



## **ADVISORY NEIGHBORHOOD COMMISSION 3E**

**TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS**  
c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015

# **Meeting Minutes**

## **December 10, 2015, 7:00 pm**

The meeting convened at 7:09 PM. Commissioners Wallace, Hall, Bender, McHugh and Quinn were present.

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

An attendee asked if anyone knew what was to become of the St. Ann's School. Commissioner Wallace replied that we do not know.

Commissioner McHugh announced that a guide for how to manage problems with university students has been posted to the ANC 3E website.

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

Commander Gresham and Lt. Alan Hill from the 2<sup>nd</sup> District provided an update on crime trends in the area. In the last three months there has been a decline in theft from autos. Burglaries are down to zero this month from eight last year during the same time period. There were two robberies in PSA 202 within the last week. The police have a picture of a person of interest in these assaults. The police are working on many different levels of traffic enforcement, parking infractions and DWI enforcements. Lt. Hill reminded the audience that if you witness a crime or see something suspicious call 911. For any other questions, email [Alan.hill@dc.gov](mailto:Alan.hill@dc.gov)

### **Discussion about the Gun Found at Wilson High School**

Dan Shea, the instructional superintendent at DCPS, Kimberly Martin, Principal at Wilson and Austin Shamlin, head of security at DCPS came to discuss the gun that was found at Wilson High School. The student will remain in custody until his hearing. Dan Shea stated that DCPS is reviewing the physical security at the school, fixing doors, looking at cameras and communication systems, etc. DCPS was reviewing best practices throughout the country to see how they could improve security.

An attendee asked Principal Martin about the lack of communication with the students and community after the incident. Principal Martin responded that an announcement during the incident was not appropriate and they could not discuss details about the student with the community. Commissioner Hall added that the school should have had an assembly to explain to the students what changes were being made to keep them safe. Another attendee asked what is being done to address security holes at Deal and Janney Mr. Shamlin replied they are looking at security at all schools.

Commissioner McHugh asked if they have found weapons at other schools. Mr. Shamlin replied they have caught weapons at the metal detectors at other schools but not within the school buildings.

Commissioner Bender asked if the school has enough metal detectors and staff. Principal Martin said that they have bottlenecks at the door in the mornings because many students arrive right before classes begin. Councilmember Cheh stated that she would try to get the school anything it needs for security.

### **Discussion of proposed Pepco-Exelon merger with presentations from Pepco/Exelon and Council Member Mary Cheh**

The Public Service Commission rejected the Pepco/Exelon merger proposal in August. A settlement agreement was negotiated with Mayor Bowser and it is being presented to the Public Service Commission.

Donna Cooper, President of Pepco explained that the PSC denied the original merger proposal because they were concerned about the affordability, sustainability and reliability of the original deal. The updated proposal seeks to address their concerns. Pepco and Exelon believe that the combined company would have synergies in their distribution that will benefit the customers. There are safeguards in place to keep the customers in the DC area from paying for other shortfalls within Exelon. The two companies would separate or “ring off” generation from supply. Pepco would still buy its energy from the lowest provider. If Exelon fails to meet the safeguards PSC could force Exelon to sell off Pepco. The merger will create a stronger company that will provide better service to customers. The merger will not change PSC’s role as overseer of Pepco.

Councilmember Cheh stated that the amended proposal is still not in the public interest and that while they talk about ringing off the companies, at the same time they talk about the synergies of the two companies. Councilmember Cheh stated that most of what they are offering Pepco is required to provide regardless of the merger or would be a one-time benefit. Exelon has fought the use of renewable energy sources throughout the country and we can expect them to do the same here. Comments can be sent to the PSC until December 23. On Monday, December 14 at 1 PM, the DC Council will be hosting a roundtable on the environmental impacts of the deal that is open to the public.

Robert Robertson from Grid 2.0 stated that Exelon draws 63% of its profits from the sale of nuclear power. It will not rely on 21<sup>st</sup> century technologies to create cheaper, more reliable power and it will cost the community in the long term.

