



**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, September 24, 2018, Chevy Chase Community Center, 5601 Connecticut Ave, NW, Washington, DC 20015 (Video of this meeting is available at <https://www.youtube.com/watch?v=UeKeGk11WKk&t=1048s>.)

Present: Speck, Fromboluti, Maydak (arrived late), Clayman, Malitz, Tuck-Garfield, and Bradfield. A quorum was declared.

Attendance: Approximately 40 people attended the meeting.

Adoption of Agenda (video at 00:00): The Commission adopted the agenda by a vote of 6 to 0.

Commissioner Announcements (00:04)

Commissioner Speck:

Candidates Forum — The ANC and the Chevy Chase Citizens Association will sponsor a forum for candidates running for two At-Large Council seats. The forum will be held at the Community Center on October 16, 2018, between 7:00 pm and 9:00 pm. All of the candidates on the ballot are expected to be there. (The list of candidates is available at [https://dcboe.org/getattachment/Candidates/2018-Elections-\(2\)/List-of-Candidates-in-the-November-6-2018-Election-9-14-2018-\(1\).pdf.aspx?lang=en-US](https://dcboe.org/getattachment/Candidates/2018-Elections-(2)/List-of-Candidates-in-the-November-6-2018-Election-9-14-2018-(1).pdf.aspx?lang=en-US).) From 6:30 pm until 7:00 pm there will also be a meet-and-greet for all of the candidates running for the ANC. (The list of ANC 3/4G candidates is available at <https://dcboe.org/2018ANCCandidates>, page 5.)

Chevy Chase Community Center Modernization — The ANC held a special meeting on September 17, 2018, to begin the detailed planning process for modernizing the

Community Center. Representatives from the Department of Parks and Recreation (DPR), the Department of General Services, and the Library attended and participated in this meeting. The Commission created a working group headed by Commissioners Clayman and Malitz to work with the community to find alternative locations for the current programs at the Community Center during the construction period, expected to begin in 2020. Commissioner Fromboluti will work with DPR during the process for selecting a design contractor. Importantly, DPR said that the request for proposals from design contractors will include the ANC's January 2018 report and recommendations as an indication of what the scope of work will be. The Commission will hold another meeting on Monday, October 15, 2018 (at the Community Center beginning at 7:00 pm), focusing particularly on how to accommodate existing programs during construction. Other meetings will be held to discuss the design of the new facilities. Everyone is invited to attend and make their contribution to this community-driven effort.

DC Water Stakeholder Alliance — Councilmember Todd asked Commissioner Speck to be the Ward 4 representative on DC Water's newly formed Stakeholder Alliance. This is a group of about 20 community members who will advise DC Water on a wide range of safety, infrastructure improvement, and ratemaking issues — particularly the Clean Rivers Impervious Area Charge (CRIAC). The first meeting was held on September 20, 2018, and subsequent meetings are scheduled about once a month. The new General Manager and CEO, David Gadis, created this group to provide a forum for customers to raise major issues directly with DC Water's management.

Grant Period Open — At the Commission's July 23rd meeting, we adopted the following schedule for considering grants for FY 2019: (a) submission of applications by October 9, 2018; (b) presentation of applications at the Commission's meeting on October 22, 2018; and (c) vote by the Commission on applications at its November 26, 2018 meeting. The Commission's guidelines for grants and the application form are on its website, <http://www.anc3g.org/about/community-grants/>.

Commissioner Clayman:

Need for Traffic Control Officer at Pinehurst Circle — Commissioner Clayman reported that traffic has increased in Hawthorne as a result of the Beach Drive and Oregon Avenue road closures. Many commuters use Wise Road and Chestnut Street as a cut-through, creating a traffic back up, particularly on Western Avenue at Pinehurst Circle. Commissioner Clayman proposed that the Commission ask DDOT to put a traffic control officer at Pinehurst Circle to smooth the traffic flow, making it safer and easing commuting traffic. This is an urgent issue that cannot wait until the Commission's October 22nd meeting. Commissioner Speck indicated that he had asked DDOT to address the increased traffic caused by the Beach Drive and Oregon Avenue closures, but nothing had been done. He agreed that a letter from the Commission with a specific proposal would be helpful. The Commission voted 6 to 0 to approve a letter to Director

Marootian asking DDOT to place a traffic control officer at Pinehurst Circle to alleviate this temporary problem.

