

# COMMUNITY UPDATE

A Neighborhood Newsletter Published By The  
Spring Valley-Wesley Heights Citizens Association  
And Neighbors for a Livable Community  
FALL 2018

THOMAS M. SMITH, EDITOR

## DC CANDIDATES SEEK YOUR VOTE IN UPCOMING NOVEMBER 6 LOCAL ELECTION

**AMERICAN UNIVERSITY**  
**SCHOOL OF**  
**EDUCATION TO HOST**  
**13<sup>TH</sup> ANNUAL**  
**EXCEPTIONAL**  
**SCHOOLS FAIR**  
**ON NOVEMBER 4 AT**  
**KATZEN ARTS CENTER**

The American University School of Education is sponsoring the 13<sup>th</sup> annual **Exceptional Schools Fair** on November 4, 2018 at the AU Katzen Arts Center from 11 AM – 2 PM.

The **Fair** showcases the many school choices available for families of children with diverse learning needs. Information is available about the individualized programs offered by the schools that can help a child thrive both academically and socially. More than 20 schools in the Washington, D.C. area will be participating in the Fair. More information is available at:

[www.exceptionalschoolsfair.com](http://www.exceptionalschoolsfair.com)

Although most of the major focus in the November 6 elections is at the national level, Washington, D.C. voters also will have the opportunity to elect local officials for the offices of Mayor, DC Council Chairman, DC Council, the DC Board of Education, and the ANC. Early voting in DC begins on October 22 at *One Judiciary Square* in the Old Council Chambers. Early voting at sites in each of the city's wards begin October 26. Two sites are available in Ward 3: the *Chevy Chase Community Center* and the *Cleveland Park Library*. Early voting ends on November 2.

Mayor Muriel Bowser and DC Council Chairman Phil Mendelson have nominal opposition and are expected to win overwhelmingly. Candidates for ANC for Spring Valley and Wesley Heights are running unopposed. There are 300 ANC races across the city – two-thirds of which are uncontested.

The most competitive races are for DC Council At-Large and Ward 3 DC Council. Voters have two votes for DC Council At-Large in a 6-person race. The current incumbents seeking reelection are Anita Bonds and Elissa Silverman. In Ward 3, Councilmember Mary Cheh is facing a heated challenge from Petar Dimtchev, who worked for Mayor Adrian Fenty as his Ward 3 constituent services manager. Dimtchev, who has pledged to be a full-time Councilmember, recently won the endorsement of *The Washington Post* in the race. Incumbent Ward 3 School Board member Ruth Wattenberg is also facing a challenge from Dora Currea, a former teacher. Currea also was endorsed by *The Washington Post*.

Turn-out in DC local elections has been on the decline and a light turnout is expected for this election, too. As a service to the residents of Spring Valley and Wesley Heights, and hopefully to boost turnout in our neighborhoods, *Community*

**SPRING VALLEY-WESLEY HEIGHTS CITIZENS ASSOCIATION**  
**NEIGHBORS FOR A LIVABLE COMMUNITY**

*Update* invited candidates to submit a 300-word statement on why residents of our neighborhoods should vote for them. The statements are unedited and appear in the order that they were received.

## **Ward 3 Council**

### **Petar Dimtchev**

Dear Spring Valley and Wesley Heights Neighbors,

I am running as in independent for the Ward 3 seat on the D.C. Council. I grew up just down the street, in Glover Park, and I want to give back to the community that has given me so much. This is where I obtained a wonderful education (I attended Key and Alice Deal), had my first job (refereeing soccer games for D.C. Stoddert), and began my career (working for Mayor Adrian Fenty). Ward 3 residents deserve a good return on their investment as taxpayers: better streets, safer neighborhoods, and quality schools. They deserve a councilmember who is all in all the time for them. I will be an independent voice who will put politics aside and focus on results.

While serving as Mayor Fenty's Ward 3 liaison, I developed a track record of getting things done. I worked on modernization projects (Wilson pool, Wilson HS, Alice Deal MS, Janney ES, Stoddert ES), infrastructure repair, and even drove around in a snowplow and cleared Spring Valley and Wesley Heights streets from the record snowfall in 2010. I have supplemented my D.C. government experience with legislative work on Capitol Hill (on the U.S. House Committee on Energy and Commerce) and legal work for a federal agency. I have taken a leave of absence so I can fully focus on the campaign and pledge that, if elected, I will resign from my current job and be a full-time councilmember with no outside employment.

I invite you to visit my website to learn more about my specific policy proposals: [www.petarforward3.com](http://www.petarforward3.com). You can also reach out to me directly at [petar@petarforward3.com](mailto:petar@petarforward3.com).

