



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 ANC 3E October 11, 2012 Meeting

The meeting convened at 7:36 pm with Commissioners Bender, Frumin, Sklover, Quinn, and Serebin present.

Discussion and vote on a resolution on ABRA application for the Civil cigar bar and restaurant to be located in Chevy Chase Pavilion

Commissioner Quinn introduced this resolution, explaining that Civil Lounge, a cigar bar and restaurant, is seeking permission from ABRA to serve alcohol beverages in its lounge and restaurant located in the Chevy Chase Pavilion at 5335 Wisconsin Avenue, NW. John Anderson, principal of W. Curtis Draper Tobacconist, owner of Civil Lounge, said they are now renovating a second-floor space in the Pavilion. Civil will be a full service, high-end cigar bar and restaurant. Its retail component will sell cigars and pipes and patrons can order wine and beer as well as small plate food from Pavilion neighbor Range restaurant. Civil will seat 105 patrons and offers private dining rooms and 130 lockers. Civil will be located next to the Embassy Suite entrance and can be entered from the Pavilion on the second level. Hours for retail are 11am-6pm; the lounge will be open 4pm-2am Monday through Thursday, and Friday and Saturday until 3am. Parking would be available in the Chevy Chase Pavilion underground parking garage.

A commissioner asked about whether suitable air vents would be provided to mitigate cigar smoke for non-smokers, the restaurant and customers of the shopping center. Mr. Anderson said that the restaurant would have an advanced circulation system, including air vents located at the top of the building, to replace all indoor air and keep smoke from lingering or affecting neighboring businesses.

A commissioner expressed his view that he is not enthusiastic about endorsing a cigar bar due to public health concerns but did not have grounds to oppose. He encouraged Mr. Anderson to pursue a program of validated parking or free valet parking for its customers and suggested that instead of supporting the application the Commission “not oppose” it.

Commissioners voted unanimously to approve the resolution not opposing Civil Lounge’s application for a liquor license with a friendly amendment encouraging Civil to explore validated parking or free valet parking for its customers.

Presentation by 2nd District Police

PSA 202 Lieutenant Alan Hill noted that because the department was switching computer systems he could offer no overall crime statistics in categories for northwest DC neighborhoods at this meeting. He said that police had arrested a juvenile following a recent robbery on Nebraska Avenue, NW near Wilson High School. A robbery on the 4900 block of 41st Street, NW was unsolved. Lt. Hill said the suspects left the scene in a dark-colored SUV heading eastbound on Military Road.

Presentation by DC Water relating to upcoming project on Fessenden and Belt

A commissioner reported that the DC Water and Sewer Authority has postponed planned work at Fessenden Street and Belt Road, NW.

Discussion and vote on a resolution and proposed voluntary agreement relating to the PUD application for the Babes site at Wisconsin Avenue and Brandywine Street, NW

Commissioner Bender introduced the resolution and memorandum of understanding (MOU), explaining that the Babe's Billiards redevelopment has been on the agenda since 2009 and that project representatives have been before the commission and presented details about the project several times previously. After recent negotiations with Douglas Development and a draft MOU agreed to in principle by both Douglas and commissioners, Commissioner Bender expressed the hope that in light of the MOU the developers can proceed with ANC 3E support after a vote at this meeting.

Commissioner Bender explained that the proposed project is the first mixed-use building in Tenleytown without off-street parking and the approach is to date untested in the community. The project proposal includes only one off-street handicapped parking space instead of the required 87 spaces. As such, the draft MOU between the ANC 3E and Douglas stipulates restrictions on the project as well as provisions that the developers have agreed to offer the community. These include: residents will not be able to obtain residential parking permit stickers or guest passes from the city; the project will provide up to a total of 20 off-site parking spaces to residents for 10 years; Douglas will provide transit benefits to residential and commercial tenants and a Capital Bikeshare station nearby; only certain types of businesses will be allowed in the ground-floor retail space (for example, no mattress stores, banks, nightclubs, convenience stores, or drug stores); and larger commercial tenants must provide free validated parking. In addition, the developers agree to build a project that qualifies for LEED Gold status; install numerous streetscape improvements and landscaping; and Douglas will contribute up to \$600,000 to underground the utility lines on the property along Wisconsin Avenue and Brandywine Street, NW.

