



ADVISORY NEIGHBORHOOD COMMISSION 3E

TENLEYTOWN

AMERICAN UNIVERSITY PARK

FRIENDSHIP HEIGHTS

CHEVY CHASE

WAKEFIELD

FORT GAINES

c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015

<https://anc3e.org>

Meeting Minutes February 9, 2022, 7:30 pm

The meeting convened via Zoom at 7:35 PM. Commissioners Bender, Cohen, Hall and Quinn were in attendance.

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

Commissioner Bender announced that Commissioner McHugh resigned his position. The vacancy and instructions for running for the seat will be announced by DCBOEE in the DC Register shortly.

Emir Gur-Ravantab, the Ward 3 Liaison to the Mayor’s Office of Community Relations, announced:

- The city will require two doses of the COVID Vaccine for anyone dining indoors, going to gyms, museums, etc. starting on February 15.
- The city opened Covid Centers that are distributing, masks, and test kits, administering vaccines, etc. The Ward 3 location is in the Chevy Chase Pavilion, 5335 Wisconsin Ave.
- If any constituent wants to have an onsite meeting, Gur-Ravantab is available on Tuesdays and Fridays.
- Leaf collection has ended but residents can contact him if they still need their leaves collected.
- Christmas Tree pickup is still ongoing.
- The city is distributing a second round of Bridge Funds for small businesses that have faced hardships due to Covid. Applications are available through February 25.
- Budget season for FY2023 has begun.

Mr. Gur-Ravantab can be contacted at emir.gur-ravantab@dc.gov with any questions or concerns.

Erkin Ozberk with the Office of Planning stated they are undertaking a planning study for the Wisconsin Avenue corridor through Tenleytown and Friendship Heights. He shared a link they are using to distribute information and allow residents to sign up for announcement, <https://publicinput.com/RCW-Wisconsin>. The study will begin this spring and they will be back at a later meeting to present more detailed information about the study.

Tony Ciccone, the Vice President of the Ft. Gaines Citizen Association and Co-Chair of the AU Neighborhood Partnership confirmed with Commissioner Bender that with Commissioner McHugh’s resignation, Commissioner Cohen will become ANC3E’s designated representative to the Neighborhood Partnership. The Partnership will host an open house on February 17 at 6 pm via Zoom. Details can be found in Commissioner Cohen’s February 7th newsletter.

An attendee asked Mr. Ozberk if the Wisconsin Ave study will build on the Friendship Heights planning work that was released a year ago and what the boundaries for the study were. Mr. Ozberk was no longer on the call. Commissioner Quinn answered that he did not know the southern border for the study but that this will be one study for both neighborhoods.

Presentation by 2nd District Police

Lt Beistline provided an update on crime in PSA 202. In the last 30 days there were two robberies, three burglaries and five motor vehicle thefts. The robberies at Steak n Egg and Signature Cigars were connected, have been linked to other burglaries throughout DC and MD, and the police are close to identifying the culprits. She encouraged people to not leave their cars running and unattended. There were two armed carjackings in the 2nd MPD District on January 20 (one was not in our PSA). The MPD closed those cases with the apprehension of four juveniles who are Wilson students.

Attendees had no questions. Commissioners asked if the juveniles were charged as adults. They were charged, but not as adults. Lt Beistline can be reached at iris.beistline@dc.gov or at 202-779-2854 with any additional comments or questions.

Presentation by grant proposal from Tenleytown Main Street to provide meals to low-income seniors in ANC3E

Leigh Catherin Miles, Executive Director of Tenleytown Mainstreet, presented a grant to provide meals to seniors and to provide relief to small area businesses. They will be working with Northwest Neighbors Village and with Friendship Terrace to provide up to 95 meals per week to NNV members and Friendship Terrace residences. Meals will be provided by small, minority owned restaurants in Tenleytown that have agreed to do it at preferential rates.

An attendee asked if they reached out to restaurants that have been given support in the past to see if they would donate the meals. Ms. Miles did not think it was the right time to ask restaurants for donations because they have been struggling through the pandemic.

Commissioners asked how the recipients will be identified (NNV and Friendship Terrace will identify the seniors in need); if this will be a one-time program (this will be a 5 week program); and noted that historically ANCs were barred from making humanitarian grants but this restriction was suspended during COVID and we may not be able to fund something like this again in the future.