I humbly ask for your support on November 6<sup>th</sup>. Thank you for your consideration.

*Petar Dimtchev*

### **Mary Cheh**

I care for, and take care of, residents' concerns-large and small, and bring leadership, integrity, and responsiveness to the Ward 3 Council position. My budgetary expertise has systematically ensured funding for Ward 3 buildings and amenities -- starting with the delivery of the Wilson Pool and including modernized libraries, schools, firehouses, and recreation facilities, and assistance to small businesses along commercial corridors.

I have worked tirelessly to ensure a quality education and safe, healthy schools for our children. This includes the Healthy Schools Act, a national model, which raises nutrition and physical education standards, provides free breakfast for all children, establishes school gardens, and enhances environmental and health education for all children. Lead filters and testing are required in all schools and child care facilities. I support full time school nurses, epipens in schools, and inspect all Ward 3 schools annually. The capacity of our schools has increased to respond to overcrowding, but we need to do more. I have secured funding for additions to Stoddert and Key elementary schools,

and am working with parents and DCPS to find additional space for Ward 3 students. My additional school reform legislation has been introduced recently.

My legislative record is extensive and, I believe, impressive (see marychehh2018.com). For example I have passed legislation to protect public health and ensure fair treatment of tenants, consumers, and seniors. My model energy legislation includes the Clean and Affordable Energy Act and a major climate bill moving through the Council now. I have passed legislation to reform our voting system, brought app services like Lyft and Uber to the District, passed the Death with Dignity Act, allowing medical aid in dying, and required protections for pedestrians and cyclists.

I hope you will allow me to continue to ensure a quality education for our children, protect our environment, public health, and quality of life, and promote honest and accountable government.

## **DC Council At-Large**

### **Elissa Silverman**

I am Elissa Silverman, and it's been my honor to serve you as an independent, at-large councilmember over the last four years. I'm asking for your vote on November 6 to continue this work making D.C. a more equitable, just city that spends your tax dollars well on the things that matter most. I believe councilmembers have three major responsibilities: oversight to make sure we are getting a good return on investment for tax dollars; legislation that will improve quality of life; and constituent services to make sure we are delivering on our promises.

I have been aggressive on oversight, particularly in certain areas. I chair the Council's Labor Committee. We spend more than \$100 million on "workforce development" but many of our residents looking for jobs AND our businesses in need of good labor would be shocked to know that. Instead, we need to talk to our employers in key industries like health care, IT, construction, and hospitality and work with them to design training that leads to employment. I have also been asking for accountability in schools, housing, and the Department of Consumer and Regulatory Affairs (DCRA). DCRA should be a consumer protection agency that helps residents and businesses, but too many people think DCRA does a lot of harm through dysfunction and neglect. That is unacceptable.

A landmark piece of legislation I worked on in my first term is the Universal Paid Family Leave Act, which is now law. It will create an insurance program to give paid leave for joyous events like a newborn baby or adoption as well as more challenging ones, like the final days of a parent's life. The US is one of only three countries in the world without paid leave. Making DC a place that welcomes working families of all kinds remains the heart of my work.

*Elissa Silverman*

### **David Schwartzman**

For the many, not the few! This sums up my platform and vision for the Other DC that is Possible. Voters now have an opportunity to put a climate scientist and long-term fighter for human rights on the DC Council by giving one of their two At-Large votes for me. I am voting for myself and for Elissa Silverman because

***SPRING VALLEY-WESLEY HEIGHTS CITIZENS ASSOCIATION  
NEIGHBORS FOR A LIVABLE COMMUNITY***

she is the only Councilmember who has stood up consistently to the lobby of the Federal City Council, which represents the big banks and corporate sector.

My short bio: Resident in DC since 1976, live in Brightwood neighborhood, Ward 4; Professor Emeritus, Howard University; Chair, Political Policy and Action Committee, DC Statehood Green Party; **Member of:** ONE DC, Empower DC, the Fair Budget Coalition, Grassroots Planning Coalition, Green Neighbors, Metro DC Democratic Socialists of America, DC for Democracy; **Steering Committee:** DC Public Banking Center, DC Human Rights City Committee.

Ten years ago DC became the first Human Rights city in the U.S. Let's make this a reality, especially for our children! Therefore, my legislative priorities are to eliminate child poverty, now at a shockingly high level, and homelessness, thereby improving the quality of life for **all** our residents. How to fund this? Capture the big federal income tax cut for wealthy residents by raising their DC income tax rate, leaving them paying the same overall taxes as before. In addition, curb public deals/subsidies from your taxes going to gentrification and displacement of long-term residents. The current process of revising the Comprehensive Plan should be of especial concern to Spring Valley-Wesley Heights residents. My position: Strengthen the Comprehensive Plan for residents, block the Mayor's and developers' efforts to weaken it.

