

**MINUTES**  
**ADVISORY NEIGHBORHOOD COMMISSION 3F**  
**NORTH CLEVELAND PARK, FOREST HILLS & TENLEYTOWN**  
**PUBLIC MEETING**

Monday October 18, 2004  
Capital Memorial Church  
3150 Chesapeake Street, N.W.  
Washington, D.C. 20008

**1. CALL TO ORDER [7:06 pm]**

Chair Perry called the meeting to order and, finding Commissioners Kessler, Maudlin, Bardin, and Wiss present, declared a quorum.

**2. AGENDA [7:07 pm]**

Chair Perry moved adoption of the agenda with a change in the item on the Hillwood Museum and Gardens to consideration of a letter of concurrence to postpone Hillwood's BZA hearing. Commissioner Bardin seconded the motion, and the agenda was adopted 5-0-0.

**3. MINUTES [7:09 pm]**

Commissioner Wiss, seconded by Commissioner Perry, moved adoption of the minutes of the September 20, 2004, meeting. Commissioner Maudlin moved a friendly amendment, which was accepted, to include a notation that the addendum to the voluntary agreement for Buck's Fishing and Camping Restaurant was signed by both parties and submitted to the ABC Board on September 22. The minutes as amended were adopted 5-0-0.

**4. ANNOUNCEMENTS [7:10 pm]**

A. Announcements by Commissioners:

Commissioner Wiss noted that she had placed on the back table a handout from WASA entitled "An Information Guide on Lead in Drinking Water: An Update". She called attention to two brief reports on the back of the agenda: the scope of work for the Wisconsin Avenue Corridor Transportation Study, which can be found on the DDOT web site, and the Tenley-Friendship Branch Library rebuild project. DDOT will entertain comments from the public on the scope of work through Friday, October 22. The design for the new library is on display in the library and was featured in the District Weekly section of the October 14, 2004, issue of *The Washington Post*. Comments can be directed to Dale Barrett.

Commissioner Kessler announced that DPW will be having a hazardous waste collection at the Carter Barron on Saturday, October 23, from 9:00 am to 3:00 pm. This will include disposal of old electronics.

B. Announcements by members of the community [7:12 pm]:

Gary Stevens announced that the Forest Hills Neighborhood Alliance will be holding a Forest Hills History Day on October 24 from 2:00 to 5:00 pm at the Capital Memorial Church, 3150 Chesapeake Street, N.W. This free event will feature 16 information centers as well as

tours of the Owl's Nest by Andy Adams and a table about Forest Hills authors coordinated by Don Oberdorfer and Carl Stern. A special feature will be a display and vote on the most beautiful tree in Forest Hills, sponsored by Commissioner David Bardin and ANC candidate Frank Winstead.

George Clark of 4525 – 28<sup>th</sup> Street announced that the Forest Hills Citizens Association will hold a Halloween parade October 30 from 9:30 am to noon at the Forest Hills Playground.

**5. OPEN FORUM [7:16 pm]**

Jake Gillespie of 2931 Tilden Street reported that in the near future Clark Realty plans to submit an application for a planned unit development in the 2900 block of Tilden Street with a map amendment from R-2 to R-5D zoning. Residents have formed the Committee to Preserve R-2 Zoning, which has started an open letter to Andrew Altman, Director, DC Office of Planning. They believe the proposed nine-story, 90-foot high apartment building is too high and dense for the neighborhood; that its parking lot, which will cover the lot, will have an adverse effect on the Hazen Run watershed; that this project, if approved, will set a precedent for high rises on this and other side streets; that this building will pose a security risk for the Kuwaiti Embassy next door; and that the project will cause parking problems in the neighborhood. Clark Realty has not met with the community since an SMD 3F07 meeting attended by 70 residents. Commissioner Maudlin suggested that the community keep in close touch with Clark.

**6. MPD SECOND DISTRICT REPORT**

No one attended the meeting to give the MPD report.

**7. INTRODUCTION OF ANC CANDIDATES [7:22 pm]**

Chair Perry announced that Commissioners Kessler, Maudlin, Wiss, and she are seeking reelection and are unopposed. She introduced Frank Winstead, who is running for SMD 3F04, and Mital Gandhi and Kenneth Katz, who are running for SMD 3F05.

