

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

Monday November 15, 2004
Capital Memorial Church
3150 Chesapeake Street, N.W.
Washington, D.C. 20008

1. CALL TO ORDER [7:30 pm]

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

2. AGENDA [7:31 pm]

The agenda was adopted 5-0-0 (Chair Perry moving, Commissioner Bardin seconding).

3. MINUTES [7:31 pm]

The minutes were adopted 5-0-0 (Chair Perry moving, Commissioner Maudlin seconding).

4. ANNOUNCEMENTS [7:32 pm]

A. Announcements by Commissioners:

Commissioner Kessler announced that on November 16 at 6:30 pm UDC will hold a ceremony to dedicate its law library to former Councilmember Hilda Mason and her husband. All are invited.

Commissioner Dennis announced that he will be holding a single member district meeting on November 16 to discuss the proposed Clark Realty project on Tilden Street. The meeting will be held at 7:30 pm in Room 1 of Huston Hall at the Howard University Law School.

Commissioner Bardin announced that the Zoning Advisory Committee recently recommended that the Zoning Commission lift the prohibition on using permeable materials to surface parking spaces, as requested by ANC 3F.

Commissioner Perry announced that Commissioner Bardin has been reappointed to the Building Code Advisory Committee.

B. Announcements by members of the community:

No announcements were made.

5. OPEN FORUM

No issues were raised.

6. MPD SECOND DISTRICT REPORT

No one attended the meeting to give the MPD report.

7. ANC 3F ANNUAL REPORT FOR FY 2004 [7:40 pm]

Commissioner Bardin, seconded by Commissioner Perry, moved approval of the ANC Annual Report for FY 2004, noting that he has added a new recommendation for city action that the District move into the forefront as a green city. He stated he did not include a suggested recommendation that ANC commissioners be given a tax credit against their DC income taxes because he believed it lacked support on the commission. Commissioner Perry asked for inclusion of a recommendation that all inspection and

enforcement agencies be staffed on evenings and weekends, not just MPD. ABRA, for instance, needs to investigate complaints against liquor licensees for operating after hours.

Commissioner Wiss arrived.

After Commissioner Wiss complimented Commissioner Bardin on his work on the Annual Report, it was approved 5-1-0 (Commissioner Dennis opposed).

8. BZA APPLICATION NO. 17251 FOR SPECIAL EXCEPTIONS AT 3715 ALBEMARLE STREET, NW [7:52 pm]

Paul O'Reilly, co-owner of 3715 Albemarle Street, explained that he and his wife decided to expand their house after she became ill last year with a disease that makes her sensitive to sunlight. Their home is in a row of nonconforming duplexes in an R-1B zone. They hired a contractor from Maryland, who said he "would take care of everything," but did not ask whether he was licensed in the District or whether he had obtained the necessary permits. After the work was started, DCRA told them permits were needed and placed a stop work order on the project. In addition, they were told they needed special exceptions under Section 223 for the side yard, rear yard, and lot occupancy of the addition. At the time of the stop work order, the basement and first level porch had been built. He stated he intends to use the basement for storage and does not plan to heat or air condition the porches.

Architect David Kacar of Dunkirk, Maryland, stated he had been hired to prepare the application for special exceptions and was not involved with the construction. He explained that this addition is an extension of an enclosed rear porch, a feature common to this row of houses. The addition will be about 20 feet high, have no windows on the side facing 3713 Albemarle Street, and be finished in stucco like the rest of the house. He has seen construction drawings that show the footing has a one-foot offset from the property line and does not extend beyond the outside wall of the addition. Gutters will be installed to take storm water to the side of the house away from 3713 Albemarle Street.