The DC Statehood Green Party is the only DC ballot-status party to not take corporate/developer contributions.

Contact me: dschwartzman@gmail.com, 202-829-9063, [https://dcsqp.nationbuilder.com/david\\_schwartzman](https://dcsqp.nationbuilder.com/david_schwartzman)

**Rustin M. Lewis**

My work experience and service to various DC communities have shown that this an economically thriving and successful city. However, we are challenged to make sure that everyone is included in that success. I believe in equity for ALL DC residents. Regardless of your zip code, everyone should be able to attain a quality education, secure a well-paying job, and find an affordable and safe place to call home!

My experience as a community leader of several DC organizations have informed and shaped my passion and views on equity. I believe that legislation is one of the best platforms for helping others on a broader scale. Therefore, I am asking for your vote on November 6th, so that I can be an independent voice who will re-connect the Council to the needs of Washingtonians who work and live in the District.

Specifically, I am advocating for the creation of the following legislative policies:

- Identify DC - owned plots of land which can be designated as affordable workforce housing;
- Ensure that students who are behind on basic skills receive additional support, which focuses on customized learning, work-based programs, and vocational mastery through partnerships with community centers and nonprofits; and
- Establish business incubators to provide space for entrepreneurs to create, test, and launch ideas, especially in areas of high unemployment.

I have the ability to listen and the experience to lead! As an independent, I will attend to the will of the people and help move forward an agenda that you care about! Thank you for this opportunity.

*Rustin M. Lewis, DPA*

### **Ralph J. Chittams**

I moved to Washington, DC from Harlem, New York in 1978 to attend Howard University. Four years later I graduated with a degree in Political Science and a fiancée, Patricia, a sixth generation Washingtonian. We have been married for 35 years, and have been blessed with four children, a daughter-in-law, and a granddaughter. We purchased a home in Ward 7 in 1992, and still live in that home with Clarita, our adopted cat, and Sophie, our Labradoodle.

I am running to be an At-Large Member of the Council of the District of Columbia because I believe in DC. DC has been a wonderful place to raise our family. Our children attended DC public schools. All have gone on to earn at least a Bachelor's degree. I want to see those same opportunities made available to all children in Washington, DC. A zip code should not determine the quality of education.

Lack of access to healthcare affects all Washingtonians, including those who do have access. As individuals without access in their communities seek care outside of their communities, unnecessary burdens are placed on healthcare providers in other communities, resulting in longer wait times, among other things. Providing access to adequate healthcare in every quadrant of Washington DC is critical to the wellness of all Washingtonians.

The best days for Washington, DC are in front of us. By working together we can close the education gap, improve the health outcomes for our children and seniors, lower some, and eliminate other taxes and fees entirely, and have a DC Council that is truly responsive to its constituents.

My name is Ralph J. Chittams, Sr. I am asking for your vote for At-Large Member of the Council of the District of Columbia on Tuesday, November 6, 2018. I am No. 1 on the ballot.

### **Anita Bonds**

Councilmember Anita Bonds is a lifelong District resident who has spent her career bringing people together to positively impact the city she cares so deeply about. Anita applies a pragmatic progressive approach to addressing issues and lawmaking as an at-large member of the DC Council. Just completing her first full-term, Anita has championed Democratic Values with her votes to: raise the minimum wage, implement sweeping ethics reform, and introduced policies to eradicate poverty giving all residents opportunities to share in the growing economy. Anita has authored laws to protect our children and elderly from abusive guardians, limits rent increases on seniors, capped late fees for rental units to 5%, increased first time home buyer no-interest down payment assistance to \$80,000, created the fund to repair public housing units, expanded Local Rent Supplement Program, prevent financial exploitation and fraud of seniors and persons with disabilities, made feminine hygiene products tax-free, and more. Policies Anita helped enact include: funded more than \$300 million for affordable housing through the Housing Production Trust Fund; Universal Paid Leave; the NEAR Act to engage neighbors against crime and use of alternatives to

***SPRING VALLEY-WESLEY HEIGHTS CITIZENS ASSOCIATION  
NEIGHBORS FOR A LIVABLE COMMUNITY***

prosecution of young offenders; “Ban the Box” legislation giving returning citizens a fair shot at employment; and programs ensuring the health and education of DC infants and toddlers.

