defined to the community. The Stop Work order indicates the establishment may appeal the order. What is the process for appeals? Who is going to investigate why DCRA failed on this permit, the Inspector General?

The applicant addressed the Commission, saying he went through the proper process and received the permits. They have been working on the site for over three weeks and would like to work with the community to resolve this issue. Chair MacWood responded that she had written a letter explaining the Commercial Overlay restrictions to the attorney representing the building owner, and the attorney indicated that the owner was aware of the restrictions. The applicant was informed of the procedure for applying for a permit in the neighborhood, which includes making a presentation to the Woodley Park Community Association, then approaching the ANC for approval. A restaurant needs a BZA special exception to locate in the neighborhood if the addition would result in the Commercial Overlay exceeding 25% of linear ground floor footage.

The Commission presented additional issues for Mr. Crews. Commissioner Lindeman asked Mr. Crews to meet with a small group of Woodley park residents regarding the JBG redevelopment of the Marriott Wardman Park Hotel property. Commissioner Zobay inquired where DCRA was on the issue of the rooming house located at 2853 29th Street, NW, and urged DCRA to facilitate interagency communication to resolve issues. Commissioner May sought Mr. Crews' assurance that the proper mechanisms would be followed regarding the property adjacent to Cape Verde at Massachusetts Avenue, N.W. and 35th Street, N.W. Chair MacWood inquired as to the status of Charter Schools, noting that the Zoning Commission has adopted emergency text on this issue. Mr. Crews indicated that charter schools did not meet the current definition of public schools in the zoning regulations and thus, Zoning Commission needed to make it clear that they were considered public schools as Congress has indicated through legislation.

Chair MacWood thanked Mr. Crews for attending on such short notice.

NOTE: Commissioner Hogan left at 9:33 and Commissioner Black left at 9:50 p.m.

C. Consideration of a resolution opposing the mid-year transfer of three teachers from John Eaton Elementary School:

Chair MacWood explained the situation at John Eaton, then read and moved a resolution on the issue. The resolution received a second from Commissioner Fechter. Commissioner Lindeman commented that she could not support the resolution unless it provided for every school to have the same opportunity as John Eaton. Chair MacWood indicated that it did. Commissioner Lindeman also indicated that final student counts were done by November 1, and that it was too late in the school year to base current year decision on that number. Furthermore, DCPS has just fired several dozen teachers due to lack of certification, and that having retained some of those teachers, who were a better option than relying on substitute teachers, would be a better option than transferring any other teachers in the middle of the school year – a common DCPS practice for many years. Substitute teacher are only required to complete 60 hours of college credits, and the pay is too low to attract quality teachers. Commissioner Lindeman offered a friendly amendment to the resolution to include that DCPS consider returning the displaced Eaton teachers back to Eaton for the 2006-2007 school year, which was accepted by Chair MacWood. Commissioner Fechter asked to call the question, which was seconded by Commissioner Zobay. **The motion was unanimously approved by a vote of 6-0, with Commissioner Beckner unavailable during the vote. The resolution was approved by a vote of 6-0 as follows:**

Commissioner Fechter - yes	Commissioner May - yes
Commissioner Lindeman -yes	Commissioner Reeves – yes
Chair MacWood – yes	Commissioner Zobay – yes.

D. *Consideration of a resolution pertaining to PEPCO’s emergency application (Formal Case No. 1044) to the Public Service Commission to build overhead and underground transmission lines in Ward 8 to serve as alternative power supply source to primarily federal installations and to have the District taxpayers assume part of the cost:*

Commissioner Beckner explained the problem and read and moved a resolution on the issue. Commissioner Lindeman seconded and proceeded to thank Commissioner Beckner and Peter Espensheid for bringing this issue to the attention of the commission. Commissioner Fechter inquired as to whether Pepco has to build the transmission lines if they don’t receive a grant, and Commissioner Beckner responded they did not. Commissioner Lindeman offered a friendly amendment to ask for additional Homeland Security funds instead of using the current allotment to the District. Commissioner Beckner accepted the amendment.

