

**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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May 16, 2005

I. CALL TO ORDER

Chair Nancy MacWood called to order Advisory Neighborhood Commission 3C (ANC 3C's) regular monthly meeting for May 16, 2005 at 7:38 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 Hogan arrived at 7:43 p.m. Commissioner Lindeman arrived at 7:47 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 the ANC 3C web site.

III. ANNOUNCEMENTS

a. Commissioner Reeves announced that a grant application had been submitted to ANC 3C for \$15,480 for playground equipment at the 39th Street playground. She noted that the playground would be open to the public and stated that the ANC would vote on the application at the June meeting.

b. Commissioner Hogan announced that she would be introducing a resolution in June regarding DC Council legislation to form the District Department of Environmental Protection.

c. Commissioner Reeves announced that there would be a meeting on June 1 at 7 p.m. at Washington Hebrew regarding their construction project.

d. Chair MacWood announced that the Office of Planning would hold a meeting on June 23 at UDC targeted at Ward 3 ANC commissioners, but open to the public to discuss the Ward 3 comprehensive plan.

IV. ESTABLISHMENT OF QUORUM

Chair MacWood acknowledged that a quorum (at least five members of the commission) was present.

V. APPROVAL OF AGENDA

Commissioner Fechter moved for approval of the evening's agenda. Commissioner Black seconded. **The agenda was unanimously approved (7-0).**

VI. CONSENT CALENDAR

a. Chair MacWood introduced the consent calendar items, which included a Historic Preservation Review Board (HPRB) application for a two-story rear addition with flat roof and small rear and side deck for 3514 Macomb Street; an HPRB application for replacement of an unused garage with a similar-sized one-story studio building for 3611 Lowell Street; and an HPRB application for a front porch addition with columns and wood trim at 3205 33rd Place. Commissioner Fechter moved for approval of

the consent calendar items. Commissioner Beckner seconded. **The consent calendar was approved by a unanimous vote of 8-0.**

VII. COMMUNITY FORUM

a. Chair MacWood asked if anyone wanted to address the commission under the community forum. Jack Zoeller of 2810 31st St. addressed the commission regarding the retaining wall at Maret School, which was supported by an ANC 3C resolution in February 2005. Mr. Zoeller stated that he lives one house down from the corner of Garfield and was never notified of the plans. He expressed concern that he had not been informed and noted that Maret plans to remove over 100 feet of trees, exposing his house to the view. Mr. Zoeller requested that the ANC provide assistance to the neighborhood in negotiating improved landscape plans with Maret.

Chair MacWood noted that the ANC was repeatedly told that Maret had contacted neighbors. Chair MacWood asked Maret representatives to work with the neighbors as they develop their landscape plan. Chair MacWood asked if Mr. Zoeller knew of any other neighbors who were not notified. He said that he could think of at least six people. Commissioner Lindeman commented that she was notified of the last Maret neighborhood meeting the night before. She expressed concern that the school was not properly notifying the neighbors. Commissioner Lindeman asked if Commissioner Zobay would be willing to work out a construction management agreement with the school. Commissioner Zobay said that she met with Maret on May 16 and was provided with a timeline indicating when notices were sent out. Maret told her they thought that the neighborhood meetings had been productive and that they were trying to modify the landscape plan to provide screening for the neighbors. Chair MacWood stated that the ANC should schedule a meeting with the various parties to request more cooperation from Maret.

V. COMMISSION BUSINESS

a. A community member asked Chair MacWood if the Ordway agenda items could be considered back-to-back to allow interested community members to leave afterwards. Commissioner Fechter moved the amendment to the agenda. Commissioner Beckner seconded. **The motion was approved by a unanimous vote of 8-0.**