Commissioner Tuck-Garfield:

Oregon Avenue Watershed Green Streets Project — Commissioner Tuck-Garfield reported that DDOT met with residents on September 18, 2018, to address questions and concerns about the planned installation of 29 bioretention cells in the Barnaby Woods, Hawthorne, and Knollwood neighborhoods. Commissioner Tuck-Garfield said that she had received many calls since that meeting with further questions about the timing of the project and the lack of notice to the community. She said that she and the other Commissioners would continue to work with the community to get answers regarding the placement of the cells and the impacts on parking. In this regard, DDOT will attend the Commission's October 22, 2018 meeting to address the Commission's and the community's concerns. She asked that anyone with concerns email (tuckgarfield@gmail.com) or call (202-251-3323) her.

Community Announcements (00:14)

Rich Harrington, Ward 3 liaison from the Mayor's Office of Community Relations and Services, introduced himself and said that he was available for anyone who wished to talk with him.

Anthony Castillo, Councilmember Cheh's Deputy Director for Constituent Services, announced that Councilmember Cheh will hold a roundtable on Thursday, September 27, 2018, on the District's Vision Zero efforts. (Vision Zero is a program to reduce traffic fatalities — pedestrians, cyclists, and motorists — to zero by 2024.) Councilmember Cheh, Chair of the Transportation and the Environment Committee, and Councilmember Allen, Chair of the Judiciary Committee, will jointly hold this fact-finding hearing to examine why progress toward the Vision Zero goal has "not been great" and, in fact, has shown some degradation. The roundtable will begin at 1:30 pm in Room 500 at the Wilson Building, 1350 Pennsylvania Avenue.

Mr. Castillo also announced the Murch Fall Festival (4810 36th Street, NW) on October 13 from 12:00 pm to 4:00 pm and the Key Elementary Harvest Festival (5001 Dana Place, NW), also from 12:00 pm to 4:00 pm on October 21, 2018. Councilmember Cheh will attend both events.

Jackson Carnes, Councilmember Todd's Director of Constituent Services, announced that with the beginning of the legislative season, Councilmember Todd is focused on getting the Office of Night Life formed and operational. Also on Wednesday, September 26, 2018, at 11:00 am, the Councilmember will participate in the ribbon cutting for the transitional housing at 5th and Kennedy (<https://dhs.dc.gov/release/ribbon-cutting-new->

short-term-family-housing-program-ward-4-coming-september-26). The Councilmember will give a State of Ward 4 Seniors address on Thursday, October 25, 2018, from 10:00 am to 2:00 pm at the Riggs-LaSalle Recreation Center (501 Riggs Road, NE). Information and resources will be available from senior-serving vendors, and there will be a complementary breakfast and lunch where seniors can learn about available District programs. Councilmember Todd is also planning a meeting on the Oregon Avenue Reconstruction project for October 24, 2018 — two days after the ANC’s meeting on that topic — at a time and location to be determined.

Dora Correa, a candidate for Ward 3 State Board of Education, introduced herself.

Presentation by DDOT Transportation Engineer Derek Voight and possible vote on DDOT’s findings and recommendations for safety improvements to the intersection at Military Road and Chevy Chase Parkway (00:22)

Commissioner Malitz said that he and Commissioner Speck met with a number of neighbors and DDOT in February 2018, to raise safety concerns about the Military Road and Chevy Chase Parkway intersection. DDOT agreed to do a safety study and to make recommendations for improvements. Commissioner Malitz introduced Derek Voight, in DDOT’s Transportation Operations and Safety Division, to explain DDOT’s study.

Mr. Voight explained that there are stop signs on Chevy Chase Parkway at this intersection, but not on Military Road. DDOT’s traffic count found that the volume of traffic on Military Road was ten or eleven times the volume on Chevy Chase Parkway. They collected speed data on Chevy Chase Parkway approaching the intersection and found that the speed at the 85 percentile was just below the 25 mph speed limit. This data was not considered significant in their analysis.

