



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

Minutes of ANC 3E May 9, 2013 Meeting

The meeting convened at 7:35pm. Commissioners Bender, Frumin, Haile, Quinn and Serebin were present.

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

An attendee living near Chevy Chase Pavilion, 5335 Wisconsin Avenue, NW, reported that the building's ventilation system is consistently noisy and that cigar smoke is being vented from the Civil Cigar Bar into the surrounding residential neighborhood. The cigar bar opens at 4pm and the resident reports that he can smell cigar smoke at his home every night by 6pm to 8pm. He said he also has trouble sleeping. He said that he contacted Pavilion management in November 2012 and was told engineers were working on the problem. Management installed a larger ventilation system in April, he said, but the noise and smoke are still bothering him. Although five fans were installed, he says only two are operating. A representative from the District's Department of the Environment visited but reported no trace of smoke, he said. He also contacted Councilmember Cheh's office to check on building permits for the Pavilion, he continued, and an inspector confirmed that the facility was in compliance with noise ordinances at the time of his inspections

Michael Orlins from Councilmember's Cheh's office offered to act as a liaison and follow up with the Department of the Environment and check for zoning code violations.

An attendee announced a presentation sponsored by the Friends of Tenley Library about making Northwest neighborhoods more sustainable by

encouraging local businesses to use rain gardens and pervious pavers under roads. Casey Trees will plant trees for a nominal fee, he said.

Presentation by 2nd District Police

PSA 202 Lieutenant Alan Hill reported that in the last 30 days all violent crimes have decreased in PSA 202 compared to the same period in 2012. Police are investigating an armed robbery at Fessenden Street, NW, and Chevy Chase Parkway. Two burglaries on the 4000 block of Warren Street, NW, also occurred on the same night, he said. The perpetrators appear to be youths who are committing the crimes at night and are not concerned about encountering homeowners. However, he noted that one burglary suspect was a male in his 30's or 40's.

Police arrested a juvenile suspect who lives in the 4th district whom they suspect of committing three robberies as well as a series of theft from autos over one weekend in PSA 202. The suspect was allegedly committing the crimes while on weekend leave from prison; police linked him to the locations using his GPS monitoring device. He said the suspect might be working with others who live in the 2nd District who have not yet been apprehended.

Theft from autos continues to increase, Lt. Hill said, adding that theft from autos is more prevalent in the spring.

Lt. Hill reminded attendees that calling 911 is always the best way to report suspicious activity, an emergency or a crime.

An attendee reported a series of auto break-ins at in the area encompassing 42nd Street, Fessenden Street and Garrison Street, NW.

A commissioner asked about a police van parked in plain view in the alley near Jenifer Street, NW, and asked whether police were issuing tickets or warnings. Lt. Hill said they typically start by giving warnings and then give tickets but added that they had ended the program in that location.

A commissioner asked if the police had a breakdown of how auto break-ins were perpetrated —breaking car windows or entering unlocked cars. Lt. Hill responded that they did not have such data but estimated that three-fourths of auto break-ins involve unlocked cars.

Lt. Hill invited residents to contact him at alan.hill@dc.gov.

Discussion of and possible vote regarding Notice of Intent to install a reserved residential space for a disabled resident at 4353 Verplanck Place, NW

No action was taken, as the resident was not present at the commission meeting and no attendees registered objections.

Discussion of liquor license renewal applications for Cheesecake Factory, Guapo's, Tanad Thai, Tara Thai, Neisha Thai, Kitty O'Shea's; Cava Mezze Grill, Murasaki, Satay Club Asian Restaurant, DeCarlo's Restaurant, Matisse Bar & Grill, Yosaku, Washington Council Homes (5034 Wisconsin Ave., NW), Fork 'n Spade, Embassy Suites, Pete's New Haven Style Apizza, Cafe of India, Public Tenley, Rosa Mexicano, and Boeeymongers

Hearing no objections from attendees at the meeting or any of the Commissioners, the Commission took no action on these applications.

Discussion of and possible vote on voluntary agreement with Casa Fiesta and resolution regarding its liquor license renewal application

Commissioner Bender introduced the resolution, explaining that a constituent had previously contacted him to complain about noise disruptions from Casa Fiesta emanating from their concerts held at the establishment. Commissioner Bender worked with Casa Fiesta and the constituent to draft a voluntary agreement that addressed the noise issue to give neighbors relief and to allow the restaurant to continue the concerts.

