

# GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADVISORY NEIGHBORHOOD COMMISSION 3A



### ANC 3A Public Meeting Minutes – January 16, 2024 McLean Gardens Ballroom, 3811 Porter Street NW and via Zoom

**Quorum call:** Commissioners Thaddeus Bradley-Lewis (3A01), Judy Havemann (3A02), Hans Miller (3A03), Jeremy Del Moral (3A04), and Ann Mladinov (3A05) were present, which made a quorum. (Three of the five Commissioners constitute a quorum.)

**Verification of Meeting Notice:** Commissioner Mladinov confirmed that Commissioners had posted the meeting notice 7 days in advance of the meeting on the ANC 3A website, local listservs in Cleveland Park, Tenleytown, Glover Park, and McLean Gardens, and the Nextdoor e-network.

**Agenda:** Commissioner Bradley-Lewis made a motion to vote on the proposed meeting agenda. The motion was seconded and the Commission voted 5-0 to approve the agenda as presented.

**Election of ANC 3A Officers for 2024:** With no objections, Commissioner Bradley-Lewis moved to vote on a slate of officers who served in 2023: Chair Thaddeus Bradley-Lewis, Vice Chair Hans Miller, Treasurer Jeremy Del Moral, and Secretary Ann Mladinov. Matthew Barclay agreed to preside and took a roll call vote. The Commission voted 5-0 to elect the slate of officers.

#### **Resolutions Adopted**

*Resolution to support Zoning Special Exception for Addition of Garage at 3523 Porter Street NW (BZA Case 21045)* Commissioner Havemann made a motion to take a vote. The motion was seconded and the Commission voted 5-0 to support the requested Special Exception.

*Resolution regarding application to ABCA for Substantial Change (extended hours and live entertainment endorsement) for Makers Union Cathedral at 3701 Newark Street NW (ABRA-116777)* The Chair made a motion to vote on the proposed resolution to work toward a settlement agreement with the applicant but to approve filing a protest if there wasn't progress toward an acceptable settlement agreement at the time of the protest deadline. The motion was seconded and the Commission voted 5-0 to approve the resolution.

*Resolution regarding application to ABCA for Medical Cannabis Retailer License at 3701 Macomb Street NW (ABCA-129007)* The Chair made a motion to vote on the proposed resolution to work on a settlement agreement with the applicant but to file a protest if there wasn't progress toward an acceptable settlement agreement before the protest deadline. The motion was seconded and the Commission voted 4-0 to approve the resolution. Commissioner Miller did not vote.

#### **Votes on Administrative Matters**

*Minutes of December 12 Regular Public Meeting.* The Chair made a motion to vote on the proposed minutes. The motion was seconded and the Commission voted 5-0 to approve the minutes as presented.

*Approval of expenditure of \$50 for participating in ANC Security Fund for 2024* Commissioner Mladinov made a motion to vote on the proposed expenditure. The motion was seconded and the Commission voted 5-0 to approve the expenditure.

*Approval of expenditure of \$22.99 to GoDaddy for renewing ANC 3A domain name* The Chair made a motion to vote on the proposed expenditure. The motion was seconded and the Commission voted 5-0 to approve the expenditure.

**Next monthly public meeting:** Tuesday, February 20, 2024

**Adjournment:** The Chair made a motion to vote on adjourning. The motion was seconded and the Commission voted 5-0 to adjourn.

The meeting adjourned at 9:00 pm.

## **FULL SUMMARY**

Commissioner Bradley-Lewis, the Chair elected in January 2023, called the meeting to order at 7:00 pm. The meeting was held in “hybrid” format, virtually via Zoom and in-person at the McLean Gardens Ballroom.

In addition to Commissioner Bradley-Lewis (3A01), Commissioners Judy Havemann (3A02), Hans Miller (3A03), Jeremy Del Moral (3A04), and Ann Mladinov (3A05) were present, which made a quorum. (Three of the five Commissioners constitute a quorum.)

Commissioner Bradley-Lewis made a motion to vote on the proposed meeting agenda. The motion was seconded and the Commission voted 5-0 to approve the agenda as presented.

### **Election of Officers**

Commissioner Bradley-Lewis, hearing no objections, made a motion to vote on the slate of officers who served in 2023: Chair Thaddeus Bradley-Lewis, Vice Chair Hans Miller, Treasurer Jeremy Del Moral, and Secretary Ann Mladinov. Meeting participant Matthew Barclay agreed to preside and took a roll call vote. The Commission voted 5-0 to elect the slate of officers.

### **MPD Community Report**

Lt. VanderMeer from PSA 203 represented MPD Second District, in his first ANC meeting, and discussed recent crimes in the area. MPD 2D Commander Tatjana Savoy also participated.

