

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

Monday September 20, 2004
Capital Memorial Church
3150 Chesapeake Street, N.W.
Washington, D.C. 20008

1. CALL TO ORDER [7:30 pm]

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

2. AGENDA [7:31 pm]

Commissioner Bardin, seconded by Commissioner Kessler, moved to amend the agenda by placing the issue of repairs to Wilson High School before the issue of ball fields at Fort Reno. The amendment was approved 5-0-0. Adoption of the agenda as amended was approved 5-0-0 (Bardin/Perry).

Commissioner Bernardi arrived.

3. MINUTES [7:32 pm]

Minutes of the August 2, 2004, monthly public meeting, moved by Commissioner Bardin and seconded by Commissioner Perry, were approved 5-0-1 (Commissioner Maudlin abstaining).

Commissioner Wiss arrived.

4. ANNOUNCEMENTS [7:33 pm]

A. Announcements by Commissioners:

Commissioner Kessler announced that the red light camera at Connecticut and Nebraska Avenues is now working. He thanked the Police Traffic Safety Division.

Commissioner Wiss announced that the DC Public Library will be holding a meeting to hear community comments on the initial design for the new Tenley Library. Cindy Petkac, Ward 3 Planner, confirmed that the meeting will be held at 7:00 pm on Thursday, September 30, at the Tenley-Friendship Branch Library. In addition, ANC 3C and ANC 3E will be holding a joint meeting to discuss the revised Upper Wisconsin Avenue Corridor Study at Georgetown Day School on September 28, starting at 7:30 pm.

Commissioner Perry announced that during the week of September 19, the DC Water and Sewer Authority will be flushing the pipes of much of ANC 3F east of Reno Road as part of its effort for water quality improvements. Household water may be discolored.

B. Announcements by members of the community [7:37 pm]:

Gary Stevens, president of the Forest Hills Neighborhood Alliance, announced that his organization will be holding a Forest Hills History Day on October 24 from 2:00 to 5:00 pm at the Capitol Memorial Church, 3150 Chesapeake Street, N.W. This free event will feature information centers on such things as the most beautiful tree in Forest Hills, the famous and infamous who have lived in Forest Hills, authors of Forest Hills, and development of Forest Hills in the Civil War.

George Clark, president of the Forest Hills Citizens Association, noted that his organization will be cosponsoring the History Day event and also will be holding a Halloween parade on October 30.

5. OPEN FORUM [7:40 pm]

No matters were brought up.

6. MPD SECOND DISTRICT REPORT [7:40 pm]

Lt. Aiello of PSA 202 introduced Lt. Felicia Lucas, who has replaced Lt. Marshall in PSA 201. Lt. Lucas, a 10-year veteran of the police force and graduate of Deal Junior High School, can be reached at 202-282-0050 or 282-0051. Her pager number is 202-206-1366, and her e-mail address is Felicia.Lucas@dc.gov. Lt. Aiello also introduced Tim Lucas, the community prosecutor working in partnership with the Second District. He can be reached at 202-282-0585, and his pager number is 202-801-6084.

Lt. Aiello reported that fewer crimes were committed in ANC 3F during the past month than this time a year ago. The police have increased emphasis on patrol and enforcement, especially around Deal Junior High and Wilson Senior High School to curtail truancy and mischief. Crimes near the schools have decreased, especially thefts from auto. Officers' tours have been adjusted to provide for these patrols. With the number of school resource officers inside these schools doubled, four arrests for drug possession have been made so far this school year inside Wilson.

The Department of Justice requires MPD to inform the community how to file complaints about officer misconduct. For complaints of abuse, use of force, abuse of power, and brutality, residents should contact the Second District or the Office of Professional Responsibility. For complaints like harassment, unnecessary or excessive force, insulting language, discrimination, and retaliation for filing a complaint, residents must contact the Office of Citizen Complaint Review because the MPD is prohibited from handling them itself. Residents should file complaints about rudeness and dissatisfaction with service with the officer's supervisor at the Second District or call back the dispatcher and ask an official to respond. One may even ask the officer against whom one has a complaint to ask an official to respond.

As for the incident in which a gun was discharged at 3883 Connecticut in July, sending a bullet into an apartment at 3901 Connecticut, Tim Lucas explained that because the evidence showed that the gun went off accidentally, without intent to harm anyone, the prosecutor used his discretion to charge the suspect only with possession of an unregistered firearm, a misdemeanor. Lt. Lucas noted that a warrant was sought, and the suspect arrested.

