

MINUTES
ADVISORY NEIGHBORHOOD COMMISSION 3F
NORTH CLEVELAND PARK/FORREST HILLS/TENLEYTOWN
PUBLIC MEETING

Capital Memorial Seventh-Day Adventist Church
3050 Chesapeake Street, N.W.
Washington, D.C. 20008
Monday, September 15, 2003

1. CALL TO ORDER [7:30 pm]

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

2. AGENDA [7:35]

The proposed agenda [attached], amended to move stipulated class "CR" liquor license for Buck's Fishing & Camping Restaurant up to follow the MPD report, to add discussion of the Treasurer's proposed continuing resolution budget for FY 2004, and to note that the Treasurer had submitted a combined report for July and August, was moved by Commissioner Wiss, seconded by Commissioner Bernardi, and approved, 5-0-0.

3. MINUTES [7:36]

Minutes of the July 1, 2003, meeting were approved, on motion of Commissioner Bardin, seconded by Commissioner Bernardi. 5-0-0.

4. ANNOUNCEMENTS [7:37 pm]

A. Announcements by Commissioners:

1) Commissioner Kessler: Reconstruction of Yuma Street will begin within two weeks and last a couple of months.

2) Commissioner Bardin: Polinger, Shannon and Luchs expects to complete work on the Van Ness Center plaza and lower facade close to its year-end target despite delays due to several days of heavy rain. Next week the temporary access ramp will shift to the north side of the Metro escalator.

3) Commissioner Wiss: (a) The PSC has posed a series of questions to Pepco regarding the time it took to restore interrupted power.

(b) DOH warns that West Nile virus is still dangerous. Beware of standing water.

B. Announcements by members of the community:

Carolyn Long: The Tenleytown historic survey is available at the Tenley Library (behind desk) for reading and public comment until September 30, 2003 (by forms at the Library or e-mail to tenleytownhistoricalsociety@yahoo.com). The 290-page draft covers 54 Squares, 894 structures.

George Clark: FHCA will sponsor the annual Halloween Parade and festivities starting at Forest Hills Playground on October 25, 2003.

5. OPEN FORUM [7:42 pm]

Allison Prince, Esquire (of Shaw Pittman) introduced Mark James, district manager for Potomac Foods, the franchisee which operates the Burger King (at 4422 Connecticut Avenue, N.W.), accompanied by store manager Danny R. Lopez, for a "mid-course" review of outreach to neighbors of its parking lot (which comes before the BZA every four years for a special exception B due next Spring). Mr. James said neighbors raised no issues in his conversations with them. Commissioner Kessler asked for a wider (geographic) outreach. Commissioner Bardin asked for more attention to open and overflowed dumpsters (perhaps suggesting

switching to a different trash hauler) and policing of the lot and its periphery. Commissioner Wiss spoke of rodent issues posed by dumpsters and suggested more frequent emptying.

6. REPORT FROM 2nd DISTRICT, MPD [7:50 pm]

Lt. Aiello reported that crime events continued high with burglaries the most noteworthy problem in ANC 3F, the 2nd District as a whole, and Northwest generally. Bicycles are especially targeted. Three recent bicycle-theft arrests will help, but not eliminate the rash of burglaries. He urged locking garage doors and night lighting. In response to Commissioner Maudlin, Lt. Aiello reported that MPD still registers bicycles (for \$2) at the Districts, 24 hours a day, seven days a week. (Registration could help recovery of stolen goods.)

On September 20 and 21 (from noon to 4 pm) the Second District will display stolen items seized from criminals.