If re-elected, Anita will:

- Continue Housing Production Trust Fund exceeding \$100 million annually, rent control and TOPA for multi-family buildings, increase number of dwelling units, expand public housing repairs and Local Rent Supplement vouchers.
- Increase tourism promotion and attractions that produce revenue.
- Implement Universal Paid Leave Law, high performing educational system and improved public safety results.
- Reduce tax burdens and poverty among seniors and vulnerable populations, make aging financially attractive.
- Guarantee job opportunities to graduating DC students, invest in apprenticeships and skilled training for current job market.
- Identify new revenue streams and devote portion to rent burdened households.

**(EDITOR’S NOTE:** Dionne Reeder did not respond to the request for a candidate statement.)

## **DC State Board Of Education – Ward 3 Representative**

### **Dora Currea**

As a parent of a DC public school alumnus, a former Spanish teacher, and 25-year resident in Ward 3, I believe we are at an important juncture for our schools.

As an immigrant, I am grateful to have lived the American Dream, thanks to the opportunities afforded me by an excellent education. It was the gateway to a career in community and international development. This professional experience showed me the competitive advantages of being able to navigate multilingual and multicultural environments. As a public school teacher and volunteer I have sought to enhance opportunities for a new generation of students. The challenges facing our students motivated me to teach and now to seek elected office.

Ward 3 has some of the best schools in the District. With an increasing population, the competition for Ward 3 school placements has intensified. The projected growth in public enrollment will put further pressure not only in Ward 3 but other wards as well. A plan is underway to determine the needs for DC public school facilities over the next ten years. We have an opportunity to address not only Ward 3’s overcrowding but the achievement gap district wide.

Also ahead is the search for DC Public Schools Chancellor, the structuring of a research consortium to test what works, improve data and oversight while minimizing more offices and mandates. These efforts respond to recent media stories questioning the credibility of data and application of rules.

Key decisions await, new sector leaders promise a fresh start. What happens in other wards affects Ward 3; the success of their schools, both traditional public schools and charters matters greatly. A fresh perspective in tune with the challenges of a globally competitive environment will be imperative in ushering DC schools into the future.

### **Ruth Wattenberg**

I am the current Ward 3 member of the DC State Board of Education (SBOE). My children attended Janney, Deal, and Wilson. I have worked in education policy most of my adult life, as director of educational issues for the American Federation of Teachers, Editor of American Educator magazine, and policy consultant on issues around standards, curriculum, and accountability. I chaired Deal Middle School's Local School Advisory Team during its pivotal year of transformation. I know Ward 3 schools. I know education. I know DC and DC schools.

As our Ward 3 SBOE representative, I have advocated for adequate, transparent, funding for all of our schools and solutions to Ward 3's serious and growing issue of school overcrowding. Over the past 4 years, working with a coalition of ward 3 and citywide advocates, we have been able to turn around ill-conceived funding reductions at Wilson High School and prevent overall city funding from falling beneath previous years.

I have campaigned to keep Fillmore Arts Center open to relieve space concerns (and provide excellent art education) at Key and Stoddert schools and to prevent the long-term leasing of the old Hardy School--unless and until alternative school space is provided. I have worked with DC Public Schools, Councilmember Cheh, and the Ward 3/Wilson Feeder Education Network—through the Community Working Group—to, finally, get official acknowledgement of the overcrowding and provide specific proposals to address it.

My SBOE work includes working with colleagues across the city to raise the priority of key issues feeding low achievement, including teacher turnover rates that average 30% (!) in high poverty schools; and the de-emphasis of civics/social studies and science due to the pressures of rating schools based primarily on reading and math test scores.

A high priority has been to advocate for independent research on DC education that helps us understand what's working/what's not so we can constantly improve what we're doing; and for vetted (accurate, unspun) data on key aspects of achievement and learning conditions, recommendations made by a National Academy of Sciences report on DC education .

### **ANC 3D COMMISSIONER**

#### **Christine Warnke**

#### **(3D-08 covering Sutton Place/Towers, Wesley Heights, Cathedral Towers)**

As a candidate for Advisory Neighborhood Commission (ANC), I feel that my local and national experience in local economic development, housing, building codes, real estate initiatives and the pursuit of

**SPRING VALLEY-WESLEY HEIGHTS CITIZENS ASSOCIATION  
NEIGHBORS FOR A LIVABLE COMMUNITY**

ensuring that we preserve our local community histories has given me a broad overview of experience and knowledge.

As a former Presidential nominee and appointee to the National Institute of Building Sciences I learned about cutting edge building technologies which enhance and preserve the safety of our nation's building structures as well as assisting in developing legal/building codes and standards to be replicated in communities throughout the United States. My current appointment as the Consumer Commissioner to the DC Real Estate Commission has given me new skill sets to a better understanding of the quality of local deliberation and group participation. So much can be learned by engaging in participatory governance which provide greater approaches to planning at the local government level that link community representatives and elected representatives. I feel that my experience as a former Chair of the DC Commission for Women, former Commissioner of the DC Human Rights Commission, current Board Member of the DC Humanities Council have all helped me in understanding new ways in which public accountability is exercised as well as new approaches to make existing representative structures more inclusive.

