



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 November 16, 2022, 7:30 pm

The meeting convened via Zoom at 7:33 PM. Commissioners Bender, Cohen, and Gianinno were in attendance. Commissioners Hall and Quinn joined later.

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

Liz Sterling manager of the Tenley Library introduced herself. She stated they have expanded their hours, are offering story times for babies and families (registration is required) and that their roof is currently being repaired.

Michael Heinen with the Ft Gaines Citizens Association stated that the former Swedish Ambassador's residence at 3900 Nebraska Ave (borders Tyndall Street and is on a 6.5-acre lot) is for sale. They are concerned about potential development on the lot and asked if ANC3E is aware of the sale and asked if there was anything the Commission can do about it. Commissioner Bender replied that ANC3E is aware of it but if the buyer chooses to build a matter of right structure, there is nothing we can do about it. If the buyer's plans require zoning relief, they will need to come before us.

Leigh Catherine Miles, Executive Director of Tenleytown Main Street announced:

- They recently opened a survey to ask what kind of art installations residents want to see in the neighborhood
- Tenley Winterfest will take place from November 25 to December 3. Details about the events can be found on <https://tenleytownmainstreet.org>.

Theo Wren, the Ward 3 Liaison to the Mayor's Office of Community Relations (MOCRs) announced:

- DC is having a hiring event on December 17 at 5:00 at Penn Social, 801 E Street, NE.
- PIW will be joining the ANC3E Meeting in December
- Senior Holiday Celebration will take place December 6 from 10 am – 2 pm. Registration is required.

Shelly Repp stated Wesley Seminary is planning to have a developer build a dorm for AU students (for 690 students with 350 parking spaces). The Zoning Commission (ZC) raised questions about whether it is proper to have a developer develop the property under the campus plan. Wesley asked the ZC to hold the campus plan in abeyance and is considering filing the application as a PUD.

An attendee stated that she went to the Wisconsin Ave Development seminar last week. They talked about relocating the WMATA bus garage to the Lord & Taylor site. The plans seem to be moving along without taking into account the community's concerns about the project and she asked about the

Commissioner's stance on the project. Commissioner Bender stated that we asked them to put this off, which they have. They have two more upcoming meetings that he strongly suggest residents attend and make their opinions on the project known and to contact the Mayor's Office and both the current Ward 3 Councilmember and incoming Councilmember. Bender added that ANC3E will weigh in again when it comes up.

Presentation by 2nd District Police

No police representatives were available at the meeting

Discussion of and possible vote on resolution regarding renewal application for liquor license for Capital Wine School

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. There were no concerns raised by those in attendance or sent to the Commissioners ahead of the meeting, therefore the Commission took no action Capital Wine School's liquor license renewal.

Presentation by and discussion with Army Corps of Engineers representatives regarding maintenance work they are doing at Van Ness, 44th, and Warren Streets, NW

Caroline Lama, the construction Section Chief for the Washington Aqueduct provided a summary of the maintenance work at the reservoir on Van Ness St. She stated that water is taken from the Potomac River and is treated at the Dalecarlia facility. It is then pumped to various reservoirs, including one on Van Ness St, for storage before distribution. The work they are doing is EPA mandated maintenance work including repairs to the storage container, providing drainage to the grass on the roof, upgrading the perimeter fence and building a water sampling building. The reservoir was taken out of service on November 8 and will be put back into service in Spring 2023. The drainage and fence improvements will take place after and the project will be completed in Fall 2023. They've trimmed the cherry trees along 44th St and installed tree protection around the reservoir. The community garden encroaches on the reservoir property by 25 feet and they are working with DGS and DPR to put into place an usage agreement. Details about the project can be found here:

<https://www.nab.usace.army.mil/Missions/Washington-Aqueduct/2nd-High-Reservoir-Maintenance-and-Improvements-Project/>

Attendees:

- Asked for notice to nearby neighbors before any additional projects begin.
- Asked if the green space where contractor's trailers now occupy will be restored. It will.
- Asked if the reservoir holds treated water. It does.
- Asked that the community gardeners be kept informed about any discussions with DGS and DPR and about changes in the work schedule.
- Thanked them both fencing and crushed stone they have installed to protect for the trees.
- Asked if they can install the west side fence first
- Asked about water that is pooling at the Swedish Embassy property. They tested the water and it is not treated which led them to determine that it is storm water that is collecting there.

