

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

May 21, 2007
Capital Memorial Church
3150 Chesapeake Street, N.W.
Washington, D.C. 20008

1. Call to Order [7:35 PM]

Chair Wiss called the meeting to order and, finding Commissioners Frank T. Winstead, Karen Perry, Cathy Wiss, Jane Solomon, and Mital Gandhi present, declared a quorum.

2. Agenda [7:36 PM]

Commissioner Wiss presented the agenda and moved its adoption. Commissioner Perry seconded. The agenda as presented was adopted 5-0-0.

Commissioner Daniel Klibanoff arrived at 7:39 PM

3. Minutes [7:39 PM]

Commissioner Wiss presented the minutes of the March 19, 2007 and April 18, 2007 meetings. Commissioner Wiss moved for approval of the March 19 minutes. This was seconded by Commissioner Gandhi and the minutes were approved, 4-1-1. Commissioner Winstead opposed and Commissioner Klibanoff voted present.

Commissioner Wiss directed the commission to the minutes of the April 18 meeting. Commissioner Perry moved to postpone the vote on the April 18, 2007 minutes till June meeting. This was seconded by Commissioner Winstead. The minutes of the April 18, 2007 meeting were tabled, 6-0-0.

4. Announcements [7:43 PM]

A. Announcements by Commissioners:

Commissioner Winstead announced that on May 29 Bill Adler will be at Cleveland Park Library to talk about voluntary journalism.

Commissioner Winstead announced that on Thursday May 23, 2007 from 7:30 – 10 AM the Washington Building Congress will host a morning seminar to present a vision for DDOT and DCRA. Breakfast is included. The fee is \$200. The seminar is sponsored by Pepco.

Commissioner Wiss announced that the D.C. Public Library Board of Trustees will meet at the Tenleytown interim Library on May 23, 2007 from 6 – 8 PM.

B. Announcements by members of the community:

No announcements from the community

5. Open Forum [7:50 PM]

Mr. Don Hinton the manager of Flagship Carwash shared history and upcoming plans. Flagship carwash is the oldest carwash and is one of two carwashes in Ward 3. Mr. Hinton's family bought the carwash in 1941.

To help with the traffic problem on Albemarle/Connecticut he will have a flagman all the time and two flagmen during peak periods, especially winter and spring. If needed, Mr. Hinton will hire a security guard or off duty police officer to move traffic. The carwash plans to upgrade its equipment to get cars to move through more quickly. They plan to raise prices to cut down demand.

Commissioner Perry asked about the pieces of paper that are handed out. She heard they instruct customers to come back in 5 -10 minutes. The papers are actually to teach customers proper carwash etiquette behavior. The carwash is working with the DC police in getting the cars to obey the law.

Commissioner Gandhi questioned Mr. Hinton on why the carwash did not turn the building around when the opportunity arose. Mr. Hinton explained that after having the conveyor belt installed in the 80's, the building could not be turned around due to historic equipment.

Commissioner Perry noted that the flyer did not address her concern, which is where cars are supposed to go if they cannot line up on Connecticut Avenue or Albemarle Street.

Kristen Barden introduced herself. She is Ward 3 Outreach Coordinator. Kristen's contact information is 202-727-2287 and Kristen.barden@dc.gov.

6. MPD Second District Police Report [7:56 PM]

The police report was presented by Officer LoConte. Crime rate and thefts are down but theft by auto is still up. There are a few people to be aware of in the area. People should not leave items in their cars. A white homeless male has been sleeping near Murch School. He may be responsible for some of the thefts from auto. An officer has been assigned to 4401 Connecticut on the day shift because of Rock Creek Academy. Call 311 you see suspicious acts.

Commissioner Klibanoff asked about the simple assault at 5:30 PM. Lt. Houser reports that it was a homeless person and it started by rolling baby carriage toward a young child.

Commissioner Perry asked whether the school or tax payers are paying for the officer to handle problems with Rock Creek Academy. According to Lt. Houser, the money is coming from tax payers. An officer is also helping to direct traffic and keep the school buses moving. She is not sure whether this is helping to keep the loading dock to Giant clear.

Jean Hall of 4545 Connecticut Ave. said the problem with traffic near the liquor store is worse than the traffic around the Flagship carwash. She went to report it at the police station and the officer was rude. Joan Benesch of Linnean Avenue pointed out that one problem is that the buses stand idling for long periods. Commissioner Solomon noted that Councilmember Mary Cheh is aware of the situation, and her staff is exploring this with various players.

