

**MINUTES**  
**ADVISORY NEIGHBORHOOD COMMISSION 3F**  
**NORTH CLEVELAND PARK, FOREST HILLS & TENLEYTOWN**  
**PUBLIC MEETING**

Monday, July 19, 2004  
Capital Memorial Church  
3150 Chesapeake Street, N.W.  
Washington, D.C. 20008

**1. CALL TO ORDER [7:37 pm]**

Chair Perry called the meeting to order and, finding Commissioners Kessler, Maudlin, Bardin, Bernardi, Wiss, and Dennis present, declared a quorum.

**2. AGENDA [7:38 pm]**

The proposed agenda, attached with brief reports, was approved on motion of Chair Perry, seconded by Commissioner Bardin, 7-0-0.

**3. MINUTES [7:39 pm]**

Minutes of the June 21, 2004, monthly public meeting were approved 7-0-0 (Wiss/Perry).

**4. ANNOUNCEMENTS [7:40 pm]**

**A. Announcements by Commissioners:**

Commissioner Wiss announced that the Ward 3 ANCs are sponsoring a roundtable discussion on DC Fire and Emergency Medical Services from 7:00-9:00 pm on July 20, 2004, at St. Columba's Church, 4201 Albemarle Street, N.W.

She also announced that the D.C. Office of Planning will be holding a meeting to present revisions to the Upper Wisconsin Avenue Corridor Study on July 28, 2004, at 7:00 pm at Georgetown Day School.

Commissioner Perry announced that from July 26 to August 16 the Metro entrance on the east side of Connecticut Avenue will be closed for repairs to the Van Ness Center plaza. The bus stop may also be affected. For information, call Petrine Squires at 301-657-3611, ext. 205.

Commissioner Perry noted that the July issue of *The Intowner* has an article about the City's plans to lease Stead Park in Dupont Circle, which has a large playing field, to a group that plans to build an office building and theater, at a time when residents are asking for more playing fields.

Commissioner Kessler commended the Day's Inn at 4400 Connecticut Avenue for removing the large Avis sign.

**B. Announcements by members of the community:**

George Clark of 4525 – 28<sup>th</sup> Street, N.W., President of the Forest Hills Citizens Association, announced that the Zoning Commission will hold a hearing on the Forest Hills Tree and Slope Protection Overlay at 6:30 pm on July 22, 2004, at 441 – 4<sup>th</sup> Street, N.W.

He also announced that the Forest Hills Citizens Association will be holding its annual meeting on July 29, 2004, at Murch Elementary School at 7:30 pm. New officers will be elected, and there will be a report on the Tree and Slope Overlay.

**5. OPEN FORUM [7:45 pm]**

No issues were raised.

**6. MPD SECOND DISTRICT REPORT [7:46 pm]**

Chair Perry announced that Commander Jeffrey Moore of the Second District will retire at the end of the month. Lt. Marshall of PSA 203 stated that Captain Michael Smith will be Acting Commander.

Lt. Marshall presented the police report. He introduced Officer Cole, a recent graduate of the Police Academy who has now joined PSA 203; Officer Parry, who is training Officer Cole; and Officer Williams, who is assigned to the day shift on PSA 203. There are now 19 officers assigned to PSA 203.

Thefts from auto are increasing in PSA 203, especially around Tilden Street because it is close to the Park. Air bags were stolen from two Hondas. Air bags in about ten makes of cars that use plastic ignitions, including Hondas, are easy to steal.

DC as a whole leads the nation in identity theft crimes. MPD will take reports of identity theft both when the complainant is a DC resident, regardless of where the theft occurred, and also when the theft itself occurs in D.C.

Commissioner Wiss, noting that about 2,000 residents of ANC 3F live in PSA 202, asked that future reports include all parts of the ANC. Lt. Marshall agreed to inform Lt. Aiello of PSA 202.

**7. “NO PARKING/NO STANDING” SIGNS AT MURCH ELEMENTARY SCHOOL [7:53 pm]**

Tracy Zarpette, Vice President of the Murch Home and School Association, described difficulties with student drop off and pick up because parents park in areas marked “No Parking, 8:00 am – 4:00 pm”, block traffic, refuse to move when asked, and have threatened parents and staff trying to enforce the signs. The HSA is requesting signs saying “No Parking/No Standing, 8:00 am – 4:00 pm”. By a vote of 7-0-0 (Perry/Maudlin), the ANC approved sending a letter to DDOT requesting the signs and a letter to DPW requesting parking enforcement, with copies to Councilmember Kathy Patterson and Lt. Marshall asking for periodic patrols.

