

	<b>ADVISORY NEIGHBORHOOD COMMISSION 3C</b> <b>GOVERNMENT OF THE DISTRICT OF COLUMBIA</b> <i>CATHEDRAL HEIGHTS ⑩ CLEVELAND PARK</i> <i>MASSACHUSETTS AVENUE HEIGHTS</i> <i>McLEAN GARDENS ⑩ WOODLEY PARK</i>
<i>Single Member District Commissioners</i> 01-Lee Brian Reba * 02-Gwendolyn Bole * 03-David Valdez 04-Vacant * 05-Margaret Siegel * 06-Carl Roller 07- Victor Silveira * 08-Catherine May * 09-Nancy MacWood	P.O. Box 4966 Washington, DC 20008 Website <a href="http://www.anc3c.org">http://www.anc3c.org</a> Email <a href="mailto:all@anc3c.org">all@anc3c.org</a>

**Minutes**  
**Advisory Neighborhood Commission 3C**  
**September 21, 2015 Public Meeting**  
**MPD2D Community Room, 3320 Idaho Avenue, NW**  
**7:30PM**

**I. Establishment of Quorum:**

At 7:31pm, the Chair, Commissioner Carl Roller, acknowledged that, with six commissioners present, a quorum had been established and called the meeting to order. Also present were Commissioners Catherine May, David Valdez, Margaret Siegel, Gwen Bole, and Lee Brian Reba. Nancy MacWood arrived at 7:35pm.

**II. Verification of Notice**

Commissioner Roller verified that notice was given on the ANC3C website, 8 local community Listserves, Twitter, and the Northwest Current newspaper.

**III. Approval of Agenda:**

Commissioner May moved the following changes to the agenda: 1) remove the DDOT Public Space fence application for the Embassy of Norway—hearing will be postponed until October. 2) add discussion regarding the reinstatement of neighborhood residents request to testify at the ABRA hearing on 2505 Wisconsin Avenue 3) add update on ANC3C position on BZA hearing for 2505 Wisconsin Avenue. Changes were approved by voice vote. Commissioner Siegel moved approval of the agenda, which was approved by voice vote.

**IV. Announcements:**

Commissioner Roller introduced Commissioner-elect for 3C04, Arthur Barkmann, and noted that, since he had yet to be sworn in, he could comment on issues but was not legally permitted to vote.

Commissioner Roller also noted that the meeting was being audio-recorded, in accordance with D.C. law.

Commissioner MacWood announced that the next public meeting regarding the reconstruction of the Cleveland Park Public Library would be held on Oct 6, 6:30pm, in the community room at the library. The topic will be the organization of internal spaces - general and conceptual.

**V. Community Forum:**

Phillip Thomas announced two events in Ward 3. Saturday September 26, beginning at 9am at the Chevy Chase Community Center, is a community walk with Mayor Bowser for DC Fit. Wednesday September 30 is the Citizens of Roderick Council dinner to honor the police.

John Gordon, Georgetown Heights Condo Association reported on two issues: 1) regarding the homeless at St. Luke's Church. There have been several meetings with the church management; the police have been

granted permission to remove homeless people from the grounds. If there is a hypothermia shelter there this winter, neighbors want to meet with Catholic Charities. 2) regarding the Savoy Hotel rooftop deck: His neighbors are not opposed to the roof deck, but want to make sure the operation is in accordance with the neighborhood agreement and zoning rules.

Milagros Kramer requested information with respect to having a discussion of residential changes on Massachusetts and Garfield. Commissioner May said she would follow up with her.

Dan Gilabirdy noted that two Accessory Dwelling Units ("ADUS") were added on his block. Commissioner MacWood responded that ANC3C's position on inside units is that it is important to let people stay in their home and that they be regulated and be matter of right. However, external ADUs can change character of neighborhood. ANC3C's position is that these should not be allowed as a matter of right and homeowners should seek a special exception.

**VI. Consent Calendar:**

Commissioner May moved approval of the following Consent Calendar. Motion was approved by voice vote.

