



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

Meeting Minutes

June 14, 2018, 7:30 pm

The meeting convened at about 7:39 PM. Commissioners Bender, McHugh and Quinn were in attendance. Commissioner Hall arrived later.

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

An attendee asked about the status of the Steak-N-Egg construction.

Leigh Catherine Miles, Executive Director of Tenleytown Main Street announced that TMS and Friends of Fessenden Park are hosting an Art in the Park event on Saturday, June 16 and a Summer Solstice Party in the Park on Friday, June 22. Anyone interested in joining Friends of Fessenden Park can do so by emailing Ms. Miles through the “Contact Us” link at the top of the TMS website.

An attendee announced that Surfside Restaurant will be occupying part of the now closed Firelake Grill at the corner of Wisconsin Ave and Van Ness St. Surfside plans to be open 24 hours a day and apply for a liquor license.

Ian Maggard, the Ward 3 Liaison to the Mayor’s Office of Community Relations, announced that the City’s 7th Alley-Palooza was launched; three of the eight alleys that will be repaved in Ward 3 are in ANC3E. Maggard noted that the complete DC road paving plan is available online. Maggard also announced the Mayor will attend the ribbon cutting ceremony for the renovated Cleveland Park library on Saturday, June 16 at 10:30 am.

One attendee lodged several complaints against Massage Envy on Wisconsin Ave.

Presentation by 2nd District Police

Lt. Hill from the 2nd District provided an update on crime in the area. He stated that residents can contact the 2nd District via their Listserv, Twitter, Facebook and Instagram accounts and can view crime data for the city via the CrimeCards website at <https://dcatlas.dcgis.dc.gov/crimecards/>. Over the last 30 days, there were 46 crimes reported versus 47 during the same time period last year. He asked residents to not leave valuables in vehicles and to have the security software updated when vehicles are serviced.

Attendees asked questions regarding: if “No Through Trucks” signs are enforceable signs; if “No Through Trucks” apply to shuttle busses; and if ditch witches were allowed to be driven through the streets at all hours of the day. Commissioners asked questions regarding: traffic enforcement in the area during the last month; and whether green “No Through Truck” signs are enforceable. Lt Hill can be contacted at alan.hill@dc.gov with any additional questions.

Captain Bernat, Supervisor for the 2nd District introduced himself to the attendees. He is the 2nd District Sector 1 Captain and oversees PSAs 201, 202 and 203. He can be reached via email at edward.bernat@dc.gov or via cell phone at 202-359-4240.

Discussion of and possible vote on liquor license application for Seoul Spice on Wisconsin Ave

Danielle Wilt, Vice President of Seoul Spice stated the restaurant opened last November at 4600 Wisconsin Ave. They have applied for an ABRA license to sell beer and Korean rice wine. They do not have an outdoor café and close at 10 pm. There were no questions from the attendees or Commissioners. Commissioner Bender moved, and Commissioner McHugh seconded a motion to support the liquor license application. The motion was approved 3-0-0 with Commissioner Hall not present for the vote.

Discussion of and possible vote on resolution regarding application to change renewable special exception for parking behind 4926 Wisconsin Ave to permanent special exception

Ken Geldfarb, an attorney representing the property owner of 4926 Wisconsin Ave, and Nick Geotis representing the property manager stated that the parking lot off the alley behind 4926 Wisconsin Ave has been in existence since 1989. Because an alley separated the lot from the building, they are required to file for special exceptions every seven years to maintain the lot. They are now requesting a perpetual special exception. In the past there had been issues with the lot, but it is now well managed with few recent complaints from nearby residents. Commissioner Bender introduced a draft resolution supporting the perpetual special exception. There were a few things brought up by one neighbor that have been addressed by the owner. There were no questions from attendees. Commissioners asked what the space was used for before it was a parking lot; the underlying zoning; and who uses the lot.

Commissioner Bender moved, and Commissioner McHugh seconded a motion to support the resolution. The motion was approved 3-1-0 with Commissioner Quinn opposing.

