

ANC 3/4 G Public Meeting  
December 11, 2017  
Chevy Chase Community Center, 7:00 pm – 9:00 pm  
5601 Connecticut Avenue, NW  
Washington, DC 20015

- 7:00 Adoption of Agenda
- 7:05 Commissioner Announcements
- 7:15 Community Announcements
- 7:20 Discussion and possible vote on Public Space Permit Application for new leadwalk and steps, driveway, retaining walls and porch with step projection to service a new single-family dwelling at 3723 Harrison Street, NW (Tracking # 254090) (Commissioner Fromboluti)
- 7:45 Presentation by and discussion with DDOT on its data collection to determine the impact of changed traffic patterns at 39th Street and Reno Road (Commissioner Fromboluti)
- 8:10 Presentation and possible vote on a resolution to support Bill B22-0234, which proposes to phase out the use and sale of gas-powered leaf blowers by January 2022 (Commissioner Speck)
- 8:55 Commission Business:
1. Minutes: November 27, 2017
  2. Checks: \$144.16 IRS October withholding, \$188.83 RS November withholding, \$567.95 Randy Speck for office copier purchase
  3. Adopt meeting schedule for 2018: January 8 and 22; February 12 and 26; March 12 and 26; April 9 and 23, May 14, June 11 and 25, July 9 and 23; September 10 and 24; October 22; November 26; December 10
  5. Authorization to pay bills for the balance of the year.
  6. Items for January 8, 2018 meeting include: Election of Officers, Confirmation of By-Laws

If you aren't able to attend the ANC's public meeting, you may submit your written comments via ANC 3/4G's website (<http://www.anc3g.org/contact-us/>).

Note: Police representatives of PSA 201 may attend and are invited to speak.

Commissioners

3G01 - Abraham Clayman  
3G02 - Chanda Tuck-Garfield  
3G03 - Randy Speck  
3G04 - Rebecca Maydak

3G05 - Jerry Malitz  
3G06 - Dan Bradfield  
3G07 - Chris Fromboluti

Minutes  
ANC 3/4G Public Meeting  
December 11, 2017  
Chevy Chase Community Center, 7:00 pm – 9:00 pm  
5601 Connecticut Avenue, NW  
Washington, DC 20015

**Present:** Speck, Fromboluti, Tuck-Garfield, Maydak, Bradfield, Malitz, Clayman

**Attendance:** Approximately 30 people attended the meeting.

**Adoption of Agenda:** The agenda was adopted by a vote of 7 – 0.

**Commissioner Announcements:**

Commissioner Speck:

Meeting on the Future of the Community Center — The ANC led a community meeting on November 28 that included (1) a report on preliminary data from the ANC/Chevy Chase Citizens Association Community Center survey; (2) presentations by John Stokes, DPR's Deputy Director for Community Engagement, and Jeff Bonvechio, Deputy Director for Capital Construction, on the scope of work that would be included in rehabilitation of the existing building; and (3) discussion of the possible scope of work for replacement of the existing building. Another meeting will be held on December 14 from 7:00 pm to 9:00 pm in the Community Center Lounge to further define the scope of work that is needed based on the survey of community needs and whether the required facilities can be accommodated within the existing building's structure.

Commissioner Speck also reported that he and Commissioner Malitz discussed the Community Center's future with several Councilmembers at the ANC holiday party on December 7, and they expressed support for the ANC's process. They emphasized that the ANC's planned schedule for sending recommendations to the Mayor and Council in January meshes with development of the FY 2019 budget, which the Mayor submits to the Council in March 2018. In order to meet this timetable, the ANC will probably hold additional special meetings in January to finalize its proposals so that the Commission can vote on recommendations at the regularly scheduled meeting on January 22.

Commissioner Maydak:

Lafayette Recreation Center Modernization — Due to the holidays, the Department of General Services has rescheduled the planned community meeting from December 12 to a date to be determined in January.



