

Minutes of ANC3E July, 2009 Meeting

The meeting was called to order at 7:36 pm by Chairperson Jon Bender. Commissioners Beverly Sklover, Matt Frumin, Sam Serebin and Lucy Eldridge were also present.

Announcements:

Commissioner Sklover reported that she had been in contact with the developers of the Lord & Taylor "Home plate" project on Western Avenue to discuss the green construction they had agreed to undertake.

Ned Hoyt, a current resident of Belt Road, notified the community that he is considering purchasing the 5013 Belt Road property, where he would build a house for him and his family. He wants to build something that would be acceptable to the neighbors. If he can design a house that will satisfy him and his neighbors, he will put a bid on the property.

Open Forum:

A resident inquired about the status of the red brick building (the old Boys and Girls club) on the corner of [Chesapeake](#) Street and Belt Road.

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Michelle Fox from the Mayor's office stated that that she is looking into restoration of the site.

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Update from PSA 202:

Representatives from the Metropolitan Police Department PSA 202 presented crime stats. Residents were reminded to lock the doors to their homes, to not leave anything of value in plain view in their cars (GPSs are big ticket items) and to register their bikes with the national registry so that in the event one is stolen, it can be tracked if it is recovered.

Discussion of, and possible vote on, application filed by Tenley Town Historical Society (THS) to designate Janney Elementary School and the Jesse Reno School historic landmarks.

The Tenleytown Historical Society presented its application requesting historic landmark designation of both the Janney Elementary School, located at 4130 Albermarle Street, and the Jesse Reno School, located at 4820 Howard Street. On behalf of THS, Jane Waldman discussed the history of Janney and Carolyn Long spoke about the Jesse Reno School. Much of the discussion surrounded the impact historic designation could have on the Janney expansion plans and the Reno School updates that may be necessary to make the building usable by

Matthew Frumin 9/10/09 12:18 PM

Comment: I think we can, but I don't think we should until we comment on it. Once that happens, I'd be all for posting the application and our response.

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Deal Middle School students. Concerns were raised that historic designation could impede Janney's ability to make the necessary

improvements. Supporters of landmark status responded. Ms. Waldman claimed that historic designation protects a site from alteration that diminishes its historic significance; it does not preclude alteration. And Dave Maloney from the Historic Preservation Office

(HPO) asserted that DC historic preservation laws contemplate the adaption of historic properties for current use and that historic

designation would not prevent necessary expansion. He also explained that under a relatively new provision in the DC law, HPRB is required to review modernization plans of certain government building regardless of the landmark status. Thus, even without historic designation, the Janney expansion would be subject to review by HPO.

In response, residents and some commissioners expressed concerns that even if historic designation did not foreclose necessary renovation and expansion, it could impose a greater burden on the process by: adding layers of review (which could slow the process), increasing costs (associated both with navigating the necessary reviews and using certain required materials) and potentially limiting design and construction options.

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Commissioner Frumin asked what benefit, if any, designation conferred beyond that conferred by the purely collaborative HPO review process to which Mr. Maloney pointed. Ms. Waldmann replied that the mandatory HPO review was a relatively new requirement, while the designation process had been around for many years; accordingly, she continued, the designation law was less likely to be rescinded over the long term than the mandatory HPO review law. Commissioner Bender then asked why THS could not withdraw its current application, permitting Janney to be modernized without the expense and potential disruption associated with designation, and then refile the application after Janney's modernization was completed. THS representatives did not reply. Mr. Maloney replied that THS could do that, but he did not expect that they would because "this is those peoples' lives.

Opponents of designation were clear that they wanted to see the mission of the school be accorded greater deference and protection than that afforded the building.

Mr. Maloney agreed to delay the hearing on THS' nomination to allow time for further discussion regarding Janney's expansion plans and the

impact, if any, historic designation might have on those plans. Thus, there was no vote on the application.

Discussion of, and possible vote on, possible dog park at Chevy Chase Park.

A group of 40-50 dog owners came before the ANC seeking support for their continued use of the Chevy Chase Park baseball field as a dog park in the early morning hours, a practice that has been in place for more than 20 years. According to members of the group, police enforcement of the prohibition of such use has been stepped up recently, apparently in response to telephone calls by some neighbors complaining about the dogs.

The dog owners said that they clean up after the dogs and that they also pay someone to come in on a regular basis to clean the field and that once or twice a week they spray the area with disinfectant. Some residents who use the field for little league said that they still find dog droppings on the field. The dog owners conceded that there are a few users who do not clean up after themselves, but countered that the group's formal process for keeping the field clean (including the regular "poop sweeps") actually provides for a cleaner field than if the

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dogs did not use it because the dog owners pick up more than they leave behind.

Members of Capital City Little League, who practice and play on the baseball field, were asked to weigh in on their feelings about the dogs' use of the field. Although they did not endorse the concept (and said that there was still dog waste on the field), they did not oppose the request.

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Commissioner Serebin introduced a resolution asking DPR to make it legal for the dog owners to run their dogs off leash on the baseball field from 6:30-8:30am. The resolution also provided that the dog owners would form a non-profit cooperative to help regulate the use of the field which would require coordination with DPR to establish rules regarding usage and clean-up procedures.

The resolution passed 4-0, with Commissioner Eldridge abstaining.