Presentation of updated development proposal by Sunrise Senior Living at site of Wisconsin Ave Baptist Church

Carolyn Brown, zoning attorney with Donohoe and Sterns stated that Sunrise Senior Living and Wisconsin Ave Baptist Church filed their application with the BZA earlier today; the application is case number 19-823. Brown shared a list of religious facilities that were redeveloped with non-religious institutions in other parts of the city.

Phillip Kroskin, representing Sunrise stated that the plan they submitted to BZA call for 57% lot occupancy with 86 units (maximum of approximately 106 residents). The building is now 40-feet high except for an architectural element (which replaced the steeple) which is within their matter of right (MOR), although they will need an exception to have four floors within the 40-foot building height

rather than the allowed three floors. The building is now 36-feet at its closest from the 39th Street homes and they plan to plant trees as a buffer between their property and those rear yards. The current plans include 66 parking spaces.

Chuck Heath with Heath Architecture presented the current building and landscaping plans. The plans include a one-way driveway from Alton toward Yuma St. with a right turn only exit toward Tenley Circle (requested by DDOT) and a rooftop garden that can be accessed by both Sunrise and the church. There is a 12-foot mechanical screen on top of the 40-foot building. The church will have some below-grade space.

Attendees: stated that the project hasn't significantly changed since its first set of plans in October; thought it is inappropriate for the neighborhood and stated most nearby neighbors oppose it; asked how the permeability rate was calculated; opposed placing the building right on the National Park Service (NPS) property line; asked what percentage of the building was dedicated to the church; asked if Sunrise owns the property; asked about the setbacks from 39th St and Yuma St; asked about the height of the building, architectural element, and retaining wall; asked about the building restriction lines; asked if there will be Residential Parking Permit (RPP) restrictions; asked if a traffic study will be conducted; asked about mechanical noise and emergency generator noise; stated that the project is not visually attractive; asked who will maintain the landscaping; stated that Tenley Circle has been replanted many times as an amenity to the community and did not think Sunrise replanting the space should be considered an amenity; thought residents of the building might want to obtain RPP; asked if they need a variance to build up to the property line with NPS; asked if they received input from NPS for the project; and one attendee would rather the property be sold to a developer to have townhouses built on the lot.

Commissioners asked about: the changes to zoning relief sought on this set of plans as compared to the last set of plans presented to the Commission; asked if Sunrise would abide by the commercial building storm water retention requirements; if Sunrise would seek LEED Certification; if they could remove the driveway on Alton; if Sunrise would be willing to offer some affordable units; and asked nearby residents what they needed to make the project palatable.

Commissioners stated: they thought that the project improved significantly since they started, but maybe not enough; thought that the argument that these facilities were for wealthy residents was not a valid argument to oppose the project; and thought this application might be more of an uphill battle with BZA than Sunrise might think. Commissioner Bender suggested to Sunrise that the ANC vote on the application at its September rather than its July meeting.

Update from Pepco on Harrison Substation renovation and expansion

Representatives from Pepco presented the status of the modernization project of the Harrison St substation and discussed other projects in the neighborhood. Pepco is just over halfway done with the internal renovation of the substation; they are cleaning the façade and doing detail work and the clock is being restored. The project is scheduled to be completed in about one year. The substation will have display space that they would like to allow neighborhood groups (including schools, libraries, Main Streets, and other community groups) to use. Commissioner Bender asked if they could create an advisory board including Pepco and community representatives to determine use of the displays.

Pepco needs to lay conduit and rebuild eight manholes on Wisconsin Ave between Harrison and Jenifer streets. This project is scheduled to take place from August to January weekdays from 9 am-3 pm and will involve temporary closures of one lane of traffic along Wisconsin Ave. Commissioners asked if this work could take place at night to minimize disruptions to the community and local businesses. Pepco also needs to do underground transmission work at Wisconsin Ave and Van Ness Streets. This project is scheduled to take place from September through November and would also involve the temporary lane closures.

