

**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 a special meeting of Advisory Neighborhood Commission 3C (ANC 3C) on April 25, 2005 at 7:35 p.m. The meeting was held in the community room at the Second District Police Station, 3320 Idaho Ave., NW, Washington, DC. Other commissioners present included Bruce Beckner, Dia Black, Avram Fechter, Deborah Jane Lindeman, Sheila Hogan, Trudy Reeves, and Stephanie Zobay. Commissioner Lindeman arrived at 7:50 p.m. Commissioner Hogan arrived at 8 p.m.

II. VERIFICATION OF NOTICE

Chair MacWood verified that the proper notice was published in the Northwest Current and posted on the Cleveland Park listserv and ANC 3C web site.

III. ESTABLISHMENT OF QUORUM

Chair MacWood acknowledged that a quorum (at least five members of the commission) was present and asked the commissioners to introduce themselves.

IV. APPROVAL OF AGENDA

Chair MacWood announced that there would be no additions or deletions to the agenda because of the rules for special meetings. Commissioner Fechter moved for approval of the agenda. Commissioner Beckner seconded. **The agenda was approved by a unanimous vote of 6-0.**

VI. DISCUSSION

Chair MacWood introduced discussion on the ANC's architect's plan for the Giant store at Wisconsin Avenue and Newark Streets NW. Chair MacWood explained that the architect, Lex Ulibarri, was unable to attend due to a family emergency and provided background information regarding the Giant agreement five years ago. In exchange for additional land in the back of the store and for withdrawal of a landmark application, Giant agreed to leave the Murphy's Wisconsin Avenue doors open and recreate the original Giant entrance at Newark and Wisconsin. Chair MacWood displayed the most recent store layout produced by Giant's architect. She noted that there were several inconsistencies with the agreement and that Giant had decided to return to the drawing board. Cleveland Park Citizens Association hasn't seen anything for two years and there have been numerous timetables presented, but nothing has moved forward. ANC 3C hired an architect last fall to see if a fresh pair of eyes could offer a design solution.

Chair MacWood displayed Mr. Ulibarri's plans to the community. Commissioner Reeves stated that she feels very strongly that the ANC can't tell Giant how to set up the inside of their store. A community member asked about provisions for little shops across the front. Chair MacWood said that the agreement doesn't call for that, but that she hopes that Giant would put departments such as the bakery and deli in front to give that sort of feel.

CPCA President George Idelson said his first reaction to the idea of hiring an architect was that it was awfully presumptuous to think we could tell them how to design their store, but now he thinks the design ideas turned out wonderfully. He said he thinks this is a powerful tool and Giant should be grateful.

A community member stated that the drawings seem hopeful, but the agreement really focused on interactive streetscape and no one has ever done that. Another person asked why Giant couldn't make their store more like the Whole Foods on P Street. Transportation co-chair Peter Espenscheid noted that the agreement is very specific on the point of interactive streetscape. They are supposed to put specialty items along that side of store. The agreement lists such departments as the deli, florist, and bakery. The point is to shop in one department without visiting the entire store.

A community member stated that her primary concern is that they move forward and asked how significant it was that a Giant representative had not attended the evening's meeting. Chair MacWood said she had invited Giant to attend and to view the drawings the week prior to the ANC meeting. The Chair said she had spoken with Mr. Scher that morning and that he expressed great interest in seeing what the ANC had come up with, but wouldn't give a timetable for viewing the plans and renovating the store. He told her that they still intend to renovate the store, but have no timetable. She encouraged community members to contact the corporation.

Mr. Idelson gave the contact info for Stop and Shop as follows: Marc Smith, President & CEO, Stop and Shop Supermarket Companies Inc., PO Box 1942, Boston, MA 02105. Chair MacWood said that she thinks it would be helpful if the community made their views known. A community member said he's asked the Giant manager and was told that there is a small group of community members against reconstruction. Commissioner Reeves noted that Giant had said that all cash registers have to be in one place to prevent shoplifting, but many stores have registers in different locations. Commissioner Lindeman further noted that locations in other states have different designs for their cash registers. A community member applauded the ANC for its efforts. Chair MacWood asked the community to raise their hands if they believed the ANC was moving in the right direction. By show of hands, there was almost unanimous agreement.