## Commissioner Tuck-Garfield:

Holiday Meet-and-Greet — Commissioner Tuck-Garfield thanked those who brought canned goods to the ANC's meet-and-greet before the Commission meeting. Three boxes of canned goods were collected and will be given to the Capital Area Food Bank. She hopes to make this an annual event for the ANC.

## Community Announcements

Phil McCauley, from the Mayor's Office of Community Relations, noted that the Mayor's weekly newsletter contains updated information on events in the city and can be found on-line (<https://content.govdelivery.com/accounts/DCWASH/bulletins/1ca2adf>). He reported that EdFest 2017 was held at the DC Armory on December 9 and included 150 representatives from the District's public and charter schools. It provided a "one-stop" opportunity for parents to get information on school options throughout the District. On January 1, 2018, the Mayor sponsors the fourth annual 5K run. It will begin at 10:00 am at Anacostia Park. Finally, the Mayor has spoken out against the federal tax bill, which would have a big impact on the District. Among other things, it would eliminate tax credits for low-income housing that the District needs.

Anthony Castillo, Councilmember Cheh's Deputy Director for Constituent Services, announced that the Councilmember will hold a Chat with Cheh session on Saturday, December 16, at the Avalon Theater from 11:30 am to 1:00 pm. Everyone is invited to ask the Councilmember questions or make suggestions. He also reported that the Department of Public Works has resumed leaf collection after it was disrupted by the snow. The same trucks are used for leaf collection and snow plowing, and it requires 24 to 48 hours to convert from one to the other. If anyone has a leaf collection issue, they should report it through the 311 system to obtain a tracking number and then contact the Councilmember's office (202-724-8062). DPW will be trying to catch up to its original schedule despite the disruption caused by the snow.

Allen Beach, Commissioner Emeritus, announced that the Ward 4 Holiday Party will be held on Saturday, December 16, from 6:00 pm to 8:00 pm at Lafayette Elementary School. Everyone is urged to bring a children's winter coat to donate.

John Green, Community Engagement Coordinator, Office of the Attorney General of the District of Columbia, said that Attorney General Racine has focused on initiatives in the areas of public safety/juvenile justice, consumer protection, affordable housing and enforcing honest government. He has also focused on wage theft that will protect workers. The Attorney General has stepped up enforcement with the assignment of two attorneys and four investigators to work on these issues. In particular, they are addressing employers who deny workers' wages or benefits in all kinds of jobs but with emphasis on low-wage positions and immigrant workers. Among the types of violations



they identify are refusal to pay wages due, failure to pay minimum wage, refusing to pay overtime, and misclassification of positions as contractors when they should be employees. More information is available at <https://oag.dc.gov/page/protecting-workers-wage-theft>.

**Discussion and possible vote on Public Space Permit Application for new leadwalk and steps, driveway, retaining walls and porch with step projection to service a new single-family dwelling at 3723 1/2 Harrison Street, NW (Tracking # 254090)**

Robin McGrew, the owner of the existing house at 3723 Harrison Street, described the planned new house in the adjacent lot. They seek a public space permit for a curb cut, driveway, and leadwalk for the new house. They have contacted a number of the nearby neighbors, and ten have indicated that they have no objection. The immediate neighbor to the west of the proposed new house objects, however, which Ms. McGrew said was “understandable.” Nevertheless, she said that this objection should not preclude them from building on their property.

Commissioner Fromboluti asked whether they have obtained a building permit for the proposed new house, and they said that they had not yet applied for that permit. Commissioner Fromboluti expressed concern that this was not a buildable lot since it does not meet the minimum 50-foot width requirement. The lot is an odd shape, with an extension of the new lot into most of the backyard of the existing house at 3723 Harrison and a triangular extension that goes through the front steps of the existing house. Commissioner Fromboluti said that because the new lot takes up so much of the existing lot, the existing house could not now be built on such a lot. He said that he could not say that he has “no objection” to the public space permit application without knowing what they were going to do with these two lots.

