

Minutes of ANC 3/4G Public Meeting
Monday, June 26, 2017
Chevy Chase Community Center, 7:00 pm – 9:00 pm
5601 Connecticut Avenue, NW
Washington, DC 20015

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

Attendance: Approximately 22 people attended the meeting.

Adoption of Agenda: The Chair indicated that Emily Dalphy, DDOT's Transportation Engineer, could not attend this meeting to discuss proposed changes at the intersection of 41st Street and Military Road, and this item would be rescheduled for a later meeting. With this deletion, the agenda was adopted by a vote of 5-0.

Commissioner Announcements:

Chair Speck:

Street Trees at 5333 Connecticut: As part of the ANC's Memorandum of Understanding with the developer of the apartment building at 5333 Connecticut Avenue, they were to take extraordinary measures to protect the street trees along Connecticut Avenue when installing a circular drive. The protection of these trees was extremely important to the Commission. The developer could make no guarantees, however, that the trees would survive.

As a follow-up to our agreement, the Chair asked the District's Urban Forestry Administration to examine the trees. They reported last week that two of the three trees are distressed, and they recommend removal. Under our agreement, the developer must replace any trees that don't survive with the largest trees possible. This is little consolation for the loss of these established trees. The Chair asked Urban Forestry to come to our meeting on July 24 to explain why these trees have not survived, any lessons learned, and what steps will be taken to replace them.

Ingleside: Ingleside has completed the utility work under Broad Branch Road, which is a prerequisite to the expansion project. Broad Branch Road is now open without interruption. It will be necessary, however, to close the road for a day in August to complete the resurfacing of the road. The Chair will post a notice on the listserv when we know the date for the closure in August.

Community Center: On June 5, the ANC held another in our series of meetings on the long-term future of the Community Center. At this meeting we again discussed the community survey plan, and we hope to have a final version of the survey for the commissioners to review at our July 10 meeting. As we indicated at our May 8 meeting, we are also going to focus on short-term steps that can be taken to improve the services provided by the Community Center. In that connection, a group of seniors have been organizing meetings with DPR and Councilmember Bonds. Meetings will be held on June 27 and July 6 at 12:15 pm each day for seniors to discuss

their concerns and suggestions among themselves. Those meetings will be at the Community Center. A meeting is also scheduled with DPR for July 11 at 12:30 at the Community Center to discuss concerns and suggestions. The ANC will participate in all of those meetings, and all seniors are invited to attend.

Bond Bench: On June 26, we dedicated a bench in front of the Community Center to the memory of Julian Bond. This is the culmination of our ANC's September 28, 2015 resolution and nearly two years of efforts to get permission from DDOT for the bench. The Mayor, Councilmembers Cheh and Todd, and Mr. Bond's widow, Pam Horowitz, participated in the dedication. The turnout was exceptional and included a number of veterans of the civil rights movement, which was quite inspirational. The plaque on the bench reflects Mr. Bond's wishes and reads: "In Memory of Julian Bond, 1940-2015 'Race Man' A life dedicated to civil rights."

The Chair offered thanks to Ian Maggard for his work in making this event possible and to Deean Rubin and the Chevy Chase Citizens Association for getting the plaque and helping with the arrangements for the event. It was well covered by the press, including the Washington Post [https://www.washingtonpost.com/local/dc-politics/julian-bonds-bench-is-finally-in-place-on-connecticut-avenue-in-dc/2017/06/26/8c9c9576-5a91-11e7-9b7d-14576dc0f39d_story.html?utm_term=.6b965a14444f&wpisrc=nl_buzz&wpmm=1], the Northwest Current [<https://currentnewspapers.com/tom-sherwoods-notebook-take-a-seat-with-history/>], and News 4 [http://www.nbcwashington.com/blogs/first-read-dmv/Park-Bench-Remembers-Civil-Rights-Icon-Julian-Bond_Washington-DC-430946503.html].