Lieutenant Stephen Porreco of the Professional Responsibility office gave information on what citizens may do if they experience police misconduct. If a police officer is rude during a service related issue on a district level, a complaint may be filed with the Police Misconduct/Ethics office at 202-727-5075.

Lt. Aiello of PSA 202 just retired. Commissioner asked about a sign he saw that stated there would be a PSA 203 meeting. Lt. Hauser announced that this was the PSA meeting. Chair Wiss suggested that because the ANC meeting was underway, that Lt. Hauser hold the June PSA 203 meeting immediately before the ANC 3F meeting.

7. Request by Dr. Eric Marshall to Operate MinuteClinic at CVS, 4555 Wisconsin Avenue [8:15 PM]

Commissioner Wiss was recused and left the room.

Karen Lovitch, attorney for MinuteClinic, and Dr. Eric Marshall presented Dr. Marshall's plans to open a walk in "MinuteClinic" at CVS at 4555 Wisconsin Ave. The clinic will not be a primary care facility. The hours of operation will be Monday through Friday from 8 -8 and Saturday and Sunday from 10 – 4. The fees range from \$28 - \$ 110 which are much lower than the average doctor fee of \$59.00. The clinic will accept in network, Medicare and Medicaid. There aren't any MinuteClinics in the District of Columbia. The nearest MinuteClinic is in Bethesda and Rockville.

The criterion for a neighborhood to have a MinuteClinic depends on the size of the CVS store, whether the store has a pharmacy, the amount of traffic, and the surrounding population. Dr. Marshall added that the Urgent care/center reduces cost for the patient and takes away some of the burden from primary physicians. All records are shared with patients' primary physician electronically.

Commissioner Gandhi recalled that last year ANC 3F supported an application for a MinuteClinic from Dr. D'Orta. Dr. Marshall explained that CVS bought MinuteClinic from Dr. D'Orta. As a result, Dr. Marshall is required to file a new application.

Roger Myers pointed out that the area is not designed for more traffic. Dr. Marshall stated that there won't be a drastic increase in volume. There are 60 parking spaces and the clinic is accessible to all public transportation.

Commissioner Perry moved to adopt Resolution No. 07-09, amended to change the current number of MinuteClinics nationwide and the fact that MinuteClinics serve Medicare and Medicaid. The resolution was seconded by Commissioner Winstead. Motion passed 5-0-0.

Commissioner Wiss returned.

8. Update on Renovations to the Hearst Recreation Center and Playground [8:29 PM]

Jackie Stanley of the D.C. Department of Parks and Recreation (DPR) presented an update on the Hearst Recreation Center and playground. CJ Lilly is the new project manager and is the 4th person to hold this position. The project has been stalled since October 2006, when DPR submitted a requisition to extend the contract for Lee and Associates, the architect to the Office of Contracts and Procurement. Ms. Stanley assured Commissioners that there is still funding dedicated to this project. Although OCP has not given a timeframe, DPR expects to have the architect restored to the project in July. It will take six months to finalize the documents. Construction is planned to start in the spring of 2008. After getting the architect, the working group can be reconvened. Ms. Stanley will come back to ANC meeting to give up date. C.J. Lilly can be reached at 202-671-0417 or Clark.Lilly@dc.gov. Jackie Stanley can be reached at 202-671-0420 or Jackie.Stanley@dc.gov.

Dick Randall is concerned with preserving the historic nature of the Hearst Recreation Center. He would like it to be landmarked. Ms. Stanley said the construction will not affect the recreation center. She will talk to legal counsel and give the ANC feedback within the next 30 days.

Martha Black asked how the contract can be expedited. The work on Hearst has taken almost five years so far with at least one more year to go. Ms. Stanley replied that everyone, including the ANC, D.C. Council, and the community should let OCP know of their interest in this project to make sure it goes to the D.C. Council before the July recess. Normally it takes OCP 90 days, not many months, to review a contract, but currently Karen Hester of OCP is working on 40 projects for DPR.

Steps to take moving forward are to contact Karen Hester at OCP, get contract approved before July, get Lee & Associates back on board, convene work group, and create documents for construction.

Martha Black asked whether \$600,000 committed to this project would be lost if not spent by July. DPR is working to extend it until the end of calendar year.

