



**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 Special Public Meeting

August 8, 2018

Chevy Chase Community Center, 7:00-9:00 pm

5601 Connecticut Avenue, NW

Washington, DC 20015

(Video of this meeting is available at

<https://www.youtube.com/channel/UCP9348js5HkCOgCc4Z7sYLw>.)

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

Attendance: Approximately 30 people attended the meeting.

Adoption of Agenda (video at 00:00): The agenda was adopted by a vote of 6 to 0.

Commissioner Announcements (01:00)

Commissioner Speck:

Chevy Chase Community Center Modernization — As a result of the grassroots efforts by the community, the District has appropriated \$19 million to modernize the Community Center. The money becomes available on October 1, 2018, but the ANC is initiating planning for that major effort with a public meeting on Monday, September 17, 2018, at 7:00 pm in the Community Center. Relying heavily on the ANC's January 2018 report and recommendations as a starting point, this meeting will begin developing specifics for (1) the configuration and design of the new Community Center and (2) arrangements for alternative space to accommodate current Community Center programs during construction (which will probably start in 2020). The

Department of Parks and Recreation (DPR) and the Department of General Services (DGS) will have representatives at this meeting, and everyone is invited to participate.

ANC Election — August 8, 2018, was the last day for submitting petitions to run for ANC in the November 6, 2018 general election. Each of the ANC 3/4G incumbent commissioners had submitted their petitions to be on the ballot, and one other candidate submitted petitions ([https://www.dcboe.org/getattachment/Elections/2018-Elections-\(1\)/List-of-Advisory-Neighborhood-Commissioners-8-9-2018-\(1\).pdf.aspx?lang=en-US](https://www.dcboe.org/getattachment/Elections/2018-Elections-(1)/List-of-Advisory-Neighborhood-Commissioners-8-9-2018-(1).pdf.aspx?lang=en-US)).

MPD Second District Awards Banquet — The Citizens' Advisory Board for MPD's Second District will hold its annual awards banquet on September 26, 2018, from 6:30 pm to 10:00 pm at Maggiano's Little Italy (5333 Wisconsin Avenue, NW). This event honors Second District officers and civilians who have demonstrated superior performance in the past year and is an opportunity for the community to show its appreciation. Tickets are \$50 for the dinner and may be purchased on line at Eventbrite (https://www.eventbrite.com/e/2018-second-district-mpd-awards-banquet-tickets-48430004447?aff=utm_source%3Dweb_email%26utm_medium%3Demail%26utm_campaign%3Dnew_event_email&utm_term=eventurl_text) or by contacting Samantha Nolan (nolantutor@yahoo.com).

Chevy Chase DC Day — The Chevy Chase Citizens' Association sponsors its annual Chevy Chase DC Day this year on Saturday, September 15, 2018, from 1:00 pm to 4:00 pm along Connecticut Avenue and in the Commons between the Library and the Community Center. There will be food and games as well as sales at the businesses along the Avenue. A new feature planned this year is a chili cook off.

Commissioner Clayman:

Oregon Avenue Watershed Green Streets Project — DDOT held two public meetings in the spring of 2017 on this project to install a number of bioretention areas in the Hawthorne, Barnaby Woods, and Knollwood neighborhoods. After these meetings, DDOT had no further communications with the ANC or the community, suggesting that the project had been put on hold. Recently, however, DDOT notified the ANC that it was moving forward with its final plan and would begin construction shortly. The ANC raised concerns with DDOT's Director that there had not been reasonable consultation with the community about a final design. As a result of that intervention, DDOT has agreed to have further public meetings and consultations with residents about the design. The Commission is working with DDOT to set a date for a public meeting in September.

Commissioner Maydak:

Lafayette Recreation Center Modernization — DPR and DGS are planning another meeting on the new Recreation Center's design concept for September. DPR presented a design proposal at a July 11, 2018 meeting and received a number of comments that will be incorporated into a revised plan. On a related issue, Councilmember Todd has found money to implement a Department of Energy and the Environment plan to install berms and other stormwater

management features in Lafayette Park to address the problems with runoff from the upper field to the lower field. This program will be implemented after completion of the recreation center project.

Commissioner Tuck-Garfield thanked the residents at Knollwood for inviting her to a meeting to discuss the Oregon Avenue reconstruction project and other issues affecting Knollwood and for signing her petitions to be on the general election ballot in November. She said she is always available to assist residents with concerns.

Commissioner Malitz:

Intersection at Chevy Chase Parkway and Military Road — DDOT has completed its analysis of safety study concerning issues that were raised about this intersection. It will present its findings and recommendations at the ANC's September 24, 2018 meeting.

