

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

3F01 – David Cristeal  
 3F02 – Carolinn Kuebler, Vice Chair  
 3F03 – Naomi Rutenberg, Treasurer  
 3F04 – Leah Frelinghuysen  
 3F05 – Andrea Molod, Secretary  
 3F06 – Monika Nemeth, Chair  
 3F07 – Vacant



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**Public Meeting – November 17, 2020**  
 Virtual Meeting via Zoom

**MINUTES**

ANC 3F convened their regular meeting on Tuesday, November 17, 2020 over the internet at <https://zoom.us/j/98512856620?pwd=Mis4bWE1dFdveStmMUpDc0ZlcUpOZz09> Meeting number: 985 1285 6620 Password: 828uVg. The meeting was duly advertised and open to the public. Copies of resolutions approved are available at [www.anc3f.com](http://www.anc3f.com).

Commissioners Present:      Molod  
    Nemeth  
    Kuebler  
    Rutenberg  
    Cristeal  
    Frelinghuysen

ITEM	VOTE	KEYWORDS
Commissioner Nemeth made a motion to approve the regular agenda and the consent agenda.	5-0-0	
Commissioner Nemeth made a motion to send a letter to BZA waiving the pervious paver requirement on the condition that Burger King explore water retention alternatives to the satisfaction of Commissioners Nemeth and Cristeal.	6-0-0	
Commissioner Cristeal made a motion to adopt the amended resolution regarding the UDC tennis courts.	5-0-0	
Commissioner Molod made a motion that ANC3F not weigh in on the Tilden Gardens window replacement.	4-0-1	
Commissioner Nemeth made a motion to approve the resolution renaming Melvin Hazen Trail.	5-0-0	
Commissioner Molod made a motion to adjourn.	5-0-0	

Call to Order:                      7:33 PM  
 Adjournment:                      10:51 PM

## AGENDA ITEMS

### **1. Approval of Regular Agenda and Consent Agenda**

Commissioner Nemeth made a motion to approve the regular agenda and the consent agenda, which includes the ANC annual report and the 4410-4420 Linnean DDOT Application 06-065c-DC. Motion was approved with 5 voting in favor, 0 voting against, and 0 abstaining (5-0-0).

### **2. Commissioner Updates and Announcements**

Commissioner Molod: Ongoing work with the Essex Condominium owners on construction of new HVAC system to eliminate summertime street noise from chillers.

Commissioner Frelinghuysen: (Joined meeting later) None

Commissioner Cristeal: Wants to give a shout out to thank committee chairs and work of the committees.

Commissioner Kuebler: Will be leaving DC on Friday, working with new Commissioner Alex Appah.

Commissioner Rutenberg: Working with new 3F03 Commissioner Dipa Mehta.

Commissioner Nemeth: Wants to thank Commissioners for their service and welcome the new incoming Commissioners.

### **3. Committee Reports**

Streets and Sidewalks (Deyling): They met this month, second Wednesday at 7pm. They have some comments on the Broad Branch EA. They are supporting the addition of sidewalks and other safety measures. They also put in a request for a traffic safety assessment with DDOT. They will get DDOT to evaluate measures that can be taken for safety. On the Connecticut Avenue traffic study, there should have been a public meeting late 2020, but that will not happen until late winter 2020.

Q (Commissioner Kuebler): At the last meeting, the UDC Task Force consultants raised an issue about the Connecticut Avenue study, perhaps raised by Juanita Gray. Is there any update on that?

A (Gray): There was communication with DDOT related to the Connecticut Avenue study, but perhaps not about the campus master plan. She will get back with more information.

Q (Commissioner Molod): What about an air quality study? I thought it was going to be brought to the advisory committee. A (Deyling, Cristeal): They can reach out to the advisory group to ask.

Parks and Watersheds (Commissioner Cristeal): There is a written report from Chair Erica Rosenberg. They want to highlight the name change and people have volunteered to deal with specific issues.

Housing and Neighborhoods (Hofmann): They met on November 9th. They spent a lot of time working on a response to the Comprehensive Plan and on Rent Control, and submitted two resolutions for the ANC to consider. They have a small subcommittee working on security and wellness, particularly effecting the Connecticut Avenue corridor. There is interest for the committee to have an education subcommittee. The written report is on the website.

