

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

Present: Speck, Fromboluti, Tuck-Garfield, Clayman, Malitz

Absent: Maydak, Bradfield

Attendance: Approximately 15 people attended the meeting.

Adoption of Agenda

The Chair advised that two items should be removed from the draft agenda — the presentation by Robert Morris and the discussion of the commercial waste compactor grant program. Those items will be scheduled for a later meeting. The amended agenda was approved by a vote of 5 to 0.

Commissioner Announcements

Commissioner Speck:

Chevy Chase DC Day — The Chevy Chase Citizens Association is holding its annual Chevy Chase DC Day this Saturday, September 16, from 1:00 pm to 4:00 pm with activities at and around the Community Center and with participation by many of the businesses along Connecticut Avenue. There are activities for kids and adults.

DC State Fair — The DC State Fair will be held Sunday, September 24, from 11:00 am to 8:00 pm at the Southwest Waterfront, 375 and 425 M Street, SW. There will be contests for best pie, heaviest vegetable, and tastiest tomato to best homemade ice cream, best honey, best mumbo sauce, and best home brew and best wine, as well as kids photography and cupcake, jams and jellies, pickles, and more. More information is available at dcstatefair.org.

Commissioner Malitz:

Banned Books Week — The District Libraries will celebrate the freedom to read during Banned Books Week, September 24-30. This event focuses on the history of books that have been banned for various reasons. More information is available at <https://www.dclibrary.org/bannedbooks>.

Commissioner Fromboluti

39th Street and Reno Road Intersection Update — Commissioner Fromboluti, Commissioner Speck, and several nearby neighbors met with DDDOT Acting Director Jeff Marootian on September 11 to discuss the effects of implementing new traffic patterns and controls.. The Commissioners and the neighbors noted a number of concerns, and DDOT indicated that they

would take a fresh look at the impact of the new traffic patterns and collect additional traffic count data that can be compared with earlier data to see how traffic volume has changed.

Community Announcements

Janean Mann noted that the Department of Parks and Recreation will soon post a notice for a new seniors program director for the Chevy Chase Community Center. She suggested that anyone interested in filling this position should check on the DPR website for this announcement.

Ian Maggard, from the Mayor's Office of Community Relations, reported that the District recently agreed to a contract with the Teachers' Union, which had been working without a contract for five years. The contract now has to be approved by the District Council. The Mayor also announced the Every Day Counts program to improve school attendance. More information is available at <https://attendance.dc.gov>. Also, the U.S. Green Building Council recently named Washington the world's first LEED Platinum City for successfully achieving "sustainability and resiliency goals." The announcement was made at Dunbar High School, the country's highest-rated LEED-certified academic institution. Finally, the U.S. Labor Department has approved the District's job training program and has taken the District off its watch list for the first time since 2012.

Anne Renshaw noted that September is Public Safety month, a time to recognize our police, fire, and rescue workers. In that connection, Commissioner Speck noted that the Second District Police Awards Banquet will be held on September 28 at Maggiano's restaurant, 5333 Wisconsin Ave. NW, from 6:30 to 10:00. Information and tickets are available at <https://www.eventbrite.com/e/2017-mpd-second-district-awards-banquet-tickets-37651018209>.

Discussion and possible vote on an application for a public space permit (DDOT Tracking #02219726) to construct a retaining wall and curb cut at 5363 29th Street, NW

Commissioner Speck indicated that this developer, District Properties, has been to our Commission before seeking a public space permit for a curb cut on Military Road for the adjacent home at 5365 29th Street, NW. The ANC opposed this curb cut, and the developer withdrew the application. During construction of these two units, the developer was cited on October 31, 2016, for four public space permit violations: (1) no permit displayed on site (\$250.00); (2) trailing mud, rocks, and dirt into public space (\$600); (3) improper site protection (\$500); and (4) excavating without a permit (\$2500). The developer has also been cited by Urban Forestry for removing a tree without a permit.

