

MINUTES
ADVISORY NEIGHBORHOOD COMMISSION 3F
NORTH CLEVELAND PARK, FOREST HILLS & TENLEYTOWN
SPECIAL PUBLIC MEETING, WEDNESDAY, JUNE 2, 2004

Capital Memorial Church
3150 Chesapeake Street, N.W.
Washington, D.C. 20008

1. CALL TO ORDER [7:32 pm]

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

2. AGENDA [7:33 pm]

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

3. ANNOUNCEMENTS [7:34 pm]

A. Announcements by Commissioners:

Commissioner Bardin announced that:

(1) The DC Council hearing on historic preservation of DC's fire houses has been postponed from June 8 to June 22 in the afternoon. He plans to testify for the ANC.

(2) DC Water and Sewer Authority has a new proposal for public comment concerning whether WASA should charge a fixed fee of \$100/linear foot for replacement of lead service lines on private property. The comment period ends June 28, 2004.

(3) He has decided not to run for reelection in November.

(4) He will recuse himself on the Sidwell BZA application because his law firm does work for Sidwell as to this project.

Commissioner Kessler announced he had submitted the ANC's quarterly report for the second quarter of FY 2004 early.

Commissioner Maudlin announced that the record should show that he has two children who are alumni of Sidwell Friends School, but that he does not intend to recuse himself on the BZA application because he believes he can be impartial.

A. Announcements by members of the community:

There were no announcements from members of the community.

4. OPEN FORUM [7:39 pm]

No open forum issues were raised.

5. SIDWELL FRIENDS SCHOOL BZA APPLICATION NO. 17149 [7:39 pm]

Commissioner Dennis moved that the ANC reconsider the vote taken on the Sidwell application at the May 17, 2004, meeting and withdraw Resolution 04-16, seconded by Commissioner Maudlin: approved 6-0-0, Commissioner Bardin recused.

Chair Perry asked Michael Saxenian, Assistant Head of School and Chief financial Officer for Sidwell if he had any comments. Mr. Saxenian offered on behalf of the school's Buildings and Grounds Committee to agree to waiver of the ANC's filing deadline with the BZA if the ANC agreed to support the school in all respects except those that seemed most controversial: (1) traffic on 37th Street; (2) off-campus student parking; and (3) the construction management plan. Chair Perry responded that the school and ANC could continue to meet to try to resolve differences, as it had on Wednesday, May 26, but that the ANC did not plan to seek a waiver of its filing deadline. She added that the ANC will have time to consider a supplemental resolution at its regular monthly meeting on June 21 if the June 15 BZA hearing is continued.

Commissioner Perry then introduced a draft of a shorter resolution (attached to these minutes) that would be accompanied by a more detailed report and moved that the ANC work from this resolution, seconded by Commissioner Maudlin, approved 6-0-0, Commissioner Bardin recused.

The commission then amended this draft resolution as follows:

- (a) Motion to move the second whereas clause on the first page to follow the fourth whereas clause on the same page: approved, 6-0-0 (Dennis/Maudlin), Commissioner Bardin recused.
- (b) Motion to strike "develop and enrich landscaping at the borders of the property" from the third whereas clause on the first page: failed, 2-4-0 (Wiss/Dennis), Commissioners Kessler, Maudlin, Perry, and Bernardi dissenting, Commissioner Bardin recused.
- (c) Motion to strike "numerous" from the first whereas clause on the second page: approved, 5-1-0 (Maudlin/Perry), Commissioner Kessler dissenting, Commissioner Bardin recused.
- (d) Motion to move the fourth whereas clause on the second page to follow the first whereas clause on the same page: approved, 6-0-0 (Dennis/Maudlin), Commissioner Bardin recused.
- (e) Motion to add "(6) landscaping plan", "(7) neighborhood liaison committee", and "(8) enrollment cap" to the fifth whereas clause on page two and amend the wording of the second phrase in the same whereas clause to read "a plan to eliminate all student drop off and pick up" (from 37th Street and surrounding streets): approved, 6-0-0 (Maudlin/Perry), Commissioner Bardin recused.
- (f) Motion to add "the doctrine of" before "clean hands" to the sixth whereas clause on the second page: approved, 6-0-0 (Dennis/Maudlin), Commissioner Bardin recused.
- (g) Motion to amend the language of the seventh whereas clause on page two to read "Whereas, Sidwell has been overenrolled for several years and not in compliance with the Board's Order of August 16, 1996, in Case No. 16139": approved, 6-0-0 (Perry/Maudlin), Commissioner Bardin recused. Mr. Saxenian informed the commission that Sidwell is still researching its enrollment to find out when it first exceeded the enrollment cap.
- (h) Motion to switch the order of the sixth and seventh whereas clauses on page two: approved, 6-0-0 (Maudlin/Wiss), Commissioner Bardin recused.

