



**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 January 10, 2013 Meeting

The meeting convened at 7:32pm. Commissioners Bender, Frumin, Haile, Quinn, and Serebin were present.

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

A student at American University and president of the Alpha Chapter of Epsilon Iota, made a request to commissioners that a PDF copy web page on the commission's web site be removed. The document was used during AU Campus Plan hearings to illustrate the very poor relations between neighbors and the Epsilon Iota fraternity members, who lived in a house on the corner of Ellicott Street and Western Avenue, NW. The page on the ANC 3E web site, which was taken from a retired public Facebook page for the fraternity, showed photographs of the students behaving badly, along with boasts about the fraternity's loss of its charter and its ability to still host wild parties in its off-campus house after being banned from campus. *See generally* <http://www.theeagleonline.com/news/story/ifc-wants-two-fraternities-out/>. The student contended that all of the members of the fraternity house have since graduated and that he has worked very hard to restore good relationships with new neighbors. He said that when certain students' names are entered into a web search the offending page is listed high in the search results, which might prevent those students from obtaining jobs upon graduation. He is concerned that current fraternity members could be denied career opportunities due to the misconduct of former members.

A commissioner explained that during the AU Campus Plan hearings there were many complaints from residents about AU campus houses. The commissioners agreed to turn the PDF into an image file so it would no longer be indexed by Google or other search engines.

Presentation by 2nd District Police

PSA 202 Lieutenant Alan Hill reported that in the last 30 days no violent crime, robberies, sexual assaults or homicides have been reported in PSA 202. Four simple assaults were reported, one occurring on Wisconsin Ave, NW, and three perpetrated by Wilson High School students within school grounds last month. Burglaries continued an upward trend, he said, with 13 burglaries reported. One of these burglaries occurred in an occupied dwelling, which is unusual, he said, as most burglars wait until a residence is unoccupied. Nine thefts from autos were reported, the majority of which were located in retail areas or parking lots. A stolen auto was reported on the 5300 block of 42nd Street, NW — also unusual, Lt. Hill said.

An attendee asked whether the Wilson High School students apprehended for the simple assaults were in neighborhood or out of boundary. Lt. Hill responded that the majority of the students who committed the simple assaults were out of boundary.

Commissioners discussed topics such as trucks visiting retail outlets generating violations; the police resources devoted to home burglaries; enforcement for one-way alleys; police officers patrolling in Friendship Heights; and the use of handheld electronic ticketing devices. The commissioners also determined that there have been no further complaints about noise related to a group house on 4700 Butterworth Street, NW.

Lt. Hill urged residents to contact him at alan.hill@cdc.gov with concerns or reports of suspicious activity. A commissioner thanked Lt. Hill for his and the MPD's excellent work in preventing crime in PSA 202.

Presentation by DC Water regarding upcoming project at Belt Road and Fessenden Street, NW

Emanuel D. Briggs, Manager of Community Outreach and External Affairs for the D.C. Water and Sewer Authority, gave a presentation describing the upcoming large valve replacement project at Belt Road and Fessenden Street, NW, slated to begin mid-February 2013 and finish May 2013. The project is part of the Capital Improvement Program throughout the district designed to improve the water system infrastructure. Benefits, he said, should be improved water quality and reliability. Normal project work hours will be 7:00am to 7:00pm weekdays; residents will be notified if work continues into the night or on weekends. If water service is temporarily shut off affected residents will be notified 48 hours in advance. Lane closures may be required between 9:30am to 3:30pm; all traffic plans will be subject to approval by the District Department of Transportation (DDOT), he said. No-parking signs may be placed in areas at or near the job site; notification of no-parking zones will be posted 72 hours prior to construction.

Commissioners discussed the project with Mr. Briggs, D.C. Project Manager Maria Gigova, and D.C. Water Project Contractor John Hamilton from Fort Myer Construction Corporation. In response to commissioners' questions, the project managers said that the construction area will extend for three to four blocks; the area to be dug out will be approximately 6 by 10 feet; excavation will take two weeks during which they will measure the diameter of existing parts and order new ones; and Belt Road and Fessenden Street will remain open during construction but restricted to one lane. They also noted that five years ago the mains were replaced coming out of Ft. Reno Reservoir but that the valves in intersections were not replaced at that time.

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

Commissioner Bender explained that this topic was first presented and discussed at last month's December 13, 2012 ANC 3E meeting with chef and owner Alex Bous, his attorney Andrew Kline and Mr. Bous' father. At that meeting the terms of a voluntary agreement were reached between the commissioners and representatives of the proposed restaurant, which included the provision that indoor noise will not be discernible from across the street. Commissioners indicated they believed that meant across 41st Street, NW, on which the restaurant will be located, while the written agreement as drafted by Mr. Bous and Mr. Kline instead stipulates that indoor noise will not be discernible from across Wisconsin Avenue, NW.

