



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

CATHEDRAL HEIGHTS • CLEVELAND PARK  
MASSACHUSETTS AVENUE HEIGHTS  
McLEAN GARDENS • WOODLEY PARK

*Single Member District Commissioners*  
01-Lee Brian Reba \* 02-Gwendolyn Bole \* 03-David Valdez  
04-Arthur Barkmann\* 05-Margaret Siegel \* 06-Carl Roller  
07- Victor Silveira \* 08-Catherine May \* 09-Nancy MacWood

P.O. Box 4966  
Washington, DC 20008  
Website <http://www.anc3c.org>  
Email [all@anc3c.org](mailto:all@anc3c.org)

**MINUTES**  
**Advisory Neighborhood Commission 3C**  
**February 21, 2017 Public Meeting**  
**MPD2D Community Room, 3320 Idaho Avenue NW**  
**7:30PM**

**I. Establishment of Quorum:**

The Chair, Commissioner MacWood, called the meeting to order at 7:30pm and announced that there was a quorum. Eight of the other nine Commissioners were present. Commissioner Bradbery arrived at 7:40pm.

**II. Verification of Notice (List serves: CP, WP, MAHCA, CAH, MG, OG, QH, Ward3DC, and NWC, and on the ANC3C website)**

The Chair confirmed that notice of the meeting had been sent to seven community list serves, published in the Northwest Current Newspaper and was on the ANC3C website.

**III. Approval of Agenda:**

Commissioner MacWood moved to modify the order of the agenda. Motion passed by voice vote. Commissioner MacWood moved to approve the amended agenda. Motion passed by voice vote.

**VII. Commission Business - Speaker**

**1. *Norton in Your Neighborhood: Conversation with Honorable Eleanor Holmes Norton***

- The Congresswoman shared that she does her work in Senate, even though no Senators represent DC.
- She noted that the House of Representatives has overturned D.C.'s Death With Dignity Bill, and she is going to try to stop this in the Senate.
- Regarding D.C. Statehood: Under House Ethics, she cannot lobby. She needs help on Statehood. D.C. residents can organize on social media. She also noted that D.C. is number one in per capita in taxes paid to support the government of the United States.
- Affordable Health Care Act: She will host a Health Care Town Meeting- 6pm, Thursday February 23, 2017, 1 Judiciary Square, 441 4<sup>th</sup> Street NW.
- How can citizens help? Take up a cause as a group and use social media to spread the word.

**IV. Announcements:**

Phil Thomas, MOCRS, announced the Mayor's Budget Engagement Forum at Wilson High School, Thursday February 23, 2017 at 6:30pm.

V. **Community Forum**: Members of the public are invited to ask questions and raise concerns about issues that are not otherwise on the agenda.

Krista Woodward, volunteer for The Movement, a group working to make sure that D.C.'s next Police Chief reflects the values of the greater D.C. area. She outlined a list of specific qualities for consideration in the next Police Chief.

VI. **Consent Calendar**:

1. *Motion of No Objection to BZA Application 19435, for a special exception by owners of 2651 Woodley Rd, to waive lot occupancy restrictions to a non-conforming structure to allow for backyard screened porch on existing porch footprint.*
2. *Motion of No Objection to Special Events application for the 2017 United Airlines Rock 'n' Roll DC Marathon and Half Marathon Series - slated for Saturday March 11, 2017*

Commissioner Bole moved to approve item one on the Consent Calendar. Motion passed by voice vote. Regarding item two, Commissioner Reba provided the background information on this annual event. He read and moved a resolution on this item. Motion was approved by voice vote.

## **ANC 3C Resolution No. 2017-003**

### **Regarding the 2017 United Airlines Rock 'n' Roll DC Marathon and Half Marathon Series**

WHEREAS, the Competitor Group, Inc. filed an application with the Mayor's Special Events Task Group Division for the 2017 Rock n Roll Marathon Series - slated for Saturday March 11, 2017;

WHEREAS, the mission of the Mayor's Special Events Task Group Division is to provide outstanding support of the city's public safety planning efforts for events requiring interagency coordination and to provide the highest quality interagency reviews and assessments of the operational, public safety and logistical components of proposals for special events;

WHEREAS, the 2017 Rock n Roll Marathon Series participant range is 20K; District of Columbia resident participation is 25%; and spectator range is between 17K and 20K;

WHEREAS, the 2017 Rock n Roll Marathon Series has a total economic impact of \$19.2M with a direct economic impact on the District of Columbia totaling more than \$14.5M;

WHEREAS, the 2017 Rock n Roll Marathon Series "turn by turn" route includes two blocks within Woodley Park, hence - streets within 3C01 and 3C08 are impacted as follows:

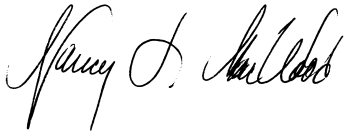
1. Runners enter Woodley Park via Rock Creek Park at Calvert and 24<sup>th</sup> Street(s), NW
2. Runners turn East onto Calvert Street, NW towards Connecticut Avenue, NW
3. Runners cross Connecticut Avenue, NW towards the Duke Ellington Bridge
4. Runners pass Woodley Place, NW onto the Duke Ellington Bridge towards Adam Morgan

WHEREAS, the 2017 Rock n Roll Marathon Series will have little to no impact in Woodley Park;

THEREFORE BE IT RESOLVED that ANC3C has no objection with the 2017 Rock n Roll Marathon Series and supports the two block route through Woodley Park; and

BE IT FURTHER RESOLVED that the Chair, the 3C01 Commissioner, or their designees are authorized to represent the commission on this matter.

