



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-Jessica Wasserman
04-Beau Finley * 05-Emma Hersh * 06-Angela Bradbery
07- Maureen Boucher Kinlan * 08-Malia Brink * 09-Nancy MacWood

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Minutes
Advisory Neighborhood Commission 3C
November 13, 2017 Public Meeting
MPD2D Community Room, 3320 Idaho Avenue, NW
7:30PM

Establishment of Quorum:

The Chair, Commissioner MacWood, called the meeting to order at 7:34 pm and announced that there was a quorum. Eight of the nine Commissioners attended. Commissioner Wasserman was absent.

Verification of Notice:

The Administrator confirmed that notice of the meeting had been sent to eight local community listservs, apartment listserv moderators, published in the Northwest Current Newspaper, was on the ANC3C website and Twitter.

Approval of Agenda:

Commissioner MacWood moved approval of the posted agenda. Commissioner Bradbery moved to amend the agenda. Motion was approved by voice vote. Amended agenda was approved by voice vote.

Announcements:

None noted.

Community Forum:

Community member shared a website link regarding retrocession of DC to Douglass County, Maryland. Website has more information: www.douglasscountymaryland.com.

CulturalDC will have a mobile art gallery, SPACE4, at Zoo Lights, at the Smithsonian National Zoo from Nov 24-Jan1.

Consent Calendar:

Commissioner Finley moved approval of the Consent Calendar. Motion was approved by voice vote. Consent calendar was Motion of No Objection for these Class B ABRA renewals:

- Vace (ABRA-014926)
- Manhattan Market (ABRA-017772)
- Walgreens (ABRA-084354)
- Yes! Organic Market (ABRA-101078)

Commission Business:

- 1. Presentation by Marcy Bernbaum with People for Fairness Coalition (PFFC) Downtown DC Public Restroom Initiative** Ms. Bernbaum seeks support of the Public Restroom Facilities Investment and Promotion Act; there is a hearing before the D.C. Council in December. The bill would set up a working group to study the feasibility of establishing public outdoor restrooms.
- 2. Presentation by Dan Hafner and Matt Winter regarding DC ReInvest position urging DC to end its contract with Wells Fargo Bank** Mr. Winter wants ANC support to encourage the D.C. Government to divest itself from Wells Fargo bank which has questionable business practices.

Commissioner Finley moved to amend the agenda in order to introduce a resolution on this matter at this time. Motion was approved by voice vote.

Commissioner Finley read and moved a resolution on this matter. Several friendly amendments were proposed and accepted. Motion to approve the resolution was approved by voice vote. (See Attachment A.)

- 3. Presentation by Alan Etter, DC Office of Unified Communications on the agency and its functions.**

Mr. Etter explained that the DC Office of Unified Communications is the agency that takes 911 and 311 calls and assigns the calls to the appropriate agencies. If using cell phone, caller must give exact location. Currently citizens can text 32311, There is also a DC311 app

Mr. Etter's contact information is alan.etter@dc.gov, 202-715-7565 and 202-494-1657.

- 4. Consideration of a Public Space permit application (#221221) for a retaining wall at 2939 Newark St.**

Commissioner Hersh provided the background on this matter. Commissioner Hersh read and moved a resolution on this application. After some discussion, Commissioner Finley called the question. Motion on approving the resolution passed by voice vote. (See Attachment B)

- 5. Consideration of a HPRB application for preliminary review of site plan for NASH-Roadside Fannie Mae development**

Commissioner Bradbery provided the background on this matter. She read and moved a resolution on the application. Richard Lake, Roadside Development, was present to clarify

points regarding the application.

Commissioners expressed concern regarding the U-shaped driveway and egress to the site, especially truck traffic. Several amendments to the resolution were offered. Commissioner Reba moved to call the question on the discussion. Roll-call vote was taken on the motion.

