

MINUTES
ADVISORY NEIGHBORHOOD COMMISSION 3F
NORTH CLEVELAND PARK/FOREST HILLS
PUBLIC MEETING

Wisconsin Avenue Baptist Church
3920 Alton Place, N.W.
Washington, D.C. 20016
April 15, 2002

1. CALL TO ORDER [7:35 pm]

Chair Wiss called the meeting to order. Commissioners Kogan, Perry, Maudlin, Bardin, Mitchell, Strauss and Wiss were present. With all seven commissioners present, Chair Wiss declared a quorum.

2. AGENDA

The meeting agenda was approved on motion of Commissioner Bardin, seconded by Commissioner Perry. 7-0-0 (see attached agenda)

3. MINUTES

Minutes of March 18, 2002, meeting were approved 6-0-1 on motion by Commissioner Bardin, seconded by Commissioner Wiss. (Commissioner Mitchell, who did not attend, abstained).

4. ANNOUNCEMENTS

A. Commissioner Maudlin:

1. Friends of Forest Hills Playground will hold their third annual yard sale on April 20, 2002. Call Karen (686-8698) or Laura (244-9924) and their Grand Reopening Ceremony (with potluck lunch and kids' show) will be held Saturday May 18 from 11 am to 1 pm.
2. DC Hazardous Household Waste Collection Day will be on Saturday, May 11 from 9 am to 3 pm at 3815 Fort Drive (at Deal JHS).

B. Commissioner Kogan announced receipt of a letter from Sandra Yates of UDC Child Development Center, dated March 28, 2002 (which he shared with the other commissioners), concerning hazards to pedestrians and drivers associated with the driveway connecting Van Ness Street and the UDC garage, a subject he intends to bring back to the ANC.

C. Commissioner Wiss announced Friends of Tenley Library will hold their Used Book Sale on Saturday, May 11 (rescheduled date) from 12 - 4 pm (with pre-sale for members in good standing from 11 am to noon).

D. Commissioner Bardin:

1. The Rape Crisis Center will hold its 23rd annual "Take Back the Night" march at Dupont Circle on May 4 starting at 5 pm. (For more info call: 202-232-0789.)
2. The *Ad Hoc* Tree & Slope Overlay Committee will meet next on April 22 at 7:30 pm.

5. OPEN FORUM

PEPCO representative Christine Wilson (202-872-2128; e-mail: cwilson@pepco.com; fax 872-2482) invited commissioners and community to turn to her with questions or problems.

6. REPORT OF SECOND DISTRICT, METROPOLITAN POLICE DEPARTMENT

No representative of the Second District appeared at the ANC meeting.

7. THE WASHINGTON HOME, BZA APPLICATION #16836 [7:55 - 8:05 pm]

Commissioner Kogan reported that the BZA had denied the ANC's request for a deferral of the BZA hearing date and had commenced its hearing on April 2, but that it was not able to conclude the hearing, which will go over to June 25 at 1 pm – with active attempts to resolve issues between TWH and various neighbors before that date . Chair Wiss stated that the ANC has invited TWH to present its current thinking and positions to the ANC at one of the next three ANC meetings (this meeting being inconvenient to TWH's consultants). The May 20 meeting seems the most likely. Hugh Reese, Director of Community Affairs for TWH affirmed the foregoing and expressed confidence that there would be no problem in scheduling for May 20. Commissioner Wiss announced that on April 25 or 30 there will be stormwater meeting regarding TWH with Tim KariKari of DOH's Environmental Health Administration.

8. 4500 WISCONSIN AVENUE (Sears-Hechinger's Building) ZC REQUEST FOR ANC'S VIEWS ON RECISSION OF 1940 COVENANT [8:05 - 8:32 pm]

Commissioners discussed the 1940 Covenant requiring Zoning Commission approval for changes in entrances and for additions to the building and the ZC's letter of March 15, inviting the ANC's comments (documents that Commissioner Wiss had distributed to the commissioners). On motion of Commissioner Wiss, seconded by Commissioner Perry, the commission voted 7-0-0 to authorize the Chair to send the attached letter to the ZC. [See attached Ltr 02-01.]

