

## Minutes of ANC3E June 11, 2009 Meeting

The meeting was called to order at 7:30 pm by Treasurer Frumin. Commissioners Beverly Sklover and Sam Serebin were also present. Chairman Bender joined the meeting at 8:30 pm after attending his daughter's 5<sup>th</sup> grade graduation from Janney Elementary School.

### Announcements:

There were no announcements.

### Open Forum:

Michelle Fox from the Mayor's office noted that the City had recently done clean up at the building just south of the Dancing Crab which is under construction but around which there did not appear to be activity at the time. The City contacted the owner who assured them that they would do maintenance going forward but just in case, the City intends to watch the building to see if it is necessary to do further clean up.

A member of the community pointed out that there appeared to be teenagers and young adults using the building on the southwest corner of Fort Reno, particularly at night. Ms. Fox said that the City had recently boarded up the building but would look into how it had become accessible again. She noted that the building was 1/8<sup>th</sup> owned by the City and 7/8ths owned by the National Park Service. Commissioner Frumin urged that the City look for ways to put the building to productive use.

Commissioner Frumin noted that Chairman Bender had an issue regarding the process for historic designation of the Janney school that he would want to discuss later in the meeting but had yet to arrive to include it in the open forum section.

### Update from PSA 202:

MPO Williams gave an update on crime statistics in PSA 202, including a description of each of the most significant crimes. MPO Williams described an attempted arrest at 3 am one morning of a person she suspected of being responsible for thefts from autos. Commissioner Serebin described an approach made by a purported door-to-door salesman of a theft protection system asking if such approaches might be a

form of casing for future thefts. MPO Williams acknowledged that indeed that could be the case

#### Discussion of 5013 Belt Road

Mr. Mike Joy explained that he had a contract to purchase 5013 Belt Road and that he recognized it had a tortured history and that it would not be simple to bring the project to conclusion he wanted to explain his plans and get reactions from people in the community. Mr. Joy explained that he intended to use the existing foundation but have the back of the house end near where the house directly to the south ended and place a deck over the remainder of the basement. He also intended to have the front of the house approximately lining up with the house directly to the south. Mr. Joy explained that he wanted to bring the house into scale with the neighborhood but also had minimal requirements to be able to make the project work financially, including fitting three bedrooms on the second floor. He said he imagined about 900 square feet on the first and second floors, the basement as currently planned and a loft are on the third floor. He would also like to provide some sort of off-street parking. He also said he expected to respect the easement to the north.

John Lemoine the neighbor directly to the south said that he thought the kinds of things Mr. Joy was proposing sounded reasonable. Jack Simmons, a neighbor with a house on Garrison Street, the back of which faces the structure at 5013 Belt Road, who was very active in the litigation asked questions about Mr. Joy's experience in the building business, his plans to address water issues and plans to respect the easement. Robin Schneider, whose house is also on Garrison Street, the back of which faces 5013 Belt Road asked about the setback on the north side of the building. Mr. Joy explained that he planned to use the existing foundation and hence there would be a five foot side yard. He explained, however, he would seek to have the house fit in with the neighborhood so it would be much less intrusive than the existing structure.

Commissioner Frumin made the point that it seemed the parties were working in a good spirit of cooperation. He also noted that given the size of the lot, it was always the case that the house to be built on the lot would require a variance. Notwithstanding all the negative history, Commissioner Frumin urged the neighbors to try to view the proposals made by Mr. Joy as if they were at the start of the

process. He commended Mr. Joy and the neighbors for the spirit of the approach taken so far. Commissioners Serebin and Sklover agreed and noted that they hoped the situation could come to an amicable resolution soon.

#### Discussion of N8 Bus Route

Maren Handler Siegel explained that neighbors living on Yuma Street had many complaints about the N8 buses that ran down their street as late as midnight and tended to be very loud. She recognized that there were some people who had expressed an interest in preserving the route, but that many of the neighbors had issues with route particularly as it was currently configured and used. Commissioner Sklover asked if there were still problems with the buses not respecting stop signs and Ms. Siegel said there was. Michelle Fox from the Mayor's office said that she had heard many complaints about the route, but also had gotten calls saying that the route was important. Ms. Siegel urged that the ANC ask WMATA to reevaluate the route and consider changes to the route and/or changes to the schedule and/or changes to the buses used. Ms. Fox provided contact information for a person at WMATA government affairs to approach.