Motion to call the question failed by vote of 8-0. Discussion continued with Commissioner Hersh offering an amendment to the resolution. Roll-call vote was taken on the amendment. Motion to amend the resolution failed by a vote of 5-3. Motion to approve the resolution passed by voice vote. *(See Attachment C)*

6. Consideration of an ABRA Class B Liquor License renewal for Giant Cathedral Commons (ABRA-095375)

Commissioner Boucher provided the background on this matter. Giant Store Manger Norman and Counsel for Giant of Maryland, LLC were present. Commissioner Boucher read and moved a resolution on the matter. Motion on the resolution passed by voice vote. *(See Attachment D)*

7. Consideration of a resolution pertaining to the Comprehensive Code of Conduct of the District of Columbia Establishment and BEGA Amendment Act of 2017.

Commissioner Bradbery provided the background on this matter. She read and moved a resolution on the matter. Motion was approved by voice vote. *(See Attachment E)*

Other:

1. Commissioner Bole moved adoption of the September 18, 2017 and October 16, 2017 minutes. Motion passed by voice vote.
2. Commissioner Bole moved to allow an expenditure of up to \$100 to buy one copy of Microsoft Office for the ANC laptop. Motion passed by voice vote.
3. Commissioner Brink noted that the ANC Quarterly Report is due November 29, 2017. However, a counterfeit check has been written on the ANC Bank of America account. A Fraud Claims statement has been filed. A police report will be filed and the US Attorney's Office will be notified as well. The Q4 report will not be filed until this is resolved.
4. Commissioner Brink submitted a 2018 fiscal year budget for review. She moved for approval of the submitted budget. Commissioner Bole requested that Purchase of Services be increased for tech support Budget as changed was approved by voice vote.
5. Commissioner Brink moved to approve an expenditure up to \$2500 to resolve the IRS missed withholding issue. Motion was approved by voice vote.
6. Commissioner MacWood noted that the January meeting dates all fall on a holiday. Commissioner Finley moved to move the January public meeting from January 15, 2018 to January 16, 2018 and the P&Z meeting from January 1, 2018 to January 2, 2018. Motion passed by voice vote.
7. Commissioner MacWood moved to postpone SMD reports due to the lateness of the hour. Motion passed by voice vote.
8. Status of obtaining microphones was also postponed.

Adjournment:

Commissioner Finley moved to adjourn the meeting. Motion passed by voice vote. Meeting was

adjourned at 10.06 pm.

The next meeting of ANC3C is scheduled for Monday, December 18, 2017 at 7:30pm in the Community Room of MPD 2D, 3320 Idaho Avenue NW. Please check anc3c.org for any updates.

Attachment A:

**ANC 3C Resolution 2017-025
Resolution in Support of “Sense of the Council Urging Reassessment of
Relationship with Wells Fargo Resolution of 2017”**

WHEREAS, Wells Fargo & Company is an American international banking and financial services holding company headquartered in San Francisco, California; and

WHEREAS, Wells Fargo was recently fined \$185 million for employing high-pressure sales tactics, deceiving its customers, and fraudulently collecting fees on unauthorized accounts opened for existing customers without the customers’ knowledge or consent¹ for at least 3.5 million unauthorized accounts;² and

WHEREAS, U.S. Department of Justice found Wells Fargo to have targeted African-American and Hispanic borrowers for risky subprime mortgages and charged them higher fees than other borrowers because of their race or national origin, rather than objective criteria related to borrower risk, and agreed to pay more than \$175 million in relief to homeowners to settle those claims earlier this year;³ and

WHEREAS, Wells Fargo agreed to pay \$1.2 billion to settle a civil mortgage lawsuit claim with the Federal Housing Administration (FHA) for faulty mortgage loans that contributed to the 2008 housing crash;⁴ and

WHEREAS, Wells Fargo agreed to pay \$35.5 million to settle a class action lawsuit earlier this year alleging the bank engaged in an ongoing nationwide pattern and practice of race discrimination against its own employees;⁵ and

¹ *Consumer Financial Protection Bureau Fines Wells Fargo \$100 Million for Widespread Illegal Practice of Secretly Opening Unauthorized Accounts*, Press Release, United States Consumer Financial Protection Bureau (Sept. 8, 2016), <https://www.consumerfinance.gov/about-us/newsroom/consumer-financial-protection-bureau-fines-wells-fargo-100-million-widespread-illegal-practice-secretly-opening-unauthorized-accounts/>.

