



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

CHEVY CHASE, BARNABY WOODS, HAWTHORNE

COMMISSIONERS

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

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Minutes: ANC 3/4G Public Meeting, March 12, 2018, Chevy Chase Community Center, 5601 Connecticut Ave, NW, Washington, DC 20015

Video of this meeting is available at https://youtu.be/bAQ4RCe_k1E, and the time notation in these minutes reference the time each item appears on the video.

Present: Speck, Fromboluti, Tuck-Garfield, Maydak, Malitz, Clayman, and Bradfield
A quorum was declared. (0:00)

Attendance: Approximately 15 people attended the meeting.

Commissioner Announcements (0:01)

Commissioner Speck:

Ward 4 Meeting of ANCs and Community leaders — On March 10, Councilmember Todd held his annual meeting with ANC commissioners, citizens association officers, and other community leaders. The three-hour meeting, attended by about 50 people, included presentations and Q&A with DCRA Director Bolling, DPW Director Shorter, ABRA Director Moosally, DDOT Director Marootian, MPD 4D Commander Manlapaz, and Office of Planning Deputy Director Stern.

Some highlights included ABRA Director Moosally's noting ABRA's Noise Hotline — 202-329-6347 — that neighbors can call at any time if an establishment with a liquor license is making excessive noise. He said that if the noise can be heard from inside a residential home, it's unlawful, regardless of any readings on a noise meter.

DDOT Director Marootian said that they are in the process of preparing a priority list for street repairs/rehabilitation. They have inspected all the District's streets and ranked them on a scale of 0 to 100 — with the lower score indicative of greater need for attention. They will be publishing the list of priority repairs in the next few weeks, and we should look out for it. He also said that potholes reported on the 311 system will be repaired within 72 hours.

The Office of Planning reported on the Comprehensive Plan amendments and highlighted two useful websites. A more user-friendly version of the changes to the Framework Element of the Comprehensive Plan is at <https://plandc.dc.gov/sites/default/files/dc/sites/Comprehensiveplan/directletter.pdf>. They also pointed to a very useful interactive map at <http://propertyquest.dc.gov/>, where you can look at any lot anywhere in the District and retrieve extensive information.

Finally, in a discussion with Councilmember Todd after the meeting, he reiterated his support for the ANC's recommendation for the Chevy Chase Community Center and said that he is continuing to urge the Mayor to include the requested funds in her budget. On another priority issue, he is working with Councilmember Cheh on a proposal to create a fund that will be used to pay down CRIAC fees for those most in need. They are considering how large the fund should be and where to get the money to cover the cost.

Carnegie Neighborhood Lecture — As part of its continuing series of lectures for the community, Carnegie Institute for Science will present a talk entitled "When Earth Attacks: Causes and Consequences of a Tectonic Planet," on March 22, 2018, at 6:30 pm at its Broad Branch campus, 5241 Broad Branch Road.

DC Water's Clean Rivers Tunnel — DC Water is holding an opening ceremony for its Clean Rivers Tunnel System on March 22, 2018, from 1:00 pm to 2:30 pm, at 2600 Independence Avenue, SE. Parking is available at RFK Stadium, Lot 8. It's an opportunity to see what your CRIAC fees are paying for.

Community Announcements (0:07)

Phillip McAuley, from the Mayor's Office of Community Relations, announced that Mayor Bowser will deliver her fourth State of the District Address at UDC's Theater of the Arts on Thursday, March 15, 2018, at 5:30 pm. He indicated that the Mayor's weekly newsletter contains the latest information from her office (<https://content.govdelivery.com/accounts/DCWASH/bulletins/1dc9795>). The Mayor also announced an interactive public crime mapping application that can assist DC residents by providing data visualizations of crime locations, types, and trends. Crime Cards, which is located at crimecards.dc.gov, will replace the DC Crime Map.

