

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3F
Van Ness • North Cleveland Park • Wakefield • Forest Hills

3F01 – David Dickinson
 3F02 – Shirley Adelstein, Treasurer
 3F03 – Naomi Rutenberg
 3F04 – Deirdre Brown
 3F05 – Andrea Molod, Secretary
 3F06 – Malachy Nugent, Chair
 3F07 – Patrick Jakopchek, Vice Chair



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Public Meeting – January 17, 2017
 University of the District of Columbia
 4200 Connecticut Ave. NW
 Washington, DC 20008
 Building 44, room A03

MINUTES

ANC 3F convened its regular public meeting on Tuesday, January 17, 2017 at the University of the District of Columbia, 4200 Connecticut Ave. NW, Washington DC 2008, Building 44, Room A03. The meeting was duly advertised and open to the public.

Copies of resolutions approved are available at www.anc3f.com, and the livestream recording of the meeting is available at <http://new.livestream.com/anc-3f>. Times listed in parentheses indicate the point in the recording at which that item is discussed.

Commissioners Present: Rutenberg
 Dickinson
 Jakopchek
 Brown
 Nugent
 Molod
 Adelstein

ITEM	VOTE	KEYWORDS
Commissioner Nugent made a motion to approve the amended consent agenda.	7-0-0	
Approval of 2016 Q4 Financial Report	By Consent	
Resolution to Participate in the ANC 2017 Security Fund	By Consent	
Resolution Establishing ANC 3F 2017 Meeting Dates	By Consent	

Resolution Electing ANC 3F 2017 Officers	By Consent	
Resolution Establishing ANC 3F 2017 Committee Assignments	By Consent	
Commissioner Nugent made a motion to approve the amended regular agenda.	7-0-0	
Commissioner Jakopchek made a motion to approve with adjustments a letter to be sent to NPS advocating the different options for the Horse Center construction plan.	7-0-0	
Commissioner Molod made a motion to approve the October, November and December 2016 meeting minutes.	5-0-2	
Commissioner Nugent made a motion to adjourn.	7-0-0	

Call to Order: 7:33 pm
Adjournment: 10:33 pm

AGENDA ITEMS

1. Approval of Consent and Regular Agendas (00:04:08)

Commissioner Nugent made a motion to approve the amended consent agenda (amendment to the Soapstone Committee member list to add Mary Beth Ray as a full voting member). Motion was approved with 7 voting in favor, 0 voting against, and 0 abstaining (7-0-0).

Commissioner Nugent made a motion to approve the amended regular agenda (amendment to Hearst Park presentation Jackie Stanley will not be presenting, instead Peter Nohrden from DPR will present). Motion was approved with 7 voting in favor, 0 voting against, and 0 abstaining (7-0-0).

2. Welcome from UDC (00:06:41)

Michelle Pourceau wanted to bring greetings from UDC. President Mason wanted to attend but is ill, so she is here is on his behalf to welcome the ANC to UDC.

3. Commissioner Announcements / Updates (00:07:49)

Adelstein: None

Rutenberg: On behalf of former Commissioners Ray and Gresham we want to let everyone know that the new sidewalk and curb were built at 32nd and Albemarle. This was item number one on the December DDOT resolution.

Jakopchek:

1. The raze permit for 4111 Connecticut Avenue, next to the building under construction, has been filed. This was a team effort with people from 4113 Connecticut Avenue for a two lot project. They are in the early stages. There are 90 days left to file a historic preservation objection.
2. Want to recognize the volunteers who came to clean up Soapstone last Monday. There were 60 volunteers who picked up 90 bags of trash.

Dickinson:

1. First, it is with pleasure, to be holding the first ANC meeting of the year in our new meeting space at UDC. I know President Mason will be speaking in a moment, but as the ANC Commissioner of the SMD that includes UDC I would like to thank him, External Affairs Director Michele Pourceau, and the UDC team for welcoming us and hosting us at THE UDC and its fine campus.
2. Speaking of UDC, the UDC Community-Campus Task Force held its quarterly meeting on January 11th. The Task Force grew out of a zoning commission order from 2011 (that addresses the then planned new student center and certain off campus student housing issues within the context of a campus plan approval). The Task Force is energized to face some great new opportunities with the community and UDC in order for the University to become an even greater presence and asset for the community and for the community to play a strong and involved role with the University's planning. For example, the Task Force discussed both physical development and budget issues last week. An initial report was given about the recent acquisition of the Fannie Mae property at 4250 Conn Ave by Bernstein Development. UDC is in on-going negotiations with Bernstein with the hopes of entering into a long-term lease of the property for both student housing and commercial opportunities in a mixed-use building. Both ANC3F and Van Ness Main Street are represented on the Task Force and have expressed a strong interest in staying very informed about the process and planning of the 4250 Conn Ave site.

