

**ADVISORY NEIGHBORHOOD COMMISSION 3-D**  
**JULY 2004 MINUTES**

MINUTES OF ANC-3D MEETING ON JULY 7, 2004

Advisory Neighborhood Commission 3D met at Ernst Auditorium of Sibley Hospital on Wednesday, July 7, 2004, at 7:30 pm. Present were Commissioners Gates, Mullane, Heuer, Shapley, Finney, Haas, and Hamilton. There were about 20 people in the audience.

1 COMMUNITY CONCERNS

Georgetown University Boathouse Proposal – Sally Strain urged people to e-mail Park Service authorities to object to the incomplete review process by the National Park Service. The C&O National Historical Park Advisory Commission and the ANC have not been included as parties in past discussions on the boathouse. She handed out a flyer urging the Park Service to reduce the size and impact of the boathouse. Although the boathouse will be built within the C&O Canal National Historic Park that is public parkland, the boathouse will only be accessible to members of the Georgetown University crew and not the local high school crews and clubs or the public.

4800 Block of V Street Parking – Albert Gillespie and Emily Andrews, residents at 4817 V street, reported on the lack of parking for residents of the street because many employees of the neighboring commercial venues and commuters are parking there. Commuters park and walk to the MacArthur Blvd. bus stop to get to town. Mr. Gillespie circulated a petition and collected a high percentage of resident's signatures for RPP (restricted residential parking) signs for the 4800 block of V Street, NW. The petition was submitted to the ANC and will be forwarded with a letter of support to DDOT. They also stated a need for all-way STOP signs at 48<sup>th</sup> and 49<sup>th</sup> on V Street to eliminate excessive speeds. Finally, they want to pursue police enforcement of the STOP sign at 48<sup>th</sup> Place and V Street because drivers are not observing it when they exit the commercial area.

Loughboro Road Trees to Save – Peter Ladd Gilsey, who chairs the Trees for the Capital program, reported on his arborist's evaluation of three mature trees on Loughboro Road that could be saved and not taken down in the current round of culling by DDOT's Urban Forest Administration (UFA). Gilsey had notified Councilmember Patterson's office. A letter will be forwarded to the Urban Forestry Administration asking them to take a second look at the trees to re-examine their determination that they must be removed.

POLICE – SECOND DISTRICT, PSA 205

Officer Kennedy reported on the crime statistics for the month. Unusually, there was one case of sexual abuse and one of domestic violence. A small number of traffic tickets were issued for the month. Chairman Gates chastised the department for the continuing lack of support for the monthly ANC requests for more community policing in the area.

ABRA #11900 – CHEF GEOFF'S – 3201 NEW MEXICO AVENUE, NW

The owner, Geoffrey Tracy, appeared on behalf of his application to renew the restaurant's Class CR liquor license. SMD Commissioner Mullane reported that there had not been any complaints about behavior and that the restaurant's contribution to Horace Mann School's community activity was much appreciated.

ANC ACTION: The commission voted 7-0-0 to approve and support the license renewal.

ABRA #32182 – LITTLE CHINA CAFÉ – 4830 MACARTHUR BLVD., NW

The owner, Mr. Keyu Peng, appeared on behalf of his application to renew the restaurant's Class CR liquor license. Commissioner Finney opined that there were too many places selling liquor on the boulevard now and that reducing the license to allow only beer-and-wine sales would be better. Commissioner Shapley objected to this as unfair both in discriminating against one such establishment without specific, substantive grounds and also catching the applicant unprepared to defend his business. Chairman Gates noted that the previous owner had managed the carry-out business badly and had had their license disapproved by the ANC; but under this management there were no complaints.

ANC ACTION: The commission voted 6-1-0 to approve and support the license renewal, with Commissioner Finney voting in the negative.

ABRA #50251 & #31933 – KOTOBUKI RESTAURANT & MAKOTO RESTAURANT – 4822 MACARTHUR BLVD., NW

The owners had notified the chair that they could not present in person their application for renewal of the restaurant's Class CR liquor license because they had to stay on site as the chefs for the evening. SMD

**ADVISORY NEIGHBORHOOD COMMISSION 3-D**  
**JULY 2004 MINUTES**

Commissioner Gates reported that there were no complaints and that these establishments were known to be uniformly well-run.

ANC ACTION: The commission voted 7-0-0 to approve and support the license renewal.

BZA #17201 – 1523 ELLIOTT PLACE, NW – JANET MANN

The resident owner since 2000, Janet Mann, appeared to ask for ANC support of her BZA application for a special exception from maximum lot occupancy and side yard setback to construct a rear addition to an existing non-conforming property. This is a row house, and the neighboring houses, 1521 and 1525, submitted letters of support for approval of Miss Mann's plan for a rear addition. She noted that the extension is in keeping with the style and bulk of the row and would not block her neighbor's sunlight or air. Although it is zoned R-1-B, as a row house, it is allowed 60% lot occupancy, and the plan would only occupy 50%. Moreover, there would remain a 52-foot deep rear yard. In addition, there is the current hardship of having to access the basement by going outside. SMD Commissioner Haas supported the application.

