

Minutes of the May 2004 Meeting of the Cleveland Park Citizens Association

Meeting Date: Saturday, May 1, 2004
Location: Cleveland Park Library
3310 Connecticut Avenue, NW; Washington, DC

Cleveland Park Citizens Association (“CPCA”) President George Idelson called the meeting to order at approximately 10:15 am.

I. Approval of March 2004 Minutes

The minutes of the March 6, 2004 meeting of the CPCA were circulated and approved without objection or change. (There was no regular April meeting, but a joint meeting with other neighborhood organizations was held on April 21 to discuss the proposed National Cathedral Garage Project.)

II. Miscellaneous Matters

Mr. Idelson spoke about Cleveland Park resident and *Washington Post* and former *Washington Star* columnist Mary McGrory’s passing earlier in the week. Describing her as a lost “Treasure of Cleveland Park,” he noted that she had been the writer to whom many readers turned first, and to whom many reporters turned first for professional advice. Ms. McGrory was 85 years old when she died.

Mr. Idelson said he is often asked about the boundaries of the Cleveland Park Citizens Association. A map can be found at the organization’s web site, ClevelandParkIsUs.org, he noted.

III. Resolution Regarding Sidwell Friends School Expansion

The members next considered for ratification a resolution passed by the CPCA executive committee on April 14, 2004 regarding Sidwell Friends School proposed expansion plans. The resolution, introduced by Education Committee Chair Barbara Beelar, called for Sidwell and the Board of Zoning Adjustment to honor Sidwell’s enrollment cap before considering further expansion. Sidwell acknowledges that it has been out of compliance for a number of years. Mr. Idelson reported that CPCA was working with Sidwell and community leaders to resolve parking and a host of other issues before the plan is heard by the BZA.

Bruce Beckner commented that compliance with the BZA cap by Sidwell would be in the long-term interests of the neighborhood as well as the school. Mr. Beckner pointed to the National Child Research Center, also seeking to expand, which has denied that it is out of compliance, “although it clearly was.” Bruce Lowery, a resident of the ANC3E district, cited the importance of a construction management plan such as the one his neighborhood is negotiating with Georgetown Day School. Ms. Barbara Beelar responded to a few questions about the enrollment cap. One CPCA member recommended sending the resolution the Sidwell Board as well as to the administration. The resolution was moved, seconded and approved without objection. See 040501R attached.

IV. Cleveland Park Citizens Association Proposed Slate of Officers 2004-05

Don Fishman, Secretary of CPCA and a member of the Nominating Committee, presented the proposed 2004-05 CPCA slate of officers for election at the June 5, 2004 meeting:

President

George Idelson

First Vice President

Peter Espenschied
Second Vice President
Barbara Beelar
Recording Secretary
Gregory New
Corresponding Secretary
Jean van der Tak
Treasurer
Jill McCannon

Appointed

Assistant Treasurer
Ana Aldama
Delegate to DC Federation of Civic Associations
Gregory New
Delegates to Federation of Citizens Association of DC
George Idelson
Ann Hume Loikow
Education and Recreation Committee
Barbara Beelar

V. Main Program: Councilmembers Fenty, Graham & Mendelson

Members heard presentations and engaged in a question and answer session with three City Councilmembers: Phil Mendelson (D-At Large); Jim Graham (D-Ward 1), and Adrian Fenty (D-Ward 4). Mr. Espenschied presided over this part of the program.

Mr. Fenty said he had grown up in Mt. Pleasant and knows Cleveland Park well. Mr. Fenty discussed school governance issues, the budget and the latest on lead in the water. He noted that WASA had introduced phosphates into the water, a step that other cities were doing ten years ago. He also reported on significant economic development projects in the District, the Anacostia waterfront project, the redevelopment of the old Convention Center site (possibly a hotel on the site), and a potential new baseball stadium. He mentioned that in the Education, Libraries and Recreation Committee budget markup, the Council committee tried to restore operating hours to libraries. Mr. Fenty spoke of the Mayor's proposals to add an extra tax on utilities, institute a tax on gains on out-of-state municipal bonds, and add an extra tax on hospitals. A Council vote on the budget is slated for May 11. He also mentioned the Omnibus Alcohol Bill, then before the Council. The Council tried to support neighborhood agreements with respect to bars and liquor stores, he noted.

Barbara Beeler queried Mr. Fenty about the budget plight of DC Public Schools' budget and Hearst School in particular. Fenty said the Council had tried to restore money to schools. He urged citizens to contact Councilmembers and noted that all Councilmembers could be reached with a single email at dccouncilmembers@dccouncil.us. A resident stated his opposition to a return to a full elected school board and criticized Mr. Fenty for voting for it. The Councilmember said he thought a full elected board could oversee the system, but criticized the current board president's divisive leadership, which, he said, has led to many of the current problems. Nancy Harter talked about the massive education problem in the nation generally. She mentioned that there are many federally-mandated programs in this country that run counter to what is often permitted under local law. She encouraged the Council to address these hurdles.