9. 3633 ELLICOTT STREET, BZA APPLICATION #16872 [8:32-9:00 pm]

Alison Gray, owner of the property, and her architect, Reena Racki, explained the application to the BZA for a Special Exception (previously distributed by Ms. Gray to the seven commissioners) for a 487 s.f. basement accessory apartment, which they explained in response to questions was made under the DC Municipal Regulations (DCMR), Title 11, Section 202.10. Ms Gray presented a petition of support signed by 23 neighbors, including all neighbors on her immediate block of Ellicott Street, and a map showing locations of dwellings and diverse uses. The commissioners discussed conformity of the planned apartment with the regulatory standards and, on motion of Commissioner Mitchell, seconded by Commissioner Bardin, voted 6-1-0 to adopt a resolution of no objection (Commissioner Perry dissenting). See attached Res 02-16.

10. PROPOSED FOREST HILLS TREE & SLOPE PROTECTION OVERLAY [9:00-9:35 pm]

Commissioner Bardin reported that the FHCA had filed a petition for a tree and slope protection overlay with the ZC on April 5 asking it to set down the proposal for public hearing, that the Office of Planning had subsequently recommended setdown, that the matter was on the agenda of the ZC's monthly hearing on April 19 and that Q&A fact sheets describing the FHCA proposal had been distributed to the commissioners and were available at the sign-in table for the community. George Clark reported on plans for the FHCA Community Meeting on April 16, including the panelists who will speak and answer questions (Ellen McCarthy of OP, David Murphy of NPS, Sheila Hogan of Casey Trees Foundation and George Clark and David Bardin). Alex

Walworth of 29th Street and Brendon Herron of Albemarle Street reported that they have begun to circulate a petition supporting an overlay. Nicholas Berry of 29th Street said that the character of Forest Hills was set by private initiative, rather than government zoning. On motion of Commissioner Bardin, seconded by Commissioner Perry, the ANC approved (4-2-1) a letter to the ZC concurring in the OP recommendation of a setdown for public hearing. (Commissioners Kogan and Maudlin dissenting; Commissioner Strauss abstaining). See attached Ltr 02-02.

11. 3901 CONNECTICUT AVENUE, HPRB APPLICATION #02-249 [9:35~11 pm]

The commission heard two presenters discussing proposals to the HPRB for 12 parking spaces and tree plantings along the south side of 3901 Connecticut (an historic landmark), six parking spaces at the rear (east) side of that building, and a pole on the south side, near Connecticut Avenue, to support the north end of a proposed canopy over the driveway of 3883 Connecticut by means of a pole on one foot of the landmarked property. Pete Nazelrod, of P.N. Hoffman (owner of 16 condominium units in 3901 and representing the condo board) seeks approval of the outdoor parking spaces. Richard Drummond, development manager for Clark Development Capital seeks approval to support the one-foot encroachment for the sake of the proposed canopy pole. After lengthy discussion, the ANC turned down (3-4-0) a motion of Commissioner Strauss, seconded by Commissioner Kogan to defer all consideration of the matter. (Commissioners Strauss, Kogan and Bardin in the minority.) Then the ANC approved two motions: On motion of Commissioner Perry, seconded by Commissioner Maudlin, the ANC voted (5-1-1) to oppose the 18 south-side parking spaces, but not the three in the rear. (Commissioner Bardin dissenting; Commissioner Strauss abstaining.) See attached Res 02-18. On motion of Commissioner Perry, seconded by Commissioner Bardin, the ANC voted (7-0-0) to oppose the canopy pole encroachment on the historic landmark. See attached Res 02-19.

12. 3000 BLOCK OF TILDEN STREET, PUBLIC SPACE APPLICATION

On motion of Commissioner Kogan, seconded by Commissioner Maudlin the ANC voted (7-0-0) not to object to changes in the median strip of Tilden Street, to accommodate certain parking garage changes desired by Intelsat, on condition that Intelsat ensure the survival of three mature trees and requesting striping as shown on attached plan. See attached Res 02-15 with plan.

