



Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3/4G

CHEVY CHASE, BARNABY WOODS, HAWTHORNE

COMMISSIONERS

3/4 G-01 - Abraham Clayman
3/4 G-02 - Chanda Tuck-Garfield, Treasurer
3/4 G-03 - Randy Speck, Chair
3/4 G-04 - Rebecca Maydak, Secretary
3/4 G-05 - Gerald Malitz
3/4 G-06 - Dan Bradfield
3/4 G-07 - Christopher Fromboluti, Vice-Chair

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Minutes: ANC 3/4G Public Meeting, April 23, 2018, Chevy Chase Community Center, 5601 Connecticut Ave, NW, Washington, DC 20015 (Video of this meeting is available at: <https://tinyurl.com/y9q84bmj>)

Present: Speck, Fromboluti, Tuck-Garfield, Maydak, Malitz, Clayman, and Bradfield A quorum was declared.

Attendance: Approximately 25 people attended the meeting.

Adoption of Agenda (video at 00:00): Commissioner Speck noted that some changes had been made to the order of items in the originally posted agenda. With those modifications, the agenda was adopted by a vote of 7 to 0.

Commissioner Announcements (00:02)

Commissioner Speck:

First Responder Appreciation Day — On May 17, 2018, the Citizens' Advisory Council for the Second Police District will be feeding all first responders in the Second District — MPD, Metro Police, Fire and EMS, Secret Service, and university police — in appreciation for all they do to keep us safe. The CAC is expecting 500 first responders and is looking for volunteers to help serve in two-hour shifts from 10:30 until midnight and for contributors with cash or cases of water. You may contact Samantha Nolan (202-244-2620, nolantutor@yahoo.com) if you can help.

Carnegie Neighborhood Lecture — On May 24, 2018, the Broad Branch Road campus of the Carnegie Institute for Science will hold the last of its spring neighborhood lectures. The topic will be "Harder, better, faster, stronger: How high pressure and supercomputers will shape the materials of the future."

Street Lights — There will be public hearings on the District's Smart Lighting project on Saturday, May 19, 2018, from 1:00 pm to 3:00 pm at the Palisades Library and on Wednesday, May 23, 2018 from 6:00

pm to 8:00 pm at the Lamond-Riggs Neighborhood Library. This project is a joint effort of the Department of Transportation, the Office of the Chief Technology Officer, and the Office of Public-Private Partnerships to modernize the District's more than 75,000 streetlights. The project also includes technology to expand the District's broadband Wi-Fi network. Anyone interested may register at <https://op3.eventbrite.com/> and may send written comments to StreetlightP3@dc.gov by May 30, 2018. For more about the Project, visit <http://op3.dc.gov/streetlights>. Commissioner Maydak said that these public meetings are an opportunity for the manufacturers to demonstrate their proposals. She reported that the District is looking at using 2700 Kelvin LEDs, as the ANC had recommended. They are also hoping to make the lights dimmable so that, for instance, police could increase the brightness if needed, but reduce the brightness when not needed. She said that there will be an advisory group for this effort that will include a community representative from the ANC's Lighting Task Force.

Commissioner Clayman:

Chestnut Street Sidewalks — On April 30, 2018, DDOT's Director, Jeff Marootian, will conduct a walkthrough with residents to discuss the plans for construction of a sidewalk within the street on the north side of Chestnut Street between Western Avenue and Oregon Avenue. They will begin at 6:30 pm at the corner of Western and Chestnut and walk the length of Chestnut.

Community Announcements (00:10)

Ian Maggard, from the Mayor's Office of Community Relations, reviewed a number of activities from Earth week, including a ribbon cutting at Woodson High School for the launch of one of the largest on-site solar projects in the country. The District also began operation of 14 electric circulator busses. The Mayor participated in cleanup initiatives in all eight wards and announced an "adopt a block" program (<https://occc.dc.gov/service/adopt-block>), the new Adopt Your City program, and the Pet Waste Outreach initiative (<https://mayor.dc.gov/release/mayor-bowser-launches-three-clean-city-initiatives-trashfreedc-citywide-cleanup>).

Anthony Castillo, Councilmember Cheh's Deputy Director for Constituent Services, said that Councilmember Cheh will hold a Chat with Cheh on Saturday, May 5, at Coffee Nature, 4224 Fessenden from 11:30 am to 1:00 pm. He also noted that the food waste drop off pilot program run by the Department of Public Works is beginning on May 5th with drop off locations in all eight wards. For Ward 3, the drop off location is at the UDC Farmers Market. More information is available at <https://dpw.dc.gov/foodwastedropoff>.