The Zoning Commission is slated to begin hearings on the project November 1, 2012.

A lengthy discussion followed wherein attendees expressed their viewpoints and raised a number of concerns about the draft MOU and the proposed redevelopment project. While some residents expressed strong support for the MOU and urged commissioners to approve the project to help revitalize the Wisconsin Avenue commercial corridor, others voiced strong objections to the developers' plans as well as to specific stipulations in the MOU.

Juliet Six, president of the Tenleytown Neighbors Association, read through a list of objections regarding the MOU written by attorney David Frankel, who could not attend the meeting. Frankel raised a variety of issues, including whether residents can be granted the right to sue in a contract they did not sign; and whether the commission could legally ask Douglas to donate money to nonprofits the commission selects. Commissioners addressed each item Ms. Six raised individually. Attendee Sue Hemberger voiced numerous objections to the redevelopment project and the MOU, as did attendee Marilyn Simon and Nina Kraut, who argued, among other issues, that providing one handicapped parking space violated the American Disabilities Act. A few other attendees expressed concerns, among others, that tenants and shoppers who own cars will obstruct nearby residential streets; that Douglas is asking much from the community but is giving little in return; and that ideology is trumping practicality if commissioners agree that Douglas can proceed without providing additional off-street parking.

Among other comments, commissioners responded that the Babe's redevelopment project is a small site and could serve as a test of a green development for people who want to live in a car-free environment. Commissioners noted that the project is much needed and will add vibrancy to the neighborhood with added protections to decrease traffic and parking issues in the area, and that they believed the project as configured would generate fewer car trips and cars parked on public streets than would a project built with residential parking where residents could also obtain RPPs. Commissioners also observed that comments from attendees at previous discussions of the project had been positive on balance. Commissioners also noted in response to attendee comments that they did not believe the project should be read as a precedent for the ongoing zoning rewrite, but believed that experience with the project could serve as precedent for case-by-case decisionmaking under current zoning rules for proposed projects without onsite parking.

Commissioners voted unanimously to approve the memorandum of understanding, as well as the resolution subject to modifications discussed at the meeting: the commissions' support of the project is contingent on the terms of the MOU; and the commission does not view the redevelopment project as a precedent for a zoning rewrite but as an individual case in a unique setting.

Discussion and vote on a resolution on the Zoning variance application for the Friendship Animal Hospital site on the 4100 block of Brandywine Street, NW

Friendship Animal Hospital Director Peter S. Glassman and attorney Christopher H. Collins of Holland & Knight presented the newest plans to expand the hospital by adding a second story to the existing building to create additional space for specialty services and

relieve crowding on the first floor—following up on the presentation made to the commission at the September 2012 meeting. The BZA hearing is scheduled for Nov. 7, 2012.

They offered a brief presentation summarizing progress made to date. In response to commissioners' requests, and after several fruitful discussions with the hospital's closest residential neighbor, Bruce Lowery, the hospital has agreed to offer valet parking service, and to lease four off-site spaces for a one-year trial in conjunction with the valet service; support a no-parking zone in front of the hospital for deliveries and pet drop-offs; install a green roof (specifically a green perimeter with an interior white roof); walk most patient dogs on a rooftop walking track instead of in neighboring streets; pay for Capital Bikeshare membership for all employees; and add an acoustic treatment in the garage to lessen the noise impact on Mr. Lowery's property. Mr. Collins said a separate side agreement has been struck between the hospital and Mr. Lowery.

A commissioner inquired if the hospital's plans include undergrounding utility lines in front of the hospital on Brandywine Street, as discussed in the previous meeting. Dr. Glassman said they were very motivated to bury the power lines underground. Per the commissioner's request, Dr. Glassman agreed to explore in good faith the joint undergrounding of utilities in front of its property with Paul Millstein, developer of the neighboring Babe's Billiards development project, on property directly abutting the hospital to the east.