Lt. Aiello provided information on 39 offenses from 7/11 to 8/11/2003 and on 31 offenses from 8/12 to 9/12/2003 summarized as follows:

	7/11-8/11/03	8/12-9/12/03
Robbery	1	2
Burglary	4	10
Theft	14	10
Theft from Auto	8	7
Stolen Auto	6	0
Other	6	2

7. STIPULATED CLASS "CR" LIQUOR LICENSE (APPLICATION #7671) FOR BUCK'S FISHING & CAMPING RESTAURANT, 5031 CONNECTICUT AVENUE [7:56 pm]

Introduced by Commissioner Bernardi, James Alefantis reported on plans to open a new restaurant in early October, initially Tuesday to Sunday, eventually going to seven evenings plus weekend brunches. He has taken a 10-year lease on premises formerly occupied by Greenwood's Restaurant. His restaurant may be reached at 202/ 364-0777.

Commissioner Bernardi negotiated a draft Voluntary Agreement with this new applicant, patterned after one made by ANC 3G (prior to redistricting) with the previous restaurant, but limited to Mr. Alefantis's short-range plan. Since he hopes business will justify expanding hours of weekend service, paragraph 3. of the draft agreement was amended by consensus to read: "Applicant's hours of operation will be 5:00-10:30 PM Monday -Thursday, and 5:00-11:00 PM Friday. Saturday service will be from 10 AM to 11 PM. Sunday service will be from 10 AM to 10 PM " On motion of Commissioner Bernardi, seconded by Commissioner Bardin the ANC voted (5-0-0) not to object to the new license (stipulated and permanent) on condition that it be subject to the Voluntary Agreement [attached].

8. THE SHERIDAN SCHOOL (BZA APPLICATION NO. 16977 FOR SPECIAL EXCEPTION AND VARIANCES) [8:10]

Commissioner Wiss introduced representatives of the School to explain their proposal and work with neighbors to address their concerns, and to answer questions. Speakers were C. Randall Plummer, Head of School, Michael Hickok, architect and parent, James Heath, business manager, Jacques B. DePuy, Esquire, zoning counsel (of Greenstein, DeLorme & Luchs, P.C.).

Residents Elaine Greenstone (3616 Yuma Street) and Erich Parker (3620 Yuma Street) confirmed the School representations.

Scott Schachter (3627 Alton Place) gave the ANC one copy of his five-page, 11-point complaint (with five attachments) to the BZA B based, he said, on ANC 3F's unsuccessful opposition in 1992 to the "last BZA permit." When he filed the complaint on July 29, 2003, with the BZA he served copies on the School and its counsel, but not on the ANC. Admitting that the School has worked "tirelessly" to resolve all neighborhood issues, he asked the ANC to delay its recommendations to the BZA until the School had agreed with him on remaining issues he had raised in his complaint which may become the subject of a "side agreement" between them.

Commissioner Kessler said he had never seen or heard of this document or request for delay before its presentation that evening despite many meetings with neighbors and encounters with the complainant. Questions of complainant and School representatives elicited that the School had already addressed all but two of complainant's issues by way of agreed-to conditions being submitted to the BZA. (The two remaining issues involve planting one tree in a City-owned tree box adjacent to the School and complainant's desire for granite or concrete curbing on one of the streets instead of asphalt.) The ANC did not agree to delay its recommendations.

Commissioner Kessler moved and Commissioner Maudlin seconded a resolution incorporating a report that specifies a detailed list of proposed conditions to BZA approval. School representatives confirmed that they support each of the conditions.

At the request of Commissioner Wiss, the mover and seconder agreed to add observations (to be drafted subsequently) pointing out that the School's screening and shades will make bays less objectionable to neighbors and that the residents who attended the ANC meeting did not envision problems from an enrollment of 226 in the CASA summer program (precise language to be circulated by e-mail and included in the final report). On motion of Commissioner Wiss, seconded by Commissioner Bardin, the ANC similarly agreed to add language on why it was not practicable or desirable to add more parking spaces at the front corner by vote of 4-2-0 (Commissioner Kessler dissenting and voting Commissioner Dennis's proxy). Thereupon the ANC voted 6-0-0 in favor of the underlying motion (Commissioner Kessler voting Commissioner Dennis's proxy), adopting Resolution 03-18 and Report 03-02 [both attached].

