



**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 July 17, 2014 Meeting

The meeting convened at 7:32pm. Commissioners Bender, Frumin and Quinn were present. Commissioners Serebin and Tinker were absent.

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

Lisa Schneiderman, Director of Community Relations for Georgetown Day School, invited attendees to attend a community meeting hosted by GDS on Tuesday, July 22, 2014, 7pm at which GDS staff would outline the school's recent purchase of neighboring properties, including Safeway, and provide residents an opportunity to ask questions and air concerns.

**Presentation relating to plans for new medical office - the Barnard Medical Center - at 5100 Wisconsin Ave., NW**

Dr. Neal Bernard, founder and president of Physicians Committee for Responsible Medicine, gave a presentation about plans to open a new medical clinic at 5100 Wisconsin Avenue, NW that will offer primary care for children and adults with an emphasis on nutrition and preventive medicine. The clinic, which will occupy part of the 4<sup>th</sup> floor of the building, is scheduled to open in early 2015, he said. The clinic will accept all major insurance plans, Medicare and Medicaid, and take all patients, regardless of ability to pay or lack of coverage, and will offer a sliding scale. The center has previously offered classes and conducted research studies and trials funded by the NIH, Dr. Bernard said. The new clinic will offer primary care services and classes to patients and employ approximately 6 doctors.

In response to a commissioner's questions, Dr. Bernard and attorney Mark Kennedy said that they do not expect a large surge of additional people coming to the clinic. Currently the center serves between 50 and 100 people daily and they estimate that number will increase to 100 to 150 people per day. Employees are given some benefits to use public transit, Dr. Bernard said, and while parking is validated for research assistants he does not foresee validating for patients. He said that he would be interested in working with schools in the area.

The commissioners welcomed the medical clinic to the neighborhood and agreed to send an email to Thomas McQueen of the D.C. Department of Health to express support for the new clinic.

**Discussion of streetscape improvement plans proposed by the owners of the Dancing Crab pursuant to voluntary agreement**

Richard Aguglia, representing the Dancing Crab, explained that the restaurant is requesting an extension to make streetscape improvements which it agreed to do in conjunction with an application to occupy public space. An escrow agreement of \$50,000 was reached in September 2013 for streetscape improvements, but it has taken longer than expected, more than 6 months, to

establish the escrow account, he said because of renovation and reopening of the Dancing Crab has taken longer than expected. Because of significant delays, the owners of the Dancing Crab are requesting that the escrow account be established 2 business days after the certificate of occupancy issues for the renovated restaurant, which they estimate will be at the end of 2014 or the beginning of 2015. Work is slated to be completed 90 days after the certificate of occupancy.

Mr. Aguglia said that the owners received their first permit May 14, 2014 and filed revised plans June 24, 2014 to expand the kitchen. PEPCO, however, took several months to approve the electrical upgrade, creating delays. Dancing Crab co-owner May-May Au Huie said DCRA lost their plan, delaying the project by 4 months.

Commissioners discussed the matter with Mr. Aguglia and the owners, including both the proposed delay and the possible shape of streetscape improvements, covering such issues as a bike lane DC likely will install; the type of pavers to be used; the need for trees and tree boxes; creating a dialogue with DDOT; brainstorming design features; and setting up a meeting with other nearby landlords.

Commissioners reached an agreement with the Dancing Crab to be signed following the meeting that, Within two days of receiving a certificate of occupancy for the premises, , the Applicant shall deposit the sum of \$50,000 into an escrow fund in the District of Columbia (“Escrow”). Within 90 days of the execution of this agreement, the ANC, in consultation with the Applicant will identify one or more streetscape improvements (“Designated Improvements”) on the Applicant’s block. The Designated Improvements shall be reasonably capable of implementation by the Escrow. The Applicant shall begin to seek all government approvals necessary for the Designated Improvements within 2 days after the ANC transmits the Designated Improvements to the Applicant. The Applicant shall make all commercially reasonable efforts to complete the Designated Improvements within 90 days of the funding of the escrow account.

**Application by Rome Pizza, at Fessenden St. and Wisconsin Ave., NW to allow outdoor seating in public space adjacent to the restaurant**

Commissioner Bender introduced this resolution, explaining that Rome Pizza, located at 5000 Wisconsin Avenue at the corner of Fessenden Street, NW has applied for permission to use public space next to its restaurant for a sidewalk café. Although the plans submitted to the Public Space Committee and ANC 3E show café seating on the Fessenden Street side of the café, the owners now seek café seating only on the Wisconsin side of the building. Outdoor seating will be limited to 10pm on weeknights and 11pm on weekends. The owners do not want a canopy or awning over the outdoor seating, which will have 3 to 4 tables serving 12 to 15 people. Beer or wine will not be served outside, he said.

Commissioners voted unanimously in support of a resolution in favor of the application.

**Application for an over-height fence in the public space at 4121 Brandywine St. NW**

Commissioner Bender introduced this resolution, explaining that the owner of the house at 4121 Brandywine Street, NW has filed an application with the Public Space Committee to replace a 4-foot (48 inch) wooden picket fence with a 5-foot metal fence around public parking (public space) adjacent to her house, which fronts River Road and Brandywine Street, NW. Fences around public parking may not exceed 42 inches without permission from the PSC, he noted.

In response to commissioner's questions, the owner of the property said her house is located on a busy corner intersection with noise and heavy foot traffic. Trash has been dropped on her property, she said. She claimed that there are three little houses in this area that are more isolated than the rest of the neighborhood. A higher fence will enhance and beautify her property, she asserted, as well as create a more effective barrier to the high traffic.

