



**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 October 10, 2013 Meeting

The meeting convened at 7:39pm. Commissioners Bender, Frumin, Quinn and Serebin were present. Commissioner Tinker was absent.

Commissioner Bender gave a brief update about redevelopment plans for the Safeway site at 42<sup>nd</sup> and Davenport Streets, NW. (Safeway was originally on the agenda but was removed prior to the meeting, at their request, because their PUD application development process is moving more slowly than anticipated. The project's developer will present their plans at a future meeting.)

Commissioner Bender reported that commissioners met informally with Safeway representatives on October 2, 2013. Safeway's current proposal is to build a mixed use development, including modernizing the grocery store; adding four stories above the store with 220 apartment units, 340 parking spaces, a public park and plaza on 42<sup>nd</sup> Street, and a community amenity housed in a separate building. Power lines will be undergrounded along 42<sup>nd</sup> Street. The massing of the building will be focused on 42<sup>nd</sup> Street, tapering down towards the residential neighborhood.

In response to attendees' questions, Commissioner Bender said that he believes the height of the development will be lower than in the original proposal, and confirmed that the residential units will be rentals.

On another matter, Commissioner Bender reported that representatives for the Tenley View (formerly Babe's) redevelopment project received their raze permit and expected to file their building permit with DCRA this week.

### **Presentation of grant application to support Tenley WinterFest**

Jane Malhotra of the Tenley WinterFest Committee presented the request for a \$1,500 grant to support this year's Tenley WinterFest, which will be held on Saturday, December 7, 2013, from 12 noon to 4pm. Ms. Malhotra said that the 9-year old community celebration has expanded to include a wider range of activities and local business partnerships, including Tenley/Friendship Library, American University, Wilson High School, Whole Foods, Best Buy, The Container Store, Sullivan's Toys, the Post Office, Tenley Fire Station, IONA Senior Services, Middle C Music, ACE Hardware, Bloo Moo, Hudson Trail Outfitters, and Cava Grill.

Building on the success of last year's event, the sponsors are requesting public space approval for new lightpole banners in Tenleytown. The banners (which will read "Welcome to Tenleytown") will cost \$300 each, she said, including installation; the committee is requesting a grant of \$1,500. The committee is also asking local merchants to help pay for the banners, which are currently being designed and can be re-used.

In response to questions, Ms. Malhotra said they are encouraging other local schools to participate, such as Sidwell and GDS, and that anyone can rent a table. The committee is not receiving funding from the District government. They have discussed the possibility with ANC representatives and merchants of creating a non-profit merchants' association that could, among other things, plan the Tenley WinterFest and other community events. The ANC has an informal task force looking at such a possibility.

The commissioners expressed their enthusiastic support for the event and will vote on the grant request at the November 2013 ANC 3E meeting.

### **Discussion and possible vote on letter supporting route for Janney 5K**

Representatives of the Janney 5K made a brief presentation about the 3rd annual Janney 5K and Kids' Fun Run, to be held Saturday, December 7, 2013. This year the event will be held in conjunction with the Tenley WinterFest; start time is 10am. Last year's event was a big success, according to the representatives, with more than 700 people participating, and they are hoping for an even larger turnout this year. The route will remain the same. For more details, visit [www.Janney5K.com](http://www.Janney5K.com).

The commissioners voted unanimously to approve the resolution in support of the Janney 5K.

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

Joan Silver expressed her opposition to DDOT's plan to install new roundabouts or traffic circles at the intersections of 42<sup>nd</sup> and Warren Streets, NW. She presented a slide show, which she said demonstrated that an existing crosswalk near her home on 42<sup>nd</sup> Street is poorly placed and should be relocated to allow for better line of sight and safety. The resident said DDOT should not proceed with the traffic circles until the crosswalk issue is fixed.

Commissioners discussed the issue, including other ways to slow traffic at the intersections of 42<sup>nd</sup> and Warren Streets; and possible steps to remedy the crosswalk situation. They noted that the traffic circles are being installed on a trial basis, and that even assuming DDOT's initial installation was sub-optimal, DDOT would, hopefully, make design changes as necessary to improve the functioning of the intersections at which they are installed.

The commissioners decided to request a meeting with DDOT, the Department of Public Works, and interested neighbors to discuss design issues, including placement of the crosswalk.

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

PSA 202 Lieutenant Alan Hill reported that in the last 30 days there have been no reports of homicides, sexual abuse, or robberies with or without guns in PSA 202. However, theft from autos has increased 188% in the previous month as compared with the same period in 2012, with 23 thefts from autos this year and 8 last year. There have been 47 thefts from autos in the last 60 days, he said. More than a third of the cars were unlocked and 45 percent involved electronics, many of them visible, he said. Perpetrators walk through neighborhoods all night looking for clear blocks and unlocked cars. He said theft from autos has increased markedly since school resumed, adding that prosecutions are difficult as police have to catch perpetrators coming out of the cars or close to the cars. A car was reported stolen from the 4400 block of Chesapeake Street,

NW, which is the first stolen car in some time, Lt. Hill said. He noted that it appeared the resident had left a key in the car.