*(Because representatives of Il Tesoro had not arrived, the ANC turned to other agenda items.)*

**8. LIQUOR LICENSE RENEWAL FOR DELHI DHABA, 4455 CONNECTICUT AVENUE, N.W. [8:09 pm]**

The ANC approved 7-0-0 the attached voluntary agreement (Maudlin/Bardin) covering both the restaurant and sidewalk café.

**9. LIQUOR LICENSE RENEWAL FOR SHANGHAI GARDENS, 4469 CONNECTICUT AVENUE, N.W. [8:10 pm]**

Commissioner Maudlin, noting that the ANC’s original voluntary agreement with Shanghai Gardens was signed many years ago, moved an amended agreement, seconded by Commissioner Bardin, to extend coverage to the more recently opened sidewalk café. The ANC approved the attached voluntary agreement 7-0-0.

**10. ALLEY EAST OF CONNECTICUT AVENUE BETWEEN VEAZEY TERRACE AND VAN NESS STREET, N.W., [8:12 pm]**

In response to a recommendation from the Connecticut Avenue Traffic Study, Commissioner Perry, seconded by Commissioner Bardin, moved a resolution requesting that the alley be made one-way southbound, that speed humps be installed, that a stop sign be posted at the intersection of the alley and Van Ness Street sidewalk, and that “No Parking” signs be posted

in the alley. Commissioner Perry described the heavy traffic volume and speeding in this alley, as well as parking on private property without permission. Commissioner Bardin moved friendly amendments to separate the first “resolved” clause into two and to change the operative verb in the first resolution clause from “encourage” to “recommend” or “request”. The ANC approved Res 04-22 by a vote of 7-0-0.

**11. REPORT ON SIDWELL FRIENDS SCHOOL EXPANSION, BZA CASE NO. 17149, AND FUNDING FOR AN ATTORNEY TO ADVISE ON LEGAL ISSUES [8:21 pm]**

Commissioner Perry reported that the BZA held hearings on June 15, June 22, and June 29. At the last hearing, Sidwell presented new material showing three additional roof structures on the middle school addition, which will require a special exception, and acknowledged that construction for the entire project is expected to take until 2013, far beyond the two-year time limit required by BZA rules to apply for a building permit. The BZA has asked the parties to brief these and other issues that arose during the hearings: whether theoretical lots should apply; whether the height of the middle school can be measured from the interior of the campus, as Sidwell has done, rather than from 37<sup>th</sup> Street; and whether the application should be treated as a campus plan.

Commissioner Perry, seconded by Commissioner Maudlin, moved that the ANC allocate \$3,500 to hire an attorney to advise the ANC on these issues. Commissioner Kessler pointed out that the ANC has budgeted \$5,000 for consultant fees. The ANC approved the funding 4-0-2 (Commissioners Bernardi and Dennis abstaining, Commissioner Bardin recused).

**12. FOREST HILLS TREE AND SLOPE PROTECTION OVERLAY [8:30 pm]**

Speaking in favor of a July 12, 2004, proposal from the Office of Planning to base the overlay on preserving tree canopy rather than trees of a specific size were Karen Foreit, 4140 Linnean Avenue; Michael Jones, 2605 Tilden Place; Peter Halle, 2801 Chesterfield Place; Jane Halpern, 3054 Harrison Street; and Bob Shanks, 3002 Albemarle Street. Reasons for supporting the proposal were: (1) This is a compromise that achieves a balance between preserving trees and being able to develop one’s property; (2) OP’s proposal was based on input from experts and requires experts to work with residents on tree plans; (3) It will be more effective in preserving trees than the original overlay because it requires planting trees if the canopy is reduced below a certain level; (4) The Tree Bill protects large trees; (5) Building restrictions, which are inappropriate in a tree overlay, are eliminated; (6) It has fewer restriction generally than the original overlay and allows the flexibility needed to develop smaller lots; (7) Forest Hills residents appreciate trees and can be trusted to preserve them.

Speaking in opposition to the OP proposal were George Clark, 4525 – 28<sup>th</sup> Street; Barbara Simons, 5025 Linnean Avenue; and Joan Benesch, 4444 Linnean Avenue. Reasons for opposing the proposal were: (1) This proposal, like the Urban Forest Preservation Act, does not prevent all trees from being cut down, so long as they are replaced; (2) OP’s calculation understates the percentage of existing canopy in Forest Hills, especially near Rock Creek Park; (3) Goals for replacing canopy are too low and would actually lead to canopy loss in Forest Hills; (4) Regulation is needed to protect against too much impervious surface to allow for planting; (5) The Comprehensive Plan recommends mapping the tree and slope overlay in hilly areas like Forest Hills as well as consistent building set backs along streets; (6) The original overlay would be better for protecting the neighborhood as a whole, preserving canopy, and preventing erosion and heat.