Frank Winstead, a resident of the Brandywine Apartments at 4545 Connecticut Avenue, stated he has lived in DC for ten years and at the Brandywine for four. He is interested in maintaining the status quo to an extent. Residents he has talked with are concerned about cutting down trees and new development.

Mital Gandhi of 4801 Connecticut Avenue has lived in DC for 8 years. He has his own web site: [www.mydcprep.com](http://www.mydcprep.com). He would like to promote communication within SMD 3F05.

Kenneth Katz has resided at 3411 Fessenden Street for 6 years. He has been active in Forest Hills issues and would like to promote the interests of the community.

Commissioner Dennis arrived.

**8. RENEWAL OF LIQUOR LICENSE FOR TRATTORIA LILIANA, 4483 CONNECTICUT AVENUE [7:27 pm]**

Commissioner Maudlin, seconded by Commissioner Bardin, moved approval of an addendum to continue in force the April 19, 2004, voluntary agreement between Trattoria Liliana and the ANC. Commissioner Wiss noted an error in the date, which will be corrected. The Commission approved the addendum 6-0-0.

Commissioner Bernardi arrived.

**9. BALL FIELDS AT FORT RENO NATIONAL PARK [7:29 pm]**

Commissioner Wiss, seconded by Commissioner Bardin, moved adoption of Resolution 04-28, not objecting to the final concept plan for ball fields at Fort Reno. Commissioner Maudlin noted that although he does not believe Fort Reno is a good place for baseball, the resolution is realistic under the circumstances. He would like to see use of the fields for baseball reviewed after a time certain. Commissioner Bardin moved that a resolution clause be added specifying that after three years the safety record and recreational needs for baseball and softball be reviewed and appropriate conclusions reached. The motion was accepted as a friendly amendment. Commissioner Kessler moved deletion of the clause requesting that the sidewalk on the north side of Chesapeake Street be eliminated from the project. The motion failed for lack of a second. Commissioner Perry said she is opposed to fencing in a public park and is concerned that installation of fence supports could disturb archaeological resources. Commissioner Maudlin moved that the resolution clause pertaining to historic review include, in addition to irrigation, “fencing and paving” and that the operative verb be changed to “urges”. The motion was accepted as a friendly amendment. Resolution 04-28 was then approved as amended, 6-1-0 (Commissioner Perry opposed).

**10. APPLICATION OF HILLWOOD MUSEUM AND GARDENS FOR A VARIANCE TO MODIFY ITS BZA ORDER [8:02 pm]**

Commissioner Perry stated that she had received a copy of an October 18 letter from Allison Prince, counsel to Hillwood, to the BZA asking to postpone Hillwood’s hearing to give Hillwood time to continue negotiations with residents. An agreement has been drafted, but it has not been reviewed by Hillwood’s Executive Board. Commissioner Perry, seconded by Commissioner Kessler, moved that the ANC write a letter to the BZA concurring in the postponement. The motion was approved 7-0-0.

**11. ANC RECOMMENDATIONS TO THE ZONING ADVISORY COMMITTEE [8:07 pm]**

Commissioner Bardin moved that the ANC submit Document 04-06 to the Zoning Advisory Committee (ZAC), a group of citizens who offer advice and recommend changes to the Zoning Regulations. The ZAC had asked ANCs (and ANC commissioners) to identify in the Zoning Regulations issues or inadequacies revealed by ANC experience. Document 04-06 asks for higher standards for amenities for planned unit developments (11 DCMR § 2403.9), deletion of the requirement that all open parking spaces and access driveways be paved with impervious materials (§§ 2117.10 and 2117.4), consideration of adding a provision restricting the amount of impervious surface in R-1 and R-2 zones, and consideration of adding “green building” standards to the Zoning Regulations. Commissioner Bernardi seconded the motion.

Commissioner Kessler moved a friendly amendment, which was accepted, to include consideration of renewable energy sources as a green building standard. Commissioner Perry moved a friendly amendment, also accepted, to recommend that the Zoning Commission, rather than the BZA, be given responsibility to review as campus plans applications by private schools for projects involving multiple buildings to be constructed over a period of time. Barbara Simons of 5025 Linnean Avenue suggested that the ANC recommend that the Zoning Commission be given its own planning advisors instead of relying on the Office of Planning, which is part of the executive branch. George Clark, who is a member of the Zoning Advisory Committee, noted that the Zoning Advisory Committee has already asked for an independent

planning staff in testimony before the DC Council.

