



## **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 25, 2024, 7:30 pm**

The meeting convened via Zoom at 7:35 PM with Commissioners Carney, Cohen, Denny, Gianinno, Hall, Ghosh and Quinn in attendance.

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

Leigh Catherine Miles, Chief of Staff with Councilmember Frumin’s Office stated the HVAC repairs have been completed at the Wilson Pool, but they discovered a leak as they were filling the pool. It is being repaired and hope it will reopen soon. The Councilmember and WMATA will hold a Ward 3 Better Bus forum on Zoom on July 9 from 7 pm to 9 pm. The Councilmember will be walking in Palisades Parade on July 4<sup>th</sup> and they invite community members to join them.

Sherry Cohen announced that the July ANC3E Meeting will be postponed until later in July and the new date will be announced shortly.

Laura Marks, the Assistant Vice President for Community and Government Relations introduced herself. She stated the new University President, John Alger, will be starting on July 1 and they will have a community meet and greet on September 10. Finally, the AU move in will start on August 17 and classes start on August 26. A participant asked about AU closing the child development center on August 31. Laura Marks said the day care center has been underenrolled since COVID and they are having trouble hiring staff.

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

Captain Darren Haskis with MPD 2<sup>nd</sup> District stated Lt Murphy has been promoted to Captain and they are awaiting his replacement. He said that so far this year we are down on assaults with a deadly weapon (ADW), robberies, burglaries, motor vehicle thefts, and thefts. Over the last 30 days there was one burglary and thefts have gone up 14% over the same time last year. In the 2<sup>nd</sup> District, thefts from autos and motor vehicle thefts are up and fortunately, those increases have not yet been seen in PSA 202. He cautioned people to be careful noting there have been a lot of thefts of Hyundais and Kias.

Attendees had no comments or question.

Commissioners:

- Stated they witnessed a contractor’s vehicle that was broken into and believed there have been other vans broken into that have not been reported to police.
- Thanked them for greater police presence in Tenleytown.

- Asked if staffing levels are sufficient. Haskis replied that the staffing levels are not as high as he would like them to be but he had no specific complaints.
- Stated that people are rifling through cars and reminded neighbors to always lock their cars and don't leave anything valuable in vehicles.

Captain Haskis can be reached at [Darren.haskis@dc.gov](mailto:Darren.haskis@dc.gov) with any questions or concerns.

### **Presentation by Sal Selvaggio from Iona Senior Services**

Sal Selvaggio, a volunteer with the Iona Citizen's Advisory Group gave an overview of the services Iona provides which include a resource helpline, programs to help individuals and families cope with dementia, day programs for elderly residents, nutritional counseling, among others.

Noah Getz with Tenleytown Main Streets stated they would like to partner with Iona for Art all Night to include more elderly residents and artists in the program.

Commissioners:

- Asked if they have concerns for elderly pedestrians. Selvaggio stated they do but the MOCRS attend their meetings and have been responsive to their concerns.
- Asked where their funding comes from. Selvaggio stated they get funding from the city, individuals, and charitable foundations.

Selvaggio can be reached at [selvaggion.sal@gmail.com](mailto:selvaggion.sal@gmail.com) or info@iona.org.

### **Presentation by Marc Minsker, Assistant Principal, Jackson Reed High School, regarding student project on history of Reno City**

Marc Minsker an Assistant Principal at Jackson Reed stated that students worked on the Reno City exhibit at the Pepco sub-station in 2022. They are hoping that work could be incorporated into the Chesapeake House once the renovations are complete. For the last four months he and the students have been meeting with rangers from the NPS and wanted to bring this to the attention of the community that the students would like to help design an exhibit for the space available at the Chesapeake House.

An attendee asked for details about the building and the renovation by UIP. Commissioner Quinn explained that the ANC negotiated the renovation of the building with the National Park Service (NPS) as an amenity from UIP. Under the original plan, TMS would have used the office space on the 2nd floor and help manage the museum space on the 1<sup>st</sup> floor. Since then, the NPS representative we worked with retired and there was turnover at TMS. NPS decided to lease the upstairs space to the Rock Creek Conservancy with a separate entrance and the museum space would be run by NPS and it is Quinn's understanding NPS did not have staff earmarked for the space. Commissioner Quinn suggested Mr. Minsker try to work with Friendship Heights Alliance to find display space for their work if the Chesapeake House is not available.

