



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, July 9, 2018, Chevy Chase Community Center, 5601 Connecticut Ave, NW, Washington, DC 20015 (Video of this meeting is available at <https://www.youtube.com/channel/UCP9348js5HkCOgCc4Z7sYLw>.)

Present: Speck, Maydak, Malitz, and Clayman. A quorum was declared.

Attendance: Approximately 11 people attended the meeting.

Adoption of Agenda (video at 00:00): With respect to the discussion of possible legislation on a proposed Climate and Reinvestment Act, Commissioner Speck noted that Councilmember Cheh is expected to introduce legislation on July 10 to address clean energy issues. A short summary of the proposed bill suggests that it will take a different approach. Thus, rather than addressing this issue now, Commissioner Speck proposed to postpone this topic to a later meeting, after the Commission has been able to assess the imminent legislation. With that revision, the Commission adopted the agenda by a vote of 4 to 0.

Commissioner Announcements (00:03)

Commissioner Speck:

Public Space Committee Meeting — The Committee heard two applications from our ANC at its June 28 meeting: the Little Beast Bistro outdoor cafe application and the curb cut application at 3012 Military Road, NW. The Committee approved the Little Beast application with two conditions: the railing around the deck must be at least 50% open, and they must install “landscaping to the maximum extent possible,” as approved by the Planning and Sustainability Division (PSD). Aaron Gordon, the Little Beast Bistro owner, has indicated that they could comply with these conditions, and the new restaurant is now planning to open in August.

The Committee also approved the curb cut application at 3012 Military and allowed a driveway turnaround within public space, which our ANC had advocated, so that the resident could exit to

Military Road more safely. The Committee originally opposed the turnaround in public space but came around to the ANC's view after considering its safety concerns. The Committee did add two conditions: (1) that the applicant develop an approved landscaping plan to place plantings in public space but to avoid anything that would obstruct the view of a car exiting the driveway; and (2) that the flare on the curb cut conform to DDOT regulations.

Small Cell Wireless Service — After the Public Space Committee Hearing, Commissioner Speck reported that he spoke with the Committee Chair, Matthew Marcou, about the planned installation of small cell wireless service across the District. Commissioner Speck had written Mr. Marcou expressing the Commission's concerns that arose during a presentation by one of the small cell wireless contractors, Crown Castle, at the ANC's June 25 meeting. Mr. Marcou said that the Crown Castle representative was mistaken when she said that the small cell service would have to be installed on new poles. Mr. Marcou said that except for some areas downtown, the new service will be placed on existing utility poles. He said that he would speak with Crown Castle and correct their misinformation. In response to a question by Commissioner Malitz, Commissioner Speck said that he understood that the Crown Castle has a contract for the installations, but all of the details have not yet been finalized.

[After the meeting, Ian Maggard, from the Mayor's Office provided the following additional information: "The Federal Communication Commission has put a policy in place to allow small cell to be implemented. The Office of the Chief Technology Officer (OCTO) and the District Department of Transportation (DDOT), with support from the Office of the City Administrator (OCA), have provided a master license agreement (MLA) with the small cell providers to follow future guidelines. The Commission on Fine Arts, National Capital Planning Commission (NCPC), and the State Historic Preservation office (SHPO) are working with DDOT to establish design guidelines for what the small cells can look like and where they can be located. Once CFA, NCPC, and SHPO come to an agreement on the draft guidelines, they will be sent to ANCs for review. ANCs will have 30 business days to comment on the proposed guidelines. After the 30 business days the Public Space Committee will hold a hearing, where ANCs can provide comments and will rule on and/or make changes to the guidelines."]

ANC Elections — The period for gathering petitions to run for the ANC began on July 9, 2018, and anyone seeking to run must collect petitions with 25 signatures from registered voters within the single member district and return them to the Board of Elections no later than August 8, 2018. More information is available on the Board of Election's website, <https://www.dcboe.org/Candidates/Candidate-Guide-to-Ballot-Access>.

Beach Drive Rehabilitation — Phase 3 of the Beach Drive Rehabilitation — from Broad Branch Road to Joyce Road — has been completed and reopened on July 9, 2018. Phase 4 now begins, however, and Beach Drive from Joyce Road to the Maryland line will be closed for that work until the Fall of 2019. More information is available at <https://www.nps.gov/rocr/learn/management/beach-drive-rehabilitation.htm>.