Commissioner Quinn is worried that the combined company won’t be as responsive to the ANC as they have in the past. Fifteen years ago everyone was happy to separate the generation of power from the distribution and this deal seems like a step back.

Commissioner Bender stated that this is a complex issue, but that so far as he could tell, the deal did not seem to be in the public interest. The benefits all seem to be short term. Meanwhile, Exelon is offering a significant premium for Pepco and it is hard to see how, given the apparent lack of significant efficiencies from combining the companies, they can pay so much without consumers paying for it down the road.

**Presentation by Valor Development regarding proposed mixed-use development at the Superfresh site, 4330 48th St. NW**

Will Lansing of Valor Development stated that they would like to build a mixed-use development, called The Ladybird, with 250 units. Valor plans to file their PUD application early next year. By matter of right, they could build 200 units but they would like to build 250 units (50 feet high building plus a penthouse) which would allow them to add a grocery store and allow for more flexibility in their design. 10% of the units would be affordable housing units. It would have 300 parking spaces, a porous design and will be pedestrian friendly. They would widen the alley behind Wagshals so that vehicles would enter/exit the building through the existing alley system. They would also place the existing Spring Valley Shopping Center dumpsters into exterior closets to hide them. The alley behind Wagshals might be a woonerf, a mixed-use pedestrian/cycle/slow auto area, like Caddy's Alley in Georgetown. Valor plans to purchase the density rights from Spring Valley Shopping Center and transfer the Floor Area Ratio (FAR) rights to the Superfresh site. The average FAR for the two sites would be 3.0. They are in separate negotiations with AU to deal with parking easement issues.

Some residents did not think Valor could transfer FAR from Spring Valley Shopping Center, a historically designated property. Others stated the building is out of scale with the surrounding neighborhood and would cast shadows on the nearby homes. Another attendee thought that 300 parking spaces were not adequate for 250 residential units plus retail. One attendee worried about increasing the school population. Some people brought up issues about traffic around the site. People cited cars traffic associated with cars entering the Spring Valley Shopping Center through the Exxon. Others brought up the problem with delivery trucks piling up on Yuma St.

Commissioner Hall asked Valor to look at to look at the intersection of 49<sup>th</sup> St and Yuma and stated that we still need to consider, parking, traffic and amenities.

Commissioner Wallace asked about the timing of the project. In a best-case scenario, the PUD process would take 12 months, permitting would take 6-12 months and construction would take approximately two years. They are estimating a 2020 completion date.

Commissioner Quinn noted that a pedestrian way dumps into the loading zone and asked if any portion of the alley be pedestrian only. He said that he is concerned about the pedestrian experience of people coming in off of Massachusetts Ave.

Commissioner Bender was struck by how much specific discussion there is on traffic routing, and noted that such issues were at least potentially soluble with careful planning. He asked Valor to consider having commercial activity along the alley if the alley was to be a pedestrian as well as auto thoroughfare, as Valor suggested. He also noted that it would be helpful for all involved if Valor could clarify the effect, if any, of a prior agreement with AU on the density available to Valor as a matter of right on the instant site.

Commissioner McHugh reiterated that traffic at Yuma and 49<sup>th</sup> needs to be addressed and was hoping they could put a full traffic signal at Massachusetts Avenue by the PNC bank not a HAWK signal. He doesn't want see pedestrians walking in the alley along with the dumpsters. McHugh stated that it has a

lot of potential and it looks exciting.

**Discussion and possible vote on resolution regarding public space application from Chick-Fil-A for outdoor patio and truck turnaround for planned branch in former Payless space on Wisconsin Ave**

Chick-Fil-A is renting the old Payless Shoe Store on Wisconsin Ave in Tenleytown and they would like to install an outdoor patio in front of the restaurant with 24 seats. Starbucks and Panera, on either side of the Chick-Fil-A, each have an outdoor seating area that leaves a 6-foot wide sidewalk. Chick-Fil-A plans on putting in a smaller patio to allow for a 10-foot wide sidewalk.

