

**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 November 21, 2005 at 7:35 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, Dia Black, Avram Fechter, Deborah Jane Lindeman, Trudy Reeves and Stephanie Zobay. Commissioners Hogan and May arrived at approximately 7:45 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 list serve, the Woodley Park list serve, and the ANC3C website.

**III. ANNOUNCEMENTS**

- A. Chair MacWood announced there was a presentation on traffic enforcement by Officer David Baker preceding the meeting.
- B. Chair MacWood noted that Emily Paulus is leaving HPRB due to her impending marriage and relocation out of state.

**IV. ESTABLISHMENT OF QUORUM**

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

**V. APPROVAL OF AGENDA**

Chair MacWood moved for approval of the following agenda:

- A. Consideration of a Public Space Application for a replacement fence at 3200 Woodley Road, NW
- B. Appointment of Commissioner May as the ANC Representative to the NCS Athletic Center Liaison Committee
- C. Consideration of a resolution in appreciation to the Wardman Park Marriott Hotel employees for their actions toward Oyster Bilingual School during a fire emergency
- D. Consideration of a BZA Application for a rear deck at 2906 Cortland Place, NW
- E. Consideration of Alcoholic Beverage Regulation Administration
  - 1. Manhattan Market, 2647 Connecticut Ave NW

- 2. Cathedral Pharmacy, 3000 Cathedral Ave., NW.
- 3. Vace Italian Deli, 3315 Connecticut Ave., N.W.
- F. Consideration of a resolution for removal of the service road on Connecticut Avenue NW, between Macomb St. NW and Ordway St. NW
- G. Consideration of a Department of Parks and Recreation resolution for installation of a fence around the toddler playground at 39<sup>th</sup> St., NW and Newark St., NW
- H. Consideration of a resolution urging the Public Service Commission to re-regulate electric utilities and the DC Council to adopt legislation allowing opt-out municipal aggregation.

Commissioner Zobay seconded the motion.

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

## VI. CONSENT CALENDAR

*Public space application for a taller iron fence fronting on Woodley Road and a taller chain link fence fronting on Klingle Road at 3200 Woodley Road, NW:*

Chair MacWood moved for approval of this application, with a stipulation that the shrubs hiding the chain link fence from view on the Klingle Road side must remain.

The motion was seconded by Commissioner Black

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

## VII. COMMUNITY FORUM

Chair MacWood asked if anyone wanted to address the commission under the Community Forum.

Roger Myers asked to speak about the fencing issue at 3501 Quebec Street, N.W. He stated that he has not received a response from ANC3C. Commissioner Beckner stated that earlier in the summer he had read the DCRA copies of the inspection letters and agreed to provide the DCRA correspondence to Mr. Myers.

## VIII. COMMISSION BUSINESS

A. *Appointment of Catherine May as an ANC representative to the NCS Athletic Center Liaison Committee to replace former Commissioner, Nancy Nord:*

Chair MacWood reviewed the history of the committee which grew, out of a community effort to work out problems with NCS, into a liaison committee overseeing the conditions and use of the Athletic Center. The Committee meets twice a year, and two of its members are ANC3C commissioners, including Chair MacWood. Chair MacWood made the motion which was seconded by Commissioner Black.

**The motion was approved by a unanimous vote of 9-0.**

B. *Consideration of resolution of appreciation to Marriott for its quick response in helping Oyster children after fire incident:*

Commissioner Lindeman introduced several individuals in attendance: Mr. Lockhart and Mr. Diaz, Director and Assistant Director, respectively, of Loss Prevention of the Marriott Wardman Park Hotel; Sra. Marta Guzman, Principal of Oyster School; and other representatives of Oyster, including two students. Commissioner Lindeman read and moved the resolution of appreciation and Commissioner Black seconded. Commissioner Lindeman then asked if there was any community response. The co-presidents of the Oyster Community Council (“OCC”) introduced two students who read (in both English and Spanish) a proclamation in the form of a letter to the Marriott employees, thanking them for being good neighbors. Then, the students presented the proclamation and a mural to the Marriott staff.

Commissioners Lindeman, Black and Zobay commended the Marriott staff. Commissioner Lindeman also thanked the Marriott’s General Manager, Ed Rudzinski, who was not in attendance. Commissioner Hogan offered a friendly amendment to recommend the Marriott staff to the Mayor for meritorious action and to nominate the employees to receive the Mayor’s Community Service Award. Commissioner Lindeman accepted the amendment.

**The resolution was unanimously approved by a vote of 9-0.**

*C. Consideration of a BZA application for a variance from rear yard allowance to build deck on back of residence at 2906 Cortland Road, NW:*

The applicant made a presentation using drawings and photos showing the front, rear, and side views of her property. The applicant’s side yard abuts the back of a group of three cluster homes. The applicant described the proposed deck as to be in keeping with character of neighborhood and presented documentation from surrounding neighbors in support of the proposed work, including support from the attached neighbor. Two neighbors spoke in opposition to the application and offered a letter signed by a group of neighbors opposing the application based on mass and impact on character of neighborhood, and the potential precedent that would be established for future deck proposals.