² Laura J. Keller, *Wells Fargo Boosts Fake-Account Estimate 67% to 3.5 Million*, Bloomberg (Aug. 31, 2017), <https://www.bloomberg.com/news/articles/2017-08-31/wells-fargo-increases-fake-account-estimate-67-to-3-5-million>.

³ *Justice Department Reaches Settlement with Wells Fargo Resulting in More Than \$175 Million in Relief for Homeowners to Resolve Fair Lending Claims*, Press Release, United States Department of Justice (July 12, 2012), <https://www.justice.gov/opa/pr/justice-department-reaches-settlement-wells-fargo-resulting-more-175-million-relief>.

⁴ *Wells Fargo Bank Agrees to Pay \$1.2 Billion for Improper Mortgage Lending Practices*, Press Release, United States Department of Justice (Apr. 8, 2016), <https://www.justice.gov/opa/pr/wells-fargo-bank-agrees-pay-1-2-billion-improper-mortgage-lending-practices>.

⁵ Noah Buhayar, Zeke Faux, and Kartikay Mehrotra, *Wells Fargo Settles With Brokers Over Claims of Racial Bias*, Bloomberg (Dec. 30, 2016), <https://www.bloomberg.com/news/articles/2016-12-30/wells-fargo-settles-with-brokers-over-allegations-of-racial-bias>.

WHEREAS, Wells Fargo currently faces a federal lawsuit alleging it illegally denied student loans to young immigrants because of their citizenship status, despite those individuals being protected from deportation and legally allowed to work and study in the U.S.;⁶ and

WHEREAS, Wells Fargo requires forced arbitration clauses that require customers to relinquish rights to pursue claims against Wells Fargo in court;⁷ and

WHEREAS, Wells Fargo settled for \$80 million with 570,000 auto loan customers after adding those customers involuntarily to Wells Fargo auto insurance policies, which--after failing to pay the insurance premiums that they were unaware of--caused almost 20,000 customers to lose their cars to repossession;⁸

WHEREAS, Wells Fargo was fined \$24 million by regulators for overcharging active duty military servicemen, including improper seizures of soldiers' vehicles;⁹ and

WHEREAS, Wells Fargo has directly invested in the Potomac, Keystone XL, and Dakota Access Pipelines¹⁰ and stands to profit from projects that threaten the water supplies of the metropolitan D.C. area, the Standing Rock Sioux Tribe, and countless other communities, farms, sensitive natural areas and wildlife habitats through which they pass; is accused of violating multiple environmental and historic preservation statutes; is routed through sacred burial sites; and hampers efforts to transition to renewable energy sources by locking in an anticipated capacity of 570,000 barrels of fracked crude oil per day - a total that emits the equivalent annual carbon emissions of 29.5 U.S. coal plants or 21.4 million cars;¹¹ and

WHEREAS, Wells Fargo was one of the only major international banking and financial services holding companies to not advocate for upholding the Paris climate Agreement;¹² and

WHEREAS, Wells Fargo recently received a grade of "needs to improve" on its Community Reinvestment Act (CRA) exam as reviewed by the Office of the Comptroller of the Currency due to "an extensive and

⁶ *Lawsuit accuses Wells Fargo of denying student loans to young immigrants*, Los Angeles Times (Jan. 30, 2017), <http://www.latimes.com/business/la-fi-wells-fargo-daca-20170130-story.html>.

⁷ Patrick Rucker and Dan Freed, *Senators grill Wells Fargo CEO over scandal, forced arbitration*, Reuters (Oct. 3, 2017), <https://www.reuters.com/article/us-wells-fargo-accounts-senate/senators-grill-wells-fargo-ceo-over-scandal-forced-arbitration-idUSKCN1C80B2>.

