

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3F
Van Ness ▪ North Cleveland Park ▪ Wakefield ▪ Forest Hills

3F01 – David Dickinson, Vice Chair
 3F02 – Shirley Adelstein, Treasurer
 3F03 – Naomi Rutenberg
 3F04 –
 3F05 – Andrea Molod, Secretary
 3F06 – William Sittig
 3F07 – Patrick Jakopchek, Vice Chair



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Public Meeting – October 16, 2018
 University of the District of Columbia
 4200 Connecticut Ave. NW
 Washington, DC 20008
 Building 44, room A03

MINUTES

ANC 3F convened their regular meeting on Tuesday, October 16, 2018 at the University of the District of Columbia, 4200 Connecticut Ave. NW, Washington DC 20008, Building 44 Room A03. The meeting was duly advertised and open to the public. Copies of resolutions approved are available at www.anc3f.com.

Commissioners Present: Jakopchek
 Dickinson
 Rutenberg
 Molod
 Adelstein
 Sittig

ITEM	VOTE	KEYWORDS
Commissioner Jakopchek made a motion to approve the modified regular agenda.	6-0-0	
Commissioner Sittig made a motion to adopt the resolution in support of the Council Bill regarding Taxes on Civil Servant pensions.	6-0-0	
Commissioner Jakopchek made a motion to adopt the resolution in support of the DPR permit for the Friends of Forest Hills Playground Halloween/Fall event	6-0-0	
Commissioner Jakopchek made a motion to adopt a resolution in support of Thai Pad’s Great Street grant application	6-0-0	
Commissioner Adelstein made a motion to approve the ANC3F 2019 budget	6-0-0	
Commissioner Molod made a motion to approve the July and September minutes	6-0-0	

Commissioner Jakopchek made a motion to adjourn	6-0-0	
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Call to Order: 7:29 pm
 Adjournment: 10:44 pm

AGENDA ITEMS

1. Approval of Regular Agenda

Commissioner Jakopchek made a motion to approve the modified regular agenda. The modifications were the addition of a discussion of the Council Bill related to rent control, and a resolution on the Halloween/Fall festival run by the Friends of Forest Hills Playground. Motion was approved with 6 voting in favor, 0 voting against, and 0 abstaining (6-0-0).

2. Commissioner Updates

Dickinson:

- a. Cleveland Park smart growth is sponsoring a “meet the candidates” event, 1-2pm at the Cleveland Park Library, Sunday Oct 21.
- b. DPR held a Hearst Park project community meeting on October 4. Will hear a report tonight.
- c. There is a E-Cycle event Saturday Oct 20, 9AM-12 Noon at Hearst Elementary
- d. The Ward 3 bicycle advocacy organization supports our resolution about the Connecticut Ave traffic study

Sittig:

- a. There is a new restaurant, I’m Eddie Cano, in the 5000 block of Connecticut Ave., please go and support it
- b. The Sheridan school is having its annual October fall event, Sunday Oct 21, 1-4PM

Jakopchek:

- a. Van Ness Main Street’s Barks and Brews event took place this past Sunday
- b. ANC3F is moving forward and meeting with DDOT, ANC3C and ANC4G about the Connecticut Ave traffic study
- c. Election day is November 6 – go and vote! Also there is still an ANC3F04 vacancy
- d. DDOT spoke to us about the traffic calming study on Upton St. NW, and will come to the ANC next month to talk about plans

Adelstein:

- a. There were inquiries about a burglary at 3003 Van Ness, MPD says that an investigation is ongoing.

Rutenberg:

- a. Update on the development at 3101 Albemarle St. NW. Reminder that there will be no PUD application, and that the development is by right. The Polish Ambassador’s home was sold and the new owner is renovating. Developers are building the first house, obtained the permits, etc... at Albemarle and 32nd St., and are considering the rest. They are going to put up signage about plans, but probably not coming to the ANC to speak.

Molod:

- a. A noise complaint was filed against 4600 Connecticut Ave, and DCRA found the noise excessive and gave notice for a 30-day period to mitigate the noise. Building management is studying the reason for the noise from their HVAC.
- b. There is a new placard in the 5000 block of Connecticut Ave in the previous location of the Kitchen Guild and Besta Pizza. Little Red Fox is opening a new store.

3. Committee Reports

Parks and Trails (Rutenberg): The committee is waiting on reports about the Soapstone sewer rehabilitation project. A draft Environmental Assessment (DC Water, NPS) will be released soon. Also waiting to hear about the Broadbranch rehabilitation project, the report is due this fall.

