

	ADVISORY NEIGHBORHOOD COMMISSION 3C GOVERNMENT OF THE DISTRICT OF COLUMBIA CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE. HEIGHTS MCLEAN GARDENS • WOODLEY PARK
Single Member District Commissioners 01-Dia Black; 02- Gloria Day; 03-Stephanie Zobay 04-Avram Fechter; 05-Bruce Beckner; 06-Trudy Reeves 07- Richard Rothblum; 08-Catherine May; 09-Nancy MacWood	2737 DEVONSHIRE PLACE, NW WASHINGTON, DC 20008 Telephone: 202/232-2232 • Fax: 202/232-0667 Website <a href="http://www.anc3c.org">http://www.anc3c.org</a>

**Minutes**  
**Advisory Neighborhood Commission 3C**  
**January 22, 2007 Public Meeting**  
**Second District Police Station**  
**7:30PM**

**I. CALL TO ORDER:** Commission Chair Nancy MacWood called to order Advisory Neighborhood Commission 3C (ANC3C) regular monthly meeting for January 22, 2007 at 7:31 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 Bruce Beckner, Gloria Day, Catherine May, Trudy Reeves, and Stephanie Zobay.

**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 7:32 p.m. Chair MacWood acknowledged that a quorum (at least five members of the commission) had been established.

**IV. APPROVAL OF AGENDA:** Chair MacWood moved for approval of the following agenda:

- A. Consent Calendar: Public Space application filed by the British Embassy to erect a new service entrance off of Observatory Circle and new gatehouse and expanded mail facility with a portion of the gatehouse located in public space
- B. Election of 2007 ANC3C Officers
- C. Consideration of a Historic Preservation Review Board application from 3418 Newark Street,, NW for removal of exterior facade lattice, construction of a dormer and repositioning of a 3rd story window.
- D. Consideration of a Public Space application from 3200 Woodley Road, NW for construction of a 6' wrought iron fence adjacent to the sidewalk.
- E. Consideration of Washington International School's Special Exception application to increase enrollment by 25 students bringing total enrollment to 450 students, and increasing faculty and staff by 8 persons
- F. Consideration of an application for a new liquor license and entertainment endorsement at Divino Lounge Restaurant, 3407 Connecticut Ave., NW; license would allow alcoholic beverage sale, service, and consumption from 11:30AM-2AM, Sunday through Thursday, and until 3AM on Friday and Saturday; entertainment endorsement would allow background music with occasional DJ and tango lessons from 6PM-2AM, Sunday through Thursday, and until 3AM on Friday and Saturday
- G. Consideration of a resolution urging the Zoning Administrator to respond to a January 2005 ANC 3C request for an opinion on whether a proposed building at 3714 Massachusetts Ave., NW, owned by Soka Gakkai International, can be permitted as a matter of right or whether it should be subject to a special exception process which would require that any prematurely issued permits be rescinded

- H. Consideration of a resolution on Hearst Playground urging the D. C. Department of Parks and Recreation to use the money that was allotted for the playground
- I. Consideration of a resolution that would require full disclosure of the extent of a building project, including a list of needed permits and all design plans, at the time that the first permit associated with the project is filed with the Department of Consumer and Regulatory Affairs
- J. Approval of the 2007 ANC 3C committee chairmanships and 2007 meeting calendar

With minor scheduling changes, the agenda was unanimously approved as amended by a verbal vote of 6-0.

**V. ANNOUNCEMENTS:** Ward 3 Councilmember, Mary Cheh, introduced herself, and offered an invitation for ANC Chairs to meet with her to promote dialogue. She also introduced Dee Smith, her Constituent Services Coordinator. Ms. Smith can be reached either by email at [dsmith@dccouncil.us](mailto:dsmith@dccouncil.us), or by phone at (202)724-8062.

NOTE: Commissioner Rothblum arrived at 7:35

Abby Frankson from the Mayor's Office of Community Relations and Service introduced herself. Her email is [abby.frankson@dc.gov](mailto:abby.frankson@dc.gov) and her phone number is (202)727-3624. She and Chief Lanier will be at the Community Action Council for 2<sup>nd</sup> District Police Station monthly meeting on January 24 at 7 pm

Chair MacWood noted that Commander Solberg is asking for community input as the MPD works to create strategies for police operations and a customized community policing plan. Community members may offer suggestions via email to Commander Solberg at [Andrew.solberg@dc.gov](mailto:Andrew.solberg@dc.gov), or call him at (202)730-1901, or to Lt. Cusick at [Kelvin.cusick@dc.gov](mailto:Kelvin.cusick@dc.gov). Chair MacWood also said that the police have been instructed to stop using cell phones while driving, unless using hands-free devices.

