

# GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADVISORY NEIGHBORHOOD COMMISSION 3A



### ANC 3A Public Meeting Minutes – February 20, 2024 McLean Gardens Ballroom, 3811 Porter Street NW and via Zoom

**Quorum call:** Commissioners Thaddeus Bradley-Lewis (3A01), Hans Miller (3A03), and Ann Mladinov (3A05) were present, which made a quorum. (Three of the five Commissioners constitute a quorum.) Commissioner Jeremy Del Moral (3A04) arrived at 7:20 pm. Commissioner Judy Havemann (3A02) did not participate.

**Verification of Meeting Notice:** Commissioner Mladinov confirmed that the ANC meeting notice had been posted 7 days in advance of the meeting on the ANC 3A website, local listservs in Cleveland Park, Tenleytown, Glover Park, and McLean Gardens, and the Nextdoor e-network.

**Agenda:** Chair Bradley-Lewis made a motion to vote on the proposed meeting agenda. The motion was seconded and the Commission voted 3-0 to approve the agenda as presented.

#### **Resolutions Adopted**

*Resolution to support a draft settlement agreement with Makers Union Cathedral at 3701 Newark Street NW (ABRA-116777) limiting hours for the summer garden and continue to work on that with the applicant.* Commissioner Miller moved to take a vote. The motion was seconded and the Commission voted 4-0 to approve the resolution.

*Resolution to support settlement agreement with Top Level, LLC, to operate Medical Cannabis Retailer at 3715 Macomb Street NW, with an amendment asking Top Level to return to the ANC with a plan for Home Delivery Services and work through the details with the ANC and the community when/if the applicant decides to launch those services (ABCA-129007).* Commissioner Mladinov made a motion to take a vote. The motion was seconded and the Commission voted 3-0-1 to approve the resolution. (Commissioner Miller recused.)

*Comments about WMATA proposed FY2025 budget and changes in fares and services starting July 1.* The Chair made a motion to take a vote. The motion was seconded and the Commission voted 4-0 to approve sending the comments to WMATA.

*Resolution supporting proposed change in speed limit from 30 mph to 25 mph on Nebraska Avenue NW between Macomb Street and Military Road, on the western edge of ANC 3A (DDOT NOI 24-02-TESD).* Commissioner Mladinov made a motion to take a vote. The motion was seconded and the Commission voted 4-0 to approve the resolution.

*Comments on DC Department of Transportation (DDOT) for Council Performance Oversight hearing.* The Chair made a motion to take a vote. The motion was seconded and the Commission voted 4-0 to approve sending the comments to the Council Committee on Transportation and the Environment.

#### **Votes on Administrative Matters**

*Minutes of January 16 Regular Public Meeting.* The Chair made a motion to vote on the proposed minutes. The motion was seconded and the Commission voted 4-0 to approve the minutes as presented.

*Approval of expenditure of \$143.88 to GoDaddy to renew website development services for a year* The Chair made a motion to vote on the proposed expenditure. The motion was seconded and the Commission voted 4-0 to approve the expenditure.

*Vote to support after-hours work permit for MCN working at 4228 Wisconsin Avenue NW (PIW)*

The Chair made a motion to take a vote. The motion was seconded and the Commission voted 4-0 to approve sending the support letter to the DC Department of Buildings (DOB).

**Next monthly public meeting:** Tuesday, March 19, 2024

**Adjournment:** The Chair made a motion to vote on adjourning. The motion was seconded and the Commission voted 4-0 to adjourn.

The meeting adjourned at 8:46 pm.

## **FULL SUMMARY**

The Chair called the meeting to order at 7:05 pm. The meeting was held in “hybrid” format, virtually via Zoom and in-person at the McLean Gardens Ballroom.

The Chair asked for a roll call. Commissioners Thaddeus Bradley-Lewis (3A01), Hans Miller (3A03), and Ann Mladinov (3A05) were present. Commissioner Mladinov confirmed that made a quorum. (Three of the five Commissioners constitute a quorum. (Three of the five Commissioners constitute a quorum.) Commissioner Judy Havemann (3A02) was not able to participate.

The Chair made a motion to vote on the proposed meeting agenda. The motion was seconded and the Commission voted 3-0 to approve the agenda as presented.