Marvelous Market requests a letter in support of their getting a liquor license.

Commissioner proposed a resolution to support Marvelous Market's application for a temporary 45 day license to sell beer and wine. The

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resolution passed 4-0.

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Discussion of, and possible vote on, request for extension of PUD for Akridge project on Wisconsin Avenue between Harrison and Jennifer Streets.

Commissioner Sklover pointed out that the original ANC opposed the Akridge PUD 4-1. She pointed out that there was nearly a year before the existing PUD would expire and asked why they were applying for an extension now. The representative of Akridge claimed that the needed certainty and that PUD extensions are routinely given.

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Commissioner Frumin acknowledged that his position could seem odd in that he did not object to the density of the proposed project, but that he was concerned that elements of the public amenities package no longer made sense and wanted to have a process pursuant to which they could be brought up to date. He suggested that the beneficiaries should be determined by need at the time when the funds

are to become available, and there should be a mechanism to

insure that the value of the amenities do not erode. He expressed

disappointment that Akridge had been unwilling to agree to terms that could have achieved that.

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The representative of Akridge responded that there would be a process to look at the amenities later and claimed that the package was among the most generous in the City.

Commissioner Frumin countered that he was not saying update the package now but rather establish a process whereby the package will be updated later and to protect against erosion of value. He noted that meetings were held in 2006 about how to distribute amenities but that actual distribution may not occur until 2013. There is no reason to think the needs will be identical seven years later; indeed, he continued, we know they have changed already.

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The representative of Akridge said that economics have held up the project and economic hardship forecloses flexibility on the amenities package.

Commissioner Bender said he too had no problem per se with the density proposed. He said that the fact that the previous ANC opposed the original PUD 4-1 had no bearing since Akridge received approval. He also said that economic hardship does not absolve Akridge of making sure that there is no erosion in the value of the amenities package because economic hardship is almost always the

reason debtors ask for more time, and if such debtor's get additional time to pay, they almost always must pay interest to compensate for the additional time.

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Commissioner Serebin echoed his fellow commissioners' thoughts both regarding building density and the need to update the amenity package and avoid erosion in value.

Some community members expressed skepticism about the idea of asking for the nominal benefits to be increased to account for the time value of money, arguing that any erosion is speculative.

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Commissioner Frumin responded that a mechanism could be developed to measure the change, arguing that the appropriate formula could be discerned easily enough.

A community member claimed that there was no legal precedent for such a request.

Commissioner Bender noted that there was no legal precedent establishing that such a request was improper; indeed, it appeared that the issue was one of first impression. A community member said

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they did not understand the position being taken by the ANC, and argued that there is a vast public good coming from this project in terms of streetscape changes and an increased tax base, beyond the amenities package.

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Commissioner Frumin acknowledged that there was much positive coming from the project, but said he found it a bad sign that the developer declined to work collaboratively to address the reasonable issues raised by the ANC.

Commissioner Bender indicated that he was disappointed in the response from Akridge and the response from some of the community members who favored the project without reservation. He noted that he too supported the proposed density, but that the Zoning Commission relied upon the provision of a certain level of public amenities in granting the PUD; there was thus an obligation to insure that there was no erosion in the public amenities package due to the delay.

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Commissioner Bender proposed a resolution opposing the extension of the PUD and urging Akridge to work with the ANC to update the public

amenities package. Commissioner Frumin seconded. The resolution passed on a vote of 4-0.

Discussion of, and possible vote on, formation of a task force or special committee on environmental issues.

Commissioner Bender suggested that the ANC form a task force on environmental issues to be co-chaired by Beth Burchard, and Sam Serebin. John Wheeler, Tom Quinn, Jon Bender, Richard Yates and Marlene Berlin also expressed interested in being members.

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Richard Yates discussed issues relating to trash in the Corridor as well as issues relating to trees and run off. The existence of programs to support composting and use of rain barrels, improving energy efficiency, recycling issues and potential sources of grants were also discussed. For example, the City has a Smart River program pursuant to which it installs rain barrels for a nominal fee, performs storm water audits of properties, and supports the elimination of impervious surfaces on residential properties.

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The suggestion was made that ANC 3E should try to show leadership on these issues and therefore a taskforce could be valuable. One idea raised was that ANC 3E routinely check with police officers to learn how many tickets the police write for littering. An attendee noted that by law such data is supposed to be provided publicly to the Mayor's office.

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A member of the community suggested that DPW should do a study around the bus depot on 44th Street regarding air quality. This in turn led to a comment relating to traffic enforcement issues arising from tour buses "parking" in the neighborhood.

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Commissioner Bender moved to create a taskforce on environmental issues. Commissioner Frumin seconded by Frumin. The resolution was approved 3-0.

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Belt Road sidewalk.

Tabled until next meeting.

ANC Business

Approval of Treasurer's report

Commissioner Frumin presented the financial report for the month of June 2009.

Approval of quarterly report for the April 1, 2009 to June 30, 2009 quarter

Because Commissioner Eldridge needed to leave the meeting before consideration of ANC business, the quarterly report was tabled to the next meeting.

Approval of June 2009 Meeting Minutes

Approval of the June minutes was tabled.

There being no further business, the meeting adjourned at

approximately 11:15 pm.

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Respectfully submitted,

Jonathan Bender, Chair