

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADVISORY NEIGHBORHOOD COMMISSION 3A



ANC 3A PUBLIC MEETING MINUTES

Tuesday, June 18, 2024

Quorum call: Commissioners Thaddeus Bradley-Lewis (3A01), Judy Havemann (3A02), and Ann Mladinov (3A05) were present, which made a quorum. (Three of the Commissioners constitute a quorum.) Commissioner Jeremy Del Moral (3A04) arrived at 7:45 pm.

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, meeting the requirement.

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

Resolutions Adopted

Resolution to Support Zoning Special Exception (BZA Case 21162) for an addition at 4117 38th Street. The Chair made a motion to vote on the proposed resolution. The motion was seconded and the Commission voted 3-0 to approve the resolution.

Resolution to Support Liquor License Application for Lidl at 4000 Wisconsin (ABRA-127617) The Chair made a motion to vote on the proposed resolution. The motion was seconded and the Commission voted 3-0 to approve the resolution.

Resolution to Designate Commissioner Mladinov to represent ANC 3A on WMATA Better Bus Proposal. The Chair made a motion to vote on the proposed resolution. The motion was seconded and the Commission voted 4-0 to approve the resolution.

Administrative Matters

Minutes of May 14 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.

Next monthly public meeting: Tuesday, July 16, 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 9:03 pm.

FULL SUMMARY

The Chair Thaddeus Bradley-Lewis called the meeting to order at 7:03 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 Bradley-Lewis (3A01), Judy Havemann (3A02), and Ann Mladinov (3A05) were present and participating in the meeting. Commissioner Mladinov confirmed that made a quorum. (Three of the Commissioners constitute a quorum.) Commissioner Del Moral (3A04) also attended but arrived after the meeting was called to order.) Commissioner Mladinov also confirmed that 7-day notice was provided as required using ANC 3A's two approved methods.

The Chair made a motion to vote on the proposed meeting agenda, with one amendment to remove a presentation on a zoning application at 3935 Massachusetts Avenue for an addition that the DC Office of Planning had said earlier in the day would not require zoning relief. The Chairman explained that if there were a change in that case, there would be time to hear a presentation at the July meeting. The motion was seconded and the Commission voted 3-0 to approve the agenda with that amendment.

MPD Community Report

Captain Darren Haskis of the MPD Second District provided a summary of crime statistics in Police Service Area (PSA) 204, the largest PSA in ANC 3A. He reported that for the year to date, violent crime was much the same as in 2023, except for the addition of two assaults that were domestic in nature. Burglaries were down from 12 last year to 1 this year, thefts from autos were down more than 50% from 90 to 42, but motor vehicle thefts were up from 15 to 24, and general thefts were up from 110 to 147. In the previous 30 days, violent crime in PSA 204 was down from 2 to 1 (all assaults), motor vehicles thefts were down by 50%, thefts from auto 33% and general thefts 24%. He said he and the other officers in the Second District were working to take the most effective approach to the challenges, and move police patrols around to monitor locations around the area. He noted a recent rise in adjoining PSA 203 in thefts from autos and stolen vehicles, particularly Hyundai and Kia, associated with a couple of people driving around looking for potential vehicles to target. He urged that people use secondary protective devices (“clubs”) in their cars and never leave any objects visible in a vehicle.

Presentation on application for Zoning Special Exception for proposed addition at 4117 38th Street

Commissioner Mladinov introduced a new zoning request in ANC3A03 for a Special Exception at 4117 38th Street NW (BZA Case 21162) to construct a two-story addition with a basement wrapping around the back and side of an existing two-story semi-detached home (also with a basement) in the R-2 zone. Property owners David Steadman and Daphne Kiplinger were participating in the meeting, along with architect Allen Field and lawyer Martin Sullivan of Sullivan and Barros. They presented the plans for the proposed addition and proposed rear deck, and explained the reason for requesting a Special Exception. There is a setback of 35 feet from the house to the alley; however, because of the accessory building (an existing garage on the rear alley), under current zoning practice, the size of the rear yard is gauged by the distance between the garage and the house. The addition would extend to within 3.5 feet of the garage, 2 feet closer than today, so the applicants are required to get a Special Exception from the 20-foot rear yard requirement, under DC Municipal Regulations Subtitle D § 5004.1(a), D § 5201.1, and X § 901.2. The applicants had requested an Expedited Review, which means that the DC Board of Zoning Adjustment (BZA) considers the application at a BZA meeting but the case is not subject to a full hearing or testimony from witnesses. The BZA had announced it would accept public comments in the case up to scheduled meeting date on July 3. The applicants had presented letters of support for the application from four property owners surrounding the property, to the north, south, east and west. Commissioner Mladinov pointed out the applicants' statement of the requirements for a Special Exception, including consistency with the purposes of the zoning regulations, and effects on privacy, light and air, and confirmed with the applicants that because of the location of the addition and the position of the property at the northwest corner of the block, the rear addition did not represent a change to light and shade on any adjoining property. The Chair invited members of the community to share any comments or questions on the proposed project. No other comments or questions were raised at the meeting, or before the meeting. The Chair made a motion to vote on a resolution to support the application. The motion was seconded and the Commission voted 3-0 to approve the resolution.

