



ADVISORY NEIGHBORHOOD COMMISSION 3E

TENLEYTOWN AMERICAN UNIVERSITY PARK

FRIENDSHIP HEIGHTS

c/o Lisner Home 5425 Western Avenue, NW Washington, DC 20015

Minutes of ANC 3E June 24, 2010 Meeting

The meeting convened at 7:30 pm. Commissioners Jonathan Bender, Lucy Eldridge, Sam Serebin and Matthew Frumin were present.

Announcements

Samantha Nolan announced a Neighborhood Watch Training at St. Columba's on Tuesday June 29, 2010 at 7:30 pm.

Open Forum:

A resident raised concerns about planned development by the new owner of 4812 Ellicott Street, NW. Commissioner Bender explained that if the development required zoning relief, the resident as a property owner within 200 feet of the property at issue would get notice and have an opportunity to be heard by the BZA. Commissioner Frumin noted that he had spoken with the owner and understood that the owner expected to live either in the 4812 Ellicott Street house or in a house to be built nearby, and that the owner appeared interested in forging a positive relationship with the neighbors. The Commissioners suggested the resident watch for notice of a request for zoning relief from the BZA and in the meantime try to work with the new owner to resolve any concerns.

Report of the Second District Police

Sergeant Harry Hayes outlined the data for crimes in PSA 202 in the most recent 30 days compared to the same period one year earlier. Lieutenant Alan Hill answered questions regarding specific crimes. He stated that robberies and burglaries while up over the past several months were down in the past weeks likely as a result of a series of arrests made by The District of Columbia MPD and Montgomery County Police.

Agenda

Grant Application by the 2nd District MPD Citizens Advisory Council

Samantha Nolan presented an application for a grant to pay for plaques and awards for the 2nd District Police Awards dinner in September.

Commissioner Frumin thanked Ms. Nolan and explained that the process called for her to present at this meeting and the ANC to vote at the next.

Presentation by Street Sense

Krystal DeKleer, a member of the Board of Directors of Street Sense, a publication sold by homeless persons, attended the meeting to brief the community about the program and address any concerns that might be raised regarding the behavior of vendors. She discussed the organization's work and plans for the future, and took questions from Commissioners and residents. More information about Street Sense can be found at www.streetsense.org

Presentation by Board of Elections and Ethics of new voting equipment

Kevin Newsome and Kathy Fairley of District of Columbia Board of Elections and Ethics ("DC BOEE") demonstrated new voting machines, one

of which will use paper ballots and the other which will be electronic. They also explained early voting will heretofore be available as a matter of right. More information on voting procedures can be found on the DC BOEE website at www.dcboee.org

Chevy Chase Park

Avon Wilson of McKissack and McKissack, working with the Office of Public Education Facilities Modernization (“OPEFM”) and the Department of Recreation (“DPR”) on the Chevy Chase Park project, explained that general plans for the project had not changed from what was presented at the May 13, 2010 the ANC 3E meeting.

Mr. Wilson introduced Claire Sale of AECOM who outlined the preliminary results of the Environmental Impact Study (“EIS”) relating to those plans. Ms. Sale noted that the EIS showed that light from the field would not extend to the surrounding residences and would dissipate entirely in the bordering streets. Ms. Sale also explained that impacts on water had been studied and it was concluded that the project would not have an adverse impact on water. She also presented data on parking in the area. Commissioners and residents promptly identified several errors in the parking data, however. She responded that the study was preliminary and would be revised in response to community input.

Commissioner Eldridge stated that the errors regarding parking called into question the credibility of the study generally. Commissioner Bender noted that DPR wanted to make a decision about whether to install lights, which could significantly affect parking around the park, before the consultant

anticipated finalizing the parking study. Accordingly, he continued, it was no comfort to hear that the consultant viewed the current data as “preliminary.” He noted that the Commission was being asked to make a recommendation based on the preliminary – and concededly faulty – data.

Director Jesus Aguirre then discussed “day two” issues, including parking, use of the park by dogs and their owners, and timing of light usage if lights were to be installed. Director Aguirre noted that the “day two” issues had been addressed in a memorandum forwarded to the ANC shortly before the meeting. It became clear that in the view of the Commissioners DPR had not definitively resolved these issues. Commissioners Serebin, Bender, and Frumin all emphasized the necessity of resolving these issues before the Commission could give final approval to plans for the park.

Commissioner Bender suggested a possible compromise that would permit DPR to proceed with comparatively uncontroversial elements of the renovation but permit the Commission to withhold final approval until the “day two” issues were resolved, to wit: the Commission supported all aspects of the renovation of the park except the lights on the baseball field, but expressed support for installation of lights at a later date provided that the “day two” issues were resolved to the Commission’s satisfaction in the next 90 days. Commissioner Frumin asked the representatives of OPEFM and the architect if work on the park could commence with inclusion of the lights waiting until the Fall without significant disruption or added cost. The representatives said that staging construction in the manner proposed could be accommodated.