DDOT collected crash data based on reports to MPD and found 15 reported crashes since January 2015. Of most concern were the angle collisions — 13 of the 15 total. Eleven of the crashes were on the southbound approach on Chevy Chase Parkway. They concluded from this information that the greatest concern was with southbound traffic on Chevy Chase Parkway and westbound traffic on Military Road.

They also identified sight constraints because of the grade of the approaches on Military Road and obstructions by utility poles, parked cars, and landscaping. Mr. Voight said that it would be hard to get better views, however, because parking on Military Road is scarce and people won’t want to reduce its availability.

DDOT’s recommendations are (1) to add signage approaching the intersection to make it more visible, (2) to remove one parking space on the southeast corner of Military Road, and (3) to make Chevy Chase Parkway one-way northbound between Legation and Military Road, eliminating the southbound approach to Military Road. There would be

accompanying signage to alert drivers to the one-way traffic on Chevy Chase Parkway. DDOT also studied the impact on Legation of making Chevy Chase Parkway one-way and projected the amount of increased traffic turning on Legation. Based on the ratios of turns from Chevy Chase Parkway on to Military Road, DDOT estimates that an additional 511 cars will turn eastbound on Legation each day and 90 additional cars will turn westbound. During rush hours, this is expected to be about an additional car a minute going east from Chevy Chase Parkway to Legation. Mr. Voight indicated that over time, drivers will likely find other routes, and the impact on Legation will lessen.

Commissioner Malitz raised a number of questions. First, he noted that parked cars on Military Road are only 15 feet from the pedestrian crosswalk, when the minimum distance should be 25 feet. He said that more would be gained by removing one or two parking spaces to improve sight lines. Second, he suggested several ways to improve the signage. Third, he asked whether safety mirrors could be installed to improve the ability of drivers on Chevy Chase Parkway to see oncoming traffic on Military Road. Fourth, he said that because of the backup from the light at Connecticut Avenue, traffic often blocks the entire intersection. This might be addressed with “Don’t Block the Box” signs. Fifth, Commissioner Malitz noted that there are no sidewalks on Chevy Chase Parkway, which exacerbates the problem. Finally, he said that Chevy Chase Parkway is often used by District Fire and EMS vehicles. He spoke with Chief Graham and asked about the impact of making Chevy Chase Parkway one-way for the block between Military Road and Legation. The Chief said that it would definitely affect their operations and would require retraining. Commissioner Malitz asked whether DDOT would consider the use of Chevy Chase Parkway by Fire and EMS in making a final recommendation.

Mr. Voight said that DDOT would look at removing parking spaces. He is aware, however, that some residents don’t want to lose parking spaces. DDOT does not support safety mirrors because of concerns about maintenance. He said that they would look into adding “Don’t Block the Box” signs. With respect to sidewalks, he would have to pass that on to the sidewalk group at DDOT for their consideration. Finally, he said that they would talk with first responders before implementing a recommendation to make Chevy Chase Parkway one-way for one block.

Commissioner Fromboluti said that the signal at Military Road and Connecticut Avenue needs to be examined because the green light for Connecticut Avenue seems too long. As a result, the traffic on the west side of Connecticut Avenue often backs up all the way to Reno Road. Commissioner Bradfield agreed with Commissioner Fromboluti and said the problem is getting worse. He asked Mr. Voight how long this process would take to implement changes. Mr. Voight said that they would have to issue a Notice of Intent to install new signage, and the NOI would remain open for comment for 30 business days (about 45 calendar days), after which they could install the signage.

Commissioner Tuck-Garfield asked why DDOT did not consider a traffic signal at this intersection. Mr. Voight said that they had considered and rejected three other possible actions: (1) a 4-way stop, which was rejected because Military Road is a Principal Arterial with much greater traffic volume than Chevy Chase Parkway; (2) restrict the turn on Chevy Chase Parkway to right turn only with barriers to prevent through traffic, which would intrude too much into Military Road to be feasible; and (3) a traffic signal, which was rejected because the volumes on Chevy Chase Parkway are too low and a signal may make it a more attractive cut-through route, creating additional traffic. He said that it could be considered by the traffic signal group, but he does not believe it meets the necessary criteria.