The developer has now filed an application for a public space permit to construct a driveway with a proposed 12-foot wide curb cut for a double garage and to build a "new retaining wall" in public space. According to the drawings, the curb cut will be less than ten feet from an existing street tree, which the developer proposes to replace. This application is scheduled to be heard at the Public Space Committee's October 26 meeting.

Commissioner Speck indicated that although the ANC has no record of a permit being sought or issued, the developer has already completed the proposed retaining wall. Commissioner Speck reported that he took photographs on August 14 and notified the DDOT public space enforcement office that same day. The Chief Inspections and Enforcement Officer, Elliott Garrett, was to have gotten back to him on September 8, but so far, there are no results from the inspection.

Given that background, Commissioner Speck raised a number of questions. First, why did the developer build the retaining wall without a valid permit? There seems to be a pattern of permit violations followed by fines. Second, how does the width of the proposed curb cut compare with the existing approved curb cut? Will any additional street parking spaces be displaced by this curb cut? Third, what steps will the developer take to replace the existing street tree, which appears to have been damaged during construction? Commissioner Malitz also noted that the regulations require that the application include photographs, which were not a part of the application provided to the ANC.

Anne Renshaw, a nearby neighbor, she had spoken with a DDOT inspector at the site who said that he was unaware that the ANC was required to receive notice of permit applications and an opportunity to comment on behalf of the community. The inspector said that he had approved the permit for the retaining wall, apparently without notice to the ANC. Ms. Renshaw indicated that the bigger concern was the curb cut, which would reduce the space available for on-street parking. She said that the proposed curb cut was five feet wider than the existing curb cut and would displace one parking space. She also cited several infractions by the developer during construction, including blocking a fire hydrant, working outside on Sunday, and an expired inspection sticker on a construction vehicle.

Muhammad Shehid spoke on behalf of the developer. He said he believed that the retaining wall was built pursuant to a public space permit, and he said he would provide the permit number and the date it was issued. He acknowledged, however, that they had neglected to get the permit but had proceeded with the construction in order to retain the soil after excavation. He said that the proposed curb cut was 12 feet wide because it will serve a double garage. Commissioner Fromboluti pointed out, however, that the normal driveway curb cut is only 9 feet wide, and since only one car could use the driveway at a time, there was no reason for this curb cut to be wider. Mr. Shehid was not familiar with the history of the project since he had only been project manager a short time. He did not know what the plans were for replacing the street tree that they proposed to remove.

Commissioner Speck summarized the Commission's concerns: (1) the application seeks approval for a "new retaining wall," but the wall has already been constructed without notice to the ANC or approval through the required procedures; (2) the proposed 12-foot curb cut exceeds the normal 9-foot width for driveway curb cuts and will unreasonably reduce available street parking; (3) the developer has not provided an adequate description of the replacement tree(s) that will be planted once the large, existing street tree is removed; and (4) the application is deficient because it does not include the required photographs. The Commission also noted that the DDOT inspector at the site was apparently misinformed about the role that the ANC must play in reviewing public space permit applications. On this basis, Commissioner Speck moved

that the Commission object to the application and that he represent the Commission at any Public Space Committee hearings on this application. The motion passed by a vote of 5 to 0.

Discussion and possible vote on application for a public space permit (DDOT Tracking #207233) at 6310 33rd Street, NW for a curb cut

This is a revised application that the Commission previously heard at its June 26 meeting, where it voted 5 to 0 to advise the Public Space Committee that it has no objection to the application. The Chair reported that Commissioner Maydak spoke with the engineer for this project who said there was no change with respect to the driveway and curb cut in public space. The amendments were made at the request of Urban Forestry in order to address storm water requirements. The Commission voted 5 to 0 to again advise the Public Space Committee that it has no objection to this application.

Presentation by Richard Morris on his proposal for the improvement of alleys and other public walkways throughout our ANC

This item was deferred to the Commission's September 25 meeting. In an email to the Chair, Mr. Morris further clarified, however, that he wishes "to prompt discussion about public use of our alleyways and trails. In general, I think there is a way to make them really exciting and safe public spaces that enhance and integrate our community in Ward 4. Specifically I would like to propose a simple, short extension of one path -- about 200 feet -- so that it links to Rock Creek Park, i.e., via Newlands or Little Forest."

