

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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Minutes Regular Monthly Meeting November 26, 2001

I. WELCOME AND ESTABLISHMENT OF QUORUM: Chair Nancy MacWood called to order Advisory Neighborhood Commission (ANC) 3C's regular monthly meeting for November 26, 2001 at 7:30 p.m. The meeting was held at the Community Room, Second District Police Station, 3320 Idaho Avenue, NW, Washington, DC. Other commissioners present were Cheryl Opacinch, Kurt Vorndran, Bob Martin, Richard Bartel, John Welsh, and Lars Hyde.

II. VERIFICATION OF NOTICE: Chair Nancy MacWood verified that the proper notice was posted on the ANC e-group and published in The Northwest Current and The Common Denominator and on the Cleveland Park email list.

APPROVAL OF AGENDA: With minor adjustments, the agenda was approved.

III. ANNOUNCEMENTS:

A. Chair MacWood announced the Ward 3 Town Meeting on Emergency Preparedness, sponsored by Councilmember Kathy Patterson. The event is scheduled for December 4, 2001, to be held at St. Columba's Episcopal Church, 4201 Albermarle St.

B. Chair MacWood announced PSA 204 target area recommendations for December; and distributed supporting documentation (“Target areas for December”; attached).

C. Chair MacWood announced that the HPRB hearing on the Tregaron subdivision application has been postponed to December.

D. Chair MacWood announced that the Ward 3 ANCs Traffic Summit with Mayor Anthony Williams would be held at 7PM on December 10, 2001 at the Chevy Chase Community Center.

IV. COMMISSION BUSINESS:

A. **Application for zoning variance and special exception to permit an addition at 3207 Cathedral Ave:** Chair Nancy MacWood introduced Outerbridge Horsey, architect, who presented building plans to the commission. Chair MacWood stated that the issue was discussed at the most recent meeting of the Planning and Zoning Committee and that the Committee had no objections. Chair MacWood introduced a motion that ANC3C notify the BZA that the commission had no objection to the application. Comm. Martin seconded the motion. **The motion was approved without objection.**

B. Consideration of application for public space permit for retaining wall at 2615 30th Street was postponed until later in the meeting.

C. **Application for public space permit for additional driveway at 3220 Idaho Ave.:** Commissioner Hyde briefed the commission on issues relating to the application and read a draft of a resolution regarding the application. Comm. Hyde then introduced Mr. Stephen Orr (owner of property) who presented building plans to the commission. Discussion ensued in regards to the applicability of the issued building permit. There was some speculation among the commissioners that the contractor may have commenced construction without a proper permit. Discussion continued in regards to the exact language of the draft resolution introduced by Comm. Hyde. Comm. Vorndran called the question on the resolution introduced by Comm. Hyde. Comm. Martin seconded the motion. By a voice vote of 6 yeas, 1 abstention (Yea – Lars Hyde, Nancy MacWood, Kurt Vorndran, John Welsh, Cheryl Opacinch, Robert Martin; Abstain – Richard Bartel), **ANC3C Resolution 2001-045 was approved.** Nonetheless, the commissioners recommended further investigation into DCRA issuance of the permit.