Discussion and possible vote on a new application (ABRA License No. 109091) for a Class C liquor license by the Gordon Restaurant Group for the Little Beast Bistro at 5600 Connecticut Avenue, NW, to include an indoor restaurant seating 74 and an outdoor cafe seating 89 and with operating hours from 6 am to 2 am Sunday through Thursday and 6 am through 3 am on Friday and Saturday (00:14)

Commissioner Bradfield indicated that the Commission will consider the application for a Class C liquor license separately from the application for a public space permit for an outdoor cafe, which will be discussed at the Commission's May 14 meeting. He introduced Aaron Gordon, of the Gordon Restaurant Group who described the planned cafe and bistro. Their planned daily service will begin at 7:00 am as a

coffee shop and bakery and progress during the day into a bistro in the evenings. Mr. Gordon, a 40-year resident in the neighborhood, distributed a working menu and described the proposed outdoor patio that will be located on both the McKinley Street and Connecticut Avenue sides of the bistro. As is the usual practice, he said that they had applied for the maximum hours permissible, even though they do not intend to serve, or to be open, liquor for all of that time.

Commissioner Bradfield said that the Commission has applied uniform standards based on the prevailing practice to all of the businesses along Connecticut Avenue so that no business would have an unfair advantage. The hours that the Commission has approved for other similar businesses are until 1:00 am on weekdays and 2:00 am on weekends, with liquor service beginning at 10:00 am. Mr. Gordon said that those hours would be acceptable, but that he would like the option to serve Champagne at weekend brunch as early as 9:00 am.

Commissioner Bradfield said that other liquor licenses were also subject to conditions requiring scheduled trash removal six or seven days each week with no glass bottle disposal before 7:00 am or after 10:00 pm on any day. Mr. Gordon said that they are accustomed to trash pickup at their other restaurants at least six days a week, and they would add a seventh scheduled weekly pickup if it is available.

Commissioner Malitz asked whether there were differences for the hours of liquor service for the inside and outside cafes. Mr. Gordon said that the hours of service for both would be the same, but they would be willing to consider different hours as part of a settlement agreement.

Commissioner Tuck-Garfield said that rodents had been a problem at other establishments along Connecticut Avenue, and asked what steps the Gordon Group would take to control rats. Mr. Gordon said that they have a shop in DuPont Circle and are accustomed to implementing pest control measures. They have twice-monthly spraying. The Commissioners emphasized that trash pickup daily would be important for rodent control.

A nearby resident asked how the Commission determined the “prevailing practice” for hours of service. Commissioner Bradfield said that it is based on the hours of service for the other establishments along Connecticut Avenue. For instance, the Chevy Chase Lounge has outdoor cafe service until 2:00 am, and the Avenue also has service indoors until 2:00 am.

Residents also asked whether there would be music at the bistro and whether it would be piped outdoors. Mr. Gordon said that there would be recorded music for the interior but not outside. There will be no live music. Residents indicated that there should be sound proofing so that the music will not be heard nearby and they should meet all requirements for limiting sounds outside the restaurant. They emphasized that residents are nearby with no buffer, unlike some of the other restaurants (e.g., the Chevy Chase Lounge) that are located facing Connecticut Avenue.

Kathy Le Dain, another nearby resident, raised a number of issues related to the outdoor cafe that will be addressed when the Commission considers the public space permit application. She also raised concerns about rats and emphasized that seven-day trash pickup is essential. She said that while service hours until 2:00 am may be standard, there should not be outdoor service near residential homes until that late. She also raised concerns about the availability of parking, which she urged the Commission to address in any memorandum of understanding. (Commissioner Speck indicated that parking was an issue for all

the businesses along Connecticut Avenue, and it would not be fair to single out one business. The Commission is trying to address parking concerns more broadly.) She said that the settlement agreement should be “ironclad” with full disclosure. A “bar,” she said, is inconsistent with the character of the neighborhood.

Another resident raised problems with noise from the Avenue restaurant. Commissioner Speck said that if there are complaints about the Avenue, they should be raised with the ABC Board or the ANC, but the performance of other establishments should not be a consideration in this application.

Mr. Gordon said that the bistro would be an enhancement for the neighborhood and would beautify a corner that has been neglected for years. He addressed some of the concerns raised about the outdoor cafe that are relevant to the public space permit application, which will be heard by the Commission on May 14. He said that they will have a manager on-site during operating hours.

Commissioner Malitz asked Mr. Gordon whether it would be possible to close the outdoor patio on the McKinley Street side earlier to minimize any impact on nearby residents. The Connecticut Avenue side could remain open, but the McKinley Street side would close earlier, e.g., at 11:00 pm. Mr. Gordon said that they could consider that approach.