Commissioners also asked that the hospital continue to work productively with Mr. Lowery to come to an amicable resolution on any outstanding issues of concern.

Commissioners voted 4-1, with Commissioner Serebin opposed, to approve the agreement and resolution.

Discussion and vote on a resolution on ABRA application for the Range restaurant to be located in Chevy Chase Pavilion

Owner Bryan Voltaggio explained that Range is scheduled to open the first week of December 2012 in the Chevy Chase Pavilion. Seating 300 patrons, Range (whose sister restaurant is Volt in Frederick, MD) will serve modern American cuisine, including locally grown organic food. The restaurant will have an open kitchen and seven cooking stations and a communal dining table. Hours will be 11am-11pm and may stay open to 2am on weekends. Negotiations are currently underway for valet parking for patrons parking at Chevy Chase Pavilion and validated parking is also being considered.

A commissioner asked whether the restaurant will offer transit benefits for its staff and confirmed that the restaurant will be adequately sheltered from cigar smoke emanating from Civil Lounge.

Commissioners voted unanimously to approve a resolution in support of the application and encouraged Range management to pursue a program of validated parking or free valet parking that is not disruptive to traffic on Military Road, NW.

Discussion and vote on a resolution on the Zoning variance application for the National Presbyterian site on the 4100 block of Van Ness Street, NW

Commissioner Serebin introduced a proposed voluntary agreement and resolution in support of the variance application for National Presbyterian School's proposed expansion. The school, which presented its plans to the commission in July 2012, intends to add 9,000 square feet of new buildings, boost its current enrollment cap from 260 to 320 students in 10 years and increase faculty and staff from 40 to 70—and in doing so remain sustainable and financially solvent. The hearing on their application to the Board of Zoning Adjustment (BZA) is slated for October 30, 2012.

James Neill, head of school, answered questions from commissioners, including whether design plans include green building components and a green roof on its buildings. Mr. Neill responded that they have two pages of ideas to explore as part of the construction process and would look into the economic feasibility of installing a green roof.

Commissioners voted unanimously to approve the voluntary agreement and resolution as modified by the discussion, namely that the school would provide the most environmentally friendly roofing possible that is economically feasible and will report back to the commission.

Resolution encouraging the use of bicycles and the placement of CABI stations in Ward 3

Commissioner Quinn introduced a resolution encouraging DDOT to install additional Capital Bikeshare (CABI) stations in ANC 3E and to work with American University (AU) to urge AU to install additional stations on the planned East Campus and in front of the Nebraska Avenue Residence Halls and on the Main AU campus. Ward 3 is currently underserved by CABI with only 7 CABI stations out of a total of 189 stations in the region. Specifically, the resolution calls for new CABI stations in four locations: the Jenifer Street entrance to the Friendship Heights Metro; the west side of the 4900 block of Wisconsin Avenue near Fessenden Streets, NW; The Berkshire Apartments at 4201 Massachusetts Avenue, NW; and in the Spring Valley commercial area in the 4800 block of Massachusetts Avenue, NW.

Commissioners voted unanimously to approve the resolution with a friendly amendment that supports likely applications by other ANCs in Ward 3.

ANC Business

Approval of September 2012 minutes

Commissioners voted unanimously to approve the September 2012 minutes.

Approval of August and September 2012 Treasurer's reports

Commissioners voted unanimously to approve the August and September 2012 Treasurer's reports and the FY 2012 4th Quarter Treasurer's report.

Approval of expenditures

Commissioners voted unanimously to approve expenditures: \$631.25 to Loren Stein for administrative services; \$70.37 to Federal Express for copying; \$107.88 (issuance of a new check to replace the previous one) to Blue Host for web hosting.

The commission adjourned at 11:07pm.

Respectfully submitted,



Matthew Frumin, Chair