Several residents from the area at 38<sup>th</sup> Street and Woodley Road who had participated in the December meeting spoke again about drug activity in the alley adjacent to 3207 38<sup>th</sup> Street, which provides a pass-through to the parking lot behind the apartments on Wisconsin Avenue. At that meeting, MPD 2D Captain Haskis said he would ask the Crime Suppression Unit to check that location and neighbors had observed police vehicles there on several occasions but their recent calls to 911 were not answered and they continue to see people buying, selling, and using drugs, including injecting heroin, in the back steps off the alley, in an alcove that is not visible from down the alley. Commander Savoy asked the residents to email her in real time when they see drug activity there and she will send someone over.

The MPD representatives also spoke about the carjacking in the 3000 block of Idaho Avenue on Saturday, January 13, at about 10 am. A group of individuals drove past the victim who was on his phone in a parked vehicle, and they came back and stole the vehicle, which had not yet been recovered. MPD is asking for any video or other information on potential suspects.

Commander Savoy noted that the MPD 2D Citizens Advisory Council (CAC) had discussed the benefits of using airtags in a vehicle, so it can be tracked. Commissioner Del Moral raised a question he had asked in December about the difficulty of getting MPD to follow up on thefts even if the owner can see the exact location of the airtag that was attached to the missing property. Commander Savoy observed that if a possession is taken in a violent crime and it is large such as a vehicle that can be spotted on the street, MPD will follow up. Smaller objects that might be in a home or apartment would require a search warrant

to recover so MPD cannot pursue those in the same way. Bicycles, laptops, phones, and smaller objects are more difficult than vehicles to find and retrieve.

A resident also asked which bus stop was involved when a Wegman's employee was approached and robbed as she was waiting at a bus stop on Wisconsin Avenue near City Ridge. The employee had returned to Wegman's to file a report so the address in the report was shown as Wegman's. Commander Savoy said she would look for the report to see if it included the location of the bus stop. She said the suspects had jumped out of a stolen car taken in Prince George's County. It was identified by a license plate reader on Connecticut Avenue and was followed to the Fifth District, where an officer attempted a traffic stop. Two of the four individuals were apprehended.

Commander Savoy also reported that the Ward 3 Councilmember Frumin was having a public safety forum the follow day, January 17, at the Cleveland Park Library at 6 pm (and also online) with Councilmember Pinto, MPD Chief Pamela Smith, the head of the DC Office of Unified Communications (OUC) which operates the 911 and 311 systems, and other officials. She encouraged people to attend. She also reported on some transfers and promotions in 2D, and noted that Amazon was working on installing an Amazon Locker at the MPD 2D police station, for secure delivery of packages to residents.

#### **Vote on Special Exception for Construction of Garage behind 3523 Porter Street (BZA 21045)**

The applicants had presented the plans at the December meeting for constructing a garage along the rear alley. They had provided letters of support from both adjoining property owners. The ANC had not received any other comments, or any objections to the project. The property is in the Cleveland Park Historic District, in the R-2 Zone. Commissioner Miller reported that the proposed structure does not affect historic properties because it is an ancillary structure in the rear of the property. Commissioner Havemann made a motion to vote to support the requested zoning relief. The motion was seconded and the Commission voted 5-0 to support the Special Exception.

#### **Presentation of Proposed Project at 3605 Norton Place in the Cleveland Park Historic District**

Kathy Landis of DCA Landscape Architects presented the plans for a new retaining wall in along the sidewalk in public space and up the driveway, to match nearby stone walls on that block, as well as a widened driveway using permeable pavement and preserving all large trees, which will be tied into improvements to the landscaping and gardens at the home of Christine Hobbs, in the Cleveland Park Historic District. She explained there is not a permit application yet for the ANC to review. The major or only role for the ANC appeared to be to vote on supporting a public space permit that would be required for the retaining wall in public space along the public sidewalk on Norton Place. Ms. Landis and Ms. Hobbs said they would return to the ANC to present the permit application and answer any questions as the project progresses, such as effects of the construction on use of the driveway which is shared with the property next door. Commissioner Miller thanked them for the presentation.

#### **Resolution regarding application to ABCA for Substantial Change (extended hours and live entertainment) for Makers Union Cathedral at 3701 Newark Street NW (ABRA-116777)**

Commissioner Miller who serves the SMD that includes the Matchbox location introduced the applicants who are planning a new restaurant in Cathedral Commons opposite the Giant. Alex Berentzen representing Thompson Hospitality presented the plans for Makers Union to open in February in the space formerly occupied by Matchbox under the same ownership. He said the brick oven and patio and the bar area would be retained but the restaurant would focus on offering higher end dining and creating a community gathering spot with possible live entertainment some evenings. He said the entertainment would probably involve one or two musicians, using the floor space southwest of the bar, but no stage or amplification. The application requests operating hours till 2 am Sunday through Thursday and till 3 am on Friday and Saturday. Mr. Berentzen explained that the intent would be to follow closely the hours of other Makers Union locations at the Wharf and in Reston, and not remain open or serving after midnight