### **MPD Community Report**

Lt. Marlon Ollivierre (the MPD lieutenant leading PSA 201, and acting captain in Sector One of the Second District) represented MPD in presenting a report on recent crimes in the area. He reported that thefts of vehicles and thefts from autos were down from the previous year in his area of ANC 3A but reports of retail thefts were up, leading to a slight increase in property crimes. He said that MPD believed that a lot of thefts had not been reported in past months, but retailers were noticing the same people had been stealing from the same store and now, with MPD’s encouragement, more stores were reporting those thefts to help the police identify and apprehend the perpetrators. MPD is working with the U.S. Attorney on pursuing repeat offenders, particularly those involved in burglaries. In ANC 3A, MPD had made some lock-ups including an individual who had stolen from the CVS on Newark Street, and had been involved in 28 reported crime incidents.

Lt. Ollivierre said that reports of violent crimes in the area had also been up since the beginning of the year. He said that MPD had tracked carjackings and also snatches of headphones and other items on Metro and had determined that the perpetrators were coming from outside the immediate area, presumably looking for areas of opportunity. The local sex abuse case which occurred in a hotel also involved people from outside the area.

He also reported on the three recent incidents that residents had asked about involving students being robbed along Wisconsin Avenue over the course of 3 days, one near Cathedral Avenue, one at 2000 Wisconsin, and one near 35<sup>th</sup> and Whitehaven. There after school a student was approached by 5 juveniles who demanded money, he refused, the suspects pulled a knife, but they drove away. The police took a report. On Cathedral, a student had left school and was using his phone when 3 juveniles approached apparently wanting his phone. He flagged down a delivery driver and was able to get a ride home, and his parents went to the police station and filed a report. The day of the meeting, MPD had made arrests in these incidents. MPD was using foot beats in multiple locations, and Lt. Ollivierre reported they were making progress.

Resident David White asked if MPD had made progress on the carjacking in the 3000 block of Idaho Avenue at 10 am on Saturday, January 8. A sergeant working with Lt. Ollivierre reported that MPD was still investigating that incident, which the ANC had discussed at the January meeting.

Lt. Ollivierre reported that a new Amazon Locker had been opened at the Second District police station so people in the neighborhood expecting packages from Amazon would have a convenient and secure place for the packages to be delivered.

Commissioner Jeremy Del Moral (3A04) arrived at 7:20 pm.

**Update on Makers Union Cathedral application to ABCA for a Substantial Change to the alcoholic beverage license (hours and live entertainment) at 3701 Newark Street NW (ABRA-116777)**

Commissioner Miller summarized the progress on talks with Makers Union Cathedral, which had opened the week before in the space formerly occupied by Matchbox. At the January 16 ANC 3A public meeting, the ANC had heard a presentation by the applicant for changes in the alcoholic beverage license at that location, including permission to remain open and offer indoor service till 2 am Sunday-Thursday and 3 am Friday-Saturday, till 12 midnight on the front plaza (“summer garden”), and add an entertainment endorsement to allow live entertainment (indoors only) till closing time. Previously Matchbox had offered service on the plaza on Sunday through Thursday till 10 pm and on Friday and Saturday till 12 midnight. Like Matchbox, Makers Union also has loudspeakers and is allowed to play recorded music indoors and outdoors, as the landlord had approved. He also reported that Makers Union is offering two hours of validated parking in the parking garage under the Giant store, which should minimize the number of customer cars parking in the neighborhood and noise from cars and drivers when they are leaving. If there are complaints as the restaurant begins its first year of operation, the license will be up for renewal in March 2025 so that will be another time when the ANC and residents can raise concerns to ABCA.

The ANC had adopted a resolution in January to develop a settlement agreement by the protest deadline of February 12 or file a protest. Commissioner Miller reported that he had been negotiating settlement terms with Makers Union similar to previous cooperative agreements the company had entered with other ANCs in recent years, and had been talking with the applicants about the three point: the hours of operation in the summer garden on weeknights, the characteristics of the live entertainment, and the use of the loudspeaker. Makers Union had told him that the entertainment would be indoors only and would not use amplification. Commissioner Miller said he had talked with Bozzuto, the company that manages the apartments surrounding Makers Union, who made the point that those buildings were not built with insulation or soundproofing to protect against noise. Some residents living close to that space had expressed an interest in limiting outdoor hours to 10 pm on weeknights. He had not filed a protest with ABCA by the protest deadline but didn’t know if the applicants would say they no longer wanted to enter a cooperative agreement with the ANC.