Commissioner Bender stated the Commission typically hears the request one month and then votes on it the following month but due to the expiration of the ability to provide humanitarian funds involved the Commission can both listen to and award a grant in a single month. Commissioner Bender moved, and Commissioner Quinn seconded a motion to support the grant. The motion was approved by a vote of 4-0-0.

Discussion of and possible vote on resolution regarding special exception application for an ADU at 4511 Chesapeake Street, NW

Commissioner Bender opened by stating that he understood there are neighbors in opposition to the special exception application and this item will not be voted on at this meeting. Nick Alten, the homeowner, stated that the Accessory Dwelling Unit (ADU) was designed a while ago to replace their garage under the zoning rules in place in 2016 which had no size restrictions on the ADUs but required

rear setbacks. Since then, the city has changed the regulations to reduce the size allowed for the ADUs but have removed the required setbacks. The Altens current plan is to build a 22x30 foot ADU with an apartment on the second floor which they hope will be occupied by Mr. Alten's elderly father. The Altens contacted all their neighbors in mid-December except for one who just bought the house and are not living in it and one who had been unavailable at the time that they sought them out. They have letters of support from five direct neighbors. They plan to use permeable pavers for the rear setback and use it as a parking spot for Mr. Alten's work truck. The application to the BZA included a concrete pad on one side of the garage that they no longer intend to include and will plant vegetation on that side. On the other side of the garage they plan to use permeable pavers. The plans will result in 29% lot coverage.

A neighbor objected to the ADU as it will impact their yard, complained about how they have maintained their yard over the years, did not want them to include a parking pad, had issues with the alleged commercial activities they claim are conducted on the property, and believed the commercial activities would increase after the ADU was built. An attendee liked the idea of more housing in the area and asked if it could be made available as affordable housing after their parents are done with it. Another neighbor who lives on the next block stated that they had concerns about runoff that might come down the alley and impact them across the street and stated that there has been a problem with their construction vehicles blocking in the alley (Mr. Alten responded that their home is downhill from the complainant and their ADU would not impact the uphill neighbor and that his work van is parked on the street and is offsite at contracting jobs during the day and it was not clear what construction vehicles were blocking the alley). One neighbor was called on to comment but they could not unmute their computer.

Commissioners: stated that BZA regulation state that to exceed the 450 sq ft limit allowed by matter-of-right, it must not impact the light, air or have a negative impact on the neighbors and hoped that Altens and the neighbors can reach a binding agreement that addresses the design and neighbors' concerns; asked the Altens to conduct shadow studies; asked if the space will be used for commercial space (Mr. Alten said he has a home office and stores work items in the garage); noted that there is a lot of tree cover in the alley; and was willing to help facilitate meetings between the parties and/or offered to connect the Altens and neighbors to a mediation group to help facilitate a compromise.

Discussion of and possible vote on resolution regarding application by Wagshal's for a change in its liquor license from Class D Restaurant to Class C Restaurant

Jamie Carroll stated that Wagshal's wants to shift from a Class D to Class C liquor license to allow them to serve spirits at the café, whereas right now they can serve just beer and wine.

One attendee asked how many Class C licenses there are in our ANC. No one knew the answer to that question. Commissioners asked if they would have curbside pickup of alcohol. They will not.

Commissioner Hall moved, and Commissioner Bender seconded a motion to support the resolution. The motion was approved by a vote of 4-0-0.

Discussion of and possible vote on resolution regarding application by Privateer for Retailer's Class C liquor license to operate tavern and speakeasy at 4400 Jennifer Street, NW, with seating capacity of 200, total occupancy load of 297, alcohol carryout and delivery endorsement, and entertainment endorsement

and

Discussion of and possible vote on resolution regarding application by District Still, LLC to license for Class A Liquor Store to 4400 Jennifer Street, NW (next to tavern/speakeasy Privateer, LLC seeks to open there)

Commissioner Bender said that while these are two separate ABRA applications, the establishments plan to share a location that will be subdivided and the Commission will hear both applications together. Anna Valero, the owner of Privateer, said her vision is to establish a high-end cocktail bar that serves small plates of food. Sidon Yohannes, Valero's attorney said they applied for a Class C tavern license as opposed to a Class C restaurant license (which would have to have 45% of their sales from food and report the division of sales to ABRA).

