



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 June 15, 2023, 7:30 pm

The meeting convened via Zoom at 7:32 PM. Commissioners Bender, Denny, Ghosh, Gianinno, and Quinn were in attendance. Commissioners Carney and Hall joined later.

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

Amy Sinnenberg, Constituent Services Director for Councilmember Frumin, announced that the Wilson Aquatic Center reopened on Monday. The operating status for the pool is subject to indoor humidity levels. The Hearst pool will be open on weekends through June 25 and daily starting June 26. The WMATA Better Bus plan is still taking comments thorough June 18. Councilmember Frumin’s office is also collecting comments on the bus plan, as Ward 3 will be impacted greatly by the proposed changes.

An attendee stated they saw a video of a police officer pulling a gun on an unarmed student in Tenleytown and they feel unsafe. Lt Murphy responded that the video was taken on May 26, during a fight between Jackson-Reed and Dunbar High School students. The person in the video had the knife in her hand and was actively assaulting other students. The officer drew the weapon and ordered her to drop the knife. The officer eventually apprehended her and placed her under arrest.

Commissioner Quinn announced that DCPS is hosting a meeting on Tuesday June 20 at 4:30 pm to discuss construction plans for a new addition to Alice Deal.

Mathew Barclay, Ward 3 Representative with Mayor’s Office of Community Relations (MOCR), announced:

- The Mayor’s office has a survey to collect community input to learn what residents’ priorities are for the new Chief of Police.
- The Mayor released a statement on the FY24 budget.
- Outdoor pools are currently open on weekends. Starting on June 26, they will be open 6 days per week from 10 am – 6pm.
- DCPS has created menstrual health education standards.
- Mayor Bowser released the downtown action plan.
- Richard Jackson has been named the new DOEE Director.
- DPR will have Hip hop dance classes this summer.
- DC will have its summer hiring event at the MLK library on July 11.
- Applications will be open through July 1 for the School Year Internship Program.

Barclay can be reached at 202-340-7853 or matthew.barclay@dc.gov if anyone has any additional questions or concerns.

Liz Sterling, Manager at Tenley Friendship Library, announced summer reading challenge will be starting soon with programs for children, teens and adults.

Cory Peterson, Assistant Vice President for Community and Government Relations, announced that on Tuesday June 20, the Community Liaison Committee will host a town hall with President Burwell.

Presentation by 2nd District Police

Lt Murphy provided an update on crime in PSA 202. Over the last 30 days there was one Assault with a Dangerous Weapon, the previously mentioned assault, and one Burglary at 4906 Wisconsin Ave. Lt Murphy and an officer from the School Resources Division attended a Tenleytown Safety Task Force Meeting with ANC Commissioners, the Principal of Jackson-Reed. They plan to have more officers in the area in the mornings and afternoons.

Two attendees stated that they felt unsafe after viewing the video of the police officer arresting the student on May 26.

Commissioners:

- Took issue with Lt Murphy's statement that the officer didn't have his weapon pointed at the student and thought the officer escalated the situation.
- Suggested we consider having a separate meeting with one or more commissioners, concerned constituents, and police representatives to discuss the events of May 26.
- Stated they thought that people would have complained about police inaction if the juvenile managed to stab someone and that people need to be accountable for their actions.
- Stated that the video on Twitter is video of just a part of the incident.

Lt Murphy can be reached via email at mchauley.murphy@dc.gov if anyone has any questions or concerns.

Discussion of and possible vote on a resolution regarding application by owners of 4343 39th St for a special exception to side and rear yard requirements to add a one-story rear addition

Commissioner Denny stated that owners of 4343 39th St would like to restore the property and add a one-story addition to the rear of the home but need a special exception. Marty Sullivan, zoning council for the property owners, stated the addition would replace a rear porch and the owners are seeking side yard relief (will have 6.8 feet of clearance rather than the required 8 feet) and rear yard relief (there will be an accessory building in the rear yard that is not allowed). They have three letters of support from nearby neighbors. Denny added that the owners also plan to remove the front and rear paved driveways so this project will increase the pervious area on the property. Dale Overmeyer, the architect for the project, shared the project plans.

No attendees or Commissioners had questions or comments.

Commissioner Denny moved and Commissioner Quinn seconded a motion to approve the resolution in support of the special exception for 4343 39th St NW. The motion was approved by a vote of 7-0-0.