The Chair summarized the current hours that Makers Union Cathedral is open indoors, which are about what they said in January were the hours they follow at the locations of other similar restaurants in the area: Monday-Thursday 11 am-9 pm, Friday 11 am-11 pm, Saturday 10 am-11 pm, and Sunday 10 am-9 pm. Commissioner Del Moral observed that some local establishments such as Silver post their hours but those are kitchen hours, and bar service continues longer. He added that he supports business and wants the restaurant to succeed so would not want to see restrictions on hours and services that would prevent that. Commissioner Miller agreed he would like to find a viable safe way that people can be accommodated at local businesses and not drive customers to Maryland or other areas, so he has been trying to balance all those factors.

Commissioner Miller said he would continue to work with the applicant on a settlement agreement, and will bring proposed terms to a future meeting when they are ready. He emphasized an interest in limiting the hours on the outdoor patio. Commissioner Miller moved to take a vote on a resolution to support the

draft settlement agreement with the points he had mentioned and then take it to the applicants for their review. The motion was seconded and the Commission voted 4-0 to approve the draft resolution.

**Resolution on Top Level, LLC, application to ABCA for a license to operate “Aligned” Medical Cannabis Retailer at 3715 Macomb Street NW, with home delivery endorsement (ABCA-129007)**

Commissioner Mladinov presented an update on the case. At the January 16 ANC 3A public meeting, the ANC had heard a presentation by the applicant of the plans to become a licensed seller of medical cannabis at Top Level, and the Commission adopted a resolution to develop a settlement agreement with the applicant or, if that was not successful, to file a protest with ABCA by the protest deadline of February 5. Under new emergency legislation that went into effect January 31, the District allowed a 30-day extension of the protest deadline to give the ANC additional time to take a vote on a medical cannabis application. As a result, the ANC and applicant requested an extension which the ABC Board approved, setting a new date of March 11 for the ANC to respond to ABCA’s notice. In the subsequent weeks, the ANC and the applicant had agreed to the basic terms for the settlement agreement.

Commissioner Mladinov noted there were remaining questions about home delivery service. Top Level had not submitted a plan for home delivery and had not yet thought through all the details about offering that service, but the Commissioners wanted to ensure that the settlement agreement would provide for security of the product and delivery driver and vehicle during delivery, avert traffic congestion or other disruption at the pick-up and drop-off, in order to protect the community’s interests in “peace, order and quiet” as the law and ABCA regulations are supposed to ensure. At the meeting, Brittney General of Top Level said that Top Level would be willing to return to the ANC to present a plan for home delivery when/if the establishment decided to launch delivery services and would negotiate new terms with the ANC to cover those operations. Ms. General presented some suggested language which could be adopted as an amendment to the settlement agreement to that effect. After discussion among the Commissioners, with opportunities for public questions and comments, Commissioner Mladinov made a motion to take a vote on the draft settlement agreement, with the addition of the proposed amendment. The ANC and applicant agreed to review the language of the amendment and come to agreement before submitting anything to ABCA. The motion was seconded and the Commission voted 3-0-1 to approve the resolution with the amendment. (Commissioner Miller recused himself.)

**Discussion and vote on WMATA proposed FY2025 budget and service changes to start on July 1**

To deal with an expected \$750 million funding shortfall for Fiscal Year 2025 (July 1, 2024-June 30, 2025), the WMATA Board had released a draft budget in December proposing major reductions in service, including eliminating some Metrobus lines serving ANC 3A and much of the rest of Ward 3, cutting other service, and raising fares. Subsequently, the District, Virginia, and Maryland had offered to contribute a total of \$480 million in added funds for WMATA to help make up the funding gap. When the time arrived for the required public comment period on the proposed budget February 17-March 5, the legislative bodies in the three jurisdictions had not yet approved the additional \$480 million, so WMATA circulated the draft budget from December for comment. At the same time, WMATA also shared a letter from the CEO and General Manager Randy Clarke saying that WMATA was still expecting and hoping that the added funding would come through and if that occurred, WMATA could preserve much of its current service, raise fares by 12.5% instead of 25% as had been suggested in the original budget, and begin introducing a new “transformative” Metrobus network and Year One changes in bus services under the Better Bus Initiative.

