

ANC 3/4G Public Meeting
Monday, September 25, 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 application for a BZA special exception for relief from rear and side yard requirements to allow construction of a second floor rear addition to a residence at 3605 Patterson Street, NW (BZA Case No.19580) (Commissioner Malitz)
- 7:30 Discussion of ANC grant guidelines and the application process for a grant period beginning October 1 (Commissioner Speck)
- 7:40 Presentation and discussion with Themba Masimini, Deputy Director-Recreation Services, District Department of Parks and Recreation, regarding its proposed change in the weeknight closure time for the Chevy Chase Community Center from the current 10:00 pm (with program activities ending at 9:30 pm) to 9:00 pm (with program activities ending at 8:30 pm) (Commissioners Malitz and Speck)
- 8:25 Presentation by Joshua Rodriguez, Chief, Illicit Discharge and NPDES Branch, Inspection and Enforcement Division, Department of Energy and Environment, on preventing, identifying, and correcting discharges from the sanitary sewer system (Commissioner Speck)
- 8:40 Presentation by Robert Morris on his proposal for an extension of existing trails to link Rock Creek Park via Little Forest Park (Commissioner Speck)
- 8:55 Commission Business
1. Minutes: September 11, 2017
 2. Checks:
 3. Items for the October 23 meeting: Presentation by and discussion with Jeff Marootian, Acting DDOT Director, on transportation issues in the community

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

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Present: Speck, Fromboluti, Clayman and Malitz
Absent: Maydak, Tuck-Garfield, and Bradfield
A quorum was declared.

Agenda: The agenda was adopted by a vote of 4 to 0.

Attendance: Approximately 20 people attended the meeting.

Commissioner Announcements:

Commissioner Speck:

Community Center Survey — On Chevy Chase DC Day, the ANC and the Chevy Chase Citizens Association launched a survey to gather the community's views on the future of the Community Center's facilities and programs. This survey is the culmination of several months of community input in its design. Everyone is encouraged to complete the survey on-line at <https://cccc.questionpro.com/>. As the Commission agreed in its August 14 resolution, we have publicized the survey through posts on the community listserv and NextDoor, articles in the Northwest Current, announcements at the other Ward 3 ANCs, emails to constituents and block captains, publication on websites at the ANC and community organizations, and printing of 2000 flyers that will be distributed to businesses and residences throughout the community. As of September 25, 266 people have taken the survey, but we're hoping for at least 2000. Commissioner Speck emphasized that this is an important way for everyone to participate in developing plans for the Community Center's future. Commissioner Malitz has suggested that we could leave the survey open until November 2 without any additional cost, and we could take advantage of Halloween-related events on Connecticut Avenue to encourage more participants. Jay Thal suggested that respondents be encouraged to check "other" on the survey and to provide broader comments.

16th Street Bus Lanes — DDOT has announced two additional public meetings to explain its proposed plans for bus lanes on 16th Street. Both meetings will be held on Tuesday, September 26 at 16th and M Street NW from 3:30 pm to 6:00 pm and at 16th and Irving Street NW from 4:30 pm to 7:00 pm. If you cannot attend these meetings, more information is available at <http://www.16thstreetnwbus.com/questions> or by contacting Spring Worth (Spring.Worth@dc.gov or 202-673-1736).

Public Space Permit Application at 5363 29th Street, NW — The Commission voted at its September 11 meeting to object to this application because the retaining wall that the developer sought had, so far as the ANC knew, been built without a valid permit. We also objected to the proposed 12-foot wide curb cut. We asked the developer to provide us with any permit that it believed had authorized construction of the retaining wall.

On September 22, the developer produced a copy of a permit, but the Public Space Committee said that the ANC had not been notified of this application and that it had not been reviewed by the Committee, as required. The permit was also dated August 24, although the retaining wall had been completed by at least August 14. Two points are clear: (1) the ANC did not receive notice, as was required; and (2) the retaining wall was built without a permit. Matthew Marcou, Chair of the Public Space Committee, wrote Commissioner Speck that they may “require revocation of the permit and reprocessing.”

The Commissioner Speck reported all of this to Councilmember Cheh, Chair of the Council’s committee that oversees DDOT, and she wrote DDOT’s Acting Director asking him to “comply with the notice requirements.” The Acting Director responded that he “will reinforce with our team the ANC notification requirements.” The ANC can ask the Acting Director what steps he has taken when he attends our October 23 meeting.