Commissioners voted unanimously to approve the resolution and voluntary agreement.

Discussion of and possible vote on resolution regarding application of Tenley Mini-Mart to sell alcohol on Sundays

Hearing no objections from attendees at the meeting or any of the Commissioners, the Commission took no action on this application.

Discussion of and possible vote on resolution regarding public space application for seating outside Starbucks in Tenleytown

Commissioner Haile introduced the resolution, explaining that Starbucks has applied for a public space permit for outdoor seating at their restaurant located at 4513 Wisconsin Avenue, NW. The previous outdoor seating at the same location was recently removed after city inspectors determined that Starbucks lacked proper permits. New outdoor seating will include 5 tables and 13 seats, including both public and private space.

Architect Joe Spinelli, a consultant for Starbucks, said that public space used by the café measures 11 feet by 29 feet in length. Furniture and railing will be improved and two umbrellas will be added.

Commissioners requested that management add planters to the outdoor space. Mr. Spinelli said that planters are high maintenance but agreed to look into their feasibility. Commissioners noted that nearby restaurants, such as Guapo's, have planters.

The commission agreed to amend the resolution to add that Starbucks management would research the possibility of adding plants to the outdoor seating area.

Commissioners voted unanimously (4-0), with Commissioner Bender abstaining, to support the public space application as amended.

Presentation by PEPCO regarding its plans to trim or remove trees in the neighborhood to accommodate equipment upgrades

Chris Taylor, Public Affairs Manager for PEPCO, presented their plans to install higher capacity power lines on taller poles in the Friendship Heights area. The project will triple the capacity of three 4 kilovolt (kV) primary distribution line or feeders, by replacing them with 13 kV lines. They also plan to reduce the load on the Harrison substation in Friendship Heights by transferring three 4 kV lines to the Oliver Substation in Van Ness. The new equipment is designed, in part, to isolate outage locations to minimize disruptions, he said.

The project will roll out in three phases through early 2014. Approximately 60 trees will be trimmed or removed to install the higher poles and new lines.

PEPCO estimates that 15 trees will be removed.

Commissioners asked how residents will be notified about trees to be pruned or removed near their homes and PEPCO representatives said residents will receive a flyer on their door handle.

Commissioners discussed a number of issues with PEPCO representatives Donna Cooper, D.C. Regional Vice President, and PEPCO arborist Nathan McElroy, among others. Topics included whether PEPCO will replace every tree it removes; if more trees will be planted than those impacted; if PEPCO is exploring the undergrounding of more power lines; problems with how trees are trimmed to accommodate power lines that may ultimately weaken trees and increase the likelihood they will fall down in storms; and whether lines can be shifted below or above trees to accommodate their growth.

In response to a Commissioner's question, Mr. Taylor confirmed that PEPCO is looking for sites to relocate the Harrison substation.

Discussion of and possible vote on resolution regarding liquor license application and voluntary agreement for Nando's Peri Peri

Commissioner Serebin introduced David W. Briggs of Holland & Knight who made a presentation explaining that Nando's Peri Peri will occupy the former Armand's site at 4231 Wisconsin Avenue, NW. The restaurant is slated to open in October. The fast-casual restaurant will have 90 indoor seats and will use the outdoor café area under the existing approval. The outdoor patio will close at 11pm Friday through Sunday and 10pm Monday through Thursday. The restaurant will offer takeout but no delivery service.

The commissioners discussed plans for the restaurant, including such issues as beautifying the triangle public space across the street from the restaurant; if the outdoor patio will be larger than the previous one; whether the curb cut will be maintained; how management plans to buffer noise from the outdoor patio; whether there will be short-term parking in front of the restaurant to accommodate takeout; and whether transit benefits will be offered to all employees.

Commissioner Serebin presented a Settlement Agreement that had been negotiated with the owner of Nando's Peri Peri and the Commissioners voted unanimously to approve the liquor license application subject to the

settlement agreement, which the Commission adopted. The commission and management will jointly ask ABRA to incorporate the settlement agreement into the order.