ANC3C Resolution 2001-045

ANC Resolution Relating to
Permit Application for 3220 Idaho Ave NW

- I. WHEREAS the owners of the property at 3220 Idaho Avenue NW on October 4, 2001 applied for a public space permit for driveway, curb, and gutter construction; and
- II. WHEREAS the property already has one curb cut for a driveway, and the new curb cut would eliminate approximately one public street parking space; and
- III. WHEREAS the application indicates that there is public space for a sidewalk, and the attached plat from the DC Office of the Surveyor indicates that there is a sidewalk in front of the property in question, but there is in fact no sidewalk in front of that property, nor does the application propose to install one; and
- IV. WHEREAS under current DC law sidewalks are constructed at the request and expense of the property owner; and
- V. WHEREAS the DC Government request for comments was directed to ANC3C07 Commissioner Hyde, who replied on November 13 that the application should be resubmitted with accurate information about the sidewalk, and that he would support the curb cut with the driveway, combined with the extension of a sidewalk, as an appropriate balance of the public and private interests involved.
- VI. NOW THEREFORE BE IT RESOLVED BY ANC3C THAT:
 - a. ANC3C urges the Council of the District of Columbia to pass legislation providing that sidewalks be constructed upon the decision and at the expense of the city; and that sidewalks be considered as a public benefit, not just a private property improvement.
 - b. ANC3C recommends to the District of Columbia Government that it approve the application subject to the construction of a sidewalk in front of 3220 Idaho Ave NW:
- VII. BE IT FURTHER RESOLVED that ANC3C authorizes the Chair, the Transportation Committee Co-Chairs, and/or the ANC3C07 Commissioner to take appropriate actions to carry out this resolution.

This resolution was approved by the ANC 3-C by a vote of 6-0 (1 abstention) at its regular public meeting on November 26, 2001, at which a quorum was present.

V. COMMUNITY FORUM

A. **ABC investigator for PAS 201 – 205, Ms. Tengen**, introduced herself to the community. She then described her duties and responsibilities, stating that she spends a good deal of time in the field on a daily basis verifying licenses and investigating complaints. Ms. Tengen then fielded question from the community and the commission. Ms. Tengen invited the community to contact her at 202-442-4456 with any questions or concerns.

B. **Cynthia Walicki, Assistant U.S. Attorney assigned to the 2nd District**, introduced herself to the community. She stated that she works primarily with criminal matters. Commissioner Bartel stated that an issue of concern that he encourages Ms. Walicki to look into is that of people and/or organizations making intentional misstatements or misrepresentations to DC agencies when applying for permits, etc. Ms. Walicki invited the community to contact her at either 202-282-0585 or 202-514-7634 with any questions or concerns.

VI. COMMISSION BUSINESS:

A. Chair MacWood introduced the question of **application for public space permit for retaining wall at 2615 30th Street**. Chair MacWood stated that the application was reviewed at the most recent Planning and Zoning Committee. She further stated that the P & Z Committee did discuss the plans with the project architects and was satisfied with the proposal. Chair MacWood introduced a motion that the ANC3C inform the Public Space Office that it has no objection to granting the permit. Comm. Welsh seconded the motion. **The motion was passed without objection by a voice vote of 7-0.**

B. Chair MacWood introduced the issue of **referring the Friendship Shopping Center historic landmark application to Historic Preservation Committee**. After ensuing discussion, a joint meeting of the Planning and Zoning Committee and the Historic Preservation Committee was set for Wednesday, December 12th, at 7:30 p.m. to be held at Chair MacWood's house. Chair MacWood stated that the meeting would be a briefing for Commissioners and Committee chairpersons, the goal being to review the issue sufficiently so as to be able to consider this issue at the December meeting of the ANC3C.

VII. COMMUNITY FORUM:

A. Comm. Bartel introduced the issue of **consideration of reciprocity Regulations effecting out of state licensed vehicles**. Comm. Bartel introduced a draft resolution and documents relevant to the issue. Comm. Martin suggested

that the issue be referred to committee for further drafting. Discussion ensued regarding the exact language of the resolution. Chair MacWood called the question of approving the resolution. Comm. Vorndran seconded the motion. By a voice vote of 5 for (Comms. Hyde, Vorndran, Bartel, Welsh, Opacinch), 1 against (Comm. MacWood), and one abstention (Comm. Martin), **ANC3C Resolution 2001-046 was approved.**

ANC 3C Resolution No. 2001-046

RESOLUTION REGARDING MOTOR VEHICLE REGISTRATION AND "RECIPROCITY STICKERS"