Steuart Martens, owner of District Still and his attorney Richard Bianco, said that District Still has been operating online and he has been looking for a brick-and-mortar location. They sell high-end spirits and he envisions the store as a market that sells food (meats, cheeses, coffee), prepared meals, and beer wine and spirits. They would also offer tasting events.

Commissioner Bender stated that there is a bike lane in front of their store and District Still would like to offer curb-side pickup. Bender said the parties are working on a plan so that the pickups will not block the bike lanes or block buses turning into and out of the garage. Martens stated they are in negotiations with the lot across the street to do pick up there.

Attendees: asked Privateer what the entertainment component will be (she envisions renting out the space for parties and the entertainment endorsement will allow for a DJ); asked if they intend to rent out a special room or the entire place for events (it will depend on the size of the event and the private parties will not an everyday activity); asked if customers will use the garage in the building and validate parking (Parking will be discussed with DDOT); noted that there are no nearby neighbors; asked what their hours of operation will be (District Still will operate until midnight and Privateer asked to operate 8 AM - 2 AM during week and until 3 AM on weekends); and asked how big each business will be (Privateer will be 2000 sq ft. and District Still will be just under 4000 sq ft, 5000 with storage).

Commissioners: asked if they are going to operate the businesses together (they will be operated as separate entities); asked for clarification about where are they going to be located; asked if Privateer will have ax throwing (no); asked who their target market will be (Valero and Martens both stated they want to cater to the community); was concerned about the viability of the businesses before the new housing planned for Friendship Heights is built; stated that ANC3E has lost a lot of evening gathering places and hopes we can come to an agreement.

Commissioner Bender said that while we are close to an agreement, we have to file the protest as a placeholder and plan to withdraw it if we come to an agreement. Commissioner Bender moved, and Commissioner Hall seconded a motion to support both resolutions opposing the ABRA applications. The motion was approved by a vote of 4-0-0.

Discussion of and possible vote on resolution regarding application by Steak and Egg Kitchen to build a patio in public space in front of its restaurant at 4700 Wisconsin Ave

Commissioner Bender stated that Steak and Egg's owner was unable to attend the meeting. When Steak and Egg expanded, they regraded and paved the patio which is in public space, but they did not obtain a

permit. PSC issued a stop work order and Steak and Egg applied for the permit after the fact. Generally, sidewalk cafés in public space need to be removeable within 24 hours. One of the reviewers from PSC commented that they would never have approved the application had they applied beforehand to pave the front patio, but DDOT hinted that it would now approve the application. Commissioner Bender asked for clarification and has not received a response. He drafted a resolution that said to the extent Steak and Egg applied for a permit through regular channels, and PSC would normally approve an application for this kind of patio, ANC3E does not oppose the application. If this kind of application would not be ordinarily granted, and the fact that the owner had already built it played any role in DDOT's decision, the Commission opposes it.

Attendees: believe in the integrity of the process and thought the draft resolution should be stronger; asked if we have evidence that they purposefully did not apply for the public space permit (Bender says the owner of Steak and Egg said that he thought the contractors had all of the proper permits and noted that the property is not owned by Steak and Egg but by the Economides family); and noted that the owner is not here to defend himself and we don't know everything that happened and asked if we have to weigh-in at this meeting (the comment period ends before our next meeting).

Commissioners thought we should opine on the application before us; noted the fence around the front patio maybe illegal as well as their storage freezers. Commissioner Bender offered to amend the resolution to oppose the application but asking PSC in the alternative to stay the matter so that the ANC can gain further information and provide input on the design.

Commissioner Bender moved, and Commissioner Quinn seconded a motion to support the amended resolution. The motion was approved by a vote of 4-0-0.

Update by the Lisner Home on its plans to build affordable senior housing on its campus (40 minutes)

Matt Frumin, Ward Orem, Vicki Davis and Michael Wiencek presented their updated plans. Since the last meeting, they worked with the neighbors to address their concerns on the zoning, the orientation of the building and the driveway. They are splitting their lot and will amend their application to seek a map amendment for just the eastern half of their lot. They have turned the building around to open the courtyard to 42nd St and they will place a park in that courtyard. They also moved the entrance to the parking garage off the main driveway.