13. CHARLIE CHIANG'S, 4250 CONNECTICUT AVE, APPL. No. 24996 TO ABRA

On motion of Commissioner Perry, seconded by Commissioner Kogan, the ANC approved (7-0-0) a Voluntary Agreement [attached] to be submitted to the ABRA in conjunction with renewal of the Class "C" liquor license for Charlie Chiang's Restaurant to be transmitted by a brief letter of non-objection to license renewal (conditioned on the Agreement).

14. UPTOWN CATHAY, 5016 CONNECTICUT AVE, APPL. No. 10171 TO ABRA.

On motion of Commissioner Mitchell, seconded by Commissioner Perry, the ANC approved (7-0-0) a Voluntary Agreement [attached] to be submitted to the ABRA in conjunction with renewal of the Class "C" liquor license for Uptown Cathay Restaurant and a resolution of non-objection to license renewal. See attached Res 02-17.

15. TREASURER'S REPORT

- A. Treasurer Mitchell distributed and the commissioners noted the monthly report for March [attached].
- B. Treasurer Mitchell distributed the proposed Quarterly Report to the DC Auditor which the ANC approved (7-0-0) on motion of Commissioner Mitchell, seconded by Commissioner Perry.

16. ADJOURNMENT [after 11 pm]

On motion of Commissioner Kogan, seconded by Commissioner Bardin, the Commission voted 7-0-0 to adjourn. The next meeting, a special meeting, will take place at 7:30 pm on Monday, April 29, 2002, at Intelsat Building, 3400 International Drive (intersecting Van Ness Street southwards).

The next meeting regular, monthly business meeting will take place at 7:30 pm on Monday, May 20, 2002, at Capital Memorial Church, 3150 Chesapeake Street.

Respectfully,

/s/ David J. Bardin

David J. Bardin
Secretary, ANC3F

Attachments:

Agenda

- Ltr 02-01 April 15, 2002, from Chair Wiss to ZC Chair Mitten re 1940 Covenant concerning 4500 Wisconsin Avenue, NW, enclosing copies of Res 01-22 [ANC 3F RESOLUTION NOT OBJECTING TO THE CONCEPT OF ALTERING THE LANDMARKED PROPERTY AT 4500 WISCONSIN AVENUE, N.W., BY ADDING FOUR FLOORS OF HOUSING ABOVE THIS HISTORIC STRUCTURE] and Res 02-10 [ANC 3F RESOLUTION CONCERNING BZA APPLICATION NO. 16857 FOR 4500 WISCONSIN AVENUE, N.W. (SEARS/HECHINGER'S BUILDING).
 - Ltr 02-02 April 17, 2002, from Chair Wiss to ZC Chair Mitten and Zoning Commissioners re setdown of FHCA petition for overlay in Case No. 02-19 for public hearing
 - Res 02-15 ANC3F RESOLUTION REGARDING INTELSAT'S REQUEST FOR A PUBLIC SPACE PERMIT AT 3007 TILDEN STREET
 - Res 02-16 ANC3F RESOLUTION REGARDING BZA APPLICATION #16872 FOR A SPECIAL EXCEPTION FOR AN ACCESSORY APARTMENT AT 3633 ELLICOTT STREET
 - Res 02-17 ANC3F RESOLUTION REGARDING ABRA APPLICATION No. 10171 OF THE UPTOWN CATHAY, 5016 CONNECTICUT AVENUE, NW, FOR RENEWAL OF A CLASS "C" LIQUOR LICENSE
 - Res 02-18 ANC 3F RESOLUTION for HPRB Conceptual Approval Alteration and Creation of Parking Spaces, 3901 Connecticut Avenue, N.W.
 - Res 02-19 ANC 3F RESOLUTION for HPRB Approval to use an historically-designated site, 3901 Connecticut Avenue, N.W., Lot 2, for Construction of a Canopy for 3883 Connecticut Avenue, N.W. on Lot 804
- Voluntary Agreements to be signed with Charlie Chiang's and Uptown Cathay Restaurants
Treasurer's Report for March 2002
Quarterly Report to the DC Auditor for 2nd Quarter of FY 2002 (Jan-Feb-Mar 2002)