Streets and Sidewalks (Sittig): Will be meeting in November with DDOT to talk about the Connecticut Avenue traffic study, the meeting is on Monday November 26th at 7PM at the Van Ness Main Street Offices, 4340 Conn. Ave. NW.

Grants (Molod): No grant applications were submitted in September.

4. Community Open Forum

Juanita Grey, UDC:

- a. First I'd like to thank ANC 3-F for the letter of support concerning the Certificate of Occupancy for the Student Center. It was received earlier this month and we greatly appreciate it.
- b. The University is currently in negotiations with DGS (Department of General Services) for use of the Trailers formerly occupied by Murch Elementary to be occupied by Eaton Elementary beginning next year. Information for the community should be coming out later this week or early next week on where both parties are.
- c. 4250 Negotiations continue between the University and Bernstein. Because of the NDA there is still not much that can be said.
- d. UDC Firebird Film Festival will begin on Monday, October 29th and run until Sunday November 4th. A full schedule of movies and discussion panels can be found on the front page of the University webpage. Some of the movies include "Fruitvale Station", "The Kalif Browder Story", "Unforgiven: How this Man in Florida Lost His Voting Rights", "Selma" and "Black Panther". Admission is free and open to the public.
- e. The University will celebrate Veteran's Day on Thursday, November 8th with a program in the Performing Arts Center. I do not have the featured speakers name but will send it out to the Commissioners once I know. This event is open to the Public
- f. UDC Homecoming begins Sunday, November 11th with many events open to the public. Please check the University webpage for events.
- g. Congresswoman Cheh will host a community meeting for the Whittle School and Studios on Wednesday, November 7th at 7pm in the Windows Lounge, located on the second floor of building 38

Monalisa Johnson, Exec director of Hillwood Estate Garden:

Here to report on a construction project at Hillwood. They have done upgrades in the past with capital campaigns to fund them. They are planning to use the space under the parking deck to house a library for their archive and historical collections. Hillwood is working with Ewing Cole architects. The new structure will be hard to see from street. The Post family donated most of the funds. It will be called the Dina Merrill Pavilion. They need another \$1 million, and the campaign is under way. Construction will start in the spring of 2019, finish by fall of 2020.

Inez Sakite, DCRA community outreach specialist in wards 1-4:

Did a neighborhood walk in this ANC. Saw a few illegal projects that are being researched further. They also looked into the vacant homes on 4111 and 4113 Connecticut Ave. NW. The walk also revealed the installation of an illegal subpump.

Commissioner Dickinson: What about the permits/report related to Hearst Park? A: DCRA was involved in an environmental screening process, it was decided that an environmental impact statement is not needed. Q: Are the documents available on the DCRA web site?

Carolyn Kuebler, Candidate for ANC3F02:

The candidate spoke to the ANC about her credentials, and announced that there will be a meet and greet in Van Ness South in the lobby tomorrow, Oct 17 at 5:30-7:30 PM, and said that candidate information handouts are available at the ANC meeting.

Rich Harrington, Ward 3 Liaison from the Mayor's office: rich.harrington@dc.gov, 202-341-7706

- a. The Mayor has decided that feminine hygiene products are exempt from sales tax
- b. Thurs Oct 18 the mayor will sign the "Nightlife Bill" at Park at 14th club.

Dave Donaldson, Candidate for ANC3F02:

The candidate spoke to the ANC about his credentials.

John Cheeks, Candidate for Delegate to the House of Representatives.

Spoke to the ANC about his agenda related to new wealth creation and the protection of wealth. He stated that he is not for statehood, as it is too expensive.

5. Resolution regarding the Bill before the Council on Taxes and Civil Servant Pensions

Commissioner Sittig: There was a presentation at the last ANC meeting from supporters of the Bill. Up until 2015, there was DC income tax deduction for civil servant's pension income. The deduction was removed in 2015, and the idea is to get it restored. Legislation was introduced, it is sitting in the DC Council Finance and Revenue committee. Proponents of the Bill are trying to get it moving.

The removal of the deduction is negatively affecting retired people, motivating them to move out of DC, as MD, VA and PA have the deduction. The deduction is over \$20K in VA, \$10k in MD. The DC legislation before 2015 had a \$3K deduction, the new legislation is proposing \$10K up to age 62, \$20K for older residents.

Q from public (Amy Shannon): Civil servant pensions only, or private too? A: Teachers, fire fighters, government employees.

Commissioner Dickinson: Propose a friendly amendment to add all pensions, including private pensions. Commissioner Jakopchek: not sure we should do that now, as the Council considered this but rejected it based on the disparity in general between civil service and private sector salaries. Friendly amendment rejected by Commissioner Sittig.

