

**ADVISORY NEIGHBORHOOD COMMISSION 3-C  
GOVERNMENT OF THE DISTRICT OF COLUMBIA**

Cathedral Heights · Cleveland Park · Massachusetts Ave. Heights · McLean Gardens · Woodley Park

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**I. CALL TO ORDER**

Chair Nancy MacWood called to order Advisory Neighborhood Commission 3C (ANC3C's) regular monthly meeting for May 15, 2006 at 7:33 p.m. The meeting was held in the community room at the Second District Police Station, 3320 Idaho Avenue, NW, Washington, DC 20008. Other commissioners present included Avram Fechter, Catherine May, Trudy Reeves and Stephanie Zobay. Commissioners Dia Black and Sheila Hogan arrived at 7:37pm. Commissioner Deborah Jane Lindeman arrived at 7:40 pm. Commissioner Beckner arrived at 8:20pm.

**II. VERIFICATION OF NOTICE**

Chair MacWood verified that the proper notice was published in the Northwest Current and posted on the Cleveland Park list serve, the Woodley Park list serve, and the ANC3C website.

**III. ESTABLISHMENT OF QUORUM**

At 7:33 p.m. Chair MacWood acknowledged that a quorum (at least five members of the commission) was present.

**IV. APPROVAL OF AGENDA**

Chair MacWood moved for approval of the following agenda:

- A. Consent Calendar – Liquor License Renewals
  1. Sherry's Wine Spirits, 2315 Calvert Street, NW. Hours of sale: 9am-9pm.
  2. Cathedral Liquors, 3000 Connecticut Avenue, NW. Hours of sale: 9am-9pm Monday-Thursday, 9am-10pm Friday-Saturday.
  3. Cleveland Park Liquors, 3423 Connecticut Avenue, NW. Hours of sale: 9am-9pm Monday-Thursday, 9am-10pm Friday-Saturday.
  4. Burka's Fine Wines and Liquors, 3500 Wisconsin Avenue, NW. Hours of sale: 9am-9pm.
  5. Papa's Liquors, 3703 Macomb Street, NW. Hours of sale: 9am-9pm Monday-Thursday, 9am-10pm Friday-Saturday.
- B. Consent Calendar Applications
  1. 2924 33<sup>rd</sup> Place, NW: application to the Board of Zoning for a Special Exception to waive the side yard allowance for a ten-foot deep, one-story rear addition to a semi-detached home.
  2. 2826 28<sup>th</sup> Street, NW: application to the Historic Preservation Review Board ("HPRB") for a two-story rear addition to a row-house. The proposed

ground floor addition is in the current building footprint and the proposed second story addition extends the current porch side walls to the current building side walls.

- C. 3210 34<sup>th</sup> Street, NW: application to HPRB for a two-story, four-foot rear addition.
- D. Consideration of a resolution endorsing the creation of a Department of Parks and Recreation (“DPR”) dog park at the DPR Newark Street Park in McLean Gardens.
- E. Community Forum  
Discussion with Bill Crews, Zoning Administrator, about potential zoning issues raised by JBG development at the Wardman Park Marriott Hotel property and other matters.

**The agenda was approved without objection by a vote of 5-0.**

#### V. ANNOUNCEMENTS

Commissioner Reeves again announced the Public Quarterly Meeting of the Sidwell Friends School. The meeting will be held Monday, May 22, 2006 at 7:30pm at a location to be announced. A representative from Hitt Construction Company will discuss the considerable summer work involving 37<sup>th</sup> Street, NW.

#### VI. COMMISSION BUSINESS

*A. Consent Calendar approval of all Liquor License renewals:*

Chair MacWood asked if anyone present had any objection to the renewal of any of the liquor license renewals noted on the agenda. No objections were presented. Chair MacWood moved to approve the five liquor license renewals without objection. The motion was seconded by Commissioner May.

**The motion was unanimously approved by a vote of 5-0.**

**Note: Commissioners Black and Hogan arrived at 7:37pm.**

*B. Consent Calendar approval of an application to the Board of Zoning for a Special Exception to waive the side yard allowance for a ten-foot deep, one-story rear addition to a semi-detached home 2924 33<sup>rd</sup> Place, NW:*

Chair MacWood asked if anyone present had any objections to this application. No objections were noted. Chair MacWood moved that the application be approved without objection. The motion was seconded by Commissioner May.

**The motion was unanimously approved by a vote of 7-0.**

*C. Consent Calendar approval of an application to HPRB for a two-story rear addition to a row-house located at 2826 28<sup>th</sup> Street, NW. The proposed ground floor addition is in the current building footprint and the proposed second story addition extends the current porch side walls to the current building side walls.*

Chair MacWood asked if anyone present had any objections to this application. No objections were noted. Chair MacWood moved that the application be approved without objection. The motion was seconded by Commissioner Zobay.