b. Chair MacWood introduced consideration of an HPRB application to restore 2816, 2818, and 2820 Connecticut Avenue as condominium units and develop a new seven-story condo unit at the rear of the lots. Developer Julio Murillo presented an overview of the application. Commissioner Lindeman asked how many units would be in the new building. Mr. Murillo said that there would be 10 units in the new building and 11 units total in the three existing units. Commissioner Lindeman expressed her concern about the height of the proposed new building. Mr. Murillo said that he received the survey the day after meeting with Commissioner Lindeman and had to make modifications to adjust for those results. Commissioner Lindeman stated that unless the back building is lowered, she could not recommend approval. Commissioner Fechter asked whether the balcony could be pushed out to achieve a terracing effect to the street. Mr. Murillo said that they need the setback on the top floor to comply with building code; however, they could make the floor smaller and set it back. Chair MacWood expressed concern that the new condo building would be visible from Connecticut Avenue and therefore needs to be set back so that the historic buildings remain prominent. Chair MacWood moved a resolution supporting the redesign of the historic buildings, but opposing the new building unless it is set back. Commissioner Lindeman seconded. **Resolution 2005-030 was approved by a unanimous vote of 8-0.** Commissioner Fechter asked whether the building would need zoning variances. Developer said it would not.

c. Chair MacWood introduced consideration of a resolution regarding the District Department of Transportation's (DDOT) HPRB application for construction of a retaining wall in the 3200 block of Ordway Street NW. Muhammed Khalid provided an overview of DDOT's plans for finishing the wall and landscaping above it. Commissioner Hogan asked whether the plants would be

hardy enough to withstand another hurricane. Mr. Khalid said he believed they would. He said the trees would be planted at the steps, roughly where trees were removed. Commissioner Lindeman noted that the hill has been extremely disturbed and that she feels a large number of trees should be planted to maintain its integrity. Mr. Khalid provided an overview of the specific tree planting plan.

A neighbor across from the site expressed concern about mudslides and the height of the wall. Transportation committee co-chair Peter Espenscheid asked Mr. Khalid if he would agree to consult with the neighbors regarding the selection of specific trees and plants prior to making final decisions. Mr. Khalid said he would ask his urban forestry team to work with the neighbors. Mr. Espenscheid also asked whether the east end of the wall is currently as high as DDOT intends for it to be. Mr. Khalid stated that DDOT does not anticipate building the wall any higher. Mr. Espenscheid noted that a wheelchair would not be able to maneuver around the rail currently at the site. Mr. Khalid said DDOT would measure to ensure that they meet all requirements.

Another neighbor expressed concern about the plantings and stated that she hopes to meet with the urban forestry team. She also noted that she would prefer a brick top versus a concrete top on the wall. Commissioner Lindeman asked whether DDOT could construct a concrete interior with a half-brick exterior for beauty purposes. Mr. Khalid expressed concern about the expense, but said he would check. Chair MacWood noted that brick would be more typical of Cleveland Park.

A neighbor stated that part of the problem of DDOT not applying for a permit prior to constructing the wall is that it didn't undergo concept review. Another neighbor noted that the cap measures 8 inches in height, although the plans call for 6 inches. Mr. Khalid said he was not aware of that. Commissioner Hogan noted that diagonal brick is very popular in the neighborhood. Commissioner Reeves noted that brick on top would deteriorate and she asked about flagstone.

Commissioner Beckner read and moved his resolution. Commissioner Hogan seconded. Commissioner Reeves asked whether vines had been proposed for the hillside to maintain the earth's integrity. Mr. Khalid said that they will plant Lily turf. Commissioner Hogan said she likes the idea of adding plants and shrubs in addition to trees and offered a friendly amendment to change the resolution's language to reflect that. Commissioner Beckner accepted the amendment. Commissioner Zobay offered a friendly amendment to add that DDOT work with the Ordway neighbors on the landscaping plan. Chair MacWood noted that because the resolution is for an HPRB application, the Board would require a completed landscape plan rather than one that could be negotiated later with neighbors.

Commissioner Lindeman asked Commissioner Beckner whether cost of the trees should be borne by NCRC since DDOT allowed them to cut down the trees. Commissioner Hogan stated that NCRC should have paid fines when they applied for permits. Commissioner Beckner said that the whole situation demonstrates the weakness of the tree legislation.