Commissioner Bradfield offered a motion that the Commission support the application if the Gordon Group enters a written settlement agreement with the following provisions: (1) limiting the hours of liquor service to 10:00 am to 1:00 am Monday through Friday, 9:00 am to 2:00 am Saturday, and 9:00 am to 12:00 am on Sunday; (2) closure of the outdoor cafe on the McKinley Street side at 11:00 pm; (3) scheduled trash pickup seven days a week; and (4) no bottle disposal before 7:00 am or after 10:00 pm. The motion was adopted by a vote of 7 to 0. Commissioner Bradfield will represent the Commission in this proceeding, including finalizing and filing a settlement agreement no later than April 25, 2018.

Discussion and possible vote on application by Circle Wine and Spirits (5501 Connecticut Avenue, NW) to renew its Class A liquor license (ABRA 080830) with no change in hours of operation (01:02)

Commissioner Malitz introduced Christie Chang, the owner and operator of Circle Wine and Spirits for the past ten years. She indicated that the renewal application is for the same hours and conditions. The ANC was not aware of any complaints or concerns. Commissioner Malitz moved that the ANC support the application for renewal of its Class A liquor license. The Commission approved the motion by a vote of 7 to 0.

Discussion with Kim R. Ford, Democratic candidate for DC Delegate (01:05)

Commissioner Fromboluti introduced Ms. Ford, who is a candidate in the June 19 Democratic primary for DC Delegate. Ms. Ford said that she is a native Washingtonian. She served in the Obama administration, working on the stimulus bill leading the neighborhood revitalization program at St. Elizabeths. She then worked for the UDC Community College where she launched the College Access and Readiness for Everyone program which helped to double enrollment. She was then named Dean of Workforce Development and Lifelong Learning. She then went to the U.S. Department of Education

where she led the Department's national efforts as Deputy Assistant Secretary for adult education, career and technical education, correctional and re-entry education, and community colleges.

She honors the legacy of Delegate Norton but proposed six ways to improve the District's representation in Congress: (1) emphasize tangible outcomes on the road to representation; (2) use the federal government as an asset, not an imposition (e.g., by getting internships for District residents in every Congressional office); (3) use the District as a testing ground for pilot programs (e.g., for student loan forgiveness); (4) lead the region rather than competing with Virginia and Maryland; (5) stop returning federal funds that were not used in District programs; and (6) engage the federal constituent services offices. She says that there is too much emphasis on obtaining the floor vote when there is much that can be done without it. She says she is not satisfied with the status quo and wants more.

Commissioner Fromboluti asked where the money would come from to pay for student loan forgiveness. Ms. Ford said that it could not be 100% forgiveness because the lenders must be given some of what is owed. She compared it with bankruptcy where a portion of the debt does not have to be paid. She said there could also be time and service requirements. A pilot program in the District would be relatively low cost but could provide an opportunity to learn what works and then scale it nationally.

The Commission thanked her for her commitment and energy and for spending time with the Commission.

Discussion and possible vote on application by Magruder's of DC (5618-5626 Connecticut Avenue, NW) to renew its Class A liquor license (ABRA 091195) with no change in hours of operation (01:19)

Commissioner Bradfield introduced Ki Sung Yoon, owner of Magruder's. Mr. Yoon said that the renewal of the Class A liquor license is on the same basis as in the past, with no change in hours or operation. Kathy Le Dain, a nearby neighbor, said that the landscaping around the parking lot is a big improvement but needs to be filled in where there are gaps. She also said that trash needs to be cleaned up. She said that the rat problem has gotten worse, and there needs to be a concerted effort to remove trash. She also raised a concern about delivery trucks that don't use the alley or parking lot but park illegally on McKinley.

Mr. Yoon said that there is a full-time parking attendant to address any issues. There had been a problem with early deliveries, but that has been fixed. He said that they will address any trash issues. He had also identified rat burrows and had increased his pest control efforts. Commissioner Bradfield said that the rat problem south of McKinley has been largely abated through efforts of the District's rat control group, which is using advanced eradication techniques like dry ice. It is possible that the rats have been displaced there and have moved north. The Commissioners encouraged Mr. Yoon and neighbors to report any rat problems through the 311 system.

Commissioner Bradfield moved that the Commission support Magruder's application to renew its Class A liquor license. Commissioner Speck suggested as well that our support include an excerpt of these minutes, which identify concerns that Magruder's is addressing. The Commission approved the motion of support by a vote of 7 to 0. Commissioner Bradfield will represent the Commission in connection with this application.