Commissioner Adelstein: Is there evidence that people are leaving DC because of this? A (Sittig): The advocates say yes. They cite anecdotal evidence of people moving to Florida, Maryland, Pennsylvania and other states.

Commissioner Rutenberg: propose friendly amendment to change the vocabulary in the resolution related to residents leaving DC to "reported that many seniors". Accepted by Commissioner Sittig.

Commissioner Sittig read the operative clauses of the resolution into record.

Commissioner Dickinson: Propose a friendly amendment to add Dickinson to speak on behalf of the ANC. Accepted by Commissioner Sittig

Commissioner Sittig made a motion to adopt the resolution as amended. Motion was approved with 6 voting in favor, 0 voting against, and 0 abstaining (6-0-0).

6. Halloween/Fall Festival sponsored by Friends of Forest Hills Playground

Kristin Metzger-Gilbert from Friends of Forest Hill Playground came to speak to the ANC to request support for their Halloween/Fall event. It will take place the weekend after Halloween at the playground. The rain date is Nov 4. There will be a bake sale, face painting, a magic show, and a story time. They need volunteers. All profits go to playground activities. They need a permit from DPR, and are looking for support from ANC3F. They will post signage to notify local residents.

Commissioner Jakopchek: What about plans for trash removal? A: They will be using the public trash cans. Q: When will there be a trash pickup? A: They will come the next day to pick up trash. They will have extra bags too. Q: Will you send email to DPW to make sure trash pickup happens? Can Friends of Forest Hills Playground check afterwards to be sure of the trash pickup? A: yes.

Commissioner Jakopchek made a motion to adopt the resolution in support of the DPR permit for the event. Motion was approved with 6 voting in favor, 0 voting against, and 0 abstaining (6-0-0).

7. Thai Pad Great Street Grant Application

Theresa Cameron: Van Ness Main Street is working with Thai Pad to help apply for Great Street Grant. Local restaurant owners can apply for up to \$40K to do renovation work in the restaurant. The application includes repairs to equipment in the kitchen and some lighting. The applicant is looking for ANC support for their application. The restaurant has a kitchen vent that

was not installed correctly, and the repair costs \$90k. They also have a stove that was not new when the restaurant opened, and they need a new stove. Other local restaurants received Great Street grants for similar work - Bread Furst received a grant and used it to buy an oven for croissants, Acacia received one to refurbish the bar.

Commissioner Jakopchek: Are they required to use local contractors? A: No, but they get "points" for doing that.

Commissioner Jakopchek made a motion to adopt a resolution in support of the grant application, to be included in the application materials. Motion was approved with 6 voting in favor, 0 voting against, and 0 abstaining (6-0-0).

8. Presentation on DC Council Bill related to Rent Control

Commissioner Adelstein: Resident advocates have been grappling with abuses of rent control in the District in the form of rent concessions. After two years, the legislative working group convened by CM Bonds wrote a piece of legislation. Barry Wise, the legislative director for CM Anita Bonds came to speak to the ANC about the legislation and the process.

Wise: The group got the legislation put together with the help of Gabe Fineman and with the help of Joel Cohen from Office of the Tenant Advocate. The core idea behind and the problem with rent control is to keep rents affordable and below market. The 1985 law was thought to be enough to keep rents under control, but substantial loopholes were found. Jim Graham passed a law abolishing rent ceilings in 2006, but rents being are raised up to a ceiling even higher than market rate. The building owners/managers do this with "discounts". The legislative working group wanted to have a bullet-proof law this time, so they took a long time.

The new law as written attacks concessions at several levels. First: When law becomes law, all rents are reset at the current rent level. Second: If owners CAN increase rents by a certain percent and don't use it at the time the law is passed, they can't increase it later. 30 days is the limit for using allowed increases. The intention is that increases should fall behind market, ie., the CPI+2% increase that is allowed should stay behind market.

The Bill as written also allows rent concessions, but ONLY if the actual rent is less than 10% below the documented rent, and the next tenant can't be charged the higher rate. If an actual rent is more than a 10% discount from the documented rent, the owner CAN use higher rate later, but the lower rent has to stay for the lifetime of that tenant's occupancy.

Joel Cohen: Wishes to acknowledge the role of Commissioners Adelstein and Jakopchek in the new legislation. It is called a "clarification" to make it clear that the new legislation is not a change in the substance of the law, but a clarification of the intent of existing law.

Commissioner Adelstein: Wishes to acknowledge CM Bonds and Cheh for their work and support. The real impact of the concessions practice is that it has forced people out of their homes.