Commissioners expressed skepticism that the proposed change in the height and material of the fence would significantly change the issues raised, noted that there are very few overheight fences in the area and agreed that the most significant objection to the proposed fence would be the precedent it could be construed as creating. A commissioner noted that he could recall only one other application for an overheight fence in recent years, and that applicant withdrew the application. None of the current commissioners were involved in the application for the fence at the commercial property across the street. Commissioners expressed concern that if they supported the application here and numerous other homeowners sought and received permission to add overheight fences to public space fronting their houses, the character of the neighborhood would be adversely impacted.

Commissioners voted unanimously to not support the application.

#### **Request for ABRA license for the "Lunchbox" restaurant to be located in the Atrium at Chevy Chase Pavilion**

Commissioner Quinn introduced this resolution, explaining that the Lunch Box restaurant, located in the Chevy Chase Pavilion at 5335 Wisconsin Avenue, NW is seeking permission from ABRA to serve alcoholic beverages.

Hilda Staples, a representative for the restaurant, said that this is the second Lunch Box restaurant and the first in the District. The restaurant, located in the Pavilion near the World Market, serves soups and sandwiches and is open for breakfast, lunch and light dinners. Patrons can dine in the restaurant or order food to go. The restaurant has 46 seats; hours are 11am to 9:30pm. Ms. Staples said they are requesting permission to serve beer and wine only.

In response to a question, Ms. Staples said that liquor cannot be taken out of the restaurant

Several attendees who live near Chevy Chase Pavilion voiced their concerns that liquor licenses granted to restaurants in the Pavilion have caused numerous problems for neighbors, including public urination, trash, and loud, disruptive drinking and smoking by staff on the Pavilion terrace. In addition, they said noise from the Pavilion condensers adversely affects the immediate neighbors' quality of life.

Commissioners discussed the matter with Ms. Staples and Pavilion manager **Scott DiSarno**, the senior property manager for **Cassidy Turley**, including whether the stipulated interim 45-day liquor license for the Lunch Box could be extended beyond September 1, 2014.

Ms. Staples reached an agreement with the commissioners that the ANC 3E would not oppose the liquor license subject to a meeting with the building owner in advance of the ABRA hearing on August 11, 2014. The meeting will identify steps to help ameliorate noise from the condensers and problems with public drinking, and make progress on these issues with the local neighbors.

The commissioners authorized Commissioner Quinn to testify at the ABRA hearing regarding Lunch Box if there is a change of position, and to not oppose the liquor license, contingent upon progress being made at a meeting with building management and with Pavilion neighbors.

Commissioners voted unanimously to approve the resolution with friendly amendments.

**Discussion of plans under consideration for Public Tenley and resolution relating to proposed increase in number of patrons authorized to be served**

Edwin Villegas, the owner of Public Tenley at 4611 41<sup>st</sup> Street, NW, gave a presentation about plans to add a rooftop deck to the existing building and increase the number of patrons that can be served at the restaurant, which was discussed previously at the March 2014 ANC 3E meeting. He is seeking permission from ABRA for a change to its existing liquor license to serve the additional patrons.

Mr. Villegas said that he has worked for 4 years to improve the restaurant and collaborate with neighborhood businesses to improve the area. The proposal now calls for a front patio, side patio and a summer garden roof on the 2<sup>nd</sup> floor that will face the alley. The rooftop deck will seat 36 with standing room for 54. The back area that was used as a summer garden will be closed and seats will be moved to the roof deck. He added that neighboring businesses have been supportive of the plan. The rooftop deck should be completed and ready for use by spring 2015, he said.

Mr. Villegas said that the restaurant has recently hired the sous chef from the Ritz Carlton in Virginia as Public Tenley's new chef to improve the quality of the food offered in the restaurant.

Commissioners discussed the plan with Mr. Villegas, including restaurant hours and the need to effectively minimize noise and disturbance to nearby residents from late night music on the rooftop deck. A sound engineer would design (install?) directional speakers to ensure that music will not disturb the neighbors, he said.

An agreement was reached to modify the existing voluntary agreement so that outdoor music will end at 11pm Sunday to Wednesday; 12 midnight Thursday; and 1am Friday and Saturday.

Commissioners voted unanimously to approve the resolution and voluntary agreement with friendly amendments.

**Consideration of agreement regarding 4445 Yuma Street, NW as called for in BZA Order**

Commissioner Frumin introduced this resolution, explaining that the owners of 4445 Yuma Street, NW sought and received a Special Exception to build an addition to their home. During the January 30, 2104 ANC 3E meeting, commissioners provided conditional support for the project as long as certain mitigation efforts were undertaken. A draft agreement of the mitigation obligations has now been written and needs approval by the commission.

Commissioners voted unanimously to ratify the agreement and authorize Commission Chair Frumin to sign the agreement.

**ANC Business**

**Approval of June 2014 Meeting Minutes**

Commissioners voted unanimously to approve the June 2014 meeting minutes.

**Approval of April, May and June 2014 Treasurer's reports and FY 2014 3<sup>rd</sup> Quarter Report**

Commissioners voted unanimously to approve the April, May and June 2014 Treasurer's reports and FY 2014 3<sup>rd</sup> Quarter Report.

**Approval of expenditures**

Commissioners voted unanimously to approve expenditures: \$612.50 to Loren Stein for administrative services; \$162.24 to FedEx for copying services.

The commission adjourned at 10:08pm.

Respectfully submitted,



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Matthew Frumin, Chair