The ANC approved Document 04-06 as amended by a vote of 6-1-0 (Commissioner Maudlin opposed).

**12. APPLICATION BY JOHN R. KLEIN FOR A SPECIAL EXCEPTION TO EXPAND ZIPS DRYCLEANERS AT 4418 CONNECTICUT AVENUE, BZA CASE NO. 17226 [8:25 pm]**

Because Zips would like to expand into space currently occupied by the beauty salon next door, it has applied for a special exception to operate a drycleaning establishment greater than 5,000 square feet in a C-3A zone. Representing Zips were owners Kyo Kim and Brett Vago, counsel Richard Aguglia of Hunton and Williams, and traffic consultant Joseph Mehra. They stated that the additional space would be used for three more counters, increased storage for hangers, and a break room for staff. In addition to the 11 parking spaces in the rear now used by Zips customers, the two spaces assigned to the beauty salon would be available, and during the evening and on Saturday, the six spaces used by office staff upstairs. None of the owners or employees uses the parking lot. Zips does not envision hiring any more staff, except possibly a traffic coordinator on Monday and Friday mornings and all day on Saturday. Commissioner Kessler noted that he had held a single member district meeting in July at which residents complained of customers blocking rush hour traffic on Connecticut Avenue and double parking. Zips stated that it has a policy of not serving customers who park illegally. Zips handed out exterior and interior photographs of the store, a diagram showing how the store with the addition would be configured, and a traffic report.

Joan Benesch of 4444 Linnean Avenue spoke in opposition to the application. She said that not only has the beauty salon served the neighborhood well for many years, the neighborhood already has four drycleaners, which she believes is too many. She described the neon signs in the window as “blinding”. She would like to have businesses that really serve the community, not draw so many people from outside the area. Long-time residents Charles and Estelle Feldman of 2855 Davenport Street also objected to the loss of the beauty salon as well as other neighborhood-serving stores over the years. As a result, they find themselves driving to Maryland for many services. Commissioner Perry noted that the existing C-3-A zoning is inconsistent with the Ward 3 Element of the DC Comprehensive Plan, which recommends downzoning this block to encourage neighborhood-serving retail. Sandy McDermin of 4500 Connecticut Avenue is concerned about the amount of traffic generated by businesses in this block as a whole. Traffic is noisy and impedes pedestrians. Lindsey Williams of Cleveland Park stated that as a patron of Zips he has seen the chaotic situation in the morning, but believes Zips is meeting most of the requirements for the special exception.

Commissioner Kessler moved that the ANC adopt a resolution not objecting to the application, but imposing a condition that Zips post a large sign in the window notifying customers that parking is available in the rear. Zips agreed to post such a sign, but a photograph shows that among the neon signs in the front window is one announcing free parking in the rear. In addition, Commissioner Kessler amended his resolution to include a condition that Zips hire a traffic coordinator on Mondays and Fridays from 7:00 to 10:00 am and on Saturdays from 8:00 am to 7:00 pm. The resolution failed for lack of a second.

Commissioner Maudlin moved that the ANC oppose the application because it would create dangerous or otherwise objectionable traffic conditions. The motion was seconded by

Commissioner Perry, but failed 3-4-0 (Commissioners Kessler, Bernardi, Dennis, and Wiss opposed).

Commissioner Wiss, seconded by Commissioner Bernardi, then moved a resolution not objecting to the application and incorporating the “whereas” clauses from Commissioner Kessler’s original resolution, but imposing two conditions: that Zips hire a traffic coordinator during the times stated above and that it post signs on each of the counters informing customers that it does not serve those parked illegally. Commissioner Maudlin questioned whether refusal to serve a customer is discriminatory without a badge. Zips agreed to each of these conditions, noting that discretion to serve a customer rests with the store owner unless refusal to serve is on a prohibited basis. Commissioner Bardin, seconded by Commissioner Kessler, moved an amendment adding a condition that Zips remove all other signs in the window except the one announcing parking in the rear. Zips stated it was unwilling to do so. The amendment passed 4-3-0 (Commissioners Maudlin, Bernardi, and Dennis opposed). Commissioner Bardin moved a friendly amendment that Zips provide plantings across the entire front of the store. Zips agreed. The amendment was accepted, and Resolution 04-29 was approved as amended, 3-2-2 (Commissioners Perry and Maudlin opposed, Commissioners Bardin and Bernardi abstaining).

