



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 April 11, 2024, 7:30 pm Virtual Meeting

The meeting convened via Zoom at 7:36 PM with Commissioners Bender, Cohen, Denny, Gianinno, and Hall and Quinn in attendance. Commissioners Ghosh joined later.

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

Commissioner Bender began by announcing that the UIP asked for this agenda item be postponed to a later meeting.

Leigh Catherine Miles stated the next Workday in Ward will take place on April 25 at Tatte at City Ridge, the Wilson Aquatic Center is targeting Memorial Day weekend for its reopening, and the DC Council is currently conducting budget oversight hearings.

Presentation by 2nd District Police

Lt Murphy stated that over the last 30 days in PSA 202 there were no violent crimes and there was one motor vehicle theft on the 4600 block of Chesapeake (the car was left running with the key in the vehicle and the doors unlocked and the vehicle was recovered the next day thanks to an AirTag in the vehicle).

Attendees asked what the drop in crime can be attributed to. Murphy replied that the OAG is prosecuting more cases and keeping more suspects in jail and MPD has increased patrols at night and are checking businesses to make sure their doors are locked.

Commissioners:

- Thanked the police for better communications with the community.
- Asked for details on two recently closed cases. Murphy replied that there were two robberies on the same day in January one at the Verizon store in Friendship Heights and then a Canadian Goose jacket was stolen from someone along Reno Rd. The cases were closed thanks to an AirTag that was sewn into the coat.
- Asked about an alert for a robbery on Wisconsin Ave that was sent out to the community but did not appear the next day on the crime report. Murphy stated that was erroneously initially classified as a robbery when the alert was sent out.

Presentation by Friends of Friendship Park regarding Turtle Park Mayfair and possible vote on letter in support of the fair

Maria Creighton, representing Friends of Friendship Park (FOFP) stated that Mayfair will take place on May 11 from 10-2. They requested permits from DPR and DDOT to close Van Ness St between the northern and southern sides of 45th St and are asking the ANC for a letter of support.

Attendees and Commissioners had no questions or comments.

Commissioner Gianinno moved, and Commissioner Denny seconded a motion to approve a letter in support of Mayfair. The motion was approved by a vote of 7-0-0.

Discussion and possible vote on resolution regarding liquor license renewal for Rodman's

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 the establishment. Commissioners asked about the alcohol license Rodman's received to operate the outdoor patio. Bender replied that Rodman's received a license to sell alcohol at the café and later received a license for offsite license and abandoned the café license. There were no concerns raised by those in attendance or sent to the Commissioners ahead of the meeting, therefore the Commission took no action on Rodman's liquor license renewal.

Discussion of and possible vote on resolution regarding special exception application for relief from lot occupancy and semi-detached rear wall requirements to permit construction of a rear addition and an accessory garage at 4526 43rd Place

John Borrazzo stated they would like to put on a second-floor addition over an existing addition, replace the existing shed with a usable garage and expand their screen porch. These renovations will allow them to age in place. The home is semi-detached house, and their addition would extend 10 feet beyond the attached house and their plans would occupy 41% of the lot (whereas the lot limit of 40%). They shared the plans with adjacent neighbors and have letters for support from neighbors. The architect, Grant Saller, stated the earlier renovation was done in 2000 by right, so the current footprint of the house won't be increasing.

One neighbor stated that she does have objections to the project noting that other neighbors have renovated their homes but stayed within the footprints of the original sleeping porches. She felt these plans would block her views of the sun and sky and would set a precedent for other large additions along that row of houses. She wanted the record to reflect that she has an objection to the project and would like the drawings showing the projected views from her home to be corrected. Mr. Saller noted that the sleeping porch on the adjacent home to the Borrazzo's home was removed but if the sleeping porch was still present the 10-foot rule would not apply. There were no other comments or concerns from other attendees.

Commissioners:

- Asked if there is a loss of permeable space. There will be and they will install a rain garden and rain barrel on the garage.
- Asked if the Borrazzos spoke to the objecting neighbor. They did and the pre-hearing statement notes her objections.
- Asked if they conducted shadow studies. The shadow studies do not show any impact on the objecting neighbor; the addition would affect her view of the sky.

Commissioner Bender proposed a friendly amendment stating the applicants will meet with the objecting neighbor and talk about other options to change the shape of the roof line and fix the drawings. Commissioner Bender moved and Commissioner Hall seconded a motion to approve the amended draft resolution in support of the special exception. The motion was approved by a vote of 6-0-0. Commissioner Cohen was not present to vote for this item.

Discussion of and possible vote on liquor license for Trader Joe's coming to Chevy Chase Pavilion

Trader Joe's has applied for a liquor license for their future store at the Chevy Chase Pavilion. Matthew Minora is the counsel representing the applicant stated the license would allow for sales for off-premises use and tastings in the store from 8 am -10 pm daily.

Commissioner Quinn stated the ANC has concerns about traffic issues along Wisconsin Ave but especially at that corner and the ANC wants to minimize the issues. The zoning order requires they post signs about pick up and drop off (PUDO) and asking people to park in the garage and would like this included in the ABRA settlement agreement as well. The ANC also asked them to agree to abide by the DC commuter benefits program. Minora stated they are on board with the general principles of the agreement that we have with Alley Cat. Both the ANC and Mr. Minora stated that they are close to a settlement agreement and will continue to negotiate. Commissioner Bender stated that we need to pass a protest resolution to maintain our standing and if the parties can come to an agreement before the hearing, the ANC will withdraw the protest resolution.