Jackson Carnes, Councilmember Todd's Director of Constituent Services, reported on the cleanup following the wind storm that blew down a number of trees. Residents may notify him if any trees remain to be removed. In legislative news, the Council passed Councilmember's Senior Dental Services Program Act of 2018 (<http://lims.dccouncil.us/Download/37594/B22-0171-Engrossment.pdf>). Mr. Carnes announced that there will be a block captain training on Tuesday, March 13 from 7:00 pm to 9:00 pm at the Fourth District police station, 6001 Georgia Avenue, NW. Finally, there will be an Easter Egg roll at Walter Reed on Saturday, March 31, 2018, from 9:00 am to 11:00 am.

Con Hitchcock, attorney for Isabelle Thabault, asked whether the Commission would consider his client's challenge to a ruling by the Zoning Administrator. Commissioner Speck said that the Commission had determined that there was nothing it could add to the matter and it was removed from the agenda.

Presentation by Rochelle Howard, Office of Police Complaints, on data collection and publication under the NEAR Act (0:14)

Commissioner Malitz indicated that the Commission had heard previous presentations by groups urging full implementation of the Neighborhood Engagement Achieves Results Amendment Act of 2016 (the NEAR Act), a comprehensive, public health-based approach to violence prevention and intervention that the District Council passed unanimously in 2016 but only partially funded until FY 2018. The Commission also heard from MPD Second District Commander Gresham about steps that MPD had taken to implement the NEAR Act. Commander Gresham had indicated that the Office of Police Complaints (OPC) was also involved in data collection. The Commission invited OPC to make a presentation as well.

Rochelle Howard, OPC's Deputy Director, provided a number of brochures that her office produces, including the January 2018 Report on the Use of Force by MPD for FY 2017. She said that OPC is an independent agency, separate from MPD and from the Mayor's Office. They conduct analyses and make policy recommendations with respect to MPD and the Housing Authority Police. Their offices are at 1400 I Street, NW, and complaints about police conduct can be made in person, by phone (202-727-3838), or at OPC's website (<https://policecomplaints.dc.gov>). OPC also provides independent, trained mediators to resolve complaints, regardless of whether there has been any identified misconduct. All complaints and mediations are confidential.

With respect to the NEAR Act, OPC's director Michael Tobin was involved in drafting and achieving passage of the Act. Under the NEAR Act, OPC compiles data on the use of body-worn cameras and makes recommendations on their use. The Act requires annual body-worn camera reports, but OPC has reported twice a year. OPC also produces the Use of Force Report based on data collected by MPD. The January 2018 report showed a 36% increase in use of force from FY 2016 to FY 2017. That data can be broken down by Ward, by MPD District, and by demographic groups. OPC doesn't analyze the data to determine causes for any increase, but Ms. Howard said the increase might be caused by an increased number of interactions between police and citizens as the population grows or because of better reporting of incidents when force was used. The report also compares the District with four other similar jurisdictions — Dallas, San Francisco, Fairfax County, VA, and Milwaukee — and the District had generally fewer instances of use of force.

OPC does not have responsibility under the NEAR Act for data on stop and frisk. MPD's role in collecting that data was discussed at the Council's recent oversight hearing, where many questions were raised. Alicia Yass, OPC's Legal Counsel, said that they are looking at MPD's performance in collecting this data to see whether it should make any recommendations. OPC did issue a report in September 2017, on incidents when police conducted searches without

permission. They identified tools that MPD could use to collect and report on stop and frisk incidents.

Commissioner Maydak asked whether the use of force report includes force used against animals, and Ms. Howard said that it did. She noted, however, that the report is based entirely on the information that MPD collects and could be subject to errors in the underlying data. They identified eight recommendations for how MPD could improve data collection in the future.

Commissioner Tuck-Garfield asked whether OPC informs the Council of its recommendations, and Ms. Howard said that it does. One area they have focused on is complaints about police “language and conduct.” OPC has also urged MPD to become an accredited police force. In response to Commissioner Maydak’s question, Ms. Howard said that in order to receive accreditation, MPD will need to have policies and procedures in place, a mechanism for regular updates to those policies and procedures, and training programs. Though some of these items are in place, they are not used systematically and haven’t been reviewed by a certifying agency.