In response to a request from Commissioner Perry, Lt. Lucas said she would look into whether police officers are going into the Passport Restaurant after the restaurant has closed for the evening, as was alleged at the August 2 ANC meeting.

Sandy McDermin of 4500 Connecticut Avenue is concerned about the group house near her building that was discussed at the August meeting. Commissioner Kessler asked whether DC has laws allowing rowdy houses to be closed down. Lt. Lucas and Tim Lucas noted that DC's nuisance laws are set up to address prostitution and drugs. For a civil proceeding to divest a property from the owner, a nuisance has to be shown to have existed over a long period of time, usually through calls to the police and arrests. This is a drastic measure. If drugs or prostitution are not involved, there may be a violation of housing or other ordinances.

7. REPORT BY POLINGER, SHANNON AND LUCHS ON VAN NESS CENTER [8:05 pm]

Jack Gallagher representing Polinger, Shannon, and Luchs (PSL), noted that although the work on the center is about 90 days behind schedule, he expects the work to be finished by the end of November. By the end of October the Metro landing, the three large stainless steel and concrete seating areas, and signage should be completed. In response to a question from Dick Potter of 3003 Van Ness Street, he stated that the fountain will be turned on once it is waterproofed.

Much of the landscaping is already in. Two street trees on Veazey Terrace were removed in error by a contractor. They will be replaced by trees "as large as possible". The contract did call for removal of three street trees on Connecticut Avenue. These will be replaced by five red oaks. Commissioner Bardin thanked Mr. Gallagher for restoring the treeboxes to their original size. Marilyn Myerson of Van Ness North asked that the treeboxes be made even larger. Mr. Gallagher pointed out that PSL must follow city requirements for treeboxes and sidewalks. Commissioner Perry thanked PSL for installing a sprinkler system in the treeboxes and courtyard. The trees in the courtyard will be red maples.

8. RENEWAL OF A SPECIAL EXCEPTION FOR USE OF A PARKING LOT IN AN R-1B ZONE BY THE BURGER KING RESTAURANT AT 4422 CONNECTICUT AVENUE, BZA CASE NO. 17200 [8:17 pm]

Representing Potomac Foods, owner of the Burger King, were Mark James and Daniel Lopez from the restaurant and Ashleigh Horne of Shaw Pittman. Commissioner Kessler reported that he had held a neighborhood meeting to discuss the pending special exception, but that representatives of the Burger King had failed to attend. At a subsequent meeting on August 18, which was attended by Burger King, residents made proposals to reduce impacts on the neighborhood from Burger King's operations and use of the parking lot. As Potomac Foods has accepted most of the proposals, Commissioner Kessler would like to recommend to the BZA that they be made conditions of the Board's order.

Ms. Horne reported that in response to neighborhood concerns about trash, noise, and rats, the restaurant has increased the frequency of trash pick up, and two trash cans will be installed. A traffic engineer has conducted a sound study, which registered both the ambient noise level from traffic and bugs and volume of the loudspeaker for the drive-through as 57 DB between 8:00-9:00 pm. The restaurant agreed to lower the volume of the loudspeaker at 9:00 pm, to limit the time for deliveries to 10:00 am - 6:00 pm, to gate the parking lot at 9:00 pm, to mow the grass on the hill behind the parking lot, and to have the parking lot exterminated once a month. Four signs that say "reserved for Burger King customers" are missing from parking spaces, but are on order. Burger King was reluctant, however, to weld shut the doors on both sides of the eight-foot high dumpster. In an effort to improve communications with the

neighborhood to resolve problems, the restaurant would like to designate a neighborhood liaison and file periodic reports with the ANC. In response to a question from Shine Chang of 4500 Connecticut Avenue, Burger King agreed to give the contact name and phone number of the neighborhood liaison to residents within 200 feet of the restaurant.

Commissioner Perry questioned Burger King's commitment to these promises in light of violations of previous BZA orders. Cindy Petkac, Ward 3 Planner, reported that OP will be recommending renewal of the special exception for only two years. DDOT will be issuing a report requesting that Burger King reorient the entrance to the parking lot and install a fence between its section and the section used by the car wash to prevent the car wash from doing detailing on the Burger King portion of the lot. (The entire lot is owned by the car wash.) DDOT has asked the Public Space Committee to ensure that use of public space in the alley is not being violated. Burger King agreed to the two-year renewal period and to the fencing.