⁸ Laurence Darmiento, *Wells Fargo hit with class-action lawsuit over auto insurance charges*, Los Angeles Times (July 31, 2017), <http://www.latimes.com/business/la-fi-wells-insurance-lawsuit-20170731-story.html>.

⁹ *Consent Order for a Civil Money Penalty*, Order, United States Office of the Comptroller of the Currency, 2016-082 (2016), <https://www.occ.gov/static/enforcement-actions/ea2016-082.pdf>. See also *Justice Department Reaches \$4 Million Settlement with Wells Fargo Dealer Services for Illegally Repossessing Service-members' Cars*, Press Release, United States Department of Justice (Sept. 29, 2016), <https://www.justice.gov/opa/pr/justice-department-reaches-4-million-settlement-wells-fargo-dealer-services-illegally>.

¹⁰ Alison Kirsch, *Who's Bankrolling TransCanada?*, The Understory (Mar. 24, 2017), https://www.ran.org/whos_banking_transcanada.

¹¹ Lome Stockman, *The Dakota Access Pipeline will lock-in the emissions of 30 coal plants*, PriceofOil.org (Sept. 12 2016), <http://priceofoil.org/2016/09/12/the-dakota-access-pipeline-will-lock-in-the-emissions-of-30-coal-plants/>.

¹² Alexander Kaufman and Ben Walsh, *Wells Fargo Refused To Criticize Trump On Climate Because the Bank Is Already Hated*, Huffington Post (June 2, 2017), http://www.huffingtonpost.com/entry/wells-fargo-paris-agreement_us_59317651e4b075bff0f2aa0e.html.

pervasive pattern and practice of discriminatory and illegal credit practices across multiple lines of business within the bank, resulting in significant harm to large numbers of consumers”;¹³ and

WHEREAS, the District of Columbia Code § 26-431.06(f) states, “to apply for a deposit services contract with the District government, a financial institution must receive at least a ‘satisfactory’ rating on its most recent CRA exam;” and

WHEREAS, in light of the investigations, settlements and allegations against Wells Fargo, multiple cities and organizations across the country, including Seattle, Washington (divested \$3 billion),¹⁴ Davis, California (divested \$124 million),¹⁵ Santa Barbara, California (divested \$40 million)¹⁶ and the University of California system (divested \$475 million)¹⁷ have officially moved to divest from Wells Fargo & Company; and

WHEREAS, Wells Fargo serves as the District of Columbia’s bank of record and the trustee of the District’s general obligation direct purchase bonds; and

WHEREAS, Wells Fargo is in the third year of a five-year contract with the District of Columbia; and cash & treasury management services, including payroll management, up to \$12,408,397;¹⁸ and \$2B portfolio for investments, effective Feb. 1, 2017¹⁹; Wells Fargo is the trustee of DC’s General Obligation Direct Purchase Bonds (total ~\$400K issued Nov. 2016);²⁰ and

WHEREAS, that it is a priority for the District of Columbia to partner with business entities and financial institutions that are committed to engaging in responsible business practices and supporting the values of District citizens, ANC 3C and the city at-large; and that the District of Columbia should consider moving its money held by Wells Fargo to responsible institutions that are socially & environmentally responsible in their general practices and community development goals;

¹³ *Community Reinvestment Act Performance Evaluation*, United States Office of the Comptroller of the Currency (2012), <https://www.occ.gov/static/cra/craeval/apr17/1.pdf>.

¹⁴ Lynda V. Mapes, *Seattle City Council votes to cut ties with Wells Fargo over Dakota Access Pipeline lending*, Seattle Times (Feb. 7, 2017), <http://www.seattletimes.com/seattle-news/environment/seattle-city-council-to-vote-on-pulling-billions-from-wells-fargo/>.

¹⁵ Felicia Alvarez, *City of Davis votes to divest from Wells Fargo Bank*, Davis Enterprise (Feb. 8, 2017), <http://www.davisenterprise.com/local-news/city-of-davis-votes-to-divest-from-wells-fargo-bank/>.