Presentation, discussion, and possible vote on liquor license application for a new restaurant at 5532 Connecticut Avenue, NW (the site of the old American City Diner) to have a proposed total seating capacity of 111 inside and 54 outside, with a total occupancy load of 165 and proposed hours of operation from 7:00 am to 2:00 am Sunday through Thursday and 7:00 am to 3:00 am Friday and Saturday (0:12)

Commissioner Speck indicated that on July 18, 2018, the ANC received notice of this application (ABRA-110576) for a new Class C (beer, wine, and spirits) liquor license at 5532 Connecticut Avenue, NW — the site of the recently closed American City Diner. The applicant was listed as “The New ACD, LLC,” but we understood from press reports that the new owner was Steve Salis, who owns a number of other restaurants in the District.

The ABRA notice specified a Protest Petition Deadline of August 27, 2018, which was too late to provide adequate community notice so that the Commission could consider the application at its July 23, 2018 meeting. The ANC had no scheduled meetings in August. Thus, it was not possible to comply with the protest petition deadline as specified in the notice.

The Commission initially asked the applicant to join with the ANC in requesting deferral of the protest petition deadline until late September, but the applicant said that it could not change the date. In light of this, the Chair called this special meeting to discuss whether to file a protest. Commissioners Speck and Bradfield subsequently met with the applicant's representatives on July 30, 2018, in an effort to learn more about the application and whether it would still be possible to postpone the protest petition deadline so that community concerns could be fully discussed at regular ANC meetings in September, when residents are more likely to be available to participate.

As a result of that meeting, we agreed to ask the ABC Board to postpone the protest petition deadline. Both the ANC and the applicant submitted this request on August 2, 2018, and on August 8, 2018, the Board approved an extension until October 1, 2018.

Because of this deferment, there is no need for the Commission to vote at this special meeting on whether to file a protest. Nevertheless, the Commission decided to hold this meeting as an opportunity to begin communications with the applicant about its plans and to let them know the kinds of conditions that the ANC and the community expect. This is the beginning of the conversation that will continue at our regular meetings in September.

Steve Salis said he was happy to be meeting with the ANC and the community and appreciated those who came out to learn about his plans for a new American City Diner. He said that they began engaging with the landlord in May. At that time, they expected the owners to continue operating the diner until early 2019, but they shutdown unexpectedly. A provision in their lease then required them to accelerate their plans for modernizing the diner.

Mr. Salis said that he would share their ideas and plans, but cautioned that they are preliminary and only “from the 50,000-foot level.” From conversations his team had with the ANC, he is aware of the community’s concerns and of the voluntary agreements reached with other restaurants along Connecticut Avenue. He said that they intended to meet the community’s needs.

Mr. Salis’ restaurant businesses include &Pizza, Ted’s Bulletin, and Federalist Pig. He has also recently acquired Kramer Books, which he considers an iconic brand in Dupont Circle and which he plans to rejuvenate. His businesses are “restaurant driven,” with only about 30% of revenue from the sale of alcoholic beverages.

He presented a “mood board” as a compilation of what they envision for the new diner — a French-style brasserie that will serve breakfast, lunch, and dinner. They plan to restore the diner car with an added single-story structure in the back. Some of the existing diner is not compliant with regulations, and it will be removed. The new restaurant will not be fine dining, but will be “approachable and sophisticated.” He hopes to cater to a wide swath of the community. They expect to have a “flex space” pavilion on the side and an outdoor cafe for the warmer months.

Mr. Salis said that he has experience through his other restaurants with parking issues, and he can bring that experience to bear in addressing parking concerns in this neighborhood. He understands that every community is not the same, but he has addressed parking, noise, and trash issues successfully elsewhere.

Commissioner Clayman asked how the public space used for the new restaurant would differ from public space use at the existing restaurant. Mr. Salis said that they were still “sorting out that they will do,” and he can’t provide a definitive answer now. Commissioner Tuck-Garfield said that she is excited about the prospect of a new option on the Avenue and asked whether the new diner would be amenable to families, children, and seniors. Mr. Salis said that it would be a community place, inclusive and welcoming to all.

Commissioner Malitz noted that there are eight or nine current parking spaces for the diner and asked whether those would be maintained. Mr. Salis said that they are currently planning to expand the building into that space, which would reduce the amount of parking. He said he is

aware of the parking and congestion concerns and has to consider how customers will get to his restaurant. He acknowledged that there are not many parking lots available in the neighborhood.

Commissioner Bradfield thanked Mr. Salis for coming to the ANC's meeting and noted that there have been rodent problems in the area, and that Mr. Salis has undoubtedly had to deal with rodent abatement, noise, and trash at other locations. Chevy Chase, however, is a primarily residential, quieter neighborhood. Commissioner Bradfield noted that parking will be a problem, and there is no magic way to fix it. Mr. Salis said that he believes discussion of these concerns can lead to further collaboration and can be a springboard for a more productive conversation.

Commissioner Speck said that the Commission needs more detailed plans before its September meetings in order to evaluate the liquor license application. That would include details on the size of the new restaurant, the number of expected occupants, and the extent of public space use. While the Commission has two meetings in September to consider the liquor license application, it needs detailed plans soon so that the community can raise any concerns and to provide time to negotiate a possible voluntary agreement.