### **13. TREASURER’S REPORT [9:36 pm]**

The commission accepted the treasurer’s report for September 2004. Five checks were written during September. The final balance in the ANC checking account for the fiscal year was \$31,464.28, and the final balance in the ANC savings account was \$35,238.10. The ANC spent \$2,369.21 during the year. Chair Perry asked all commissioners to document their petty cash expenditures fully to have a complete record for the auditor.

Commissioner Dennis left.

### **14. TRANSFER OF FUNDS FROM THE ANC CHECKING TO SAVINGS ACCOUNT [9:47 pm]**

On motion of Commissioner Kessler, seconded by Commissioner Bardin, the commission approved Resolution 04-30 authorizing the transfer of \$15,000 from the ANC checking to the savings account, 6-0-0.

### **15. PURCHASE OF A PRINTER-COPIER FOR THE ANC [9:48 pm]**

Commissioner Kessler moved Resolution 04-31, seconded by Commissioner Bernardi, approving the purchase a Hewlett Packard 7130 multipurpose machine for the ANC office, as well as software to scan documents in PDF format, which is used by many government offices. The HP 7130 is much faster and has greater capabilities than the current ANC printer and copier. Commissioner Wiss reported that Office Depot no longer carries the HP 7130. Commissioner Kessler stated that it could be ordered. Resolution 04-31 was approved 4-2-0 (Commissioners Perry and Maudlin opposed).

### **16. PURCHASE OF ADDITIONAL AUDIO EQUIPMENT FOR ANC MEETINGS [9:56 pm]**

Noting the need for an additional microphone at ANC meetings for members of the audience and ancillary equipment as identified by Commissioner Kessler in an October 12, 2004, e-mail, Commissioner Bardin moved, seconded by Commissioner Perry, that the ANC authorize

the treasurer to spend up to \$600 on this equipment. The motion was approved 5-1-0 (Commissioner Maudlin opposed).

Commissioner Bernardi left.

**17. INTERIM ANC BUDGET [9:57 pm]**

Commissioner Kessler, seconded by Commissioner Bardin, moved adoption of an interim ANC budget for FY 2005 to give the ANC authority to spend money until a final budget is passed. Commissioner Kessler explained that the interim budget he proposes would be the same as the FY 2004 budget, but with \$600 added to the \$3,000 allocated for office equipment to cover the purchase of equipment just approved. Commissioner Perry moved a friendly amendment, which was accepted, to allocate only \$3,000 for office equipment. The interim budget as amended passed, 5-0-0.

**18. ADJOURNMENT [10:02 pm]**

The meeting was adjourned, 5-0-0 (Commissioner Kessler moving, Commissioner Bardin seconding). The next regular monthly ANC meeting will be at the Capital Memorial Church, 3150 Chesapeake Street, N.W., on Monday, November 15, 2004, at 7:30 pm.

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These minutes were approved 5-0-0, with a quorum present, at a duly noticed public meeting of ANC 3F on November 15, 2004.

Respectfully submitted,

*/s/ Cathy Wiss*

Cathy Wiss, Secretary

Attachments:

- Agenda with brief reports
- Addendum to Voluntary Agreement with Trattoria Liliana
- Res 04-28: Not Objecting to Final Concept Plan for Ball Fields at Fort Reno
- Letter to BZA re: Continuance of BZA Hearing for Hillwood Museum and Gardens
- Res 04-29: Not Objecting to BZA Application No. 17226 for Zips Cleaners
- Doc 04-06 Recommendations to the Zoning Advisory Committee
- Treasurer's Report for September 2004
- Res 04-30: Transfer of ANC Funds from Checking to Savings Account
- Res 04-31: Purchase of Replacement Equipment for ANC Office
- October 12, 2004, email from Carl Kessler re: "PA Upgrade"
- ANC 3F Interim Budget for FY 2005