Commissioner Malitz asked questions about the responsibility for data collection under the NEAR Act. Ms. Howard said that every public safety agency has a role in collecting data, and this responsibility is shared by many agencies, though much of the data must be collected by MPD in the first instance. The Office of Neighborhood Safety and Engagement is only beginning to perform its data collection functions under the NEAR Act.

Ms. Moyo Myers Ellis, who made a presentation to the Commission on NEAR Act implementation on January 8, 2018, asked about OPC’s progress in obtaining MPD’s stop and frisk data. Ms. Yass indicated that they had been surprised when MPD published this data, and they are looking for further explanations — e.g., how often will the data be reported and how was it obtained. “Stop” and “frisk” are legal terms, and OPC does not know how those terms were used in MPD’s data collection or reporting. If appropriate, OPC will make recommendations about MPD’s collection of stop and frisk data.

The Commission thanked Ms. Howard and Ms. Yass for a very helpful presentation and discussion.

Discussion and possible vote on resolution supporting the March for Our Lives, March 24, 2018 (0:41)

Commissioner Malitz noted that the ANC Office provided guidance on the permissible scope of ANC resolutions. According to Gottlieb Simon, the ANC statute defines the persons to whom the ANC can offer its views — any District agency, the Council, the Mayor, the Congress, and the President. He said the only thing out of bounds for the ANCs is offering our views to another state or to a jurisdiction outside the District or the US Congress and President.

In light of this guidance, Commissioner Malitz said that he revised the final paragraph of his proposed resolution to read as follows: “Resolved that ANC 3/4G fully supports the call to take to the streets of Washington DC and other locations for the March For Our Lives on March 24, and we urge the Mayor and Councilmembers to call on our national leaders, including the

President, the Vice President, and Congress to take a firm stand to endorse the goals of the march and to demand that the lives and safety of children and others become a priority and that we end all gun violence and mass shootings in our schools, playgrounds, parks, streets and elsewhere immediately.”

Commissioner Maydak offered her view that the resolution still needed to address some concrete, actionable steps that the Mayor or the Council should take — e.g., legislation that should be passed. She said that the resolution paragraph was still too general. Commissioners proposed several suggested changes to include reference to the Mayor’s proposed ban on bump stocks, possible legislation on assault weapons, high capacity magazines, and a reexamination of the District’s concealed carry laws. Phil McAuley suggested that the resolution might also support the Mayor’s op ed in the Miami Herald (<http://www.miamiherald.com/opinion/op-ed/article204249559.html>) opposing Senator Rubio’s bill to eliminate gun restrictions in the District. Commissioner Maydak said that the resolution should support the Mayor’s position.

The Commission agreed that Commissioner Malitz would redraft the final paragraph in the resolution to include the topics discussed. Pursuant to this discussion, the following language was proposed for the resolution: “*Resolved* that ANC 3/4G fully supports the call to take to the streets in Washington DC and other locations for the March For Our Lives on March 24. We urge the Mayor and Councilmembers to call on our national leaders, including the President, the Vice President, and Congress to take a firm stand to endorse the goals of the march. In addition, we urge the Mayor and the Councilmembers to review and ultimately enact proposed legislation that includes, but is not limited to, support for the Mayor’s proposal to ban the sale and possession of bump stocks, support for a ban on automatic assault weapons, and high capacity magazines, and re-examination of both open and concealed carry laws with an eye towards full enforcement. We demand that the lives and safety of children and others become a priority and that we end all gun violence and mass shootings in our schools, playgrounds, parks, streets and elsewhere immediately.”

In an electronic vote on March 13, 2018, the Commission approve the resolution by a vote of 7 to 0.