Grants (Commissioner Molod): There will perhaps be a request for another grant to Ward 3 Mutual Aid.

#### **4. Community Forum**

##### Gloria Garcia from Van Ness Main Street:

- i. Wants to thank anyone on call who participated in the planting of 700 bulbs along Connecticut Avenue. This will continue. The idea is to plant 1700 bulbs. Shout out to all volunteers. They raised \$3500 for this. Kathy Sykes, in particular, was behind it.
- ii. There is one new business, Pills Plus Pharmacy, which is a testament to vibrancy.
- iii. They got \$36,000 for winterization of businesses. DDOT approved a streeterly at Eddie Cano and Rosemary location.
- iv. Petition was circling around from Adam Shaefer related to businesses in Woodley Park and Cleveland Park to go over options for the Connecticut Avenue Study.
- v. Through December, the number 1 priority is to support businesses. There will be a virtual popup launching on Black Friday.
- vi. They are participating in DC-wide holiday lights, both businesses and residences.
- vii. On December 10<sup>th</sup> there will be virtual holiday concert.
- viii. Sign up for e-blast at [info@vannessmainstreet.org](mailto:info@vannessmainstreet.org).
- ix. They launched an equity grants program. They met the challenge from Councilmember McDuffie to do this. More than 50% of business from Van Ness to Nebraska are minority owned.
- x. Q: Commissioner Rutenberg: What is a streeterly and what are the 3 new businesses?  
A.: Rosemary's Bistro, Viet Chopsticks, Pills Plus Pharmacy. They lost Sushi Para and Diplomat Cleaners. A streeterly is a way for a restaurant to expand outdoor dining into curb parking lane.

Juanita Gray from UDC: Reminder concerning the 4225 Connecticut Ave. focus group. Please respond to the email that went out to the Commissioners inquiring about the potential schedule for a meeting with Dr Mason.

Robert Hofmann: The Rock Creek Conservancy will have a replanting of rain gardens on November 21. Please get in touch with Erica Carlson to volunteer.

#### **5. MPD Update – Lieutenant Lashaun Alexander**

Update on the previous 30-day period – Crime went down from last year at this time in all categories, including violent crime. Crimes have been up district-wide, but not so in PSA 203. They have increased patrols near Brandywine and near CVS Van Ness. There is a community forum on December 15th at 4pm.

Q (Commissioner Kuebler): Will you be talking about what people can do when they see shoplifting? A: CVS security is unarmed. MPD can provide some presence, but cannot be there all the time. Suggests that people call the police if they see shoplifting.

Q (Commissioner Molod): Is there an update on the violent crimes in our ANC? Both at the Shell gas station and at 40th Street? A: They are perhaps close to an arrest related to the Shell station. Will update us by email. The Shell station is going to install cameras. MPD doesn't know about 40th Street, but Shell was a robbery.

Q (Commissioner Nemeth): There is a sense that violent crime is up in our area, for example 40th Street, Shell, Western, and Fort Reno Park. A: Violent crime is up across the city and the country, perhaps related to COVID-19. We do solve the vast majority of homicides in DC. MPD is trying to combat it with officers on bikes, patrol, and Segway's.

Q (from public - James Tandarcic): What is the reason for increased policing when there is already an MPD officer outside Van Ness Metro all the time? I'm concerned that police are not friendly to people of color. A: Lt. Alexander said that she did not talk about increase specifically, at Van Ness Metro, and also the idea is for increased patrols, stop-bys, not a permanent officer. Also, MPD does not profile and has very strict rules related to bias. Reprimands would be issued for inappropriate behavior, but MPD has a job to do to keep people safe and they want to have a street presence.

Comment (from public - Milton Shinberg): They had an issue with a homeless person who squatted on the porch and wanted to thank MPD for great support on this.

#### **6. Howard University – Upton St. Comp Plan Update**

Milton Shinberg had good interactions with Howard University and Councilmember Cheh's office. The neighbors are feeling comfortable about how things proceeded. They came up with a consensus statement and testified about the position of the neighbors at Councilmember Mendelsohn's hearing on the Comprehensive Plan. There are still some new ideas that will be floated. They want to work with Howard, and want to have the building there be compliant with being a good neighbor.