¹⁶ *Santa Barbara Votes to Divest from Banks Funding Dakota Access Pipeline*, Press Release, SB Standing Rock Coalition (updated Sept. 21, 2017), available at <http://lastrealindians.com/10505-2/> (last visited Nov. 12, 2017).

¹⁷ Catherine Feliciano, *UC to terminate \$450M in contracts with Wells Fargo*, Daily Bruin (Feb. 1, 2017), <http://dailybruin.com/2017/02/01/uc-to-terminate-450m-in-contracts-with-wells-fargo/>.

¹⁸ *Comprehensive Banking Services*, Contract Award, Office of the Chief Financial Officer (Dec. 16, 2010), available at <https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGMuZ292fG9jZm8tcHJvY3VvZW1lbnRzfGd4OjZmOWRjZDM5ZWJmNmEyM2Y> (last visited Nov. 12, 2017).

¹⁹ Letter from Drakus Wiggins, Contracting Officer, Office of Contracts, Office of the Chief Financial Officer, to Dave Ryder, Senior Vice President, Wells Fargo (Jan. 18, 2017), available at <https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGMuZ292fG9jZm8tcHJvY3VvZW1lbnRzfGd4OjZmOWRjZDM5ZWJmNmEyM2Y> (last visited Nov. 12, 2017).

²⁰ Annual Report, Office of Chief Financial Officer (2016), <https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/FY%202016%20DC%20CAFR.pdf>.

THEREFORE BE IT RESOLVED that ANC 3C:

URGES the Council of the District of Columbia to pass the resolution entitled *Sense of the Council Urging Reassessment of Relationship with Wells Fargo Resolution of 2017*²¹ through the Committee on Finance and Revenue;

BE IT FURTHER RESOLVED, that ANC 3C calls on the District of Columbia Department of Insurance, Securities and Banking (DISB) to research financial institutions with the capacity to serve DC government's banking needs and to detail the financial institutions' investment portfolios, including their investments in the District and their provision of banking services in all 8 wards and to recommend, in consultation with the OCFO, how DC government banking needs could be met by socially responsible financial institution(s);

BE IT RESOLVED that the Chair and Commissioner for ANC3C04, or their designees, are authorized to represent the Commission regarding this resolution.

Attested by



Nancy J. MacWood
Chair, on November 13, 2017

This resolution was approved by a voice vote on November 13, 2017 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.

²¹ *Sense of the Council Urging Reassessment with Wells Fargo Resolution of 2017*, Proposed Resolution, Council of the District of Columbia (2017), <http://lms.dccouncil.us/Download/37692/PR22-0188-Introduction.pdf>.

Attachment B:

**ANC3C Resolution 2017-026
Regarding a Public Space Permit Application (#221221) for Retaining Wall
Construction at 2939 Newark Street, NW**

WHEREAS, the owners of 2939 Newark Street NW have applied to District Department of Transportation for a Public Space Construction/Excavation Permit for the purpose of constructing retaining walls on public space directly adjacent to their property; and

WHEREAS, the 2939 Newark Street, NW property has existing retaining walls, built on public space during two respective periods (1906 and approximately 1980) on the western 50 feet of the front of the property; and

WHEREAS, following a severe thunderstorm on July 28, 2017, two trees on the 2939 Newark Street, NW property were toppled that further impacted four other trees on the property, thus necessitating removal of six trees and resulting in significant potential erosion on the southeastern portion of the property; and

WHEREAS, the owners of 2939 Newark Street, NW constructed emergency retaining walls to prevent potential erosion after the removal of said trees - one on private property (to the northeast) and one in public space (to the southeast), as well as a third six-foot connecting wall along the eastern edge of the Kopff property that is partially in public space to connect the two new walls; and

WHEREAS, the owners will demolish the 20-foot emergency retaining wall and the 6-foot connecting wall that were both built within public space and will replace them with a new 20-foot-long wall and a new 6-foot connecting wall in their place; and

WHEREAS, the owners propose that the new 20-foot long wall will align in height with the original retaining walls - 78 inches in height from cap to finished grade; and