1. WHEREAS the laws of the District of Columbia require residents to register any motor vehicle in the District of Columbia within 30 days of the owner or operator entering the District (50-1501.01 DC Code (2001)), unless that owner or operator qualifies for and obtains a "reciprocity sticker" issued by the Mayor (50-1401.02 DC Code (2001)).
2. WHEREAS, such qualification for "Reciprocity" stickers include U.S. Senators, Representatives, and Delegates to the U.S. Congress, personal staff of such officials if they are residents of that official's State (but not staff of committees or patronage staff), the President and Vice-President of the United States, Presidential appointees serving at the pleasure of the President as Officers of the Executive branch and not domiciled in DC, and certain bona-fide full-time students (including certain students in ANC's 2A and 2E, with respect to certain provisions and conditions) (50-1401.02 (c) DC Code (2001), D.C. Board of Zoning Adjustment (BZA), Application No. 16566A of the President and Directors of Georgetown College , Reconsideration Orders June 5 and July 31, 2001));
3. WHEREAS, DC Law requires the Mayor to promulgate Regulations which are necessary to enforce such "Reciprocity" Sticker laws, which Regulations must specify how many times within a 30-day period the Mayor must observe a motor vehicle for purposes of enforcement, such procedures to be within the discretion of the Mayor but within the requirements of the Registration and "Reciprocity" statutes (50-1401.02 and 50-1501.01 DC Code (2001));
4. WHEREAS, the Mayor has promulgated D.C. Municipal Regulations (18 DCMR 429) which currently require at least three sightings of alleged violators of the "Reciprocity" laws within a 60 day period (apparently contrary to DC Code 50-1401.02, which statute specifies that the observation(s) must take place within a 30 day period); the DCMR Regulation requires the "issuing officer" to record observations at least three times within 60 days, and then issue a "warning" (not provided by Statute) giving an additional 15 days for compliance, and then requiring a fourth or fifth sighting after a "warning", all apparently by the same "issuing officer.";

5. WHEREAS, there are great numbers of violators of the Registration and / or "Reciprocity" statutory law of the District of Columbia, persistently on the streets and parking lots (public and private) of the District; the current procedures under 18 DCMR 429 appear designed to make it most difficult, if not impossible, for an "issuing officer" to make four observations of violations per vehicle per citation over an apparently unauthorized 75 day period, and thus current procedures are unnecessarily time consuming for the police force;
6. WHEREAS, a large number of vehicles are consistently parked in the District of Columbia which have no DC Registration or "Reciprocity" sticker, but which have multiple "Resident" or other indicia of residency, some for multiple years, affixed to the vehicles, thus constituting a "prima facie" case of a violation of either the Registration or "Reciprocity" law. Such "prima facie" residency makes multiple observations unnecessary; and in such cases, the law should allow a citation to be issued without multiple observation(s). Such a citation could be rebutted and defend under current law (18 DCMR 429.4 (c)), and any revocation of an issued "Reciprocity" sticker could as well be subject to notice, a hearing, and an appeal (see also 18 DCMR 1006 (as amended August 10, 2001).
7. THEREFORE, BE IT RESOLVED, that ANC 3C, requests that the DC Council amend 50-1401.02 of the DC Code to provide that a vehicle observed once in DC without DC Registration or a "Reciprocity" Sticker, and which vehicle has indicia of residency for more than 30 days, or for which vehicle owner has been deemed a resident of the District of Columbia by self certification or by operation of any Federal or D.C. law or Regulation (i.e. DC Code 1-1302 (16), 3-205.3, 32-1601, 35-1324(5)(A), 45-901(b), 45-2708(a), 45-3004, 47.1801.4 (17), 47.1806.4 (c)(2), 47-1809.1, 47-4508 (b), 49-401, INS, as examples), may be issued a citation for violation of the Registration or "Reciprocity" law(s), whether on a public street or where the vehicle is visible from streets or public space, or is parked outdoors on private property.
8. BE IT FURTHER RESOLVED, that the Mayor amend 18 DCMR 429 to become consistent with the 30 day observation requirement of the "Reciprocity" statute (50-1401.02), and permit that two or more observation(s) may be made by any official(s) authorized to issue parking, registration, or "Reciprocity" citation(s) (i.e. DPW, police, etc), rather than implying that all observations be required and be made by one "issuing officer", and that any "warnings" be discretionary at any observation point on a form to be proscribed by the Mayor, provided that a citation must be issued after 31 days after any first observation anywhere the vehicle may be parked or operated, including observations which might be made during traffic stops for any other reason (including any other determination of residency of the owner or operator of the vehicle by the Mayor).