#### VI. CONSENT CALENDAR

*Public Space application filed by the British Embassy to erect a new service entrance off of Observatory Circle and new gatehouse and expanded mail facility with a portion of the gatehouse located in public space*

Commissioner May made a motion to approve the application. The motion was seconded by Commissioner Beckner. **Without discussion, the motion was approved unanimously 7-0.**

#### VII. COMMISSION BUSINESS

##### a. Election

Commissioner Zobay read a proposed officers slate of candidates and made a motion to approve the nomination of the following officers: Chair: Nancy MacWood, Vice-Chair: Bruce Beckner, Secretary: Stephanie Zobay, and Treasurer: Trudy Reeves. **Without discussion, the motion was approved by a unanimous voice vote of 7-0.**

- b. Consideration of a Historic Preservation Review Board application from 3418 Newark Street, NW for removal of exterior facade lattice, construction of a dormer and repositioning of a 3rd story window.

**Consideration of this application was deferred until later in the meeting as the applicant was not present.**

- c. *Consideration of a Public Space application from 3200 Woodley Road, NW for construction of a 6' wrought iron fence adjacent to the sidewalk.*

Commissioner May described the project. Most of the back yard and part of the house is in public space. In a previous proposal, owners wanted to put a 6 ft tall chain link fence, but ANC required them to maintain the 6 ft tall hedge. After re-planning, owners decided on wrought iron fence. Commissioner May indicated that the neighbors, who had given written approval of original fence plan, had provided verbal support for new fence plan.

Chair MacWood offered a friendly amendment that shrubbery be planted and maintained on inside of fence for privacy. Commissioner May accepted the amendment. Commissioner May read and moved the resolution. Commissioner Rothblum seconded. **The resolution was approved by roll call vote of 7-0 as follows:**

**Commissioner Beckner - yes  
Commissioner Day - yes  
Commissioner May - yes  
Commissioner MacWood - yes**

**Commissioner Reeves - yes  
Commissioner Rothblum - yes  
Commissioner Zobay - yes**

- d. (from item b.) Consideration of a Historic Preservation Review Board application from 3418 Newark Street,, NW for removal of exterior facade lattice, construction of a dormer and repositioning of a 3rd story window.*

Chair MacWood presented the plans. Owners are planning minimal renovations—most significantly, removing the lattice on the front façade of the house and transforming a fake front dormer into a real dormer. This application will be handled by the HPO staff rather than the HPRB under the Board’s delegation authority. Chair MacWood stated that she was told by the architect that the neighbors had received a letter outlining the proposed changes and had been given an opportunity to review the plans. Because this is a non-contributing house, there is more flexibility in changes to the front of the house. Commissioner Reeves pointed out that this is giving extraordinary leeway compared to other plans that have come before the commission.

Commissioner MacWood made a motion to approve the application, which was seconded by Commissioner Beckner. **The motion was approved by roll call vote of 7-0 as follows:**

**Commissioner Beckner - yes  
Commissioner Day - yes  
Commissioner May - yes  
Commissioner MacWood - yes**

**Commissioner Reeves - yes  
Commissioner Rothblum - yes  
Commissioner Zobay - yes**

- e. Consideration of a Special Exception application by the Washington International School (“WIS”) to increase enrollment by 25 students bringing total enrollment to 450 students, and increasing faculty and staff by 8 persons*

Richard Hall, president of WIS, presented the application to the commission. According to Mr. Hall, a traffic study for the school was conducted by O.C. George, Inc., which found that the proposed changes will not have an adverse effect on traffic, and that it will be fully in compliance with the regulations of the city. Neither Chair MacWood nor the applicant has heard complaints from the neighbors. The WIS parking policy has been established, which includes the provision that only seniors, chosen by lottery, are allowed to park on campus. Other students can park in the neighborhood if they have Zone 3 Residential Parking Permit (“RPP”). To handle complaints, a liaison committee has been established. Commissioner Reeves asked that the student cars be identified in some way to facilitate moving the cars should the need arise. The applicant agreed.