Nancy MacWood, ANC 3C Chair, asked Councilmembers Fenty and Jim Graham why the Council does not submit DC Industrial Revenue Bonds to more rigorous scrutiny. She pointed out such bonds, which are very valuable to applicants, are not cost-free to taxpayers. Both Fenty and Graham stated that the program is good, but that the Committee on Economic Development, which oversees the issuance of such bonds, could look at some proposals more closely.

Councilmember Mendelson stated that Wisconsin Avenue does not need more growth and economic development. He said he is looking forward to the Wisconsin Avenue plan not coming to the Council. Graham added that the District needs an independent Office of Planning.

Councilmember Graham criticized the school board for its recent \$33,000 bonus to outgoing interim superintendent Massie, who had served as interim superintendent for only a few months. He criticized the Mayor for “bringing” current school board chair Peggy Cooper Cafritz to the voters twice. However, he said he had mixed feelings about give the Mayor more power over the schools. He said the Mayor’s absence from key school meetings made him skeptical of the Mayor’s commitment.

Councilmember Mendelson faulted the school board, the Mayor and the Council itself for not turning around the schools. A problem is constant changes in the system and leadership, particularly at the top. It’s the people, he said. However he saw “goodness” in 7 of the 9 board members. He would keep the current structure of an elected/appointed school board for two, possibly even four years, and hoped that the Mayor’s budgetary, technology and financial management skills and experience would be applied to the schools. Mendelson opposes using a new utility tax for streetlight maintenance, and wants the Office of the People’s Counsel to oversee consumer protections for gas consumers. He would require utilities to buy some power from renewable sources.

Sally Beckner, citing the NCRC battle, said it was frustrating to see city agencies defer so readily to private school expansion over the concerted opposition of citizens. Mr. Mendelson agreed that prolonged hearings are not good public policy. Mr. Idelson said if private schools admitted fewer out of state students, there would be less need for expansion and less traffic and parking problems.

Graham indicated he might run for an At-Large Council seat in November 2004.

Sally MacDonald suggested that Councilmembers pass legislation making private schools abide by their caps.

In an answer to a question from the floor, Mr. Mendelson said he would not approve giving ANC’s litigation power. Graham said he would support creating an independent city agency to litigate on behalf of ANC’s.

VI. Adjournment

The meeting adjourned at approximately 12:40 pm.

Respectfully submitted,
Donald A. Fishman and George Idelson

040501R Resolution: Sidwell Friends School BZA Application and “Clean Hands”

WHEREAS, in the District of Columbia, educational and other nonprofit institutions operating under special exceptions to the Zoning Code granted by the Board of Zoning Adjustment (BZA) must apply to the BZA for any expansion; and

WHEREAS, Sidwell Friends Schools has submitted an application for expansion to the BZA and is at this time in non-compliance with its existing BZA order on student enrollment cap, with the 2003/2004 enrollment at 800 while the existing BZA cap is 780; and

WHEREAS, Advisory Neighborhood Commissions, civic and citizens associations, have opposed applications for expansion when applicants are in substantial non-compliance with their BZA order(s); and

WHEREAS, the Private School Task Force, convened by Councilmember Patterson, recently recommended that the BZA “summarily dismiss a private school’s application for a special exception if the BZA finds the applicant is not in material compliance with any BZA order”; and

WHEREAS, compliance with Zoning Order(s) is crucial to maintaining trust, credibility, and a balance of interests between the institution and the neighborhood as well as the credibility of the government and our laws; and

WHEREAS, the principle of “clean hands” is well established in U.S. courts and regulatory bodies; and

WHEREAS, it is a minimum expectation that institutions operating under special exceptions to the zoning orders follow the law; therefore be it

RESOLVED THAT THE CLEVELAND PARK CITIZENS ASSOCIATION

Opposes any application for special exception from an institution which is currently operating in violation of its existing Zoning Order[s]; and

Urges the BZA to require any applicant for a special exception to demonstrate compliance with the Zoning Order(s) under which it is currently operating; and

Urges the BZA to recognize that its acceptance of applications from institutions in non-compliance encourages continued non-compliance with its Zoning Orders by these institutions and by others; and

Urges the Zoning Commission to amend the Zoning Regulations so as to require that the BZA must summarily dismiss any special exception or variance application from any institution which is not in compliance with its current special exception Order(s), unless it is shown that the institution’s non-compliance is due to extraordinary circumstances beyond its control; and

Urges the Sidwell Friends School to bring itself into compliance with its existing special exception order, before bringing its current application to the BZA.

BE IT FURTHER RESOLVED THAT the President or his designee is authorized to represent the Cleveland Park Citizens Association on this matter.

This resolution was adopted by the CPCA Executive Committee on April 14, 2004, and was ratified by the Cleveland Park Citizens Association membership at its meeting on May 1, 2004.