Q: You mentioned that there have been some recent favorable decisions - why do we need legislation and not leave it to the judicial system?

A (Wise): Judges stated they want clarification of the laws to guide courts. This new law gives a clear message to courts.

A (Fineman): The courts take a long time to decide. We can cut this time short with legislation.

Q: You didn't mention the advertising provision, the provision that all numbers have to be in the ads, ie., pre-concession and concession numbers.

A (Cohen): The Attorney General sued for fraudulent rent number advertising on basis of compliance with the Rental Housing Act. This provision would render this issue moot.

Commissioner Dickinson: Can you describe the process of drafting the legislation? Did you include landlords and other stakeholders? Did it take two years because you wanted to involve all stakeholders?

A: The time it took was to get it right, not to build stakeholder consensus. Housing providers were not included, just some tenant groups. Will speak to the landlords now that the Bill has been introduced.

Q: What about vouchers from government?

A: A voucher can give a big discount. Owner can set a high market rate and then the tenant gets a voucher discount on that. Then when the voucher tenant leaves market rate stays. There is a(nother) Bill to be passed that says that the landlord can't use that market rate as the voucher rate after the voucher holder leaves. This will be law in the Spring.

Q: What about accounting for capital improvements? This law is almost a disincentive for owners to do them since they can't recoup the expenditure.

A (Wise): Tenants need the right to challenge these expenditures. There is a burden on the landlord to do a petition.

A (Fineman): An owner can apply for a rent increase if they are making less than 12% on their money.

From Public:

Q: A landlord can't give a one-month discount under this bill? Doesn't this discourage landlords from doing this type of discount?

A: Yes it does.

Q (from resident of 3003 Van Nees): What concessions are given for special circumstances?

A: There is a perception that this happens and we don't want to change the perception, so the new legislation puts the 10% limit in.

A (Cohen): We asked the housing ombudsman, who reported that this happens regularly with small landlords for more permanent discounts, not nearly as often with one month or two month discounts.

Q: Origins of rent control was contempt for capitalism then it spread. It has cost trillions of dollars.

Q: What about new development? Will this legislation affect them?

A: Yes, it will.

Q: There are many legacy property owners getting rid of buildings - what percent of units fall in this legislation?

A: About half. It affects any building with a Certificate of Occupancy before the mid-1970s. There are limits to what happens to buildings sold or demolished.

Q: Is the number of rent control units relatively stable?

A: Relatively stable, but slowly reducing.

Q: Is the Bill on floor?

A: It has been referred to committee.

Q: Will there be open hearings?

A: Yes

Q: What about billionaires in rent-control units?

A: This is almost non-existent.

9. Hearst Park Update

Commissioner Dickinson: ANC3F welcomes Peter Nohrden and Phil Thomas from DPR and Cecilia Lane from DOEE. ANC3F passed resolutions about the development asking for more clarification on environmental issues.

Nohrden: DPR has moved forward with getting environmental impact statements but has not held recent community meetings. They provided a written summary with a project overview and the status of getting permits. They have not shared the documents as yet because they have not been finalized. The community wants to see the plans for playground equipment before it is finalized, DPR/DGS will do that. They will also engage the community with plans for traffic plans with DDOT.

What is an Environmental Impact Screening form versus an Environmental Impact Statement? The code says that for big projects with substantial environment impact there needs to be an Environmental Impact Statement. For example, the Frederick Douglass bridge construction needs an Environmental Impact Statement (EIS). The first step is an Environmental Impact Screening form. This form was filled out and submitted and will be posted on the DGS web site. [Commissioner Jakopchek: DGS should come to the next meeting]. DCRA found that the Hearst Park project does not need an EIS since it does not have significant environmental impact.

Cecilia Lane, DDOE watershed division restoration branch: Here to talk about stormwater issues. Near the pool the project will have to capture the first 1.2 inches of rain according to DOEE regulations. There is also a voluntary part of the project in the DOEE right of way. There the project will do their best to capture the first 1.2 inches. Right now there is nothing to mitigate runoff. General DPR funds are being used for this voluntary part.

Commissioner Dickinson: Please make documents available to the public as they are done. We also need a clear plan for how community comments will be addressed.

A (Nohrden): Will try to engage the community more. DGS is doing the permits and needs to engage the community as well. We can convene special meeting.

Commissioner Jakopchek: DGS is not doing their part in community outreach, DPR is doing fine. We need to let DGS know this. Although the legal minimum for engagement is met, it is just not enough. We asked that they wait for the hydrology and geology studies to be released before making construction plans.

A: The hydrology studies and geology studies and traffic studies did not call for major changes to site.