Discussion and possible vote on Public Space Permit application (No. 275813) to close existing driveway, and to construct a new driveway, leadwalk with steps, and landscaping at 7076/7080 Oregon Avenue, NW (01:27)

Commissioner Clayman described the history of the Commission's consideration of this application, dating back to January 2018. The Commission's primary concern has been with tree protection. David Landsman, on behalf of the applicant, McCullough Residential, presented a March 20, 2018 report by the developer's certified arborist, C&D Tree Service, Inc. The report described the condition of the heritage trees located on the site. Specifically, the 38-inch heritage cherry tree in the front of the property is in "fair condition." The arborist concludes that, with the protections he recommends, the tree can be preserved during construction. The arborist proposed steps that would be taken before, during, and after construction. Mr. Landsman also presented an April 23, 2018 email from Robert Corletta, at DDOT's Urban Forestry Division, indicating the Division's approval of the proposed Tree Preservation Plan.

Commissioner Speck raised a concern that, despite these efforts, the heritage cherry tree might still be damaged by the construction. He noted that the developer's arborist and Urban Forestry provided similar assurances to the Commission about preservation of the street trees at 5333 Connecticut when that developer installed a circular driveway. Despite those assurances and following the prescribed protocols, the trees were damaged. Commissioner Speck asked whether it would be possible to move the driveway further away from the tree, as he had suggested at the Commission's January 8, 2018 meeting. The driveway is now about 15 feet from the tree. Mr. Landsman said that the driveway was far enough away that, in the opinion of the arborists, it would not damage the cherry tree. Commissioner Clayman asked about the consequences if the tree were damaged in construction so that it had to be removed. Mr. Landsman said that they would then have to pay the fine for destroying a heritage tree, which would be \$35,000 to \$40,000 — a significant incentive to protect the tree. Commissioner Tuck-Garfield asked when the best time would be to do any work affecting the tree roots. Mr. Landsman said that the best time for protecting the tree would be in early spring or late fall, when the tree was dormant. Commissioner Clayman asked when the driveway would be constructed, and Mr. Landsman said that it would probably be in July, but could be moved a week or so either direction.

Commissioner Clayman moved that the Commission advise the Public Space Committee that it has no objection to this application. The Commission adopted the motion by a vote of 7 to 0. Nevertheless, Commissioner Speck expressed his reservations and asked that the excerpts of these minutes also be conveyed to the Committee. Commissioner Speck will represent the Commission at the Committee hearing.

Discussion and possible vote on application for a public space permit to construct new leadwalk and steps, driveway, retaining walls and porch with step projection to service a new single-family dwelling on vacant lot at 3723 1/2 Harrison Street, NW (Tracking Number 254090) (01:41)

Commissioner Fromboluti described the Commission's prior concern with this application that was based on the unusual subdivision of the lot. The Commission asked the applicant to obtain a DCRA permit before proceeding. He invited the applicant, Robin McGrew, to make a presentation, and she said

that the plans remain the same, and they have received approval from the Zoning Administrator. She has agreement from ten neighbors, but the immediately adjacent neighbor objects.

Commissioner Maydak asked whether the steps for the existing house will still cross the adjacent lot's property line, and Ms. McGrew said that they do, but they have registered an easement.

Commissioner Fromboluti said that despite the unusual lot subdivision, it appeared to comply with applicable regulations. He said that if the existing house were demolished, two new houses would be permitted on these lots. With that understanding, he moved that the Commission advise the Public Space Committee that it has no objection to this application. The Commission approved the motion by a vote of 7 to 0. Commissioner Speck will represent the Commission at the Committee hearing.


Commission Business (01:46)

1. The Commission voted 7 to 0 to approve the minutes for its April 9, 2018 meeting.
2. There were no checks that required Commission approval.
3. Items for May 14, 2018 meeting may include: Presentation by proponents and opponents of Initiative 77, a tipped worker minimum wage measure that is on the District's June 19, 2018 primary election ballot; discussion and possible vote on application by Chevy Chase Wine and Spirits (5544 Connecticut Avenue, NW) to renew its Class A liquor license (ABRA 103575) with no change in hours or operations; application by the Gordon Restaurant Group for a public space permit for a new sidewalk cafe (un-enclosed) at 5600 Connecticut Avenue on both the Connecticut Avenue and McKinley Street sidewalks (DDOT Tracking No. 10598084)

The meeting adjourned at 8:55 pm. (01:49)

Signed,


Randy Speck
Chair


Rebecca Maydak
Secretary