### **Discussion of and possible vote on resolution regarding special exception application for relief from the side yard requirements at 4550 Alton Place**

Craig Morgan representing the owners of 4550 Alton Place stated they would like to add an addition to the house and need relief from setback requirements for both sides of the house and a small amount of relief for the back. He stated they have letters of support from both adjacent neighbors, and while they will be increasing their non-permeable space, the owners have agreed to install a rain barrel.

Attendees had no questions.

Commissioners asked about the change to the non-permeable surfaces. Morgan replied that it is currently 35% and will be increasing to the low 40s.

Commissioner Cohen moved, and Commissioner Hall seconded a motion to approve the draft resolution in support of the special exception. The motion was approved by a vote of 7-0-0.

**Discussion of and possible vote on resolution regarding special exception application for relief from the rear yard requirements at 3803 Gramercy Street**

Mary Sullivan representing the owners of 3803 Gramercy Street stated they would like to move an existing garage from one side of the yard to the other to make room for a small addition. They need relief from rear yard setback requirements and have letters of support from both adjacent neighbors. They will be increasing their non-permeable space and have agreed to install a rain barrel.

Attendees and Commissioner had no comments.

Commissioner Quinn offered an amendment to the resolution to reflect the support from both adjacent neighbors.

Commissioner Quinn moved, and Commissioner Gianinno seconded a motion to approve the amended draft resolution in support of the special exception. The motion was approved by a vote of 7-0-0.

**Discussion of and possible vote on resolution regarding special exception application by owner of 4005 Fessenden Street, NW for relief from rear yard requirement to construct a one-story accessory garage addition**

Joel Heisey representing the owners of 4005 Fessenden Street stated they would like to add an addition to their home and widen their garage. They need relief from rear yard setback requirements and have letters of support from adjacent neighbors. They will be increasing their non-permeable space and have agreed to install a rain barrel.

Attendees and Commissioners had no questions or concerns.

Commissioner Quinn moved, and Commissioner Denny seconded a motion to approve the draft resolution in support of the special exception. The motion was approved by a vote of 7-0-0 with

**Initial presentation from owner of Nugg Heaven regarding application for Medical Cannabis Retailer license for 4932 Wisconsin Ave**

Commissioner Cohen stated that there is an ABCA application to open a medical cannabis retail shop at the old dive shop on Wisconsin Ave. The application has a protest deadline of July 29, and we will have them on our agenda again next month. The owner, Col Jones, stated there are a number of illegal pot shops in the area and he wants to open a legal store to provide high quality product to people with medical marijuana cards and not provide pot for recreational use.

Attendees:

- Asked if people can self-certify for medical use. Jones stated he believed the shop can deny service to self-certified customers.
- Noah Getz with TMS stated that the community is concerned about people loitering and smoking outside. Jones stated the waiting area that would be able to hold 10-12 people, and they would have security. They would not allow use of products on site, nor would they allow underage kids in the store.

Commissioners:

- Asked if this would be his first location in Washington DC. Jones replied it would be.
- Asked when the shop would open. Jones said it would open in a month or two.
- Asked what the minimum age is in DC to purchase marijuana. Customers need to be at least 21 years old.
- Asked how far they need to be from a school. Jones stated they need to be 400 feet away from schools.
- Asked if they would consider committing to not serving to self-certified patients. Jones said he would not sell for recreational uses and if a customer had a medical card, they were a medical patient and there was a discussion as to whether customers who self-certify would be considered medical or recreational users.
- Asked how they determine the quality of the products. There are nine cultivators for DC and they would sell the best products based on test results and would use a 3<sup>rd</sup> party, Bloom, to certify their products.
- Stated that marijuana shops are a frequent target for robberies since they are all-cash businesses. Jones stated that the legal shops could accept any type of payment and they will have security on site.
- Stated that there is an appetite for high quality marijuana in the neighborhood.
- Asked if they would use third party certification. Yes, they would like to work with them.
- Asked if they would hire ex-offenders. They will hire the best candidates for the job.
- Stated that ANCs in the Palisades and Penn Quarter have struggled with the minimum distances allowed between dispensaries and schools that are required by DC vs the Federal Government.
- Stated they didn't know how the merchant can be held responsible for customers actions outside of the shop.
- Asked what kind of market research he's done. He stated he did a lot of research on who consumes medical marijuana, likes the neighborhood, and has spoken to advisors and people in the neighborhood.