Discussion of and possible vote on Further Processing application by AU for permission to build the Meltzer Center for Athletic Performance and the Sports Center Annex

Cory Peterson, Assistant Vice President for Community and Government Relations, shared the plans for the Meltzer Center and SCAN programs. Both buildings are smaller than what was approved in their campus plan. The plans shared included a sound study for the rooftop HVAC units (he noted that the plans include an emergency generator that will be louder than the HVAC units but will only be tested(?) once per month for about an hour), sketches of what the exterior lighting would look like from above at night (the pathway between the buildings would be brightest part of the project), and renderings of the sightlines from University Ave during the winter today, when the project would be completed, and 5-7 years from now when the landscaping would be mature. Commissioner Ghosh noted that this project would displace the student community garden and AU will move the garden to another space on campus.

Attendees had no questions or comments. Commissioners: asked if the buildings would have green building features and/or solar panels (it will be LEED Gold and a green roof) and asked them to consider using a contractor that hires union labor and uses apprentices.

Commissioner Ghosh moved and Commissioner Quinn seconded a motion to approve the resolution to further process the application. The motion was approved by a vote of 7-0-0.

Update by UIP on progress in constructing a mixed-use building on Wisconsin near Brandywine, amenities, and leasing

This item will be considered at a later meeting.

Discussion of and possible resolution regarding public space application by Donohoe in connection with the mixed-use building it intends to build at the Fox 5 site

Commissioner Quinn stated that we unanimously supported the building application for 5151 Wisconsin Ave about 18 months ago. Donohoe Construction is now looking for approval of their public space application. Jad Donohoe shared the public space plans. He stated that they originally planned to use some raised planters, but DDOT asked them to put in planting beds that would be flush with the hardscape.

An attendee stated they were concerned about the garage exit and resulting car volume that will be funneled onto 42nd Street. Donohoe replied that there will be one driveway on Harrison and another on Garrison and none on 42nd Street. Quinn added that that DDOT does not like driveways on major arterials like Wisconsin Ave because it not safe for pedestrians.

Commissioners:

- Offered a friendly amendment to the resolution that was accepted.
- Asked if they are using differentiated paving materials. They will cross the driveway.

- Asked when this when construction will begin. Donohoe is still waiting for building permits to be issues and then they need to obtain financing.
- Asked if Donohoe can do something else with the property while they wait for the permits. The building no longer has utilities, but they could do something on the parking lot in behind the building.
- Asked if they can consider remove two of the three utility poles along Wisconsin Ave.

Commissioner Quinn moved and Commissioner Bender seconded a motion to approve the resolution as amended, in support of the public space application for 5151 Wisconsin Ave. The motion was approved by a vote of 7-0-0.

Update from GDS on its efforts to come into compliance with its zoning order

Barbara Eghan, Executive Director of The Center for Civic Engagement, with GDS stated that GDS understands they need to work with the community and the ANC and was at the meeting to provide their required quarterly update to the community. She stated that GDS has established a task force to provide reporting on all aspects of compliance to DDOT and the ANC. GDS submitted a 57-page compliance update per the BZA order and contended they are on track to comply in all 32 areas by November (the school is currently out of compliance on enrollment and reporting requirements). Eghan stated that for the spring trip counts, they extended their reporting radius and met all trip counts requirements and stated that all pick up and drop off (PUDO) will occur on campus with their families over the summer and next year. She did note they are limited in their ability to control what goes on off campus.

Attendees:

- Stated that in the past, GDS's Head of School told community members to report any parents who are parking in the neighborhood or picking up or dropping off their children in the neighborhood and to include pictures of the cars. But their latest compliance report revealed that GDS privately complained to DDOT that neighbors taking photos and videos were alarming to GDS and, allegedly, created a safety concern for the students. Therefore, GDS told DDOT they would not disclose the date of the next trip count to the ANC or the community, and they asked DDOT to conceal this information from the ANC and the public. The attendee stated this seems contradictory to what they asked the community to do and asked if the community should still send photos and videos of scofflaws. Eghan replied that neighbors should indeed send photos and videos to talktoGDS@gds.org
- Stated that they had seen many GDS parents around Wisconsin and Chesapeake speeding, parking illegally, blocking crosswalks, making illegal turns, students parking in the neighborhood, etc. and they don't see any enforcement. They added that their spouse was hit by a car at Chesapeake and Wisconsin and thought the northbound traffic light on Wisconsin is blocked by a tree.
- Stated that GDS's traffic counts miss a lot and ignore where pedestrians are originating from.
- Margaret Dwyer, a representative of Ward 3 Housing Justice, stated they had a meeting with GDS regarding GDS building affordable housing on the WMATA chiller site or at the City Bikes location. GDS has no development plans now, but they are looking forward to working with Ward 3 Housing Justice when they do move forward with development plans.