Attendees had no questions or comments. Commissioner Bender proposed a friendly amendment to change that language to authorize Commissioner Quinn to enter into negotiations for a settlement agreement and dismiss the protest resolution.

Commissioner Quinn moved and Commissioner Denny seconded a motion to approve the amended draft resolution to protest the ABRA application for Trader Joe's. The motion was approved by a vote of 6-0-0. Commissioner Cohen was not present to vote for this item.

Discussion of and possible vote on resolution regarding exception to chain store prohibition in PUD order for UIP building at 4620 Wisconsin to permit European Wax Center as a tenant (tentative agenda item)

This item will be heard at a later meeting.

Presentation regarding plans by Wesley Theological Seminary to seek amendment of the Zoning Code to permit it and Landmark Properties to build a combined dorm for Wesley and apartment building for American University students.

Commissioner Bender stated that as part of their campus plan, Wesley proposed working with a private developer, Landmark, to build a student apartment building that it called a "dormitory" in which most of the beds would be set aside for AU students. Nothing in DC law allows for a dorm for other institutions and AU wanted no part in the project. The Zoning Commission (ZC) rejected the proposal as part of a regular campus plan proceeding, but suggested they could try a Planned Unit Development (PUD), but a

PUD would require Inclusionary Zoning (IZ). Under DC law, students are explicitly exempted from IZ. The ZC has made clear that the proposal would not qualify as a dormitory under DC law and has also rejected a proposal to satisfy IZ requirements with “student IZ.” Wesley is exploring an amendment to the zoning code to allow for their proposals. Commissioner Bender stated that the ANC wants to see Wesley succeed and would like to work with Wesley to develop an offsite inclusionary zoning program and proposed they work with an existing private developer and buy down rents to provide additional IZ at those other buildings. Wesley has a proposal that the ANC has concerns about.

Patrick Brown stated the Campus plan and PUD applications are still pending before the ZC. Wesley has until April 25 to submit their proposal for moving forward given the ZC’s findings; other parties need to respond to Wesley’s proposal by May 2; and the ZC will take this issue up at the meeting on May 9. Wesley would prefer to do IZ on campus for students and have the program administered by DHCD. ANC3E has stated they prefer offsite affordable housing within Ward 3. This is allowed within the current zoning law but with limitations. They are proposing a text amendment that would allow them to develop the student apartment building with Landmark. In addition, Wesley is proposing they reduce the underground parking by 26% and will install a barrier to restrict vehicles and pedestrians from accessing University Avenue.

Wesley stated the building at 5225 Connecticut Ave is vacant, will be renovated, and they are an affordable housing provider. The building will be income restricted housing at 80% Area Median Income (AMI) and they are willing to take the \$8 million to do additional affordable housing for lower AMI. They could do traditional IZ if the ANC is open to further negotiations.

Attendees:

- Asked if there was any precedent in for providing IZ offsite. There is a special exception process and there was one case where it was approved. They are not far enough into the process to know if they can meet the criteria.
- Asked how Wesley came up with the \$6-8 million figure and if the Commission thought this was enough. Commissioner Bender stated the Commission would prefer Wesley buy down rents equivalent to what they would have to provide in their dorm at the appropriate AMI levels in a traditional IZ situation, so we can compare apples to apples. The building at 5225 Connecticut Ave currently has rent controlled apartments that average \$1850 and after they renovate it, the apartments would still be rent controlled and they would reset the rents probably at around \$3200-3400, and the affordable rents will be reset to about \$2600-2700. It’s hard to evaluate the benefit Wesley would be providing. Originally Wesley stated the \$6-8 million would come from the savings from reducing the parking garage size. Cynthia Giordiano stated that that was incorrect as the savings from building the parking garage needed to be offset from by loss of income from leasing the parking spaces. Patrick Brown stated that the \$6-8 million was an estimate of what the IZ would have cost.

Commissioners:

- Stated that affordable housing preservation could be good if it is done well but had concerns about how to calculate the benefit Wesley is providing given that the building was not subject to IZ, was subject to rent control, and were allowed to reset the rent to market rate.
- Stated that we just received the proposal today and there is a lot for us to understand.
- Asked if they contacted developers doing projects within ANC3E including UIP, Roadside, and Federal Realty. They did not. Patrick Brown stated that they would explore those developments.

- Appreciated that they are trying to find a creative solution.
- Asked for clarification about closing the ingress/egress about University Ave. Brown stated it is currently an exit now and they would further restrict access to it.
- Stated that closing University Ave is a disservice to the greater community.
- Stated restricting pedestrian access to University Ave is a bad policy decision.
- Glad they are trying to preserve affordable housing and they need to have all parties affected by affordable housing at the table.

ANC Business:

- Approval of March 2024 Meeting Minutes - Commissioner Bender moved, and Commissioner Gianinno seconded a motion to approve the March 2024 Draft Meeting Minutes. The motion was approved by a vote of 7-0-0.
- Approval of expenditures - Commissioner Quinn moved, and Commissioner Hall seconded a motion to approve payments of \$337.50 to Sherry Cohen for administrative services. The motion was approved by a vote of 7-0-0.

The meeting was adjourned by acclamation at 9:51 PM.