The Task Force was also briefed about the UDC proposed budget for FY18, I believe further details about the university's proposed budget options are on their website- but this is an opportunity for the community to become involved, educated, and an advocate for the University.

Go to the UDC website to get an update on community events – of particular note is the Arts Sale tomorrow night (1/18) on the UDC campus, building 42, room A-12, Gallery 42 from 6:30 to 8. All framed pieces are only \$20.

3. This is a unique week in DC, the US and indeed the world. Bringing it back to the local scene, there is a Ball 2020 at Soapstone Market this Friday night (\$20). Councilmember Cheh's office will be closed this Friday, but this Saturday her office will be open and serving refreshments for those otherwise in the area participating in the women's march, etc. Contact her office. UDC is also hosting a Progressive Democrats Conference on Saturday and a NY Festival of Music on Sunday.

Brown:

1. DGS has fixed the lights at the Forest Hills playground.

2. Also the chalkboard is deteriorating. There will be a phone call with DGS to see what they can do.

Molod: This Friday at 4pm there is teach-in at Politics and Prose. The topic is women's rights.

Nugent: Snow season is starting. People and businesses must shovel their sidewalks within 8 hours of the snowfall. There is an exemption for people over 65 and people with disabilities.

4. Committee Reports (00:17:07)

- A. Parks & Trails: They met at Forest Hills of DC last Monday. They are preparing a report on the activities from the last year. They hope to vote on it next meeting and will report at the next ANC regular meeting. They continue to meet the first Monday of each month at Forest Hills Home. They also finalized their committee structure.
- B. Streets & Sidewalks: There has been no meeting yet, but the new chair is Bob Deyling.
- C. Grants: None

5. Community Open Forum (00:19:13)

George Hoffman: Here to discuss the issue of Forest Hills Park. It is taken for granted in this area. He is concerned that without Commissioners Gresham and Ray and their efforts things will not move along, such as repairs and maintenance. Now that they are gone, he's hoping that perhaps Brown and Rutenberg will deal with the issues, but this should not be up to just the two people. He said there is currently no "friends" group and that should be changed. The neighbors from the surrounding buildings should be involved and the ANC should get behind the effort.

Theresa Cameron:

- 1. Jazz at Van Ness is happening again on February 23.
- 2. They are working on the next art forum and will let us know when they have set a date.
- 3. Thanks to all who did the cleanup yesterday in Soapstone.
- 4. They are also working on Albemarle corner. The next step is getting signage.
- 5. Please see the website for ongoing activities and more information.

vannessmainstreet.org

Michelle Pourceau from UDC discussed current events:

- 1. There is an art sale tomorrow night at 6:30pm in the building next door. They will have hundreds of works of art.
- 2. UDC theater is hosting several events in the next month: Sunday is the New York Festival of Song at 3PM. On February 2 a Danish string quartet will perform. On Tuesday February 7th there is a young concert series. On Saturday February 11th the Washington Performing Arts will also perform.
- 3. UDC is also hosting women's and men's basketball games as they are in season now.

Michael Porcello (from CM Cheh's office): There is an event this Saturday in Suite 108 at the Wilson building from 1-4 pm following the women's march.

Ian Maggerd (Ward 3 liaison from the Mayor's office): He said to check inauguration.dc.gov for information on all of the inaugural events.

Brian Doyle (Ward 3 Wilson feeder education network): PTA boards, local advisory boards and interested community members need to advocate for the schools in the Wilson feeder path. There will be an event on January 31st at Georgetown library to do this. The DC superintendent Hanseul Kang will speak at 6:30pm. Also on February 23rd Councilmember Cheh will talk about capacity in schools in the Wilson feeder network. This will take place at the Tenley library at 6:45pm [Dickinson wanted to say thank you to Brian and his wife, Liz Stewart because they are very active in DC public schools].