Liquor license application from Lidl grocery being constructed at 4000 Wisconsin Avenue NW

Chair Bradley-Lewis introduced Manalle Mahmoud of law firm Mallios, O'Brien and Sandground LLC representing Lidl Grocer LLC which has submitted a liquor license application (ABRA-127167) from the new Lidl grocery store opening soon at Upton Place, 4000 Wisconsin Avenue NW. Lidl had applied for a Retailer Class "A" 25% License to sell beer, wine and spirits at the grocery store. That category of license allows the establishment to open a full-service grocery selling the full range of alcoholic beverages with the proviso that the revenues from the sale of those alcoholic beverages can account for no more than 25% of the establishment's total annual revenues from sales of all products at the store. The application had been announced at the ANC 3A public meeting on May 14, and the ANC invited public comments. Commissioner Mladinov noted and Ms. Mahmoud confirmed that Lidl qualifies for a Retailer Class A 25% liquor license as a result of the company's investment in opening and operating a similar sized full-service grocery store in Ward 7, one of the qualified zones identified as needing additional grocery stores under the law adopted by the District in 2022. Petitions and/or requests to appear at a hearing before the ABC Board were due to abra.legal@dc.gov on or before June 24. No other participants offered comments on the application, either in writing before or during the meeting. The Chair made a motion to vote on a resolution to support the application. The motion was seconded and the Commission voted 3-0 to approve the resolution and file the ANC report to ABRA.

Announcement of Application for Alcoholic Beverage License for Shinwa Izakaya at City Ridge

The Chair announced that ANC 3A had received an application for a Class C Restaurant License (ABRA-128816) for Shinwa Izakaya, which is planning to open at 11 Ridge Square, with 140 seats indoors and a 40-seat summer garden. The restaurant is also seeking an Alcohol Carryout and Delivery Endorsement and Holiday Extension of Hours. ABRA had invited comments to abra.legal@dc.gov and set a Petition Protest date of July 22, with a Roll Call Hearing on August 12.

Presentation on Social Housing and Proposed Legislation B25-191 in DC Council

East Peterson-Trujillo, Campaign Director for Green New Deal for DC, and Fatoumata Keita, Director of Development for the Joint Center for Political and Economic Studies, spoke about the concept of social housing and the proposed bill that is being considered by the DC Council. They explained that "social housing" generally refers to mixed income housing owned, built and managed by the local government with tenant leadership boards to advise on property maintenance and management. Targets for the share of units rented to those with low or severely low incomes, who pay a low rent, usually less than 30% of their income, which is subsidized by other units rented at market rate. The current proposal is for about 30% of units to be affordable for households making 30% or less of Area Median Income (AMI), 1/3 of units for households making 30% to 80% of AMI, and the rest for households paying market rate rent. The bill also includes requirements for the projects to meet fair labor standards, be fully electric with energy efficient appliances and solar power where possible, achieve net zero carbon emissions, provide the minimal number of parking spaces allowed under zoning regulations, and fulfill other sustainability goals. The hope is that if these projects are successful, they will generate additional funds to make it possible for additional social housing to be built. As background, they explained that in the District, the social housing proposals have been spurred by the difficulty of meeting affordable housing goals using current mechanisms, including public housing, the District's Housing Production Trust Fund, housing voucher programs, and preservation of existing affordable housing. The new program would require some support from the trust fund and potentially tax benefits or lower property assessments. They would be operated as non-profits so that is also anticipated to provide savings. They reported that the New York Assembly is considering a bill providing for social housing, and California and Seattle also are working on similar efforts. They also cited examples of social housing in Vienna, Austria, and also a new project in Montgomery County (near the Gaithersburg Metro station) called the Laureate which is now open for new residents. They noted that many Councilmembers are co-sponsoring the bill, though six have not taken a position on it.

Commissioner Del Moral entered the meeting at 7:45 pm.

Commissioners and other participants asked questions related to the plans, expected rents, similar efforts at creating mixed income housing, and how the social housing proposal would work under current market conditions. Commissioner Del Moral observed that demand for luxury apartments in the District has gone down significantly, reducing the rents that tenants are willing to pay at the top end, which would make it more difficult for the social housing model to produce the available funds to maintain the buildings and sustain the project. He also noted the challenges that current rental properties and landlords are facing with unpaid rent and the difficulty of evicting tenants in arrears. The Commissioners expressed an interest in hearing from constituents and also getting additional information about experiences with examples such as the Laureate and projects in other cities.