Attested by



Nancy J. MacWood

Chair, on February 21, 2017

*This resolution was approved by a voice vote on February 21, 2017 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. *Consideration of unenclosed sidewalk cafe (DDOT #10353799) public space application at Jetties, 3708 Macomb St. NW. Dimensions of existing sidewalk cafe platform would remain the same and 6 24" diameter tables would be added with 2 chairs each. Hours of cafe operation would be 7am - 11pm, 7 days a week. Hearing Date: March 23, 2017.*

Commissioner MacWood provided the background information on this application. She read and moved a resolution on this matter. Motion passed by voice vote.

### **ANC 3C Resolution No. 2017-004 Regarding a District Department of Transportation Public Space application for an open sidewalk café at Jetties, 3708 Macomb Street, NW**

Whereas, the owner of Jetties, 3708 Macomb St., a sandwich and sweets establishment, has filed for an open sidewalk café permit in public space that would include four 24" diameter tables with two chairs each; and

Whereas, there has been a permitted sidewalk café on a low profile wooden platform at this location for several years and the dimensions of the new platform would not materially change; and

Whereas, the application includes planter boxes between the edge of the platform and the curb and along the sides of the structure, as well as a mobile large tree planter; and

Whereas, the sidewalk café would operate from 7AM to 11PM:

Be It Resolved that ANC 3C has no objection to the plans for a sidewalk café deck with tables and chairs as long as the spacing standards used by the Office of Public Space are met;

Be It Further Resolved that ANC 3C wants to bring to the attention of the Public Space Office that DDOT and UFA have been working with the commissioner for SMD 3C09 to create public treeboxes on this block of Macomb St. to improve the streetscape with trees and DDOT has agreed to create the treeboxes, one of

which would be in front of Jetties. Therefore, ANC 3C requests that the large mobile planter is not needed and should not be approved;

BE IT FURTHER RESOLVED that the Chair, the 3C09 Commissioner, or their designees are authorized to represent the commission on this matter.

Attested by



Nancy J. MacWood

Chair, on February 21, 2017

*This resolution was approved by a voice vote on February 21, 2017 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.*

- 2. Consideration of a DDOT Public Space application filed by the Vatican Embassy to build an open, metal fence in public space on 34th St. and Massachusetts Avenue, NW.*

Commissioner Brink provided the background information on this application. She read and moved a resolution on this matter. Motion passed by voice vote.

## **ANC 3C Resolution No. 2017-005**

### **Regarding a DDOT Public Space Application to Install a Fence for the Vatican Embassy, located at 3339 Massachusetts Avenue, NW**

Whereas on April 20, 2015, ANC3C passed Resolution 2015-16 objecting to a planned fence at the Vatican Embassy (Apostolic Nunciature), which is attached to this Resolution, and

Whereas subsequent to that Resolution, the District Department of Transportation's Urban Forestry Administration issued a report recommending that, to ensure the health of the trees in public space, the fence along Massachusetts Avenue should be located as far from existing trees as possible; and

Whereas the Office of Planning issued a report concluding that, consistent with the District's interests in maintaining the open character along Massachusetts Avenue and in maintaining the health of the trees, a fence should be placed significantly back from the curb; and

Whereas on May 18, 2015, ANC3C passed Resolution 2015-021 supporting the reports of the Office of Planning and the Urban Forestry Administration, which is attached to this Resolution; and

Whereas on January 3, 2017, representatives of the Vatican Embassy appeared before the Planning and Zoning Committee of ANC3C to request permission to place a 6-foot fence in the building restriction zone along 34<sup>th</sup> Street, as well as a 42 inch fence along Massachusetts Avenue, which would not have complied with the previous issued reports by the Urban Forestry Administration and the Office of Planning; and

Whereas representatives of the Vatican Embassy met with representatives of the District Department of Transportation, the Urban Forestry Administration, the Office of Planning and several others to revise the plan; and

Whereas representatives of the Vatican Embassy have submitted revised plans that locate the taller security fence along 34<sup>th</sup> Street in the building restriction zone immediately behind tall existing bushes at the location of an existing lower fence, as well as a 42-inch fence along Massachusetts Avenue set back more than 20 feet from the curb; and

Whereas relocating the 6-foot-tall security fence within the building restriction zone along 34<sup>th</sup> Street provides significantly better protection for trees beyond the building restriction zone;

Whereas the location of the 42-inch fence in front of the Nunciature seeks to avoid damage to the trees along Massachusetts Avenue, several of which are heritage trees, as well as ensure that those trees remain public space;