Commissioners:

- Displayed a map from the GDS website that shows PUDO is not prohibited anywhere east of Wisconsin Ave or west of 45th St. Eghan stated GDS will update the map this summer.
- Was disappointed that GDS didn't, per DDOT guidance, consult with ANC about the streets that needed to be studied for the spring trip counts.
- Would love to see GDS develop their properties and build affordable housing for the community.
- Noted that on GDS' website they claim to be concerned about environmental justice and sustainability and noted that GDS has more transportation options than almost any other school in the area. GDS needs to enforce their traffic management plan (TMP).
- Multiple Commissioners noted that the community is frustrated.
- Stated that when GDS first proposed their TMP, the Commissioners told GDS they are an environmentally focused school and their TMP needed to reflect their values. And now years later, we are still having the same conversation.
- Stated that the trip counts don't seem remotely credible as they regularly see many kids each day being dropped off on the streets. Moreover, GDS' survey of the families and how they claim to get their kids to and from campus were not reflected in the trip counts, i.e., 400+ kids claim to be in carpool, but the trip counts show 100 arriving in a carpool and more kids were observed walking to campus during the trip count than in the survey which suggest kids were being dropped off in the neighborhood.
- Noted that the ANC has pointed out places of concern to GDS, but those concerns weren't incorporated into the spring trip count.
- At their BZA hearing, GDS testified that all PUDO would be on campus, yet, for years, GDS has been putting up a map on the Internet that tells parents PUDO is permissible on numerous nearby off-campus streets; moreover, at the February ANC3E meeting, when Commissioners asked why GDS was not forbidding off-campus PUDO, GDS stated that their zoning order did not prohibit PUDO off campus (despite GDS' testimony at the zoning hearing to the contrary).
- Was happy that the ANC and GDS are working to reestablish a good working relationship and was happy to hear that GDS will update their map but thought this all should have happened years ago when the combined school opened. Stated that nothing in the BZA order says that if GDS fails the fall count, they can do a spring count and if they pass the spring count, they are in compliance. The order states that if GDS passes the spring trip count they do not have to adopt remedial measures. They also noted that there were problems with the spring count methodology, GDS did not work with the ANC before conducting their trip count per DDOT's direction, and GDS has been over enrollment for the last two years. Eghan replied that they are committed to the partnership with the ANC but they do not agree with this and they hope to work with the Zoning Administrator to arbitrate the differences in interpretation and the issues regarding their over-enrollment.

Discussion of and possible vote on resolution to amend the settlement agreement with Whole Foods to permit later Sunday hours for alcohol sales

Commissioner Bender stated that he was recusing himself from hearing this issue because he owns Amazon stock. Commissioner Denny stated that Whole Foods struck an agreement with ANC3F in 2008 regarding the hours of alcohol sales. Recently, Wegmans opened, and they sell alcohol until midnight. Whole Foods would like to extend their alcohol hours a half hour on Sundays. Commissioner Quinn stated that we have received no complaints regarding alcohol sales.

Attendees and Commissioners had no questions or concerns.

Commissioner Denny moved and Commissioner Quinn seconded a motion to approve the resolution in support of amending the Whole Foods settlement agreement regarding alcohol sales. The motion was approved by a vote of 6-0-0. With Commissioner Bender recusing himself.

Discussion of and possible vote on resolution regarding youth vaping

Commissioner Hall stated that the Department of Consumer Protection has been holding round tables on vaping. The Commission is concerned with the proliferation of vape stores in the neighborhood and the ANC has passed resolutions asking the city to be more stringent with the distance from schools for vape stores. This resolution seeks to make vaping less available, less attractive, less addictive (vaping in the US has have triple the nicotine levels that are allowed in EU) and less affordable.

Attendees had no questions or comments. Commissioners:

- noted that vape stores are proliferating and some also sell marijuana.
- Wondered if it would make sense to limit vape sales to liquor stores as both are restricted to people 21 or older.
- Another Commissioner stated that young people use apps to buy both alcohol and vapes.
- Stated that they were not sure what the outcome of the roundtables are intended to be.

Commissioner Hall moved and Commissioner Denny seconded a motion to approve the resolution regarding youth vaping. The motion was approved by a vote of 7-0-0.

ANC Business

- Approval of June 2023 meeting minutes - Commissioner Bender moved, and Commissioner Denny seconded a motion to approve the Draft May 2023 Meeting Minutes. The motion was approved by a vote of 8-0-0.
- Approval of expenditures - Commissioner Quinn moved, and Commissioner Bender seconded a motion to approve payments of \$555.00 to Sherry Cohen for administrative services and to reimburse Sherry Cohen for \$158.89 for Zoom license for one year. The motion was approved by a vote of 8-0-0.

The meeting was adjourned by acclamation at 10:29 PM.