Discussion of WMATA Better Bus Proposal to Reconfigure and Rename All Metrobus Routes

Commissioner Mladinov reported that the Commissioners were continuing to accept comments and reviewing WMATA's revised bus network map and routes proposed for 2025 which were issued May 7 as part of the Better Bus Initiative. The WMATA Board had opened a public comment period lasting from May 13-July 15. The proposal includes renaming and reconfiguring all current Metrobus routes. Details on the proposal, including maps of all WMATA's proposed Metrobus routes for 2025, were posted at: <https://www.wmata.com/initiatives/plans/Better-Bus/upload/EN-Route-Profiles-and-Crosswalk-05-06-24.pdf> Directions on how to get more information and submit comments were posted at: <https://betterbus.wmata.com/share>

The Chair emphasized the importance of quality bus service to the ANC area, proportionate to the density of development, to meet people's transportation needs as well as environmental goals. A lot of the proposed changes in WMATA's current proposal appear to reduce frequency or eliminate service that people have used and become used to. With new development in the area, including at Upton Place which is just opening, there is going to have to be an efficient, effective, reliable network of buses for the area. He observed that since ANC 3A was established, transportation and bus service had been among the most frequent topics of discussion. Commissioner Mladinov also reported that the Commissioners had talked to Councilmember Frumin and worked with other Commissioners on the issue to date, and would be focusing on coordinating with other ANCs and CM Frumin's office on the Better Bus proposals.

Hana Fouladi of Councilmember Frumin's office was also participating in the meeting and announced that CM Frumin was organizing a public meeting with WMATA about the Better Bus proposals, tentatively scheduled for July 9. Ms. Fouladi also said that CM Frumin was planning on preparing a letter to submit to WMATA highlighting elements of the Better Bus proposal they were happy with and where it falls short. She repeated the request for people to submit comments to CM Frumin's office, which was hoping to work with ANCs and constituents to develop an effective position on the issue.

Commissioner Havemann asked if it would be possible to distribute fuller information to constituents about the proposal, particularly for seniors and others living and working in the large buildings on Wisconsin Avenue in her Single Member District, who have access to buses on Wisconsin (31, 33), Massachusetts Avenue (N2/N4/N6) and Woodley Road (96). Commissioner Mladinov said that the ANC members who have been reviewing the proposals have the fullest information on the proposed Better Bus routes, and many residents from ANC 3A had been sharing comments via the community engagement software and online survey organized by ANC 3D. Though the timing would make it difficult for ANC 3A to purchase new software or arrange for a contractor to prepare a brochure or a survey, it would be possible for the ANC 3A Commissioners on their own to develop an information sheet and survey for her constituents, and she would work on that. The Commissioners urged people to submit comments and get those to WMATA, to the ANC, and also with CM Frumin and other Councilmembers who are in a position to affect decisions about WMATA services and budget.

Constituent David White spoke about a petition he had developed to oppose WMATA's proposal to operate a new Metrobus route C85 that would run on 39th Street NW between Cathedral Avenue and Massachusetts Avenue, alongside Annunciation School (pre-K through 8th grade). Residents on those blocks of 39th Street as well as the school have major concerns about the safety risks for the school children, their families, and others on that narrow local residential street where there has never previously been a bus line. Mr. White had gotten several dozen signatures and was working on getting more, before submitting the petition to WMATA.

The Commissioners expressed interest in having ANC 3A develop a position based on comments from constituents and analysis of the proposals, to file with WMATA by July 15. Since that deadline was the day before the ANC 3A July public meeting, and WMATA had said it was legally bound to enforce that deadline, the Chair made a motion to designate Commissioner Mladinov to represent ANC 3A on the matter. The motion was seconded and the Commission voted 4-0 to approve the resolution.

Commissioner Updates There were no Commissioner updates

Community Announcements There were no community announcements.

Open Forum There were no additional comments.

Administrative Matters

Commissioner Mladinov had prepared draft minutes of the May 14 ANC 3A public meeting. The Chair made a motion to vote on the minutes. The motion was seconded and the Commission voted 4-0 to approve the April minutes.

Commissioner Del Moral read the ANC 3A May financial report. There was one check issued for \$6.09.

ANC 3A May Financial Report

Opening Balance (May 1): \$17,720.50

- Income: None
- Cash Withdrawals: None
 - Expenditures: \$6.09
 - Bank Fees: None (Monthly Fee waived)

Ending Balance (May 31): \$17,714.41

The Chair announced that candidates for ANC Commissioner can pick up nominating petitions from the DC Board of Elections starting July 1. Completed petitions with signatures from at least 25 registered voters in the Single Member District must be submitted to the Board by close of business on August 7.

The Chair announced that the next monthly public meeting would be Tuesday, July 16, 2024.

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

The meeting adjourned at 9:03 pm.

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