Commissioner Mladinov presented a resolution for the ANC to send to WMATA recognizing the difficult budget situation, thanking WMATA for its efforts to gain additional funding and maintain more of its services, and supporting continued and improved service on Metrobus routes currently serving the area. The draft also urged that WMATA take local needs into full account in both the budget and the Better Bus plans scheduled to be issued later in the spring. Commissioner Mladinov also proposed to attach to the resolution the narrative description ANC 3A adopted in spring 2023 about the individual bus services

needed and wanted in the community, which was submitted to WMATA in its comments on the preliminary “Visionary Network map issued as part of the Better Bus Initiative.

The Commissioners also encouraged constituents to submit comments to WMATA supporting the services they need and want in the next Fiscal Year 2025 and for the longer term future. A resident asked if others could endorse the ANC resolution. Commissioner Mladinov said that a sign-on letter would be possible, but it would make more difference if each person interested in supporting Metrobus services or other aspects of WMATA services and fares would submit an individual response to the WMATA survey and/or send a document, because WMATA tallies the total number of submissions and people commenting about each route or service.

The Chair made a motion to take a vote. The motion was seconded and the Commission voted 4-0 to approve sending the comments to WMATA.

### **Resolution on proposed change in speed limit from 30 mph to 25 mph on Nebraska Avenue NW**

As part of “Vision Zero” to improve traffic safety in the District, the DC Department of Transportation (DDOT) issued a notice NOI 24-02-TESD, proposing to lower the speed limit by 5 mph on Nebraska Avenue between Macomb Street and Military Road, including along the western edge of ANC 3A, as well as blocks in ANC 3D, 3E, and 3F. DDOT asked for comments on or before March 13. There were no comments or questions from other meeting participants. Commissioner Mladinov made a motion to take a vote. The motion was seconded and the Commission voted 4-0 to approve the resolution.

### **Comments on DDOT Performance to Council Committee on Transportation and the Environment**

As part of its annual performance oversight hearing about DDOT on February 9, 2024, the committee invited ANCs to submit written comments for the record. Through the course of the year, ANC 3A had expressed a number of concerns about DDOT programs and actions, notably for its handling of Notices of Intent (NOIs) and requests for Traffic Safety Investigations (TSIs), so the comments incorporate those experiences and recommendations for improvements in DDOT processes for communicating with ANCs, taking ANC comments, and responding (particularly as required in the ANC law about “great weight”). There were no comments or questions from other meeting participants. The Chair made a motion to take a vote. The motion was seconded and the Commission voted 4-0 to approve the comments and send them to the Council.

### **Commissioner Updates**

Commissioner Del Moral reported on the AU Neighborhood Partnership meeting that afternoon at American University about Student Life. The meeting reported there are fewer noise complaints since last year. He said the committee continues to work on the issue that students in the area are often perceived as problems, not as full members of the community. City Ridge participated in the meeting, not because there were complaints at students but because many AU students are living at City Ridge. AU checks in periodically with each large building where AU students are living, to see how the students are doing. AU also requires all students who live off-campus to take a 45-minute “Good Neighbor” training class every year. He advised that if anyone is concerned about noise from a nearby group or residence, they should call 911 and MPD is supposed to dispatch officers to respond, though noise calls are not the top priority and police may not arrive immediately. AU Police also has a “Good Neighbor” line 202-885-3300 that residents can call if they are having problems with students in the neighborhood.

Commissioner Mladinov reported that several concerns had come to the ANC about trash at the Newark Street Playground and around the wooded triangle at the intersection of Massachusetts Avenue, Idaho Avenue and 39<sup>th</sup> Street. Councilmember Matt Frumin’s Constituent Services Office had been very responsive and is working on solutions through DPR, DPW, DDOT and other agencies.

Commissioner Miller gave an update on the constituents at the corner of 37<sup>th</sup> and Upton Street who had paid to have dozens of stepping stones installed several years ago along the curbside for half the block along 37<sup>th</sup> Street where there is no public sidewalk, and were issued a fine for not getting a public space permit. The property owners are working on getting a waiver for the fine. Commissioner Miller said they would be willing to take out the stepping stones but that would leave the block without any kind of firm walkway, across the street from the Sidwell Friends campus. That block is on DDOT's list to get a sidewalk, but the time frame could be 6 years. The property owners had contacted the ANC to see if the Commissioners could help.

Commissioner Miller also mentioned that the ANC had talked about having a further discussion of the plans for reconfiguration of Connecticut Avenue, including protected bike lanes, and why DDOT hasn't moved forward on that project. He said he would have been happy to adopt a resolution but some of the Commissioners wanted to get more information. As a result, he was hoping to organize a special public meeting for ANC 3A to present information, with speakers from DDOT, WABA and the Ward 3 Bicycle Advocates, Save Connecticut Avenue, and others. He said he would work on contacting speakers and try to find a good time for a virtual meeting on a weekday, with 7 days notice.