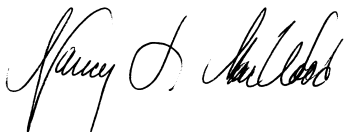
Whereas the Vatican Embassy has agreed to undertake significant tree protection efforts to ensure that trees are not harmed by the installation of the fence, including hand digging of posts and the locating of posts to protect tree roots; and

Whereas the revised permit request submitted reflects a compromise between the Nunciature and city agencies that serves both the Nunciature's interest in having a security fence and the District's interest in maintaining the health of the trees and the park like setting of the avenue;

Be It Therefore Resolved that ANC3C has no objection to this application provided that the tree protection measures are incorporated as a condition of the permit;

BE IT FURTHER RESOLVED that the Chair, the 3C08 Commissioner, or their designees are authorized to represent the commission on this matter.

**Attested by**



Nancy J. MacWood

**Chair, on February 21, 2017**

*This resolution was approved by a voice vote on February 21, 2017 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. 2015-016**  
**Regarding DDOT Public Space Application to install a fence for the Vatican Embassy, located at 3339 Massachusetts Avenue, NW**

WHEREAS, the Apostolic Nunciature (AKA Vatican Embassy, Vatican Chancery, Holy See), the owner of the property at 3339 Massachusetts Avenue NW which is the location of the Vatican Chancery, has

applied for a special exception for a 6' perimeter metal picket fence to be located in public space with sliding electronic gates and repair and repaving of the curb cuts and driveway on Massachusetts Avenue NW and 34<sup>th</sup> St NW (Public Space #106852 and Foreign Mission BZA #19013), and

WHEREAS, the height of the proposed fence at 6' will exceed the 42" height permitted by DC regulations, and

WHEREAS, the Vatican applied to and has received approval from the Office of Foreign Missions of the Department of State for the plans provided that the proposal complies with local building codes and regulations and will obtain all necessary permits from the Government of the District of Columbia, and

WHEREAS, the property is located within the Naval Observatory Tree and Slope Protection Overlay the purpose of which is, in part, to preserve and enhance the park-like setting of designated neighborhoods, the natural topography and mature trees to the maximum extent feasible in a residential neighborhood, and prevent significant adverse impact on adjacent open space and

WHEREAS, property owners must maintain property in public space in compliance with the district of Columbia Public Space regulations concerning height and design of fences, hedges and retaining walls, and

WHEREAS, this property contains 6 mature second row linden trees located in public space on the historic stretch of Embassy Row along Massachusetts Avenue, and

WHEREAS, ANC3C has heard comments from neighbors and from Restore Mass Ave, an organization dedicated to preserving the park-like views and sidewalk allés, objecting to the placement of a 6 foot fence in close proximity to the sidewalk on the grounds of pedestrian safety, impaired sight line, danger to the safety of the mature trees and disruption of the park-like setting of the Avenue, and

WHEREAS, the strip of land containing the tree boxes is only two feet deep in front of this property along its boarder with Massachusetts Ave and there is no parking lane which would offer protection to pedestrians form traffic along Mass Ave and were the fence to be placed right up against the side walk, it would create unsafe conditions for pedestrians and cyclists, and

WHEREAS, the intersection of Mass Ave and 34<sup>th</sup> Street is a busy intersection with heavy pedestrian traffic and location of the fence along the sidewalk would produce an unnecessary pedestrian danger,

WHEREAS, representatives of the Vatican Embassy, their arborist, neighbors, the ANC, and the arborist for Restore Mass Ave met on site to evaluate potential impact of the plans on the mature trees,

WHEREAS, the Vatican has proposed a tree protection plan designed by a certified arborist,

BE IT THEREFORE RESOLVED that ANC3C appreciates the efforts of the Vatican representatives to address neighborhood concerns,

BE IT FURTHER RESOLVED that ANC3C objects to the placement of any fence greater than 42" in the public space because it detracts form the park-like setting of the avenue, and

BE IT FURTHER RESOLVED that ANC3C strongly objects to a perimeter fence located along the sidewalk as inherently dangerous to pedestrians and,

BE IT FURTHER RESOLVED that notwithstanding these objections, ANC3C recognizes the current application as representing a significant improvement over the original proposal to locate a fence abutting the sidewalk, and can condition support for this proposal upon

- Fence along 34<sup>th</sup> Street will be located at a 4' setback from the sidewalk and replace the existing chain link fence and the existing yews will remain to soften the aspect of the fence
- Fence along Mass Ave will be located no closer than 18" from the sidewalk and maintained with a grassy strip
- Gate set backs will be deep enough to accommodate security vehicles so that they will not obstruct the sidewalk
- Fence will not be lighted or otherwise embellished in such a manner as will increase the height of the fence
- All trenching for electrical power for the fences will take place within the paved area.
- The fence will be set back from the corner of the intersection in such a manner that the fence will no longer run along the side walk but will cut the corner at Mass and 34th running between the two lindens and creating a corner space that can be planted with low bushes to keep it from being used as an area where anyone could stand.
- The pedestrian gate will be set back 5' from the sidewalk with a 3' setback from the walkway on each side to create a more open approach to the gate.
- The arborist will supervise the location and sinking of all posts for the fence

BE IT FURTHER RESOLVED that the Chair, the Commissioner of ANC3C08 or their designee are authorized to represent the Commission on this matter.