This resolution was approved by the ANC 3-C by a vote of 5 - 1 - 1, thus passed at its regular public meeting on November 26, 2001, at which a quorum was present.

VIII. OFFICER'S REPORTS:

A. **TREASURER'S REPORT:** Comm. Hydle moved that former Commissioner Cliff Rohde be de-authorized to sign ANC3C checks, and that Commissioner Robert Martin be authorized to sign checks. Comm. Vorndran seconded the motion. Without objection, the motion carried.

B. **SECRETARY'S REPORT:** Without objection the minutes of the October meeting of ANC3C were approved.

C. Vice-Chair Bartel informed the commission on his testimony before the DC Council regarding ANC Amendments of 2000.

IX. STANDING COMMITTEE REPORTS:

A. **TRANSPORTATION COMMITTEE:** Commissioner Welsh updated the commission on the recent activities of the Transportation Committee, specifically in regards to recent consideration to re-examine the issue of re-opening Klingle Road. Consideration ensued regarding whether there would be another meeting that would be publicly noticed, the aim being to have an outcome usable by the committee at the December meeting. Comm. Welsh continued with an update on the status of restriping 34th Street. Comm. Welsh informed the commission that a solution had been proposed and would be ready to present to the commission in January.

B. **PLANNING AND ZONING:** Chair MacWood updated the commission on the status of Special Signs / Billboards. She stated that Councilmember Ambrose would provide her with a report on the issue, and that a mark up of the bill would occur at 9:30 on Wednesday, November 28.

C. Commissioner Hydle stated that there would be a meeting of the Alban Towers Parking ad hoc committee on December 5th. Comm. Hydle stated that the ad hoc committee had appointed 5 members to the task force.

X. SINGLE MEMBER DISTRICT REPORTS:

XI. ADJOURNMENT: A motion to adjourn was introduced by Comm. Vorndran, seconded by Comm. Martin, and unanimously approved by a voice vote. The Commission adjourned at 10:29 p.m.

Subj: **Target areas for December**
Date: 11/20/01 3:49:11 PM Eastern Standard Time
From: Nmacwood
To: captainmjacobs@hotmail.com

Captain Jacobs, below are the target location suggestions from ANC 3C for special enforcement. If you have information which indicates other locations are more critical, I would like to factor that into this list. Also, rather than ask for a lot of information to be decimated to us at the end of the month, I would appreciate hearing from you any statistics about number of tickets, time and type of violation, and any other information you generally collect. As we (the ANCs) gain some experience with this process it may become obvious that additional information would occasionally be helpful, but I don't want to unnecessarily burden your officers until we have a legitimate reason to ask for more info.

1. Cleveland Ave., 34th to Garfield St., AM rush hour speeding
2. 34th St., Garfield St. to Newark St., no thru trucks violation (signs are posted at Mass. Ave. and 34th St.)
3. Calvert St., at Conn. Ave., right turn violations
4. Conn Ave., Calvert St. to Rodman St., rush hour violations (including parking and restricted turn violations)
5. Normanstone Drive, speeding and skate boarders holding on to cars
6. Garfield St., Cleveland Ave. to 29th, speeding violations

Also, I was asked if a red light camera could be placed at the intersection of Conn. Ave. and Ordway St., where there have been several recent reports of red light running. Do you know if this intersection would satisfy the criteria and if it is possible to locate a camera here? Thank you.

Happy Thanksgiving!
Nancy MacWood
Chair, ANC 3C

Target areas