

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

Capital Memorial Church
3150 Chesapeake Street, N.W.
Washington, D.C. 20008-2229
Thursday, July 20, 2006

1. Call to order [7:33 p.m.]

Chair Wiss called the meeting to order and finding Commissioners Kessler, Klibanoff, Maudlin, and Winstead present declared a quorum.

2. Agenda [7:34 p.m.]

Chair Wiss presented the meeting agenda and moved its adoption which was seconded by Commissioner Winstead. The agenda was adopted 5-0-0.

Commissioner Perry arrived.

3. Announcements [7:40 p.m.]

Commissioner Wiss announced that Pastor C.J. Yoon of Capital Memorial Church, is looking for a project for members of the congregation that would help the community.

4. Open Forum [7:35 p.m.]

None

5. Police Report [7:36 p.m.]

MPD was not represented at the meeting.

6. Election of ANC secretary [7:36 p.m.]

When no one volunteered to serve as secretary Commissioner Maudlin said he would prepare the minutes for the meeting and Commissioner Perry agreed to serve as acting secretary until the next meeting. This was moved by Commissioner Maudlin, seconded by Commissioner Winstead and approved 6-0-0.

7. Consideration of a letter in support of reinstating Andrew Solberg as Acting Commander of the Second District, Metropolitan Police Department [7:39 p.m.]

Commissioner Winstead presented a draft letter to Chief Ramsey requesting that Inspector Andrew Solberg be reinstated as Acting Commander of the 2nd District, MPD and moved its adoption which was seconded by Commissioner Kessler. Commissioners Winstead and Kessler

accepted several perfecting amendments and the letter was approved 6-0-0. [Ltr 06-06]

8. Consideration of a substantial change to the liquor license for Clover Market, 5014 Connecticut Avenue, N.W., to extend the hours of operation and sales of alcoholic beverages to Sunday through Saturday, 9:00 a.m. to 10:00 p.m. [7:57 p.m.]

Commissioner Wiss presented a resolution drafted by Commissioner Gandhi (not present at meeting) stating “ANC3F does not object to the substantial change to Clover Market’s Class “B” liquor license.” Several edits were made to the resolution which was then moved by Commissioner Perry, seconded by Commissioner Maudlin and adopted 5-0-1. Commissioner Winstead abstaining. [Res 06-22]

9. Consideration of additional materials concerning proposed planned unit development by Tilden 800, LLC at 2950 Tilden Street, N.W., ZC Case 05-26 [8:07 p.m.]

Commissioner Klibanoff presented a draft resolution addressing an alternative plan which was presented at the June 22, 2006, Zoning Commission hearing for a five-story building in place of a six-story building but not made available to ANC 3F until July 12, 2006. He then moved his resolution which was seconded by Commissioner Winstead. The commissioners discussed a number of issues regarding the new plans including parking, loading dock, landscape plans, FAR, fire lane and loss of street parking.

Commissioner Perry, seconded by Commissioner Kessler, moved to add a whereas clause regarding a memorandum on the fire lane filed at the June 22, 2006 Zoning Commissioner hearing by Captain Sneed, DCFD. After discussion of the fire lane and access to 3883 Connecticut Avenue and 2950 Tilden Street, Commissioner Perry withdrew her motion contingent on a letter regarding the fire lane being sent to the Zoning Commission.

Commissioners Klibanoff and Winstead accepted a motion by Commissioner Wiss to add as a whereas clause with a table she had drafted comparing the five story and six story plans.

Commissioner Wiss moved that an item be included that the land use map is incorrect in showing the site as “high density residential.” Commissioner Perry, seconded by Commissioner Klibanoff, moved that a separate document be prepared responding to the Kennedy-Warren case and the application of the land use map. The motion was approved 6-0-0. [Doc 06-01]

Commissioner Wiss, agreeing with an earlier statement by Commissioner Perry, moved, seconded by Commissioner Perry, that the points of objection in the final resolving clause be expanded. Commissioner Klibanoff said he had intentionally made the point brief so as not to repeat information in Res 06-17 and presented at the Zoning Commission hearing. There was a discussion of how the project is “out of character with the neighborhood.” Commissioner Perry moved that “out of character” item be expanded and the commissioners discussed how it could be expanded with reference to Tilden Hall and the Kuwaiti Embassy. The discussion then moved to whether or not the resolution was on the five story plan or the five and six story plan. Commissioner Klibanoff said the resolution was drafted to address the five story plan and to show that it is no improvement to the six story plan.