Property crimes have decreased 33% as compared to last year, he said. A merchant at 5353 Wisconsin Avenue reported a robbery with a knife. A burglary was reported in a residence in the 4200 block of 42<sup>nd</sup> Street, NW when the home was occupied; the perpetrator snuck into the basement but did not encounter the owner. Burglaries of unoccupied homes were reported on the 3800 block of Gramercy St. NW, 4500 Block of Garrison Street, NW, and the 3900 block of Jenifer Street, NW, Lt. Hill said.

Thefts from lockers at Wilson Pool continue to be a problem, he said, as are bike garage thefts in the northwest DC neighborhoods (bicycles stolen out of garages).

Commissioners asked Lt. Hill about the purpose of new cameras at street level in the northwest area, including at Janney Elementary School and 42<sup>nd</sup> and Van Ness Streets, NW. Lt. Hill was not sure why they had been installed.

An attendee said that cameras should be installed at the intersection of Albemarle Street and Wisconsin Avenue, NW to apprehend cars making illegal turns and pedestrians who jaywalk.

A commissioner asked if crime cameras could be placed in neighborhoods to help prevent thefts from autos and Lt. Hill said that would not be possible as the camera lights would be a nuisance for homeowners.

### **Discussion of and possible vote on resolution regarding liquor license renewal for Civil Cigar Lounge**

Commissioner Quinn introduced this resolution, explaining that at the August 29, 2013 ANC 3E meeting representatives from Civil Cigar Lounge, the Chevy Chase Pavilion and several neighbors discussed complaints arising from recent renovations to the Pavilion. Specifically, neighbors living on 43<sup>rd</sup> Street, NW complained of smoke and odors emanating from Civil and noise from the Range restaurant's ventilation units, as well as loading dock issues and noise from Pavilion employees allegedly congregating on outdoor patios smoking cigarettes. Neighbors first raised their concerns to the commissioners about noise and odor issues associated with the Pavilion at the May 9, 2013 meeting.

ABRA has noticed a hearing for the renewal of Civil's liquor license for November 12, 2013, with the comment period closing on October 28, 2013. Commissioners, neighbors and Civil and Pavilion representatives discussed whether sufficient steps had been taken to address the problems to the satisfaction of impacted neighbors and the commissioners.

Commissioner Quinn reported that the Department of Health was responsible for conducting air quality tests from Civil's exhaust but has not done the tests yet. The Department of the Environment has agreed to re-do a smell test for odors from Civil at a peak time.

Several neighbors present at the meeting said that odors from Civil's exhaust are pervasive and that the filtration system is not working, and reported the recorded times that the odor has been particularly bad. Pavilion representatives should have engaged the community to help avoid these issues, they said. A neighbor reported that the odor is so strong that her wood furniture has absorbed the smell. A neighbor expressed his view that the Pavilion's owners should be made

aware of the health and noise issues and expressed his concern that his and neighbors' property values have declined.

Pavilion Property manager Laura Rogers said they have tried to remedy the noise problems, including installing an acoustical sound wall (for a total cost of \$100,000) to bring noise levels down to acceptable levels. She said she would look into further ways to improve the wall. She confirmed that the ventilation system belongs to the Range restaurant. She said she spoke to Pavilion tenants about employees' conduct on breaks, and noted that a camera on the patio monitors activity as well as 24-hour guards. She offered to leave a telephone number with neighbors so they can call guards with complaints. She said trucks have been making deliveries to the Pavilion loading docks as early as 6am for some time, and agreed to look into regulations that deliveries should begin no earlier than 7am.

Barbara Gloeckner, a consultant retained by Civil and the Pavilion, said that noise levels were measured at street level and at the property line with a reading of 59 with ambient noise. (60 is the legal noise limit.) She contended they cannot relocate the ventilation, refrigeration and condenser units from the 3<sup>rd</sup> floor to the Pavilion roof because the building's design was not amendable to such a move. She explained how Civil's air filtration system works to remove odors and particulate matter, and said that the filters remove 97% of the particles but removing all of the odors is more difficult because it's a gas. She said that Pavilion engineers could devise a longer pipe and a more powerful fan that would blow Civil's exhaust 100 feet high, dispersing the odors higher and bypassing adjacent neighbors.

Civil co-owner Matt Grimm claimed that they had not received enough feedback from neighbors until recently and stated that they want to solve the odor problem.

A commissioner said that the noise levels were measured at the wrong location and noted that even so, the measurement was just barely under the decibel limit. A commissioner asked Ms. Rogers to look into moving the ventilation system, which she agreed to do. They discussed with Pavilion representatives the hiring of an additional engineer to offer a second opinion about noise and odor issues and the timeline for a follow-up report. A commissioner said that the owners and managers of the Pavilion have an obligation to their neighbors to aggressively look for solutions and remedy the problems as quickly as possible — and if they cannot do so then the Commission cannot approve the renewal of Civil's liquor license at this time. They suggested a delay in approving the liquor license to allow Civil more time to test and implement a solution.