Commissioner Bradley-Lewis reported on attending a meeting for ANC Chairs with the Citizen Advisory Group for Iona Senior Services, the organization designed by DC's Department of Aging and Community Living to deliver services in Ward 3 and now also in Ward 2. He said the meeting was eye-opening because of both for the extent of services Iona offers to seniors and caregivers in the area, but also the examples of extraordinary series that residents have been providing to their neighbors that go far beyond what individuals should have to do without organizational help, but they didn't know about the assistance available. That includes help for seniors with financial management challenges. He offered the example that if people are struggling to keep their Social Security checks from being stolen or misdirected, Iona has a secure way to ensure that the benefits are deposited to the individual recipient's own account and cannot be intercepted. Iona's Help Line is available Monday to Friday from 9 am-5 pm, by calling (202) 895-9448, or using the website [iona.org/get-help/](http://iona.org/get-help/)

### **Community Announcements**

Matthew Barclay from the Mayor's Office of Community Relations was not present so Commissioner Mladinov shared the announcement about the Mayor's Budget Engagement Forums in preparation for the District's FY2025 budget (October 1, 2024-September 30, 2025)

### **Open Forum**

David White asked about when the Nebraska Avenue Complex (NAC) at Ward Circle would be vacated by the U.S. Department of Homeland Security, after the Chair had mentioned earlier that the U.S. General Services Administration (GSA) was listing NAC as a property that would be made available for other uses. The Chair responded that there is no timeline yet and no indication of what the plan might be for redevelopment. The ANC is trying to keep up with major developments in the area and would like for the process to include input from the community.

Commission Del Moral noted that the former residence of the Swedish ambassador at 3900 Nebraska Avenue had been sold recently and was proposed for redevelopment, and housing would be a likely use for that and NAC. A resident had additional questions about the proposed River School campus along Nebraska Avenue at 42<sup>nd</sup> Street NW. Commissioner Del Moral said that River School did not buy that property.

### **Administrative Matters**

The Chair made a motion to vote on the minutes of the January 16 regular monthly meeting. The motion was seconded and the Commission voted 4-0 to approve the minutes.

Treasurer Del Moral read the monthly ANC 3A financial report for January:

**ANC 3A January Financial Report**

Opening Balance (January 1): \$17,946.18

- Income: None
- Cash Withdrawals: None
- Expenditures: None
  - Bank Fees: None
    - Monthly Fee waived

Ending Balance (January 31): \$17,946.18

The Chair announced that every year the ANC is required to participate in the ANC Security Fund to protect against misuse of ANC funds. He made a motion to vote to approve expenditure of \$50 for the annual ANC Security Fund for 2024. The motion was seconded and the Commission voted 5-0 to approve the expenditure.

The Chair made a motion to vote on renewing the ANC 3A contract with GoDaddy for website development for the second year at a cost of \$143.88. The motion was seconded and the Commission voted 4-0 to approve the expenditure for the renewal.

The Chair reported that the contractor working on interior renovations at the Psychiatric Institute of Washington (PIW) at 4228 Wisconsin Avenue NW had contacted the ANC about obtaining a letter of support for the DC Department of Buildings (DOB) to issue a permit for after hours operation for the next five weeks. The process DOB outlines online just calls for a letter from the affected ANC Commissioner which the Chair noted raises some questions about the legal authority of an individual Commissioner to take official action in advising an executive agency. That block is in ANC3A04 adjoining two other SMDs in ANC 3A, and since the applicant had called the ANC Secretary about getting a letter of support, the Chair asked if it would make sense for the Commission as a whole to vote on the request. Hearing no objection, the Chair made a motion to take a vote on sending a letter of support to DOB for the after hours permit. The motion was seconded and the Commission voted 4-0 to approve the letter.

The Chair announced the next ANC 3A regular public meeting would be Tuesday, March 19, 2024.

The Chair made a motion to adjourn the meeting. The motion was seconded and the Commission voted 4-0 to adjourn.

The meeting adjourned at 8:46 pm.

These minutes were approved by the Commission by a vote of 4 - 0 at its duly noticed public meeting on April 16, 2024, at which a quorum was present. (Three of the five Commissioners constitute a quorum.)