WHEREAS, the owners propose that the new walls will have deep concrete footings reinforced with #5 rebars to ensure maximum stability and security; and

WHEREAS, the owners will use veneered fieldstone and stated their intent to ensure that the stone and grout blends with the existing walls; and

WHEREAS, a total of 19 neighbors on Newark and Macomb Streets, NW, including the owners of adjoining lots and cross street neighbors, have reviewed the plans and submitted to ANC 3C their expressions of support (18 of the 19) or neutrality (1 of the 19); and

WHEREAS, the owners have shared multiple iterations of plans for the retaining walls and revised said plans to meet concerns conveyed by neighbors and the Cleveland Park Historical Society's Architectural Review Committee to ANC 3C; and

WHEREAS, the project will be executed by LOFFT Construction Inc., registered in the District of Columbia, and will be personally managed by its President, Alex Sanguinetti (DC license #71101430 and winner of the Historic COTY full house residential award from the National Association of the Remodeling Industry for his home at 2922 Newark within the jurisdiction of ANC 3C);

THEREFORE, BE IT RESOLVED that ANC 3C supports the application, as embodied in the attached Architectural and Engineering plans;

BE IT FURTHER RESOLVED that ANC 3C urges the homeowners to install footings for the 20-foot wall deep enough so as to ensure that construction of the wall not be an impediment to any future sidewalk that might be built along Newark Street, NW at this location; and

FINALLY, BE IT RESOLVED that the Chair and Commissioner for ANC3C05, or their designees are authorized to represent the Commission regarding this resolution.

Attested by



Nancy J. MacWood
Chair, on November 13, 2017

This resolution was approved by a voice vote on November 13, 2017 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.

Attachment C:

ANC3C Resolution 2017-027
Regarding the Design Concept of NASH-Roadside 3900 Wisconsin, LLC to be Presented to the Historic Preservation Review Board for the Redevelopment of 3900 Wisconsin Avenue NW

WHEREAS, NASH-Roadside 3900 Wisconsin, LLC purchased an approximately 9.7-acre site that now serves as the headquarters for Fannie Mae at 3900 Wisconsin Avenue NW;

WHEREAS, NASH-Roadside plans to develop the property with approximately 700 residential units, 34,488 square feet of general retail, just under 86,000 square feet of grocery space, approximately 6,500 square feet of restaurant space to be operated by the grocer, a 650-seat movie theater, 34,056 square feet of office space, 37,566 square feet of fitness club space, 34,056 square feet of cultural/arts space and 140 hotel rooms with an approximately 1,400-space, three-level, below-grade parking garage;

WHEREAS, NASH-Roadside has applied to the Historic Preservation Review Board (HPRB) for a historic landmark designation for one main building and two side buildings (wings) on the site;

WHEREAS, ANC3C on Oct. 16, 2017, passed resolution 2017-024 in support of NASH-Roadside's landmark designation application to the HPRB;

WHEREAS, NASH-Roadside has prepared a conceptual design for the property and is seeking HPRB review of a portion surrounding the main building and its two wings;

WHEREAS, the proposed landmark boundary follows the southern, eastern and northern property boundary of the site, and on the west includes an area behind the Fannie Mae building;

WHEREAS, the proposed landmark area includes an expansive lawn in front of the Fannie Mae building that is a key feature of the site, providing a grand entrance to the building that has become associated with the site;

WHEREAS, the developer plans to retain the front lawn and use it as a public gathering space, including for events such as concerts and art shows;

WHEREAS, the developer plans to reconfigure the existing U-shaped driveway at the front of the main building by eliminating the northern curb cut, straightening the driveway to connect to an internal road within the site and converting the driveway to accommodate only one-way traffic so that the southern curb cut serves only outbound traffic;

WHEREAS, the developer plans to construct two new buildings behind Fannie Mae featuring a stacked-tray design that would not be visible from the front of the property;

WHEREAS, the developer plans to develop the southeastern corner of the parcel with 35,680 square feet of hotel amenity space that would have a grassy or landscaped roof;