Civil representatives agreed to request to postpone the ABRA hearing for the renewal of their liquor license until February 15, 2014. The commissioners will request that the ABRA hearing be stayed with the consent of Civil and if the extension is not granted the Commission will protest Civil's liquor license renewal.

The commissioners voted unanimously to approve the resolution of protest.

#### **Discussion of and possible vote on resolution regarding re-institution of parking on south side of Yuma Street, NW between 42nd Street, NW and Tenley Circle (next to AU)**

Commissioner Bender introduced this resolution, explaining that for years parking has been permitted after 1pm on the south side of the 4100 block of Yuma Street, NW, but the reason for newer parking restrictions during the previous year, which forbid parking at any time — are not known. Janney Elementary School has been recently modernized and expanded, increasing student enrollment and creating more demand for parking for parents. St. Anne's Church and the

Yuma Study Center could also benefit from more available parking. Currently American University (AU) is building its law school adjacent to the 4100 block of Yuma Street.

The resolution asks DDOT to issue a notice of intent (NOI) to restore parking on this block, and to limit parking to one hour for all, unmetered, from 6:30am to 8:00pm Monday through Saturday on the section of the block from the AU Tenley Campus driveway to 42nd Street, and to place one hour parking meters effective for the same days and hours on the section of the street from the AU Tenley Campus Driveway to Tenley Circle.

An attendee questioned why commissioners are requesting parking on this stretch of Yuma Street at this time, when construction for the AU Law School is currently underway and the street side of the construction is fenced off. A commissioner responded that he expected DDOT not to reinstitute parking until it was safe to do so.

Commissioners discussed the resolution, and among other issues, agreed that it would better serve neighbors not to make the south side of the block Zone 3 parking. One-hour meters and one-hour unmetered limits would be open to everyone, encourage turnover, and prevent commuters using Metro from leaving their cars parked all day. In addition, parking on the south side of Yuma Street might help calm traffic and prevent some cut-through traffic, increasing pedestrian safety.

The commissioners voted unanimously to approve the resolution.

#### **Discussion of and possible vote on resolution regarding PEPCO request for rate hike**

Commissioner Quinn introduced this resolution, explaining that PEPCO is proposing a rate increase of \$44.1 million before the DC Public Service Commission (PSC). The City Council previously requested that the PSC consider the preservation of environmental quality in the Clean and Affordable Energy Act of 2008. However, PEPCO has not met those obligations, Commissioner Quinn said, including investing in smart grid technology, increasing the use of renewable energy and improving energy efficiency, among other environmental improvements. In addition, Casey's Trees' most recent report gave the District a failing grade for tree protection.

The resolution asks that the PSC deny the requested rate increase until PEPCO takes the necessary steps to become more protective of the environment. Among other recommendations, it asks the PSC to implement a performance-based system that ties reliability to the rates PEPCO is permitted to charge. Power outages would incur large penalties levied against PEPCO that could be used to fund alternative fuel options, smart grid technologies and improved infrastructure to better protect trees.

Commissioners discussed the resolution, saying that PEPCO lags behind in terms of reliability; does not do an adequate job protecting the District's tree canopy; and has not developed a system that prepares for the future.

In response to an attendee's question, commissioners discussed the status of undergrounding power lines in the neighborhoods.

The commissioners voted unanimously to approve the resolution.

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

Commissioner Bender introduced this resolution, explaining that the Office of Planning (OP) has proposed parking regulation changes in the District's zoning rewrite process. Specifically, one of the revisions would reduce minimum parking requirements for new multi-use residential and mixed-use buildings in areas well served by public transit.

Commissioner Quinn introduced a variation of the same resolution. Commissioner Bender's resolution supports the city's proposal to reduce required parking, however, the change in the code would not go into effect until after the DDOT and OP implements a process to prevent residents of reduced parking buildings from obtaining residential parking permits (RPP), or on-street parking, unless the developer receives relief from the requirement.

Commissioner Quinn's resolution supports the city proposal to lower minimum parking requirements for new buildings immediately, without conditions. Commissioner Quinn argued that while he supports the RPP exemption for multi-unit buildings, the zoning code rewrite should not be contingent on enacting RPP reform. He said he is concerned that the incoming mayor would not take action on the proposed reform.

Commissioners discussed the two versions of the resolution, but could not reach agreement.

The commissioners voted 2-0-2 to table both of the resolutions.

#### **ANC Business**

- **Approval of September 2013 meeting minutes**

Commissioners voted unanimously to approve the September 2013 minutes.

- **Approval of Treasurer's Reports**

Commissioners voted unanimously to approve the July, August and September 2013 Treasurer's Reports, and the FY 2013 4<sup>th</sup> Quarter Report.

- **Approval of expenditures**

Commissioners voted unanimously to approve expenditures: \$744.39 to Loren Stein for administrative services; \$31.89 to Loren Stein for expenses; \$60.48 to FedEx for copying services; \$119.88 to BlueHost for web hosting services.

The commission adjourned at 12:13am.

Respectfully submitted,

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Jonathan Bender, Chair