**The motion was unanimously approved by a vote of 7-0.**

**Note: Commissioner Lindeman arrived at 7:40 p.m.**

*D. Consideration of an HPRB application for a two-story, four-foot rear addition at 3210 34<sup>th</sup> Street, NW:*

Chair MacWood noted that this application had been approved by the Cleveland Park Architectural Review Committee and had been placed on the consent calendar of HPRB. Chair MacWood moved that the Commission had no objection to this application. The motion was seconded by Commissioner May.

**The motion was unanimously approved by a vote of 8-0.**

*E. Consideration of a resolution endorsing the creation of a Department of Parks and Recreation ("DPR") dog park at the DPR Newark Street Park in McLean Gardens.*

Commissioner Reeves read and moved a resolution in support of the dog park. She noted that the resolution was co-sponsored by Commissioner Hogan. The motion was seconded by Commissioner Hogan. Chair MacWood inquired as to whether those both in favor of the dog park and those opposed had a designated speaker. Two speakers were recognized in favor of the dog park and one speaker was recognized as opposed to the dog park. Each side was allotted ten minutes for their presentation. Kathy Silva and Barbara Bermpohl spoke in favor of the dog park. Their presentation focused on three issues: the need for and benefit of a dog park in the area, the support of the community for a dog park, and the equitable use of community resources. Linda Berry spoke against the dog park. Her focus was on the environmental and safety impacts of allowing a dog park within 50 feet of the organic community garden and the children's playground. She also noted that any resolution by ANC3C was premature at this time as the DPR has not yet promulgated the regulations associated with allowing dog parks in the city. Lawrence Petroni was also recognized to speak against the dog park, and noted that the green space was used daily for activities such as playing soccer, kite flying, and picnicking.

Commissioner Reeves responded to funding concerns addressed by the speakers by stating that the resolution did not address funding. She stated that funding depended on what DPR had in their capital budget. She noted that two dog parks had already been approved by DPR. These dog parks have been approved before the regulations governing such parks have been passed, so the resolution is neither ill-timed nor premature.

Commissioner Hogan noted that in many Single Member Districts the number of dogs outnumbers the number of children, and she thought it was time to accommodate the 'surrogate' children. Dog parks have been proven to enhance the emotional and physical health of dogs, and provide a haven to build a sense of community.

Commissioner Reeves noted that both she and Commissioner Hogan were also members of the community garden.

**Note: Commissioner Beckner arrived at 8:20pm.**

Chair MacWood inquired as to whether there was money in DPR's budget to fund the park. Commissioner Reeves stated she thought funds were allocated for one park this year, in Adams-Morgan. She stated that if DPR approved the space for the dog park, the community might be able to raise the money. Commissioner Hogan added that approval of the space would put the Newark Park in the queue for funding by DPR, hence the timing of the resolution makes sense.

Commissioner Zobay inquired as to the siting of the dog park, wondering if it could be placed farther away from the children's playground. Commissioner Reeves noted that the size of the park (10,000 square feet) was determined by the lay of the land.

Commissioner Beckner inquired as to the supervising body of the dog park, stating that he was a member of the Rosedale Park, and there was a body that regulated the activities regarding the dog park on the property. Commissioner Reeves stated that membership was required for the organic community garden but she did not know if membership was necessary for the dog park. Commissioner Fechter stated that the community could sign a Voluntary agreement that would adapt the DC regulations, when they were passed, to the community needs.

Chair MacWood inquired as to where the owners would park if they drove to the park. Commissioner Reeves stated that they would have to park on the street, as do the gardeners and residents. Chair MacWood also inquired into the noise associated with the dog park and asked if the hours of access would be restricted.

Commissioner May noted that Guy Mason Center has had a dog park for approximately six years. There have been no untoward events, and often children socialize with the dogs. There is a garden ten feet from the dog park and the gardeners have never complained.

Commissioner Lindeman commented that while dogs, kids, and adults need space she has identified two problems. One is the timing, as queuing up for funding should not trump waiting for the DPR regulations to be finalized. Second, the green space is used by many, and dogs create a lot of noise. Parks are created for people, and while no one has forced the residents and neighbors to have a dog, people trump dogs regarding park space.

Commissioner Fechter commented that park space is limited, and health concerns come first for him. How the park is used determines whether the park will be perceived as good or bad for the community. Commissioner Fechter offered a friendly amendment that the final layout and self-imposed regulations regarding use of the dog park be approved by ANC3C. Commissioner Reeves accepted the friendly amendment.

Commissioner May asked to call the question. The motion was seconded by Commissioner Beckner. A verbal vote revealed all in favor with one abstention.

