



**ADVISORY NEIGHBORHOOD COMMISSION 3E**  
**TENLEYTOWN AMERICAN UNIVERSITY PARK**  
**FRIENDSHIP HEIGHTS**  
c/o Lisner Home 5425 Western Avenue, NW Washington, DC 20015  
[www.anc3e.org](http://www.anc3e.org)

Minutes of ANC 3E January 15, 2014 Meeting

The meeting convened at 7:40pm. Commissioners Bender, Frumin, and Serebin were present. Commissioner Tinker arrived at 7:50pm. Commissioner Quinn arrived at 8:50pm.

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

Matt Krimm, a co-owner of Civil Cigar Lounge in Chevy Chase Pavilion, reported that Civil has reached an agreement with neighbors who have complained of cigar smoke and odors emanating from Civil. In collaboration with Clarion Partners, owner of the pavilion, Mr. Krimm said the cigar bar proposes to vent smoke up to the roof of the pavilion. The plan is for the outside vent to be extended vertically 80 or 90 feet up to the roof.

Commissioners responded that Civil's plan sounded positive and they were inclined to authorize withdrawing the protest if a signed, enforceable agreement representing what Civil promised neighbors could be reached. Commissioners noted, however, that no written agreement had been reached with neighbors, who were not represented by counsel when they agreed to drop their protest petition. Commissioners asked that Civil put its plan in writing and send it to the commission as well as to neighbors. If the neighbors are satisfied, the commissioners indicated they were prepared to incorporate the written proposal into a written agreement and, if Civil signed the agreement, to drop the ANC protest promptly. Mr. Krimm agreed to this approach.

A commissioner announced that it was Commissioner Kathryn Tinker's birthday today.

Michelle Brickwell from Councilmember's Mary Cheh's office introduced herself and said she would be attending the ANC 3E meetings going forward, as Matt Orlins has left the office.

A resident of the 4300 block of 43<sup>rd</sup> Street said that speeding cut-through traffic has increased on 43<sup>rd</sup> Street. She theorized that some of the volume increase might be related to the traffic roundabouts at 42<sup>nd</sup> and Warren Streets. Another resident, who lives on 44<sup>th</sup> Street and Butterworth Place, agreed and added that drivers are frequently refusing to stop for pedestrians, creating unsafe conditions.

A commissioner expressed his view that these situations arise from not tackling the problems related to commuter traffic in the neighborhoods in a holistic way. Piecemeal solutions create unintended consequences. The commissioner suggested that a draft petition be sent to DDOT requesting that they focus on protecting neighborhoods from rush hour commuter traffic.

Another commissioner noted that he and the ANC had worked for some time to get a "No right turn during rush hour" sign for 43<sup>rd</sup> Street. DDOT finally did install such a sign (DDOT refused

to install such a sign on 42<sup>nd</sup> Street) and, the commissioner continued, it appears that more police enforcement of the sign is needed.

PSA 202 Lieutenant Alan Hill agreed to list the unsafe intersections for added police enforcement and asked residents to send him an email with their concerns.

In response to a question, Lt. Hill said that traffic cameras are not currently being deployed that can detect illegal turns.

### **Presentation by 2<sup>nd</sup> District Police**

PSA 202 Lieutenant Alan Hill said that there have been no reports of homicides or sexual assaults in PSA 202 within the last 30 days. Theft from autos and burglaries continue to be a problem, he said, with reports of 10 thefts from autos in the upper Northwest area. The police have suspects in recent thefts but not enough evidence to make arrests. Police have increased patrols in the neighborhood after a recent spate of burglaries. Most of the burglars are entering homes by breaking into basement windows or doors, he said. He urged residents to invest in quality alarm systems and replace less secure basement windows and doors.

Police continue to investigate the sexual assault case that took place in the alley on Garrison Street, NW. An arrest has not been made, Lt. Hill said. Police have identified several people in the area with criminal records who have an odd gait, a characteristic of the perpetrator caught on videotape, and while they have interviewed some of them, police do not have enough evidence to make an arrest.

Lt. Hill encouraged residents to call 911 if they have concerns and to contact him with questions at alan.hill@dc.gov.

In response to a commissioner's question, Lt. Hill said no arrest has been made in connection to a robbery in a parking garage.

A commissioner asked if calling 911 had been the correct course of action after trying to help an elderly man who had left his home front door open during very cold conditions. Lt. Hill responded that calling 911 had been a good idea.