Commissioners had no additional questions.

Presentation of American University's Further Processing Application regarding the construction of a sound barrier wall at Jacob's Field

Paul Tummonds a zoning attorney for American University stated that as part of their campus plan, they are required to install a sound barrier at Jacobs Field, used by the AU Women's field hockey and lacrosse teams, and they will also install a new video score board. The wall will be about 360 feet wide and about 15 feet high and they are working to minimize the trees and shrubbery that will be affected, and they will have a significant landscape buffer on either side of it. The new score board will be same size as the current one and use the current supports. The only sounds the score board will make is for the clock. Their zoning hearing will take place on January 9th. AU is seeking approval from both ANC3E and ANC3D and the adjacent property owners.

Attendees asked for clarification about what the wall will look like and if AUs landscapers will design the buffer around the wall. They will. Commissioners had no additional questions.

Update from GDS on their operation and compliance with their BZA order

Russell Shaw, Head of School for GDS, stated that they are over-enrolled (their zoning order caps attendance at 1075 students and they have almost 1125) for both last year and this year. He stated they expected more attrition than usual during 2021 due to Covid and had lower than expected attrition. He contended that in 2022 they had more people accept their admission offer than usual. He asked if they can be 25 students over enrolled next year which is half of what they are overenrolled now. Shaw stated they will be focused on meeting their traffic goals for this year and next so they can have 1125 students for 2024-2025 school year. He apologized for the current circumstances and wants to work with the Commissioners and the community.

They are working to meet traffic goals. They are under the total traffic goals for the day but are over the traffic limits in the late afternoon (4:30 - 7:30 pm) in the latest traffic count which they believe is from people coming to after school athletic events (58% of the cars coming were not registered as GDS cars). Shaw stated that 72 teachers have taken subsidies and given up right to drive to school and a quarter their students are walking, biking, and taking public transit. They are using 10 off-duty police officers to help with morning and afternoon traffic flow. GDS is working differentiate traffic for sporting events, playground usage and PPA soccer. They are under their summer trip count. They have allowed TIC to use the campus during the summer and received a request by PPA to also use the campus for summer camp, but they are afraid that will put them over the trip counts.

Attendees:

- Several attendees who identified themselves as GDS parents stated they take their transportation plan seriously
- Stated they were impressed with the police moving traffic around but is nervous about having so many children bike around that area because motorists are not cautious.
- thanked them for allowing the community to use the playground.

- Asked for clarification regarding the difference in traffic numbers presented to the community vs the numbers in the Gorove-Slade memo. Shaw replied that the Gorove-Slade numbers include busses coming to campus.
- Two attendees stated that the traffic flow around the campus works well.
- One attendee stated that she has had two close calls by parents not paying attention while driving on Ellicott Street during pick up and that numerous GDS parents are dropping students from private cars off campus.
- LC Miles with Tenleytown Main Street thanked them for their community involvement and for donating their office space.

Commissioners:

- Noted they were over their traffic counts in the mornings last spring. Shaw replied that last spring they still had covid restrictions in place.
- Two Commissioners stated that while they like GDS's community involvement, they would have liked to have been told a year ago about GDS exceeding the enrollment cap and stated that they worry about the precedent this sets with other schools the Commission is negotiating with.
- Was skeptical of the number of students walking to campus and believes parents are parking in the neighborhood and have their kids walk in and stated they have seen parents are queuing up on Wisconsin Ave during afternoon pick up. Shaw asked residents and Commissioners report any violations they witness to GDS.
- Noted that GDS did not inform the Commission about their overenrollment at last year's presentation and didn't engage with us about it or work to fix it and that GDS is supposed to present their traffic counts every 3 months to the Commission and they cannot forgive both.
- Stated that GDS was obliged under its zoning order to notify the Commission last year in writing whether it was in compliance with its enrollment cap but failed to do so and noted that the River School is using the same zoning attorney, who knew that GDS was out of compliance as she urged the BZA to adopt the same enrollment-based plan for the River School
- Stated that while they will continue to work with GDS, was angry that GDS hid this from the Commission for two years.
- Did not want GDS to be penalized for doing something we asked them to do, *ie*, making their facilities available to the community but stated they can ask PPA to have parents walk their kids to the practices.

