



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

May 9, 2019, 7:30 pm

The meeting convened at 7:38 PM. Commissioners Bender, Ehrhardt, Hall, McHugh 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

An attendee asked if the Commission could try to have more efficient/shorter meetings.

An attendee announced that Friday, May 17 is Bike to Work Day. The Washington Area Bicyclist Association is organizing bicycle commuter convoys including one from Chevy Chase along Connecticut Ave and they will be handing out free t-shirts.

Presentation by 2nd District Police

Representatives from the 2nd District were unable to attend this month's meeting.

In the interest of keeping the meeting as efficient as practicable, Commissioner Bender reminded the attendees how ANC meetings are conducted. He asked attendees to keep comments to two minutes or less, to avoid cross talk and when Commissioners give their thoughts at the end of the discussions, they are not to be interrupted with additional discussion

Discussion of and possible action (if community concerns are raised) regarding liquor license renewals for Nandos, Tenley Grill, Whole Foods, Guapo's, Seoul Spice, Washington Home, Matisse, Embassy Suites, DeCarlo's, Masala Art, Yosaku, Cheesecake Factory, Angelico, and Satay Club

Commissioner Bender informed those in attendance that the ANC does not normally take action for liquor license renewals (as opposed to initial applications) unless there are complaints about an establishment, or the Commissioners are aware of problems with an establishment. There were no concerns raised by those in attendance for these businesses. The Commission took no action on these items.

Presentation of grant application from Wilson High School PTSO for support of physics equipment purchase

Commissioner Bender stated the Commission typically hears a grant request one month and then votes on it the following month. Anna Kessler and Jennie Bonney, members of the Wilson High School PTSO presented a grant for \$1920 to obtain updated equipment for the physics lab. They have some equipment, but it is obsolete and not currently used. Funding for lab equipment comes from the same category as general school supplies (including toilet paper) so the lab equipment never gets funded. The total cost for the equipment would be \$6815 and they will be requesting the remaining funds from other ANC's.

Attendees asked if this would create a disparity between schools and if the school went to the DC Council for an appropriation.

Commissioner Bender stated that the ANC is not allowed to fund the equipment if the DC Government would otherwise fund it. Commissioner Quinn asked the PTSO to obtain a letter from DCPS saying that the lab equipment is not part of DCPS programming. Commissioner Bender stated that the Commission will check with ANC and Auditor offices to make sure this grant would be an allowed expenditure. Commissioners: thought that this was a worthy cause; worried that this would open the door to other academic items from other schools; and thought there are a lot of needs at the school and did not have an issue with items that find their way to the Commission for funding.

Presentation by Pepco regarding work it seeks to do after hours in and around the 4200 block of Wisconsin Ave, and possible vote on resolution regarding same

Linda Greenan with Pepco stated that Pepco needs to do transmission work near the intersection of Wisconsin Ave and Van Ness St in connection with the Harrison St substation. They will be splicing together transmission lines and the work will take place in the man-holes and they will not be tearing up the street. They expect the work to take place sometime in June but they do not have an exact date yet. They will notify the nearby residents and businesses when they have a date. The work will involve closing one lane of traffic along Wisconsin Ave. Once the work starts, it needs to go non-stop 24 hours a day and will take approximately 7 days. They need a permit from the city for after-hours work and are seeking support from the ANC for it.

Attendees asked if Pepco reached out to coordinate its work with the Hearst Pool construction. Commissioners asked if Pepco could push the date back until schools are out and traffic levels decrease.

Commissioner Bender moved and Commissioner Hall seconded a motion to authorize Commissioner McHugh to write a letter indicating that, based on Pepco's representations, the ANC did not object to the conduit work. The motion was approved by a vote of 5-0-0.

Discussion of and possible vote on resolution regarding public space application by Georgetown Day School in connection with its expansion, including plans to reconfigure the intersection of 42nd and Ellicott Street and the area around it

Commissioner Bender stated that as part of the expansion of the GDS school, they are doing work in the public space in the 42nd and Ellicott Street area. They are creating a parklet where the slip lane from southbound Wisconsin Ave onto 42nd St currently is, making the fishhook one way south bound, and are adding a walkway and bike lane along the west side of 42nd St. They have a hearing with the Public Space Committee on May 23 for approval of these plans.