Commissioner Kessler, seconded by Commissioner Bernardi, moved adoption of Resolution 04-25. Commissioner Perry moved a friendly amendment to strike "subject to change" from item # 5. Commissioner Maudlin, seconded by Commissioner Wiss, moved that language from the 1982 BZA order be substituted for item # 6: "All parts of the lot shall be kept free of refuse and debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance." The amendment was approved 5-2-0. Commissioner Maudlin moved a friendly amendment, which was accepted, to substitute "rodents" for "rats" in item #7. Commissioner Bardin, seconded by Commissioner Perry, moved that the ANC's position not to object be conditioned on renewal of the special exception for two years, otherwise the ANC would oppose any special exception. This was accepted as a friendly amendment. Commissioner Wiss, seconded by Commissioner Maudlin, moved an amendment to require only one door of the dumpster be welded shut. This was defeated 2-5-0 (Commissioners Kessler, Perry, Bardin, Bernardi, and Dennis opposed). Commissioners Kessler and Perry agreed to represent the ANC before the BZA. Resolution 04-25 as amended was adopted 7-0-0.

9. RESTORATION OF FUNDING FOR REPAIRS AND RENOVATION OF WILSON SENIOR HIGH SCHOOL [9:04 pm]

Commissioner Wiss moved adoption of Resolution 04-26. Commissioner Bardin, seconded the motion, noting that he had served on the DCPS Area G planning committee when the crumbling 75-year old Wilson High School building was recommended for repairs and renovation. Marlene Berlin, co-chair of the Wilson Local School Restructuring Team pointed out a factual error in the draft resolution, which was deleted as a friendly amendment. Resolution 04-26 was approved as amended, 7-0-0.

10. DC DEPARTMENT OF PARKS AND RECREATION'S FINAL CONCEPT PLAN FOR BALL FIELDS AT FORT RENO PARK [9:11 pm]

Lisa Franklin-Kelly, Director of Capital Projects for the DC Department of Parks and Recreation, stated that DPR will not be considering artificial turf, lighting for night games, perimeter fencing, or disturbance of the community garden in renovating and expanding ball fields at Fort Reno. Because DPR has received letters expressing strong community interest in having baseball at Fort Reno, it has chosen to replace the existing softball diamond with a baseball diamond, despite ANC 3F's recommendation that the softball diamond be retained. The mayor has directed DC agencies to co-locate as many programs as possible, and this

arrangement will give Wilson High School a place to play baseball. Under review is the final concept plan. Details will be refined during the design phase.

Elliot Rhodeside and Kurt Parker of Rhodeside and Harwell, consultants to DPR, presented the new design. The 90-foot baseball diamond will have a backstop and fences along the 1st and 3rd base lines totaling 260 linear feet, including the backstop. The fences will be 10 feet high. The height of the backstop has not yet been determined. Even though the fencing is not as high or as long as previously proposed, Mr. Rhodeside stated it meets industry standards. He agreed to forward information about fencing standards and safety to ANC 3F. Dugouts will be provided inside the foul line fences. Outside the foul line fences will be several benches for spectators, but not bleachers. Commissioner Wiss suggested that the dugouts be placed outside the foul line fences, as well, for safety of the players in the dugouts and for more space for fielders to catch foul balls. The end of the field will be 310 feet from home plate. It will be marked with a line in the turf, not fencing.

Trees will be planted between the 1st base foul line fence and Chesapeake Street. Ornamental flowering trees are planned between the 3rd base foul line fence and the tennis courts. Commissioner Wiss asked that the pin oak by the existing backstop be saved, both because it is a beautiful tree and because it would hide the backstop and keep the afternoon sun out of players' eyes. Mr. Rhodeside agreed to look into this. Commissioner Bardin asked to save some of the trees between the proposed ball fields. Mr. Rhodeside explained that some may have to be removed for grading, but two could possibly be retained. Trees cut down will be replaced.

The dimensions of the youth soccer field to the north have been changed to eliminate the need for a retaining wall by Donaldson Place. The field will be 80 x 55 yards (240' x 165'). Steps have been incorporated for access from Donaldson Place into the park.