9. Replacement Sign at the Greenberg Theatre, 4200 Wisconsin Avenue [8:50 PM]

David Taylor, Chief of Staff and Jorge Abud, VP of Facilities at American University, proposed a new design for Greenberg Theatre sign. The existing sign and structure supporting it will be taken down. The proposed new sign will have black letters and be illuminated by white lights in the rear. It will not comply fully with the sign regulations because it is proposed to have a large logo and some letters taller than the maximum height. Commissioners asked why American University needed to have its logo on the new sign when there already are large AU logos on the top of both sides the building. Mr. Taylor responded that the logo on these signs shows that the Greenberg Theatre is part of AU.

Dick Randall of Quebec Street asked whether lighting is allowed on a sign that projects into public space like this one. Henry Guyot of 38th Street hopes that American University will be a leader in following the law and show tastefulness in the design of its signs. Both

Commissioners Gandhi and Solomon stated that they like the new design and believe it is an improvement over the existing sign.

Commissioner Wiss moved to adopt a resolution asking AU to comply with the sign regulations, and Commissioner Winstead seconded. The motion did not pass 3-3-0. Commissioners Gandhi, Solomon and Klibanoff opposed.

10. Public Space Application by Hillwood Museum and Gardens to Post Banners on Light Poles along Connecticut Avenue [9:20 PM]

Fred Fisher, Executive Director of Hillwood Museum and Gardens and Ellen Willenbecker, Director of Special Projects, discussed their request to DDOT to post banners on Connecticut Avenue between Rodman and Albemarle Streets. The banners are to promote Hillwood in the community. Banners have already been posted temporarily, but they were instructed by Juan Amaya of the Public Space Management Administration at DDOT to get an endorsement from the ANC for an extension that would be good for one year with a review in 6 months. Commissioner Klibanoff was unable to get in touch with DDOT to verify this.

Commissioner Perry stated that members of her community are complaining that the signs are distracting traffic, they cannot be read, and Hillwood is not in Van Ness. She would like to postpone this issue until the Commission receives a public space application.

Commissioner Klibanoff stated that residents who live near Hillwood are not opposed to the signs. Commissioner Gandhi believes that the signs are great marketing for the neighborhood.

Joan Benesch asked how many signs are posted. There are 23 signs from Rodman to Albemarle Street. She asked why the signs do not give directions to the museum. Ms. Willenbecker replied that the signs promote the unique aspects for the neighborhoods as well as Van Ness.

Commissioner Klibanoff moved **Letter 07-04** with a clarification to indicate that Hillwood's immediate neighbors do not oppose the banners. Commissioner Gandhi seconded. Motion passed 5-1-0 with Commissioner Perry opposed.

11. Public Space Application for a Driveway/Curb at 4451 29th St. [9:46 PM]

Ken Terzian of 4451 29th Street answered questions about his public space application for a driveway/curb addition to his house. He is working with Care of Trees to save all the trees. This will not violate the Forest Hills Tree and Slope Protection Overlay because there will be no re-grading and the footprint of the addition is actually within the area that had previously been leveled off with a retaining wall. Judith McManiss, a neighbor on 29th Street, does not object to the new driveway.

Commissioner Solomon moved not to object to the public space application. Commissioner Winstead seconded. Motion passed 6-0-0. (**Doc 07-02**)

12. Public Space Application for a Retaining Wall and Fence at 4501 Linnean Ave. [9:54 PM]

Lela Fendrick, landscape architect, and Cheryl Moore, architect, presented plans for the retaining wall and fence project at 4501 Linnean Avenue. The wall and fence are necessary to build a small therapy pool on the south side yard of the house. Because of the slope of the land, there is no other place on the property where a pool can be built. Even so, a second retaining wall will have to be built closer to the pool to level out the land. The Cares of Trees is helping to protect all the trees on the property. One sick tree will be removed and flowers will be planted behind the retaining walls in the style of an English garden.

Commissioner Wiss asked why, if there are two retaining walls, the fence cannot be put next to the retaining wall nearest the pool. Ms. Moore replied that placing the fence by the closer retaining wall would make the area around the pool is too small. Also if the fence is brought up a level, it will look enclosed.

Commissioner Solomon distributed 25 letters to the neighborhood and received a dozen responses, some in favor, some opposed. Many replied that it would look beautiful, but others were concerned that the wall will block drivers' views.