Attendees: asked what is the benefit of having a bike path that only goes two blocks and what the bicyclists would do at the end of Chesapeake St; thought the bike lane would complicate an area which will have hundreds more care trips every day; and asked what would happen to the buses that currently load on 42nd St. Other attendees were in favor of the bike lane on that block.

Commissioners: asked if they can save parking on the east side of 42nd St; asked if GDS considered putting a bulb out at 42nd St and Davenport; stated that the portion of 42nd St at the fishhook being closed will not be re-curbed (it would be painted) and if the loss of the northbound travel lane between Chesapeake and Wisconsin caused a problem it could be easily reversed; stated the traffic lanes would not be reduced in width, they are replacing the parking lanes with a bike lane; stated they hope this is a start to get more protected bike lanes in the neighborhood; thought this will be a big safety improvement at three problematic intersections; had a couple of friendly amendments; thought there needs to be a balance between the needs of the businesses, churches and schools further up 42nd St and would not support the removal of parking the rest of the way down 42nd St; noted that there is a bike lane on 41st St and that there was not a larger plan for the neighborhood; and thought this provides a public space benefit.

Commissioner Bender moved and Commissioner Quinn seconded the motion to approve the amended resolution in support of the public space application by Georgetown Day School. The motion was approved by a vote of 5-0-0.

Discussion of and possible vote on resolution regarding ABRA application from Surfside, in the former Firelake Grill space, to have a sidewalk cafe, summer garden, and restaurant open 24/7, with liquor service until 2 am on weekdays, and 3 am on weekends

Commissioner McHugh stated that the applicant asked for the maximum hours allowable from ABRA for alcohol service. The restaurant would operate 24/7 and serve alcohol outside as well as inside until 2 AM during the week and 3 AM on the weekend. Commissioner McHugh has been negotiating with them for a reduction in those hours but not all of the partners had a chance to review the agreement. Commissioner McHugh wrote a resolution opposing the application to maintain standing with ABRA with the understanding that the Commission can withdraw the protest at any time up until the hearing (in August) if an agreement is reached. Commissioners offered friendly amendments.

Commissioner McHugh moved and Commissioner Bender seconded the motion to approve the amended resolution opposing the ABRA application from Surfside. The motion was approved by a vote of 5-0-0.

Presentation by Valor Development of plans to file a PUD application to redevelop the former Superfresh site

Commissioner Ehrhardt recused himself from all future discussions and votes on the Ladybird development because Valor Development is partnering with Mill Creek on the project and Mill Creek seeks to do business with Commissioner Ehrhardt's employer.

Representatives from Valor Development did not attend the meeting. Commissioner Bender noted that some of the amenities discussed in conjunction with this project including a shuttle to the Metro (possibly using Uber/Lyft credits for residents); affordable housing; public space improvements;

installation of a CABI station; installation of an electric bike charging station; LEED certification; residential parking (RPP) restrictions. He asked those in attendance what amenities they would like to see.

Attendees: thought there were too many places where pedestrians and cars come into contact within the project and would like to see the traffic flow within and around the project improved; stated that a bill being proposed to the DC Council for Vision Zero would mandate developers install many items that are listed as amenities on this project and stated the Commission should ask for more than what is being proposed; thought Valor should support the businesses that would be displaced by the project; would like Valor to include more affordable housing, a day care center, pay an impact fee to the schools, install a dedicated bike route to Tenleytown along Yuma St, put a transit hub in the alley (put the metro and AU shuttle there along with delivery trucks), knock off a floor and remove the grocery store; would like to see a protected pedestrian sidewalk through the alley similar to what Whole Foods in Tenleytown has; asked for an electronic copy of the PUD application; asked what procedure the Commission will follow with Valor; asked if the public will see the agreement in advance of any Commission vote; and thought the AU shuttle and Uber drop-off and pick-ups need to be addressed.