A resident said that road rage seemed to be escalating and asked how to respond to drivers who exhibit road rage. Lt. Hill said there is no road rage charge but police can cite drivers for other traffic or conduct infractions. He encouraged residents to call 911 in such circumstances as road rage can become dangerous and to not interject themselves into these situations.

In response to a commissioner's question, Lt. Hill said that the device on River Road, NW that reveals drivers' speed to them has not been working because in cloudy weather the solar panel does not recharge.

### **Discussion and possible vote on application for a special exception for a residential addition at 4445 Yuma Street, NW**

The owners of 4445 Yuma Street, Jessica Furay and Larry Ward, presented their proposal for a renovation of their corner-lot home. They plan to remove a room on the west side of their home and replace it with a two-story addition that would add 370 square feet to their lot occupancy, increasing the occupancy of their lot from 41.3% to 48.7% and requiring a special exception to

the 40% maximum lot occupancy requirement from the Board of Zoning Adjustment. The addition would include a family room and a screened-in porch on the first floor and a small bedroom and study area on the second floor. The addition is on the side of the property facing 45<sup>th</sup> Street. There would be no adverse impact on light or air, they said. They said their lot is artificially reduced by large public right-of-way at their corner property. The proposed addition would result in the loss of five small trees, shrubs and other plantings as well as some permeable surfaces.

Ms. Furay presented letters of support for the project from numerous neighbors and said no neighbor has objected. The BZA hearing is scheduled for February 10, 2014.

Neighbor Kil Huh, who lives behind the property and is most directly impacted by the renovation, voiced his strong support for the project. He noted that there is a 16-foot wide public alley separating the two homes and the impact would be minimal to non-existent.

Commissioners and attendees discussed the project at length, exploring such issues as the trend to increase the size of single-family homes and receive special exceptions for lot occupancy; the changing nature of the neighborhood; and the environmental impact from the loss of pervious surfaces as well as the removal of trees.

Commissioners asked Ms. Furay and Mr. Ward if they would consider installing rain barrels, a green roof or rain gardens to catch increased water runoff. They also suggested that the owners consult with Casey Trees about planting new trees as well as RiverSmart to explore options for storm water mitigation that works for the property.

Commissioners unanimously approved a motion to table the matter pending a hoped-for negotiated agreement with the owners of the property. A resolution on the application for a special exception will be presented at the ANC 3E special meeting scheduled for January 30, 2014.

#### **Presentation of grant application to support IONA Senior Services**

The applicant did not appear. No action was taken, pending appearance of the applicant at the next regular meeting.

#### **Discussion of and possible vote on public space application for redevelopment of the former Babe's Billiard site on Wisconsin Avenue, NW**

Commissioner Bender introduced this resolution, which had been previously discussed at the December 12, 2013 meeting. He reiterated that DDOT's Public Space Commission (PSC) has not approved several of the streetscape amenities that Douglas Development had agreed to provide the community as part of the redevelopment of the Tenley View (Babe's) redevelopment project at Wisconsin Avenue and Brandywine Streets, NW. The list of streetscape improvements were finalized after months of negotiation with ANC 3E, and the Zoning Commission referred to the improvements in its order on Douglas' PUD application. The hearing is scheduled in one week.

Andrea Gourdine of Douglas Development presented drawings of the current redevelopment plans for the site, specifically noting design elements that the PSC has taken issue with, including the replacement of existing trees; the use of high-quality pavers; and the dimensions of the sidewalk and outdoor terrace with seating.

Commissioners voted unanimously to approve the resolution in support of the Tenley View public space application.

**Presentation regarding possible redevelopment of the current Steak 'n Egg Kitchen site on Wisconsin Avenue, NW**

Osman and Joe's Steak 'n Egg Kitchen landlord Frank Economides and architect Richard Foster presented plans for a redevelopment proposal encompassing three contiguous properties on Wisconsin Avenue and Chesapeake Streets, NW, including the Steak 'n Egg Kitchen. The plans call for a mixed-use four-story, white brick building with 16 units of apartments on the top three floors with ground floor retail space. Steak n' Egg Kitchen and another restaurant would likely be included. As the building lot is quite small, only three parking spaces would be provided, Mr. Foster said. A provision would be written into the leases making residents ineligible for Residential Parking Permits. The proposal may include a water feature at the corner of the property, outdoor seating on Wisconsin Avenue, and a green or white roof.

A commissioner noted that Mr. Economides has also agreed in principle to make one of the 80% AMI affordable housing units required for the project 50% AMI, which would permit a lower income tenant to occupy the unit.