Community Ice Cream Social — The Chevy Chase Citizens Association will hold its summer ice cream social on July 12, 2018, from 6:30 pm to 8:30 pm in the courtyard between the Community Center and the Library.

Commissioner Maydak:

Lafayette Recreation Center Meeting — The Department of Parks and Recreation will hold a meeting on modernization of the Lafayette Recreation Center on Wednesday, July 11, 2018, at 6:30 at the Community Center. This will be the first meeting with the designers on a conceptual design and will enable DPR to check in with the community to be sure that the conceptual design is on the right track. Other meetings will be held in the fall.

Lafayette Park Stormwater Runoff — At the ANC's request, the Department of Energy and the Environment conducted a study of chronic problems with stormwater runoff from the upper level of Lafayette Park to the lower level and the ball field. DOEE developed a plan to address this problem based on its experience at Takoma Park, which is smaller but has an upper and lower tier, like Lafayette. Councilmember Todd was then able to get money to cover the cost of this stormwater management plan.

Commissioner Malitz:

American City Diner — After 30 years, the American City Diner has closed. News reports have indicated that it will be developed by Steve Salis, the owner of Kramerbooks.

Community Announcements (00:11)

Ian Maggard, from the Mayor's Office of Community Relations, announced that the Mayor's office will hold a seniors telephone town hall on Wednesday, July 11 from 11:00 am to 11:30 am. To participate, call in to 1-855-756-7520 and use the access code 30984#. The topic will be neighborhood watch. The next scheduled telephone town hall will be on August 1, 2018, and the topic will be smart budgeting. Mr. Maggard also provided information about the Department of Housing and Community Development's Safe at Home program, which provides help in making home improvements so that seniors can age in place. Information is available at <https://dhcd.dc.gov/page/safe-home>.

Anthony Castillo, Councilmember Cheh's Deputy Director for Constituent Services, announced that the Councilmember will have a Chat with Cheh meeting on July 14, 2018, from 11:30 am to 1:00 pm at Baked by Yael, 3000 Connecticut Avenue, NW (across from the Zoo). Also, July 31 will be Ward 3 day at the Building Museum, and all Ward 3 residents will be admitted free. The exhibit this summer is the "Fun House," which features an "imaginative summer block party series of temporary structures" (<https://www.nbm.org/exhibition/fun-house/>). Ward 4 day will be August 14, 2018. Finally, the Council has initiated a DC Flag Commemoration Program. Anyone may purchase a flag that has flown over the District's city hall and statehouse. Flags can be requested from any Councilmembers' office. More information is available at <http://dccouncil.us/pages/commemorative-dc-flag-program1>.

In response to a question from Commissioner Speck, Mr. Castillo said that the Council's Committee on Transportation and the Environment will hold a hearing on Thursday, July 12, 2018, at 10:30 am in Room 120 at the Wilson Building on B22-662, the "DC Water Consumer

Protection Amendment Act of 2018” (<http://lims.dccouncil.us/Download/39558/B22-0662-Introduction.pdf>). This bill would give the Office of People’s Council the authority to represent residents when they have concerns about their DC Water bills. Anyone wishing to testify should contact Ms. Aukima Benjamin at (202) 724-8062 or at abenjamin@dccouncil.us. Mr. Castillo said that this bill does not address the question of DC Water’s Clean Rivers Impervious Area Charge (CRIAC), which Councilmember Cheh continues to address through other measures.

Discussion and possible vote on public space permit application for circular driveway at 6820 Oregon Avenue, NW, DDOT Tracking Number 276309 (00:19)

Commissioner Clayman said that the applicant proposed to create a circular drive on Oregon Avenue. He has tried to contact the applicant by phone and email, but has received no response. The Public Space reviewers have raised a number of objections to this proposal since it would take away substantial public space, and the Public Space Committee is normally opposed to circular driveways. The Commission on Fine Arts has also reviewed the application since this house faces Rock Creek Park, and it opposes the application as well.