6. Discussion of CVS and DC Digital Sign Regulations (00:31:56)

Commissioner Adelstein said that the ANC wants to educate the community about the legalities surrounding the display of digital signs at businesses. There was an attempt to build one at CVS, but they have had a stop work order and if there is any construction it is probably illegal at this point. Garret Whitescarver from DCRA is here to discuss the signs and their regulations.

Whitescarver: What regulations control digital signs? DCMR chapter 12 appendix N, available from dcra.dc.gov. The digital signs are unique within the code because there has been no change since the 1960's, only some additions. Digital signs used to be old style, rotating signs. The digital signs are now under that rule. The company who did the CVS sign said that sign did not require a permit. However, the Superior Court did not support that presumption. They issued a temporary injunction and a permanent injunction is being applied for. CVS essentially violated 6 regulations on the size, type of message, etc. The rules are particular about what is allowed on the sign. The content of CVS' sign was not within the code.

Adelstein: Digimedia, the company designing the sign, was trying to argue that there were loopholes. She asked if there are ambiguities because the regulation is old? A: Not really. The argument was that signs within a building are exempt. They were suggesting that "within" meant within the footprint. That did not pass muster with the courts. They do still have one court case to go. The code official gets deference to make interpretations. The interpretation is that "within a building" means inside. There is emergency legislation in Council to clarify DCRA's position. They also do not want signs inside the window to be exempt, for example, they want anything seen from the street to need a permit.

Adelstein: What is the emergency rulemaking about? Also, how many of the stop work orders were issued around the city? A: There were about 50 stop work orders. Not certain about the status of the hearing and he not sure where it is in the calendar. Mr. Whitescarver said he can track it down and tell us.

Jakopchek: What is the specific issue with our sign? A: The issue is primarily the size and location (there is a limit of 40 square feet, max of 3 feet in any one dimension, must be 8 feet above ground).

Nugent: If the size and position are met, can they get a permit? A: Yes. The concern is about the brightness and obtrusiveness of signs. Q: Is there any provision for public input to the permitting process for these (new) types of digital signs? If not, is there any way to get it into the emergency legislation? A: The regulations for signage are already under review. There have been two public comment periods. Please tell Councilmember Cheh that we are interested in controlling the proliferation of digital signs. Nugent said that the law should be analogous to public space permits, for example, the signs would intrude on public space.

Dickinson: Is this all a part of the judicial process, did the judge ask for a status check? Or is it more of the rules are this, one way or the other. A: The judge tried, but the regulations are clear.

Public: Jane Solomon asked if these regulations bump up against billboards? A: There is a moratorium on special signs (billboards) which happened in 2004. Revisions are allowed, but no new permits can be issued.

7. Update on Hearst Park Project Proposal (Peter Nohrden) (00:51:19)

Commissioner Dickinson said that he expected Jackie Stanley, but she could not come. Asked Mr. Nohrden to pass on to DGS and DPR that the ANC needs to hear more from them. People think the renovation of Hearst recreation/park area and the process is not transparent. The DGS website has a description of the proposal. Commissioner Dickinson read into the record the description on the website. DGR held meetings in May and June of 2016. Next month the ANC will weigh in on what we would like to see. The community event at Hearst Elementary School is where the public can weigh in.

Peter Nohrden is the new project manager from DPR. To see the community survey results see the slides with results on the DPR website (as of this Thursday). Commissioner Dickinson said there were questions about the validity of the survey. There are only 3 options for the site of the pool given, but all options included a pool. There was no non pool option given to select. A: Yes, that is a flaw in the survey. The architects will be at the community meeting and can answer all specifics about the pool dimensions. Next there will be some hydrology and geology studies and then an RFP will come out from DGS.

Commissioner Jakopchek said that the resolution from September included a statement that the design team will do a geology study, has it been done yet? A: Not yet. Perhaps the geologist has been assigned, but there is no report yet.

The September resolution also stated that DPR and DGS invited DOEE and other agencies to participate in the design. A: They have reached out to DOEE. They will be at the next community meeting. They will also talk about stormwater management.

Commissioner Jakopchek said they definitely want DOEE involved. They have 5 or 6 other projects that the discussion could be related to.

Public: Sam Serebin, former ANC3E commissioner, suggested engaging volunteer expertise in the community. Other projects would have benefited from this collaborative process. The ANC may want to put together a special team with DPR and DGS to involve professionals in the community who would volunteer their time and expertise.