Attested by



**Carl Roller**

**Chair, on April 20, 2015**

*This resolution was approved by a voice vote, on April 20, 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. 2015-021**  
**Regarding DDOT Public Space Application to Install a Fence for the Vatican Embassy, located at 3339 Massachusetts Avenue, NW**

Whereas, on April 20, 2015 ANC3C passed resolution 2015- 016 objecting to the placement of any fence greater than 42” in public space and objecting absolutely to the placement of a fence closer than 18 inches from the curb along Massachusetts Avenue; and

Whereas, at the time of the Resolution the ANC did not have access to the reports of the Department of Transportation (“DDOT”) Urban Forestry Administration (UFA) nor the report of the Office of Planning (“OP”) and sought the best compromise available at that time to preserve the integrity of the trees and streetscape along Massachusetts Avenue; and

Whereas, the Department of Transportation’s Urban Forestry Administration report (attached) recommends that, to ensure the health of the trees in public space, the fence along Massachusetts Avenue should be located as far from existing trees as possible; and

Whereas, the Office of Planning Report (attached) concludes that the fence would be made more consistent with District interests in maintaining the open character along Massachusetts Avenue and maintaining the health of street trees by placing the fence up to 38 feet back from the curb; and

Whereas, placing the fence 38 feet back from the curb would also satisfy U.S. Department of Homeland Security criteria and embassy need for the standard 50 foot security buffer between the fence and the building:

Be It Therefore Resolved that ANC3C supports the conclusions of the DDOT and OP reports and finds that the placement of the fence at 38 feet from the curb is more consistent with the ANC concern for the health of the trees and for maintaining the park like nature of the avenue; and

Be It Further Resolved that if agreement cannot be reached that approval be postponed in order that the Nunciature and city agencies may continue to work together to find a solution that serves both the Nunciature’s interest in having a security fence and the District’s interest in maintaining the health of the trees, access to public parking, and the park like setting of the avenue; and

Be It Further Resolved that the Chair, the Commissioner of ANC3C08 or their designee are authorized to represent the Commission on this matter.

**Attested by**



**Carl Roller**

**Chair, on May 18, 2015**

*This resolution was approved by a voice vote, on May 18, 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. *Consideration of a recommendation from the District Department of Transportation to establish, in the 3300 block of 39th Street NW, on the west side curbside for the length of the property of the Washington Hebrew Congregation, a "No Parking School Days" zone from 7 a.m. to 5 p.m. Monday-Friday, with a subset regulation to allow the area to be a 15-minute drop-off and pickup area during*



*school arrival and dismissal times.*

Commissioner Bradbery provided the background information on this application. DDOT Representative, Derrick Hardy, Sr. also provided background information. She read and moved a resolution on this matter. Motion passed by voice vote.

**ANC 3C Resolution No. 2017-006**  
**Regarding a recommendation by District Department of**  
**Transportation to establish, in the 3300 block of 39th Street NW, on the**  
**west-side curbside for the length of the property of the Washington Hebrew**  
**Congregation, a "No Parking School Days" zone from 7 a.m. to 5**  
**p.m. Monday-Friday, with a subset regulation to allow the area to be a 15-**  
**minute drop-off and pickup area during school arrival and dismissal times.**

Whereas, the Washington Hebrew Congregation operates an early childhood program and a Pre-K through fifth-grade school program at 3935 Macomb St. NW from 8:30 a.m. to 2:30 p.m. Monday through Friday from September through early June;

Whereas, 122 children attend the school, and 75 to 80 percent of the children are dropped off and picked up by parents or others driving personal vehicles;

Whereas, Washington Hebrew Congregation has a drop-off and pickup area in its parking lot with teachers available to come out and collect children;

Whereas, the parking lot becomes full during peak school times, and therefore many Washington Hebrew Congregation parents park nearby and walk their children into the school, often crossing 39<sup>th</sup> Street and/or Macomb Street;

Whereas, the parent of a Washington Hebrew Congregation student contacted DDOT's Safe Routes to School Coordinator with concerns about the safety of children and parents who cross the street to get to the school, and asked the city to improve safety for parents taking their children to school;

Whereas, DDOT is planning to install four school/15 mph signs at the intersection of Macomb and 39<sup>th</sup> Streets NW, refurbish the crosswalks at the intersection and post 15-minute drop-off and pickup signs along part of the north side of Macomb Street by the Washington Hebrew Congregation parking lot;

Whereas, DDOT also is proposing that along the 3300 block of 39th Street NW, on the westside curbside for the length of the property of the Washington Hebrew Congregation, the city creates a "No Parking School Days" zone from 7 a.m. to 5 p.m. Monday-Friday, with a subset regulation to allow the area to be a 15-minute drop-off and pickup area during school arrival and dismissal times;