On September 25, Oumar Seck, General Manager for the developer District Properties, asked to meet with Commissioner Speck. Mr. Seck acknowledged that the developer constructed a retaining wall in public space without a valid permit, and that the permit was issued after the fact, when the work had already been completed. We also discussed the developer’s application for a 12-foot curbcut, and Mr. Seck agreed that they could reduce the width of the curbcut to nine feet, centered on the space between the two garage doors. He also acknowledged that the drawing for the “Proposed Curbcut and Tree Replacement” accompanying the application erroneously shows an “Ex[isting] tree to be Replaced” less than ten feet from the proposed curbcut and a “New Tree to be Planted” in front of 5265 29th Street, NW. In fact, no tree has existed (at least during construction) near the proposed curbcut, and there is an existing tree in front of 5265 29th Street (although it appears to be severely distressed).

Mr. Seck informed Commissioner Speck as well that the sale of this house at 5363 29th Street is scheduled to close at the end of September. He asked whether the ANC could assist in resolving these outstanding issues to permit the closing to proceed. Commissioner Speck told him that the ANC may be able to reach an accommodation with respect to the curbcut based on the changes he agreed to make, and if the ANC were given the required notice, it might not object to the retaining wall on substantive grounds. Any further action by the ANC, however, will have to be taken at a duly noticed meeting, and it will be up to the Public Space Committee to decide whether to revoke the existing permit since it was issued without input from the ANC, without the Committee’s

consideration, and after the work was already completed, which may warrant penalties that the developer must pay.

Commissioner Speck reported this latest information to Mr. Marcou, and the Commission must now await a decision from the Public Space Committee about how it intends to proceed and whether the issues related to this application can be resolved before the Committee's hearing, now scheduled for October 26, 2017.

[Subsequently, the Public Space Committee revoked the permit for the retaining wall because, among other flaws with the application, it had not been noticed to the ANC. The Committee requested that the ANC review the application at its October 23 meeting and provide the Committee with comments by October 26.]

Statewide Transportation Improvement Program Public Meeting — DDOT will hold a public meeting on October 2 from 6:00 to 8:00 to receive feedback on the District's draft Statewide Transportation Improvement Program for Fiscal Years 2018 to 2022. Among other projects in our neighborhood that may be on this list are the Oregon Avenue and Broad Branch Road reconstruction projects, both of which have been in the works for many years. The meeting will be held at the Shaw Neighborhood Library, 1630 7th Street NW. The Draft FY 2018 to 2022 Project List will be posted when it's available at <http://stip.wemovedc.org/>.

Friends of Lafayette Park — The boards of the Friends of Lafayette Park and the Friends of Lafayette Recreation Center and Park have agreed to merge the two non-profit community organizations and invite the engagement and support of all who are interested in its works to enhance, improve, and maintain Lafayette Park and Recreation Center. The joint organization will operate under the name Friends of Lafayette Park with Elizabeth Engel and Jeff Stoiber as co-presidents, with a combined board. The ANC has long encouraged this merger, and we commend all those involved for making it happen. We look forward to reviewing an application for recognition by DPR as an official "friend."

Commissioner Malitz:

Child's Play — The Washington Post's Business section on September 24 included an article on the bankruptcy of Toys-R-Us that focused on our own neighborhood's Child's Play. This is a boost to our Connecticut Avenue business community.

Community Announcements:

Anthony Castillo, Deputy Director for Constituent Services for Councilmember Cheh, reported that the Councilmember had completed her school readiness tours of all Ward 3 schools. Among other things, she focused on how the schools could maximize use of the

space. He noted that the District was recognized as the first LEED Certified City in the world. One aspect of that recognition was that the District has the largest number of square feet of green buildings. The Councilmember has also introduced the Solar Array Act of 2017, which would promote installation of solar panels on government buildings in the District. The Councilmember has also asked DDOT to look at the locations of speed cameras where there have been a large number of violations. The objective is not to remove the cameras but to achieve better compliance and to improve safety. In response to a question, Mr. Castillo said that they would make this list of speed camera locations available. In response to a question from former Commissioner Anne Renshaw, Mr. Castillo said that they would look at the speed camera on Military Road as part of this examination. Finally, the Councilmember joined with Councilmember Todd to ask the Director of Parks and Recreation to reconsider the plan to reduce the hours at the Chevy Chase Community Center.