V. COMMISSION BUSINESS

a. Chair MacWood introduced consideration of a Historic Preservation Review Board (HPRB) application for an unenclosed sidewalk café plus enclosed sidewalk café on 24th Street side of restaurant at 2331 Calvert Street. Commissioner Lindeman introduced Constantine Stavropoulos, the owner of Tryst and The Diner in Adams Morgan. Mr. Stavropoulos stated that he had signed a lease to open a combination of both of his Adams Morgan restaurants in Woodley Park. He presented an overview of his plans. Architect Joe Stavropoulos said that the goal for the outdoor portion was to create a removable structure with open sides for a feeling of continuity. He noted that the cover at the neighboring restaurant is sunproof and conceals views of the entrance. Commissioner Lindeman expressed concern about wiring the restaurant for sound. She asked if they plan to build up the sidewalk and how they would prevent residents from falling if the sidewalk was built up. Mr. Stavropoulos said that they plan to put a rail in and that the sidewalk will be almost at the store level, with just a slant to prevent water from entering. Commissioner Lindeman asked how many tables and seats they plan to have. Mr. Stavropoulos replied that at roughly 7 square feet per person, they would have 30-40 seats in the unenclosed area and another 30-40 in the enclosed area.

Commissioner Lindeman read and moved a resolution urging the HPRB to postpone application until public space has reviewed and approved the application and ANC 3C has had a chance to work out a voluntary agreement with the applicant. Commissioner Beckner seconded. Mr. Stavropoulos stated that

he already received his liquor license for the interior, but would have to apply to amend it for the outdoor area. Ex-commissioner Vorndran confirmed that the ANC approved the liquor license last fall. Commissioner Zobay asked how the applicant intends to demonstrate his plans to the apartment across the street. Mr. Stavropoulos replied that he had provided his e-mail address to the apartment center representative and stated that he would be happy to have any concerned residents come by the restaurant and speak with him. He said it would be in his best interest to please neighbors so they would be happy patrons.

Commissioner Fechter offered a substitute resolution to approve the application on HPRB grounds. Commissioner Zobay seconded. Commissioner Reeves suggested a friendly amendment of another whereas to state that the owner had agreed to work on a voluntary agreement with the Woodley Park Community Association (WPCA) and ANC 3C. Commissioner Fechter accepted. Commissioner Lindeman stated that she did not feel comfortable approving the design because her constituents have expressed concern. Commissioner Hogan said she would support approving the substitute resolution and that the ANC should make it clearer that they like to consider public space issues prior to HPRB issues. Commissioner Fechter said that compared to many other HPRB applications they've seen, this application is perfect under the HPRB guidelines. Chair MacWood called for a vote on the substitute resolution. **Resolution 2005-025 was approved by a vote of 7-1, with Commissioner Lindeman opposed.** WPCA president Barbara Ioanes thanked Commissioner Lindeman for her work on this sidewalk café. She noted that it had come before WPCA at the executive level only a week prior to the ANC's special meeting and Commissioner Lindeman had worked very hard on the resolution.

b. Chair MacWood introduced consideration of a request by the National Cathedral School for Girls (NCS) to reinstall signage on the east side of 36th Street between Woodley Road and Lowell Street to prohibit parking from 7 a.m. to 5 p.m. weekdays. Kate Cullen, the executive director for community relations of the Protestant Episcopal Cathedral Foundation, and Tawana Purnell, head of the NCS lower school, provided an explanation for their request. Ms. Cullen explained that the lower school has drop off and pick up on 36th Street and parents often end up illegally double-parked. She stated that they are requesting that the previously installed signs be reinstalled and that extra time be allotted at each end of the day. Commissioner Hogan asked why they need the extra half-hour at the beginning of the day. Ms. Purnell explained that school begins at 7:55 a.m., so they really need to start having parking restrictions at 7:30 a.m.

Commissioner Beckner noted that the area affected is the whole NCS frontage, so no residential parking spaces would be removed. Chair MacWood pointed out that when people are double-parked, it is very difficult to squeeze by. Commissioner Lindeman asked whether the school would enforce the no parking rule. Ms. Cullen said that they would provide someone at drop off and pick up periods, but not all day; however, they would also talk to MPD to encourage stricter enforcement. Commissioner Hogan asked if the school really needed evening hours. Ms. Purnell said that most children leave by 3:40 p.m., but there is an extended day program that would benefit from additional no parking on that side of the school. Commissioner Hogan pointed out that the extra time would be extremely problematic for neighborhood residents due to the rush hour restrictions in place on major thoroughfares. Commissioner Lindeman concurred.