A resident living in the house closest to the diner asked whether they had considered knocking the existing structure down and building something new. Mr. Salis said that they considered the diner car to be unique and looked for ways to use that interesting structure by combining it with a new structure. He aims to create a harmonious space. Commissioner Bradfield asked whether they had considered adding a second story. Mr. Salis said that there were practical implications from adding a second story that make it unlikely.

Dave Engel asked whether there would be an increased footprint for the new restaurant compared with the old diner. He said it is important to know the footprint before deciding whether to protest the liquor license application. For instance, the community needs to know whether the existing "hardened" structure in public space will be removed. Mr. Salis said that they will abide by all laws and regulations governing structures in public space. They will come back in September with proposed plans.

Janet Sherk said that she likes the idea of having a French brasserie in the neighborhood but has two concerns. First, she urged Mr. Salis to set a new standard for restaurant trash removal. The existing restaurants don't have adequate containers, and they need better rodent controls. Second, she asked for clarification from the ANC on the use of the PNC Bank parking lot. She said she doesn't want people arriving at 2:00 am in that parking lot. Mr. Salis said that parking is a multifaceted issue, and they will try to help mitigate the problems. With respect to trash, he said that they try to set the standard for trash removal and have used compactors at their other restaurants. They also time trash pickups to minimize noise and disruption. He recognizes that a trash-infested property will not be attractive to patrons, and he will keep his property clean.

Commissioner Bradfield emphasized that the PNC Bank parking lot is not a panacea. It has unique zoning issues and is not the answer to parking concerns. Nevertheless, it needs to be addressed.

Steve Aurbach, a resident on 39th Street, said that every restaurant seems to have a different trash removal contractor, and they come at different times, creating disruption throughout the day. He said he would like to see coordination among the restaurants. Mr. Aurbach also noted that the diner's carry-out breakfast service may create the kind of traffic and double-parking that is currently a problem at the corner of Livingston and Connecticut (at the Starbucks). He said that there needs to be a different set of rules or enforcement to ensure that Morrison and Connecticut doesn't become a similar problem.

Allen Beach said that the former owner of the diner had misled the ANC with regard to the use of public space, and it would be necessary to have a clear idea of how public space would be used before approving the liquor license application. Commissioner Bradfield emphasized the need to pin down the use of public space during the review of the liquor license application so that when we get to the public space application, the ANC will have already addressed all major issues.

Debra Ashford, a 27-year resident in the 3700 block of Morrison, said that people stay in this neighborhood; it's not a transient neighborhood. She said that the community needs detailed information before the ANC's September 24th meeting. Commissioner Speck said that we should begin getting specific plans as soon as possible, hopefully before the September 10th meeting. The Commission can then identify any gaps in the information that can be filled before the September 24th meeting.

Susan Lemkin, a resident on Connecticut Avenue south of Military Road, said that she supports local restaurants and asked what Mr. Salis considers his competition in the neighborhood. Mr. Salis said that all the restaurants will be competition. He hopes that the new diner's combination of approachability and sophistication would be attractive. He doesn't know whether it will attract people from outside the nearby community.

Andrew Aurbach said that people are excited by the new restaurant, and he believes there is room in the market for more. He asked whether the new diner would keep the mural and the marque. Mr. Salis said that they expect to keep those features, and he understands that the neighborhood appreciates those aspects of the restaurant. He wants to preserve the fabric of the neighborhood.

Stewart Ishiguro asked whether Mr. Salis' other restaurants seek permits for the maximum operating hours but, in practice, close earlier than the allowed hours. He also asked whether food would be prepared on-site. Mr. Salis said that every trade area requires a different solution, so some of his restaurants close earlier than the maximum allowed and some close at the allowed hour. He said that food would be prepared on site and made to order.

Susan Lemkin asked about the time frame for opening the new restaurant. Mr. Salis said that they are planning on opening the third quarter of 2019.

The Commission thanked Mr. Salis and said that it looks forward to more detailed plans in advance of the September 10th meeting.

Commission Business (1:03):

1. The Commission voted 6 to 0 to approve the minutes for its July 23, 2018 meeting.
2. Commissioner Tuck-Garfield moved that the Commission approve the following check: \$142.01 (Verizon, July), which was approved by a vote of 6 to 0.
3. Items for September 10, 2018 meeting may include: Discussion and possible vote on resolution addressing dockless bikes; discussion and possible vote on a resolution addressing the proposed “Clean Energy DC Omnibus Amendment Act of 2018”; further discussion and possible vote on liquor license application for a new restaurant at 5532 Connecticut Avenue, NW (the site of the old American City Diner); presentation by DC Water on the contamination incident that occurred on July 13, 2018, and steps taken to prevent a recurrence; discussion and possible vote on a resolution or testimony advising the Council on proposals to revise or overturn Initiative 77; discussion and possible vote on letter of support for the Lafayette Fall Festival to be held Saturday, October 20, 2018, from 11:00 am to 3:00 pm.

The meeting adjourned at 8:11 pm.

Signed:

Randy Speck
Chair

Rebecca Maydak
Secretary