The championship soccer field overlapping the baseball diamond is now proposed to be 100 x 60 yards (300' x 180'). The dimensions were reduced to create more space for circulation around the reservoir fence. The dimensions came from DPR's sport department. Regulation soccer fields come in several sizes. DPR has begun to explore a land swap for a triangle of land behind the reservoir fence to gain space around the soccer field, but at the moment must work with the boundaries that have been given. Eddie Saah, athletic director at Wilson Senior High School, stated that the existing soccer field at Fort Reno measures 110 x 70 yards (330' x 210'). John Allen-Gifford of 4412 – 38th Street suggested moving the championship soccer field to the southeast to get more area for soccer and to adjust for the wear and tear that occurs near the goals.

DPR proposes to pave several walkways: a sidewalk along Chesapeake Street, the path to Deal, and a path between the baseball diamond and tennis courts. Commissioner Kessler asked if a permeable surface could be used. Mr. Rhodeside stated that porous asphalt with appropriate drainage could be considered.

Irrigation is proposed for all fields, but without cutting, only filling. Adrienne Coleman, superintendent of Rock Creek Park, noted that NPS is concerned that irrigation could disturb sub-surface cultural artifacts, but has been assured that it can be engineered without digging. The DC Historic Preservation Office and National Park Service will review the construction drawings to make sure cultural resources are not compromised.

Commissioner Perry pointed out that many people get hurt by baseballs and questioned the effectiveness of a ten-foot high fence to prevent balls from flying into Chesapeake Street. She believes that people walking in the park will get hurt, too, but noted that the park must be

kept open for all. Judy Chesser of 3901 Alton Place also is concerned about people walking through the park getting hit by baseballs. She asked whether signs can be posted saying whom to sue. Ms. Franklin-Kelly stated the DPR will accept liability here as it does for other fields.

Commissioner Bardin asked Eddie Saah to comment on the safety issue for Wilson. Mr. Saah stated that Wilson currently plays only six of its baseball games at home because the Wilson stadium, where games are held, has a very short right field, about 170 feet. Wilson would like to eliminate the danger of hitting baseballs into Nebraska Avenue.

Don Oakley of 4750 – 41st Street asked about statements Mr. Saah made at the June 21, 2004, ANC meeting. Mr. Saah stated that because 90% of batters are right-handed, if they swung late, they would slice the ball toward Chesapeake Street. He noted that a backstop with ten-foot high fences, as proposed for Fort Reno, would cut off line drives, but not pop fouls or fouls that go beyond 1st base. He explained that backstops come in ten foot sections. A section with a ten-foot extension would create a backstop high enough to protect spectators.

Mr. Saah advised that people should not walk their dogs in the outfield while a baseball game is being played, but instead should walk around the park. One Wilson player is a strong enough hitter to be able to hit into the reservoir area, about 350 feet from home plate. He has hit this far about five times during the season. The closest softball field to Fort Reno is at Deal Junior High School.

Marlene Berlin of 4526 – 30th Street commended the ANC for trying to integrate all the needs and concerns of the community.

A resolution on this issue was tabled until the October 18 meeting.

11. PLANNED UNIT DEVELOPMENT AT 4600 WISCONSIN AVENUE, ZONING CASE NO. 03-27 [10:07 pm]

Scott Fuller from IBG Partners presented the project, along with architects Ralph Cunningham and Chris Morrison of Cunningham and Quill. They were represented by John Epting of Shaw Pittman. They stated that after working with the community, IBG has scaled back the project. This will be a planned unit development, but without the map amendment originally requested. The project will be only 6,000 square feet more than if developed without a planned unit development. They are also seeking a special exception from the recreation space requirement.

Amenities will include \$175,000 to Janney Elementary School, Wilson High School, the Tenley-Friendship Library, the Friends of Fort Bayard Park, and the DC Fire Department; a partial green roof over the mechanical penthouse; streetscape enhancements; facades with expensive architectural features; a construction agreement with the community; and a layby on Brandywine Street for delivery trucks. Although the single affordable unit will be on the ground floor facing Wisconsin Avenue, it will be large and have a basement. They stated that providing commercial space along the entire Wisconsin Avenue frontage, as proposed in the original design, would be difficult because of the slope of the land. The Wisconsin Avenue façade is different from the Brandywine Street facade to reinforce the street edge. In response to commissioner questions about the building materials and the “K Street look” of the Wisconsin Avenue façade, Mr. Cunningham stated that decisions had not yet been made about all the materials. John Epting posited that the project as a whole shows enough merit to meet the test for waiver of the PUD minimum area requirement and that it benefits the city by bringing housing to the avenue.

Judy Chesser asked about the color of the bricks and how the residential and commercial uses would be separated from each other.