- Motion of No Objection to BZA Application 19052 concerning owner's request for a modification to a special exception for the rear setback at 2905 28th St NW - update on safety issue in alleyway.
- Resolution regarding BZA appeal for 2926 Porter Street, concerning parking apron at back of building.
- Consideration of a resolution on Final Notice of Zoning Rewrite Regulations.

September 25, 2015

Chairperson Lloyd Jordan  
Board of Zoning Administration  
441 4<sup>th</sup> St NW  
Suite 200 South  
Washington DC 20001

Re: ANC3C Review of BZA #19052

All,

At the publicly noticed monthly meeting of Advisory Neighborhood Commission 3C on September 21, 2015, at which a quorum was present, the Commission considered an BZA Application #19052 for a Special Exception at 2905 28th Street, NW.

The Commission voted No Objection by Voice Vote to this application.

The ANC3C Chair and the ANC3C-03 Commissioner, and or their designees, are authorized to represent the ANC3C Commission regarding this matter

If you have any questions or comments, please don't hesitate to contact Commissioner Valdez at [dvaldezanc@gmail.com](mailto:dvaldezanc@gmail.com)

Thank you.

Sincerely,



*Carl Roller*

Chair, on September 21, 2015

**ANC 3C Resolution No. 2015-031  
Regarding BZA Appeal on Parking Spaces  
Behind 2926 Porter Street NW**

Whereas, in April 2014, ANC 3C unanimously adopted resolution # 2014-010, opposing the proposed alteration of the rear yard grade and the creation of a multi-space parking lot because such treatment and use is not consistent with the CP historic district.

BE IT RESOLVED that ANC 3C continues to believe that the creation of an additional 10-13 parking spaces violates existing zoning requirements and would cause harm to the quality of light, air and open space in the vicinity of the building, and therefore objects to creation of additional parking beyond what is already protected under current usage,

BE IT RESOLVED that this use raises zoning issues and that, at a minimum, ANC 3C believes a special exception is necessary and a variance may also be necessary, and therefore, ANC 3C joins with the neighbors in filing an appeal to the Board of Zoning Adjustment regarding these issues,

FINALLY, BE IT RESOLVED that the Chair and Commissioner representing ANC3C05 are authorized to represent the commission on this matter.

Attested by



*Carl Roller*

Chair, on September 21, 2015

*This resolution was approved by a voice vote, on September 21, 2015 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.*

**ANC 3C Resolution No. 2015-032  
Regarding Final Notice of Zoning Rewrite Review,  
ZC Case No. 08-06A and B.**

Whereas Advisory Neighborhood Commission 3C (“ANC”) has submitted several resolutions approved at noticed, public meetings with a quorum present that recommended changes in draft proposals in the Zoning Rewrite Review (“ZRR”); and

Whereas the Office of Planning changed certain proposals that included some of the areas commented on by the ANC, but other proposals that were the subject of ANC resolutions urging deletion or alterations were approved without change by the Zoning Commission during deliberations that did not mention ANC 3C’s resolutions; and

Whereas the Zoning Commission has issued a Final Notice (published in the DC Register) of the approved changes to the zoning code with a deadline of September 25, 2015 for comments; and

Whereas the ANC has additional comments that are listed in this resolution, and which should be given great weight:

Therefore be it resolved that ANC 3C strongly urges the Zoning Commission to consider the following -

#### SUBTITLE C

##### Sec. 201 General Provisions

**-Reinsert existing Sec. 2000.3 that in part states that “all uses and structures incompatible with permitted uses or structures shall be regulated strictly and permitted only under rigid controls.” The emphasis is necessary to direct the BZA and the zoning administrator to treat non-conforming uses and structures as anomalies that should ideally not be present in the zone. The absence of this provision from ZRR signals a change in policy that we don’t think is warranted or intended. We have experience with the ZA not applying the non-conforming regulations strictly and in two recent cases the potential effect was so serious that neighbors are appealing the ZA’s decision.**

##### Sec. 204 Non-Conforming Use

**-Sec. 204.1 add “ or intensity” at end of “A nonconforming use of land or structure shall not be extended in land area or gross floor area.” The intent is not to expand the use, which can have negative impacts on permitted uses in the zone. Increasing the square footage is only one means of expanding the non-conforming use - the existing square footage could be rearranged to result in a much more intense use and that situation should be covered in the regulation.**