Joe Leonard Jr., from Howard University, wants to continue to work with neighbors. He is the Director of Community Association and can be reached at [joe.leonard@howard.edu](mailto:joe.leonard@howard.edu).

Milton Shinberg proposes having an introductory meeting with all interested parties. The list of participants should be broadened. Please email [3420garrison@gmail.com](mailto:3420garrison@gmail.com) with interest to participate.

Commissioner Cristeal said if there is anything that comes out of this meeting, please send to Housing & Neighborhoods Committee.

#### **7. Essex Condo Update – Sabine O'Hara**

Sabine O'Hara is the Chair of the Board of the Essex Condominium: They completed the process and identified a mechanical contractor that has done HVAC work on Connecticut Avenue. They are on-site today to begin the process and are on track with the projected May timeline. They have not received a permit yet from DOEE. It is moving along, 4 of 6 items in the permit application have been reviewed and 2 remain.

Commissioner Molod: If there is anything you need, please shout out to us. O'Hara: Nothing needed now. They also have a new community manager, Alice Royster.

#### **8. 3715 Brandywine – Non-compliant construction and zoning issue**

Stephen Mink and other neighbors want to ask ANC3F to ask DCRA to inspect 3715 for violations of zoning. He thinks that the ongoing construction violates the zoning and that a variance was apparently not granted. He has written to DCRA to alert them to two specific issues: One is a foundation with a larger footprint and deeper trench; it is too close to the property line; and the other is that the structure will be 4-story when 3 was allowed. DCRA said they did a desk review of plans and issued permit b1914281. They said that building plans are compliant, but the building being constructed is not what is in the plans (sent to us). DCRA said they would have to do a wall check inspection to determine whether construction is compliant. They sent the documents of the actual building plan to DCRA. The height of the wall of foundation is higher than the plans. The footprint is closer to the property line than the plan that was approved as well. Anyone who walks by can see that they are not doing what they planned and what was approved. DCRA has only done a re-do of the desk review, and we would like them to do a site inspection. He asks the ANC3F to request that DCRA do a site review.

Q: Commissioner Nemeth said she walked by, saw that the front facade remains, but the rest of the house was demolished. Is that what was in the demolition plan? A (Mink): They said they would keep half of the east wall and all of the west wall and what was done is not consistent with the demolition plan.

Q: Commissioner Kuebler asked when was the original filing? A: A permit was issued late June of this year. Commissioner Nemeth said they never came to us.

Mink: They asked for a raze permit, but did not get it. Otherwise, it would have come to ANC3F for comment. DCRA sent a third-party inspector after the raze and determined that it was not a complete raze because enough of the walls remained.

Commissioner Nemeth said there is a stop work order issued by DCRA now. She was at the site between 3-4pm today. Susan George, lives next door, said there were workers there today. When did you see the stop work order? A (Commissioner Nemeth): 3:30 this afternoon. From public: The stop work order asks for people to comply with statement of work, but was issued. Commissioner Kuebler said we should ask DCRA to answer correspondence and keep us posted on actions.

Mink said there are two issues of concern that remain: 1) The pattern of behavior by this developer. One house done, another purchased and gutting began. 2) If there is a stop work order, neighbors should be able to weigh in on a potential solution. If prior solution (pay a fine) is used, that is not satisfactory. Commissioners should keep this on their "radar" because 3727 Brandywine is the other property. 3734 Chesapeake was completed, 3722 Chesapeake too. Both are huge compared to neighboring houses. It is VERY similar design to houses on Brandywine.

Commissioner Nemeth said she will keep watch. DCRA wants to identify builders gaming the system.

Commissioner Cristeal saw the sign at 3715 for 6 bedrooms and over 6000 sq ft. It shows that the intent was not to build another bungalow. A (Mink): The sign went up a while ago. There is nothing that neighbors could do then (sign was not enough). Only when the violation happened could DCRA be brought in.