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

Commissioner Beckner - yes	Commissioner May - yes
Commissioner Fechter - yes	Commissioner Reeves – yes
Commissioner Lindeman -yes	Commissioner Zobay – yes.
Chair MacWood – yes	

Chair MacWood appointed Commissioner Lindeman as her designee to read the resolution at the February 14, 2006 DCPS School Board meeting, during which the 2006-2007 Operating Budget will be presented and opened for public comments.

E. Consideration of a resolution supporting the application of the residents of the south side of the 3700 block of Quebec Street, N.W. for residential permit parking on the north side of the street:

Commissioner Beckner explained that he had received a petition for the request just this past weekend. He has been in contact with Sidwell Friends School and Mike Saxenian about this issue. Commissioner Reeves objected to the resolution stating that the issue has not been properly posted to the public. Commissioner Reeves motioned to table the resolution until next month. The motion received a second from Commissioner Zobay. Commissioner Lindeman stated she was in opposition of the motion to table as there were no residences on the north side of the 3700 block of Quebec Street, N.W. Commissioner Reeves asserted that the north side of the block in question was in her Single Member District and that she has had no opportunity to discuss this with the neighbors. Chair MacWood added that she had spoken to Jeff Jennings, Ward 3 DDOT coordinator, and he stated that Sidwell Friends School must agree to the request in writing. Commissioner Lindeman also indicated that informing the public and allowing their vote does not guarantee that the correct group is being polled.

The motion to table the resolution was defeated by a vote of 3-4 as follows:

Commissioner Beckner – no	Commissioner May – yes
Commissioner Fechter – no	Commissioner Reeves – yes
Commissioner Lindeman – no	Commissioner Zobay - yes
Chair MacWood - no	

Commissioner Beckner and Commissioner Reeves continued to heatedly debate the issue. Commissioner Fechter offered some clarifying amendments to the resolution which included the acknowledgement that Sidwell Friends School would have to give written consent to the proposed parking change. The amendments were accepted by Commissioner Beckner.

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

Commissioner Beckner - yes	Commissioner May - yes
Commissioner Fechter - yes	Commissioner Reeves – no
Commissioner Lindeman -yes	Commissioner Zobay- yes
Chair MacWood – yes	

VI. OFFICERS’ REPORTS

A. Commissioner Reeves presented the first quarter Treasurer’s Report. Commissioner Beckner made a motion to approve the report. After

receiving a second from Commissioner Lindeman and after discussion, the motion was unanimously approved by a vote of 7-0.

- B. Commissioner Zobay reviewed corrections to the October 2005 minutes and made a motion to approve the minutes. After receiving a second from Commissioner May, the October 2005 minutes were unanimously approved by a vote of 7-0.
- C. Commissioner Zobay reviewed corrections to the November 2005 minutes and made a motion to approve the minutes. After receiving a second from Commissioner May, the November 2005 minutes were unanimously approved by a vote of 7-0.
- D. Commissioner Zobay requested that the December 2005 minutes be tabled until next month. After receiving a second from Commissioner Fechter, the motion was unanimously approved by a vote of 7-0.
- E. Commissioner Zobay reviewed the corrections to the January 2006 minutes and made a motion to approve the minutes. After receiving a second from Commissioner Fechter, the January 2006 minutes were unanimously approved by a vote of 7-0.

VII. COMMITTEE REPORTS

Commissioner May inquired as to the status of the traffic issues presented to the Transportation Committee. Commissioner Beckner affirmed he was working on the issues.

VIII. SINGLE MEMBER DISTRICT REPORTS:

ANC3C-02: Commissioner Lindeman reminded everyone about the public meeting she is sponsoring regarding the JBG redevelopment of the Marriott Wardman park property, and encouraged all to attend to understand the issues.

IX. ADJOURNMENT

Commissioner Fechter moved to adjourn. Commissioner Zobay seconded. By a unanimous vote of 7-0, the meeting adjourned at 11p.m. on February 13, 2006.