George Psillos of Potomac, Maryland, spoke in opposition to the project on behalf of his mother, Emilia Psillos, who has lived at 3713 Albemarle Street since 1968, but does not speak English. About a year ago, they noticed a large ditch had been dug next door that was gathering water, which was pumped out across her property to the street. Then they saw more extensive excavation for a basement, and finally a foundation and first floor being built. Dirt from the excavation was used to fill in the O'Reillys' back yard for an elevated patio, causing the fence between his mother's and the O'Reillys' properties to fall down and water to drain into his mother's yard. Mosquitoes now breed in the standing water. He stated that the addition is big for these houses. It obstructs light and views, and keeps his mother from growing plants. Mildew has formed because light cannot get in to dry it up.

Through translation, Emilia Psillos said the O'Reillys told her they were relocating their back steps, not that they were building an addition. Since the building went up, she has been "very upset." The lack of sunlight keeps her from growing flowers in her back yard. She is afraid to walk in her back yard because of the mildew. Water is draining onto her property from the addition because it does not have gutters.

John Matthews, son-in-law of Mrs. Psillos stated that he saw a bathroom being installed in the basement and believes there will be a bedroom in the addition.

Commissioner Wiss recounted that she had talked to other neighbors, who also oppose the addition. She moved adoption of Resolution 04-32, seconded by Commissioner Dennis, but with the addition of language about the mildew problem. Friendly amendments were accepted to modify "work" with "construction" in the 7th whereas clause (Commissioner Bardin); to add "to create living spaces" to the 3rd whereas clause (Commissioners Kessler and Dennis); and to indicate that approval of this project would set a bad precedent for the neighborhood (Commissioner Perry). Resolution 04-32 was then approved 6-0-0.

**9. TRAFFIC IMPROVEMENTS AT EXIT TO UDC GARAGE ON VAN NESS STREET
[8:54 pm]**

Susan McKinsey, Director of Governmental Affairs for UDC, spoke about the need to implement the short-term recommendations from the Connecticut Avenue Traffic Study to improve safety at the exit from the UDC parking garage on Van Ness Street, where there have been many accidents. Commissioner Perry urged UDC to work on the Traffic Study's long-term recommendations, as well.

Commissioner Kessler, seconded by Commissioner Bardin, moved adoption of Resolution 04-33 to replace the existing mirror in the median of Van Ness Street with a larger mirror, eliminate two parking spaces by the UDC exit driveway, and install a "hidden driveway" sign on westbound Van Ness Street 150 feet before the exit driveway with blinking lights to increase the awareness of drivers of the possibility of entering cars. Although Ms. McKinsey stated that UDC also supports a "hidden driveway" sign on eastbound Van Ness Street as recommended in the Traffic Study, Commissioner Kessler explained that he believes a sign on that side of the street would be unnecessary and possibly confusing. Friendly amendments were accepted to add "closest to and east of" (Commissioner Maudlin) and "metered" (Commissioner Perry) to describe the parking spaces to be removed. Commissioner Maudlin moved, seconded by Commissioner Perry, to strike the request for blinking lights on the hidden driveway sign. This amendment failed 2-4-0 (Commissioners Kessler, Bardin, Dennis, and Wiss opposed). Commissioner Wiss then moved a friendly amendment, which was accepted, to request a "hidden driveway" sign on eastbound Van Ness Street. Resolution 04-33 was approved 6-0-0.

10. APPLICATION FOR AN ENCLOSED SIDEWALK CAFÉ AT NEISHA THAI RESTAURANT, 4445 WISCONSIN AVENUE, NW [9:12 pm]

Rich Kitchrayotin, owner of the Neisha Thai Restaurant, and Rich Markus of Rich Markus Architects presented plans for a sidewalk café on Albemarle Street adjacent to the restaurant. Mr. Markus explained that Public Space officials had determined this should be classified as an enclosed sidewalk café because of the platform, railing, awning, and roll-down plastic siding. Mr. Kitchrayotin stated he plans to operate the café only during fair weather, but that the roll-down siding is needed to protect diners if a rain storm materializes after they have been seated. The application is for year-round use because the structure will occupy public space throughout the year. The café will not be heated, but could be used on warm days in the winter. Mr. Kitchrayotin does not intend to add glass siding later.