Commissioner Quinn asked if they could amend their application to have a bike rack installed in the tree box area. He also asked if they considered having a common outdoor seating area between the three restaurants. John Martinez from Chick-Fil-A said they would be open a combined seating area if Panera and Starbucks were interested. Commissioner Hall asked Mr. Martinez if there was anything they could do to beautify that section of Tenleytown. Commissioner Bender stated that while he does not agree with their CEO's politics and that the CEO injects those politics into his business, there was nothing to object to within their public space application. Commissioner Wallace made a motion to approve the resolution supporting the public space application and Commissioner Bender seconded the motion. The motion was approved 5-0.

**Discussion and possible vote on resolution regarding public space application for paving at 4300 Nebraska, site of new AU Law School**

AU sought approval for a paving within the public space around its new law school. Commissioner McHugh explained that the application is for a permit to install sidewalks, curb cuts and landscaping which were already approved with their zoning application; this application was a technicality. Commissioner McHugh made a motion to approve the resolution and Commissioner Hall seconded the motion. The motion was approved 5-0.

**Discussion and possible vote on resolution regarding public space application for minor change to approved awning over patio at Burger Tap & Shake on Wisconsin Ave**

Commissioner Wallace stated that Burger Tap & Shake has a canopy that extends over the trash receptacles. It was built 1.75" over what was shown in their approved plans. The resolution before the ANC3E would support BT&S's application to correct the variation. Commissioner Wallace made a motion to approve the resolution and Commissioner Bender seconded the motion. The motion was approved 5-0.

**Discussion and possible vote on resolution regarding application by Range restaurant for "brewpub endorsement" to its liquor license**

Range restaurant is seeking an addendum to their liquor license to add a brewing facility to the restaurant. Brian Voltaggio from Range stated they would like to install a 3-barrel system that would allow them to serve their own craft beer. Questions were asked about whether beer would be sold for take out. Range did not know if production would allow for that. An attendee asked if they can increase

the production beyond the 3-barrel system. Mr. Voltaggio replied that because of the ceiling height and space constraints in the restaurant they could not expand beyond the 3-barrel system. Questions were also asked about smells coming from the production. Range plans on using the existing ventilation system within the restaurant to vent the smells from the beer production. Attendees stated that they still have problems with the cigar smoke from Civil Cigar Lounge.

Commissioner Quinn stated that there is another ventilation system in the building that is noisy/vibrates and is destroying their quality of life of neighbors behind the Chevy Chase Pavilion. If any neighbors did have a problem, the protest deadline is January 11 and the hearing is scheduled for January 25. Commissioner Quinn made a motion to approve the resolution supporting the license change and Commissioner Bender seconded the motion. The motion was approved 5-0.

### **Discussion and possible vote on resolution regarding DDOT notice of intent to install a HAWK signal on Wisconsin Ave and Veazey Street**

Commissioner McHugh stated that earlier this year, a pedestrian was killed in the unsignalized crosswalk at Wisconsin Ave and Veazey St. ANC 3E asked DDOT to review safety at the intersection and DDOT is now recommending that a HAWK signal be installed there.

An attendee stated that he wished DDOT would remove the crosswalk because there were signalized crosswalks at the intersections on either side of this intersection and HAWK signals are confusing. Commissioner Quinn replied that people are allowed to cross at any intersection, crosswalk or not.

A paragraph was added to the resolution to ask DDOT to remove some parking spots on the west side of Wisconsin Ave to improve visibility. Commissioner McHugh made a motion to approve the amended resolution to support the HAWK signal and Commissioner Bender seconded the motion. The motion was approved 5-0.

### **ANC Business**

- Approval of November 2015 meeting minutes - Commissioner Bender put forth a motion to approve the November meeting minutes. Commissioner Hall seconded the motion. The motion was approved by a vote of 5-0-0.
- Approval of expenditures - Commissioner Quinn put forth a motion to approve payments of \$250 to Sherry Cohen for administrative support, \$85.97 to FedEx for copying services and of \$9.80 to Tom Quinn for stamps. The motion was seconded by Commissioner Bender and was approved by a vote of 5-0-0.

The meeting was adjourned at 11:03.