Commissioner Beckner modified his resolution to incorporate community comments about groundcover. After further discussion, Commissioner Fechter called the question. The motion to call the question passed unanimously 8-0. **Resolution 2005-031 was approved by a vote of 7-0-1.** Commissioner Reeves explained that she abstained because she felt the resolution attached too many conditions.

d. Chair MacWood introduced consideration of a resolution concerning a dangerous traffic situation at Connecticut and Ordway Streets NW. Commissioner Fechter provided an overview of the problem and moved his resolution. Commissioner Reeves seconded. A community member pointed out additional problems. He noted that new parking meters at Ordway just beyond Connecticut have been installed and now cars park right at the intersection, making it hard to enter because of cars on both sides

of the street. The community member suggested incorporating into the resolution no parking restrictions up to the start of alley. Commissioner Lindeman pointed out that there is also a parking lot right where restaurants are and suggested that a sign be posted warning pedestrians of three-way traffic. Commissioner Fechter modified the resolution based on community and commissioner comments. Commissioner Lindeman suggested a friendly amendment to incorporate that ANC 3C was passing the resolution to protect the safety and well-being of residents and visitors. Commissioner Fechter accepted the amendment. A community member asked that DDOT consider crosswalks, parking lots, and traffic patterns. **Resolution 2005-032 was approved by a unanimous vote of 8-0.**

e. Chair MacWood introduced consideration of a resolution regarding St. Albans School's HPRB application. Chair MacWood read her resolves and moved the resolution. Commissioner Lindeman seconded. Commissioner Lindeman thanked Chair MacWood for her hard work and Commissioner Hogan seconded. St. Alban's headmaster Vance Wilson introduced the school's architect and landscape architect to provide an overview of plans. Commissioners asked several questions about the design and materials. Chair MacWood expressed concern that the structure will be like a very prominent football stadium and that it really needs more camouflage. Commissioner Beckner stated that the plan appears to be proposing material changes to the view of the landmark. Chair MacWood said that this plan needs softness around the edges.

A community member living on 34th Street commented that the proposed chain link fencing along 34th Street isn't very attractive. The landscape architect replied that they have made efforts to use chain link fence for safety as well as transparency. Commissioner Lindeman said that chain link fencing could be painted any color to blend better. After additional discussion, Commissioner Fechter moved to call the question and his motion was approved unanimously 8-0. **Resolution 2005-033 was approved by a unanimous vote of 8-0.**

f. Chair MacWood introduced consideration of Aidan Montessori's plan to reduce its enrollment to come into compliance with the agreement between Aidan, ANC 3C, and Woodley Park Community Association. Kathy Minardi presented an overview of the school's plan. She asked that the commissioners not discuss specific enrollment numbers before them. Commissioner Lindeman strongly objected. After some discussion, the commissioners agreed to discuss general numbers without specifics about certain children. Ms. Minardi said that the school wants to become a toddler through elementary neighborhood school with a predominance of walkers. They tried to plan for a reduction over three years, but they may be able to do it in two. Chair MacWood asked why, if the school's enrollment is currently 199, the plan calls for 210 for 2005/2006? Ms. Minardi said that Aidan was told by WPCA that if the neighborhood supported a measure, the ANC would also support it, and that WPCA supported an increase to 210.

Commissioners Black and Fechter expressed concern about the discrepancy in past statements about the school's enrollment. Chair MacWood said that the problem is that ANC 3C's understanding has always been that Aidan has stayed within the 180 BZA cap and that 2005 was the first year the cap was exceeded. It had always been presented to the ANC that this year's higher enrollment count was due to an unusually high acceptance rate and that the school had a plan to reduce enrollment within a year. Commissioner Fechter asked why it's more important for the school to allow their neighborhood kids a slot than to abide by a legally binding contract with the ANC.

A District resident who runs a local parenting listserv noted that in the past few years, a large number of young professionals have moved into the neighborhood and had children. She expressed skepticism that Aidan would believe they would get a low response rate to their acceptance notices. Commissioner Black noted that all of the other neighborhood schools' enrollment levels appear to be creeping up.