Commissioner Bender proposed a resolution that the ANC submit a letter asking that WMATA reevaluate the route. Commissioner Sklover seconded the motion and volunteered to do the first draft of the letter. It was agreed that a letter would be sent acceptable to all the Commissioners voting for the resolution. The resolution passed 4-0.

#### Discussion of and vote on request for zoning relief to permit use of off-site parking at Lord & Taylor lot for retail development at Western Avenue and Jenifer Street.

Representatives from LTPropco LLC ("L&T") presented plans to build a single-story building housing retail stores in the vacant parking lot behind the Mazza Gallerie (the lot bounded by Western Avenue, 44<sup>th</sup> Street and Jenifer Street, sometimes referred to colloquially as the "home plate" lot) in an effort to draw foot traffic from Mazza and the Metro to Lord & Taylor. L&T is seeking a special exception from the BZA that will allow it to provide off-site parking for patrons of the new retail establishments.

Commissioner Bender outlined the terms of a voluntary agreement negotiated with LTPropco and reflecting conditions set by the nearby neighbors as well as terms

relating to future meetings with LTPropco representatives and contributions LTPropco intended to make to local charitable initiatives. (A copy of the Voluntary Agreement is attached.)

Commissioner Bender noted, however, that full agreement had not been reached on LTPropco committing to biannual meetings in the future to address any compliance concerns. Commissioner Sklover expressed concern about the meaning of a term relating to plans for certain trees. Tom Quinn asked if the voluntary agreement included any references to green building technologies and standards. The representatives for LTPropco were not in a position to address these three issues at the meeting.

Commissioner Frumin moved that the ANC pass a resolution in support of the application for a special exception noting that that the ANC expected to address three issues – the use of green building technologies, an arrangement for future meetings, and clarification of the term highlighted by Commissioner Sklover. Commissioner Frumin suggested that if the issues were not satisfactorily resolved, the ANC could send a representative to the hearing to testify to that effect. If, on the other hand, the issues were satisfactorily addressed, the resolution would not require further elaboration. Commissioner Sklover seconded the motion. It passed 3-0-1 with Commissioner Serebin abstaining.

#### Discussion and vote on resolution regarding the "Sidewalk Assurance Act"

Marlene Berlin made a presentation about the "Sidewalk Assurance Act of 2009," a copy of which is attached, which would in part require construction of a sidewalk on at least one side of the street in most instances when the District resurfaces or reconstitutes streets, curbs or gutters. Commissioner Frumin moved to pass a resolution in support of the legislation. Commissioner Serebin seconded. The resolution passed 4-0

#### ANC Business:

The Commission agreed to approve the Treasurer's report by a vote of 4-0

The Commission voted to approve the May meeting minutes by a vote of 4-0.

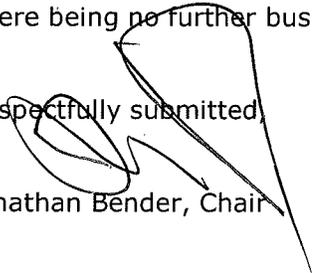
Commissioner Bender noted that at a meeting of the ANC's homelessness task force, a WMATA representative stated that WMATA might be able to install a gate at the

Tenleytown Metro station, but would require a written expression of interest from the ANC before it could develop a proposal for the community's review. Commissioner Bender moved to send such an expression. The Commission voted to approve the motion by a vote of 4-0.

Commissioner Bender raised an issue regarding the process for historic designation of the Janney school, noting that a hearing was scheduled for such a decision but that the ANC had not received proper notice and the process had been extremely opaque to date. Commissioner Bender argued that the ANC should ask that the hearing be delayed. Commissioner Frumin said he would support a delay but only if the Janney SIT had already asked for such a delay. Commissioner Sklover expressed concern that an issue of this type might be addressed at the end of a meeting without having provided proper notice. Commissioner Bender noted that the director of the Historic Preservation Office had not returned his phone call regarding the matter until well after the agenda for the meeting had been published. It was agreed that the ANC should not promulgate a request for an extension for the time being. It was further agreed that if as Commissioners learned more, if a determination was reached that action before the ANC's next meeting was important, individual Commissioners could send letters or join in a letter expressing an opinion about delay or not of the hearing. It was acknowledged that such letters would carry less weight than a resolution, but could still provide an avenue for Commissioners to express an opinion.

There being no further business, the meeting adjourned at 10:00 pm.

Respectfully submitted,

  
Jonathan Bender, Chair