The Fork & Spade representatives also agreed at the December 13 meeting to limit hours for their planned outdoor seating, but after the meeting said that they were unwilling to do so because they thought the restrictions were unfair. At the insistence of commissioners, they eventually said they

would in fact sign an agreement limiting the hours. Commissioners noted that if the restaurant's track record is good, it can always come back to the ANC to ask it to support an extension of hours.

The commissioners discussed the implications of the presented language and despite the difference from most of their understandings at the time regarding the definition of "across the street," agreed that they will sign the agreement as currently drafted.

Resolution regarding curb cut behind 4100 Livingston Street, NW

Nancy Angelo, the property owner of 4100 Livingston Street, NW, has applied to DDOT for permission to add a curb cut at the rear of her property on Belt Road, NW that allows access to a driveway and parking space being constructed on the property. The property is bordered in the rear by the 5400 Block of Belt Road, which has no sidewalks or properties fronting the street. Parking for nearby residents is available and the proposed curb cut will be on a residential street that is lightly used. Ms. Angelo presented letters of support from neighbors on three sides of her property.

A commissioner asked if Ms. Angelo would be willing to plant a large shade tree on her property as a condition and Ms. Angelo agreed. A commissioner inquired whether a combination of paving stones with gravel would be used.

The commissioners voted unanimously to support the resolution with an additional clause.

Consideration of issues surrounding project at 4201 River Road, NW

Commissioner Bender re-introduced the topic, which was initially presented and discussed at last month's December 13, 2012 ANC 3E meeting. The developer of a new home currently under construction at 4201 River Road, NW is seeking permission to add a curb cut and driveway, and is also planning to build a large retaining wall at the property line. At the previous meeting neighbors had expressed concerns about the new construction and the height of the proposed retaining wall.

Mr. Mohammad Sikder, owner of District Properties and the developer of the home at 4201 River Road, came to this meeting to talk with commissioners about the construction plans and neighbors' concerns.

In response to commissioners' questions, Mr. Sikder said that the retaining wall has since been adjusted to 5 feet maximum instead of 9 feet. He contended that creating adequate water runoff from the property necessitated pushing the house up even higher. He said the maximum allowable lot coverage is 40%; the property will have 39% lot coverage for the planned 3-story, 2,300 square foot home. He added that they will not build a wall higher than 42 inches in public space.

A commissioner said that the building might be in technical compliance but that it is clear upon inspection that neighbors will be adversely affected. A commissioner added that the average size home in northwest D.C. neighborhoods is 1,800 to 2,000 square feet and that this house is out of scale with a poor design. Mr. Sikder claimed that they have spent a lot of money on the property and need to recoup their investment. A commissioner said that the developer does not need and is not entitled to a 20-foot curb cut; Mr. Sikder said that he is willing to compromise on the size of the curb cut. The commissioner also noted that the developer had not spoken with affected

neighbors before beginning construction and had not obtained letters of support from these neighbors.

Mr. Sikder insisted that he had a written letters of support for the project from neighbors Terry Hopkins and Marti Edmondson. Commissioners asked to see the alleged letters of support and, after reviewing them, determined that they were *not* letters of support, but only letters permitting the developer access to the neighbors' property to take measures to prevent harm to the properties from construction.

A commissioner asked Mr. Michael Fabricant from Mayor Gray's office if the Department of Consumer and Regulatory Affairs (DCRA) had come out to inspect the property and he responded that they had inspected the site.

A commissioner proposed that because the hearing for the curb cut application was in four days, that the hearing be postponed, during which time any several outstanding issues will be discussed and, hopefully, resolved amicably in discussions with affected neighbors, the project's civil engineer, the developer Mr. Sikder, and commissioners. Mr. Sikder agreed to the proposal.

The commissioners moved to approve the resolution, which states commissioners have substantial concerns with the proposed construction and that they have met with the developer who has agreed to work with commissioners and neighbors to reach an amicable agreement. The application will be postponed until further notification.

The commissioners voted 4 to 1, with Commissioner Serebin opposed, to support the resolution.

ANC Business

Officer Elections

Commissioners voted unanimously to approve the election of Sam Serebin as Vice-Chair; Tom Quinn as Treasurer; and Jonathan Bender as Chair and Secretary.

ANC Security Fund Resolution

Commissioners voted unanimously to approve the ANC Security Fund Resolution.

Approval of December 2012 Minutes

Commissioners voted unanimously to approve the December 2012 minutes.

Approval of expenditures

Commissioners voted unanimously to approve expenditures: \$700.00 to Loren Stein for administrative services; \$111.83 to Federal Express for copying (November and December 2012); \$25.00 for the ANC Security Fund.

Commissioner Quinn reported that additional fraudulent attempts were made on the ANC 3E bank account. As such the bank is recommending that the account be closed.

Commissioners voted unanimously to approve to close the current ANC 3E bank account and open a new ANC 3E account with a new account number. New signature cards are required.

The commission adjourned at 9:30pm.

Respectfully submitted,

Jonathan Bender, Chair