Ms. Minardi stated that it was her understanding when she met with Commissioner Zobay and Chair MacWood that Aidan was technically out of compliance with its BZA order and that if they agreed to go back before the BZA to amend the order, the ANC would then allow the school to go up to 210. Commissioner Zobay replied that she had been very clear that at this time the ANC would only consider a plan for the school to come into compliance with its agreement.

Chair MacWood asked if the community had comments. Sally MacDonald, past president of WPCA and former ANC commissioner, said that she told Aidan that the ANC often considers community interests in their decisions, but that this has always been a legal agreement and the school has to appear before all three parties regarding any changes. Ms. MacDonald further noted that former WPCA president Barbara Ioanes also told Aidan years ago that there was something amiss with their BZA agreement. At the WPCA meeting last summer, Ms. MacDonald told them exactly what to do – that they had to appear before the ANC. Ms. MacDonald suggested that Aidan could double its size by peeling off the elementary school and filling a toddler-only school. Ms. Minardi replied that splitting the students is an option, but not a popular one. A parent of two children at Aidan noted that there are a lot of people in the neighborhood who need the school to have open slots.

Chair MacWood stated that the ANC had asked Aidan for a plan to come into compliance with its agreement. Once a plan has been decided upon, Aidan could later request an increase later once they deal with traffic and other issues. The ANC is looking at the current situation specifically as a violation of the agreement. Commissioner Fechter noted that the ANC does have the option to sue Aidan and he doesn't understand why the commission is considering such a long-term plan for compliance. Chair MacWood said she would like to give Aidan some direction. A community member and parent of three Aidan students thanked Chair MacWood and Commissioners Zobay, Black, and Lindeman for attending meetings with the school. Chair MacWood asked him whether he thinks 180 is an unreasonable enrollment number. The community member replied that the ANC's compliance plan should be realistic and fair under the circumstances.

Another community member noted that the neighborhood demographics are changing rapidly with a real impact on local schooling. He questioned where parents will send their kids if there is no space in neighborhood schools and stated that as the ANC sorts through this issue, the plan should fit with a larger strategic vision as to how this ANC will deal with the changing neighborhood.

Commissioner Fechter moved to request that the Chair appoint a sub-committee to work with Aidan to outline specific goals, consequences, etc., on a yearly basis for the next 3 years. Commissioner Zobay said that would not speak to the issue at hand. There was no second. Commissioner Lindeman moved that ANC 3C reject the enrollment plan as presented and ask the Chair to commission a committee to work with Aidan to produce a plan that could be presented to the community and voted upon at the next public meeting of ANC 3C. Commissioner Hogan seconded. Commissioner Lindeman amended her motion to add the aim to meet an enrollment cap of 180 by 2006/2007 at the 27th Street campus.

Commissioner Fechter asked commissioners whether they would see any value in the school having a higher number of Woodley Park students. Commissioner Black said that she would because it would reduce traffic. Chair MacWood said she doesn't think the ANC can micromanage how the school is going to divide out the 180. She expressed concern that the school plans to go to 210 in the 2005/2006 school year. Commissioner Fechter offered a hostile amendment for Aidan to come into compliance with the current agreement by 2007/2008 with enforceable penalties. Commissioner Black seconded. Commissioner Lindeman requested a roll call vote. The roll call vote was 6-2 with Commissioners Beckner, Black, Fechter, Hogan, MacWood, Zobay supporting and Commissioners Lindeman and Reeves

in opposition. Chair MacWood called for a vote on the final motion. **The motion was passed by a vote of 7-1. (This was incorrectly numbered as a resolution (2005-034), but not transmitted as such).**

g. Chair MacWood introduced a resolution ratifying ANC 3C's construction management agreement with Washington International School and Friends of Tregaron. Commissioner Hogan seconded. After a short discussion, **Resolution 2005-035 was approved 7-0-1. Commissioner Lindeman did not participate in the vote as she had stepped out of the room.**

h. Commissioner Fechter introduced a resolution supporting Atomic Billiards' application for an amended liquor license. Commissioner Beckner asked whether the application would come before the ANC again. Commissioner Fechter said that it would. Commissioner Lindeman offered a friendly grammatical amendment. Commissioner Fechter accepted. **Resolution 2005-036 was approved by a unanimous vote of 8-0.**

