



**ADVISORY NEIGHBORHOOD COMMISSION 3E
TENLEYTOWN AMERICAN UNIVERSITY PARK
FRIENDSHIP HEIGHTS
c/o Lisner Home 5425 Western Avenue, NW Washington, DC 20015
www.anc3e.com**

Minutes of ANC3E December 13, 2012 Meeting

The meeting convened at 7:41pm. Commissioners Bender, Frumin, Quinn, Serebin and Sklover were present.

Announcements / Open Forum – opportunity for members of the community to raise issues of concern or importance to the 3E neighborhood

Peter Carlson reported that he had attended The District Department of Transportation's (DDOT) think tank summit on parking in the District and submitted a copy of his testimony to the commissioners. He highlighted concerns that he hoped DDOT would address, specifically, the issue of inadequate handicapped parking and “widows and orphans” — parts of city blocks that have no signs, and which, in his view, encourage people to indiscriminately park their cars, sometimes all day. A commissioner asked that Mr. Carlson provide the commission with a list of specific blocks in his neighborhood that fit this description.

Andrew Huff, the new Community Relations Director at American University, introduced himself to the commission and community members in attendance.

Anthony Cassillo, a new intern working in constituent services in Councilmember's Cheh's office, introduced himself to the commission and community members in attendance.

Michael Fabricant, who is taking over for Tom Smith in Mayor Gray's office, introduced himself to the commission and community members in attendance. His telephone (cell) is 202. 297. 6566. michael.fabricant@dc.gov.

Commissioner Beverly Sklover announced that she is retiring from the commission and that this will be her last meeting as commissioner. She added that she wanted to thank Councilmember Cheh for installing the stop sign at 43rd and Yuma Street and the sidewalk on the east side of 45th Street. The commissioners joined in thanking Commissioner Sklover for her service on ANC3E.

Presentation by 2nd District Police

PSA 202 Lieutenant Alan Hill reported that as the MPD is merging databases into one system he could not compare the past 30 days crime statistics to the same period in 2011. However, Lt. Hill said within the last 30 days no violent crimes have been reported in PSA 202, including robberies, homicides, and assaults with a deadly weapon. He reported a confirmed burglary on Huntington Street, NW, for which two Wilson High School students had been arrested. These same juveniles, he said, had burglarized three homes and attempted to burglarize another. Two major retail thefts were reported, as well as 15 thefts from autos. Six simple assaults were reported, all perpetrated by Wilson High School students within school grounds. LT. Hill noted that there had been complaints about noise related to a group house on the 47th block of Butterworth St., NW.

A commissioner asked Lt. Hill if patrol officers had been instructed to more aggressively keep travel lanes and bus zones clear of illegally parked cars during rush hour and Lt. Hill was uncertain if that had happened. The same commissioner also asked Lt. Hill if he had reached out to DDOT to request assistance with traffic enforcement and Lt. Hill replied that he had not.

A commissioner congratulated Lt. Hill and the MPD for the lack of violent crime within the last 30 days in PSA 202.

Consideration of application for Retailer's Class "C" Restaurant license for the Fork & Spade restaurant at 4619 41st Street, NW

Commissioner Quinn introduced the resolution, explaining that Alex Bous, the chef and owner of a proposed restaurant, Fork & Spade, at 4619 41st Street, NW, is applying for a retail class "C" restaurant license to serve alcoholic beverages. Mr. Bous, addressing the commission, said the restaurant would be family-style, offering relatively low-priced American cuisine with fresh ingredients grown by local farmers. Breakfast will be served beginning 6am to 7am. The 4,000 square-foot restaurant, located in a building owned by Bous' father, will seat 150 to 170 people; a large outdoor space and patio will seat 60 to 70 people. Mr. Bous said they might build a small outdoor playground as well. Mr. Bous said they intended to offer recorded and live music inside and outside the restaurant. The opening is slated for late spring or summer 2013.

A commissioner said that after a meeting with Mr. Bous the understanding, which is not currently reflected in the draft voluntary agreement, was that everything will be moved indoors at 11pm weekdays and 12midnight weekends to ensure that nearby residents are not adversely affected by noise. Mr. Bous said he had listened to the commissioners' concerns but preferred to wait to see if noise became an issue rather than imposing limits on restaurant operations from the start.

A commissioner said that the restaurant as envisioned will offer family-style food, a late-night bar with cocktails as well as a playground for children — and as such it was unclear what kind of establishment was being proposed. Mr. Bous' attorney responded that the restaurant aims to take advantage of all opportunities. Mr. Bous noted further that the concept for the restaurant was not completely settled at this point. The commissioner noted in response that he worried that the lack of focus for such a large restaurant might presage a sale of the liquor license to another establishment, as has occurred previously in the area.