Commissioner Bender introduced such a resolution. The resolution passed by a margin of 3 to 1, with Commissioners Bender, Frumin and Serebin voting yes and Commissioner Eldridge voting no. Commissioner Eldridge explained that she opposed the inclusion of lights at the park on principle because she believed they would adversely impact nearby neighbors.

Bumpy Tiles at the Tenley Metro Station

Commissioner Frumin stated that the Commission had intended to consider a resolution requesting WMATA to install bumpy tiles – tiles with elevated bumps marking the edge of the platform and proximity of the rails as a safety measure for the blind -- on the platform at the Tenleytown-American University Metro station. He explained, however, that as a result of the efforts of Commissioner Sklover, WMATA had agreed a few days earlier to install the bumpy tiles.

Murphy's Law – 4624 Wisconsin Avenue NW – Outdoor Seating

A representative from Murphy's Law explained that while they had previously sought permission from the Alcoholic Beverage Regulation Administration ("ABRA") to serve alcohol at an outdoor "summer garden" in front of their restaurant, they had come to learn that they were seeking the wrong type of permit. They therefore requested that the ANC provide a letter in support for the appropriate permit. The Commissioners unanimously agreed to do so.

Murasaki – 4620 Wisconsin Avenue NW – Alcohol in Summer Garden

A representative from Murasaki explained that they sought a license to sell alcohol in their outdoor garden adjacent to their restaurant on their property.

He explained that Murasaki had been selling alcohol at that location for some time but that ABRA had ultimately concluded that they should seek the additional license. Commissioner Frumin moved that the ANC support the application. Commissioner Serebin seconded. The resolution passed unanimously.

Pete's Apizza – 4940 Wisconsin Avenue NW – Public Space Permit

Pete's Apizza sought a public space permit to allow for outdoor seating at their restaurant. Two individuals who live nearby Pete's Apizza on Fessenden Street, NW expressed concerns about parking problems associated with the restaurant. They also worried that noise from the outdoor diners and/or music would be disruptive to the residents down the block on Fessenden, and that Pete's might construct permanent structures on the public space akin to the structures at Cactus Cantina at Macomb Street and Wisconsin Avenue, NW.

Commissioner Bender explained that Pete's had entered into a voluntary agreement with the ANC in conjunction with its alcohol license application that would restrict the hours at which patrons could use outdoor seating on the Fessenden Street side of the outdoor seating. He also noted that the Commission and residents could work with DDOT to restrict the ability of non-residents to park on nearby residential streets. Commissioners Bender and Frumin stated that Pete's was popular in the neighborhood, and that they welcomed its presence, but that they would be comfortable advising the Public Space Committee that Pete's should not be able to play music outside or install large permanent structures in public space (there was no indication,

in any event, that Pete's wanted to do these things). Commissioners Eldridge and Serebin also expressed support for that position.

Satay Club – 4654 Wisconsin Avenue NW – Public Space Permit

A representative explained that the Satay Club sought permission to use the space in front of their restaurant for outdoor dining. No attendees objected to the request. Commissioner Frumin moved that the ANC support the application. Commissioner Serebin seconded. The resolution passed unanimously.

Alcoholic Beverage License Renewals

Commissioner Frumin explained that the ANC had received notice of various requests for renewal of liquor licenses and listed the establishment for which such notices had been received.

Decarlos Restaurant – 4822 Yuma Street, NW
Tara Thai Spring Valley, Inc. – 4849 Massachusetts Avenue, NW
Marvelous Market – 4530 Wisconsin Avenue, NW
Murphy's Law Restaurant – 4624 Wisconsin Avenue, NW
Matisse Bar & Grill – 4934 Wisconsin Avenue, NW
Maggianno's – 5333 Wisconsin Avenue NW
Cheesecake Factory – 5345 Wisconsin Avenue, NW

Commissioner Frumin asked if any of the persons present had objections to any of the applications. Hearing none, the Commission chose to take no action on them.

Commissioner Eldridge stated that she thought an establishment in her Single Member District ("SMD"), Bambule on Wisconsin Avenue, was

seeking a renewal but was not on the list considered at the meeting. Commissioner Eldridge noted that there had been issues with Bambule in the past and that there was a voluntary agreement in place that was inherited with the license Bambule obtained when it bought or rented the facility. The Commissioners agreed that Commissioner Eldridge should contact ABRA to convey any concerns expressed by the neighbors.

ANC Business

The Commission approved May's financial report unanimously.

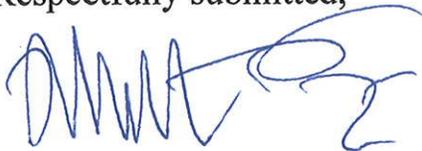
Payment of Diana Winthrop's invoice for the previous month for \$250 was approved unanimously and payment was made by check number 1268.

Payment of Doug Ward's invoice for website services for \$345.78 was approved unanimously and payment was made by check number 1269.

The April and May minutes were tabled.

The meeting was adjourned at 10:25 pm

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Matthew Frumin', with a stylized flourish at the end.

Matthew Frumin, Chair