I am very comfortable and welcome the opportunity to experience citizen participation in the process of participatory budgeting, establishing priorities for the good of the neighborhood, the community and the City of Washington, DC.

**(Editor's Note:** Although none of the ANC races in Spring Valley and Wesley Heights are contested this year, the candidates were given an opportunity to provide a written statement outlining why residents should vote for them. Only Christine Warnke provided a statement. Chuck Elkins, a candidate for a Wesley Heights seat; and Troy Kravitz and Paige Ela, candidates for the two Spring Valley ANC seats, responded to our request with emails stating that they chose not provide a candidate statement.)

***If you are planning to vote on Election Day (November 6), just a reminder: Spring Valley residents vote at the National United Methodist Church, 3401 Nebraska Avenue NW; most Wesley Heights residents vote at Horace Mann Elementary School, 4430 Newark Street NW. Polls open at 7 AM and close at 8 PM.***

**A SPECIAL MESSAGE FROM MPD LIEUTENANT JEROME MERRILL  
ABOUT THEFTS FROM VEHICLES**

**(Editor's Note:** The following message was distributed by MPD Lt. Jerome Merrill of the 2<sup>nd</sup> District.)

The Second District continues to experience a high number of thefts from vehicles. When the police and community work together these thefts come down significantly.

A lot of us have come out to our vehicles to see our windows broken and items rummaged through and removed. You think about the fact that you drive in this vehicle every day, carry your children, friends, spouses, and personal belongings in a vehicle and now someone has gone through your personal space.

The violation feels real and personal but the fact is that it happens to dozens and dozens of people on a daily basis.

Forgetting items in the vehicle is all understandable. We all forget to grab that laptop, purse, wallet, cell phone, book bag, brief case etc. every single time we get out the car.

**Just remember that awful feeling you get when you see your vehicle or your neighbors' vehicle violated and try and take that extra second to make sure all your valuables or even items that look valuable are removed from your vehicle every time you leave your vehicle unattended even if it's for a short period of time.**

Thank you all and have a safe and wonderful day!

*Jerome M. Merrill*  
*Lieutenant, 2nd District*

## **VALOR DEVELOPMENT INVITES SVWHCA, NLC REPS TO REVIEW AND DISCUSS REVISED PLANS FOR SUPERFRESH SITE; VALOR STILL HAS LETTER OF INTENT WITH BALDUCCI'S**

Valor Development, which is seeking approval from the DC Zoning Commission to develop the former SuperFresh site, invited representatives of the Spring Valley-Wesley Heights Citizens Association (SVWHCA) and Neighbors for a Livable Community (NLC) to meet to discuss its revised plans for the site. The Zoning Commission approved in late June a delay in the proceeding so that Valor could address deficiencies in the original proposal. For example, the project did not provide the number of affordable housing units mandated under DC zoning regulations. The Zoning Commission will hold a hearing on the revised plans on January 7, 2019.

Valor is making two major revisions in the project design. First, Valor is replacing the smaller of the two buildings proposed at the site (19 units) with five three story townhomes (plus a basement/garage). Second, Valor is reducing the height of the larger apartment building by approximately 8 feet by pushing the building deeper below ground meaning some apartment units will be below ground level. For zoning purposes, the below ground space will not count toward consideration of the building size, so it will appear on paper that the mass of the building is being reduced by about 42,000 gross square feet. However, in reality, the size of the building will not be reduced. The building will actually be enlarged slightly. The new building will have 219 units. The mix of unit sizes will remain the same with the average apartment being about 1,000 square feet, according to Valor.

In the meeting, Valor shot down reports posted recently on a neighborhood list serv that it was negotiating with MOMS Organic Market to open a grocery at the site. Valor stressed that it still has a Letter of Intent (LOI) with Balducci's and that nothing has changed in the plans for the grocery store tenant. However, the grocery space will be enlarged slightly.

In its revised proposal, Valor is also seeking flexibility that would allow the retail space to be used for businesses other than a grocery.

**SPRING VALLEY-WESLEY HEIGHTS CITIZENS ASSOCIATION  
NEIGHBORS FOR A LIVABLE COMMUNITY**

The proposal also would create a small “park” or green space on 48<sup>th</sup> Street NW to replace Windom Walk which would be eliminated because of the potential conflicts between pedestrians using the narrow walkways and the cars and trucks accessing the development through the public alleys.