Whereas, DDOT's Safe Routes to School Coordinator noted that there is little opportunity for parents to drop off their children along the west side of 39<sup>th</sup> Street in front of the Washington Hebrew Congregation property because nearby residents use the spots;

Whereas, residents of McLean Gardens rely on 39<sup>th</sup> Street for parking, including the stretch on the west side of 39<sup>th</sup> Street in front of Washington Hebrew Congregation, and are extremely concerned at the prospect of losing any parking;

Whereas, a Washington Hebrew Congregation representative said in an email that the school supports enhanced crosswalks but that parking restrictions are solely up to DDOT's discretion, and said that the school would prefer to keep 39<sup>th</sup> Street as is;

THEREFORE BE IT RESOLVED, ANC3C opposes DDOT's proposal to make the west side of 39<sup>th</sup> Street in front of the Washington Hebrew Congregation "No parking school days 7 a.m. to 5 p.m. Monday-Friday, and opposes a subset regulation to allow the area to be a 15-minute drop-off; and

BE IT FURTHER RESOLVED, that ANC3C urges DDOT to determine the effectiveness of the signs, enhanced crosswalks and new drop-off and pickup area along Macomb Street NW in improving safety at the intersection of Macomb and 39<sup>th</sup> Streets NW.

BE IT FURTHER RESOLVED that the Chair, the 3C06 Commissioner, or their designees are authorized to represent the commission on this matter.

**Attested by**



Nancy J. MacWood

**Chair, on February 21, 2017**

*This resolution was approved by a voice vote on February 21, 2017 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.*

- 4. Consideration of DC government application (Case No. 19450) to Board of Zoning Adjustment (BZA) for 3 variances (height and number of stories, loading, and adding a second principle building to a single lot) and a special exception to locate and operate an emergency shelter at 3320 Idaho Ave., NW for 185 people and approximately two dozen staff. The applicable zone designation limits height to 40 feet and stories to 3; the city is seeking permission for a 72 foot building with 6 stories. A single loading dock is required based on building square footage. A shelter for up to 25 people is permitted by zoning at this site and a special exception is required for shelters that house more people. The BZA can approve larger shelters under certain circumstances. To read all the submissions in the case go to [IZIS](#) and search for Case 19450. Hearing Date: March 1, 2017.*

Director Greer Gillis, Director of DGS, introduced the application. Stephen Campbell, Sr. Planner at DGS, made a brief presentation to the Commission. Joe MacNamara, and Meredith Moulenhouer, Zoning Attorney, also answered questions. Ms. Moulenhouer also noted that the following changes have been added to the application on record. She also addressed the legalities of locating 2 primary structures on a single lot (CSF-1.18). Letters have been filed in the formal record (80 for, 32 against).

Changes include adding a 3<sup>rd</sup> level to the parking garage, with 23 spaces allocated for Short-Term Family Shelter, to satisfy the zoning requirement. The playground will be moved to west end of building. Trash/deliveries will be moved away from the residences that are south of the property. The driveway will be between street trees, so no mature trees will be removed.

The building height will be reduced by 3' (due to internal mechanical restructuring), to be a maximum of 69' in height.

Comments were made about the need to reduce the institutional look of building.

Commissioner Bradbery read and moved a resolution on the matter. Concerns regarding parking issues were expressed. Concerns regarding the height of the building were also expressed.

Commissioner Hersh offered a friendly amendment to support the city's request for a variance for building height if the maximum height of the shelter is 55 feet. Commissioner Bole offered an amendment to this friendly amendment to reduce the proposed shelter height by 3 feet, which was accepted by Commissioner Hersh. After some discussion, Commissioner Hersh tabled her amendment. Commissioner Wasserman offered an amendment withdrawing a height limitation and supporting the city's request for a height variance with no restrictions. This amendment was voted upon via roll call vote.

Reba – yes	Finley – yes	Boucher- no
Bole –no	Hersh - no	Brink -no
Wasserman – yes	Bradbery – no	MacWood-no

The motion failed to pass. Commissioner Hersh reintroduced her friendly amendment to support the city's request for a height variance with a maximum height of 52 feet. Commissioner Bole called the question. Motion to call the question passed by voice vote. Motion to approve Commissioner Hersh's amendment was voted upon via roll call vote.

Reba - no	Finley - no	Boucher- no
Bole - yes	Hersh -yes	Brink - yes
Wasserman - no	Bradbery -no	MacWood- yes

The motion to amend the resolution failed to pass. The commission then voted upon the resolution as proffered. Motion to approve was taken via voice vote.

Reba - no	Finley - no	Boucher- yes
Bole - yes	Hersh - no	Brink - yes
Wasserman - no	Bradbery - yes	MacWood- yes

The resolution passed by a vote of 5-4.