WHEREAS, vehicular access to the site from Wisconsin Avenue is to be via two existing curb cuts and one new curb cut from Wisconsin Avenue;

WHEREAS, the developer plans to build the new curb cut to serve as a delivery truck entrance and exit point from Wisconsin Avenue at the southern end of the site, which would serve as the only entrance and exit point for trucks, and would route the trucks to an underground parking garage and underground loading docks;

WHEREAS, the developer proposes a new traffic signal at the proposed new truck entrance on Wisconsin Avenue near an existing traffic light at Wisconsin Avenue and Rodman Street;

WHEREAS, NASH-Roadside anticipates that the site will generate between 36 and 43 delivery trucks daily;

WHEREAS, directly to the south of the property line are four condominium buildings housing approximately 100 residential units;

WHEREAS, the truck entrance is slated to be in close proximity to one of those residential buildings at Rodman Street and Wisconsin Avenue;

WHEREAS, nearby residents are concerned about noise that will be generated by the proposed truck entrance and front lawn activities;

WHEREAS, nearby residents also are concerned at the prospect of losing large trees that now screen them from Wisconsin Avenue and the Fannie Mae property;

THEREFORE, BE IT RESOLVED that the ANC3C:

- Supports many elements of NASH-Roadside's design concept, including the routing of trucks and all vehicular traffic underground, the plan to save and move heritage trees, the retention of the expansive lawn in front of the Fannie Mae building, and the proposal to design the two buildings

behind the Fannie Mae building to ensure they cannot be seen from the front of the Fannie Mae building;

- Is concerned about the proximity of the new southern curb cut/truck entrance to residential apartments and concerned that the intensity of the truck traffic in this location could be incompatible with the preservation of the context of the lawn surrounding the landmarked building, and so urges the developer to work with HPRB to explore alternatives to the southern curb cut/truck entrance -- such as an entrance on the northern part of the property. However, the ANC strongly recommends that NASH-Roadside retain its plan to route all vehicular traffic underground;
- Urges the HPRB to work with the developer on building the proposed hotel addition to the south of the landmarked building to minimize any impediment to the viewscape of the landmarked building;
- Urges the HPRB to require the developer to keep or reinstall the tree screen at the southern property boundary that borders McLean Gardens;
- Recommends the developer retain, in some form, the original U-shaped driveway;
- Urges the HPRB to ensure that ANC3C is involved in reviewing and commenting on any revisions to the design concept;

FURTHER, BE IT RESOLVED that the Chair and Commissioner for ANC3C06 or their designees are authorized to represent the Commission in this matter.

Attested by



Nancy J. MacWood
Chair, on November 13, 2017

This resolution was approved by a voice vote on November 13, 2017 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.

Attachment D:

ANC3C Resolution 2017- 028
Resolution Regarding ABRA License for Giant of Maryland LLC, Cathedral Commons, (ABRA-095375)

WHEREAS Giant of Maryland, LLC (Giant) applied to the Alcoholic Beverage Regulation Administration ("ABRA") for a renewal of a retail grocery Class B alcoholic beverage license at 3336 Wisconsin Avenue, NW; and

WHEREAS there are neighborhood concerns regarding the cleanliness of the bar area of the establishment including food on the floor and counter surrounding the bar, unclean glasses left on the bar area during service, mice around the bar, and failure to sweep or clean the area; and

Commented [RB1]: Can we verify the mice?