Barbara Dinsmore said to make sure that before the PowerPoint is posted, that the pool is put to scale. A: The drawings are to scale.

Sarah Brown asked more about the deck surrounding the pool. The drawings should show it all. She wants to return to the survey. She wanted the survey not to say pool or no pool. Instead she wanted it to mention the consequences of the different choices. For example, a pool means more taxes, and no soccer field. The public was shut out of the design of the survey. Also she could not submit a survey if the option was not chosen. Many people did not respond because of this. She also requested that posting of the survey results included a statement that the public was shut out of the survey design. A: The questions were built based on the community meetings. Also options 1 and 2 include a soccer field.

Nugent: Please take away all these issues and be sure they are addressed at the community meeting.

Jakopchek: We want to be involved in these types of surveys going forward.

8. Update on Rock Creek Park Horse Center Maintenance Proposal (00:00:10)

Frank Young from NPS brought newsletters. NPS has had two stakeholders meetings and they will have another on January 25th at 6:30pm at Rock Creek Nature Center. The birders and horse center users wanted a special session. The comment period has been extended to February 8th. The presentation will be on the purpose of the project, the potential issues, the proposed plan, and how the public can participate.

NPS has four preliminary concepts, but they want feedback on them. The first is to do nothing but maintain the current setup. The second is to fix it. The third is an "escape from the city" option and the fourth is a "green campus". Some common elements among all four are the landscaping and new office space. The schedule consists of choosing an alternative by spring of 2017. Please go to PEPC website for public comment at parkplanning.nps.gov/rocrdcp.

Commissioner Jakopchek said that we recognize the need to do maintenance. The concerns are about concepts three and four. We want to preserve the park in its natural condition. The birders and horse center users had already pointed out those issues. So how does NPS mesh the natural condition and option four, which means more impervious surface at the event center? A: They are having the same back and forth at

NPS. They want to protect the park but have the need to enhance visitor opportunities, i.e., they want to enhance the planetarium and auditorium.

Commissioner Molod said that options 1 and 2 seem to include a lot more than just doing nothing or fixing what is there. Commissioner Jakopchek agreed saying the names of the options are misleading and include value judgements.

Commissioner Rutenberg asked about financing. What is the timetable for raising funds and what are the options? A: No funding has been identified. The funding is a part of the process.

Commissioner Jakopchek said option four includes holding events and weddings as a revenue source. He would like to suggest that the potential revenue not be included in the consideration, and would like to see the study to include impact on local streets, etc.

Public: Kathy Wiss (formerly ANC3F commissioner) said that when the general management plan was considered 4 years ago it was to upgrade the nature center and the planetarium. Now they need a complex nature center. In fact, the general management plan called for moving the office to an already disturbed area. Concept four wants to build administrative offices and a parking lot in the forest. The birder group is out there early, taking parking places. They go to see the wealth of birds not seen in neighborhood or those migrating. The birds fly at night and seek out the park as the only green space. The plan for change will affect birders. The whole complex is used by birds and enjoyed by birders. They have tried to compute the consequences of the options. Option four has four times the impervious surface. And as far as the area of the forest, option two loses four acres of forest. The walkways, parking lots, etc. will cause this.

The Commission asked that NPS do an environmental impact study, not just the environmental assessment. The difference is that the study looks more in depth. Also, the nature center improvements are not being discussed because focus is on the maintenance yard and horse center.

Dickinson: If the environmental assessment shows significant impact, a full study will result. It seems that we meet this criterion so we should support the environmental impact study. Dickinson: What is binding from the general management plan? What happens when we deviate? A: They have not deviated from the general management plan. That plan does not include specific provisions. It does include making the visitor center, for example.

Commissioner Nugent wants to encourage people to go to the community meeting and make comments on the website.

Commissioner Jakopchek said that a letter was circulated to the Commissioners with the comments on all four options. He wants to make a motion to send the letter.

Discussion: Commissioner Dickinson suggested they add a sentence about choosing the option with minimal impact. The letter also should add a sentence calling for the environmental impact statement. Commissioner Jakopchek said they can add a sentence asking for the strategy of calling for EIS after EA is done. Commissioner Rutenberg said perhaps the letter is a bit too balanced, but we are the ones speaking for the neighborhood. The concepts are coming from the office in Denver. Part of the NPS process is the reason for many people not to take part in it. Can we come out more strongly about this? About what is important to us? What is important is leaving in the natural state. Commissioner Jakopchek said he tried to present a balanced letter but he wanted to give it to NPS some time before the public meeting, but he is open to some additional language.