Commissioner Clayman said that he cannot support the application for the same reasons as raised by the other reviewers. The applicant should find a less intrusive alternative to a circular drive in public space — e.g., perhaps a turnaround on private property. Commissioner Speck noted that the application no longer appeared on the Transportation Online Permitting System (TOPS), indicating that it may have been withdrawn. Commissioner Clayman said that, in any case, the Commission should be on record opposing this application.

Commissioner Clayman moved that the Commission advise the Public Space Committee that it opposes the application. The Commission approved the application by a vote of 4 to 0. Commissioner Clayman or Commissioner Speck may represent the Commission on this matter before the Public Space Committee.

Discussion and possible vote on testimony regarding the proposed “Omnibus Assisted Living Residence Improvement and Quality Long Term Care Act” (Bill 22-689) (<http://lims.dccouncil.us/Download/39683/B22-0689-Introduction.pdf>) (00:24)

Commissioner Speck summarized the background for this issue, which the Commission discussed at its June 25, 2018 meeting. The Council’s Committee on Health held a hearing on June 22nd to consider the “Omnibus Assisted Living Residence Improvement and Quality of Long Term Care Act.” At that hearing, a number of assisted living residents, their relatives, and assisted living residence administrators testified in opposition to the bill as drafted. They noted a number of flaws in the bill that would diminish residents’ independence and freedom of choice will significantly increasing the costs of assisted living facilities without providing any substantial benefits. Developers of proposed affordable assisted living residences in Wards 7 and 8 testified that even continued consideration of this bill will jeopardize financing for these sorely needed facilities.

Witnesses also testified that the Department of Health had inexcusably delayed issuing regulations covering assisted living residences’ operations. Recently, however, DOH has worked

with all of the affected stakeholders to draft “emergency” regulations that will soon be formally issued. Witnesses at the hearing testified that the draft regulations do not have the flaws identified in the proposed bill.

Councilmember Gray, Chair of the Committee on Health, said that the Committee would continue to accept testimony from interested parties through the summer and would not take the bill up for further consideration until October. He encouraged others to submit written testimony to assist the Council in deciding how it should proceed.

ANC 3/4G is in a particularly good position to advise the Council on issues affecting assisted living residences. According to the Department of Health, of the twelve licensed facilities in the District, five — Knollwood, Ingleside, Forest Side Memory Care, Sunrise, and Chevy Chase House — are located in our ANC. More than half of the assisted living residents in licensed District facilities reside in our ANC. If the Council were to enact this bill, it would have a substantial impact on our constituents. For that reason, the Commission has drafted testimony to submit to the Council to assist it in evaluating the issues the bill seeks to address.

The draft testimony has been posted on the ANC’s website, on the Chevy Chase Community listserv, and on Next Door. The draft testimony identifies several important flaws in the proposed bill: (1) it requires a 24-hour-a-day registered nurse on-site, which would be more rigorous than nursing care and would convert assisted living from a social model with medical support to an “institution”; (2) it denies assisted living care to those with moderate dementia and those in need of hospice care; (3) it prohibits sending any resident to the emergency room unless she or he has a life-threatening, emergency condition; (4) it bans any commercial entities at the facility, thus depriving residents of the care of a contract physical or massage therapist or to important amenities, such as an on-site cosmetologist; (5) it denies residents’ right to choose the facility’s medical director as their attending physician; (6) it requires that anyone with dementia who may be “at risk for elopement” must be obviously and publicly identified with a badge, creating a stigma and inviting potential discrimination; and (7) it would let each resident use his or her pharmacy for medications that would need to be dispensed by the facility’s staff, creating potential confusion and safety concerns.

Most importantly, the proposed bill jeopardizes financing for affordable assisted living facilities. Two “shovel-ready,” sorely needed projects in Wards 7 and 8 will not be built so long as the Council considers this bill because it converts these residences into “institutions,” thus precluding use of low-income housing credits and making financing impossible. It is important for the Council to withdraw this bill promptly and remove the cloud that prevents these essential projects from proceeding.

The testimony urges the Council to focus instead on requiring the Department of Health to promptly issue the draft regulations that have been the product of a collaborative process that included all stakeholders. DOH should have issued operating regulations years ago, but the Council’s best course is not to try to craft comprehensive legislation on its own but to insist that DOH adopt regulations based on expert input. This will be the quickest way to address the concerns that have been raised.