Commissioner Reeves asked if the school would be able to shift traffic once they have their parking garage. Ms. Cullen said that they are currently examining all of their traffic patterns and hope to get as many spots onto the Close as possible. Commissioner Lindeman strongly encouraged placement of a person to facilitate traffic flow. Commissioner Hogan concurred, noting that parents have cell phones and can call the kid to tell them to come out. Ms. Cullen said they would discuss their expectations with

the parents. Chair MacWood moved that the ANC support reinstallation of the no parking signage on the west side of 36th between Woodley and Lowell between 7:30 a.m. and 4:30 p.m. on school days and that the ANC also urge NCS to facilitate the efficient movement of pickup and dropoff. Commissioner Fechter seconded. Commissioner Hogan suggested to the school that they post a temporary sign on days on which the school remains open during government holidays. **The motion was approved by a unanimous vote of 8-0.**

c. Chair MacWood introduced consideration of a resolution concerning mandatory inclusionary zoning, which would in certain cases allow developers to build beyond the applicable heights in exchange for a percentage of the additional space being set aside for affordable housing. Commissioner Fechter read and moved his resolution. Commissioner Hogan seconded. Commissioner Fechter explained that inclusionary zoning is very complex. The intent of the resolution is to generally endorse the concept that DC needs inclusionary zoning and offer a few suggestions for tweaking the suggested amendments. Hundreds of jurisdictions have already adopted inclusionary zoning programs, but all of the programs are different. Almost all have the basic idea of a tradeoff of land for affordable housing units. Commissioner Fechter stated that this is the most cost-effective way for the government to add affordable housing into high price neighborhoods.

Commissioner Lindeman suggested that Commissioner Fechter recuse himself due to conflict of interest because his workplace supports this zoning amendment. She objected to the legislation allowing developers to make affordable units substandard to other housing and to developers taking away the right of renters to buy their buildings. Commissioner Lindeman offered a friendly amendment to disallow affordable units to be substandard to other units in the building. Commissioner Fechter said that the text amendment already states minimum size requirements and requires that affordable units be akin to the standard units.

Commissioner Black asked for clarification on who would qualify for affordable housing and what would happen if one's circumstances changed. Commissioner Fechter responded that the application would have to qualify when he buys, but when he resells, his capital gain would be severely limited. For a rental property, the applicant would have to recertify every year. Commissioner Black pointed out that there would be so many loopholes. Commissioner Fechter noted that there are other localities that have dealt with the problem that would provide models to D.C. Commissioner Beckner observed that every time anyone tries to change market conditions, it changes everything else. He stated that he would be more comfortable with a resolution that supported the outcome as opposed to the details.

Chair MacWood asked how anyone could say they don't support affordable housing and economic integration. However, she expressed concern that the legislation would cause chaos with the zoning laws and that the text amendment would take community input out of the equation. A community member asked where this legislation was coming from in light of the city's previously announced comprehensive plan. Commissioner Zobay proposed a friendly amendment that the Office of Zoning look at a more restrictive parking situation such that residents can park in their own neighborhoods. Commissioner Fechter noted that the text amendment has a parking variance.

Commissioner Hogan suggested a substitute resolution applying mandatory inclusionary zoning to all PUDs effective immediately (emergency legislation). The resolution also asked the Office of Planning and others considering inclusionary zoning to add a jobs test in addition to an income test to give preference to healthcare workers, teachers, fireman, and police fulfilling essential functions in the District. CPCA president George Idelson stated that people who work in the District in essential roles should live in the District. Commissioner Fechter offered a friendly amendment to Commissioner

Hogan's substitute resolution incorporating a variety of his provisions. Transportation co-chair Peter Espenscheid suggested that with respect to PUDs, the legislation should be effective immediately.

Commissioner Fechter pointed out that nine other ANC's have supported this text amendment. Chair MacWood said that in Boston there is voluntary inclusionary zoning but every development is subject to a variance. Mandatory affordable units are usually required, but the developers are also required to provide other amenities and the community is involved. A community member said that she would hope that this ANC would focus on the impact in this community. As much as people want to support affordable housing, they have to consider the impact in ANC 3C. The city has had some experience with incentive density bonuses, such as in Penn Quarter, but the end result was not what was promised. She believes this benefits only the developer and not the community. Although this area has incredibly high-priced houses, there is also a diverse group of people, from apartment dwellers to home owners.

Xena Green, a longtime Kennedy Warren resident and drafter of the Montgomery County legislation 30 years ago, noted that inclusionary zoning bills have to be tailored to each area. She urged the ANC to push to get the bill introduced. The commissioners asked Ms. Green to provide some background information on how the Montgomery County legislation was introduced and passed.