**The resolution was approved by a vote of 8-0-1 as follows:**

**Commissioner Beckner - yes**  
**Commissioner Black - yes**  
**Commissioner Fechter - yes**  
**Commissioner Hogan - yes**  
**Commissioner Lindeman – abstain**

**Commissioner May - yes**  
**Chair MacWood - yes**  
**Commissioner Reeves – yes**  
**Commissioner Zobay – yes**

**VII. COMMUNITY FORUM**

Chair MacWood asked if anyone wanted to address the commission under the Community Forum. No community issues were addressed. Chair MacWood then introduced Bill Crews, Zoning Administrator, and asked for his comments on a variety of issues.

*A. Zoning Issue with respect to the Wardman Park Marriott Hotel project:*

Mr. Crews provided the Commission with his memo indicating that, in his opinion, if JBG proceeds with their project according to the facts presented to him, than the project may continue as a matter of right. Because plans for the whole project have not been presented, there are a few caveats associated with his approval. The project must comply with the requirements that the gross floor area of the hotel not be increased, the function space may not be increased, and the FAR total not be exceeded. It is the duty of Zoning to keep a “running total” with respect to these requirements. Zoning has issued two building permits: one to enclose the loading dock and one to undertake interior renovations. Mr. Crews stated that he has signed off on the underground parking structure but he did not know if the actual permit had been issued. He noted that items such as above ground vents for the parking garage have been taken into consideration.

Chair MacWood stated that a lot hinges on the current gross floor area as this cannot be increased. Furthermore the BZA denied the enclosure of the loading dock in the past, stating that this project would increase the gross floor area of the hotel. She asked Mr. Crews if the BZA erred in their judgment of this. Mr. Crews responded that the current loading dock is below grade from the finish grade and thus it is not counted as function space, and does not add to the gross floor area. He stated that BZA rejected the whole “package” as presented to them by the hotel, and did not consider separate pieces of the project as allowable. Chair MacWood stated that the “package” presented to the BZA by the hotel in the past included a garage and the BZA gave no indication that pieces of the project could be pulled out of the package and receive approval. She then asked in what category Mr. Crews has placed the loading dock. Mr. Crews stated he considered the loading dock to be in the service category, which also includes mechanical areas, and laundry. He continued that while the term does not specifically include loading docks, he felt that the loading dock most appropriately fits into this category.

Chair MacWood asked if Mr. Crews has determined other pieces of the hotel project to be matter of right. Mr. Crews responded that based on the information provided to him by the hotel, outlining increases and decreases in space on the property, they (the developer) do offset all their increases, so they may proceed. He further stated that he did not have the plans for the condominium development and this determination was based on his best estimate of what they (the developer) were

trying to do. Chair MacWood asked if DCRA would be responsible for checking the figures as presented to him. Mr. Crews stated that, yes; DCRA would like to follow up with inspections of the work. Chair MacWood further commented that the project has changed from the initial presentation to the community

Commissioner Lindeman asked if Mr. Crews had seen renderings of the condominium building, as he had mentioned a walkway from the condominium building to the hotel building. Mr. Crews stated that an outline was in one of the drawings he provided to the commission and that the walkway has to be above grade. Commissioner Fechter clarified that the underlying project has not had a ruling as yet, only two discrete pieces have been approved.

Community member Bruce Forrest asked if the condominium building is separate from the hotel. Mr. Crews responded that the condo units cannot rent rooms or function space to the hotel. The condo building is in an R-5 zone and, as like apartments, the rooms must be rented out for a minimum of 30 days. Thus the hotel and the condo building cannot share space. Commissioner Zobay asked if the shared space applied to roadways as well. Mr. Crews stated that he would have to look into this as well as the regulations on infrastructure sharing.

Chair MacWood inquired as to the construction of the new ballroom and the impact upon the total square footage. Mr. Crews stated that while the construction of the new ballroom will temporarily increase the square footage, the old ballroom will be demolished, and it will be a one-for-one replacement. Mr. Crews also stated that the hotel is a nonconforming structure and you can do major renovations to it and not increase the size. The additional residential use is not an issue as it is considered residential space and not hotel space. Mr. Crews noted that the condominium is an addition to the building and not an addition to the hotel. While it may be semantics, it is important distinction in the regulations. According to the definition of a hotel, a hotel may be a building or part of a building.

Mr. Forrest asked about the ability of the developer to build the condo building as high as the highest part of the hotel. Mr. Crews stated that the developer can build up to a height of 90 feet from the point of measurement. Furthermore, one lot can only have one building on it, but that the existing historical tower on the property is connected to the hotel by a walkway, so overall it is considered one building. Chair MacWood commented that these walkways are a big loophole in the Zoning Regulations. Mr. Crews further commented that there is no definition of a connection/walkway other than it has to be a structure.