Council Brochures: The Council of the District of Columbia has produced new informational brochures to help residents understand more about the Council and the legislative process. At their request, these brochures were made available at the meeting.

Commissioner Maydak:

Work is continuing on painting at Lafayette Elementary School over the summer. Once that work is completed, they will resurface the track around the baseball field. The planning for improvements to the Lafayette Park Recreation Center (field house) will begin in the fall.

Commissioner Clayman:

DC Water will conduct an informational tour of the Oregon Avenue sewer rehabilitation project on July 15 from 9:00 am to 11:00 am. This project presents interesting engineering challenges and is worth a first-hand look. The tour will begin at the intersection of Nebraska and Oregon Avenues.

The E-6 bus schedule has now been revised to take account of the Oregon Avenue detour, and this schedule may be found on WMATA's web site (<https://www.wmata.com/schedules/timetables/>).

Commissioner Fromboluti:

A raze permit application has been filed for 5303 Connecticut Avenue, which is next door to a similar building that was razed by the same developer. The developer apparently intends to build a larger building on the combined site.

Commissioner Fromboluti also expressed his concern about the street trees in front of 5333 Connecticut Avenue, which have lost their leaves and appear to be distressed.

Community Announcements:

Phil McAuley, from the Mayor's Office of Community Relations, announced that the District has been ranked number one for sustainability. He also indicated that the District's summer jobs programs has been permanently extended to youths up to 24 years old. The Mayor kicked off the Department of Health's rat abatement program on June 22 with a press event at Connecticut and Livingston. This program will make money available to businesses for improved waste disposal. Commissioner Speck indicated that the ANC was working with local businesses to ensure that they take full advantage of this rat abatement program to address an increasing concern in our community, and these issues will be discussed at the July 10 meeting. The Office on Aging will sponsor a Senior Fest Picnic on June 29 from 10:00 am until 2:00 pm at Kenilworth Park. Finally, the District government has stepped in to help those displaced by the June 24 Peabody Street fire. Residents have been moved to hotels for temporary shelter, and the Red Cross is collecting funds to assist them. Contributions may be made to the Red Cross, 1-800-733-2767, or on line.

Jackson Carnes, Constituent Services Director for Councilmember Todd, reiterated the support that the District is providing to those affected by the Peabody Street fire. He also noted that the Councilmember had joined in the dedication of the bench to Julian Bond. He announced that the Council will vote June 27th on the Councilmember's bill establishing standards for care of animals, giving the District power to issue citations for mistreatment of animals. Finally, he noted that the Councilmember will march in the Palisades Fourth of July parade and invites others to join him.

Review of procedures for conducting and recording ANC meetings:

Commissioner Clayman reiterated the procedures that the ANC will follow for recording its meetings — e.g., that only one person will speak at a time, speakers will be recognized by the Chair, and speakers will stand at the podium to speak. He indicate that because of the cancelled meetings in May and June and the limited number of meetings remaining in the summer, we would not fully implement the video recording of meetings until September. There was some discussion about the type of microphones that would be used for the video recordings. Initially, we will use Commissioner Malitz's equipment, and the Commission will decide later whether to purchase any video equipment.

Discussion and possible vote on special exception application number 19541 for construction of a deck at 3318 Stephenson Place, NW:

The homeowners, Sarah and Bill Green, described the deck that they want to add to the back of their home. They indicated that they would be limited to a nine-foot deck if they do not get a special exception, and they want to extend about 24 inches beyond the allowable backyard setback. They presented signatures from the surrounding homeowners indicating that they do not object to the special exception. Commissioner Maydak also noted that other houses in this block have decks that extend into the backyard setback.