**ANC 3C Resolution No. 2017-007**  
**Resolution Regarding the Department of General Services Request for**  
**Variations and a Special Exception to Accommodate Short-Term Family**  
**Housing at 3320 Idaho Avenue NW**

1. Whereas, the D.C. Department of General Services (DGS) on January 3 filed for zoning variances for the number of primary structures on one lot, building height and stories, and loading, and a special exception from parking requirements (BZA Case No. 19450) to build a temporary shelter at 3320 Idaho Avenue, NW to accommodate up to 50 families experiencing homelessness; and
2. Whereas, ANC 3C recognizes the District of Columbia's need to provide temporary emergency housing for these residents and supports the goals of the Homeward DC Strategic Plan to end chronic homelessness; and
3. Whereas, ANC 3C supports the city's plan to close D.C. General, which houses approximately 270 families, and provide emergency temporary housing in all eight wards of the city;
4. Whereas, the approximately 200,000 square-foot property at 3320 Idaho Avenue is owned by the District of Columbia and is zoned RA-1, which permits a single building with a maximum height of 40 feet and no more than three stories; and
5. Whereas, the property is bordered to the south by single-family homes zoned R-1; to the east by eight rowhouses (zoned RA-1 (PUD C-2-A) and the entrance to the set-backed and enclosed Giant loading dock; to the west, by city and National Park Service property improved with a playground, dog park, tennis courts and community garden plots, all zoned RA-1; and to the north, by McLean Gardens condominiums, zoned RA-1, and Vaughan Place, zoned RA-1 underlying an R-5-B/C-2-A/C-2-B PUD; and
6. Whereas, the property is improved with the two-story Second District police station, which serves approximately a quarter of the District of Columbia, including local and federal government buildings, embassies and international organizations; and
7. Whereas, the property includes a refueling station at its northern end and community garden plots on its western side; and
8. Whereas, the ANC invited representatives from the Department of Human Services (DHS) and DGS to brief the commission at public Planning and Zoning Committee meetings on January 3, 2017, and February 6, 2017, as well as to provide the ANC with additional documentation and exhibits, and attend a special community meeting organized by the ANC on January 31, 2017; and
9. Whereas, at the January 31 ANC public meeting, residents expressed concerns about impacts the shelter could have on the purpose and intent of the zoning plan, police operations, parking, traffic, John Eaton Elementary School, the privacy of nearby single-family homes, noise, light and air, crime and property values; and
10. Whereas, other residents supported the shelter, saying they looked forward to volunteering there, that any impacts or inconveniences would be outweighed by the public good served, and that they looked forward to their children being able to share classroom space with those less fortunate; and
11. Whereas, the police department uses all of the lot behind and next to the Second District station for parking, and approximately 69 police-related vehicles park in the neighborhood daily and vehicles overflow onto the station's front lawn during 12-hour shifts; and
12. Whereas, as originally proposed, onsite police parking would be replaced one-for-one, without any relief for the neighborhood as to the excess police parking; and
13. Whereas, on February 6, DGS informed the ANC that in response to ANC and community feedback, it would withdraw the special exception application for a waiver of required shelter parking and would add an additional level on the proposed new Second District police parking structure, providing an additional 60-80

parking spaces to help alleviate the lack of onsite police parking and to provide for half of the required 23 shelter spaces; and

14. Whereas, DGS also stated that with this new plan, it no longer could build a temporary parking structure onsite for police during the permanent garage construction, leaving the police in need of 90 parking spots for the duration of the garage construction; and

15. Whereas, DGS stated that during the projected eight-month construction of the garage, it would create temporary police parking on the tennis courts located on the south part of the District-owned parcel and the adjoining National Park Service lot with access from Newark Street on a new road that would be built adjacent to a playground and would run through the Newark Street Community Garden, requiring the removal of an undetermined number of plots; and

16. Whereas, residents raised concerns with the ANC about the proposed temporary parking plan, including the safety of children at the Newark Street playground, the loss of community garden plots, potential pollution of the playground and garden plots from stormwater runoff and the potential removal of trees; and

17. Whereas, on February 15, at a meeting of the Short-term Family Housing Advisory Team, the city agencies said that if the ANC did not support a special exception from zoning rules for the tennis court parking, the city would reserve 60-plus on-street parking spaces for the police during the garage construction; and

18. Whereas, on February 16, DGS filed a modification of its zoning application to add a request for a special exception to use the tennis courts for temporary parking for police during the construction of the police parking garage that would precede construction of the shelter; and

19. Whereas, on February 18, DHS and DGS representatives told two ANC3C commissioners that the city had identified a second potential road through the garden from Newark Street, closer to the police station, which still would require the removal of an undetermined number of garden plots; and

20. Whereas, the applicant within the past few days has responded to ANC and community concerns by offering to move the shelter playground, slated to be between the shelter building and the southern property line, to the west of the building, and move the trash further north to lessen the impact on nearby residences; and

21. Whereas, the shelter will have a maximum capacity of 185 residents and between 10 and 22 staff onsite, with a maximum of 24 to 27 staff onsite during shift changes; and

22. Whereas, the city estimates that 60 percent of the shelter's residents will be children, and DHS states that about half of the children residing at D.C. General are elementary school age; and