- (i) Motion to add a whereas clause stating “WHEREAS, the BZA may approve a special exception for a private school in an R-1 District subject to the following provisions:

Section 206.2 The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.

Section 206.3 Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.”

Approved, 6-0-0 (Perry/Dennis), Commissioner Bardin recused.

- (j) Motion to add “Green landscape and design” to the first resolution clause: approved, 6-0-0 (Wiss/Perry), Commissioner Bardin recused.
- (k) Motion to add “Raising the student enrollment cap from 780 to 800” to the first resolution clause: approved, 6-0-0 (Dennis/Maudlin), Commissioner Bardin recused.
- (l) Motion to add “307” [parking spaces] to the second resolution clause: approved, 6-0-0 (Wiss/Maudlin), Commissioner Bardin recused.
- (m) Motion to add “zoning compliant” [parking spaces] to the second resolution clause: approved, 6-0-0 (Perry/Wiss), Commissioner Bardin recused.
- (n) Motion to amend the first sentence of the third resolution clause to read “FURTHER, ANC 3F recommends approval of the Sidwell plans, provided that the following conditions are incorporated into the Board’s order”: approved 6-0-0 (Wiss/Dennis), Commissioner Bardin recused.
- (o) Motion to adopt condition # 1, and to insert “307” [parking spaces in the garage], “5” [parking spaces behind the Johnson Building], and “16” [parking spaces] by the “Zartman” [Building]: approved, 6-0-0 (Perry/Maudlin), Commissioner Bardin recused.
- (p) Motion to change the verb from “be” to “must include”, to qualify the 307 parking spaces in the garage as “zoning compliant”, and to change “Zartman Building” to “Zartman House” in condition # 1: approved, 6-0-0 (Maudlin/Bernardi), Commissioner Bardin recused.
- (q) Motion to adopt condition # 2 (final condition # 6), limit enrollment to a cap of 800: approved, 6-0-0 ((Perry/Bernardi), Commissioner Bardin recused. Chair Perry explained that to increase the enrollment cap beyond 800, Sidwell will have to return to the BZA.
- (r) Motion to strike everything after the parentheses in condition # 2 (final condition # 6): failed, 3-3-0 (Maudlin/Bernardi), Commissioner Bardin recused.
- (s) Motion to adopt condition # 3 (final condition # 7), but to amend it to read, “That all student drop off and pick up, including 5th and 6th grade students, be on the grounds of Sidwell and not on 37th Street or any other neighborhood residential streets”: approved, 6-0-0 (Perry/Kessler), Commissioner Bardin recused.

- (t) Motion to adopt condition # 4 (final condition # 5), transportation management plan, but to add “carpooling” after “Metrocheck” and recommend “15 percent” as the target reduction in vehicular traffic: approved, 5-1-0 (Perry/Kessler), Commissioner Dennis dissenting, Commissioner Bardin recused.

Commissioner Bernardi gave Commissioner Dennis her proxy and left.

- (u) Motion to adopt condition # 5 (final condition # 8), but to add “expanded” before “middle school” and to leave out the name of the building: approved, 4-2-0 (Perry/Dennis), Commissioners Maudlin and Wiss dissenting, Commissioner Dennis voting Commissioner Bernardi’s proxy, Commissioner Bardin recused.
- (v) Motion to adopt condition # 6 (final condition # 9), lighted tennis courts, but to strike “and for tennis camp”: approved, 6-0-0 (Perry/Kessler), Commissioner Dennis voting Commissioner Bernardi’s proxy, Commissioner Bardin recused.
- (w) Motion to adopt condition # 7 (final condition #10), construction management plan, but to add “in consultation with impacted institutions, residential neighbors, and ANC 3C and ANC 3F”: approved, 6-0-0 (Perry/Maudlin), Commissioner Dennis voting Commissioner Bernardi’s proxy, Commissioner Bardin recused.
- (x) Motion to adopt condition # 8 (final condition # 13), neighborhood liaison committee, but to make it simply a quarterly meeting open to all neighbors and to add “That it provide written notice of these meetings to residents within 400 feet of the school”: approved, 6-0-0 (Maudlin/Perry), Commissioner Dennis voting Commissioner Bernardi’s proxy, Commissioner Bardin recused.