**-Sec. 204.8 delete and reinsert that changes in the non-conforming use will be reviewed by the BZA. If the intent is to rigidly control non-conforming uses, which has long been zoning policy and is endorsed in area elements of Comprehensive Plan, then the zoning code should not permit matter of right changes from one non-conforming use to another, even if within the same use category. By definition, these are uses incompatible with the zone and communities should have an opportunity to control them through a public regulatory process.**

**-Sec. 204.9(e) reinsert “at least” between “within” and “hundred feet.” The intention is to require an applicant to show that change in non-conforming use will not adversely affect the character and future development of surrounding area. Applying that burden to an area less than a block long prohibits the BZA from really assessing the extent of a negative impact. For example, a non-conforming trash transfer station has an affect far beyond a ½ block. By inserting “at least” the BZA can effectively capture the degree of the geographic affect.**

##### Sec. 304 Subdivision - Rules of Measurement for Lot Width

**-Sec. 304.4 should be deleted. It would allow the creation of new lots for single family residences or flats that are only 40% the minimum required width for a lot in the zone. The**

absolute minimum could be as narrow as 14 feet! It is ludicrous to imagine that you could have a minimum lot width of, for example, 50 feet in an R-1-B zone as measured 30 feet back from the front of the lot (as ZRR is proposing) and a street frontage that is only 14 feet! These two provisions must be reconciled. We recommend that lot width should be measured at the front of the lot in order to preserve block character and not 30 feet back.

#### Sec. 305 Theoretical Subdivisions

-Sec. 305.4(c) should substitute measurement of height from “finished grade” to “natural grade” as is required throughout the zoning code. Indeed the follow provision, 305.4(d), clarifies that 305.4(c) would allow a different measurement method for theoretical lots than is required for standard lots in the same zone. Allowing the topography of a series of theoretical lots to be changed - usually to attain more height on at least one side of future structures - is problematic and could alter the character of a block or neighborhood. A developer should expect building heights to rely on natural grade and if the developer wants to alter the grade to achieve more height than would be possible using the natural grade, this should be part of the special exception proceeding.

#### Sec. 701 Minimum Vehicle Parking Requirements

-Sec. 701.5 shows substantial reduction in requirement for multi-family buildings that would result in 66 to 85% reduction in parking spaces without any process that would permit the ANC and the community to protest. The Comprehensive Plan states that reductions in parking requirement can be considered if the specific circumstances of a neighborhood warrant the reduction. There has been no assessment of the transit use in our neighborhood or any consultation with us about our experience with parking demand where minimum parking requirements have been inadequate. We strongly oppose the unilateral matter of right reduction in parking and urge the Zoning Commission to reinstate the current minimums and provide a special exception process to lower on case-by-case basis.

-Sec. 701.8 (b) and (f) add that permission to locate required parking spaces off-site whether as matter of right or by special exception should partly be premised on the unavailability of the District’s Restricted Residential Parking Program at the on-site and off-site locations. This condition is necessary to protect adjacent and nearby properties from an increase in demand for scarce on street parking supply.

#### Sec. 702 Exemption from Minimum Parking Requirement

-Sec. 702.1(c) permits a 50% reduction in the substantially reduced minimum parking requirement for apartment buildings and commercial establishments based on proximity to metro or high frequency bus lines. The Office of Planning has reported that significant parts of ANC 3C would be affected by this provision. We oppose this provision and urge a special exception process to determine if reductions are warranted and, if so, what level of parking is appropriate based on neighborhood conditions of supply and demand. There have been no changes to public transit in ANC 3C and thus, no new transit use or vehicle use patterns that convince us that this matter of right reduction is reasonable or responsible. On the contrary, our experience is that metro bus is unreliable and inefficient and the metro is too far from many of the areas eligible for 50% reduction to expect that residents will not need or want cars -- and those cars must be parked off-street!