**Status report from Commissioner Gianinno on her SMD meeting regarding the Superfresh project**

Commissioner Gianinno stated she hosted a well-attended meeting on June 13 with Mill Creek. Mill Creek is setting up a site visit for anyone in the community who is interested and will set up a website with construction information. If anyone has comments or concerns, they can reach out to Peter Braunohler. Demolition will begin October 2024 with 2+ year timeline until the project is completed. They are close to having the grocery store signing a lease and will have a meeting later this summer with a detailed discussion of the construction management plan and possibly updating the MOU.

Attendees stated they were disturbed to hear that people who sued to stop the project might be able to renegotiate the MOU since changing the MOU would have to go back to the Zoning Commission. Gianinno replied that no specific issues have been decided.

Commissioners asked if the July meeting will be an SMD meeting or at the ANC General Meeting. Gianinno replied it would be an SMD meeting.

### **Update from Donohoe on 4201 Garrison St. Multi-family Housing Project**

Jad Donohoe with Donohoe Construction and Sarah Alexander and Julia Murdoch with Torti Gallas shared the latest plans for the back portion of the Fox 5 lot. The project at 5151 Wisconsin Ave has been submitted for permit and they do not have a construction start date yet. For the back portion of the lot along 42<sup>nd</sup> St, they are proposing to take down the tower and rezone the entire lot to RA-3. Under the current plan, the project would have a Floor Area Ratio (FAR) of 3.06. The project would include a single level garage that would be at grade on Garrison and underground on Harrison and have about 118 units that would be a mix of 1 bedroom, 1 bedroom + den, 2 bedrooms, 2+ dens. These units will trend larger than the apartments on 5151 Wisconsin.

An attendee asked if it would be rental or condo units. Donohoe replied that these would be rental units because the economics are more challenging for condos these days.

Commissioners:

- Stated they like these plans.
- Asked if the removal of the tower was always the plan. Donohoe stated they see the removal of the tower as an amenity to the community that will cost between \$1-2 million.
- Asked if they have met with any of the immediate neighbors. They met with the HOA for the Harrison, some of the neighbors from the surrounding streets, and some commercial property owners and have not heard any serious concerns. Some neighbors asked for tenant access to the rooftop to end at 10 pm.
- Asked if there would be a pool on the roof of this building. There is a pool in the courtyard of 5151 but not this building but there will be a roof-top amenity room and a terrace.
- Asked if they have a proposal for Inclusionary Zoning. They do not yet but they are striving to do a higher amount of affordable housing than the 14-16% that other PUDs have offered.
- Asked if this would be an all-electric building. Donohoe was not sure if it would be required by the time this building comes online.
- Asked if they will go for LEED certification. They will but not sure if get the actual certification or meet the requirements for LEED Certification.
- Asked if this would require a traffic mitigation plan. It does require it.
- Stated that there didn't seem to be much articulation at the corner of 42<sup>nd</sup> and Garrison.

- Encouraged Donohoe to continue to reach out to the immediate neighbors.

### **Discussion of and possible vote on resolution regarding The River School BZA remand hearing**

Commissioner Cohen stated that The River School (TRS) is seeking to build a school, a child development center, and a audiology clinic at 4220 Nebraska NW. To do so, TRS needed special exceptions to allow for daytime care use, private school use, and relief from some parking requirements. The project was approved in 2021 by the BZA and was then appealed by neighbors to the DC Court of Appeals. In December 2023 the DC Court of Appeals remanded the application back to the BZA stating the traffic reduction plan depended on use of a shuttle bus and the BZA order did not require the shuttle bus. It specifically asked what role the shuttle bus would have in meeting the traffic reduction goals, if 100% compliance was required to meet the goals and how would the Rive School enforce this requirement. Cohen noted that the remand is very narrow in scope.