A commissioner said that while supportive of the restaurant the commission needed to make sure the restaurant does not have an adverse effect on the neighborhood and that the restaurant operated under the same restrictions as other restaurants (as opposed to bars that serve food) in the area that have succeeded. Mr. Bous' father said that he is comfortable with the proposed limitations.

Mr. Bous and the commissioners agreed that the voluntary agreement as revised will include the following terms: outside noise will not be discernable from the nearest residence (Tenley Hill); indoor noise, including live music, will not be discernable from across the street; everything comes inside 11pm weekdays and 12 midnight weekends; and restaurant patrons will be able to use available parking spaces in the building for free. Mr. Bous' lawyer, Andrew Kline, offered to reduce the agreement to writing after the meeting and send it to the Commission's Chair for signature.

The commissioners voted 4 to 1, with Commissioner Serebin abstaining, to support the application and voluntary agreement provided the four items are specifically addressed.

Consideration Of Public Space – Curb Cut – Application At 4201 River Road, NW

Commissioner Bender introduced the topic, explaining that the developer of 4201 River Road, NW—located at the intersection of River Road and 42nd Street NW— has applied for a curb cut and driveway for a new home currently under construction. The owner is also planning to build a large retaining wall at the property line. Neighbors are very concerned about the height of the planned retaining wall.

Neighbor Marti Edmondson, who lives at 4612 4th Street, NW, situated directly behind the development, presented her concerns to the commissioners. She said that the new owner tore down a 100-year old historic farmhouse on the property and is planning to build a five bedroom, four-bath house. The owner intends to install the curb cut and driveway midblock, at River Road and Chesapeake Street, NW, and will need to build up the driveway significantly to do so. The city has issued permits for some of the work and construction has recently begun. The owner and developer, she said, will not negotiate with neighbors. She voiced her concern that property values will decline significantly as nearby houses will now face a tall concrete wall.

A commissioner said that if the developers may have asked for and received some permissions as a matter of right that should not be granted as a matter of right. He noted that the lot occupancy appears quite large, for instance. He noted further that DCRA had already granted permission to the developer to build a large retaining wall that would have projected into public space, and later rescinded it after recognizing that it could not legally grant such a permit without another agency holding a hearing. The commissioner asked Mr. Fabricant from Mayor's Gray's office to research and clarify what is allowed as a matter of right, and Mr. Fabricant agreed to do so promptly.

A commissioner asked Ms. Edmondson to stay in touch with Commissioner Bender. Commissioners will work with Mr. Fabricant and relevant agencies to see if any permits were granted improvidently and whether any possible leverage is available to try to bring the parties to an outcome acceptable to all.

Consideration Of Resolution Regarding Proposed Legislative Changes To Speed Camera Fines

Commissioner Bender introduced the resolution, noting that it built on a proposal originally introduced and drafted by Commissioner Quinn. The resolution addresses proposed legislative changes that would sharply cut fines for speeding recorded on speed cameras. Upon further research, Commissioner Bender learned that 75% of those caught speeding in the district are from outside the district. The legislation is based on an assertion that the level of fine does not have an effect on compliance, which, he said, is counter-intuitive, and which is not supported by findings of a task force sponsored by the Council. The task force report shows clear evidence that speed cameras save lives and that there have been sharp reductions in traffic fatalities since the program was launched, he said. As such, there is no compelling reason to reduce speed camera fines and doing so would fail to deter repeat offenders. He noted that speeding drivers receive points if apprehended by police officers but do not receive points when caught by speed cameras, and that the punishments for repeat offenders caught by police officers is dramatically more severe than that which would be meted out to repeat offenders caught by speed cameras for the same offenses.

The proposed resolution urges the City Council to penalize repeat offenders with a system of escalating fines, whose severity is consistent with the point system for violations in a police officer's presence.

The commissioners discussed issues related to the proposed resolution, including that cars are frequently owned by families and escalating speed camera fines would penalize the car instead of the individual violator; the District is working at cross purposes by lowering fines while maintaining there are insufficient funds for capital improvements; the City Council is moving to reduce fines in response to aggressive opposition from what may be a small segment of the public to speed cameras; and the Mayor's recalibration of speeding camera fines should be given time to measure results.

The commissioners voted 4 to 1, with Commissioner Frumin abstaining, to support the resolution with added language.

ANC Business

Approval of November 2012 minutes

Commissioners voted unanimously to approve the November 2012 minutes.

Approval of October and November Treasurer's reports

Commissioners voted unanimously to approve the October and November 2012 Treasurer's reports.

Approval of expenditures

Commissioners voted unanimously to approve expenditures: \$675.00 to Loren Stein for administrative services; \$74.60 to Federal Express for copying; \$165.49 to Commissioner Tom Quinn reimbursing him for copying expenses; and \$443.75 to Angela Bowman for web site services.

The commission adjourned at 10:15pm.

Respectfully submitted,

Jonathan Bender, Chair