## **9. Burger King Parking Lot Update**

Mark James, application 19638 of B&H venture (Burger King) came to ANC3F to speak about the ANC's item of request number 12 saying that the builder has to resurface the parking lot with pervious pavers within three years of date of application. Kenneth Griffin of Smith Engineering and Claire McLain, permit expediter, presented information.

They want to comply with what the ANC wants, but pervious pavers are impossible.

Ken Griffin said Burger King and the parking lot have no drainage near the site. The closest drains are 300 feet down Connecticut Avenue. They hired ECS Mid Atlantic, soil experts, who dug some bore holes and said that there is no percolation in the soil, so pervious pavers will not work. Also, they cannot pipe the water away. The water drains off on the surface onto Connecticut Avenue into gutters. There are no pipes anywhere close to the site. Mr. James said that they can provide the soil data.

Q (Commissioner Molod): Is there anything that can be done onsite to retain some stormwater?

A: It is small area, but we can put a grass area there to retain some stormwater. It would be ok to even lose a parking space to get some more green space.

Commissioner Kuebler said they should look into the program of putting in water retention rain gardens. It is really pretty, small, and effective. A (Griffin): Those have to let the water be piped somewhere.

Commissioner Molod asked what do we need to do to waive this? Send a letter to the Bureau of Zoning? A: This is their order.

Commissioner Nemeth: We should find out what DOEE would recommend as an alternative to pervious pavers. When is the deadline for a 3-year requirement? A: March.

James: They will explore green alternatives and come back to us.

Commissioner Nemeth made a motion to send a letter to BZA waiving the pervious paver requirement on the condition that Burger King explore water retention alternatives to the satisfaction of Commissioners Nemeth and Cristeal. Motion was approved with 6 voting in favor, 0 voting against, and 0 abstaining (6-0-0).

## **10. UDC Tennis Courts Resolution**

Commissioner Cristeal presented a resolution for ANC consideration asking UDC to reopen the courts and make them free and accessible to the public. An email from Mr. John Young contained a petition signed by many residents asking UDC to reopen the tennis courts to the public.

Juanita Gray of UDC said that they are in the process of renovating their tennis courts. They were damaged in 2018 so they are unusable even to students. The courts are slated to be finished by the summer of 2021. Before 2018 the courts were open to the public. The public needed to sign up to a "club" to access the courts. Ms. Gray addressed the clause in the resolution that calls for free access by the public. She reminded us that students pay an

activities fee and faculty and staff pay also. Other public universities (UMD) do not allow community access other than to those affiliated with the university. But UDC is willing to allow public access, they just want to charge a fee. Students and staff should not foot the bill for the courts, so the public can use them for free.

John Young, a neighbor, used to use these courts. They followed the same format as all DC public courts and he said that they used to be free. As to the membership, he wants to know who is running it and is awaiting a return call about this. He want the courts to be in use, as they have not been.

Paul Rosenbaum, neighbor, has been working with the Lafayette Park tennis courts: first there was a renovation, then programs with Lafayette School were developed. At some point a Washington Post reporter said there are 170 tennis courts, now DPR says there are many fewer. Tennis is one of the few safe sports during the pandemic.

Commissioner Nemeth said that last January Muriel Bowser had a walkthrough in the community. She directed UDC to prepare the courts and make them available to community. UDC is doing something and renovating them.

Commissioner Molod said she remembers the courts being locked, but agrees that it is not fair to the students and faculty for them to be free of charge to the public. Asked Commissioner Cristeal if he would consider a friendly amendment to remove this requirement.

Commissioner Cristeal said he would change the "free of charge" in the resolution to "under conditions agreeable to ANC3F, the community and UDC."

Juanita Gray asks that the date of written response be moved to end of February. Commissioner Cristeal agreed to that friendly amendment.

Commissioner Cristeal made a motion to adopt the amended resolution regarding the UDC tennis courts. Motion was approved with 5 voting in favor, 0 voting against, and 0 abstaining (5-0-0).

### **11. Tilden Gardens Window Replacement**

Commissioner Cristeal recused himself as he is a member of the Board of Tilden Gardens.

Commissioner Nemeth said that the Tilden Gardens Board applied for a HPRB permit to do a full window replacement. They want to speak to the ANC about it. When it goes to HPRB they will decide whether the request complies with Cleveland Park historic district requirements.