George Clark summarized a survey sent by the Forest Hills Citizens Association to all property owners within the overlay and returned by 35% of them. A majority of respondents favor the existing overlay and are against the canopy approach. They favor preservation of mature trees. A majority would find reduction of canopy in Forest Hills to 40%, 30%, or 25%

unacceptable and would be willing to take additional steps in applying for a building permit. Most approve of the original goals of the overlay, two of which have been dropped by OP. Karen Foreit pointed out that the response was limited because only those who chose to do so responded. Many were silent. One cannot extrapolate their views from their silence.

Commissioner Maudlin moved a resolution in favor of the Office of Planning approach, seconded by Commissioner Bardin. Commissioner Bardin then moved a substitute document, seconded by Commissioner Kessler, analyzing both the original overlay and OP canopy provisions and suggesting a hybrid approach. The substitution was approved 6-1-0 (Commissioner Maudlin opposed). Commissioner Wiss, seconded by Commissioner Perry, moved an amendment to acknowledge the importance of large oaks and other canopy trees to the ambience of Forest Hills and as a buffer to Rock Creek Park on page 4. This was approved 6-0-1 (Commissioner Maudlin abstaining). Commissioner Wiss then moved another amendment, seconded by Commissioner Kessler, to add a description of adjacent forests in Rock Creek Park on page 7. This also was approved 6-0-1 (Commissioner Maudlin abstaining). The commissioner then approved Document 04-05 by a vote of 6-1-0 (Commissioner Maudlin opposed).

**13. PUBLIC SPACE APPLICATION #04-018 FOR AN UNENCLOSED SIDEWALK CAFÉ AT IL TESORO, 4400 CONNECTICUT AVENUE, N.W. [9:49 pm]**

This is a retroactive application for a permit for an existing sidewalk café at the request of the Public Space Office. Through counsel, Mr. Bonnani, owner of Il Tesoro, explained he existing café was constructed by a previous restaurant, apparently without a public space permit. Until he received notice he needed a permit, Mr. Bonnani believed the café to be on private property. Marlene Johnson, attorney for Il Tesoro, stated that she had also searched for building permits, but had found none.

Commissioner Kessler, seconded by Commissioner Bardin, moved Resolution 04-23. Friendly amendments were accepted to indicate that the sidewalk café is elevated, to remove a “whereas” clause about ANC notification, and to clarify language about plantings surrounding the café. An amendment to add the term of months the café may be used (Maudlin/Perry) was approved 4-2-1 (Commissioners Kessler and Bardin opposed, Commissioner Wiss abstaining). The ANC then approved resolution 04-23 by a vote of 6-0-1 (Commissioner Kessler abstaining).

**14. LIQUOR LICENSE RENEWAL FOR IL TESORO, 4400 CONNECTICUT AVENUE, N.W. 10:23 pm]**

On motion of Commissioner Kessler, seconded by Commissioner Bardin, the ANC approved the attached voluntary agreement 7-0-0, with incorporation of language about plantings around the café from Resolution 04-23.

**15. ANC QUARTERLY REPORT FOR THE 3<sup>RD</sup> QUARTER OF FY 2004 [10:34 pm]**

Commissioner Kessler presented the quarterly report. Disbursements during the quarter totaled \$477.23. All checks have cleared. The ANC approved the attached quarterly report (Kessler/Bernardi) 7-0-0.

**16. TREASURER’S REPORT FOR JUNE 2004 [10:37 pm]**

Commissioner Kessler presented the report for June. The ANC received its quarterly allotment of \$4,657.33.

**17. ADJOURNMENT [10:38 pm]**

On motion of Commissioner Wiss, seconded by Commissioner Bernardi, the meeting adjourned, 7-0-0. The ANC will hold a special public meeting on August 2, 2004, to consider the

large number of liquor license applications and renewals that have been received. The meeting will be held at the Capital Memorial Church, 3150 Chesapeake Street, N.W., starting at 7:30 pm.

---

These minutes were approved 6-0-0, with a quorum present, at a duly noticed public meeting of ANC 3F on August 2, 2004.

Respectfully submitted,

Cathy Wiss, Secretary

Attachments:

Agenda with brief reports

Ltr 04-05 No Parking/No Standing Signs at Murch Elementary School

Voluntary Agreement with Delhi Dhaba

Voluntary Agreement with Shanghai Gardens

Res 04-22 Alley between Veazey Terrace and Van Ness Street, N.W.

Doc 04-05 Forest Hills Tree and Slope Protection Overlay

Res 04-23 Il Tesoro Sidewalk Café

Voluntary Agreement with Il Tesoro

ANC Quarterly Report for the 3<sup>rd</sup> Quarter of FY 2004

Treasurer's Report for June 2004