Primary access by vehicles (both cars and trucks) to the building parking lot, loading docks, and trash collection would be two-way traffic through the existing public alleys. The alleys will be “enhanced” by adding a 3-foot wide sidewalk along one side of the alleyways. Valor still proposes to seek a new Hawk traffic signal on Massachusetts Avenue at the alleyway between the PNC Bank and the Spring Valley Shopping Center (between 48<sup>th</sup> and 49<sup>th</sup> Streets).

**DC LIQUOR LICENSE BOARD DISMISSES  
ANC 3D REQUEST TO TERMINATE NEIGHBORS’ AGREEMENT  
WITH MILLIE’S SPRING VALLEY**

The DC Alcoholic Beverage Control (ABC) Board earlier this month dismissed a request by Advisory Neighborhood Commission (ANC) 3D to terminate a Settlement Agreement between neighbors (known as the Group of 30), ANC 3D, and Millie’s. The Settlement Agreement which sets hours of operation, occupancy, and noise limits eased Millie’s path with the city government to obtain approval for an uncontested license in January 2016 – nearly a year before the restaurant opened at the former Chicken Out site in the Spring Valley Village Shopping Center.

In an effort led by Spring Valley ANC Commissioner Troy Kravitz, ANC 3D voted 5-3 to file a request in February 2018 asking the ABC Board to consider “terminating” the Settlement Agreement to allow the ANC to negotiate a separate bilateral agreement with Millie’s that excluded the Neighborhood Group of 30. Under DC law, a group of five or more affected neighbors can be recognized as a party in the issuance of a liquor license. Thirty individual residents joined together in October 2015 to request such recognition for proceedings related to Millie’s liquor license. The Alcohol Beverage Regulation Administration (ABRA) determined that the neighbors had met the legal requirements for such designation. In its February 2018 filing, the ANC sought to sever the participation of the neighbors for any proceedings related to Millie’s.

The 10-member ANC has two Spring Valley representatives. Commissioner Holmes Whalen, whose district actually includes the Spring Valley Village Shopping Center, where Millie’s is located, opposed the ANC request to terminate the agreement. He was joined in opposing the ANC request by ANC Commissioner Sylvia Lucero, and Commissioner Alma Gates, whose Palisades district has the most liquor licenses in the ANC 3D area and who has written most of the Settlement Agreements in effect within ANC 3D’s boundaries.

The ANC’s action followed concerns raised by neighbors in December 2017 that Millie’s had built a covering for the summer garden, which violated the terms of the Agreement, and also had built the structures without first obtaining the required permits from the city. After an extensive review by city agencies, the enclosures were determined to be violations of multiple DC regulations. Millie’s was fined for the violations and required to remove the illegal structures.

In an Order dated October 3, 2018, the ABC Board determined that the request made by ANC 3D to sever the neighborhood Group of 30 from the Settlement Agreement, was without merit. The ABC Board also was critical of the ANC for failing to properly serve their request to the parties to the Agreement, including the Group of 30. Although the Board noted that it could have delayed action until all the parties were properly served, the Board said it “finds no reason to withhold its decision when the matter can be easily dismissed.”

The ANC had argued that the Settlement Agreement should be voided because then-ANC Chairman Tom Smith participated in the months-long process to negotiate a Settlement Agreement as both the ANC Chairman and as a representative of his constituents living closest to the site who had sought recognition as the Group of 30 to participate in the proceeding. Smith was one of several Commissioners who participated in the negotiations along with legal representatives for Millie’s and numerous other members of the community that were part of the Group of 30. Smith had disclosed to the ANC and in formal filings with the ABC Board that he was participating in the process as the representative of his constituents living closest to the site. ANC 3D approved the terms of the Settlement Agreement unanimously in December 2015. Among those voting to support the Settlement Agreement at that time was current ANC 3D Chairman Steve Gardner.

In the ABC Board Order dismissing the ANC request to terminate the Agreement, the Board noted that the Settlement Agreement had enough votes for approval even if Smith had not participated in the ANC’s vote to approve the Settlement Agreement. The Board also noted that Smith had no “financial interest” in the outcome and that his work with his constituents “was sufficiently known at the time of the (ANC) vote.”

The ANC’s argument that the Settlement Agreement should be voided because of his role in working with neighbors living in proximity to Millie’s was “ludicrous,” Smith said. “There is something seriously wrong with an ANC when it suggests an individual Commissioner who represents the interests of his constituents and voices their concerns to city agencies is somehow guilty of a conflict of interest,” he said. “ANCs exist to ensure that neighborhood residents have a voice in our local government.