9. DDOT'S PROPOSAL FOR TEST CLOSURE OF BEACH DRIVE [9:35 pm]

On motion of Commissioner Maudlin, seconded by Commissioner Bardin, the ANC voted 5-0-0 to adopt Resolution 03-19 [attached].

10. APPLICATION TO REMOVE TWO TREES IN FRONT OF 2845 CHESTERFIELD PLACE [9:43 pm]

On motion of Commissioner Maudlin, seconded by Commissioner Kessler, the ANC approved Letter 03-04 [attached] by a vote of 6-0-0 (Commissioner Maudlin voting Commissioner Dennis's proxy).

11. APPLICATION FOR DRIVEWAY CUT AT 2800 CHESTERFIELD PLACE [9:46 pm]

On motion of Commissioner Maudlin, seconded by Commissioner Bardin, the ANC approved Letter 03-05 [attached] by a vote of 6-0-0 (Commissioner Maudlin voting Commissioner Dennis's proxy).

12. APPLICATION TO BUILD A WALL AND FENCE IN PUBLIC SPACE IN FRONT OF 4409 B 39th STREET [9:50 pm]

On motion of Commissioner Wiss, seconded by Commissioner Kessler, the ANC approved the attached Recommendations of ANC 3F: Application for Wall/Fence Combination in Public Space at 4409 B 39th Street, N.W. [Rept 03-03] by a vote of 4-1-0 (Commissioner Bardin dissenting).

13. CONSIDERATION OF ANC'S FILING FOR PARTY STATUS IN ZC CASE NO. 03-27 A PUD AT 4600 WISCONSIN AVENUE (BABE'S BILLIARDS) [10:10 PM]

On motion of Commissioner Wiss, seconded by Commissioner Bernardi, the ANC approved a Motion to Establish Party Status of ANC 3F (North Cleveland Park, Forest Hills & Tenley Town [Doc 03-03, attached] by a vote of 6-0-0 (Commissioner Wiss voting Commissioner Dennis's proxy.)

14. TREASURER'S REPORT [10:15 pm]

On motion of Commissioner Kessler, seconded by Commissioner Bernardi, the ANC voted 5-0-0 to approve the attached Quarterly Report to the D.C. Auditor for the 3rd Quarter of FY 2003.

Treasurer Kessler presented the attached report for July and August 2003, combined.

On motion of Commissioner Kessler, seconded by Commissioner Bernardi, the ANC voted 5-0-0 to approve the attached Continuing Resolution Budget for FY 2004.

15. ADJOURNMENT [10:22 pm]

The meeting adjourned. The ANC will next meet at a special meeting, scheduled to permit timely discussion of The Washington Home's anticipated BZA filing, at the Capital Memorial Seventh-Day Adventist Church, 3150 Chesapeake Street, N.W., on Monday, September 29, 2003, at 7:30 pm.

Respectfully submitted,

/s/ David J. Bardin

David J. Bardin, Secretary
Approved: September 29, 2003

Attachments:

Agenda [with Brief Reports]

Voluntary Agreement dated September 15, 2003, with James Alefantis t/a Buck's Fishing and Camping Restaurant

Res 03-18 Regarding Sheridan School application to the BZA

Rept 03-02 Regarding Sheridan School application to the BZA

Res 03-19 Regarding proposed test closure of Beach Drive

Ltr 03-04 Letter to Public Space Committee regarding 2485 Chesterfield Place

Ltr 03-05 Letter to Public Space Committee regarding 2800 Chesterfield Place

Rept 03-03 Recommendations to Public Space Committee re: Application for Wall/Fence Combination in Public Space at 4409 B 39th Street, N.W.

Doc 03-03 Motion to Establish Party Status of ANC 3F in ZC Case No. 03-27 PUD [Babe's Billiards]

Quarterly Report for the 3rd Quarter of FY 2003 to DC Auditor

Treasurer's Combined Report for July and August, 2003
Continuing Resolution Budget for FY 2004