Ms. McGrew said that the new lot was recently subdivided and is a registered lot that meets all of the requirements for a separate lot, e.g., that it is at least 5000 square feet. She said that the criteria for lot size was designed to preserve a certain level of density, and so long as the lot meets the requirements, it is acceptable. Commissioner Speck noted that the lot was obviously “gerrymandered” to meet the minimum size requirements by taking part of the adjacent lot. While it might meet the letter of the requirements for a separate lot, it does not meet the spirit of the requirements to preserve the level of density.

Ms. McGrew said that the proposed new house would be 28 feet wide, which is comparable to some other houses on the block, and it conforms to all of the setback requirements. Commissioner Speck noted, however, that because of the unusual configuration of the lot, it may not be buildable without a special exception, and the Zoning Administrator will have to make a determination on whether the proposed house can be built on this lot. Commissioner Speck asked what would be done with the porch

on the west side of the existing house which would protrude into the new lot. Ms. McGrew said that the porch would be demolished.

Commissioner Bradfield stated that the issue before the Commission is the public space permit application, not whether the house could be built on this lot. The question of the lot size and configuration are not relevant to the public space permit.

Commissioner Speck then asked with respect to the permit application, whether any off-street parking was required for the proposed new house, and Ms. McGrew said that there was no requirement for a parking space because the new lot has no alley access. She said that they proposed a driveway and parking pad, however, because it would be difficult to get garbage cans to the street for pickup if there is no driveway. She said that an off-street parking space was also desirable. They have proposed a 10-foot wide driveway and curb cut rather than the minimum 9-foot wide curb cut in order to make it easier to get into and out of the parking pad.

Commissioner Speck also asked about the proposed changes to the retaining wall in the front of the new lot. Ms. McGrew said that the 2-foot high stone wall would cut in two places — a 5-foot wide cut for the steps and a 10-foot wide cut for the driveway.

Former Commissioner Allen Beach noted that a similar problem arose for a small lot on Livingston Street. The ANC objected, and the Zoning Administrator ruled that the proposed house could not be built on that lot. That lot has since remained vacant.

Commissioner Fromboluti proposed that the Commission defer consideration of the public space permit application until after the Zoning Administrator decides whether the proposed house can be built on the lot at 3723-1/2 Harrison. The Commission agreed to table the application and asked Ms. McGrew to return after she had obtained a determination from the Zoning Administrator about whether the proposed house can be built on this new lot. The Commission would consider the public space permit application at that time.

### **Presentation by and discussion with DDOT on its data collection to determine the impact of changed traffic patterns at 39th Street and Reno Road**

DDOT Director Jeff Marootian reported to the Commission at its October 23, 2017 meeting on the data collection that DDOT had conducted since the June 2017 changes in traffic patterns at this intersection. The Director indicated then that the data has been collected on the surrounding streets, and he expected to have the results of their analysis in a few weeks. Derek Voight, Transportation Engineer at DDOT, presented this data and was joined by John Thomas, DDOT's Chief Performance Officer.



The “Circulation Study” that Mr. Voight presented (<http://www.anc3g.org/wp-content/uploads/2017/12/Reno-Road-data-summary-Dec.-12-2017.pdf>) reports data that was collected in May 2017 and again in September 2017, after 39th Street was made one-way northbound in June. Three types of data were collected: (1) traffic volumes in each direction were recorded by tubing placed on the roads for 48 to 72 hours at five locations; (2) traffic speed data, also recorded by tubing placed on the roads in the same five locations; and (3) turning movements collected from video recordings at seven intersections. They also examined crash data as reported to MPD. Data was then compared between the collection periods in May and the end of September to assess any changes following the modifications to traffic patterns.