An attendee asked if businesses would be notified about lane closures. Commissioners asked about streetscape and landscape plans around the Harrison St substation.

Presentation regarding Initiative 77 to end the tipped wage for restaurant servers

Diana Ramirez with Restaurant Opportunities Centers (ROC) presented the case in support of Initiative 77. The Fair Worker Standards Act says tipped workers can be paid \$3.33 per hour with the assumption that tips would make up the difference between the tipped minimum wage and the minimum wage for all other workers (\$15/hour). Ramirez stated that this is effectively legislated pay inequity as most tipped workers are women and people of color and female workers sometimes have to endure sexual harassment by customers in order to obtain their tips. There are seven states with a single minimum wage and sexual harassment claims are 50% lower in those states. Female tipped workers are on food stamps 4x higher than rest of the population. Restaurants are supposed to make up the wage difference if the average hourly pay for a pay period for an employee is less than the minimum wage, but DC does not have enough personnel to enforce the law. This law also applies to nail salon workers, bell hops, and car wash employees. Ramirez suggested that some tipped workers have a hard time getting loans as their hourly salary is low.

Andrew Shapiro, a local waiter, presented the case against the initiative. Shapiro stated that the vast majority of employers use payroll systems to verify compliance with the minimum wage laws. He stated that one state saw the restaurant workers' pay go down because patrons stopped tipping waiters and that there is evidence that fewer customers will eat out if restaurants are forced to raise menu prices. In states where this works, there are a large number of chain restaurants whereas 90% of restaurants in DC are independently owned. Shapiro stated that he declares all of his tips and they are listed on his paystubs, so he has never had trouble obtaining a loan.

Commissioners asked: if this would apply to employees at fast casual restaurants; how many workers does this affect; at what minimum wage would businesses close; and how many members ROC represents.

Discussion of and possible vote on resolution regarding creation of an Educational Research Collaborative

Commissioner McHugh stated that it has been very difficult to get reliable data from DCPS and DC Charter Schools and there is no independent auditor for DCPS or Public Charter Schools to verify data that is received. The resolution supports legislation introduced by Councilmember Cheh to establish an Educational Research Collaborative board which would report to the DC Auditor. Attendees asked if there was resistance to the bill and what the bill would cost the city.

Commissioner McHugh moved, and Commissioner Hall seconded a motion to support resolution regarding the creation of an Educational Research Collective. The motion was approved 4-0-0.

Discussion of and possible vote on resolution regarding NEAR Act data collection

Commissioner Bender stated that at the last meeting, Kevin Donahue, the Deputy Mayor for Public Safety and Justice, gave a presentation on the NEAR Act. He stated that stop and frisk data, arrest data and other related data were not being collected and reported. The resolution asks the DC Council to make data collection and reporting a priority. Jonathan Fichter, a local resident and Leah Sakala of the Justice Policy Center of the Urban Institute asked if the Commission would support the full resolution Fichter proposed which asks the DC Council to fully support the NEAR Act, including establishing a website, fully staffing and funding the act, among other points. Bender responded that discussion with Deputy Mayor Donahue, driven in significant part by Fichter and his colleague's questions, focused on the data collection and the Commission could consider other parts of Fichter's proposed resolution at a later meeting. An attendee asked why MPD cannot report on the required data at this point in time.

Commissioner Bender moved, and Commissioner McHugh seconded a motion to support resolution regarding NEAR Act data collection. The motion was approved 4-0-0.

ANC Business

- Approval of May 2018 meeting minutes - Commissioner Hall moved, and Commissioner Bender seconded a motion to approve the amended May 2018 Meeting Minutes. The motion was approved by a vote of 4-0-0.
- Approval of expenditures - Commissioner Quinn moved, and Commissioner Bender seconded a motion to approve payments of \$312.50 to Sherry Cohen for administrative support and \$19.59 to FedEx for copying services. The expenditures were approved 4-0-0.
- Commissioner Quinn stated that Joy of Motion who was awarded grant funding in May will be returning the grant money.

The meeting was adjourned at 11:29 PM by unanimous consent.