Commissioner Perry moved not to object to the public space application with conditions (a) to inform the Public Space Committee about the Forest Hills Tree and Slope Protection Overlay as it effects construction on steep slopes, and (b) that the ANC supports installation of an English garden behind the fence. Commissioner Solomon seconded. Motion passed 6-0-0. (Ltr 07-05)

13. Consideration of ANC Administrative Assistant [10:29 PM]

Commissioner Perry moved to have Hollie Nelson return to take notes for the June 18, 2007 meeting with Commissioner Gandhi seconded. Commissioner Winstead moved to call the question, seconded by Commissioner Klibanoff. The motion to call the question failed 2-3-0, with Commissioners Perry, Wiss, and Gandhi opposed, and Commissioner Solomon not voting because she was out of the room. The original motion was then voted on and passed 4-2-0. Commissioner Klibanoff and Commissioner Winstead opposed.

14. Treasurer's Report [10:33 PM]

Commissioner Solomon presented the treasurer's report. There wasn't a lot of activity in the 1st quarter. The auditor has not wired in Q3 money. Commissioner Solomon will call and find out what is going on. Commissioner Winstead wanted to know what's going on with the phones and Commissioner Perry asked what purchases of service were? Commissioner Solomon explained that was the contract work from Hollie Nelson. Commissioner Solomon moved to adopt the Quarterly Report and seconded by Commissioner Gandhi. Motion passed 5-1-0 with Commissioner Winstead opposed.

15. Consideration of Liquor License Renewals [10:44 PM]

A. Uptown Cathay, 5016 Connecticut Ave

Commissioner Gandhi presented the license renewal for Uptown Cathay. He doesn't think they need to protest the renewal. Commissioner Gandhi stated to save time and paper he

didn't write a resolution. Commissioner Gandhi will get a copy of the voluntary agreement from the office or the website.

Commissioner Gandhi moved not to protest application and to keep the voluntary agreement letter. This was seconded by Commissioner Klibanoff. Motion passed 6-0-0. **(Ltr. 07-06)**

B. Guapo's Restaurant, 4515-4517 Wisconsin Ave

Commissioner Wiss moved to keep voluntary agreement with Guapo's and seconded by Commissioner Winstead. Motion passed 5-0-0. **(Ltr. 07-07)**

C. Chipotle Mexican Grill, 4301 Wisconsin Ave

Commissioner Wiss moved to keep voluntary agreement with Chipotle. This was seconded by Commissioner Winstead. Motion passed 5-0-0. **(Ltr. 07-08)**

D. Armand's Chicago Pizzeria, 4231 Wisconsin Ave

Commissioner Wiss note that the voluntary agreement with Armand's needs to be updated because the stated seating capacity of 150 is impossible and because the ANC and restaurant have no agreement on posting signs. Recently, Armand's has been posting large banners advertising beer on its sidewalk café, which is not allowed by public space regulations. Commissioner Wiss talked by telephone with Armand's about these changes, but did not receive the restaurant's proposed text. Commissioner Winstead pointed out that Armand's has posted only one of its two required placards giving notice of the ABC Board's hearing. Commissioner Perry moved to send letter to ABRA stating that only one placard had been posted and to ask for a postponement of the hearing. This was seconded by Commissioner Winstead. Motion passed 5-0-0. **(Ltr. 07-09)**

16. Adjournment [Time: 11:08 PM]

Commissioner Perry moved to adjourn meeting and Commissioner Klibanoff seconded. The vote passed 5-0-0.

These minutes were approved 4-0-2, with a quorum present, at a duly noticed public meeting of ANC 3F on June 18, 2007.

Respectfully submitted,

/s/ Cathy Wiss
Cathy Wiss, Chair

Attachments:

Agenda with brief reports
Res 07-09, supporting the Certificate of Need for the MinuteClinic
Ltr. 07-04, supporting Hillwood's request to post banners on Connecticut Avenue
Doc 07-02, not objecting to driveway cut at 4451 – 29th Street
Ltr. 07-05, not objecting to a retaining wall and fence at 4501 Linnean Avenue
Ltr. 07-06, not objecting to renewal of liquor license for Uptown Cathay

Ltr. 07-07, not objecting to renewal of liquor license for Guapo's

Ltr. 07-08, not objecting to renewal of liquor license for Chipotle

Ltr. 07-09, informing ABRA that Armand's Pizzeria had not posted its placards properly
Quarterly Report of Finance Activity