Commissioners asked questions concerning the specifics of the application and inquired into the relationship between the applicant’s property and the properties of those officially supporting and opposing the proposed construction. Several questions concerned whether there was a need for a variance from lot occupancy since above-ground decks are included in lot occupancy measurements.

Commissioner Zobay read and moved a resolution opposing the application and Commissioner Lindeman seconded. After additional discussion, Commissioner Zobay amended the resolution to include language raising the lot occupancy issue.

Commissioner Lindeman offered an amendment to support the application and Commissioner Beckner seconded the amendment noting the support of the attached neighbor and other neighbors with a clear view of the proposed deck. Commissioner Hogan offered another amendment to condition support for the application on the BZA making determinations about lot occupancy and the impact on the alley since the Commission had inadequate information to make a recommendation on those issues.

After further discussion, Commissioner Zobay read her amended resolution. Commissioner Lindeman asked for a roll call vote:

Commissioner Beckner – yes	Commissioner May – yes
Commissioner Black – yes	Commissioner Lindeman - yes
Commissioner Fechter – abstain	Commissioner Reeves- yes
Commissioner Hogan –yes	Commissioner Zobay - no
Chair MacWood – no	

**The amended resolution was approved by a vote of 6-2 with 1 abstention.**

D. *Consideration of Alcoholic Beverage Regulation Administration applications for license renewal:*

- i. *Manhattan Market, 2647 Connecticut Ave NW*
- ii. *Cathedral Pharmacy, 3000 Cathedral Ave., NW*
- iii. *Vace Italian Deli, 3315 Connecticut Ave., NW*

Chair MacWood made a motion for approval of the ABRA applications and Commissioner Zobay seconded.

**The motion was approved unanimously by a vote of 9-0.**

E. *Consideration of resolution supporting removal of the service road on Connecticut Avenue between Macomb and Ordway Streets:*

Commissioner Fechter read and moved a resolution and noted his concern for safety. The resolution was seconded by Commissioner Lindeman. Commissioner Fechter expressed his support for a DDOT solution. Comments from Mike Shirazi, owner of Brookville Market (3427 Connecticut Avenue) included his observation that since DDOT fixed the traffic lights at Ordway St. NW and Connecticut Ave. NW, there have been two accidents and several near accidents and asked what the closing the service road would accomplish.

Commissioner Fechter introduced Doug Noble of DDOT, Chief Traffic Engineer. Mr. Noble articulated DDOT's 3-point strategy for improving traffic: education, enforcement, and engineering. He noted that the service road is at a complex intersection and that DDOT is actively evaluating engineering solutions- signs, traffic signals, and others options, but would like to involve the community in the process of designing a solution.

Commissioner Hogan asked about funding for a study and Mr. Noble answered that some of the funding for the study is federal, and some is from DDOT general operations (set aside funding for high accident zones), and there is also funding available from other federal and city funds dedicated to safety-based solutions. Mr. Noble also noted that there will be a cost benefit analysis looking at revenue from the parking meters, the Metro, and the loss of parking spaces.

Commissioner Zobay asked about accidents in the area and Mr. Noble answered that after analyzing detailed crash reports, accidents generally happen going northbound and are due to speeding, and that there have been no accidents in service lane. Chair MacWood noted

her concern for supporting only a safety-based solution. Commissioner Lindeman stated that she cannot support closing of service lane merely if DDOT supports closing it. Commissioner Beckner stated he would support an amended resolution if the resolves about closing the service road were removed and added the concern about both safety and the business overlay. Chair MacWood supported the amendment and added that this is a complicated issue and that she does not support reducing the issue to only safety and assuming that the service road is the issue. Commissioner Beckner offered amendments to remove references to the service road and to add language reflecting concern for safety and preserving the Commercial Overlay District. Chair MacWood motioned to call the question on the amendment. The motion was seconded by Commissioner Reeves. A roll call vote was as follows:

Commissioner Beckner – yes  
Commissioner Black – no  
Commissioner Fechter – no  
Commissioner Hogan – yes  
Commissioner Lindeman - yes

Chair MacWood - yes  
Commissioner May- yes  
Commissioner Reeves- no  
Commissioner Zobay – abstain

**The motion was approved by a vote of 5-3-1.**

Chair MacWood noted that 90% of DDOT’s funds are federal, and asked if there a funding problem if the resolution includes factors other than safety? Mr. Noble answered no but suggested including a safety-based solution in the resolution.

Chair MacWood stated that maintaining the area as a commercial area is also vitally important. CPCA President George Idelson noted that it is very positive if DDOT is open-minded about a solution and stated that he wants to involve the community in the decision, and that the community has asked DDOT in the past to intervene. Mr. Idelson added that the resolution should support safety but take into account that parking is a significant issue, and that removing parking spaces is not a realistic option. Mr. Idelson added that businesses located on the service road rely on customers being able to use the service road and that anything done to the service road will have an effect on the businesses and the community. Community input was supportive of keeping the service road open but included comments related to safety, parking, and that good urban design must be part of the solution, as the service road is an important to the community. Commissioner Lindeman noted that handicap parking is important and Mr. Noble stated that DDOT is currently reviewing every meter in city for ADA compliance.