Commissioner Jakopchek made a motion to approve with adjustments that a letter be sent to NPS advocating the different options. Motion was approved with 7 voting in favor, 0 voting against, and 0 abstaining (7-0-0).

9. 3101 Albemarle St Historic Preservation Review Board Application (00:37:01)

Marjorie Share (marjorie@mlshare.com) was her to introduce the topic, the application and significance of the property. She lives on Albemarle 2 doors down. The neighbors got together to talk about this and brought in PG Gottfried who is about to purchase property. They have submitted their application for historic preservation. This is an important piece of the future of this property. It is important because of who lived there and what happened there. She gave a recap of the personal history of the Polish Ambassador. The residence was originally built in 1926 by John A Weber (26 houses in DC alone), but it was modified later to add the east elevation. The Polish Ambassador bought it in 1979.

Jane Solomon is Share's partner in trying to save the property. She is the President of the Forest Hills Neighborhood Alliance (FHNA). They are a 501c3 whose mission is in historic preservation in Forest Hills. They did the Owls' Nest historic preservation and also did 3020 Albemarle. The property had been on the market for over a year for \$3.5 million. The price was too high to think of a single family home. It is clear that development was inevitable. The matter of right allowed to the building is up to 6 houses on the property. FHNA contacted PG Gottfried and he decided to buy. The future plan included a plan for Rock Creek Conservancy to eventually buy the house. FHNA put in an application for historic preservation and they thought the main arguments would be architectural. PG put in a letter saying he wants to protect the house and let RCC be there. Gottfried agrees with the historic preservation and the polish government accepted his bid. Solomon assumed that this historic designation was sort of a low bar. She said that it is the only tool we have to prevent a bad outcome (6 single family homes on the property). The historic preservation is not simple. The plan for the property also includes an attempt to get a PUD for townhomes. If the property is landmarked, any construction would have to go through the historic preservation board. This would also make sure that the house remains.

Ellen McCarthy is also here, working with them. She is the former director of planning for DC. Commissioner Nugent said tonight they are making a presentation to the community. Next month we will have a resolution to vote on.

Commissioner Rutenberg said that at the historic preservation review this case is based on the history of what happened more than architecture. Does that mean the house should be open to the public because of the history? Share said PG wants a plaque for people to know the history of what happened there. McCarthy said there are no requirements to put on the plaque. The historic preservation board would advise on content. Commissioner Rutenberg said with the historic preservation, is it also possible for the Rock Creek Conservancy to go in on it? If they don't stay there, what is plan B? Solomon said RCC signed the letter of intent for a 5 year lease with the option to purchase. Plan B is still viable for the single family home. The price would be less than for a whole property. Commissioner Rutenberg said right now the property is not well maintained in terms of the public part. Is there information about cleaning up the yard? Solomon said PG will do the cleanup and get reimbursed.

Commissioner Jakopchek asked if the historic preservation application was for the house or for the property. Solomon said the historic preservation landmarks properties. What is usually of interest in the house? McCarthy said the property is covered just in case, and the application is made for the house and what is on the property. They could propose a subdivision and landmark only part of the property.

Commissioner Dickinson asked for clarification: There is an application in? Does it include the entire one acre? Will it be revised? How much property will be in the revised application? A: The full property is in the original application, but it will be revised with each subdivision. The amount of acreage in the revised application is TBD. Commissioner Dickinson said he would like information about the PUD part. Solomon said regardless of what is built, there is a compelling reason for the landmarking. Hoffman asked how many houses were envisioned along 32nd? A: A maximum would be 8 row houses.

10. Other Business (01:18:52)

- A. Treasurer's Report: The expenditures since last meeting are \$8015.96, so there is a \$94,200.41 current balance.
- B. Approval of Minutes from October, November, and December: Commissioner Molod made a motion to approve the October, November and December 2016 meeting minutes. Motion was approved with 5 voting in favor, 0 voting against, and 2 abstaining (5-0-2).
- C. Next Meeting: February 21, 2017 at UDC, Building 44 Room A03

Commissioner Nugent made a motion to adjourn. Motion was approved with 7 voting in favor, 0 voting against, and 0 abstaining (7-0-0).
