

**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 29, 2003

**1. CALL TO ORDER [7:35 pm]**

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

**2. AGENDA [7:37 pm]**

The proposed agenda [attached], amended to add Kuri Brothers appeal at the end, was moved by Commissioner Wiss, seconded by Commissioner Maudlin, and approved, 5-0-0.

**3. MINUTES [7:41 pm]**

Minutes of the September 15, 2003, meeting were approved, on motion of Commissioner Bardin, seconded by Commissioner Maudlin. 4-0-1 (Commissioner Dennis abstaining).

**4. ANNOUNCEMENTS [7:42 pm]**

A. Announcements by Commissioners:

1) Commissioner Kessler: In the aftermath of Hurricane Isabel, residents with unresolved issues should contact FEMA at 202/256-1456.

2) Commissioner Bardin: SmokefreeDC seeks to educate residents about dangers of second hand smoke [www.smokefreedc.org or Chuck Thies at 202/ 462-5634].

B. Announcements by members of the community:

None.

**5. OPEN FORUM [7:43 pm]**

Caroline K. James (4711 32nd Street), together with Margie Brickley, M.S.Ed., Program Director, reported on a proposal by the Jenny Waelder Hall Center for Children, Inc. to operate a small nursery school for struggling 3-5 year olds in space to be leased from the Capital Memorial Church. The proposal would require a special exception from the BZA, for which the Center intends to apply soon. The Center and the Church want to assure neighborhood acceptance before actually moving forward. Center representatives have contacted some immediate neighbors, Friends of the Forest Hills Playground, and the Forest Hills Citizens Association and came to the ANC preliminarily, in advance of applying to the BZA. Ms. James, who is one of the Trustees of the nursery school [and can be reached at 202/ 244-3969 or Ckjames@erols.com] gave out summary papers about the proposal and the nursery school (which is affiliated with the Baltimore-Washington Institute for Psychoanalysis, Inc.). Ms. James and Ms. Brickley said that if the school should later plan to expand substantially it would move to another location.

Commissioner Bernardi arrived during the foregoing discussion.

[7:53 pm] Dick Randall of 3514 Quebec Street called attention to (and circulated a petition about) obtrusive signs put up by American University at 4200 Wisconsin Avenue (and Van Ness Street, in ANC 3F06).

**6. CLASS "CR" LIQUOR LICENSE (APPLICATION # 50256) FOR NEISHA THAI CUISINE, 4445 WISCONSIN AVENUE [8:05 pm]**

Introduced by Commissioner Wiss: The ANC heard from owner Rick Kitchrayaotin, architect Rich Markus, and attorney Dimitri Mallios, Esquire about plans for the new restaurant (to open in December), the pending application to ABC Administration for a license, and a future application to the Public Space Committee for permission to add a sidewalk café. Addressing trash, Mr. Kitchrayaotin assured the ANC that if the Public Space Committee does not authorize an enclosure for a small dumpster, the restaurant will retain trash indoors and pay for daily removal.

Commissioner Wiss reported some sentiment of neighbors in favor of such a restaurant and presented a Voluntary Agreement. Mr. Mallios said that his client would sign the Voluntary Agreement as presented, if necessary, but would prefer deletion of one sentence ("This agreement does not cover service of alcoholic beverages at a sidewalk café in public space adjacent to the building because at the time of this agreement no permit for a sidewalk café has been approved.") so that it would not have to return to the ABC Board for an amendment to cover the sidewalk café if later approved; he assured the ANC that his client would come back to discuss any concerns regarding the sidewalk café application (when, as, and if made).

Commissioner Wiss moved, and Commissioner Kessler seconded approval of the Voluntary Agreement and non-objection to the liquor license, accepting amendment of the sentence quoted above to read: "This agreement does not cover service of alcoholic beverages at a sidewalk café in public space adjacent to the building until a certificate of use for a sidewalk café has been issued by the Public Space Committee and after notice to the ANC."

Mr. Mallios and his client agreed to that change. The ANC voted (6-0-0) not to object to the new license on condition that it be subject to the Voluntary Agreement [attached].

**7. THE WASHINGTON HOME (BZA APPLICATION NO. 16836 FOR SPECIAL EXCEPTION AND VARIANCES) [8:35 pm]**

Commissioner Wiss introduced The Washington Home's (TWH's) revised site plan, landscape plan, and parking plan filed on September 23, 2003, with the BZA in response to its rejection of expansion of TWH's parking lot to 173 spaces and limitation to 130 spaces. The ANC heard critical comments from residents Mark Bravin (4019 37th Street), who said that TWH had not shown neighbors the proposed revisions until the night of September 18 (and then on a "this is it" basis, not as an opening to discussion), Sharon Flank (3630 Upton Street), Wayne Curtis (3685 Upton Street), Joe Handwerger (3743 Upton Street), and Clem Dinsmore ( 3726 Veazey Street ).

Commissioner Wiss said she had invited representatives of TWH to attend and discuss the proposals but that TWH elected to send only an observer, without authority to discuss or explain.

On motion of Commissioner Wiss, seconded by Commissioner Dennis, the ANC voted 6-0-0 in favor of adopting Resolution 03-20 [attached].

Commissioner Dennis left after the foregoing vote.

**8. KURI BROTHERS APPEAL TO THE D.C. COURT OF APPEALS [9:35 pm]**

Commissioner Bardin reported that Kuri Brothers filed a Petition for Review of the BZA's Order of September 24, 2003, with the D.C. Court of Appeals on September 24, 2003, and that limited time has precluded consultations with DCRA, Office of the Corporation Counsel (which defends BZA orders), and Archstone-Smith (Charles E. Smith Residential), which intervened before the BZA. On motion of Commissioner Maudlin, seconded by Commissioner Bardin, the ANC voted 5-0-0 to suspend its rules and on motion of Commissioner Bardin, seconded by Commissioner Bernardi voted 5-0-0 to authorize the filing of a petition to intervene (after circulating a draft by e-mail).

**9. ADJOURNMENT [9:43 pm]**

The meeting adjourned. The ANC will next meet at a regular monthly meeting, at the Capital Memorial Seventh-Day Adventist Church, 3150 Chesapeake Street, N.W., on Monday, October 20, 2003, at 7:30 pm.

Respectfully submitted,

*/s/ David J. Bardin*

David J. Bardin, Secretary  
Approved: October 20, 2003

Attachments:

Agenda [with Brief Reports]

Voluntary Agreement dated October 8, 2003, with Kitch Group t/a Neisha Thai Cuisine  
Res 03-20            Regarding The Washington Home revised site and landscape plan