As expected, the data shows an increase in traffic volume on Jenifer Street, both westbound and eastbound from 39th Street — an increase of 482 westbound and 113 eastbound. There was a loss of volume on 39th Street between Jenifer Street and Reno Road — 1212 fewer vehicles. Importantly, the September data showed that 200 vehicles a day continue to go the wrong way southbound on 39th Street. DDOT attributed some of this wrong-way traffic to the navigation apps and have alerted Waze, Google, and Apple to the change, so that this problem has been corrected. Possible additional steps are being considered, including a change in the signage and flexposts to delineate a narrowing of the street for southbound vehicles attempting to enter 39th Street the wrong way.

Mr. Voight indicated that there has been only one MPD-reported crash at this intersection since 39th Street was made one-way, and it was a northbound vehicle colliding with a car on Reno Road. Others in the audience said that there had been at least two additional crashes, but they apparently were not reported to MPD.

Peter Lewis, a resident in the 3900 block of Jenifer Street, asked how the tube system was used to collect volume and speed data. He asked specifically whether the data could be unreliable if the tubes were twisted, and Mr. Voight confirmed that it could. Mr. Lewis said that the duct tape holding the tubes down in his block had come loose in both the May and September tests, and, therefore, he believed the data collected was unreliable. Another resident indicated that the tape had been similarly twisted in the May data collection for the 3800 block of Jenifer Street.

Commissioner Tuck-Garfield asked for an explanation of the process used to collect the data for traffic volume and speed. Mr. Voight said that the usual method was to use the tubing in the road because it permits collection of volume data in each direction as well as speed data. Radar units could be used, but they do not provide directional information. Commissioner Fromboluti asked whether the turning data collected by video cameras was correlated with the volume data to see whether there were discrepancies. Mr. Voight said that they did check when there appeared to be some conflict, but they did not find a significant discrepancy that would cast doubt on the volume data.



Mr. Lewis said that there was also a problem with the speed data that DDOT produced. He said that drivers rush to make up for lost time when they turn on to Jenifer Street. He said that Jenifer Street was a major cut-through to Mazza Gallerie and the Friendship Heights Metro. The problem with the intersection at 39th Street and Reno Road has just been moved to Jenifer Street and Reno Road. Another resident confirmed the problem with speed on Jenifer Street as drivers use it to cut through from Connecticut Avenue. She said that the flashing pedestrian crossing sign at 39th and Reno was working well. She thought the flexposts to discourage drivers from going the wrong way on 39th Street might be an improvement, but it would be better to install a bumped out curb with grass that would be more attractive. Commissioner Fromboluti indicated that the flexposts could be a temporary measure to see whether they work without reconstructing the curb, which would be more permanent.

Several residents indicated that the incidence of drivers going the wrong way on 39th Street had diminished since September. Another resident said that there had also been a decrease in the numbers of crashes, for which she was grateful. One resident asked what DDOT could do to prevent Jenifer Street from being a cut-through route from Connecticut Avenue and whether something could be done with the navigation apps. Mr. Thomas explained that the navigation apps will only make changes to reflect modifications to allowed traffic patterns. Otherwise, they rely on traffic congestion to dictate where traffic can be diverted.

Commissioner Speck thanked Mr. Voight and asked DDOT to consider the comments made and whether more data needed to be collected after the first of the year. In light of the questions raised, it may be appropriate to verify the data from September to see whether there have been material changes. Clearly, if the incidence of drivers going the wrong way on 39th Street is anything close to the observed 200 per day, steps need to be taken to address this safety concern.