Q: What about stormwater - will there be less stormwater into Melvin Hazen when finished?

A (Lane): There is no stormwater management now, but there will be.

Q: Will cleaning the drains increase runoff?

A: The drains were recently cleaned, so there is probably more runoff now, the stormwater mitigation will help this. There will be less stormwater reaching Melvin Hazen when the project is done. The plans for stormwater capture are being looked at now. The design is 90% done, and DDOE and DPR are iterating now.

Q: Will the documents eventually be released to public?

A: Once DOEE signs off, the documents will be posted.

Commissioner Jakopchek: We would like to see a slower process, that is, we would like to see DPR get the ANC3F "take" on each step along the way before any permits are filed for.

A: Some parts call for public hearings, some not. DPR/DGS would like to do more community engagement for parts that do not require public hearings. We propose to have a few more meetings to address plans and the near term timeline.

Commissioner Dickinson: The community needs a clear set of expectations about the project timeline and how the community will be involved.

From Public: You said that the studies aren't final, and will be disseminated when they are final. That means that there is no chance for input. There are lots of details that the community needs to be part of. We want to see the traffic study document.

Commissioner Jakopchek: Can you clarify what do you mean by "final"? That is, what is the comment/response opportunity for this process?

A: We were waiting for the Environmental Impact Screening form to be final before moving forward. DCRA found that an EIS is not needed based on the studies that were sent as support for form.

Commissioner Dickinson: What is the comment process now going forward for the other bits?

A: The DOEE permit application will not be released until final, we can't release a draft application. There are legal requirements for what can be released.

From Public: The city is not meeting the letter of the law or the spirit of the law. It is being disingenuous to say that the documents are posted. We need to see the underlying studies. As to the stormwater issue - why is the right of way section a voluntary part of project?

A: The part of project next to project area is required, all other parts are not required.

From Public: I couldn't find the Environmental Impact Screening form on the web site. Also it says that the city didn't get anything from community, but the community did studies, so they were not accounted for. There are false statements made related to the EISF and so the decision not to need an EIS is based on these false statements. We want to see the EISF. For example, one document says there will be no digging deeper than 4 feet.

A: There will be digging more than 4 feet for sure.

Commissioner Jakopchek: Can we look into the document that says no digging more than 4 feet? A: Will do that.

From Public: We have not seen the results of the hydrology study - can it be made public? Were there recommendations that came out of that study?

A: The geology/hydrology studies were done, there were 13 boring locations in park (it is on web site). There is an in-depth study of the pool.

Q: what about the larger scope hydrology study?

A: This was not part of the Hearst Park project, this was the watershed study.

Commissioner Jakopchek: When can we see the data and the results of the studies?

A: Need to talk with DGS to see this - will get back to ANC soon.

Q: When will the traffic study be posted?

A: It should be posted now.

From Public: DPR, DGS and DOEE are all in default on FOIA requests.

Commissioner Jakopchek: We need to have more information on all of this by November. The defaulting on FOIA requests is concerning. Please take the message back that this is urgent.

Phil Thomas: In summary, this is what DPR/DGS owe the ANC and the community:

(i) results of the traffic study

(ii) a community involvement procedure

(iii) the background documents for the eisf

10. ANC3F Budget for 2019

Commissioner Adelstein:

We are proposing a similar budget to last year, but proposing to spend less of the ANC's reserve fund. The proposed budget is in line with last year's expenditures, and calls for less spending in grants, more in communications. There is less to Verizon but the FHC add is there.

ANC3F is also required to set a liquidity reserve (3 months), and an extraordinary expense reserve. ANC3F approved a conditional grant to Van Ness Main Street, and we need to ensure that we can spend what we want and still meet the reserve levels. The extraordinary reserve fund is therefore being decreased from \$50K to \$40K.

Our District allotment was released – note that we got the money 2 quarters later. The ANC office took over the process from the Office of Revenue, and the process slowed down a bit.

Commissioner Adelstein made a motion to approve the ANC3F 2019 budget. Motion was approved with 6 voting in favor, 0 voting against, and 0 abstaining (6-0-0).

11. Approval of July, September Minutes

Commissioner Molod made a motion to approve the ANC3F minutes from July and September, 2018. Motion was approved with 6 voting in favor, 0 voting against, and 0 abstaining (6-0-0).

12. Other Business

- a) Commissioner Adelstein gave the Treasurers Report. The balance was updated since the July meeting. We received approximately \$3K, spent approximately \$2K, and have a current balance of approximately 85K.

Commissioner Jakopchek made a motion to adjourn. Motion was approved with 6 voting in favor, 0 voting against, and 0 abstaining (6-0-0).