TRS representatives stated that the shuttle bus is necessary to meet their morning traffic reduction goals, but 100% compliance is not required. All students in grades K-6 would be required to come to school on the shuttle bus except: students who walk, bike or take public transportation, students who have younger siblings that attend the school and are too young to ride the shuttle bus, students who have a parent that works at the school, and students who have physical disabilities beyond deafness that would prevent them from riding the shuttle bus. To ensure enforceability, TRS is recommending language that the BZA would incorporate into their zoning order stating that failure to comply with these requirements would result in progressive consequences that will result in dismissal from school after the 6<sup>th</sup> violation. TRS has since agreed to modify the requirements based on feedback from the ANC that includes a statement that no pickup or drop off be on ANY neighborhood streets and would require the school to take attendance on the shuttle bus.

An attendee speaking on behalf of the Tenleytown Preservation Association stated that neighbors are concerned with traffic in the area. He stated that they believed TRS's response went beyond the remand, and they were trying to add to the record. They hope the ANC will object to River's proposal. TRS replied that everything they provided was already in the record and that the ANC previously asked them to commit to a 70-80% reduction in morning trips and to now state that a 45% reduction in trips is unobtainable is disingenuous. Their Traffic Management Plan (TMP) went well beyond any others that have been implemented in DC. Their students are now required to carpool, and they strictly enforce these requirements are the parents are excited to have a shuttle and not drive to the proposed campus.

Another attendee noted that there are no consequences for River itself if they violate their TMP.

Commissioners:

- Stated they thought the plan is lacking in critical details and the Court raised issues regarding the need for additional fact finding and the traffic data was collected pre- and during Covid and updated data could give rise to a better TMP.
- Stated that the remand is specific to the shuttle bus and won't allow the ANC to opine on the broader issues about the school being the right fit for the space.
- Stated that TRS's TMP is based on GDS's plan. And noted that GDS has violated their plan two years in a row. Given this history, River is asking a lot from the community when they ask the community to believe what we say about enforcement. River replied their school is much smaller

than GDS and the faculty know where the students live and their campus unlike GDS is a closed campus and there are limited ways parents and children can walk onto campus.

- Stated that River is not providing a fully fleshed out shuttle plan and there are several failing intersections near the campus. TRS replied they do not have a fully fleshed out plan because they don't know where their students will be living when the campus opens.
- Stated the Commission has spent a lot of time trying to get the required data from GDS and noted that schools are dependent on tuition parents pay and would be reluctant to dismiss a family.
- Stated that a very narrow issue is before us, and they believe the school made a good faith effort to address the ANC's concerns.
- Noted that the reason we are having trouble with compliance by GDS, is that GDS did a bait and switch in one of their filings regarding all pickup and drop off being on campus.
- Believed they are close to an agreement with The River School and wants to ensure the exceptions to riding the shuttle bus do not overwhelm the trip caps and guaranteeing the students who are supposed to walk, bike and ride busses actually do and aren't driven into the neighborhood and walk the last few blocks.

A majority of Commissioners indicated that they were close to an agreement with TRS and would not support the resolution as written. Commissioners asked if TRS would agree to postpone their hearing to allow more time for negotiations between TRS and the ANC. TRS representatives stated they were not inclined to do so. Commissioner Gianinno offered to withdraw the draft resolution. Commissioner Quinn noted that if the resolution was withdrawn, the ANC would miss the opportunity to continue negotiating with TRS and tie up loose ends. He thought that the BZA was going to approve TRS's filing and if the ANC did not negotiate, we would lose out on getting more concessions from TRS. Commissioner Hall offered to authorize Commissioners to continue negotiating with The River School over the next 24 hours and then filing that agreement with the BZA. Commissioner Quinn offered a few amendments to the draft resolution.

Commissioner Gianinno moved the resolution as amended, and Commissioner Quinn seconded a motion to support the draft resolution stating that the ANC does not support The River School's plan at this time. The motion was approved by a vote of 7-0-0.

### **ANC Business**

- Approval of May 2024 Meeting Minutes - Commissioner Quinn moved, and Commissioner Cohen seconded a motion to approve the May 2024 Draft Meeting Minutes. The motion was approved by a vote of 7-0-0.
- Approval of expenditures - Commissioner Quinn moved, and Commissioner Cohen seconded a motion to approve payments of \$417.50 to Sherry Cohen for administrative services. The motion was approved by a vote of 7-0-0.

The meeting was adjourned by acclamation at 11:53 PM.