Commissioner Speck asked whether any speed data was collected on Military Road (as it was on Chevy Chase Parkway). Mr. Voight said that it was not and was not considered significant, though the data may be available. Commissioner Speck said that this seemed to be an important omission since cars may be speeding, particularly eastbound. Commissioner Speck also asked for a further explanation for rejecting a 4-way stop at the intersection, which could completely solve the problem. He noted that traffic signals at Military Road and Nevada Avenue should slow the traffic through the intersection, especially when traffic backs up during rush hours. He noted as well that there is already a stop sign on Military Road west of Connecticut Avenue. Mr. Voight said that DDOT is concerned that because of the significantly lighter traffic on Chevy Chase Parkway, drivers on Military Road may ignore a stop sign on Military Road, and a pattern of abuse would become an enforcement problem.

Peter Gosselin, a resident at the northwest corner of this intersection, thanked DDOT for addressing this problem. He said that he's worried about traffic on Military Road turning abruptly on to Chevy Chase Parkway to avoid the backup at Connecticut Avenue. He asked how the turn onto Chevy Chase Parkway northbound would be constricted to slow down turning traffic. Mr. Voight said that the posts would be the entire length of the turning radius. He said that in the final design, the posts could be wider to push the turnout from Military Road and slow that traffic. He said that the design would also ensure adequate notice of the turn on Military Road. Mr. Gosselin also said that there are many unreported accidents beyond the 15 in DDOT's crash data base. He said the problem is not limited to southbound traffic on Chevy Chase Parkway but affects northbound traffic too. Commissioner Malitz reiterated that the hazards in the intersection are exacerbated by pedestrians who must walk in the street. Increasing the turning radius for cars turning from Military Road will make it even more difficult for pedestrians.

Mimi Tygier, a resident near the intersection, asked what would be done with the intersection of Legation and Connecticut Avenue, which will need a signal to control the traffic that will be diverted on to Legation if Chevy Chase Parkway is one-way. Cars attempting to turn left on Connecticut will not be able to do so in rush hour traffic. She also cited the lack of enforcement of the "No Left Turn" signs exiting and entering the

alley behind 5333 Connecticut from Military Road. She said that these violations create further congestion on Military Road.

Another resident said that she agreed with the recommendation to make Chevy Chase Parkway one-way between Military Road and Legation, but she asked whether, instead of poles denoting the turn from Military Road, it could be a raised sidewalk, which would make it safer for pedestrians. Mr. Voight said that DDOT traditionally does not support sidewalks in the street right of way, but he would check whether that was possible.

One resident said that DDOT's framing of the problem as a motorists' issue is misguided; it is an issue for pedestrians walking in the neighborhood. He said the traffic on Legation has already gone up drastically. He suggested that DDOT look at pedestrian safety rather than concentrating on car crashes.

Robbie Rubin said that the problem at this intersection has been aggravated by the residents at 5333 Connecticut who abuse residential parking permits and who disregard traffic regulations for use of the alley behind 5333 Connecticut. Commissioner Speck noted that there are a number of problems related to 5333 Connecticut and the ANC's MOU with its management, and these questions will be the subject of a later ANC meeting.

Another resident supported sidewalks and parking restrictions but noted that enforcement is a problem. He suggested that DDOT should remove two parking spaces on Military Road. Another resident supported the 4-way stop option. Finally, a resident said he did not advocate a 4-way stop but proposed further pedestrian protections. He suggested a flashing light imbedded in the pavement that could be pedestrian activated. Mr. Voight said that DDOT does not support such features in the pavement because of maintenance issues caused by freezing and warming in the winter. He said that they did do pedestrian counts at the intersection, but found very low rates.

In response to Commissioner Speck's questions, Mr. Voight said that the only action that DDOT would take immediately would be issuing an NOI for improved signage, which will be subject to comments or objections by the community and the ANC. They would consider the questions and suggestions at the meeting and return to the ANC with further recommendations and public meetings. The Commission thanked DDOT for its work in this study.