Jackson Carnes, Director of Constituent Services for Councilmember Todd, reported on the joint letter that Councilmember Todd sent with Councilmember Cheh regarding the proposed reduction of Community Center hours. The Councilmember has introduced three new pieces of legislation: (1) a bill to provide universal free lunches to students; (2) a bill to restore the back-to-school tax holiday; and (3) a bill to cap the fees charged to farmers' markets. The Councilmember has recently participated in the openings of the DC International School at Walter Reed and in the groundbreaking for the new Coolidge High School.

Discussion and possible vote on application for a BZA special exception for relief from rear and side yard requirements to allow construction of a second floor rear addition to a residence at 3605 Patterson Street, NW (BZA Case No. 19850):

Michael Blake made a presentation on behalf of the owner. The proposal is to build an addition on the second floor that would be entirely within the current footprint of the home. Because the house was built in 1927, it does not conform to the current requirements for rear and side setbacks. Thus, they need a special exception even though they will not occupy any more of the lot than the current home. Mr. Blake reported that they had notified the neighbors, and the closest neighbors had all signed a petition indicating that they have no objections. They will provide a copy of those petitions to the ANC. One resident questioned whether this home was adjacent to the Blessed Sacrament playground, but Mr. Blake indicated that it was several houses away from the playground.

Commissioner Malitz moved that the Commission support the application for a special exception for relief from rear and side yard requirements to allow construction of the proposed second floor rear addition. The motion was approved by a vote of 4 to 0. Commissioner Malitz will represent the Commission, if necessary, at the BZA hearing scheduled for October 11.

Discussion of ANC grant guidelines and the application process for a grant period beginning October 1:

Commissioner Speck reported that at the Commission's September 11 meeting, the Commission agreed that, after not giving grants due to depleted reserve funds, it would begin accepting grant application on October 1 for FY 2018. The total amount of grants will be \$3000 and will be included in the Commission's FY 2018 budget. The Commission agreed to discuss the specific procedure and possible revisions to its grant guidelines at the September 25 meeting.

Commissioner Speck indicated that there are several updates that the Commission needs to make to the guidelines, including changing the reference to the ANC statute, which was amended earlier this year. He suggested four decisions that the Commission needed to make about the guidelines: (1) should there be one or two grant periods; (2) should the grant period align with the fiscal year so that we give the grants after we have completed our fiscal year budget; (3) should we modify the priorities for grants (e.g., to make them more specific); and (4) should we make clear throughout the guidelines that we will make grants subject to the availability of funds?

The Commission discussed these questions and revisions to the grant application form and decided that (1) there would be a single grant period; (2) grant applications would be taken beginning on October 1 and continuing through October 20, with presentations to be made at the meeting on October 23, and a vote on applications to be taken at the following meeting on November 13; (3) the grant "priorities" would remain general and inclusive, and the heading would read "Possible Grant Topics" to permit maximum flexibility; and (4) future grants would be subject to available funding. In addition, Commissioner Malitz suggested that the application should ask whether the applicant was receiving any matching funds so that the Commission might be able to amplify the impact of its grants. The Commission agreed to proceed with grants on this basis.

Presentation and discussion with Themba Masimini, Deputy Director-Recreation Services, District Department of Parks and Recreation, regarding its proposed change in the weeknight closure time for the Chevy Chase Community Center from the current 10:00 pm (with program activities ending at 9:30 pm) to 9:00 pm (with program activities ending at 8:30 pm):

The Chair reported that the ANC was surprised to learn on September 12 that DPR intended to reduce the Community Center's hours on week nights beginning on September 18. The announced plan was to close the building at 9:00 pm Monday through Friday instead of the 10:00 pm closing time that has been in place for decades. This change would mean that all programs would have to end at 8:30 instead of

9:30. The ANC immediately protested, and DPR agreed to defer the change until October 1.

The Chair noted that many Community Center activities — e.g., classes, game groups, and community meetings or lectures — are held in the evenings so that residents who work during the day can participate. Those activities will either have to be truncated or will have to start earlier, making it impossible for working residents to commute home, have even a quick dinner, and attend Community Center events. Cutting activities short will often diminish their value and reduce the number of people who would participate. Some evening programs may have to be ended entirely.

The ANC's meetings would be severely impacted. Our ANC is the only one in the District that holds two scheduled public meetings a month, and we do so because the Community Center closes at 10:00 pm, and we cannot go late, as most ANCs do. We begin at 7:00 so that even when we run over our planned two-hour agenda (as occasionally happens), we can still complete our work before the required 9:30 closure. If we have to end our meetings by 8:30, we will have to adjust our start time accordingly and begin at 6:00, which is completely impractical. If we start later, we will not be able to complete our very full agendas by 8:30. In short, the proposed shorter Community Center hours will make it impossible for the ANC to conduct its required work and to have full community participation.