Presentation by Kevin Smith and possible vote on resolution urging Mayor Bowser to provide adequate funding for the Incarceration to Incorporation Entrepreneurship Program (IIEP) (1:06)

Commissioner Malitz introduced Kevin Smith who seeks to get funding in the District’s FY 2018 budget for the Incarceration to Incorporation Entrepreneurship Program. Mr. Smith said that the statute creating this program was enacted unanimously and became effective on October 8, 2016, but the FY 2017 budget did not include an appropriation to fund its implementation. The original CFO projection of the costs was \$4.7 million over four years, but a more recent analysis indicates that the necessary funding is only \$2.3 million over four years. The program can accept donations of up to \$10 million, and Mr. Smith said that, with the help of private partners, funding can be self-sustaining over time.

Mr. Smith said that funding was not in the Mayor's FY 2017 budget because she proposed funding instead for other returning citizen programs directed at getting them into the workforce. Mr. Smith said that these programs, while useful, did not address the need for an entrepreneurship program like the one authorized in 2016. The District has more returning citizens per capita than any other city, and it needs a program like this, which has been successful in cities like Chicago.

Commissioner Tuck-Garfield asked whether Mr. Smith had met with the Mayor or the Council in an effort to get funding for FY 2018. He said that he'd met with Councilmember McDuffy, who will be pushing for it. Commissioner Maydak asked what criteria will be used to select participants. Mr. Smith said that the criteria will be set by the agency. He emphasized that the mentorship program provides soft skills as well — e.g., readjusting to life after incarceration. [Mr. Smith subsequently referred the Commission to a summary of program features that described the following criteria: proof of District of Columbia residency; not subject to any pending charge other than a traffic offense, disorderly conduct, or an offense that is punishable by a fine only; drug-free; no active affiliation with gangs; high school diploma or GED; and English proficiency. Participants would be selected based on an evaluation of their: (1) commitment to the tenets of entrepreneurship, (2) vision, (3) solution orientation, (4) ability to prioritize, (5) determination, (6) motivation, (7) a viable product or service, (8) creativity, (9) persistence, (10) potential for leadership, and (11) an objective assessment to evaluate their grit and character strengths (e.g., Grit Scale and VIA Character Strengths Assessments). Applicants will be excluded from participating if: (1) they are convicted of a misdemeanor or felony offense during application stage of program, (2) when parole, probation, or supervised released is revoked upon committing a new offense, or (3) they fail to participate in a designated number of seminars, workshops, and/or classes and/or complete required assignments before end of module/component.]

Commissioner Malitz commented that programs like this are particularly important for returning citizens from the District because they are often incarcerated far from their home, families, and support systems, making it more difficult to transition back. Mr. Smith said that this program will use the techniques of Rising Tide Capital (<https://www.risingtidecapital.org>), and will begin while the person is incarcerated.

Mr. McAuley said that the Mayor did not fund this program in FY 2017 because many of its features for returning citizens were covered in other programs. He said that no Councilmembers marked up the budget to include IIEP funds. Mr. Smith emphasized that the entrepreneurship and mentoring elements of IIEP are not covered elsewhere in other returning citizens' programs. Commissioner Tuck-Garfield suggested that this program compliments the Mayor's programs. She asked what baseline funding is needed, and Mr. Smith said that is the \$2.3 million over four years.

The Commission thanked Mr. Smith for his efforts on behalf of IIEP, and Commissioner Speck asked him to report back to us after the Mayor submits her FY 2018 budget to the Council and let us know what aspects of IIEP remain unfunded. At that point, we can determine whether to urge the Council in its budget hearings to provide funding for this program.

Discussion and possible vote on whether the ANC should offer testimony addressing Bill 22-663, the Comprehensive Plan Amendment Act of 2018 (1:32)

Commissioner Speck indicated that the Comprehensive Plan is a 20-year framework that guides future growth and development. Originally adopted in 2006 and amended in 2011, it addresses a wide range of topics that affect how we experience the city, including land use, economic development, housing, environmental protection, historic preservation, and transportation.

For almost two years, the Office of Planning has been working on amending the Comprehensive Plan to update growth projections, to plan for new challenges, and to incorporate policies to promote inclusion and resilience. The Office of Planning says that it received more than 3000 comments proposing changes to the Comprehensive Plan. There is a wealth of information on the Office of Planning's Comprehensive Plan website, <https://plandc.dc.gov>.