The owners will be filing an application for a special exception for parking relief and hope to appear before the BZA within a few months.

Commissioners and attendees asked a number of questions, including whether the owners of buildings west and north of the property could be contacted to discuss larger development possibilities; the length of the curb and the number of cars that could be accommodated on public space; vouchers for nearby parking lots; the use of pervious surfaces; undergrounding power lines; and installing moveable glass doors on the west side that reduce noise.

A commissioner said that the new development could be a benefit to Wisconsin Avenue.

The commissioners will consider the project further after the owners file and are heard on their application for a special exception by the BZA.

**Discussion of and possible vote on resolution regarding public space application from the Embassy Suites for an additional lay-by**

Embassy Suites General manager Jeff Brainard discussed plans for altering the hotel's Military Road lay-by lane as part of a more general renovation to improve the entrance to the hotel, a project that is slated to begin in July. The proposal calls for removing the curb separating the lay-by from traffic, expanding the driveway to double-width, and creating a berm on the outside of the driveway. Mr. Brainard explained that there had been more than 300 accidents in front of the hotel and they hoped that reconfiguring the lay-by lane would help increase safety and convenience. The width of the sidewalk would be reduced at its narrowest to approximately 9-10 feet in front of the hotel, he said, down from 26.2 feet. Three trees would be removed from the front of the hotel; window boxes with plantings would be installed; and the black awning at the entrance of the hotel would be removed.

A resident, who lives near the hotel at Military and 43<sup>rd</sup> Streets, said she strongly opposes the plan, specifically, removing the row of trees and reducing by half the width of the sidewalk. She asked if the PUD guaranteed the safety of the trees as they are on public space.

Commissioners discussed the proposal, including such issues as whether altering the lay-by lane would increase safety; if the hotel would be willing to make streetscape improvements closer to nearby residential homes in exchange for removing trees; increasing police enforcement to prevent cars from double-parking and queuing in areas where it is not allowed; and whether more cars would park illegally if more spaces were added.

Commissioners recommended that the hotel first take down the awning at the entrance of the hotel and remove the associated curb without expanding the lane, and evaluate whether that would be sufficient to address the problems. They also suggested that the hotel bring in a design team to come up with more options, and if the traffic issues persist, these options could be presented at a subsequent ANC 3E meeting.

### **Discussion and possible vote on resolution(s) regarding proposed revisions to zoning code**

Commissioner Quinn introduced this topic, explaining that the zoning rewrite is 1,000 pages but has three controversial elements: corner stores; accessory apartment units, or second units within homes or outlying buildings; and changes in parking minimum laws in commercial buildings as well as residential and single family homes.

In its testimony on lowered parking minimums, Commissioner Quinn said that the ANC 3E would recommend a mechanism that calls for the zoning administrator to request that DDOT review and make recommendations relating to parking plans prior to approving a building permit to ensure that the plan does not adversely impact residential neighborhoods. The developer would need to show how the project fits into the traffic and parking profile of the neighborhood and would include mitigation steps to avoid problems. Areas with 50% reductions in parking minimums are particularly controversial, Commissioner Quinn said.

Two commissioners questioned whether recommendations from DDOT would be sufficient to protect against undue burden on neighborhood parking. They suggested that, at a minimum, residents of such buildings should either be prohibited from obtaining RPPs, or the developer should seek alternative relief before the BZA. Commissioners discussed different approaches to the proposal and agreed to continue to refine the testimony, with the final testimony and resolution to be voted on at the ANC 3E special meeting scheduled for January 30, 2014. Public comment from the ANCs before the Zoning Commission is scheduled for the evening of January 30, 2014.

### **ANC Business**

- **Approval of December 2013 meeting minutes**

Commissioners voted unanimously to approve the December 2013 meeting minutes.

- **Approval of Security Fund resolution**

Commissioners voted unanimously to approve the Security Fund resolution.

- **Approval of expenditures**

Commissioners voted unanimously to approve expenditures: \$643.75 to Loren Stein for administrative services; \$25.00 to the security fund; and \$16.36 to FedEx for copying services.

• **Election of 2014 officers**

Commissioners voted unanimously to approve the election of officers: Matt Frumin, Chair; Jonathan Bender Vice-Chair; Kathryn Tinker Secretary; Tom Quinn Treasurer.

The commission adjourned at 12:18pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Matt Frumin', is written above a horizontal line.

Matt Frumin, Chair