#### Sec. 703 Special Exceptions from Minimum Parking Requirements

-Sec. 703.2(f) should be deleted because it allows developers to base waiver of all or part of minimum parking requirements on the provision of a “significant proportion” of affordable housing units. First, this is a vague construct that begs for interpretation. Second, it declares that either low-income residents don’t own cars or worse, they should not own cars. Many low-income

residents rely on cars, rather than public transportation, to travel to shift work, to take children to day care or schools away from the neighborhood or jobs, and to reach other necessary services that are often not found in low-income neighborhoods.

#### Sec. 708 Car-Share Parking Space Provisions

-708.4 delete because this permission allows a commercial use that is not a home occupation on residential property. In addition, it has potential to turn a rear yard into a parking lot since these spaces would be in addition to required spaces for the principal dwelling. It would add congestion to an alley that is used by residents and where commercial uses are not zoned. There are myriad locations for car sharing from dedicated on street locations to dedicated spaces in every type of development. Promoting this commercial enterprise on residential property is unwarranted.

### SUBTITLE X

#### Sec. 105 School Plan Requirements

-105.2 add ANC into application referrals from Office of Zoning

#### Sec. 201 Chancery Use Criteria

-Define “area” narrowly since this extraordinary authorization for a foreign government to avoid zone restrictions by essentially creating a geographic boundary that is more beneficial to establishing an undesirable use potentially undermines the intent of zone regulations.

-Sec. 203.4 add ANC into application referrals

### SUBTITLE Y

#### Sec. 102 Organization

-Sec. 102.2 delete authorization for staff of Zoning Commission to serve on Board of Zoning Adjustment. The Zoning Commission has no staff, unless the Office of Zoning personnel are considered the staff, but there should be no delegation of this important function to staff. The DC members of the Zoning Commission are appointed by the mayor and confirmed by the Council after a public hearing and there is no similar process for staff to be vetted for their qualification to represent DC residents on this important regulatory body.

#### Sec. 103 Meetings and Hearings

-Sec. 103.5 replaces 4-day notice of public meeting agenda with current requirement (3105.7) of 7-day notice. Four days is not reasonable public notice.

#### Sec. 203 Evidence

-Sec. 203 add that burden of proof is on applicant, which is currently required (3119.2), but has been deleted in this final version.

#### Sec. 302 Zoning Appeal Filing Requirements

-Sec. 302.17 replace 14 days with 7 days, which is current requirement (3115.1). It is an unreasonable burden to require ANCs that meet on a set monthly schedule to produce appeal responses 14 days before the hearing rather than the current 7 days in advance.

#### Sec. 703 Consent Calendar

-Sec. 703.2 delete modifications of consequences from zoning order changes decided without public hearing because Sec. 703.5 defines the category broadly to include changes in conditions and design that could be among the most highly contentious issues considered during the hearing on the application. The parties should have an opportunity to be heard and not be

subject to an unreasonable 10-day period to file opposition response. This requirement, Sec. 703.10, is particularly onerous for an ANC.

-Sec. 704.6 Ten (10) days between notice and filing response is not adequate or reasonable for an ANC. It may be presumed that ANC has reviewed the original application and authorized a commissioner to represent it on the application. However, ANCs cannot be expected to have anticipated what modifications of consequence an applicant may request after the decision. It may be associated with some aspect of the application that was fine originally but that is not fine as modified and the ANC would have to vote at a public meeting to have the authority to offer a response. The timing of the response if limited to 10 days deprives the ANC of opportunity to represent the neighborhood on the matter.

## **SUBTITLE Z**

### Sec. 405 Referrals to and Reports of Public Agencies

-Sec. 405.7 seems to separate the level of meaningfulness of great weight afforded to the Office of Planning comments on zoning cases and the great weight afforded to ANCs in Sec. 406.2. The former is vague about when Commission must honor the great weight of OP comments, but the latter provision clearly states that the ANC's comments will only be given great weight after deliberations and the issuing of a proposed decision. It is only at a pro forma second vote, or final action, that the Commission would honor the ANC great weight requirement that is articulated in the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000. The amendments state "the issues and concerns raised in recommendations of ANC shall be given great weight during deliberations by the government entity." Thus, there should be no qualification on which deliberations of the Commission require great weight - in fact; all deliberations should include great weight consideration of ANC recommendations. Sec. 406.2 must be changed to make this requirement clear and unambiguous.

