



## **ADVISORY NEIGHBORHOOD COMMISSION 3E**

**TENLEYTOWN  
CHEVY CHASE**

**AMERICAN UNIVERSITY PARK  
WAKEFIELD**

**FRIENDSHIP HEIGHTS  
FORT GAINES**

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

<https://anc3e.org>

### **Meeting Minutes November 9, 2023, 7:30 pm**

The meeting convened via Zoom at 7:32 PM. Commissioners Bender, Carney, Cohen, Denny, Ghosh, Gianinno, 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**

Leigh Catherine Miles, Chief of Staff for Councilmember Matt Frumin stated that the Council voted to confirm Pamela Smith as the new Chief of Police. They also confirmed the Director of the Department of Buildings, the Director of the Department of Licensing and Consumer Protection and the Director of Youth Rehabilitation Services. Pathways to Behavioral Health Degrees Act that established a new Master of Social Work program at UDC. They are working on legislation to remove pre-1938 covenant restrictions. The next workday in the Ward will take place on Sunday, December 3rd from 8 am – 2 pm at Black Coffee in Palisades. Leaf collection has begun, and this year, there is a live map available for residents to track collections.

An attendee stated that Citizens for Responsible Development is appealing the Court of Appeals decision to affirm the redevelopment of the SuperFresh lot because CRD has concerns about the amount of affordable housing offered. The attendee believes it is a disingenuous argument and CRD is just preventing development.

Natalie Avery, Director of the Friendship Heights Alliance, stated that a mural was recently installed on the Pepco substation fence and there will be a new exhibit installed in the Pepco substation display windows on December 9. Finally, the movie Wall-E will be shown on November 16 at 5:30 pm in the parking lot behind the old Fox 5 building.

An attendee had a concern about AU students parking in the neighborhood near the AU Spring Valley building (old AU Law School). Cory Peterson with AU stated that he will connect with the attendee offline to address their concerns.

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

Lt Murphy provided an update on crime in PSA 202. Over the last 30 days there were five robberies (most of the suspects are teens, wearing ski masks, and they targeted headphones and air pods), one burglary and six motor vehicle thefts (most were recovered).

#### **Attendees:**

- Asked if someone has a video of a crime, who should they send it to. Murphy replied that these videos should be sent to his email [mchauley.murphy@dc.gov](mailto:mchauley.murphy@dc.gov).

- Asked how short staffed the Second District is. Murphy replied that they have about half of the officers that they once had.
- Asked if the staffing issue is due to budget issues, recruitment issues or lack of priority by the District Government. Murphy replied that it was not his place to determine the cause of staffing issues.

Commissioners encouraged Murphy to keep up the communications and real time alerts.

Murphy stated he could be reached at [McHauley.Murphy@dc.gov](mailto:McHauley.Murphy@dc.gov) with any comments or concerns.

### **Discussion of and possible vote on resolution regarding liquor license for East West Cafe at 4619 41st Street, NW**

Commissioner Denny stated that Mr. Coskun attended the ANC3E meeting last month and since then ANC3E and Mr. Coskun have negotiated a settlement agreement that is based on the agreement the Commission had with the previous occupant. East-West Café will be placarded tomorrow.

Attendees had no questions or comments.

Commissioners asked if Mr. Coskun has agreed to all the provisions. Denney replied that he believed so but will confirm.

Commissioner Bender moved and Commissioner Hall seconded a motion to approve the resolution in support of the ABCA application by East West Café conditional to the settlement agreement being signed. The motion was approved by a vote of 8-0-0.

### **Discussion of and possible vote on resolution regarding application for a special exception by owner of 4409 39th Street, NW for relief from lot occupancy and rear yard requirements to build a one-story addition**

Commissioner Denny stated that the owners are seeking a special exception to increase their lot occupancy to 42% but noted that they will actually increase their pervious space due to the addition being built where they currently have a patio. The owners have letters of support from their neighbors.

Attendees and Commissioners had no questions or comments.

Commissioner Denny moved and Commissioner Bender seconded a motion to approve the resolution in support of the Special Exception application at 4409 39<sup>th</sup> St NW. The motion was approved by a vote of 8-0-0.