Other activities will be similarly harmed. The Chevy Chase Citizens Association's monthly meetings begin at 7:30 so that they can attract maximum participation by working families. A long-standing scrabble group that attracts players from around the District will lose participants who no longer find the trip worthwhile for a shortened playing period. Popular bridge classes that run from 7:00 to 9:00 will have to start earlier and shorten the class period in order to get out of the building at 8:30. The Chair stated that none of these changes is acceptable for a building that is supposed to serve the community.

The Chair noted that although we are only beginning to get results from our community survey of views about the Community Center, of the respondents thus far, 89% consider weekday evening hours to be important or very important. When asked which time period during the day people were "most likely to participate in programs or activities at the" Community Center, the period from 6:00 to 9:00 pm was by far the most appealing time frame for every weekday. Commissioner Malitz further noted that the survey results demonstrate the importance that the community attaches to evening hours at the Community Center.

The Chair reiterated that Councilmembers Todd and Cheh wrote to DPR Director Keith Anderson expressing their "concerns" regarding the decision to cut hours. They wrote that "the earlier closure will adversely impact working families in particular. Residents

will be hard pressed to commute home, have dinner, and meaningfully participate in any Community Center activities that must end no later than 8:30 pm. These changes would disrupt the local Advisory Neighborhood Commission 3/4G, which meets at the CCCC on a bi-monthly basis, and whose meetings rarely end before 9:00. Classes and group meetings will either have to start earlier or truncate their programs in order to accommodate the reduced hours, either of which will likely reduce the number of participants.” They emphasized that “recreation is a critically important part of the quality of life of our residents, who deserve full access to the amenities that they support through their tax dollars.”

Stefan Fatsis spoke on behalf of the scrabble group that has been meeting at the Community Center for more than 30 years. He indicated that this group of ten to twenty participants includes players of all ages, including students. It meets weekly on Tuesday from 5:00 pm to 10:00 pm (though they are now asked to leave at 9:30). He said that players come from throughout the District and from Maryland, arriving at various times, and they normally play several games each evening. The group has been well recognized for decades. If the Community Center closes at 9:00 and activities must end at 8:30, it will not be practical for the scrabble group to continue at this location. It will have to move to another, less desirable space that can accommodate the necessary hours. Mr. Fatsis urged DPR to retain the evening hours that have served and continue to serve the community’s needs.

Jay Thal reported on his analysis of DPR’s schedule of programs for the Community Center during the evenings. He said that his compilation shows that the following programs would be affected by an earlier closure: (1) scrabble every Tuesday; (2) telescope making on Tuesday and Friday; (3) Drawing and Painting on Tuesday; (4) Bridge on Thursday; and (5) Fencing on Monday through Thursday. Anne Renshaw observed that there must be some other reason that DPR wished to close the Community Center earlier and asked whether it was a budgetary matter. She said that the earlier closure raised many questions that required answers from DPR. Janean Mann indicated that Northwest Neighbors Village and the Chevy Chase Citizens Association hold meetings at the Community, and those meetings would have to be cut short if the hours were reduced. Bob Wrin, a long-time resident in the community, noted that the community sets the agenda and the government agencies should follow its lead. He cited the example of the renovation of the Community Center several years ago when the community took a vote to determine how it would proceed. He suggested that DPR should consider the community’s will in this instance on whether to reduce hours.

The Chair indicated that the Commission needs to hear from DPR why it has decided — without any community input — to curtail its hours and to deprive the community of this important resource. The rationale that has been provided — the need to synchronize the hours of community centers across the District — is not persuasive. We can’t speak for

other community centers, but this community needs this center to be open in the evenings.

Although Themba Masimini, Deputy Director-Recreation Services, District Department of Parks and Recreation, had indicated to the Chair that he would attend this meeting as the responsible person from DPR, and he had not notified the Chair that he could not attend, he was not at the meeting and was, instead, represented by the Area Manager, Brian Williams, who said that Mr. Masimini had a conflict. Mr. Williams was not able to provide any additional information but only repeated that the cutback was to harmonize the hours at the Community Center with other facilities in the District.