Discussion of and possible vote on resolution regarding parking issues associated with St. Mary's Armenian Apostolic Church Spring Armenian Food Festival

Commissioner Quinn presented the resolution, explaining that volunteers for St. Mary's Armenian Apostolic Church at 4125 Fessenden Street, NW, have been issued parking tickets when parking on the street during the church's twice-yearly food festivals. The next food festival is scheduled for May 16 to 18. St. Mary's has only 10 on-site parking spaces and needs additional spaces for volunteers parking longer than the two-hour limit.

At a recent meeting with church officials several options were discussed, such as securing private parking spaces from Safeway or Joseph Gawler's Sons funeral home through donation or purchase, as well as acquiring special event restricted parking. However, he noted, as the festival is in one week there is not sufficient time to acquire special event restricted parking.

A commissioner suggested that church officials talk with neighbors and request permission for volunteers to park their cars on the sidewalk, if needed.

The commissioners voted unanimously to approve a resolution that requests that the city relax residential parking permit (RPP) enforcement to allow festival volunteers to park on RPP designated blocks as a one-time only exception.

Discussion of and possible vote on resolution regarding DDOT proposal for Broad Branch Road, NW

Commissioner Quinn introduced the resolution, explaining that Broad Branch Road, NW, dates back to the 1930's and is deteriorating badly. One of the bridges over Broad Branch Creek previously collapsed and had to be repaired. While investigating the road's condition, it was determined that the road is not up to standard and the section between Linnean Avenue and Beach Drive needs to be completely rebuilt. The draft Environment Assessment recommends four possible options for the reconstruction of

Broad Branch Road but only one option provides for a full bike lane to accommodate uphill climbs out of the park. The final environmental assessment will be issued, with a 30 day comment period to submit recommendations but the public hearing will be held 15 days after the assessment is released. Commissioner Quinn recommended that the commission urge DDOT to choose alternative 4 which includes the creation of a bicycle lane when rehabilitating Broad Branch Road.

Commissioners voted unanimously to approve the resolution.

Discussion of and possible vote on resolution regarding request to DDOT to install bike racks at selected locations in area

Commissioner Quinn introduced the resolution, explaining that DDOT was recently allocated funds to install bicycle racks throughout the city. Commissioner Quinn walked the entire length of the Wisconsin corridor in 3E and found only a handful of bike racks. Other bikes are being locked to trees, fences, and poles, he said. The resolution urges DDOT to consider installing bike racks at more than a dozen locations along Wisconsin Avenue, NW.

An amendment was offered that urges DDOT to propose a list of recommended locations for bike racks and submit to the ANCs to solicit comments from the public.

Commissioners voted unanimously to approve the resolution as amended.

Discussion of and possible vote on resolution regarding DCRA process as it relates to the project at 4201 River Road, NW

Commissioner Bender introduced a resolution, and offered background information regarding the development at 4201 River Road, NW, which has been discussed at several previous ANC 3E meetings. The developer is seeking approval of a curb cut and driveway for a house currently under construction. The commission initially agreed not to oppose the application after the developer offered a series of mitigations to neighbors upset with the project and embodied those offers in a voluntary agreement. The developer had agreed to deed a small portion of the property to a neighbor to protect her trees, but then, after he learned that he needed the land to meet lot occupancy requirements, told the neighbor that he would not honor the

agreement. The Commission's support had been contingent upon the signed agreement with the neighbor.

The resolution rescinds the commission's non-opposition of the curb cut application; asks the Public Space Commission not to approve the curb cut application, or to rescind the approval of the application if already granted, because of failure to comply with the voluntary agreement; and asks the Zoning Administrator to issue a "stop work" order for the project until the issue is resolved.

Commissioners voted unanimously to approve the resolution

- **Approval of April 2013 meeting minutes**

Commissioners voted unanimously to approve the April 2013 minutes.

- **Approval of FY 2013 2st Quarter Treasurer's report.**

Commissioners voted unanimously to approve FY 2013 2nd Quarter Treasurer's report.

- **Approval of expenditures**

Commissioners voted unanimously to approve expenditures: \$562.50 to Loren Stein for administrative services; \$37.83 to FedEx/Kinkos for copying.

Commissioner Haile submitted her resignation letter and explained that she is resigning from the ANC 3E because her family is moving to Bethesda, Maryland.

The commission adjourned at 11:38 pm.

Respectfully submitted,

Jonathan Bender, Chair