Commissioner MacWood read and moved a resolution in support of the application. Commissioner Beckner seconded. Commissioner Zobay asked for clarification of the language regarding “ample parking” for schools, Chair MacWood gave the formula: 2 spaces for every 3 seats in the largest assembly space on campus. Commissioner Rothblum asked how much more paving there would be; applicant responded that they are eliminating paved areas and restructuring existing parking spaces in

order to maintain the required amount of parking. Mr. Hall also noted that the parking lot has been approved by HPRB.

Commissioner Reeves offered a friendly amendment to require that the school register and identify all student drivers. Chair MacWood accepted. **The resolution was approved as amended by a roll call vote of 7-0 as follows:**

Commissioner Beckner - yes  
Commissioner Day - yes  
Commissioner May - yes

Commissioner MacWood - yes  
Commissioner Reeves - yes  
Commissioner Rothblum - yes  
Commissioner Zobay - yes

- f. *Consideration of an Alcoholic Beverage Regulation Administration application for a new liquor license and entertainment endorsement at Divino Lounge Restaurant, 3407 Connecticut Ave., NW; license would allow alcoholic beverage sale, service, and consumption from 11:30AM-2AM, Sunday through Thursday, and until 3AM on Friday and Saturday; entertainment endorsement would allow background music with occasional DJ and tango lessons from 6PM-2AM, Sunday through Thursday, and until 3AM on Friday and Saturday*

Chair MacWood described the application and entertainment endorsement. Carlos Largo and partner presented. Commissioners discussed the closing times, soundproofing, entertainment (tango), seating (199 seats), and parking (valet). Commissioner Zobay mentioned that the restaurant may be in violation of the overlay. If DCRA determines they are in violation, the alcoholic beverage license is mute.

Community concerns were numerous among the dozen community members present. Concerns included the fact that the community is currently overwhelmed by parking. The proposed hours will exacerbate the problems in the neighborhood. Neighbors have filed a protest with ABRA and are requesting to be heard. Noise is also a problem—people are wandering around their neighborhood at 3 am, trying to find their cars or using the streets for a bathroom. Residents also felt that 22 liquor licenses on the street are too many. Security issues were also noted as a concern.

Peter Espensheid also mentioned that possibility of the permit not being approved by DCRA. Chair MacWood noted that the ANC cannot talk about zoning in an ABRA permit response.

Neighbor, Judy Kopff, said she opposed the liquor license application. She is against any other liquor license, and especially against one for a 199-seat restaurant.

Some neighbors were in support of the application, noting that there is already a parking problem in Cleveland Park, and denying this liquor license will not solve the parking problem. Others asserted that the family atmosphere proposed by Divino's is cultural, and stated that in Hispanic cultures, the family is included in most things, even in dancing.

Chair MacWood acknowledged that the hours they are requesting are typical of the restaurant license. In addition, some of the restaurants have voluntary agreements with the neighbors and the ANC. Commissioner Beckner read and moved a resolution protesting the application. Commissioner MacWood seconded.

Chair MacWood explained that the protest is the legal language, which will allow for the neighbors to negotiate a voluntary agreement with Divino's. Commissioner May asked that a voluntary agreement be included in the resolution. Commissioner Beckner rejected because the process of ABRA will suggest a voluntary agreement. **The resolution was approved by a roll call vote of 7-0 as follows:**

Commissioner Beckner - yes  
Commissioner Day - yes

Commissioner May - yes  
Commissioner MacWood - yes

Commissioner Reeves - pass  
Commissioner Rothblum - yes

Commissioner Zobay - yes  
Commissioner Reeves - yes

Commissioner Beckner let the neighbors know that the Zoning Administrator will be at the next meeting.

- g. *Consideration of a resolution that would require full disclosure of the extent of a building project, including a list of needed permits and all design plans, at the time that the first permit associated with the project is filed with the Department of Consumer and Regulatory Affairs (“DCRA”)*

Chair MacWood read and moved a resolution on this matter. Commissioner Beckner seconded. Commissioner May offered a friendly amendment about excavation. Chair MacWood accepted.