Discussion and possible vote on an application for a special exception to the rear yard setback in order to construct an addition at 3400 McKinley Street, NW (BZA Case No. 19858) (1:19)

Commissioner Malitz introduced Krista Schafer, the applicant's architect, to explain this request for a special exception. Ms. Schafer gave the Commissioners all of the

application materials including drawings of the proposed addition, the description of the special exception that would be required, photos of the site, and statements of no objection from nearby residents. The Commission expressed its appreciation for this well-organized, thorough package.

The proposed addition would be on the back of the existing house where there is currently a deck. It would have space for a fitness room in the basement, a family room on the first floor, and a children's play room on the third floor. The application seeks relief from the rear yard setback, which is currently 29 feet and would be reduced to 14 feet — 11 feet less than the 25-foot minimum required by the zoning code. The lot occupancy will be 33.2%, which is below the 40% maximum and within code.

One of the nearby neighbors did not object so long as the air conditioning unit was moved from the side of the house to the center of the back of the house. The owner agreed to that change. The owner confirmed that no nearby neighbor objected to the proposed addition, and five urged its approval.

Commissioner Malitz moved that the Commission support the application for an exception. The motion was approved by a vote of 7 to 0. Commissioner Malitz is authorized to represent the Commission at the BZA.

Discussion and possible vote on liquor license application (ABRA-110576) for a new restaurant at the site of the old American City Diner (1:28)

Commissioner Bradfield summarized that the new owners of the Diner have been before the Commission at its meetings on August 8, 2018, and September 10, 2018, and have discussed their plans for the new restaurant. The Commission has also indicated that it would apply essentially the same standards to the Diner that had been applied to other restaurants on Connecticut Avenue so that no one will have a competitive advantage. Nevertheless, the Commission has attempted to accommodate new businesses.

Commissioner Bradfield then described the key points in the proposed settlement agreement with the Diner owners. First, the hours of operation shall be no greater than: 7:00 am to 1:00 am Monday through Thursday, 7:00 am to 2:00 am Friday and Saturday, and 7:00 am to 12:00 am Sunday. Second, the hours of outdoor operation shall be no greater than: 7:00 am to 11:00 pm Monday through Thursday, 7:00 am to 11:30 pm Friday and Saturday, and 7:00 am to 11:00 pm Sunday. Third, after discussion among the Commissioners and the applicant, the agreed hours of alcoholic beverage sales, service, and consumption will be no greater than: 8:00 am to 1:00 am Monday through Thursday; 8:00 am to 2:00 am Friday and Saturday; and 8:00 am to 12:00 am Sunday. This would provide the same beginning time for alcoholic beverage service every day, including on holidays. Fourth, with respect to trash, the Commission applauds the applicant for agreeing to store trash in an enclosed indoor room that will be inaccessible to rodents or

other pests. Scheduled trash pick-ups will be at least three times per week, but if all trash is not contained in an enclosed indoor room, scheduled trash pick-ups will be seven days per week. Glass bottles will not be disposed between the hours of 12:00 am and 7:00 am except in the enclosed indoor room. Finally, although the Commission had hoped to reduce the occupancy level, when comparing it with other restaurants and reviewing the proposed drawing and ADA requirements, the requested occupancy was not unreasonable. Thus, the settlement agreement specifies an occupancy no greater than 111 indoors and 54 outdoors.

Commissioner Bradfield moved that the Commission support the application so long as the Board includes the provisions of the settlement agreement between the ANC and the applicant as conditions on the license. The Commission approved the motion by a vote of 7 to 0.

Presentation by Cecilia Lane, a DOEE Environmental Protection Specialist, on planned culvert repairs under Broad Branch Road (1:40)

Commissioner Speck said that the culvert under Broad Branch Road across from the Ivory Coast Embassy at 5111 Broad Branch Road has been a long-standing problem whenever there is a heavy rain. The small culvert gets clogged with debris and water overflows across Broad Branch. The Department of Energy and the Environment has been working for some time to address this problem. He introduced Cecilia Lane to describe DOEE's plans to improve the drainage below Broad Branch Road.