**The resolution was approved by a vote of 6-3.**

F. *Consideration of a resolution to Dept. of Parks and Recreation requesting the installation of a fence around the toddler playground at 39th and Newark Streets:* Commissioner Reeves read and moved a resolution supporting the installation of a fence around the toddler playground at 39<sup>th</sup> St. NW and Newark St. NW. Commissioners reviewed pictures of the Newark Street Park and of other DPR fences and discussed the enclosures. Commissioner Reeves noted her concern about safety at the playground and provided letters supporting fencing in of the play area, notably from the Board of McLean

Gardens and two parents living in McLean Gardens. Chair MacWood asked if there were comments from the community – see posted statements made by Linda Blount Berry, vice-president Newark Street Community Garden Association; Susan Akman; and Anatol Steck. Comments from the Community Garden Association reflected opposition to fencing in the playground as it hindered the ability for children to play in open green space. Commissioners discussed the value of green space, with room for children to play and run freely, but also for safety, and explored options for an expert to provide input and for fencing alternatives, such as planting shrubs along the edge of the property nearest to the roadway.

Chair MacWood motioned to table the resolution and was seconded by Commissioner Black.

**The motion was approved by a vote of 8-1.**

**NOTE: Commissioner May left at 11:20 p.m.**

*G. Consideration of resolution urging the Public Service Commission to re-regulate electric utilities and the DC Council to adopt legislation allowing opt-out municipal aggregation:*

Chair MacWood stated that there has been an 18% increase in energy costs since last year and that there will be another increase in the spring. Municipal aggregation works by knowing how many people are in the group; “opt-in” needs to be changes to “opt-out”. Further discussion ensued about the need for re-regulation. Chair MacWood read and moved a resolution urging the Public Service Commission to re-regulate electric utilities, and urging the DC Council to adopt legislation allowing residential opt-out municipal aggregation. The resolution was seconded by Commissioner Lindeman.

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

## **IX. OFFICERS’ REPORTS**

*A. Consideration of 4th Quarter Financial Report:*

Commissioner Reeves read a resolution regarding the 4<sup>th</sup> Quarter Financial Report for ANC3C. A motion was made to approve the Treasurer’s resolution by Commissioner Fechter, and seconded by Commissioner Zobay.

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

*B. Consideration of FY 2006 ANC 3C Budget:*

Commissioner Reeves read a resolution regarding the FY 2006 Budget. A motion was made to approve the Treasurer’s resolution by Commissioner Fechter, and seconded by Commissioner Zobay.

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

*C. Consideration of authorizing ANC 3C Administrator to be custodian of petty cash:*

Commissioner Reeves presented two alternative resolutions, one to authorize the ANC 3C Administrator to be the custodian of petty cash and one to discontinue petty cash and to reimburse future out-of-pocket expenses by a check issued by the Treasurer. Commissioners discussed the administration of petty cash and agreed to support the resolution to discontinue petty cash. A motion was made to approve the resolution by Commissioner Fechter, and seconded by Commissioner Zobay.

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

## **X. COMMITTEE REPORTS**

Transportation Committee: Commissioner Beckner acknowledged that the transportation subcommittee meeting was poorly attended, but he will compile a wish list of requests from other Commissioners and the public. He will break down the list by category, which would be helpful for DDOT. Chair MacWood asked about the street repaving lists and Commissioner Beckner noted that he will make calls and follow-up. Commissioner Beckner also added that he has received complaints about Mr. Khalid not returning phone calls, and about WASA, which recently sent letters out about replacing house service lines, which are expensive to replace.

## **XI. SINGLE MEMBER DISTRICT REPORTS:**

A. ANC3C-01: Commissioner Black noted that the Zoo is planning to build a service entrance on Hawthorne Street and that construction will continue at the zoo for the next eight years. The Hawthorne Street entrance will be used for trucks, trash, etc. This construction work doesn't fall under the BZA or any other municipal jurisdiction because it is the property of the federal government.

B. ANC3C-02: Commissioner Lindeman shared a proposal from the Oyster Community Council ("OCC") for a playground grant application that will be presented at the December 2005 public meeting of ANC3C.

C. ANC3C-04: Commissioner Fechter noted that one issue related to the service road is parking, and he would research the idea of the Commission hiring a parking consultant to study and locate an option for a garage.

D. ANC3C-09: Chair MacWood noted that the Hearst Street Park study isn't going well. Ms. Flowers of DPR will meet with ANC Commissioners about ward-wide problems at DPR.

## **XII. ADJOURNMENT**

Chairman MacWood moved to adjourn. Commissioner Beckner seconded. By a vote of 8-0, the meeting adjourned at 12:12 AM on Tuesday, November 22, 2005.