Commissioner Maudlin, seconded by Commissioner Wiss, moved to strike the first three whereas clauses which referred to the background of the case. This motion failed 2-3-1. Commissioner Maudlin and Wiss - yes and Commissioner Perry abstaining.

Moving back to the Wiss/Perry motion to include the loading dock in the point regarding inadequate buffers in the final resolving clause was adopted 4-0-2. Commissioner Klibanoff and Winstead abstaining.

Commissioner Wiss, seconded by Commissioner Perry, moved to strike "in the neighborhood" from the item regarding security concerns. The motion failed 3-3-0. Commissioners Klibanoff, Maudlin and Winstead - no. Commissioner Klibanoff and Winstead then accepted language regarding the terraces and balconies overlooking the Kuwaiti Embassy.

It was agreed to add statements to the resolution on the following issues:

1. The amenities package is disproportionate to the increased value of the project to Clark for the change in zoning, do not benefit the immediate neighbor and refurbishment of the median strip is remediation of the damage caused by Clark during construction of 3883 Connecticut Avenue.
2. The loading and delivery plan is unworkable and unenforceable due to the number of trucks that would access the building on a daily basis.
3. No detailed information, including size, of the affordable housing that would be owned by Clark.
4. Insufficient data to substantiate the traffic report.
5. The building is too big for the site.
6. Applicant has not offered a traffic remediation plan.
7. ANC 3F has cause to believe the applicant has not calculated the total FAR and has only included the residential FAR.
8. No landscape agreement with Tilden Hall.

The draft resolution, as revised, was approved 6-0-0 [Res 06-23]

Commissioner Perry moved, seconded by Commissioner Klibanoff, that a letter be sent to the Zoning Commission transmitting four documents and requesting that they be included in the record. Approved 6-0-0. [Ltr 06-07]

Commissioner Perry noted that all documents for the record are due by July 31, 2006 and that Clark and ANC3F have until August 14, 2006 to respond to the filings made by the other party. Findings of facts and conclusions of law are also due by August 14, 2006.

There was discussion of the preparation of findings of facts and it was the consensus of the commissioners that the ANC would probably not prepare a finding of facts and conclusions of law in this proceeding.

Commissioner Perry, seconded by Commissioner Klibanoff, moved that the commissioners involved in this case be authorized to respond to any filings made in this proceeding and to prepare findings of facts and conclusions of law. The motion was approved 6-0-0.

10. Commission business [10:56 p.m.]

Commissioner Perry advised the commission that a BZA hearing on the Kuri Brothers case is scheduled for September 19, 2006 which is the day after ANC 3F's scheduled September meeting. She asked that the September meeting be moved up.

Commissioner Wiss noted that the NCPC would be reviewing the Ft. Reno proposal on August 3, 2006, and she may testify. She requested authorization to represent the ANC at the hearing. The request was seconded by Commissioner Winstead and approved 6-0-0.

Commissioner Winstead, noting e-mail problems between commissioners suggested the use of e-mail addresses assigned by the DC government.

11. Adjournment [11:06 p.m.]

Commissioner Kessler moving and Commissioner Winstead seconding, the meeting adjourned by a vote of 6-0-0.

These minutes were approved 6-0-0, with a quorum present, at a duly noticed public meeting of ANC 3F on September 18, 2006

Respectfully submitted

/s/ Robert V. Maudlin
Robert V. Maudlin

Recorder

Attachments:

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| Ltr 06-06 | Support of reinstating Andrew Solberg as Acting Commander of the Second District, Metropolitan Police Department |
| Res 06-22 | Substantial change (extended hours) to the liquor license for Clover Market, 5014 Connecticut Avenue, N.W. |
| Doc 06-01 | ANC 3F Response to the applicant's analysis of the Kennedy-Warren case |
| Res 06-23 | Opposing the application for a planned unit development and zoning map amendment at 2950 Tilden Street, N.W., ZC Case 05-26 |
| Ltr 06-07 | To Zoning Commission transmitting documents regarding Case 05-26, PUD at 2950 Tilden Street, N.W. |