“Unfortunately, based on all I have observed over the last two years, ANC 3D has consistently sided against neighbors in Spring Valley – often treating them with disdain in the process, as the ANC’s actions in this case demonstrate. In this case, the ANC seems to be trying to punish and bully neighbors for reporting violations of the Agreement last year and – contrary to the law – sever them from the Agreement. It is hard to see how that benefits anybody.”

Smith noted that he and ANC Spring Valley Commissioner Nan Wells, whose district included Millie’s, worked closely together to take the lead on the case in 2015 when Millie’s first applied for its liquor license. Wells passed away earlier this year. Smith said the Settlement Agreement was the product of months of discussions in 2015 among many neighbors, Millie’s, and ANC 3D Commissioners.

“This Agreement was the product of a deliberate, inclusive, and transparent process that earned the support of all parties involved,” Smith said. “If some current ANC Commissioners and/or Millie’s are now unhappy with the Agreement, DC law provides a means to amend the Agreement. But, that would actually require ANC 3D Commissioners and Millie’s representatives to sit down with neighbors in the Group of 30 and talk it through instead of filing nuisance petitions that have no legal basis under DC law. ”

***SPRING VALLEY-WESLEY HEIGHTS CITIZENS ASSOCIATION  
NEIGHBORS FOR A LIVABLE COMMUNITY***

In its Order, the ABC Board added that ANC 3D and Millie's could mutually agree to terminate the ANC's participation in the agreement. But, the Board noted that there was no legal basis for terminating the participation of neighbors in the Agreement.

At its October 10 monthly meeting, without advance notice to the public on its agenda, the 10-member ANC voted 5-1 to appeal the ABC Board Order. Gates, who was involved in the negotiations on the original Settlement Agreement with Millie's, opposed the ANC action. (Spring Valley Commissioner Holmes Whalen was not present at the meeting.) In a 5-page letter of appeal sent on October 11 to the ABC Board, the ANC complained that the Board did not follow proper procedures and did not advise the ANC on how to sever neighbors from the Settlement Agreement so that the ANC could enter into a bilateral agreement with Millie's without neighbors' involvement.

## **IS SPRING VALLEY CVS EXPANDING?**

According to store management, the CVS Spring Valley Shopping Center location will be expanding and take over the space left vacant when Tara Thai closed. Prior to Tara Thai leaving, there was speculation that Starbucks would be expanding its footprint in the neighborhood by taking over the Tara Thai space. Since then, however, Compass Coffee has signed a lease for space in the new Spring Valley Village Shopping Center and is expected to open sometime in December.

CVS reportedly wants to expand its store to offer more grocery-like items, like most other CVS outlets. Despite its space limitations, the Spring Valley store already offers a wide range of grocery items, including salads and sandwiches. The Spring Valley CVS is one of the smaller CVS outlets in the city.

## **6 OF 10 ANC 3D COMMISSIONERS CHOOSE NOT TO SEEK REELECTION**

Six of the 10 ANC Commissioners currently serving on ANC 3D will not be on the ballot when voters go to the polls on November 6. The turnover includes those members with the most experience serving on the ANC; and no Commissioner returning next year will have served on the ANC for more than 2 years. ANC 3D is one of the largest ANCs in the city covering a wide range of neighborhoods, including Foxhall, Palisades, Berkley, Spring Valley, Wesley Heights, and Kent.

Commissioner Alma Gates, who announced earlier this year that she would not run for reelection, is the longest serving ANC 3D Commissioner and is highly regarded throughout the city for her activism on a wide range of issues, especially zoning and the arts. Gates, who represents the Palisades, previously served as the ANC 3D Chair and has worked on numerous issues affecting the Spring Valley and Wesley Heights neighborhoods, including the American University Campus Plan, the Wesley Heights Overlay, and the precedent-setting Economides legal case. In the Economides case, a contractor violated DC Zoning regulations by exceeding lot occupancy requirements; and other DC regulations by not obtaining the appropriate permit before beginning construction on a new house in the Wesley Heights neighborhood.

Gates has often been in the minority on many major issues taken up by ANC 3D over the last two years, although her minority opinions have usually been upheld. Earlier this year in the Valor-SuperFresh hearing before the Zoning Commission, Gates, who opposed the development as then planned, was criticized

and even mocked in testimony by Spring Valley ANC 3D Commissioner Troy Kravitz, who referred to her as a “dying star.”

Gates and Spring Valley ANC Commissioner Holmes Whalen, who also is not seeking reelection after winning a spirited 3-person race two years ago, often have complained over the last two years about the lack of transparency in ANC 3D’s decision making. This was reflected most recently in a joint letter sent by Gates and Whalen filed on September 5 with the Zoning Commission stating that ANC 3D filings in the case were not reviewed and approved by the full 10-member ANC.