Commissioner Black inquired how Mr. Crews proposes to enforce the regulations on this project. Mr. Crews responded by saying that this is a high priority project for his office and they will be on top of it.

Commissioner Beckner noted that in the information provided by Mr. Crews to the commission this evening, the letter from Mr. Nettler, Attorney for JBG, references a previous memo. Can the commission get a copy of that memo? Mr. Crews responded affirmatively. Commissioner Beckner further stated that Mr. Crews' comments in his memo were tentative and conditional and need concreteness for any appeal. Mr. Crews responded that the permits for the loading dock, interior renovations, and the parking garage were granted and his opinion in granting these was based on facts. He does not have these facts with respect to the

building of the ballroom or the condominium at this time. Commissioner Beckner stated that Mr. Crews' decisions with respect to the condominium building being a matter of right assumes truth of the facts represented. He asked Mr. Crews what would change the decision if the facts supporting the decision changed. Chair MacWood added did Mr. Crews have the right to require all the plans up front before making any decisions. Mr. Crews responded that he has to decide the issues based upon what is in front of him. Commissioner Beckner asked if the ANC could have a copy of everything submitted by the developer. Mr. Crews said yes.

Commissioner Lindeman voiced her dissatisfaction with the permits issued by DCRA, stating that the piecemeal approach is a disservice to the constituents. She requested Mr. Crews to revoke the current permits and make a decision on the project as a whole. Mr. Crews stated that he was limited in what authority he has and cannot inject his feelings about the project into the job. His decision on the permits is based on the language of the regulations. Mr. Forrest asked if the validity of a regulation could be challenged. Chair MacWood noted that the Zoning Commission determines the zoning rules.

Further discussion centered on the denial of a Large Tract Review by the Office of Planning. Commissioner Lindeman motioned for the Chair to write a letter to the appropriate elected officials, including Deputy Mayor Stan Jackson, to order the Office of Planning to enact a Large Tract Review forthwith. The motion was seconded by Commissioner Black. **The motion was unanimously approved by a vote of 9-0.**

*B. Status of Overlay Measurements in Woodley Park:*

Chair MacWood asked Mr. Crews if he had finished mapping out the restaurant linear footage for the Woodley Park Commercial Overlay zone. Mr. Crews provided a handout to the commission, concluding that 31.6% of the footage is eating establishments. This is over the 25% cap. Commissioner Black asked if Mr. Crews' office was aware of a Dominoes Pizza business attempting to locate on the alley of the commercial zone for a delivery only restaurant. Mr. Crews said such an application may be problematic because there would be no associated street frontage for the restaurant. However, Dominoes would be considered fast food and would be prohibited on the street. Commissioner Black further inquired whether the alley was wide enough to accommodate this type of establishment. Mr. Crews said he would have to check with the District Department of Transportation ("DDOT").

Chair MacWood inquired whether coffee shops fall under the overlay. Mr. Crews said they did. He also said that any carry-out only shop is considered fast food.

Commissioner Zobay inquired whether Public Space had been notified regarding the trash enclosures of CVS and McDonalds. Mr. Crews said he had not followed up with this, but he will.

*C. Cathedral Parking Garage:*

Commissioner Hogan inquired as to the determination of cars exiting onto Woodley Road from the Cathedral parking garage, wondering if a special exception

was needed. Mr. Crews replied that he had not been able to spend much time on this issue and would get back to her.

*D. Macomb-Wisconsin Overlay*

Chair MacWood asked if Mr. Crews would be available in the near future to map out the Macomb-Wisconsin Overlay zone. Mr. Crews said he would check on the availability of the staff.

**VIII. OFFICERS REPORTS**

- A. Treasurer's Report: Commissioner Reeves presented the second quarter financial statement and balance sheet. Commissioner Lindeman moved that these documents be approved. The motion was seconded by Commissioner Black. **The motion was approved unanimously by a vote of 9-0.**
- B. Minutes from April 2006: Commissioner Lindeman moved the April 19, 2006 minutes for approval. The motion received a second from Commissioner May. **The motion was approved unanimously by a vote of 9-0.**

**IX. SINGLE MEMBER DISTRICT REPORTS**

- ANC3C-02: Commissioner Lindeman introduced the new President of the Woodley Park Community Association, John Goodman, to the commission, as well as a new At-Large member, Elba Morales.
- ANC3C-09: Commissioner May reported that the Greek Festival hosted by St. Sophia's has been cancelled as of 5pm this evening. St. Sophia's failed to collect signatures of approval from 90% of the residences within 500 feet of the event.

**X. ADJOURNMENT**

Commissioner Fechter moved to adjourn. Commissioner Black seconded, and by a unanimous vote of 9-0, the meeting adjourned at 11:13 P.M. on May 15, 2006.