

Minutes of ANC3E May, 2009 Meeting

The meeting was called to order at 7:30 pm by Chairperson Jon Bender. Commissioners Beverly Sklover, Matt Frumin, Sam Serebin and Lucy Eldridge were also present.

Announcements:

There were no announcements.

Open Forum:

Commissioners Bender and Eldridge responded to a question from a resident regarding the status of the Commerce Bank appeal. They explained that the resolution passed the previous month did not require the ANC to file an appeal; it merely authorized one if the ANC determined an appeal was appropriate. The commissioners determined that although an appeal was possible, it was not prudent under the circumstances. Thus, no appeal was filed.

Update from PSA 202:

Lt. Gregory reported that Commissioner Bender had requested that MPD crack down on motorists that fail to stop for pedestrians in crosswalks, at least in cases where motorists have adequate opportunity to notice the pedestrians and stop safely. Lt. Gregory further noted that she and Commissioner Bender had discussed the possibility of a public service announcement and/or media coverage of MPD crosswalk enforcement efforts. She said that she is pursuing both increased enforcement and coverage of it. Lt. Gregory also agreed to provide increased traffic enforcement on Fessenden and Ellicott Streets.

MPO Williams gave an update on crime statistics in PSA 202.

A resident commended MPD's recent initiative to crack down on littering and requested that 2D step up its enforcement of fines for littering. Commissioner Bender asked that 2D report to the ANC the number of tickets issued for littering. He also asked that 2D report more current stats on violent crime, not just the preceding closed month's stats. And Commissioner Serebin asked that MPO Williams

provide the ANC with stats regarding enforcement of fines for using a cell phone while driving. MPO Williams and Lt. Gregory agreed to the commissioners' requests.

Presentation by Rasheed Green and Minisha Akhoury of Mentors, Inc.

Mr. Green introduced himself and the program, Mentors, Inc., a non-profit founded in 1987. He explained that the mission of the organization is to increase high school graduation rates in DC, which are currently at 50%, below the national average of 65%. Mr. Green reported that students involved in Mentors, Inc.'s programs have a graduation rate above 90%. The program carefully screens volunteer mentors to make a good match with high school students. Mr. Green distributed flyers with information on how to volunteer.

Presentation by Little Falls Watershed Alliance

Richard Yates presented to the community on behalf of the Alliance, whose mission is to protect local watersheds from environmental hazards. ANC 3E, he explained, sits in four watersheds: Little Falls Creek, the Potomac River, the Chesapeake Bay, and the Atlantic Ocean. Mr. Yates focused his talk on the importance of trash removal. He asked that the ANC: (1) endorse MPD's anti-littering initiative, (2) create a task force to combat litter, (3) increase merchant awareness of and compliance with littering laws, (4) provide public education, (5) recruit volunteers to help clean up, (6) restrict parking to residents only and (7) help establish Business Improvement Districts (BIDs) in Friendship Heights and Tenleytown. Chairperson Bender noted that the Commission might create a task force to address environmental issues within the Commission's jurisdiction. Such a task force might be able to serve some or all of these functions. Commissioners Serebin, Frumin, Sklover, and Bender expressed interest in trying to facilitate creation of a BID. Commissioner Sklover noted that she had been involved in such an attempt while a city planner in New York City, and she observed that it is a difficult task.

Discussion of and possible 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 LT Propco LLC ("L&T") presented plans to build three single-story retail stores in the vacant parking lot behind the Mazza Gallerie (the lot

bounded by Western Avenue, 44th Street and Jenifer Street, the lot known as “home plate”) in an effort to draw foot traffic from Mazza and the Metro to Lord & Taylor. L&T is seeking an exception from the BZA that will allow it to provide off-site parking for patrons of the new retail establishments. Chapman Todd, a resident who lives within 200 feet of the proposed site, spoke on behalf of similarly situated 200 footers and explained that the BZA has the authority to impose restrictions on the applicant to ensure that the requested exception does not adversely impact the neighbors, restrictions such as screening, precise street lights that will not bleed into the neighborhood and some measure that will keep cars in the lot and off the neighboring residential streets. While the immediate neighbors expressed their desire to see increased retail opportunities at the lot in question, they want to make sure that there are no significant negative impacts to them. To that end, they are working with L&T and, via Mr. Todd, with Commissioner Bender to obtain agreement from L&T to certain restrictions and provision of certain benefits (such as increased screening).

Several questions were posed by residents and ANC commissioners regarding whether L&T would consider installing a green roof, removing utility poles, and targeting mid-level—instead of high-end—retailers as tenants. L&T said that it would consider all of these suggestions, but made clear that it could not make any assurances regarding specific tenants. Representatives did say, however, that L&T would be happy to talk with the ANC regarding what the community would like to see there.

Discussion of, and possible vote on, resolution asking the DC Council to enact legislation creating marriage equality.

Commissioner Sklover, expressing her longstanding personal commitment to civil liberties, presented a resolution she and Commissioner Bender had drafted together asking the DC Council to pass legislation that would create marriage equality. Commissioner Sklover moved that the resolution be deemed to have been co-sponsored by all 5 commissioners. Commissioner Bender seconded that motion, which passed unanimously.

Discussion of and possible vote on resolution regarding facilitation of discussion between parties contemplating construction on the block bounded by Albermarle/42nd/ Wisconsin/ Yuma and statement on expected growth in neighborhood.

Commissioner Bender introduced a resolution offering such assistance the ANC is reasonably able to offer to facilitate discussions regarding the coordination of construction at the Library, Janey Elementary School and Bon Secours.

Commissioner Sklover seconded the motion and it was passed by a unanimous vote. Commissioner Bender also offered for ANC approval a letter resolution to Chancellor Rhee that while not stating a position regarding the proposed size of the school asked her to address OPEFM's contention that there will be no growth of inbound enrollment at Janney, which seems implausible in light of the projected growth in the area. The letter also asked Chancellor Rhee to set forth DCPS' strategy to deal with increased enrollment, should it occur. Commissioner Sklover moved to adopt the letter; Commissioner Bender seconded the motion, and it passed unanimously.

ANC Business:

The Commission agreed to approve the Treasurer's report by a vote of 5-0

The Commission voted to approve the minutes from the January Special Meeting, and the March and April meetings by a vote of 5-0.

Commissioner Sklover discussed the fact that she had met with Doug Jemal and Paul Millstein, of Douglas Development Corporation, regarding the project at the Babe's Billiard site on Wisconsin Avenue. She stated that, to be transparent, she would announce at a public meeting any ex parte conversation she had with a developer and the gist of the conversation. She reported that she said to them that she wanted to see a 65' building with platinum level environmental certification and that that she wanted them to solve the loading dock issues.

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

Respectfully submitted,

Jonathan Bender, Chair