Commissioners: thought the day care would need to be at below market rates to be successful; would like a HAWK signal across Massachusetts Ave; would like to see a shuttle to the Metro, have more affordable housing, better public space and a CABI station; like the idea of a protected pedestrian path through the alley; didn't think it is an optimal plan but isn't a bad plan and the city needs housing; likes the grocery store especially since the Palisades Safeway closed; were not concerned about about the pedestrian path through the alley; asked if any space on the AU building or Spring Valley shopping center space could be improved as an amenity; were happy that the dumpsters behind the Spring Valley shopping center were being cleaned up as an amenity; and thought that the community generally agrees on what amenities would they would like to see and we just need to work out the details.

Presentation by tenants of 4001 Brandywine regarding desirability of parking restrictions and an accessibility cut in the sidewalk fronting the building, and possible vote on resolution regarding same

4001 Brandywine St hosts Two Birds, a new childcare and co-working space, a physical therapy office and an OB/GYN office. The offices would like to designate up to five parking spaces in front of the building as a drop off zone between 7:30 AM and 6:30 PM and add an accessibility cut in the sidewalk in front of the building. The public parking spaces in front of the building is currently metered and DDOT needs the support of the ANC to approve of the removal of the parking spaces. The owner of the building would like to best serve most of their tenants. Sport & Health states that the removal of the spaces will impact their business but would not object to one space being removed. The physical therapist office says they need a minimum of two spaces for a drop off area.

Commissioners: thought the landlord should be mediating this; thought that there are many parking spaces around the corner that could serve for parking and the few spaces in front of the building should serve the maximum number by creating 15 or 30 minute limit throughout the day; noted that any solution is dependent on parking enforcement; and thought that the mobility impaired customers should be the main focus for a solution. Jessica Wertheim, the Mayor's representative for Ward 3 offered to host a site visit with all of the interested parties.

Discussion of and possible vote on resolution in support of Rodman's request to ABRA to be permitted to use its license to sell liquor as well as beer and wine, despite its proximity to Paul's

Rodman's has a Class A liquor license but is unable to sell hard liquor due to its proximity to Paul's on the next block. They are required to be 400 feet from the nearest liquor store. The two establishments are 460 feet apart door-to-door but ABRA measures from property line to property line and by that measurement, they are less than 400 feet apart.

Attendees had no comments. Commissioner Bender stated that the regulatory language suggests the measurement should be from establishment to establishment (rather than here where ABRA measured from the beginning of Crunch gym because it technically has the same address as Rodman's) and noted that there have not been complaints about the business practices of the two establishments.

Commissioner Bender moved and Commissioner Hall seconded the motion in support the sale of liquor at Rodman's. The motion was approved by a vote of 5-0-0.

Discussion of and possible vote on amended settlement agreement for Cafe of India and resolution withdrawing protest.

At the last meeting an attendee brought up issues with the operation of Café of India. As such the Commission filed a protest for the renewal of their ABRA license. The attendee, the owner of Café of India and the Commission have signed a voluntary agreement regarding the operation of the restaurant.

There were no questions from attendees or commissioners. Commissioner Bender moved to sign the amended voluntary agreement and withdraw the protest to the liquor license renewal. Commissioner Ehrhardt seconded the motion. The motion was approved by a vote of 4-0-0 with commissioner Hall not present for the vote.

ANC Business

- Approval of April 2019 meeting minutes - Commissioner Bender moved, and Commissioner McHugh seconded a motion to approve the April 2019 Meeting Minutes. The motion was approved by a vote of 5-0-0.
- 2nd Q 2019 treasurers report – Commissioner Quinn moved, and Commissioner Ehrhardt seconded a motion to approve the treasurer's report. The motion was approved by a vote of 5-0-0.
- Approval of expenditures - Commissioner Quinn moved, and Commissioner Bender seconded a motion to approve payments of \$56.83 to FedEx Office for copying services, \$385.90 to Sherry Cohen for administrative support and provide two reimbursement checks to Commissioner McHugh, one for \$199 for audio streaming and the other for \$305 for two years of web hosting. The expenditures were approved by a vote of 5-0-0.

The meeting was adjourned by acclamation at 10:44 PM.