In deciding not to seek reelection this year, Gates was very critical of the lack of civility and transparency on the ANC.

“I have been disappointed in the Commission’s leadership and the lack of will to address city-wide issues, such as the Amendment Process for the Comprehensive Plan; LED Street lights; or the implementation of the proposed new 5G cell technology in our neighborhoods,” Gates said. “There is also a deep-seeded resentment against prior Commission leadership; a lack of understanding of the ANC’s role; as well as an absence of any respect for institutional memory.

“The result often has led to the ANC taking a position which does not support its community.”

Whalen said he appreciated the opportunity to serve on the ANC for the last two years, but he was disappointed in how the ANC has operated.

“Growing up in Spring Valley West,” Whalen said, “the goings-on of ANC3D was regular dinner table conversation. There were strong personalities and loud voices, but compromises were made, and consensus was reached amicably and in a professional manner.

“Over the past two years, I’ve seen bullying tactics used by a few Commissioners, and it saddens me greatly. I have high hopes that those who remain on the ANC find a path towards comity, decorum, and respect for different points of view. I learned a great deal, and I was very grateful for an opportunity to give back to the neighborhood and community I love and call home.”

Also choosing not to run this year in addition to Gates and Whalen are Wesley Heights Commissioner Michael Gold; Berkley Commissioner and current Chairman Steve Gardner; Foxhall Commissioner Conrad DeWitte; and Ward Circle Commissioner Sylvia Lucero.

Although ANCs have no authority under DC law, they can make recommendations to city agencies and boards on a wide range of issues, including zoning, public space, and liquor license proceedings. Agencies are required to provide the ANC with “great weight” under certain conditions.

The “great weight” standard is not automatic in that the ANC must base their recommendations on DC laws and regulations and only after consulting formally with the public. Being afforded “great weight,” however, does not mean the agency must agree with the ANC recommendation. An agency is considered to have given an ANC “great weight” if it outlines reasons in its decision why the ANC recommendation is not being adopted.

**SPRING VALLEY-WESLEY HEIGHTS CITIZENS ASSOCIATION  
NEIGHBORS FOR A LIVABLE COMMUNITY**

**U.S. ARMY CORPS TO RESUME INTRUSIVE OPERATIONS  
AT GLENBROOK ROAD SITE**

The U.S. Army Corps of Engineers (USACE) has announced it plans to resume intrusive operations along Glenbrook Road beginning on October 22. The Corps will resume excavations of soil along the property line between 4825/4835 Glenbrook Road. The excavation had been halted for several months after workers experienced symptoms of possible exposure while working at the site. After an investigation by the Corps, it was determined to be safe to resume excavation at the site.

Several changes in the work protocol have been adopted, including minimizing the contact between workers and the soil.

The Corps is hoping to complete the work and restore the Glenbrook Road properties by the end of next summer.

The Corps also is moving forward with plans to remediate soil at 91 homes in Spring Valley as well as thirteen city/federal properties. Work on the first group of 18 homes is slated to begin soon. Work also has begun on sites in the Dalecarlia Woods. The Corps is also working to remove and investigate the slab foundation of the former Public Safety Building on campus near Rockwood Parkway. The AU Public Safety Building was razed by the Corps in recent months after concerns about possible contamination under the building. Work crews are expected to begin the work in December 2018 or January 2019 and it is expected to last about 12 weeks. The work could disrupt traffic along Rockwood Parkway

Additionally, the USACE and the District Department of Energy and the Environment (DDOEE) have been unable to agree on a plan for the remediation of contaminated groundwater in the area. Consistent with agreements established years ago by the U.S. Department of Defense and the DC government, a mediation process will begin soon to resolve the disagreements. The disagreements relate to the standard for groundwater clean up.

**Community Update** is a newsletter established by the **Spring Valley-Wesley Heights Citizens Association (SVWHCA)** and **Neighbors for a Livable Community (NLC)** to report news and information on issues of importance to residents of Spring Valley and Wesley Heights. You may send information appropriate for publication to Tom Smith at [tmfsmith@rcn.com](mailto:tmfsmith@rcn.com) No portion of this newsletter may be duplicated without written permission from the Spring Valley-Wesley Heights Citizens Association. This newsletter is distributed electronically. If you want to be on the distribution list, send your email to [tmfsmith@rcn.com](mailto:tmfsmith@rcn.com). Please share this with your own personal e-mail networks.  
**Copyright, Spring Valley-Wesley Heights Citizens Association, 2018**