### Sec. 504 Reports of Public Agencies

-Sec. 504.5 and Sec. 505.1 present the same inconsistent treatment of great weight afforded to the Office of Planning and the Advisory Neighborhood Commissions. It effectively permits the Commission to ignore the ANC recommendations until all meaningful deliberations are finished and only the final rubber stamp of a decision is scheduled. This downgrading of ANC great weight versus Office of Planning great weight is not the intent of the authorizing law and the Commission should correct this second-class treatment of ANCs before the ZRR is finalized.

### Sec. 703 Consent Calendar

-Sec. 703.1 delete authorization that petitions for modifications of consequence can be decided without public hearing on consent calendar. By definition, these petitions are material to the facts that led to the Commission's decision on the original application in a contested case. Parties should have an opportunity on the public record to oppose changing conditions in the final order and/or altering exhibits that all parties and the Commission relied on. In addition, the example listed in Sec. 703.4 that "a change in position on an issue discussed by the Commission that affected its decision" should be deleted. This appears to be a reconsideration of the decision and it should not be allowed using modification rules.

Sec. 703.6 add to list of examples of modifications of significance "change to public benefits or amenities or required covenants."

Be It Further Resolved that ANC3 supports all of the comments in the previously submitted attached resolutions, which were approved at a noticed public meeting where a quorum was present;

Be It Further Resolved that the Chair and that all the ANC 3C Commissioners are authorized to represent the commission on this matter.

Attested by



**Carl Roller**

**Chair, on September 21, 2015**

*This resolution was approved by a voice vote, on September 21, 2015 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.*

**VII. Commission Business:**

1. Update from the Mayor's Office on its Six-Month Report

Michael Matthews provided the update. Alleypalooza resulted in an upgrade to the alleyway behind the Cleveland Park fire station. Alleyway behind the commercial strip in the 2600 block of Connecticut Avenue is also being upgraded, including proper drainage.

Emergency shelters for the homeless are becoming decentralized and there will be shelters in all eight wards. Constituent support is needed. The goal is to eradicate homelessness of veterans by 2016.

There will not be individual apartments for families due to lack of resources; no timeline yet for Ward 3; City wants rapid rehousing; Commissioner MacWood urged DC to buy property through affordable housing developments, utilizing the Affordable Housing Trust.

2. Discussion with WMATA regarding metro bus changes affecting ANC3C (X3, N3, 93):

Assistant Manager for Bus Planning for WMATA provided an overview of the changes being considered in the Metro bus routes affecting ANC3C. The X3 would terminate at the Duke Ellington Bridge, as will the 93. The 96 would pick up the riders presently using X3 in the part of the route being terminated. The N3 route is replicated by other routes along Massachusetts Avenue. Changes are being made to improve efficiency and reallocate resources to those areas with high ridership and congestion. The comment period closes on September 23rd. Commissioner Siegel moved a Resolution to extend the comment period.

**ANC 3C Resolution No. 2015-033  
Regarding Changes in WMATA Bus Routes Affecting ANC3C**

WHEREAS ANC3C believes the comment period that began in mid-August and is scheduled to close this week did not afford the opportunity for board community input;

BE IT RESOLVED that ANC3C strongly urges WMATA to extend the comment period before submitting recommendations to the Board regarding the bus routes that run through ANC3C and neighboring communities so that increased outreach can be undertaken and residents and communities can have an opportunity to express their concerns.

BE IT RESOLVED that the Chair and Commissioners representing ANC3C are authorized to represent the commission on this matter.



Attested by



Carl Roller

Chair, on September 21, 2015

*This resolution was approved by a voice vote, on September 21, 2015 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.*

3. Grant Presentation by Iona Senior Services, which is requesting \$2,500 to help defray the cost of printing its newest Resource Guide: No representative present.
  