Discussion of and possible vote on resolution or letter regarding application from Washington Gas to conduct overnight work at Western Ave and River Road on a valve replacement project

Commissioner Bender announced that Washington Gas informed him today that they had to temporarily put the project on hold. This item will be rescheduled once their plans are updated.

Update from Federal Realty about the amenities package for their PUD for 5333 Wisconsin and proposed changes to 43rd St and Military Rd NW

Commissioner Bender started by saying that Federal Realty will have their zoning hearing on December 5, and we have a special meeting on December 1 to vote on their application. Geoff Sharpe with Federal Realty then provided an update to their proposal:

- They made a change to the massing in response to Chevy Chase Plaza's (the neighboring property to the south) request to have the building set back 8 feet from the neighbor's window line.
- With respect to the proposed improvements to 43rd St and Military Rd, DDOT has agreed to the improvements (bump out the curbline on the south side, install the 3rd piece of the crosswalk across Military Rd, and install 3 raised crosswalks that act as speed bumps) in principle.
- Offsite Landscaping improvements – they are offering to replace the 9 trees to the south and north of their building along Wisconsin Ave that they are not required to change and are also proposing to remove invasive plantings and improve the Chevy Chase Park Frontage along Western Ave and 42nd St.
- With respect to the public benefits package, they are currently offering 15% IZ with two units at 30% MFI, half at 60% MFI and the remainder at 50%, LEED Gold certification, 10 EV charging stations, 10 tenant bike parking spaces on ground floor, intersection improvements at Military Rd and 43rd St NW, landscape improvements at Chevy Chase Park, replace the trees and tree vaults along Wisconsin Avenue to the north and south of the project, construction impact mitigation, they will limit retail leasing to certain types of businesses, and will be offering two ANSI A accessible units (one at market rate and one IZ)

Sharpe stated they are close to an agreement with the ANC.

Attendees

- A representative with the Tenley Neighbors Association stated they think the project is out of scale with the surrounding area. The surrounding buildings are 70 feet tall and the Tishman Spires building across the street will be 90 feet high and will have 325 units. This project will tower over the townhouses behind it. If they are allowed to increase the building to 130 feet, it should provide 50% of the units as IZ.
- Would like the building limited to 70 feet or thought that if they are allowed to build to 130 feet, the IZ should increase correspondingly.
- Stated that they have not heard anything about increasing the capacity of the infrastructure and schools to support the increase in housing units.
- A neighbor at the corner of Military and 43rd stated that it is difficult to maintain the tree box outside of her home and would prefer pavers be installed there.
- A neighbor in the townhouses behind the project stated that Federal Realty has had lengthy discussions with their community and has worked to address their concerns. They are very satisfied with the proposal and strongly support the concept that has been presented.
- An attendee who lives on 43rd and is on the board of the day care center on Western. They are very concerned about safety at the intersection of Military and 43rd and are happy to see these improvements. They asked when the intersection improvements will be completed. Construction on the project will start 4th quarter of 2024 and the intersection could be done in 2025
- Asked about the unit mix. They haven't done the specific design of the building, but their application asks for 310 units with flexibility of 10% in either direction.
- A resident of the townhouses stated that she has had problems with rats from the Maggianos dumpster. She would oppose a height reduction because the height along Wisconsin Ave allows them to step the building down toward the townhouses and if it didn't, it would be more imposing on her property.
- An attendee was surprised that TNA is speaking on behalf of the townhouse neighbors when those residents are here to speak for themselves and support it.