ANC ACTION: The commission voted 6-0-1, to approve and support the application. Commissioner Mullane recused himself because of a family relationship with the project architect.

GALENA PLACE & 5400 BLOCK OF MACARTHUR BLVD. BUS STOP

SMD Commissioner Finney asked the commission to support the removal of this bus stop after contacted with WMATA on the actual usage and redundancy of a second bus stop in the same block of MacArthur Boulevard. The removal would add at least two more parking spaces in that block of MacArthur Boulevard. Study showed that while the stop closer to Cathedral Avenue had some 27 users a day, the stop closer to the Galena Place stop only had 6 users. This proposal responds to a request from several residents of the block. DDOT and WMATA support this change.

ANC ACTION: The commission voted 7-0-0 to approve and support this change and to make the necessary requests of DDOT and WMATA.

CURB CUT – 2502 CHAIN BRIDGE ROAD, NW

The owner and developer, McCullough Builders, did not appear to present this application although the owner had agreed to send a representative to the meeting. McCullough has installed minimal curbing at a neighboring property above this site and undertaken the required storm water management for the site. SMD Commissioner Gates proposed approval of the curb cut subject to the condition that McCullough provide curb and gutter consistent with DC standards the entire length of premises at 2500 and 2502 Chain Bridge Rd.

ANC ACTION: The commission voted 7-0-0 to approve and support this application to the Public Space Committee subject to the conditions specified by SMD Commissioner Gates.

PUBLIC ALLEY PERMIT – 4723 UPTON STREET, NW – AUBREY & SASKIA ROTHROCK

Aubrey and Saskia Rothrock, resident owners since 2002, appeared to present their application for a permit to continue the customary usage of a portion of the public alley adjacent to their home for parking and access to their car garage. This public alley is called a 'paper' alley because it exists on paper but is not, in fact, a passable through-way. Previous owners had had the top portion paved and a curb cut created to facilitate access to the home's garage. The Rothrocks presented evidence that there had been continuous, historical usage without objection of this public space and furnished the commission with an affidavit from the immediate prior owner to that effect. Even with the proposed use, it was understood that the alley would remain public space. The Rothrocks have and would continue to assume all responsibility and cost for maintaining the entire portion of the paper alley adjacent to their home in good order. A storm drain is located within the alley at the rear of the Rothrock's property and they have ensured it has been clear of debris to prevent flooding. They presented signatures of support from 8 neighboring households, and Steven Kroll, 4714 Upton, spoke in support of a motion to approve. The hearing before the DDOT Public Space Committee is Thursday, July 22<sup>nd</sup>.

Dr. Richard Palmer, adjacent neighbor at 4747 Upton Street, appeared to oppose the application. He argued that such a permit would, in effect, constitute a closure of the public alley. He had signatures in opposition from two households whose rear boundary runs along the East-West arm of the paper alley beyond the rear yard of 4723. He was asked how opponents to the proposed use would be adversely impacted.

ANC ACTION: The commission voted 7-0-0 to approve and support the Rothrock's application with the following text:

**ADVISORY NEIGHBORHOOD COMMISSION 3-D**  
**JULY 2004 MINUTES**

“The ANC-3D voted to approve and support the application of the Rothrocks, resident owners of 4723 Upton Street, NW, for a permit continue to use the public space designated as a ‘paper’ alley adjacent to their home for residential parking and access to their car garage in a manner consistent with the historical precedents and customary usage of this space.”

**BZA #17193 – LAVEROCK PLACE HOUSES**

This proposed development of three homes is zoned R-5-A and consists of two semi-detached homes and one detached, single family residence. The addresses, 4462 and 4464 MacArthur Blvd. would face MacArthur Boulevard and 4600 Laverock Place would face on a private road owned by Canal View Homeowners Assn. Appearing to present the request for a variance from the rear yard set-back were owners and developers of the property Robin Wertlieb and John Casey. At the request of the local homeowners association, they proposed to increase the set-back on Laverock Place by 8 feet to make the new homes and the streetscape consistent. In so doing the required rear yard set-back would be decreased from 20 feet to 12 feet. The rear of the property backs onto property occupied by Riverside Hospital. The developers stated that the property between the houses and the hospital would be heavily buffered by trees on both sides of the fence separating the two properties. They presented signatures of support from the Laverock Homeowners Association, although SMD Commissioner Haas said she had not received a copy in her package. There was discussion of the storm water plan and drainage construction, which had been raised previously when this project came before the ANC seeking to put five houses on the property. Mr. Casey pointed out the drainage arrangements and the use of permeable pavers would satisfy the stormwater management issues. He went on to say that the homeowners would sign a covenant agreeing to pay for and maintain this system. The BZA hearing on the special exception is July 27<sup>th</sup>.