VIII. OFFICERS REPORTS

a. Commissioner Lindeman introduced consideration of the March 2005 minutes. Commissioner Fechter moved for approval of the minutes. Commissioner Hogan seconded. The March 2005 minutes were approved by a unanimous vote of 8-0.

b. Commissioner Lindeman introduced consideration of the April 18, 2005 public meeting minutes. Commissioner Fechter moved for approval of the minutes. Commissioner Hogan seconded. The April 18, 2005 minutes were approved by a unanimous vote of 8-0.

c. Commissioner Lindeman introduced consideration of the April 25, 2005 special meeting minutes. Commissioner Fechter moved for approval of the minutes. Commissioner Hogan seconded. Commissioner Fechter noted that his business has not taken any position on inclusionary zoning and asked to have Commissioner Lindeman's comments to that effect stricken from the minutes. With that amendment, the April 25, 2005 minutes were approved by a unanimous vote of 8-0. .

d. Commissioner Reeves reported that the office lease had been extended for one year, but that the building owners would not give the ANC a long-term contract. They want the rent to keep increasing each year at the same percentage as the condo fees. Commissioner Reeves moved a resolution requesting that the Mayor's office provide space to ANC 3C. Commissioner Fechter seconded. **Resolution 2005-036 was approved by a unanimous vote of 8-0.**

e. Commissioner Reeves presented the Treasurer's report and moved its acceptance. Commissioner Fechter seconded. **The motion was approved by a unanimous vote of 8-0.**

f. Commissioner Reeves moved approval of expenses for Lex Ulibarri. Commissioner Beckner seconded. **The motion was approved by a unanimous vote of 8-0.**

g. Commissioner Reeves moved approval of a lease for office space from April 1 – December 31, 2005 at \$517.50 per month. Commissioner Fechter seconded. **The motion was approved by a unanimous vote of 8-0.**

IX. COMMITTEE REPORTS

a. Commissioner Beckner announced that there would be a transportation committee meeting at 7:30 on May 23 to cover a laundry list of items. Commissioner Lindeman objected to the short notice and to the fact that the date conflicts with a school board meeting.

b. Commissioner Hogan asked if anyone would like to meet with her for an environmental committee meeting. The commissioners agreed to discuss issues informally via phone and e-mail.

c. Commissioner Fechter reported that the Mayor took a lot out of the Budget Support Act, but that Councilmember Cropp pledged fast track consideration. Councilmember Evans also pledged to draft IRB legislation over the summer in committee.

X. SINGLE MEMBER DISTRICT REPORTS

a. Commissioner Becker reported receiving a call from a neighbor regarding fence construction at 3501 Quebec Street NW. Commissioner Lindeman said that DCRA is doing an investigation because it appears that permits may have been granted in error. Commissioner Beckner said that this issue is very serious. Commissioner Beckner stated that he told the concerned neighbor that the ANC has no legal requirement for notice to affected residents and that the matter came up at two different public meetings. Commissioner Beckner told them that the fence was constructed as laid out in the design provided to the ANC.

b. Commissioner Beckner reported that the BZA unanimously denied NCRC's application for a stay and that NCRC noticed their appeal at the DC Court of Appeals. Commissioner Beckner stated that he had also discovered that NCRC recently applied for certification as a teacher training center. He noted that the terms of the school's special exception do not permit holding classes for teachers.

c. Commissioner Fechter suggested that the ANC set a special meeting to consider Aidan's enrollment plan. Chair MacWood said that there also may be a need for a special meeting to consider St Albans BZA application.

XI. ADJOURNMENT

Commissioner Beckner moved to adjourn. Commissioner Lindeman seconded. The meeting was adjourned at 12:17 a.m. on Tuesday, May 17, 2005.