After further discussion and amendments, Commissioner Hogan read and moved her final resolution. Commissioner Zobay seconded. Commissioner Hogan moved her friendly amendment to AF's resolution. Commissioner Black seconded. **Resolution 2005-026 was approved by a vote of 7-0-1, with Commissioner Beckner abstaining.** Commissioner Beckner commented that in his opinion, the biggest single issue for parents is the cost of educating their children. Despite the potential benefits of inclusionary zoning, he expressed his concern about the details and unexpected consequences to explain his choice to abstain from voting on the resolution.

d. Chair MacWood introduced consideration of a resolution concerning the over-enrollment of students pursuant to an agreement signed by Aidan Montessori School, Woodley Park Community Association (WPCA), and ANC 3C. Commissioner Zobay read and moved her resolution. Commissioner Fechter seconded. Commissioner Beckner asked why Commissioner Zobay didn't want to take a position regarding the pending BZA application. Commissioner Zobay said that there isn't a position to take because the application is pending.

Aidan representative Kathleen Minardi pointed out some grammatical problems with the resolution. She stated that Aidan had a meeting with WPCA for informational purposes only regarding the playground and classroom space because they were allowed to do it as a matter of right. Commissioner Zobay agreed to remove reference to that meeting from her resolution. Ms. Minardi asked the ANC to highlight all milestones, including meetings with WPCA, in its resolution. Chair MacWood pointed out that the whereases address only the agreement without including the history. Commissioner Beckner said that the ANC is noting resident concerns about traffic and other problems. Ms. Minardi said that the ANC should not cite traffic as a "serious problem" without hearing from the community and Aidan regarding traffic issues. Commissioner Zobay agreed to slightly modify the resolution.

A community member read a letter with a petition signed by 105 people within two blocks of school requesting that Aidan be required to stay within its enrollment limits. Another community member stated that she was present at the meeting in 2003 and asked commissioners to consider reinstating the whereases because the community did indeed challenge the head of school at that meeting to abide by the agreement. Commissioner Fechter asked what the follow-up would be on the resolution. Commissioner Zobay said that Kathy Minardi had stated at the March meeting that the school would be in

compliance in the fall. She said that the ANC and WPCA have legal authority to take Aidan to court if they do not comply. Commissioner Fechter offered a friendly amendment adding a resolve that ANC 3C is willing to pursue legal remedies should Aidan not comply with their agreement. Commissioner Beckner discouraged the parties from entering into a lawsuit. Chair MacWood suggested giving Aidan until the May 2005 meeting to come up with a plan for coming into compliance. Commissioner Fechter seconded.

Former commissioner Sally MacDonald confirmed that Aidan did state at the 2003 meeting that they would comply with the agreement and that they only needed a one-year expansion and would easily be able to cut back. WPCA only gave them a one-year increase because they said they could easily pull back the following year. A community member said that the WPCA meeting was last-minute, packed with Aidan-friendly people and not properly noticed to the community. She suggested adding details about the WPCA meeting to resolution. Commissioner Zobay replied that that would be hearsay and she would rather leave it out. Commissioner Fechter called the question. **Resolution 2005-027 was approved by a unanimous vote of 8-0.**

e. Chair MacWood read a resolution recommending reductions in the real property tax burden for FY 2005 and moved its approval. Commissioner Fechter seconded. Commissioner Hogan suggested a grammatical change. Commissioner Zobay commented that senior citizens should not have a tax increase until their property is sold. Commissioner Hogan called the question. **Resolution 2005-028 was approved by a vote of 7-0-1, with Commissioner Lindeman abstaining because she briefly had to leave the meeting room during discussion of this matter and, therefore, had not been privy to the discussion.**

f. Chair MacWood introduced consideration of a resolution recognizing the inclusion of ANC 3C recommendations on revenue bond requirements in the Budget Support Act legislation. Commissioner Fechter read and moved the resolution. Commissioner Zobay seconded. Commissioner Lindeman asked what happened to Davis-Bacon portion of the original resolution passed in February. Commissioner Fechter said that the Mayor introduced different legislation. Commissioner Lindeman suggested requesting that Council add in Davis-Bacon language. Commissioner Lindeman offered a friendly amendment to require businesses applying for IRBs to comply with the same requirements as everyone else. Commissioner Fechter proposed tabling the issue on financing for a separate resolution. **Resolution 2005-029 was approved by a unanimous vote of 8-0.**

g. Commissioner Fechter moved to table consideration of a resolution regarding an access road traffic light on Ordway Street to the May meeting. **The motion was approved by unanimous vote of 8-0.**

VII. ADJOURNMENT

a. Commissioner Hogan moved to adjourn the meeting. Commissioner Beckner seconded. **The meeting was adjourned at 12:05 a.m. without objection.**