**Presentation and possible vote on a resolution to support Bill B22-0234, which proposes to phase out the use and sale of gas-powered leaf blowers by January 2022**

Commissioner Speck noted that Councilmember Cheh has introduced the “Leaf Blower Regulation Amendment Act of 2017” (B22-0234, available at <http://lims.dccouncil.us/Download/37820/B22-0234-Introduction.pdf>) with co-sponsors Councilmembers Anita Bonds, David Grosso, Kenyan McDuffie, and Charles Allen to phase out the sale and operation of gas-powered leaf blowers in the District in January 2022, giving current owners and retailers of such equipment time to amortize their inventories and transition to healthier and more environmentally-sustainable alternatives. This bill was intended to address concerns about gas-powered leaf blowers’ adverse impacts on the environment and public health. The bill is currently before the Council’s Committee of the Whole.



Grif Johnson, representing QuietClean DC, asked that the Commission consider a resolution supporting this legislation. He said that some may consider gas-powered leaf blowers a minor problem that affects only a privileged few and that there are more important issues to be addressed. He noted, however, that 35 other jurisdictions have adopted resolutions that have some similarities with the one proposed for the District.

Mr. Johnson gave three reasons for supporting the gas-powered leaf blower ban. First, the pollution from a 2-cycle engine is much greater than even an eight-cylinder pickup truck. Some less developed countries than the US even ban these engines entirely. Because they use both oil and gasoline as fuel, they emit nanoparticles that are carcinogenic. The DC region has been out of compliance with EPA ozone standards, and these engines continue to exacerbate the problem. In California, all gas-powered lawn care engines — which include leaf blowers — will soon emit more pollutants than cars. Second, the enormous wind force of gas-powered leaf blowers stirs up allergies, toxins, pesticides, insecticides, and animal feces that are harmful to breathe, particularly for the operators. Third, the noise from gas-powered leaf blowers is 80 to 90 decibels measured from a distance but may be over 100 decibels for the operator. Such noise can cause permanent hearing loss and other health problems. Mr. Johnson said that the leaf blowers are particularly disruptive of the tranquility that is expected near hospitals, senior care facilities, universities, and schools, but workers are the ones primarily affected.

Mr. Johnson reported that some other ANC's in Wards 3, 4, and 2 have passed resolutions supporting this legislation. In response to a question, he said that the 4-cycle leaf blower does reduce emissions somewhat but there is no difference in its effect with respect to noise or the disturbance of particulates on the ground.

Commissioner Maydak asked whether snow blowers were included in this ban, and Mr. Johnson said that they were not. Commissioner Maydak suggested that they have similar noise and emission concerns and should be subject to the same ban. She also suggested that the bill should take into account the trade-offs compared with the use of battery-powered leaf blowers since batteries will end up in landfills or will have to be recycled, again using energy resources and producing pollutants. Commissioner Bradfield also noted that battery or electric leaf blowers are not as powerful as gas-powered and, thus, will take longer to complete the work. Mr. Johnson said that he knows of two lawn care companies that are switching to battery-powered leaf blowers. One has solar panels on the roof of its trucks to generate power to recharge the batteries. These companies have experienced some transition issues and upfront capital costs, but those are outweighed by the long-term risk of lawsuits if they persist in using gas-powered leaf blowers.

Commissioner Malitz asked whether other lawn care equipment — e.g., mowers (which are a greater source of pollution), chain saws, weedwackers, hedge trimmers, and snow blowers — were included in the legislation's ban. Commissioner Malitz also asked



whether there was a comprehensive program to require and enforce recycling for lawn maintenance and snowblower batteries, and Mr. Johnson did not know. (There is no such program in the District.) Mr. Malitz stated that if these two items were not in the currently proposed bill, he could not support the resolution.

Commissioner Tuck-Garfield asked whether this bill would apply to the District's trucks that collect leaves. He said it would not apply to the vacuum trucks but would apply to any District employees using gas-powered leaf blowers. He said that Tommy Wells, Director of the Department of Energy and the Environment, supports this legislation. Commissioner Maydak asked whether the battery-powered leaf blowers stir up the same amount of particulates as gas-powered, and Mr. Johnson said that to the extent that they are less powerful, he surmised that they would stir up fewer particulates.