23. Whereas, DC zoning regulations authorize the Board of Zoning Adjustment (BZA) to permit an emergency shelter use in RA-1 zones for 5 to 25 persons under certain circumstances, and to approve a larger shelter "only if the BZA finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District;" and

24. Whereas, DGS also must prove, with evidence, no undue adverse impact on the use of neighboring property and demonstrate that granting the special exception will be "in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps" (DCMR 901.2, 901.3); and

25. Whereas, D.C. zoning regulations require an applicant for an area variance to prove that because of exceptional narrowness, shallowness or shape of the property at the time of adoption of the regulations, or exceptional topographical conditions or other extraordinary or exceptional situations or conditions affecting

only that piece of property, the strict application of the zoning regulations would result in peculiar and exceptional practical difficulties to the owner of the property (DCMR 1000.1); and

26. Whereas, D.C. zoning regulations authorize the BZA to grant a variance from the strict application of a zoning regulation if doing so would not result in substantial detriment to the public good or substantial impairment of the intent, purpose and integrity of the zoning plan as embodied in the Zoning Regulations and Map (DCMR 1000.1); and

27. Whereas, DGS states that closing D.C. General, the lack of alternative Ward 3 sites and the need for a Ward 3 shelter contribute to an exceptional situation;

THEREFORE BE IT RESOLVED, ANC 3C:

Continues to strongly support creating Ward 3 temporary family housing in furtherance of the Homeward DC initiative; and

Finds that the unusual proposal to co-locate the Ward 3 shelter with the Second District police station and build a three-deck parking garage behind the station raises issues regarding the need to plan for the future needs of the police station; and the potential degradation of the Newark Street playground, tennis courts and community garden, which are public community assets;

Further finds that the proposal raises issues of loss of light and air from a 72-foot plus penthouse building with curtain walls (a high-density structure in a low- to moderate- density zone); resources at John Eaton Elementary School; the aesthetic of an above ground parking structure, the design of which the ANC and community have not seen; and noise from a shelter playground and multiple per week trash pick-ups adjacent to single family residences; and

Finds that the ability to assess the reasonableness of this placement in comparison to others as required by the zoning code has been hampered by the unwillingness of the District to provide evidence of an exhaustive search for a shelter site or explain why DGS concluded in April 2016 that the Second District police station was not an appropriate site for a shelter; and thus

ANC 3C makes the following recommendations to the BZA with regard to the variance requests and special exception requests:

1. Number of primary structures on one lot -ANC 3C believes strongly in the need for the city to develop a master site plan for the property. Co-locating two critical public uses on one lot raises potential concerns about compatibility.<sup>1</sup> Furthermore, given stated needs for renovation of the Second District police station, ANC 3C strongly recommends that the city conduct needed improvements to the site simultaneously so as to mitigate disruption in the community and among the families who may ultimately reside on-site in the short-term family housing facility. However, ANC 3C supports this variance because of the public need to help those experiencing homeless and to close D.C. General.

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<sup>1</sup> Subdividing the lot would have avoided creating this zoning anomaly. However, the applicant would then have needed a variance from the FAR limit, which is less than 1.0 in RA-1, which points out how low-density this zone is intended to be. Creating a meaningful connection between the new structure and the police station also would have avoided this variance request. No evidence was presented to explain why these options, which comply with the intent and purpose of the zoning plan, weren't pursued. In addition, as plans have emerged for a larger parking structure to address the loss of current parking and the inability of the neighborhood to absorb police parking, the issue of the impact of a parking structure on FAR and lot occupancy, and whether the police station will have development capacity in the future are matters that have not been resolved, and this is significant if two critical public uses are to co-locate.

2. Height and stories - ANC 3C believes a shorter building would be more appropriate given the nearby single-family homes and townhomes, and the site's zoning. ANC 3C finds that permitting an increase in height from 40 feet to 72 feet and three stories to six stories would substantially impair the intent, purpose and integrity of the zoning plan, because the height is not within the range of a low- to moderate-density zone. Because of the lot size, the applicant could have designed a lower building<sup>2</sup> that still met development standards and programmatic needs. For that reason, the ANC opposes this variance;<sup>3</sup>
3. Loading - ANC 3C finds that the intent, purpose and integrity of the zoning plan would not be harmed by granting this variance, so we support it.<sup>4</sup>
4. Special exception for temporary tennis court parking - We oppose this variance. ANC 3C finds that establishing parking on the tennis courts would take away a valuable community amenity and would destroy an undetermined portion of another valuable community asset: the community gardens. The ANC further finds that this proposal is an extreme way to deal with a short-term problem and raises serious concerns about pedestrian and child safety, storm water runoff and groundwater pollution.

The ANC looks forward to working with DGS and DHS to address the temporary parking options should the project be approved. We find that the least disruptive and costly temporary police parking option would be to provide no more than 70 on-street parking spaces for police, with the condition that DDOT explore other options, such as reserved parking on 39<sup>th</sup> Street between Massachusetts Avenue and Macomb Street, and relaxing regulations in the neighborhood. Therefore, the ANC does not support a special exception to use the tennis courts for temporary parking during construction;

BE IT FURTHER RESOLVED that the Chair, the 3C06 Commissioner, or their designees are authorized to represent the commission on this matter.