Discussion and possible vote on whether the ANC should accept grant applications for this fall

Chair Speck reported that the Commission has not given any community grants for some time. The decision not to make grants was made reluctantly, but stemmed from a depleted bank account reserve. This depletion was caused primarily by the District auditor's decision to disallow payments for some grants, notably a \$1700 grant to Friendship Place for winter socks, hats, and gloves, which the auditor deemed impermissible "subsistence" under the ANC statute. The statute has since been amended to eliminate this unreasonable restriction.

The Commission has made substantial progress in rebuilding its reserves. In our last financial report through the end of June, we had an ending balance of \$11,941.81. We have a couple of purchases that the Commission has authorized, but they will not change the amount of our approved FY 2017 budget. Thus, we should have some additional flexibility to make grants in FY 2018. This is an important way for the Commission to provide direct support for vital programs that have an impact in our neighborhood. For example, we recently received a request from Northwest Neighbors Village — an important non-profit serving our seniors.

Janean Mann noted that the Commission's earlier grant to Northwest Neighbors Village for a medical note-taking training program was so successful that the Village received a larger grant to spread the program District-wide. Commissioner Malitz indicated that our grants may be used to

support innovative neighborhood programs that would not otherwise be funded. Commissioner Clayman asked about the procedures for grant applications and approval, and the Chair indicated that the Commission has guidelines and an application form on our website, but those may need to be updated. Commissioner Tuck-Garfield asked what level of grants might be appropriate based on the Commission's history and funds availability. The Chair suggested that we could probably afford total grants of up to \$3000, and former Commissioner Allen Beach agreed that this amount would be reasonable. Former Commissioner Gary Thompson also spoke in favor of Commission grants, which he considers one of the Commission's most significant actions.

The Chair proposed that the Commission begin accepting grant application on October 1 for FY 2018. The total amount of grants would be \$3000 and would be included in the Commission's FY 2018 budget. The Commission approved the Chair's motion by a vote of 5 to 0. The Commission will discuss the specific procedure and possible revisions to its grant guidelines at the September 25 meeting.

Discussion of commercial waste compactor grant program – Deferred to the September 25 meeting.

Report on status of Community Center Survey

The Chair reported that at the Commission's August 14 meeting, it agreed (1) to make some changes to the pilot survey to reflect the feedback received from respondents, (2) to identify the target respondents for the survey, (3) to adopt mechanisms for distributing the survey, and (4) to set the period for the survey to be conducted. Our target for beginning the survey was September 15.

In finalizing the survey, the Chair learned that instead of using the license for a third party for the Question Pro survey software, for a charge of as little as \$15 per month for the two months we need it, the Commission can use the survey directly from Question Pro, which will give us the ability to access the survey results in real time to see whether we need to make any changes to our distribution methods or target respondents. Each Commissioner could have access to the survey results to tailor her or his efforts to get survey respondents. For such a nominal charge, we can avoid having to rely on a third party's license.

The Commission agreed by a vote of 5 to 0 to proceed on that basis.


Commission Business:

1. Minutes: The minutes from the August 14, 2017, meeting were approved by a vote of 5 – 0.
2. Checks: \$111.50 IRS Tax Withholding/August; \$179 Canon copier lease; \$8.05 balance due on Ameritel copier service were approved by a vote of 5 to 0.
3. Items for the September 25, 2017 meeting may include: Discussion and possible vote on application for BZA special exception for addition to residence at 3605 Patterson St. NW (BZA case number 19580); presentation by Robert Morris on his proposal for an extension of existing trails to link

Rock Creek Park via Little Forest Park; presentation and discussion with DPR regarding its proposed reduction in Community Center hours; discussion of the commercial waste compactor grant program; discussion; and possible vote on revisions to grant guidelines and application form.

The meeting adjourned at 8:30 pm.

Sincerely,


Randy Speck
Chair


Rebecca Maydak
Secretary