Commissioner Clayman noted that our ANC has the second highest median age of all 40 ANCs across the District. Thus, it is not only the current residents of assisted living facilities in our neighborhood who will be affected but all of those who may need to use those facilities in the future. Commissioner Malitz indicated that the Commissioners had had an opportunity to review the draft testimony, and their comments had been incorporated so that it reflects the views of the Commission.

Commissioners Speck moved that the Commission approve the testimony, and the motion was adopted by a vote of 4 to 0.

Discussion and possible vote on the creation of a parking task force (00:37)

Commissioner Malitz noted that although the Commission had discussed a proposal by Allen Seeber to address parking concerns at its June 25th meeting, similar concerns had been raised before, particularly with regard to enforcement of residential parking restrictions, the permitting process, and the use of residential parking by out-of-state cars (with or without required permits). Commercial businesses along Connecticut Avenue have also expressed concerns about the availability of parking for their patrons. Commissioner Malitz said that Commissioner Bradfield, whose single member district includes the west side of Connecticut Avenue, is equally interested in this issue.

As a first step in examining parking questions, Commissioner Malitz reported that he had surveyed the available parking in the area and identified 14 parking lots, which contain 377 spaces, 22 of which are designated for the handicapped. There are also 85 metered spaces on the streets along and either side of Connecticut Avenue.

Referencing the first paragraph of the resolution, Commissioner Malitz said that “Parking issues have a significant impact on our residential neighborhoods and business districts. They directly affect quality of life throughout our district. A resolution of these issues will help facilitate a more vibrant neighborhood which is vital to the success of family, personal, commercial and community life. Parking issues also have a noticeable impact on traffic, and pedestrian and bicycle safety. By examining parking issues and providing recommendations for how they need to be addressed we have an opportunity to help shape the future of our ANC.” The resolution provides that the parking task force will be chaired by two commissioners and will include residents and business representatives. Meetings will be publicized and open to everyone.

In response to resident comments, Commissioner Malitz agreed that there will be many issues for the task force to address. For instance, the parking restrictions for on-street parking throughout the ANC are inconsistent and are not conducive to use by restaurant or movie patrons since they limit parking to one or two hours. One resident noted that available parking — including handicapped parking — is particularly important for seniors. With respect to the parking lots, Commissioner Malitz noted that many of the lots are governed by zoning restrictions and special exceptions approved by the Board of Zoning Adjustments with various conditions. Some of those special exceptions have also lapsed, meaning that the owners will have to come before the ANC for approvals. Some parking lots are privately owned and not subject to BZA special exceptions but may limit parking based on the owners’ restrictions. One resident

indicated that these lots may be restricted based on insurance considerations. The task force will get a handle on all of these restrictions and seek to find ways to maximize available public parking. Commissioner Malitz emphasized that “everything will be on the table” for the task force’s discussion and consideration. There will be no easy solutions.

Commissioner Maydak asked how anyone can become a member of the task force. Commissioner Malitz said that the process would be developed and would be widely publicized.


Commissioner Malitz moved that the Commission adopt the resolution establishing the parking task force, and the Commission approved it by a vote of 4 to 0.

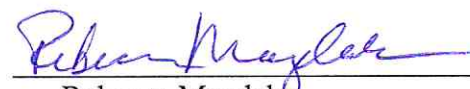
Commission Business (00:53)

1. The Commission voted 4 to 0 to approve the minutes for its June 25, 2018 meeting.
2. Commissioner Speck moved that the Commission approve the following checks: \$317.59 US Treasury (Federal Withholding), \$43.38 DOES (unemployment tax). The checks were approved by a vote of 4 to 0.
3. Items for July 23, 2018 meeting may include: Presentation by the Urban Forestry Division on removal of an unsafe tree on private property; presentation by DC Health Office of Health Equity (OHE) on its inaugural “Health Equity Report 2018”; discussion and possible vote on a resolution addressing the proposed “Clean Energy DC Omnibus Amendment Act of 2018”; discussion and possible vote on the ANC’s Quarterly Report for the third quarter of FY 2018

The meeting adjourned at 8:00 pm. (00:56)

Signed.


Randy Speck
Chair


Rebecca Maydak
Secretary