except for special holidays allowed by the District and perhaps for private events. There were several questions about noise from patrons and entertainment especially outside, but the live entertainment endorsement is only for indoors. Commissioner Miller asked if they had spoken to Bozzuto, the manager of the apartment building surrounding the site. Mr. Berentzen said they had been in touch and Bozzuto had supported all the work they were doing there, and all the permits and liquor license are already in effect. Commissioner Del Moral asked about experiences nearby with establishments that have live entertainment, including Surfside in ANC 3B and now in ANC 3A, and expressed interest in the client base that Makers Union was hoping to draw. Several area residents observed that none of the other nearby restaurants are open and serving until 2 am or 3 am, and they were concerned about noise, traffic, and crime. The Chair made a motion to vote on the proposed resolution to work toward a settlement agreement with the applicant but to approve filing a protest if there wasn't progress toward an acceptable settlement agreement at the time of the protest deadline on February 12. The motion was seconded and the Commission voted 4-1 to approve the resolution, with Commissioner Del Moral opposing.

**Resolution regarding application to ABCA by Top Level, LLC, for Medical Cannabis Retailer License to operate at 3701 Macomb Street NW under trade name Aligned (ABCA-129007)**

Top Level CEO Brittney General and Mackenzie Manns of Generational Equity presented the application to become a licensed medical cannabis retailer providing cannabis flowers, cannabis concentrates, and edible products with an endorsement to offer home delivery services to registered patients living in the District of Columbia. Top Level is currently not licensed to sell cannabis but operates as a “gifting” shop and source for vaping and related product at that location, on the second floor. They did not show plans for the establishment but talked about the hours and general rules governing the operation, and offered to take questions. Commissioner Mladinov asked if they could share plans for offering home delivery services, which have raised questions at other locations about parking and security, but they said they did not have any specific plans for home delivery and could not share any details. There were several questions and comments from neighbors about already prevalent use of marijuana on and around the block where Top Level is located, and concerns that the problem might become worse. Ms. General said she had not received any complaints. Residents indicated that they had complained multiple times to MPD and others, and they hoped the establishment would work harder on education efforts to communicate to customers that it is illegal for them to consume marijuana on that property or on the street and sidewalk outside. Ms. General said it is DC law that medical cannabis customers are prohibited from consuming the products on the premises. The Chair made a motion to vote on the proposed resolution to work toward a settlement agreement with the applicant but to approve filing a protest if there wasn't progress toward an acceptable settlement agreement at the time of the protest deadline. The motion was seconded and the Commission voted 4-0 to approve the resolution, with Commissioner Miller not voting.

**Commissioner Updates**

There were no Commissioner updates.

**Community Announcements**

Matthew Barclay from the Mayor's Office of Community Relations shared several announcements including about the Secure DC omnibus public safety bill that Councilmember Pinto had introduced; the new Gallery Place-Chinatown Task Force the Mayor introduced (see [Bedowntown@dc.gov](mailto:Bedowntown@dc.gov)) and the hypothermia hot line number to call for transport to shelter for unhoused individuals outside on cold nights 202-399-7093. He also encouraged residents to sign up for DC alerts at [alerts.dc.gov](http://alerts.dc.gov) to hear weather emergency information and law enforcement alerts.

**Open Forum**

Commissioner Del Moral spoke about residents' deep concerns about crime and the sense that they are not safe any more and the leaders need to do something different.

There were no additional comments from members of the community.

### **Administrative Matters**

The Chair made a motion to vote on the minutes of the December 12 regular monthly meeting. The motion was seconded and the Commission voted 5-0 to approve the minutes.

Treasurer Del Moral read the monthly ANC 3A financial report for December:

#### **ANC 3A December Financial Report**

Opening Balance (December 1): \$17,977.98

- Income: None
- Cash Withdrawals: None
- Expenditures:
  - Checks: One check of \$31.80 for business cards
  - Bank Fees: None
    - Monthly Fee waived

Ending Balance (December 31): \$17,946.18

The Chair announced that every year the ANC is required to participate in the ANC Security Fund to protect against misuse of ANC funds. He made a motion to vote to approve expenditure of \$50 for the annual ANC Security Fund for 2024. The motion was seconded and the Commission voted 5-0 to approve the expenditure.

The Chair made a motion to vote on renewing the ANC 3A domain name ([www.anc3A.org](http://www.anc3A.org)) at a cost of \$22.99. The motion was seconded and the Commission voted 5-0 to approve the expenditure for the renewal.

The Chair announced the next ANC 3A regular public meeting would be Tuesday, February 20, 2024.

The Chair made a motion to adjourn the meeting. The motion was seconded and the Commission voted 5-0 to adjourn.

The meeting adjourned at 9:00 pm.

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These minutes were approved by the Commission by a vote of 4 - 0 at the duly noticed public meeting on February 20, 2024, at which a quorum was present. (Three of the five Commissioners constitute a quorum.)