Fred Dyda, President of the Board, prefers to hear first from residents that object.

Katherine Slick, Tilden Gardens board member and owner, has been engaged in historic preservation in many roles. She gave context and background. DC has preservation legislation. It is a matter of public policy to protect historic landmarks and districts. Tilden Gardens properties

are part of the Cleveland Park historic district. Tilden Gardens Inc. (one property) has applied to HPRB to replace the windows. The process calls for HPRB to then ask the community (and the ANC) to respond. Ms. Slick said that HPRB regulations say that replacement should only be considered if they cannot be repaired, and HPRB further details how to demonstrate this. Tilden Gardens has not provided documentation that windows cannot be repaired.

Q (Commissioner Molod): We have not heard from HPRB on this, should they have told us?

A (Slick): Guidelines say that ANC and others would be notified of request for a permit.

Commissioner Rutenberg asked if window replacement is less costly? Is that motivation for repair? A (Fred Dyda): said there is more information about the process. The Board unanimously approved two options: replacement or refurbishment. They have been looking into this for a while. It was found that windows were not insulated and in poor condition. Different buildings chose between the two options. The permit application included documentation of the new and old windows side by side. HPRB will review the case in December. Reminder that refurbishment only works if storm windows are installed as well. This would make it more expensive than replacement.

The management asks that ANC3F support the HPRB permit request.

Commissioner Kuebler asked what are the specifications for replacement/refurbishment? Have they been sent to HPRB? A (Dyda): We sent specifications for replacement to HPRB as that it what was required.

Steven Wattenmaker, resident of Tilden Gardens, has served on the board. ANC is not being asked to rule on municipal code that governs HP. HPRB will do that. He suggests that there is a broader issue. The residents that want to retain their historic windows are being denied that right. Mr. Wattenmaker noted that HPRB will make sure the new windows look like the old ones. He said that allowing look-alikes to replace authentic features is bad public policy. He wants ANC to ask HPRB to retain as many of the original windows as possible.

Mr. Dyda said this is the decision of the shareholders and the shareholders have decided. This is an infrastructure decision and it is up to the shareholders. They have complied with the process.

Andrew Klamon, architect and board member of Tilden Gardens, added a few points. He said that all the windows are intact now and the buildings are in their historical condition. He said that they know that the windows can be repaired. They have an obligation to follow the law and the obligation has not been taken seriously by the Board. Windows were chosen not for aesthetics, but because they are within budget. The most efficient windows are the ones in the building now. They can be repaired and would be energy efficient if storm windows were installed. He asks the ANC to tell HPRB that we do not support the permit application.

Commissioner Rutenberg revisited the question about what the ANC's role is in this matter. Commissioner Molod said we can send a message to HPRB to support the permit, send a message that we do not, or not send anything to HPRB at all.

Commissioner Nemeth said there is nothing for us to weigh in on here.

Commissioner Kuebler asked: when you make the case to HPRB, are you presenting all the alternatives in all the detail? A (Klamon): The permit is required for replacement only. Nothing is required for refurbishment.

Q (Commissioner Rutenberg): Does Tilden Gardens have a set of by-laws that describe how the decisions are made? A: Yes.

Commissioner Molod made a motion that ANC3F not weigh in on the Tilden Gardens window replacement. Motion was approved with 4 voting in favor, 0 voting against, and 1 abstaining (4-0-1).

### **12. Resolution on Renaming Melvin Hazen Trail**

Commissioner Nemeth read the operative clauses into the record, specifically that say that Melvin Hazen Park should be renamed and NPS should talk to the community about what the new name will be.

Commissioner Rutenberg said that NPS is not responsible to us. This is a suggestion. Commissioner Nemeth said that NPS is looking for community support to make the change.

Commissioner Nemeth made a motion to approve the resolution renaming Melvin Hazen Trail. Motion was approved with 5 voting in favor, 0 voting against, and 0 abstaining (5-0-0).

Commissioner Molod made a motion to adjourn. Motion was approved with 5 voting in favor, 0 voting against, and 0 abstaining (5-0-0).