Commissioner Dennis left.

- (y) Motion to adopt condition # 9 (final condition # 11), landscaping plan, but to amend it to read “That Sidwell adopt a detailed landscaping plan showing type, size, and location of trees to be planted in order to screen the middle school, new gym, and new tennis courts from homes on Tilden, 37th, and Upton Streets and from The Washington Home and that this plan be accepted in writing by ANC 3C, ANC 3F, and residents of The Washington Home”: approved, 4-0-0 (Wiss/Maudlin), Commissioner Bardin recused.
- (z) Motion to add a condition for a tree protection plan for trees on The Washington Home’s property, “That Sidwell adopt a strong tree protection plan for existing trees on The Washington Home's property, including the tall hedge by the proposed tennis courts, with a commitment to replace in kind any of these trees damaged in construction” (final condition # 12): approved, 4-0-0 (Wiss/Perry), Commissioner Bardin recused.
- (aa) Motion to add a whereas clause before the fifth whereas clause on page two stating, “Whereas, Sidwell’s landscaping plan dated 5/28/04 is inadequate

in detail and includes planting on The Washington Home's property for which there is no agreement": approved, 4-0-0 (Maudlin/Perry), Commissioner Bardin recused.

- (bb) Motion to add a condition to require all student, faculty, and staff parking on campus (final condition # 4): approved, 4-0-0 (Wiss/Maudlin), Commissioner Bardin recused.

Commissioner Bardin left.

- (cc) Motion to adopt a condition stating, "That all student, faculty, and staff cars be registered with the school, that Sidwell provide stickers to the driver, and that no students be allowed to park in restricted or unrestricted parking spaces on residential streets": approved, 4-0-0 (Perry/Wiss).
- (dd) Motion to adopt a condition stating, "that Sidwell develop a traffic management plan which includes monitoring the neighborhood for violators of the requirement for on campus parking and sanctions for such violations" (final condition # 13): approved, 4-0-0 (Maudlin/Perry).
- (ee) Motion to adopt a condition that Sidwell provide to ANC 3F on a yearly basis a report certifying that it is in compliance with its BZA order (final condition # 14): approved, 4-0-0 (Perry/Kessler).
- (ff) Motion to adopt a condition "That Sidwell provide, on a monthly basis, a calendar of school events with the anticipated number of attendees in writing to residents within a 400-foot radius of the campus and on its web site and to ANC 3F by e-mail": approved, 4-0-0 (Perry/Maudlin).
- (gg) Motion to designate Commissioners Kessler, Perry, and Wiss to represent ANC 3F before the BZA in this matter: approved 4-0-0 (Perry/Maudlin).
- (hh) Motion to adopt Resolution 04-19 as amended: approved, 4-0-0 (Perry/Kessler).
- (ii) Finding no time left to draft and adopt a report, Chair Perry moved to strike the third whereas clause on page two (stating that a report is attached), seconded by Commissioner Maudlin: failed 2-0-0 on first vote with Commissioners Kessler and Wiss dissenting, but was approved on second vote, 4-0-0.

Chair Perry then informed the ANC that this application is like a campus plan because it will be built in stages over a period longer than two years. The BZA rules require, though, that an applicant apply for building permits within two years of the application's approval. The Zoning Commission, not the BZA, has jurisdiction for campus plans, but the campus plan provisions of the zoning regulations apply only to colleges and universities.

1. ADJOURNMENT [11:00 pm]

On motion of Commissioner Kessler, seconded by Commissioner Maudlin, the ANC voted 4-0-0 to adjourn until the regular monthly meeting on June 21, 2004.

These minutes were approved 5-0-0 by ANC 3F at a public meeting on June 21, 2004, with a quorum present.

Respectfully submitted,

Cathy Wiss
Secretary, ANC 3F

Attachments:

Agenda with Brief Reports
Draft Resolution
Resolution 04-19