Ms. Lane said that the Broad Branch Stream tributary currently runs through a 36-inch pipe under the Road into a large box culvert that then runs into Broad Branch Stream. This culvert is not sufficient to carry the flow during a 10-year rain event. There was once, however, an eight-foot arched culvert under the Road that remains but is now bricked up. This arched culvert apparently no longer extends all the way to the box culvert but does go to the other side of Broad Branch Road. It will need to be extended to the box culvert and will then be able to handle the expected flow from the tributary. DOEE has contracted with an engineering firm to do the analysis and to make recommendations for the design of the new culvert. In response to a question from Commissioner Tuck-Garfield, Ms. Lane said that the culvert is essentially just a passage through a pipe.

Ms. Lane said that the flooding is not a result of the stream restoration project but they are nevertheless trying to fix it. They had a project kickoff meeting on September 21, 2018, and are beginning the work. They expect a detailed report from the contractor on November 1, 2018, a public meeting after 65% of the design is complete on December 1, 2018, and a final public meeting when the design is 100% complete in February, 2019. They currently don't have a projection for a construction schedule. Ms. Lane said that she doesn't think that the construction will require complete closure of Broad Branch Road.

The Commission thanked Ms. Lane for addressing this problem and will look forward to the public meetings on the proposed design.

Discussion and possible vote on potential comments on draft small cell design guidelines (<https://ddot.dc.gov/smallcell>) (1:48)

Commissioner Speck reported at the Commission’s September 10, 2018 meeting on DDOT’s September 6, 2018 forum for ANC commissioners to explain its draft small cell design guidelines. These draft guidelines (https://ddot.dc.gov/sites/default/files/dc/sites/ddot/page_content/attachments/FINAL%20DRAFT%20SMALL%20CELL%20DESIGN%20GUIDELINES%2008232018.pdf) will govern the installation of small cell wireless equipment on streetlight and utility poles throughout the District. Small cells are intended to boost cellular service from the existing wireless carriers like Verizon and AT&T and will enable those carriers to implement 5G technology. The draft design guidelines describe the standards that the Public Space Committee will apply for these installations. Public comments may be submitted on the draft guidelines until October 5, 2018, and the Public Space Committee will hold a meeting on October 15, 2018, to consider the draft guidelines and make any changes.

Commissioner Speck indicated that these installations may not have a significant impact on our neighborhood, at least as currently planned. The number of small cells projected for Chevy Chase is quite small compared with the rest of the District. Some of the vendors (e.g., Crown Castle, which made a presentation at our June 25th meeting) show no installations in our area. See Crown Castle’s presentation (https://ddot.dc.gov/sites/default/files/dc/sites/ddot/page_content/attachments/Crown%20Castle%20-%20DC%20Small%20Cell%20Presentation%209.6.2018_0.pdf), the Deployment Map at page 7. Others (e.g., Mobilitie) show very few installations. See Mobilitie’s presentation (https://ddot.dc.gov/sites/default/files/dc/sites/ddot/page_content/attachments/Mobilitie%20-%20DC%20Small%20Cell%20Presentation%209.6.2018_0.pdf), Potential Coverage Target Areas at page 7. At least initially, the installations across the District will apparently be concentrated in areas with the greatest volume of cell traffic, not typically in residential areas with single family homes.

Commissioner Speck said that a large part of the draft guidelines focus on the “Monumental Core and Historic District,” where the aesthetics of the installations are particularly important. Most of the guidelines also address installations on streetlight poles owned by the District — not third-party utility poles. Map 2 in the guidelines (page 11) shows that most of the District-owned streetlight poles in our ANC are along Military Road, with only a few other wood poles scattered in the neighborhood, though Commissioner Fromboluti said that the streetlight poles along Connecticut Avenue must

also belong to the District. Most of the streetlights in our community, however, are located on utility poles — not on poles owned by the District. The ANCs in historic districts will be better able to comment about the specific designs that will apply to their neighborhoods.

Commissioner Speck reported that the most relevant portion of the draft guidelines for this ANC is probably Section 9 (pages 15-16), Guidelines regarding Existing Utility Poles. The guidelines appear to require a separate application for installations on these poles that will presumably be evaluated on a case-by-case basis, since utility poles come in many shapes and sizes. The guidelines make clear that small cells “do not allow the installation of new 3rd party poles.” See also Section 8.2.9 (“In areas where DDOT does not have streetlight poles and instead attaches its streetlights to existing 3rd party poles, no new standalone poles will be allowed.”) and Section 7.3 (“These guidelines do not allow the installation of new DDOT streetlights.”) Commissioner Speck said that he has asked DDOT to clarify this understanding of the guidelines.