Chair MacWood explained what she's seeking is a process whereby DCRA requires a thorough zoning review of the entire project before they issue a permit on a part of it. Commissioner Zobay asked if the community will be able to facilitate this process or will it be a mechanism of the ANC. The resolution was approved as amended by a roll call vote of 7-0 as follows:

Commissioner Beckner - yes  
Commissioner Day - yes  
Commissioner May - yes  
Commissioner MacWood - yes

Commissioner Reeves - yes  
Commissioner Rothblum - yes  
Commissioner Zobay - yes

- h. *Consideration of a resolution on Hearst Playground*

Commissioner Beckner read and moved a resolution urging the D. C. Department of Parks and Recreation to use the money that was allotted for the playground. Commissioner Day seconded. Commissioner Zobay offered a friendly amendment to make language stronger than “urge”. Commissioner Beckner accepted “strongly urge.” Chair MacWood offered a friendly amendment to add a second resolve that funds already committed for this project be protected from reprogramming. Commissioner Beckner accepted. The resolution was approved as amended by a roll call vote of 7-0 as follows:

Commissioner Beckner - yes  
Commissioner Day - yes  
Commissioner MacWood - yes  
Commissioner May - yes

Commissioner Reeves - yes  
Commissioner Rothblum - yes  
Commissioner Zobay - yes

- i. *Revising zoning resolution (item g.)*

Commissioner May moved that resolution on permitting by DCRA (see item g above) be reconsidered to add “strongly urge”. Commissioner Reeves seconded. The motion was unanimously approved by a voice vote of 7-0.

Commissioner May offered friendly amendment to add “strongly” to urges in 4<sup>th</sup> resolve. Chair MacWood accepted. The resolution reconsideration was approved as amended by a roll call vote of 7-0 as follows:

Commissioner Beckner - yes  
Commissioner Day - yes  
Commissioner May - yes  
Commissioner MacWood - yes

Commissioner Reeves - yes  
Commissioner Rothblum - yes  
Commissioner Zobay - yes

- j. *Consideration of a resolution urging the Zoning Administrator to respond to a January 2005 ANC 3C request for an opinion on whether a proposed building at 3714*

*Massachusetts Ave., NW, owned by Soka Gakkai International, can be permitted as a matter of right or whether it should be subject to a special exception process which would require that any prematurely issued permits be rescinded*

Commissioner May explained that she is concerned about raising her resolution, because Chair MacWood's resolution would cover her issue. Commissioner Zobay mentioned that this issue is timely and important and needed to be considered in the event the resolution offered by Chair MacWood did not receive prompt attention. Commissioner May read and moved the resolution. Commissioner Zobay seconded.

Comm. Beckner voiced concern about language that asserted the building was not in compliance. He offered a friendly amendment to add "may not be in compliance" because the Zoning Administrator has not made a determination. Commissioner Rothblum raised concerns that issuing a stop work order, as suggested in the resolution, doesn't seem justified. The contractor asked for and got the permit. Commissioner Rothblum mentioned that the resolution should show that there is some real damage to the area. Chair MacWood offered a friendly amendment to add that they not issue any further permits. All friendly amendments were accepted by Commissioner May. **The resolution was approved as amended by a roll call vote of 6-0-1 as follows:**

Commissioner Beckner - yes  
Commissioner Day - yes  
Commissioner May - yes  
Commissioner MacWood - yes

Commissioner Reeves - yes  
Commissioner Rothblum - abstain  
Commissioner Zobay - yes

*k. 2007 Committee Chairs and Calendar Meeting Dates*

Commissioner MacWood read and moved a resolution regarding the dates for the public meetings of ANC3C for calendar year 2007. Commissioner Beckner seconded. The resolution was unanimously approved by a voice vote.

Chair MacWood read and moved a resolution regarding the committee chairs for standing committees of ANC3C. The resolution included the creation of an ad hoc committee on education. Commissioner Day seconded. The resolution was unanimously approved by a voice vote.

#### **VIII. OFFICER'S REPORTS**

- a. Secretary: December Minutes. Commissioner Zobay moved to approve the minutes. Seconded by \_\_\_\_\_ Chair MacWood offered a friendly amendment. Commissioner Zobay accepted. **The minutes were unanimously approved as amended by a voice vote.**
- b. Treasurer's report: Commissioner Reeves read and moved a resolution to approve participation by ANC3C in a security fund. Commissioner Zobay seconded. **The resolution was unanimously approved by a voice vote.**

#### **IX. There were no Single Member District and/or Committee Reports**

**X. COMMUNITY FORUM:** A community member inquired as to how 2857 29<sup>th</sup> Place NW got a permit for demolishing a brick marker and construction of a fence in public space. Commissioner Day was aware of the situation and said she would follow up.

**XI. ADJOURNMENT:** Commissioner Beckner moved to adjourn, Commissioner Zobay seconded. Without objection, the meeting was adjourned at 10:51 pm.

***The next meeting of ANC 3C will be Monday, February 12, 2007 at 7:30 PM in the Community Room of the Second District Police.***