WHEREAS ANC 3C commissioners have addressed the lack of cleanliness of the bar area with managers of Giant; and

WHEREAS Commissioner 3C07 met with the manager of Giant and spoke on the phone with him and it was confirmed that a representative of Giant would attend the ANC 3C Planning and Zoning Committee meeting on November 6, 2017; and

WHEREAS Giant representatives failed to come to the Planning and Zoning meeting of ANC3C to address community concerns; and

WHEREAS Giant representatives have not responded to multiple attempts to reach out to Giant after the Planning and Zoning meeting; and

WHEREAS ANC 3C chair asked the Cathedral Commons property manager, Bozzuto Development, to urge Giant to respond to the ANC;;

BE IT THEREFORE RESOLVED that ANC3C protests the application for a Class B alcoholic beverage license,

BE IT RESOLVED that the grounds for the ANC 3C protest are based on a failure to respond to neighborhood and ANC concerns about the health and safety of customers due to Giant's failure to clean and maintain their bar area, despite multiple requests from commissioners from ANC3C to address the issue,

BE IT FURTHER RESOLVED that ANC3C requests that Giant representatives attend the December 2017 public meeting to address concerns,

BE IT RESOLVED that the Chair and SMD 07 Commissioners, or their designees, are authorized to represent the ANC on the matter, including any negotiations related to a settlement agreement.

Attested by



Nancy J. MacWood
Chair, on November 13, 2017

This resolution was approved by a voice vote on November 13, 2017 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.

Attachment E:

ANC3C Resolution 2017-029
Regarding the “Comprehensive Code of Conduct of the District of Columbia
Establishment and BEGA Amendment Act of 2017”

WHEREAS, legislation is pending before the D.C. Council that was drafted by the Board of Ethics and Government Accountability (“BEGA”) and is designed to consolidate the District government’s ethics laws by establishing a “Comprehensive Code of Conduct”;

WHEREAS, the D.C. Committee on the Judiciary and Public Safety on Nov. 2, 2017, held a hearing on the “Comprehensive Code of Conduct of the District of Columbia Establishment and BEGA Amendment Act of 2017”;

WHEREAS, there are significant problems with the way Advisory Neighborhood Commissions (ANCs) and Advisory Neighborhood Commissioners are included in the legislation;

WHEREAS, under the legislation, ANC commissioners are classified as District employees, which is incorrect as ANCs are sui generis, and many requirements in the legislation would be unworkable;

WHEREAS, the legislation expands what constitutes a conflict of interest for an ANC commissioner, establishing that an ANC commissioner would have a conflict if the commissioner has a “personal interest” in a matter, rather than just a financial interest;

WHEREAS, the legislation defines “personal interest” to include “memberships in groups and organizations”;

WHEREAS, such an expansion of a conflict, if it became law, would force ANC commissioners to choose between renouncing memberships and affiliations with neighborhood organizations (because retaining membership would create a conflict), or remaining members of organizations, but having to recuse themselves from any ANC matter that could affect those groups, which given the nature of ANCs, could render commissioners unable to participate in many matters of import to the neighborhood;

WHEREAS, ANC commissioners by nature are involved in their communities, and their involvement is considered an asset and helps them keep informed about community issues, resolve problems and conduct their work as commissioners;

THEREFORE, BE IT RESOLVED that ANC3C:

- Supports the D.C. Council’s effort to consolidate and strengthen the District ethics code, but finds that the “Comprehensive Code of Conduct of the District of Columbia Establishment and BEGA Amendment Act of 2017” in its current form would severely hamper the ability of Advisory Neighborhood Commissioners to serve the community;
- Finds that the “Comprehensive Code of Conduct of the District of Columbia Establishment and BEGA Amendment Act of 2017” would create a barrier for many people who might want to serve as ANC commissioners;

- Finds that the “Comprehensive Code of Conduct of the District of Columbia Establishment and BEGA Amendment Act of 2017” represents a sea change in the ANC system that would not serve the District well;
- Calls on the Council to create a separate section within the “Comprehensive Code of Conduct of the District of Columbia Establishment and BEGA Amendment Act of 2017” that pertains solely to ANC commissioners and takes into account the unique role of commissioners, including the fact that they are voluntary public servants (not District employees) and that their involvement in the community is necessary to their service as commissioners;

FURTHER, BE IT RESOLVED that the Chair and Commissioner for ANC3C06 or their designees are authorized to represent the Commission in this matter.

Attested by



Nancy J. MacWood
Chair, on November 13, 2017

This resolution was approved by a voice vote on November 13, 2017 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.