Attendees: hope Lisner will continue to work with the neighbors; asked if they have the support from OP for the partial upzoning of the lot (OP supports this and were the ones to suggest how to break up the lot); asked about the skinny zone running along Western to the planned building (Chase Point to the west of the Lisner property is zoned RA2 and that strip would connect two up-zoned areas to avoid the appearance of spot zoning); asked how many units they are planning to build (93); asked for clarification for the setbacks; stated that Ward 3 Vision supports this project.

Commissioners: asked how they will choose who gets the apartments (they will conduct a lottery from the list of people who are referred to the Lisner); were not thrilled from a process prospective, that only the immediate neighbors get a major seat at the design table; hoped others will be invited to provide input on the landscaping; and asked they not build parking where the front lawn currently sits unless it is for emergency vehicles.

Discussion of and possible vote on resolution regarding special exception application to redevelop the Fox 5 site on Wisconsin Avenue, NW

Jad Donohoe, Sarah Alexander and Chip Glasgow reviewed their plans. The building will include 210 apartments, in a 6 story plus penthouse structure, green roof, they will seek LEED Gold certification, they will have a retail establishment at the corner (agreed to not have it be a bank) and will unbundle the parking from the apartments so that residents will need to pay extra for a parking space.

Attendees: were not happy about the interpretation the zoning administrator uses for allowing developers to choose their measuring point (if a building has multiple street frontages, the building gets to pick which side to call the front of the building and use that side for their measuring point; it is a long standing interpretation); was happy they are offering 11% affordable housing and asked at what level IZ they it will be at (60% AMI); noted that the requirement is 10% and asked if 11% should be considered a win; and an attendee calculated the IZ requirement for this building would be 11.25% plus 10% of the penthouse and thought they were not meeting the minimum IZ required (Ms. Alexander noted that the attendees calculations were based on an earlier design of the building and they reduced the size of the building since then by reducing the size of the bays).

Commissioners: stated that the Commissioners asked them to do this project as a PUD to get more density and IZ, it is not perfect; noted that they are not asking for a lot for relief; was happy they are willing to do fully accessible units especially so close to the Metro; asked whether they will remove the asphalt parking lot (if they are not moving forward on a land use application when they get their certificate of occupancy, they will remove the asphalt); noted that if they develop the rest of the lot, we will have a second planning process and construction which will be a burden on the neighbors; was sorry they are not removing the TV tower; and thought the project is well designed.

Commissioner Quinn moved, and Commissioner Bender seconded a motion to support the resolution. The motion was approved by a vote of 4-0-0. Commissioner Bender moved, and Commissioner Quinn seconded a motion to support the MOU. The motion was approved by a vote of 4-0-0.

Discussion of and possible vote on resolution regarding DDOT proposal to install No Right Turn on Red restrictions at the intersection of Wisconsin Ave and Davenport St, NW

Commissioner Quinn stated DDOT wants to restrict traffic traveling northbound on Wisconsin from turning right on red onto Davenport St and traffic traveling westbound on Davenport street from turning right on red onto northbound Wisconsin. The intersection is within 400 feet of a school which is within the guidelines of DDOT regulations. Attendees and Commissioners had no comments.

Commissioner Quinn moved, and Commissioner Bender seconded a motion to support the resolution. The motion was approved by a vote of 4-0-0.

ANC Business

- Approval of January 2022 Meeting Minutes - Commissioner Bender moved, and Commissioner Quinn seconded a motion to approve the Draft January 2022 Meeting Minutes. The motion was approved by a vote of 4-0-0.
- Approval of FY2022 Q1 Financial Report - Commissioner Bender moved, and Commissioner Quinn seconded a motion to approve FY2022 Q1. The motion was approved by a vote of 4-0-0.
- Commissioner Quinn notified us that we need to re-issue a check to Janney because they lost the check and we will be incurring the stop payment charge.

- Approval of expenditures - Commissioner Quinn moved, and Commissioner Bender seconded a motion to approve a payment for \$570.00 to Sherry Cohen for administrative support and a grant to TMD for \$7475 in support of their grant. The motion was approved by a vote of 4-0-0.

The meeting was adjourned by acclamation at 12:08 AM.