The first portion of the Plan — its Framework Element — was submitted to the Council on January 8, 2018 as the Comprehensive Plan Amendment Act of 2018 (<http://lims.dccouncil.us/Download/39567/B22-0663-Introduction.pdf>). The Framework Element contains background for the remainder of the Plan and defines key terms that will be important for the rest of the Plan. When passed, this will be a law that will control future growth and development in the District.

The Council's Committee of the Whole will hold a hearing on the Framework Element on March 20, 2018, beginning at 1:00 pm in Room 500. Many witnesses will testify at the hearing representing a broad range of views. For example,

- Some individuals and groups generally oppose greater density or growth in residential neighborhoods and decry proposals that would “remove certainty about the range of authorized future development citywide” (http://committeeof100.net/download/planning/comprehensive_plan/2018-02-C100-Comprehensive-Plan-Fact-Sheet.pdf);
- Groups like Greater Greater Washington applaud the elimination of language that protected existing residential neighborhood from any significant development and believe that the modifications will promote more affordable housing. They urge the Council to go even further, however, to prioritize affordable housing and to address displaced residents (<https://ggwash.org/view/66350/the-first-60-pages-of-amendments-to-dc-comp-plan-are-out.-heres-a-first-look>);
- Groups like EmpowerDC address the Comprehensive Plan from the perspective of economic, racial, and environmental justice and believe that the proposed amendments are too pro-developer (<http://empowerdc.org/get-involved/grassroots-planning-coalition/>, <https://www.facebook.com/events/196905281080516/>); and

- Developer groups praise the proposed amendments because they believe the changes “make clear that the descriptions of land-use categories in the plan's Future Land Use Map should serve as general guidelines rather than strict rules.” Consequently, “the Zoning Commission has the authority to provide greater density than is described in the land-use categories. .” (<https://www.bisnow.com/washington-dc/news/economic-development/newly-introduced-comp-plan-amendments-aim-to-prevent-development-appeals-83426>).

Commissioner Speck called attention to a few noteworthy provisions of the proposed Framework Element:

- Section 213.4 adds Wisconsin Avenue and Connecticut Avenue to the list of locations with “underutilized sites [that] tend to be clustered along mixed-use corridor streets.”
- Section 215.20 (Table 2.3) projects increases in the numbers of households in each planning area by 2045, and the lowest percentage projected growth is for Rock Creek West (including ANC 3/4G) — 4.2% — suggesting relatively stable density. Similarly, Section 215.21 (Table 2.4) projects increases in employment by 2045, and again, Rock Creek West has the lowest projected percentage increase — 2/7%.
- Section 225.1 on the purpose of the Future Land Use Map currently provides that the Map “expresses public policy for future land use,” but the proposed amendment would say that the Map “generally depicts public policy on for future land uses across the city and is intended to be used in concert with Comprehensive Plan policies and actions as well as direction from approved small area plans.” This gives greater leeway to the Zoning Commission in how it uses the Land Use Map to guide development.
- Section 225.3 on “Low Density Residential,” currently provides that this designation “is used to define the District’s single-family neighborhoods. Single-family detached and semi-detached housing units with front, back, and side yards are the predominant uses.” That language will be stricken and replaced with “This designation is used to describe areas suited generally, but not exclusively, for residential neighborhoods characterized by single family detached and semi-detached housing units with front, back, and side yards.”
- Section 226.1 addresses the uses of the Generalized Policy Map and the Future Land Use Map and currently indicates that they “are intended to provide generalized guides for development and conservation decisions.” The propose revision says that they “are intended to provided generalized *guidance* for development and conservation decisions *and are to be considered in concert with other Comprehensive Plan policies and specific direction in approved small area plans.*”
- A new section 227 construes the Home Rule Charter as recognizing “the need for discretionary, qualitative review of the multitude of sometimes competing Comprehensive Plan policies, action items, and maps and the various development standards, density, uses,

and conditions of the zoning districts.” The changes would give the Zoning Commission greater authority to amend the zoning maps by finding that the changes are “not inconsistent with the Comprehensive Plan,” especially through a Planned Unit Development process.