Commissioner Speck reported that, in order to provide a different perspective, he had contacted the Landscape Contractors Association, which represents members in DC, Maryland, and Virginia. They said they did not have an official position and were unable to provide a representative to speak on behalf of the Association. Commissioner Speck also asked a contractor who does work for many residents in our neighborhood, Frank Diaz, of Josephine's Garden, to help the Commission to understand the contractors' viewpoint.

Mr. Diaz said that there are valid points on both sides. Blowers are certainly loud, but he encourages his workers to use a rake with the leaf blower to minimize its use. The blower should not be used to do all of the work, so the lower power of a battery-powered leaf blower should not be a big concern. He said that the battery-powered blowers do not go through batteries that often, and he always recycles his batteries after they have exhausted their useful life. He also provides ear protection and masks to his operators, but some workers do not use them. He is willing to move toward battery-powered blowers to alleviate the noise. He said that the newest battery-powered blowers are almost as powerful as the gas-powered blowers. He said that electric blowers are not practical because there is no place to plug them in.

Commissioner Tuck-Garfield asked whether there was any specific problem in the District that the proposed legislation was designed to address. Mr. Johnson said that the District has one of the highest incidences of childhood asthma, and banning gas-powered leaf blowers would help with that problem. Mr. Diaz said that the primary problem seemed to be noise. A resident, Isabell Thabault, agreed that noise is the worst problem and particularly affects those who are home during the day.

Mr. Johnson said that the two largest lawn care contributors to pollution were mowers and leaf blowers. He said that contractors are converting to battery-powered lawn mowers voluntarily so that he believed this problem should take care of itself.

Commissioner Speck noted that Commissioners had a number of questions that should be addressed before the Commission could vote on the resolution. He indicated, however, that he supports the bill, even though it does not address all forms of polluting lawn or snow blowing equipment. In the legislative process, it may be necessary to act incrementally to address whatever part of the problem is feasible at the time. He also believes that this legislation is appropriate to ensure that contractors who move to better technology are not competitively penalized. So long as all contractors must comply with the same rules, no contractor will be disadvantaged because using the new technology costs more. Commissioner Speck believes that the small additional cost to customers is justified based on the environmental and public health benefits.

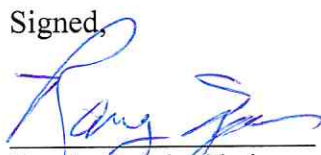
The Commission agreed to table consideration of the proposed resolution until a later meeting.

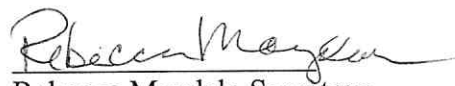
#### Commission Business:

1. Minutes: The minutes for the November 27, 2017 meeting were approved by a vote of 7 to 0.
2. By a vote of 7 to 0, the Commission approved the following checks: \$144.16 IRS October withholding, \$188.83 IRS November withholding, \$567.95 Randy Speck for office copier purchase; \$125.60 for Verizon; and \$105.98 to Staples for paper.
3. By a vote of 7 to 0, the Commission adopted the following meeting schedule for 2018 (subject to confirming the dates): January 8 and 22; February 12 and 26; March 12 and 26; April 9 and 23, May 14 (no meeting on May 28, Memorial Day); June 11 and June 25; July 9 and 23; no meetings in August; September 10 and September 24; October 22 (no meeting on October 8, Columbus Day); November 26 (no meeting on November 12, Veterans Day observed); and December 10.
4. By a vote of 7 to 0, the Commission authorized the Treasurer to pay bills for the balance of the year.
5. Items for January 8, 2018 meeting may include: Election of Officers; Confirmation of By-Laws; possible discussion of Community Center recommendations; consideration of the resolution supporting the bill to ban gas-powered leaf blowers.

The meeting adjourned at 9:10 pm.

Signed,

  
Randy Speck, Chair

  
Rebecca Maydak, Secretary