4. Request for reinstatement of neighborhood protest to ABRA application (#090804) for 2505 Wisconsin Avenue NW

Commissioner May provided the overview on this matter. Neighborhood residents are seeking ANC3C support for their request for reinstatement of their application to be recognized as a party to protest the ABRA application for the Savoy Hotel since their request was dismissed on technicalities. Commissioner May moved authorization to send a letter on this matter, supporting the request as outlined in their pleadings. Motion was approved by voice vote.

Update on BZA hearing on variance for 2505 Wisconsin Avenue NW

Commissioner May outlined issue for October 6th BZA hearing: whether DCRA Zoning Administrator can grant variance without going before ANC or going to BZA since Savoy Hotel is a non-conforming use in R-1-B neighborhood. She will testify representing ANC3C.

September 20, 2015

Chairperson Ruthanne Miller  
Alcoholic Beverage Regulation Administration  
2000 14<sup>th</sup> St NW 4<sup>th</sup> Floor  
Washington DC 20009

Re: Request for Reinstatement of Protest of Proposed Expansion of ABRA License 090804

Dear Chairperson Miller:

At a regularly scheduled ANC meeting on September 21, 2015 at which a quorum of 8 out of 9 Commissioners was present, ANC3C, by an affirmative voice vote, voted to support the Request for Reinstatement filed by the residents who appeared at the ABRA roll call hearing on August 10, 2015 and to authorize the Chair to write this letter in support of this request.

Attached please find a copy of the pleadings, which were filed by the group of the residents and the signatures thereto attached. The residents filed their protest on August 10, 2015 so that ABRA might consider their concerns. Their protest was denied on a technicality. The residents made a good faith effort to comply with what they understood to be the requirements for filing the protest as described on the ABRA website and were present at the roll call hearing to support their protest.

Since it is the purpose of ABRA to consider requests by both the applicant and the affected parties, it is appropriate that the group of neighbors be reinstated so ABRA can consider their concerns. The applicant is not disadvantaged or prejudiced by reinstating the neighbors and has full opportunity to make its case before the Board. Good government is served by allowing all affected parties to be heard.

Thank you for recognizing the ANC's request that the residents be reinstated and given standing on this issue.

Sincerely,



**Carl Roller**

**Chair, on September 21, 2015**

**VIII. ANC Coordination Issues:**

1. Mayor's Meeting:
2. Council
3. ANCs

**IX. Officer's Reports/Committee Reports, Administration Issues, SMD Reports:**

1. Secretary's Report: Approval of Minutes from the July 20, 2015 meeting:  
Commissioner Bole moved approval of the July 20, 2015 minutes. Motion passed by voice vote.
2. Treasurer's Report: Approval of 2015-16 ANC3C Budget:  
Commissioner Siegel moved approval of the budget, which was redone to align the budget year with that of DC Government. Motion passed by voice vote.
3. Administrative Issues:
4. SMD Reports:
  - 01 – Where 2600 block of Woodley Place South and 2700 block North of Woodley Place meet, the signage should be studied. Constituent concern of bicycle use of sidewalks on Connecticut Avenue.
  - 02 – Wardman Tower developer/owner and construction manager met with community and discussed trees taken down and landscaping plans.
  - 05 – Connecticut Avenue Streetscape is moving forward. Meeting with DDOT scheduled.
  - 08 – Fourteen active issues, including Pope's visit. Dealing with Office of Planning re: applications by embassies for 6 foot fences. Want a balance of needs of embassy security with pedestrian security.
  - 09 – a) There are improvements of Macomb playground, including another bathroom and two dead trees down and working on replacements. b) Went to MLK Jr. library to discuss rebuild of Cleveland Park library and spoke with outreach manager and the planner for CP library. They hadn't factored in that is historic property. There will be an interim library. c) Liaison committee for Cathedral Commons met in September. Lottery system for 30 parking places in garage for neighbors went well. Dead trees on Wisconsin Avenue will be replaced.

**X. Adjournment:**

Commissioner Siegel moved to adjourn and it passed by voice vote. Meeting was adjourned at 9:36pm.

Attested by:

Gwendolyn Bole, Secretary

***The next meeting of ANC3C is scheduled for Monday, October 19, 2015 at 7:30pm in Davies Hall, Washington International School, 3100 Macomb Street, NW. Please check anc3c.org for any updates.***