Commissioner Speck said that opinions about the Comprehensive Plan abound on all sides of the issues. ANC 3/4G has not yet participated in this process, and there is little time to educate ourselves in these complex issues before the Council’s March 20 hearing. Other ANC’s have passed resolutions. He suggested that the Commission needs to decide whether there are issues that we can productively address and whether we should pass a resolution or offer testimony before the Council at the upcoming hearing.

Commissioner Speck suggested that one area that the ANC might consider offering its views is whether the proposed amendments go too far by eliminating the directive, proscriptive language and by giving the Zoning Commission too much leeway to modify density designations.

Commissioner Fromboluti said that developers take advantage of any ambiguity or flexibility in the zoning or Comprehensive Plan’s language. Any fuzzy language will give developers a loop hole to take advantage of the community. Commissioner Malitz said that the Framework Element does not use a consistent model for projecting future growth patterns nor does it describe the models that it uses. Good practice in making such predictions is to use one, consistent model, with perhaps a second model for comparison purposes. Without these standard approaches, the data can be manipulated to justify a particular positions.

Commissioner Tuck-Garfield concurred that it is not possible for ANCs to determine how the projections in the Framework Element are made. She said that the Office of Planning should give great weight to the ANC’s view, but it’s difficult to analyze their proposals without better descriptions. (Commissioner Speck noted that the ANC Office recently notified commissioners that the Attorney General has determined that the Office of Planning is not required to give ANCs’ views about the Comprehensive Plan great weight.)

Commissioner Clayman said that the implications of designating Connecticut Avenue as a location with “underused sites” is not clear. Commissioner Speck suggested that because the Framework Element is definitional, the full implications may not be clear until the Office of Planning provides the other Elements of the Comprehensive Plan.

Linda Schmidt, a 47-year resident of the community, said that she has seen lots of changes in the community and has been involved in many zoning battles. She suggested that the Office of Planning has “blindsided” the ANCs with these proposed amendments and has not been transparent. She said that the proposed amendments are evidence of “developer money sloshing around City Hall,” and the proposed changes should concern us. This is an example, she said, of short circuiting democratic processes. She said that the Comprehensive Plan should protect residents.

Laura Phinizy said that the Office of Planning is “looping out” citizens from the process. She said that the proposed amendments don’t address the impacts of development on infrastructure, particularly schools and green space. She warned that with the greater emphasis on development,

we could be taxed based on the highest-and-best-use value of our property. She suggested that the Office of Planning has a vision of a "24-hour hip vibe" that is not consistent residential neighborhoods like ours. She urged the Commission to object to leeway given to developers, particularly in Planned Unit Developments.

Commissioner Malitz proposed that the Commission authorize Commissioner Speck to prepare testimony to be submitted at the Committee of the Whole hearing on March 20 to incorporate the positions that the Commission discussed. Commissioner Speck said that he would draft testimony and circulate it to the Commission for approval, hopefully before March 16 so that it could be distributed to all Councilmembers before the hearing. The Commission will vote electronically on whether to approve the testimony.

Commission Business (1:59):

1. The Commission voted 7 to 0 to approve the minutes for its February 26, 2018 meeting.
2. Commissioner Tuck-Garfield moved that the Commission approve the following checks: \$648.94 to Commission Malitz for audio-visual equipment; \$129.00 to Commissioner Malitz for Question Pro that was used in the Community Center survey. The checks were approved by a vote of 7 to 0.
3. Commissioner Speck reported that four Commissioners will be out of town for the scheduled March 26, 2018 meeting, which will leave less than a quorum. Since there are no pressing matters for that meeting, the Commission agreed that it is cancelled. The next ANC 3/4G meeting will be on April 9, 2018.

The meeting adjourned at 9:05 pm.

Signed,


Randy Speck
Chair


Rebecca Maydak
Secretary