### **Discussion of and possible vote on resolution regarding draft Wisconsin Avenue Development Framework**

ANC3E hosted a special meeting November 2, to allow a detailed discussion of the Wisconsin Avenue Development Framework between Commissioners, residents and representatives from OP.

Commissioner Quinn stated the Framework seeks to facilitate the development of housing along the

corridor by codifying some of the benefits we normally negotiate with developers including affordable housing also referred to as inclusionary Zoning (IZ), proposals on public space use and guidelines to break up the massing of buildings. He stated the Commission has concerns about the delivery of those ideas and stated he drafted a resolution that asks OP to add two planning components, form-based coding and to develop the design review criteria, before we could support these proposals. Commissioner Bender added that in the draft Framework, OP included many public amenities and improvements along the corridor. Currently, these types of improvements are usually implemented through the PUD process and are paid for by developers. Bender has asked OP how these improvements would be implemented going forward and has not received a reassuring response about how these improvements would be implemented under the draft Framework.

#### Attendees:

- Stated the wording in the draft resolution makes it seem as if ANC3E wants to continue using the PUD process so that developers will continue to implement public amenities. Commissioner Bender stated that perhaps the Council could implement a tax increment financing (TIF) or a density increment financing (DIF), in which developers would pay for the density bonus and those payments would be used to fund amenities that are currently being implemented through the PUD process. Commissioner Quinn stated that the PUD process allows residents to provide input into projects and ANC3E is trying to include a form-based code in the Framework so residents can have some input now into what will be developed later.
- Stated ANC3E should insist residential housing be included with the bus garage on the Lord & Taylor site.
- Stated they didn't believe that the Zoning or the Comprehensive Plan allow for a bus garage on the Lord & Taylor site and asked the Commission to include that in the resolution.
- Noted we could have gotten many more housing units at the Mazza Gallerie site had the Wisconsin Ave Development Framework been in place when the lot was sold.
- Stated they have concerns about diesel busses on the Lord & Taylor site and would like WMATA to add additional levels to the current bus garage.
- Stated the Development Framework does not require an adequate amount of IZ and noted that the IZ it does require, is geared toward people at the upper end of the IZ scale.
- Multiple attendees stated they had concerns about the lack of planning between DC agencies.
- Stated the ANC should insist that IZ+ be applied to the entire corridor but noted that under current rules, a developer can ask for it to be removed.
- Noted tax assessments are based, in part, on the potential for development of the lot and was concerned this would increase the taxes of sites that have been up-zoned but not redeveloped.
- Expressed concern that design guidelines have not been drafted.
- Stated there needs to be more time for the neighbors and community to review the document.
- Stated there has been a lot of turnover in Friendship Heights and was concerned we might end up with empty buildings.
- Stated we should be cautious about placing low-income residents in neighborhoods they cannot afford.
- Would like to have the adoption of the Framework tied to fixing some of the other structural problems in the area such as the shortfall in police staffing.
- Stated developers do not want to use the PUD process in this neighborhood because the projects get appealed.

- Offered some suggested language to include in the resolution regarding the TIF/DIF.
- Noted the current bus garage is on a main street, on top of a Metro station and would be a good site for housing and the new bus garage will move one block and house zero emission busses.
- Multiple residents would like a deeper setback than currently offered (15 feet) between the Lord & Taylor site and the houses on Harrison Street.
- Asked for clarification about what would be allowed in the empty lot behind Rodman's.

#### Commissioners:

- Encouraged residents to submit their comments directly to the Office of Planning.
- Multiple Commissioners expressed concerns about lack of planning between agencies.
- Was not happy about losing the opportunity to negotiate with developers to obtain amenities as currently happens with the PUD process.
- Was happy to have more housing along the corridor.
- Was concerned about traffic and safety issues the increased density would bring.
- Stated that while the concerns about the lack of planning between agencies is a valid concern, it is not before us now.
- Noted the framework is not a change to the zoning, but we are asking for one restriction on the zoning to add a moderate density transition zone to the north of the residences along Harrison Street between 43<sup>rd</sup> and 45<sup>th</sup>.
- Would like to have a form-based code and design review process added to the Framework.
- Offered friendly amendments to the draft resolution.

Commissioner Quinn moved and Commissioner Bender seconded a motion to approve the amended resolution regarding the draft Wisconsin Avenue Development Framework. The motion was approved by a vote of 8-0-0.