Minutes approved: April 29 , 2002

**Tentative Agenda for ANC 3F meeting of April 15, 2002, at 7:30 p.m.
 Wisconsin Avenue Baptist Church, 3920 Alton Street, N.W.
 ANC 3F: Phone: 362-6120; Fax: 686-7237; web site: www.anc3f.org**

ABRA = Alcoholic Beverage Regulation Administration
 BOEE = Board of Elections and Ethics
 BZA = Board of Zoning Adjustment
 DCRA = Dept. of Consumer & Regulatory Affairs
 CFA = Commission of Fine Arts
 DOH= Dept. of Health
 DOT = Division of Transportation in

DPW = Dept. of Public Works
 MPD= Metro. Police Department
 NCPC = National Capital Planning Commission
 NPS = National Park Service
 OP = Office of Planning
 ZC = Zoning Commission

- | Time | Times shown at left are targets [which are not binding] | <u>See other side for brief status reports.</u> |
|-------|--|---|
| 7:15 | Pre-meeting demonstration of the new DC voting machines, in the lobby | |
| 7:30 | Call to Order and Determination of a Quorum
<u>Approval</u> of Agenda
<u>Approval</u> of Minutes of March 18, 2002, meeting (Comm. Bardin) | |
| 7:35 | Announcements by commissioners and members of the community | |
| 7:40 | Open Forum - for community members to bring up matters <i>not</i> on the agenda | |
| 7:55 | Report from Second District, Metropolitan Police Department | |
| 8:10 | Update on The Washington Home, BZA Application # 16836 (Comm. Kogan) | |
| 8:25 | 4500 Wisconsin Avenue (Sears/Hechinger's Building), Recission of 1940 Zoning Covenant
<u>(Proposed Resolution)</u> (Comm. Wiss) | |
| 8:35 | 3633 Ellicott Street, BZA Application # 16872 <u>(Proposed Resolution)</u> (Comm. Mitchell) | |
| 9:00 | Report on proposed Forest Hills Tree and Slope Protection Overlay (Comm. Bardin) | |
| 9:15 | 3901 Connecticut Ave., HPRB Application # 02-249 <u>(Proposed Resolution)</u> (Comm. Strauss) | |
| 9:30 | 3000 block of Tilden Street, Public Space Application <u>(Action Item)</u> (Comm. Kogan) | |
| 9:40 | Charlie Chiang's, 4250 Connecticut Ave., Application # 24996 to ABRA for renewal of Class "C"
liquor license <u>(Action Item)</u> (Comm. Perry) | |
| 9:50 | Uptown Cathay, 5016 Connecticut Ave., Application # 10171 to ABRA for renewal of Class "C"
liquor license <u>(Action Item)</u> (Comm. Mitchell) | |
| 10:00 | Receipt of Treasurer's Report for March 2002 (Comm. Mitchell)
<u>Approval</u> of Quarterly Report to DC Auditor for Second Quarter of FY 2002 [Jan-Feb-Mar]
(Comm. Mitchell)
<u>Adjournment</u> | |

AGREEMENT

Made this 15th day of April 2002 by and between Charles t. Chang, Inc., T/A CHARLIE CHIANG'S RESTAURANT (the "applicant") and ADVISORY NEIGHBORHOOD COMMISSION 3F, North Cleveland Park and Forest Hills (the "ANC" or "ANC 3F").