Third, the guidelines establish rules for such things as the protection of street trees in Section 8.4 (page 15) and the minimum spacing between installations on a blockface so that there will not be a proliferation of small cells in one location (Chart 2).

Some listserv posts have raised concerns about the health risks of 5G technology, which includes these small cell installations. This has been a hotly debated topic at the federal level, before Congress and the Federal Communications Commission. There does not appear to be any definitive scientific study that proves one way or the other whether small cell installations may have an adverse health impact.

On September 26, 2018, the FCC is expected to adopt regulations that will facilitate 5G technology by severely limiting the objections that states and cities can raise to small cell installations and establishing a “shot clock” with strict timetables for local approval of small cell applications. DDOT’s draft guidelines are intended to comply with these regulations. Nevertheless, the ANC can object to the entire effort to install 5G technology without adequate health studies, recognizing that the federal government has exerted its authority to decide this issue and has ruled that states and cities may not prohibit small cell installations.

Commissioner Malitz said that the maps accompanying vendor presentations are not reliable as an indication about where they will locate small cell installations. In addition, there is nothing to prevent vendors from adding more installations at a later time. He said that the health issues with 5G technology are substantial. The FCC’s safety guidelines are outdated, and the effects of this technology have never been studied. The vendors and the FCC simply want to promote expansion. The small cell installations are likely to be only a stop-gap measure before another level of technology. Commissioner Malitz said that some states and localities want to challenge the regulations permitting 5G installations in

court. Older people and children are particularly vulnerable, as are pets and nature. Studies indicate some damage after exposure, but the evidence is not definitive.

Commissioner Malitz proposed that the Commission not support the District's guidelines without reliable health studies. Commissioner Fromboluti said that the 5G signals are weaker and, therefore, have to be closer to users. He is also concerned that with four companies that do not share facilities, there will be a proliferation of large box-shaped installations and clutter on poles. (Commissioner Speck noted that the draft guidelines do include provisions limiting the proximity of the installations so that there can only be a specified number on a block.) Commissioner Fromboluti said that the actions by the FCC strip people of their rights and give the companies the regulations they want. He said that the Commission should object to the regulations.

Anthony Castillo from Councilmember Cheh's office said that the Councilmember was planning a roundtable in November on the small cell installations. He said that there is no bill that would be the subject of the roundtable, but it was to gather more information. He will provide the date for the roundtable when it's available. A resident noted that California had successfully opposed installation of smart electric meters on health grounds.

Commissioner Speck proposed a resolution addressed to the Mayor, the Council, and the Attorney General urging them to oppose the imposition of small cells and 5G technology on the District without scientifically reliable studies demonstrating that they do not pose a health risk. The resolution would also be sent to the Public Space Committee as a comment on the draft small cell guidelines. Commissioner Tuck-Garfield suggested that the objection should also include a requirement for studies showing no adverse impact on the environment or nature. With that friendly amendment, the Commission approved the resolution by a vote of 7 to 0.

Commission Business (1:59)

1. The Commission voted 7 to 0 to approve the minutes for its September 10, 2018 meeting and the minutes of the special September 17, 2018 meeting on modernization of the Chevy Chase Community Center.
2. Commissioner Tuck-Garfield moved that the Commission approve a check for \$139.47 to Verizon, which was carried by a vote of 7 to 0.
3. Items for October 22, 2018 meeting may include: presentations on grant applications; discussion of and possible vote on BZA application for a special exception at 3802 Jocelyn Street, NW to connect existing house and garage; presentation by DDOT on planned Oregon Avenue Watershed Green Streets Program; presentation by DDOT on the Oregon Avenue Reconstruction Project;

presentation by the Department of Public Works on its plans for leaf collection; discussion and possible vote on requesting DDOT to do a study on the impact of eliminating reversible lanes on Connecticut Avenue, including the timing of lights at Nebraska Avenue and Military Road.

The meeting adjourned at 9:15 pm (2:00).

Signed:

Randy Speck
Chair

Rebecca Maydak
Secretary