The Chair indicated that Mr. Masimini's failure to attend the meeting as promised was insulting to the community and the Commission. The Chair said that the objections that have been raised to shorter hours are substantive and persuasive, and DPR has not answered the many questions raised about its actions. The Chair said that the Commission expected Director Anderson and Mr. Masimini to attend the Commission's next meeting on October 23. That meeting will begin at its usual time of 7:00 pm, and we will stay until we conclude our discussion, however long that takes. He emphasized that DPR managers must hear the community's concerns, and the ANC would not stand by as DPR takes actions that are not in the interests of the community. The Chair asked Mr. Williams to convey the Commission's displeasure to Mr. Masimini, and he asked Mr. Carnes and Mr. Castillo to tell Councilmembers Todd and Cheh about the ANC's concerns with DPR's conduct. [Subsequently, Director Anderson and Deputy Director Masimini apologized for not attending our meeting and promised to attend our October 23 meeting. Meantime, the proposed change in hours would be suspended indefinitely.]

Presentation by Joshua Rodriguez, Chief, Enforcement and Inspection Branch, Water Quality Division, Department of Energy and Environment, on preventing, identifying, and correcting discharges from the sanitary sewer system:

Commissioner Speck said that he met Mr. Rodriguez recently when he was checking on a reported smell in Broad Branch Stream. While examining what is now the beginning of Broad Branch Stream on Broad Branch Road, Mr. Rodriguez noted that the storm drain had a telltale grey color and distinctive smell that betrayed a sanitary sewage leak upstream. Mr. Rodriguez explained that this large storm drain runs under Nevada Avenue to the Maryland line, which, until the early 20th Century, was the stream bed for Broad Branch Stream. Mr. Rodriguez was a wealth of information about contaminants in our streams, and Commissioner Speck asked if he could speak with our community about preventing, identifying, and correcting discharges from the sanitary sewer system.

Mr. Rodriguez indicated that there are many buried streams in the District that have now been piped under streets in storm drains like the one under Nevada Avenue. This storm drain now collects the runoff from 250 impervious acres up to the Maryland border, and

the outfall from that drainage is to Broad Branch Stream. (Impervious structures include streets, sidewalks, alleys, etc.) Sanitary sewage sometimes gets into this storm drain creating the pollutants that we see and smell. If residents see or smell a pollutant in a stream or from the sanitary sewer line, they should report it immediately. Mr. Rodriguez advised against using the 311 reporting system for this purpose because timing is crucial to identify the source of the pollutant. Instead, if residents suspect a pollutant, they should contact his office (joshua.rodriquez@dc.gov, 202-535-2226). If there is an environmental emergency — i.e., if there is a danger to people or property — residents should call 911.

Reported pollution will trigger an inspection. They may call DC Water to conduct an inspection of storm sewers. Inspection tools include the use of dyes or smoke. They can also use DNA tests to detect pharmaceuticals or hair dye that would be indicative of an inflow from the sanitary sewer system to the storm sewer system. They may also use dogs that are trained to detect the smell of sewage or robotic cameras to locate the source of the inflow. The inspectors will then complete a report on the source of the pollutant and what steps are taken to remedy it.

Anne Renshaw asked Mr. Rodriguez to look into the runoff from Little Forest Park to 30th Street and to the ravine across Military Road where there has been a problem with runoff.

Mr. Rodriguez concluded by reminding residents that if they see or smell a pollutant, they should report it promptly.

Presentation by Robert Morris on his proposal for an extension of existing trails to link Rock Creek Park via Little Forest Park:

Mr. Morris was not present at the meeting.

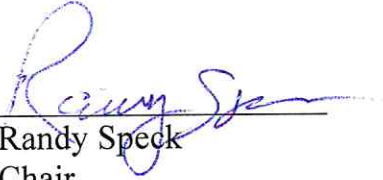
Commission Business:

1. Minutes: The minutes for the September 11, 2017 meeting were approved by a vote of 4 to 0.
2. Checks: No checks required approval.
3. Items for the October 23 meeting: Presentation by and discussion with Jeff Marootian, Acting DDOT Director, on transportation issues in the community; discussion with DPR Director Anderson and Deputy Director Masimini on DPR's proposed reduction in Community Center hours and possible vote on resolution; presentations on grant applications; presentation by Celeste Duffie, Department of Public Works, on leaf collection program, recyclables, and Zero Waste initiative; presentation by Alka Mysore of DC ReInvest on effort to have the District divest from its primary bank, Wells Fargo; discussion and possible vote on the Commission's FY 2018 budget; discussion

and possible vote on the Commission's quarterly report for the fourth quarter of FY 2017; 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.

The meeting adjourned at 9:20 pm.

Signed:


Randy Speck
Chair


Rebecca Maydak
Secretary