Bruce Lowrey of 4117 Brandywine Street discussed how narrow Brandywine Street is. If trucks are parked on each side of the road, there will be less than 2 feet to get by.

Henry Guyot of 4108 – 38th Street asked whether the building will cut off views from Fort Reno.

Anne Cauman of 4405 – 38th Street said she is concerned about the limited retail space and shrubbery on Wisconsin Avenue. She would prefer a well-lit space.

Carolyn Sherman of 4341 Ellicott Street explained that she has been working with IBG. She noted that they have been helpful and have made concessions to the community.

Commissioner Wiss moved resolution 04-27, seconded by Commissioner Kessler. Commissioner Bernardi, seconded by Commissioner Maudlin, moved to amend it by striking the request that commercial use be restored to the entire Wisconsin Avenue frontage. The amendment failed, 3-4-0 (Kessler, Perry, Bardin, and Wiss opposed). Commissioners Wiss and Perry agreed to represent the ANC before the Zoning Commission. Commissioner Wiss, seconded by Commissioner Kessler moved a friendly amendment to strike the discussion of PUD evaluation standards following the resolution clauses. Resolution 04-27 was approved as amended 4-3-0 (Perry, Maudlin, and Bernardi opposed).¹

12. UPPER WISCONSIN AVENUE CORRIDOR STUDY [11:06 pm]

Because of the late hour, Cindy Petkac, Ward 3 Planner, asked to defer her presentation until the October 18, 2004, ANC meeting.

Commissioners Dennis and Bernardi left.

13. CONSIDERATION OF LIQUOR LICENSE RENEWALS [11:07 pm]

(a) Sodexo at Intelsat

Commissioner Kessler, seconded by Commissioner Perry, moved adoption of a voluntary agreement similar to the existing agreement, but with a change in paragraph 5 on parking. The agreement was approved 5-0-0.

(b) CVS at 5011 Connecticut Avenue

The commission adopted a voluntary agreement moved by Commissioner Maudlin and seconded by Commissioner Bardin, 5-0-0.

(c) Buck's Fishing and Camping Restaurant

Because the restaurant has not yet signed an addendum to the 9/18/03 voluntary agreement, Commissioner Bardin moved, seconded by Commissioner Kessler, to conditionally approve an addendum contingent on getting it signed. The motion was approved 5-0-0. (Shortly after the meeting, the addendum was signed by the restaurant owner and Chair Perry. It was submitted to the ABC Board on September 22, 2004.)

¹ In the final resolution, Commissioner Perry was omitted as a representative of the ANC because she had voted against the resolution.

(d) Thai Room

Because of difficulties communicating with the licensee, no voluntary agreement was available for consideration.

14. TREASURER’S REPORT [11:14 pm]

The commission accepted the treasurer’s report for August 2004.

Noting the need for an additional microphone at ANC meetings for members of the audience, Commissioner Bardin moved, seconded by Commissioner Perry, that the ANC authorize the treasurer to spend up to \$100 on an additional microphone. The motion was approved 5-0-0.

Commissioner Bardin moved, seconded by Commissioner Kessler, a resolution to purchase replacement office equipment for photocopying, printing, scanning, and faxing. Commissioner Maudlin, seconded by Commissioner Perry, moved to table this resolution until the January 2005 ANC meeting. This motion was defeated 2-3-0 (Commissioners Kessler, Bardin, and Wiss opposed). Commissioner Bardin moved, seconded by Commissioner Perry, to table the original motion until the October 18, 2004, ANC meeting. This motion was approved 3-2-0 (Commissioners Kessler and Wiss opposed).

15. ADJOURNMENT [11:31 pm]

The meeting was adjourned by consensus. The next regular monthly ANC meeting will be at the Capital Memorial Church, 3150 Chesapeake Street, N.W., on Monday, October 18, 2004, at 7:30 pm.

These minutes were approved 5-0-0, with a quorum present, at a duly noticed public meeting of ANC 3F on October 18, 2004.

Respectfully submitted,

/s/ Cathy Wiss

Cathy Wiss, Secretary

Attachments:

Agenda with brief reports

Res 04-25 Not Objecting to BZA Application No. 17200, Renewal of the Special Exception for the Burger King Parking Lot, 4422 Connecticut Avenue

Res 04-26 Requesting Repairs at Wilson High School and Restoration of Wilson in the DCPS Capital Budget

Res 04-27 Concerning Zoning Case No. 03-27, 4600 Brandywine Associates LLC