Commissioner Speck asked what the homeowners intend to do with the existing drive and garage. They indicated that the garage door will be replaced with a regular door, and the driveway will be taken up and replaced with grass. Commissioner Speck suggested that they check the zoning regulations that require an off-street parking space for most single-family residential homes (September 2016 Zoning Regulations, Subtitle C, Section 701.5 and 702.3(a)). There are some exceptions — e.g., when the alley is less than ten feet wide. Commissioner Speck also asked whether they intend to put up a fence similar to those on most other houses on the block, and they indicated that they would install a low fence,

Commissioner Maydak moved that the Commission support the application for a special exception, and the Commission agreed by a vote of 5 to 0. The BZA hearing is scheduled for September 6, and Commissioner Maydak will represent the Commission.

Discussion and possible vote on Public Space application (#207233) at 6310 33rd Street NW for a new driveway, steps, and tree plantings:

David Landsman, CAS Engineering, described this application to replace an existing gravel driveway with a concrete driveway and curb cut and to install a sidewalk for the planned new home. The plan is to preserve the two existing street trees and to plant four other trees in the front yard.

Commissioner Speck asked whether they have received a raze permit for the existing house, and Mr. Landsman said that they have not. Commissioner Speck asked what steps they would take to prevent the spread of contaminated material from the house during demolition. Mr. Landsman said that they have an approved abatement program that includes spraying water to keep down the dust. He said that they are surveying the house for asbestos, but have not yet detected any. Commissioner Speck also asked what steps would be taken to reuse the materials from the house. Mr. Landsman said that they were getting proposals from demolition companies but had not yet decided whether it would be economic to salvage any of the materials in the existing house.

Commissioner Speck then noted that the two street trees are very small and asked whether the owner would replace those trees if installation of the driveway or sidewalk damaged them, and Mr. Landsman said that they would. Commissioner Maydak asked whether any trees would be removed as a consequence of constructing the new house, and Mr. Landsman said that one seven-inch willow would be removed.

Former Commissioner Beach asked whether the planned new house would be a “McMansion” like some others built in this area. The home owner said that it would be in keeping with the other houses in the neighborhood, and he expects to live in the house. Commissioner Fromboluti

asked the square footage of the planned new home, and neither Mr. Landsman nor the owner knew.

Commissioner Clayman moved that the the Commission advise the Public Space Committee that it has no objection to the requested public space permit, and the Commission agreed to the motion by a vote of 5 to 0. Commissioner Maydak is authorized to represent the ANC in hearings.

Presentation by Wayne Savage and possible vote on an ANC resolution for streetlights with a temperature not cooler than 2700 Kelvin:

Commissioner Maydak began by noting the work that the Commission's Lighting Task Force has done on LED lighting issues in our ANC over the last few years. A separate group, the DC Street Light Task Force, has also been working on these issues across the District. A key issue has been the color of the proposed lights, and the American Medical Association has recently identified health issues from lighting that is too cool (or blue). DDOT is planning to replace all the District's street lights with LEDs, and our Lighting Task Force and the DC Street Light Task Force have been urging a warmer temperature light.

Wayne Savage from the DC Street Light Task Force urged our ANC to join five other ANCs and five citizens associations in recommending that DDOT use street lights at 2700 Kelvin. There are a range of LED lights available, and DDOT had originally been considering a very cool light at 4000 to 5000 Kelvin. The color of the lighting is distinct from the brightness, which is measured in lumens — i.e., the color does not affect the luminescence.

Mr. Savage reported that the AMA study concluded that cool or blue-rich lighting was actually hazardous for drivers. Moreover, the blue-rich lights suppressed melatonin and disrupted sleep patterns. The AMA has recommended street lights that have a temperature of 3000 Kelvin or less. Blue street lights also obscure the night sky and contribute to light pollution. Finally, a warmer light is more aesthetically pleasing.