**Attested by**



Nancy J. MacWood

**Chair, on February 21, 2017**

*This resolution was approved by a roll-call vote of 5-4, on February 21, 2017 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.*

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<sup>2</sup> The ANC Chair suggested to DGS and DHS that they excavate more of the building footprint, as is planned at other ward emergency family shelters, to house more administrative and infrastructure functions, which would leave ground floor space for residential units. Further, the floor-to-floor height is greater at the Ward 3 proposed shelter than at some other shelters. Adding to the footprint at the ground level would permit moving some rooms to this level and would maintain proposed administrative spaces, especially if a lower level were used.

<sup>3</sup> With regard to the area variance test, ANC 3C finds that the applicant has not shown that there is an unusual narrowness, shallowness or shape to the lot, or that the slope on the northern edge of this property creates a unique topographical condition, since this is a developed side of the property and not available for further development; and the majority of the property shares its topography with the recently developed property across Idaho Avenue, and, thus the land contours are not unique.

<sup>4</sup> However, if the building were to revert to residential use, there would be no recourse to require a loading dock, since the BZA can't add conditions specific to a use.

**VIII. Other Business:**

- 1. Secretary's Report: Commissioner Bole moved approval of the January 21, 2017 minutes. Motion was approved by voice vote.
- 2. Treasurer's Report: Approval of Quarterly Report, 2017 Q2. Commissioner Brink moved approval of the quarterly report. Motion passed by voice vote.
- 3. Administrative Issues: Commissioner MacWood moved to approve the purchase of a microphone and sound system. Commissioner Finley will investigate this and report back at the next meeting.

4. SMD Reports:

01: Commissioner Reba reported 4 items: 1. National Zoo and traffic congestion this past weekend was a mess. He reached out to DDOT, and will reach out to Zoo as well. 2. SMD Commissioners for 01, 02, and 03 need to work together because trash pick-up was disappointing. Need to work with DPW to find solution. 3. 2649 Café Paradiso renovations: Internal renovation has been completed, and build-out forthcoming. No owner identified at this point, but it will be a food establishment. 4. Application being presented to DDOT for Traffic Safety Study for 2700 block of Woodley Place.

02: Commissioner Bole reported sidewalk repairs were done on Woodley Road. Cleveland Avenue is working to get DDOT evaluation regarding street stripes on Calvert Street.

04: Commissioner Finley reported community meeting on Feb 12, at Nanny O'Brien's. Many good ideas were shared.

05: Commissioner Hersh reported she has been working with CPCA and CPBA regarding a survey for a Farmer's Market on west side of Connecticut Avenue between Ordway Street and Porter Street. 2. DDOT reports a series of road closures for next five days from Devonshire to Macomb, with a detour route up Ordway Street. Residents have concerns as this is a very narrow street. Porter Street might be a better option.

07: Commissioner Boucher reported graffiti was removed from building walls. Regarding 39<sup>th</sup> Street parking - an unzoned portion is a trash dumping ground. She is following up to see if this section can get RPP after the police parking garage is constructed. Regarding 39<sup>th</sup> Street and Macomb Street: need more signs or police presence, as people are driving up this street the wrong way. She is looking to see if traffic safety study can be done.

08: Commissioner Brink reported that a raze permit 3201 Woodland was granted without slope feasibility studies being done. She is working with DCRA and neighbors to get it worked out. She is working with ANC3B regarding getting tenants for the commercial strips.

09: Commissioner MacWood reported Heritage India is open. She sent letter on behalf of SMD09 re: WMATA and 37 Metrobus elimination, as well as the increase in WMATA fares. She is also trying to get new school zone signs on Woodley Road.

**IX. Adjournment:**

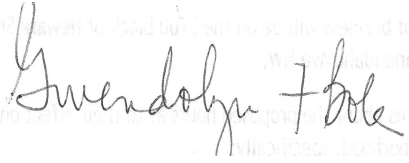
Commissioner Finley moved to adjourn the meeting. Motion passed by voice vote. Meeting was adjourned at 11:13 pm.

***The next public meeting of ANC3C is scheduled for Monday, March 20, 2017, at 7:30pm in the MPD2D Community Room, located at 3320 Idaho Avenue NW. Please check anc3c.org for any updates.***

ABRA: Alcohol Beverage Regulation Administration	DPW: Department of Public Works
DCOZ: District of Columbia Office of Zoning	HPRB: Historic Preservation Review Board
DCRA: Department of Consumer and Regulatory Affairs	MPD: Metropolitan Police Department
DDOT: District Department of Transportation	ZC: Zoning Commission



Attested by

A handwritten signature in cursive script that reads "Gwendolyn Bole". The signature is written in black ink on a white background.

Gwendolyn Bole, Secretary, on March 20, 2017

*These minutes were approved by a voice vote on March 20, 2017 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.*