#### **Presentation by Friendship Hospital for Animals about their partial move to 5025 Wisconsin Ave**

Tanya Boris-Cass with Friendship Animal Hospital and Kathryn Leef from Empire stated that Friendship Animal Hospital will be moving their specialty and emergency services to 5025 Wisconsin Ave. They will be completely gutting first three floors in the building and have signed a long-term lease. They expect the construction to last for 12 months and to open in the fall or winter next year and noted that all of the work is happening via matter of right. There are 14 rental apartments in the upper floors of the building.

Several attendees were tenants in the upper floors of the building. They had many complaints about the construction and expressed concerns about ventilation, sound, and security issues once the animal clinic occupies the building, They stated that they have requested meetings with Empire, Friendship Animal Hospital and the contractor but have not received a response. Commissioners Bender helped set up a meeting between the parties to help resolve the tenants' concerns.

#### **Discussion of and possible vote on resolution regarding modification to PUD agreement for Chevy Chase Pavilion to permit loading and unloading during certain heretofore prohibited hours**

Clarion, the owner of the Chevy Chase Pavilion, discovered loading and unloading provisions in the original PUD which they claimed would make it infeasible for the boutique grocery they are negotiating

with to move into the ground floor of the Pavilion. Deliveries aren't allowed before 7 am or after 6 pm and the grocer would like to have up to 12 deliveries before 7 am and 12 after 6 pm and some more during the day. Julie Raice with Clarion stated they contacted Zoning, and they need to amend the PUD before they execute the lease. Commissioner Quinn encouraged the management to speak to the tenants at Chevy Chase Court that shares the alley. Raice stated that the trucks will be entering and exiting the alley off Military Rd, and they should not affect the HOA owners. The HOA is still talking to their owners. Clarion did speak directly to the closest neighbor, and they were supportive. Raice also stated that they will have a delivery manager on site each day.

Attendees asked when the new delivery hours would be and asked the management to enforce the truck routing to ensure trucks don't drive down 43<sup>rd</sup> Street. Raice replied that deliveries would occur from 4-7 am and from 6-10:30 pm. Trucks will have to exit onto Jenifer and go down Wisconsin.

Commissioners:

- Stated that Clarion needs to enforce the loading management plan.
- Stated they need to get a letter of support from the Courts of Chevy Chase.
- Asked why the grocery store needs 28 deliveries per day. Raice replied that they wouldn't typically get that many deliveries and they have not figured out their operation schedule.

Commissioner Bender moved and Commissioner Quinn seconded a motion to authorize Quinn to write a letter stating the Commission's opinion regarding the amendment after he worked with the residents the Courts of Chevy Chase. The motion was approved by a vote of 7-0-0. Commissioner Ghosh was not present to vote.

### **Construction update regarding mixed-use replacement for Mazza Gallerie**

Peter Ege, VP with Smoot Construction stated they are renovating the Mazza Gallerie into a residential building with five stories of apartments. The tower crane is up, and they are going vertical with the concrete. They expect to be done with the concrete in February and then they will begin wood frame construction. Construction is expected to be completed in the spring 2025.

Attendees asked a question about windows in new buildings being able to open fully. Ege stated that code does not allow if for safety reasons. Commissioners had no questions or comments.

### **ANC Business**

- Approval of October 2023 Meeting Minutes - Commissioner Carney moved, and Commissioner Bender seconded a motion to approve the Draft October 2023 Meeting Minutes. The motion was approved by a vote of 7-0-0. Commissioner Ghosh was not present to vote.
- 2023 Q4 Financial Report - Commissioner Quinn moved, and Commissioner Bender seconded a motion to approve the 2023 Q4 Financial Report. The motion was approved by a vote of 7-0-0. Commissioner Ghosh was not present to vote.
- Approval of expenditures - Commissioner Quinn moved, and Commissioner Bender seconded a motion to approve payments of \$717.50 to Sherry Cohen for administrative services, \$300.00 to Sherry Cohen as reimbursement for website maintenance, and \$53.00 to Sherry Cohen as reimbursement for increasing the Zoom license for the Wisconsin Ave Development Framework

Meeting. The motion was approved by a vote of 7-0-0. Commissioner Ghosh was not present to vote.

The meeting was adjourned by acclamation at 10:38 PM.