ANC ACTION: The commission voted 4-3-0 to approve the application, with Commissioners Haas, Gates, and Heuer in opposition.

**ABRA #549 – LISTRANI’S RESTAURANT – 5100 MACARTHUR BLVD., NW**

Mr. Farah, current owner of Listrani’s, conveyed his case by letter, for the renewal of the Class DR liquor license. He asked to be relieved of the restrictions in the current 1998 Voluntary Agreement for non-use of certain areas around the restaurant for parking and loading. About ten people attended to support renewal subject to continuation of the 1998 agreement between the ANC and the property owner on use of parking around the restaurant. Immediate neighbors presented a petition with 43 signatures to support continuation of the 1998 agreement as a part of the licensing agreement. Their petition preface stated that "we are not satisfied with Listrani's compliance with the terms of the Voluntary Agreement during the 2002/2004 cycle. For the upcoming 2004/2006 cycle, we request that Listrani's ownership and management (1) understand the terms of this agreement, (2) lead by example, (3) emphasize to their employees that the terms apply at all times, not just when it is convenient. We request that ANC-3D stress to Listrani's ownership and management that Listrani's must observe and administer the terms of the Voluntary Agreement faithfully and consistently."

Speaking for this group of neighbors were Paula Choate, Eleanor Roberts Lewis, Josephine Baker, and Jaf Ford. Another resident behind the restaurant pointed out that there is no public alley behind this commercial property to use for service to the various commercial establishments along the south side of the boulevard. The history of efforts to accommodate the needs of commercial establishments, because the No Loading area was removed on Dana Place, was reviewed in the discussion, as was the use of parking places by both employees and customers. Petitioners emphasized that compliance with the Voluntary Agreement applied, and needed to be enforced by management, to all Listrani employees. Kenneth Soto, resident of 5400 MacArthur Blvd., raised the option of seeking RRP protection for residents' parking places. The density allowance for C-1 zones was discussed for this mixed-use area.

SMD Commissioner Gates, a member of the Mayor’s Task Force on Parking stated that the ANC could not prevent anyone from parking in public space. That provision could not be enforced. She announced her support of the renewal subject to revisions of the 1998 Voluntary Agreement and presented a re-draft to the commission. Her version would eliminate inferred micromanagement of the restaurant by the commission as well and would focus on the restaurant's compliance with posted parking regulations in the area. The key provisions in the new agreement were: to request that DDOT paint stripes on curbs adjacent to driveways in the blocks surrounding Listrani's to ensure neighbors can access their driveways at all times and to ensure maximum parking availability; to encourage restaurant staff park outside RPP areas; and to hold twice yearly meetings (or as needed) with Listrani's management and residents to discuss problems.

**ADVISORY NEIGHBORHOOD COMMISSION 3-D**  
**JULY 2004 MINUTES**

Commission discussion covered the question of how voluntary these so-called voluntary agreements really were, whether one business was being treated differently from others and burdened by conditions attached to its license, whether parking on public streets could be restricted by the ANC, and whether it was appropriate to raise a revised agreement without sharing it with the community either at the meeting or in advance with the commission.

ANC ACTION: A motion was made to approve the license subject to the extension of the current agreement. A substitute amendment was voted to approve the license subject to the revised agreement. The substitute amendment was accepted by a vote of 5-2-0, with Commissioners Shapley and Hamilton voting in the negative.

**BYLAWS CHANGE**

The second reading of the bylaws to change the boundaries of ANC 3D to reflect incorporation of the area of SMD 3D-09 into the commission was done in compliance with ANC-3D's Bylaws. ARTICLE 1. Section 2. Boundaries will read: The physical area of the Commission is the interior of the physical area bounded by the District line, Massachusetts Avenue, N.W., Glover Archbold Park and the Potomac Palisades.

13.1 ANC ACTION: The bylaws change was approved by a vote of 7-0-0.

**COMMISSION ADMINISTRATIVE BUSINESS**

The June Minutes were accepted by a vote of 7-0-0.

The June Treasurer's report and quarterly report were accepted by vote 7-0-0.

The next meeting will be September 8<sup>h</sup>, 2004. There will be no meeting in August.

**14 ACTION ITEMS**

14.1 Email to Park Service opposing the size of the Georgetown University Boathouse.

14.2 Letter to DDOT with submission of petition for RPP parking on 4800 block of V Street.

14.3 Letter to the Urban Forestry Administration re removal of trees on Loughboro.

14.4 Letters to ABRA re license renewals for Chef Geoff's, Little China, Mikoto, Kotobuki and Listrani's Restaurants.

14.5 Letter to BZA re application #17201, Elliott Place.

14.5 Letter to Public Space Committee re driveway cut at 2502 Chain Bridge Road.

14.6 Letter to Public Space Committee re Rothrock's continued use of a portion of paper alley at 4723 Upton Street.

14.7 Letter to BZA re application #17193, Lavarock Place.

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