Mr. Savage indicated that Phoenix Arizona, Riverside California, and Davidson, California had at least initiated procurement of 2700 Kelvin street lights. In response to questions from commissioners, Mr. Savage said that warm lights are a bit less energy efficient than the cooler blue lights, but all LED lights are highly efficient. All LEDs also have a much longer life expectancy, and there is no indication that the warmer lights have a shorter life. He was not aware of any differences in performance in colder weather or warmer weather locations based on the color of the lights. He said that there are technologies to dim lights when they are less necessary (e.g., after midnight, when traffic is less), and there may be motion sensors that could be used to activate lights. Mr. Savage said that although the brightness of street lighting could vary depending on the location, and warm lighting is particularly important in residential areas, he recommended that all street lighting be at 2700 Kelvin. Laura Phinizy, a resident who has been active on the ANC's Lighting Task Force, indicated that bluer lights would not be acceptable on high traffic streets in residential areas.

Seth Miller Gabriel, Director of the Mayor's Office of Public Private Partnerships, responded to Mr. Savage that there are currently no DDOT-certified street lights at 2700 Kelvin. He said that the current technology is 4000 Kelvin, and DDOT had recently certified 3000 Kelvin lights. They had looked for 2700 Kelvin lights, and four manufactures had prototypes, but nothing that DDOT could test. Mr. Miller Gabriel indicated that there will be a mix of lighting throughout the District, and the brightness will be adjustable based on need. He said that there will also be shielding to direct the light to the necessary areas and away from homes.

A number of residents commented that there is a significant difference between 2700 Kelvin and 3000 Kelvin, with the former providing a light similar to incandescent bulbs and the latter providing a harsh, glaring light that was both aesthetically unpleasant and, in some cases, harmful to residents' health. Commissioner Malitz suggested that the District should not be adopting technology that will be obsolete by the time it's installed. Commissioner Speck said that rather than settling for the currently ubiquitous lighting, we should be aspirational and request that manufacturers provide more acceptable lighting.

Commissioner Maydak moved that the Commission adopt a resolution supporting the use of 2700 Kelvin lighting throughout our ANC, though we make no judgment about what should be used in other parts of the District. The motion carried by a vote of 5 to 0.

Discussion and possible vote on a resolution urging elected representatives to oppose Congressional attempts to use the budget process to block implementation of the District's Death with Dignity Act:

Commissioner Speck described a provision in President Trump's proposed budget to Congress that would preclude the District from spending locally collected funds to implement the Death with Dignity Act, which became law when it was passed by the Council, signed by the Mayor, and not disapproved by the Congress. The proposed resolution urges our elected Delegate and District officials to oppose this provision. The District Clause in the Constitution, which gives Congress powers over the District, should not be construed to allow Congress to dictate purely local issues like this. In fact, the Bill of Rights reserves to the people of the District — like all other citizens of the United States — the right to govern themselves on local issues like this that do not involve the security of the federal government. The President's proposed budget language would prevent the District from conducting the kind of monitoring and reporting that everyone agrees is an important part of this statute. This is an issue of local government, and we should urge our elected representatives to oppose a usurpation of our rights. Other ANCs (including 2D) have passed or are considering (3F) similar resolutions.


Commissioner Malitz proposed a friendly amendment to the resolution that would extend these principles to any attempt by the Congress to overturn a duly enacted statute, and Commissioner Speck welcomed that change. With that change, the resolution was adopted by a vote of 5 to 0.

Commission Business:


1. Minutes: The May 8, 2017 were approved by a vote of 5 to 0.

2. Checks: \$125.22 Verizon, \$128.27 IRS – April, \$227.94 Canon lease, \$80.58 Jeralynn Graham for printed envelopes, \$63.44 to Jeralynn Graham for McAfee virus protection. Commissioner Fromboluti raised a question about the cost of the copier lease, and the Commissioners agreed to consider that issue when the lease expires. The checks were approved by a vote of 5 to 0.
3. Items for the July 10 meeting may include: Rat abatement measures in areas around the Connecticut Avenue commercial strip; finalization of the community survey plan on the future of the Community Center; costs of microphones for video recording meetings; presentation by DDOT on plans for changes to the intersection of 41st Street, Military Road, and Reno Road.

Signed,



Randy Speck
Chair



Rebecca Maydak
Secretary