Commissioner Wiss, seconded by Commissioner Kessler, moved Resolution 04-34. Commissioner Maudlin moved a friendly amendment, which was accepted, to add "sidewalk" to "café" in the 5th whereas clause. He then moved to strike from the resolution clause a recommendation for a gutter along the edge of the awning. This amendment was accepted after Mr. Markus explained that the gutter would cause unpleasant and possibly hazardous pooling of water on the sidewalk. Commissioner Kessler moved to include a recommendation for plantings on the railing and inside the café. Commissioner Wiss pointed out that plantings would be difficult to install on the railing because of the roll-down siding and that if installed to hang over the sidewalk, they would impede pedestrians trying to negotiate the small space between the deck and Metro grates. Most outdoor plants would be hard to sustain in the low light inside the café. The motion failed for lack of a second. Resolution 04-34 was approved 6-0-0. Commissioner Perry then asked that the resolution include the public space application number, the lot and square, and information on the owner of the property.

**11. REPORT ON THE WISCONSIN AVENUE CORRIDOR TRANSPORTATION STUDY
[9:34 pm]**

Commissioner Wiss reported on the scope of work for the Wisconsin Avenue Corridor Transportation Study (WACTS), which can be viewed on the DDOT web site. Issues of concern are: (1) DDOT plans to study only the Albemarle Street and Nebraska Avenue legs of the multi-street Albemarle-Nebraska-39th-Grant Road intersection; (2) DDOT does not intend to study the congested intersection of Reno Road and Van Ness Street; and (3) the scenarios defined for future development on the corridor do not reflect the potential development under the Upper Wisconsin Avenue Corridor Study.

Commissioners Kessler and Perry stated that counts were taken at Reno Road and Van Ness in the Connecticut Avenue Traffic Study.

Commissioner Maudlin, seconded by Commissioner Wiss, moved that the Commission send a letter to DDOT urging that DDOT also include 39th Street and Grant Road in the study of the Albemarle Street and Nebraska Avenue intersection. The ANC approved Letter 04-07 by a vote of 6-0-0.

12. QUARTERLY REPORT FOR THE 4TH QUARTER OF FY 2004 [9:42 pm]

The commission approved the Quarterly Report 6-0-0 (Commissioner Kessler moving, Commissioner Bardin seconding).

13. TREASURER'S REPORT FOR OCTOBER [9:46 pm]

The commission accepted the treasurer's report for October 2004. Commissioner Kessler pointed out that the DC Auditor disallowed a check written on the ANC's account with only one signature. He is researching the issue. He also reported that he spent less than allocated on the ANC printer and software and that he has transferred \$15,000 to the ANC's savings account, as approved at the October ANC meeting.

14. ADJOURNMENT [10:02 pm]

Chair Perry announced that if a December meeting is necessary, it will be held on December 13 at the Capital Memorial Church. Otherwise, the next regular monthly ANC meeting will be held on January 10, 2005, at 7:30 pm, also at the Capital Memorial Church. The meeting adjourned, 6-0-0 (Commissioner Kessler moving, Commissioner Bardin seconding).

These minutes were approved 7-0-0, with a quorum present, at a duly noticed public meeting of ANC 3F on January 10, 2005.

Respectfully submitted,

/s/ Cathy Wiss

Cathy Wiss, Secretary

Attachments:

Agenda with brief reports
ANC 3F Annual Report for FY 2004
Res 04-32: Opposing special exceptions for 3715 Albemarle Street, NW
Res 04-33: Traffic improvements on Van Ness Street at exit to UDC Garage
Res 04-34: Not objecting to enclosed sidewalk café at Neisha Thai
Ltr 04-07: Requesting full study of Albemarle St.-Nebraska Ave.-39th St.-Grant Rd.
intersection in the Wisconsin Avenue Corridor Transportation Study
Quarterly Report for 4th Quarter of FY 2004
Treasurer's Report for October 2004