- Noted that the direction of the diverter on 43rd and Jenifer draws traffic into the neighborhood.
- States that Chevy Chase Park needs some shade trees by the water park.
- Thought that the benefits were not commensurate with the zoning relief (both height and density) sought.
- A representative with Ward 3 Housing Justice stated that they would like to see more IZ and noted that Donohoe is doing two projects in Friendship Heights. The one on the DC side will have 8% IZ and the one on the Montgomery County side will have 24% IZ.

Commissioners:

- Stated they believe we need more market rate housing and are not opposed to the height because it steps down to the townhouses and the neighbors behind do not oppose it.
- Stated that while crowding at the schools are a problem, it shouldn't fall on the developer to fix it.
- They're asking for more density and the tallest and most intense PUD they have seen and would like to see more overall amenities. They would like to see more on the retail agreement, possibly a sit-down restaurant and want to see some space set aside for a small and local businesses.
- Would love to see the area start to be revitalized but they also want to see a more integrated concept for the Wisconsin Ave corridor.
- Would like to see some retail space set aside for woman- and minority-owned business
- Asked why Federal Realty cannot do more than 15% IZ. Sharpe stated that he doesn't know anything about Donohoe's projects and cannot talk to them. They are required by the city to set aside 8% of the units at 60% MFI they are offering a lot more than that and they need to make a return on their investment.
- Thanked them for the two inclusive units.
- Stated they would love to see a movie theater in the space.
- Asked what the Floor Area Ratio (FAR) is on Chevy Chase Pavilion and Chevy Chase Plaza. Federal Realty did not know and stated that theirs is a 7.56 FAR.
- Asked what the unit mix would be for IZ and stated they would like to have 2-bedroom units included in the IZ offerings.
- Would like to have a publicly viewable transit screen.
- Stated they would like to see more concrete details in the construction agreement.
- Noted there have been two projects that were appealed and years later they are still held up in the Appeals Courts. It's turning developers away and they stated that they fear that developers will start offering projects that are just MOR to avoid the this and then the community will get no input.

Presentation by Tenleytown Main Street on a new Low Impact Development stormwater management system being installed on Wisconsin Avenue and Warren Street, NW

Leigh Catherine Miles with Tenleytown Mainstreet stated that phase one of the project at Wisconsin Ave/Emery Pl/42nd St was just completed. They added bulbouts and storm water retention and they will be adding flexible posts. Their next project will be in front of PNC bank at Wisconsin and Warren. Right now, there is lots of concrete there. They will replace impervious surfaces with permeable pavers, benches and bioretention. The project should be done by the end of the summer 2023. They expect to

come before the ANC in January with more detailed plans on the project and will ask for a resolution in support of the project.

An attendee asked if the landscaping being proposed will also be installed 43rd and Military.

Commissioners: suggested they add more visibility to the bump outs at Wisconsin and Emory and asked if they can get a tree on the corner (DDOT did not want them to inhibit the view for cars and there are some manholes covers there).

ANC Business

- Approval of October 2022 Meeting Minutes - Commissioner Bender moved, and Commissioner Quinn seconded a motion to approve the Draft October 2022 Meeting Minutes. The motion was approved by a vote of 5-0-0.
- Approval of expenditures – Commissioner Quinn moved, and Commissioner Bender seconded a motion to approve payments of \$510.00 to Sherry Cohen for administrative services, and \$254.40 and \$158.89 to Jonathan McHugh for Vimeo and Zoom annual services, respectively. The motion was approved by a vote of 5-0-0.
- Sherry Cohen stated that she has been in touch with Miller Cox Design to have the website updated which will include updating some plug-ins, fixing a few bugs, and setting up the about page for the new Commissioners. They have provided an estimate of between \$1150 and \$1350 to make these changes. Commissioner Bender moved, and Commissioner Hall seconded a motion to approve spending up to \$1350 on website updates. The motion was approved by a vote of 5-0-0 a resolution.

The meeting was adjourned by acclamation at 11:38 PM.