WITNESSETH:

WHEREAS, pending before the District of Columbia Alcoholic Beverage Regulation Administration ("ABRA") Board is Applicant's application for reissuance of a Retailer's Class "CR" liquor license for the premises known as 4250 Connecticut Avenue, N.W., Application Number 24996; and

WHEREAS, both Applicant and the ANC (the "parties") desire to enter into an agreement commemorating certain understandings regarding Applicant's operating plans;

NOW, THEREFORE, in consideration of the premises recited, and the mutual covenants and promises set forth below, the ANC recommends to the ABRA Board no-objection to the reissuance of the license:

1. Applicant shall operate a bona fide restaurant on its premises.
2. The restaurant shall have a maximum of 148 seats inside for the exclusive use of dining patrons. Alcoholic beverages will be served in conjunction with full meal service.
3. The bar/lounge shall have a maximum of 10 seats for the primary use of patrons waiting for dining service, patrons waiting to be joined by other patrons and patrons waiting for carryout food service.
4. Applicant's hours of operation will be 11 a.m. to 10:30 p.m., Sunday through Thursday, and 11 a.m. to 11 p.m., Friday and Saturday.
5. Applicant shall offer food service to its patrons at all times it is open. At no time shall a patron be able to purchase an alcoholic beverage from the Applicant and not be able to purchase food from the Applicant. Applicant will not provide take-out alcoholic beverages.
6. Applicant offers take-out and delivery food service.
7. Applicant shall present no form of live entertainment. Applicant shall be permitted to present recorded music inside the restaurant as soft background music for dining; provided, however, that no doors to the exterior of the restaurant shall be propped open at any time when music is being played in the restaurant. Applicant shall permit no form of dancing.
8. Applicant shall not install or utilize any equipment for the showing of videos or video games or juke boxes.
9. Applicant shall be prohibited from displaying any advertising banners, neon signs, or outside signage other than the sign permitted by zoning above its establishment. Applicant will post no signs advertising liquor sales, happy hours, or the like.
10. Applicant will care for the public spaces that border the restaurant on Connecticut Avenue, including provision of suitable plantings.
11. Applicant shall comply with all aspects of the Civil Infractions Act and the Litter Control Administration Act. Applicant shall ensure that its trash is removed in a timely manner. Applicant shall ensure that its trash receptacle(s) remain closed and free of vermin at all times. Applicant will limit noise after closing when disposing of trash and bottles in the receptacles.

- 12. Applicant shall instruct all of its vendors, and shall itself remain vigilant to ensure that delivery and trash trucks shall not block any access to any other loading dock, driveway or entrance, and in deference to the residential community, applicant shall endeavor not to allow any delivery vehicles to use loud horns or make deliveries before 8:00 am., Monday through Friday, nor prior to 9:00 a.m. Saturday and Sunday. Applicant shall maintain its ventilating system in proper working order at all times and shall immediately address any neighborhood concerns regarding odors.
- 13. Applicant shall comply with §5(d)(3) of the D.C. Noise Control Act as it applies to businesses next to residential neighborhoods and ensure that noise from all mechanical equipment (air-conditioning, refrigerator, heat pump, fan, or other mechanical equipment regardless of location) shall be prohibited in excess of sixty (60) dB (A) when measured at the property line or as close to the property line as practical if there is an obstruction.
- 14. An ABRA licensed manager, conversant with all aspects of this agreement, shall be on site at Applicant's premises during all hours of operation.
- 15. Any and all contemplated changes to Applicant's operation, as set forth herein or otherwise, will be brought to the attention of the ANC prior to implementation, and only after ANC and, when required by rules and regulations, ABRA Board approval.
- 16. In consideration or, and in reliance upon, the commitments reflected in paragraphs 1 through 16 above, the ANC will advise the ABRA Board that it does not oppose Applicant's pending renewal application for a Retailer's Class "CR" license.
- 17. The parties further agree that any failure of Applicant to adhere to the foregoing commitments will constitute grounds for the ANC to petition the ABRA Board for issuance of an order to show cause to gain the Applicant's compliance with the terms of this Agreement.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals.

APPLICANT, CHARLES t. CHANG, INC.,
T/A Charlie Chiang's Restaurant

By: _____

(Signature)

Name: _____

(Print)

Title: _____

ADVISORY NEIGHBORHOOD
COMMISSION 3F

By: _____

Phil Kogan

Title: Chairman (Acting), ANC 3F