



**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, June 25, 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, Clayman, and Bradfield A quorum was declared.

Attendance: Approximately 21 people attended the meeting.

Adoption of Agenda (video at 00:00): The agenda was adopted by a vote of 5 to 0.

Commissioner Announcements (03:00)

Commissioner Speck:

Community Center Planning — The District Council approved the FY 2019 budget bill on May 29, 2018, which includes \$19 million for modernization of the Chevy Chase Community Center. The budget allocates \$3.5 million in FY 2019, \$4.5 million in FY 2020, and \$11 million in FY 2021, suggesting that actual construction would not begin until 2020. The budget has not yet been transmitted from the Council to the Mayor for her signature. It won't be final until the Mayor signs it and the Congress does not act on it for 30 legislative days (i.e., days when at least the House or Senate are in session). (The Local Budget Autonomy Amendment Act of 2012 amended the Home Rule Act to allow the District to budget its local funds without the need for active Congressional approval, but the legality of these amendments has not been tested in court.) Once the bill becomes law, the Department of General Services (DGS0 and the Department of Parks and Recreation (DPR) will start the process for planning and designing a fully modernized Community Center.

That process should be guided by the ANC's January 22, 2018 report and recommendations, which reflect extensive community input. (The report is available on the ANC's website at <http://www.anc3g.org/wp-content/uploads/2014/12/CCCC-Report-and-Recommendations-CF-1->

22-18-FinalAll.pdf.) One of those key recommendations was that “DPR and DGS must continue to work closely with the ANC, the community, and nearby neighbors (1) to assure suitable transition space for key programs and (2) to develop more detailed plans for the Community Center to ensure that the final interior and exterior design meets current and future community needs.” As it has in the past, the ANC will endeavor to involve all segments of the community in the planning process to address both of these issues and will push DPR and DGS to conduct all of its planning for the Community Center based on residents’ needs and expectations.

On June 16, members of the Current Events Discussion Group in the Senior Programs at the Community Center wrote the ANC urging it to send a letter to DPR and DGS posing several questions about transition space during construction and about the modernization plans. Transition planning is particularly important for vital Community Center programs, including fencing, dance, and seniors activities. This topic will require extensive investigation to identify nearby suitable alternative venues.

As we did in successfully pushing the Mayor and the Council to provide funding for the Community Center, we intend to hold a series of special, task force-type meetings to address each of these issues and all of the questions about the ramifications of the construction. Those meetings will include DPR and DGS, and we expect to hold the first meetings well before any funds becomes available in October, probably in September. The Commission will publicize the schedule for the meetings substantially in advance to ensure maximum participation.

It’s important to keep in mind that no firm decisions have been made about any aspect of the Community Center modernization — even the \$19 million budget may need to change to meet the community’s needs. We have jumped the first hurdle in getting a reasonable budget approved to begin the process. The real challenges remain, and the Commission will work closely with residents to create a modern Community Center that truly serves all segments of the community.

In response to a question from Jay Thal, Commissioner Speck indicated that he had tried to get other Ward 3 ANCs involved in the Community Center planning process because the Chevy Chase Center serves more than just ANC 3/4G. So far, they have not shown any interest in participating, but he would continue to seek input from all affected stakeholders, regardless of where they live.

Conference on the Electric Grid of the Future — The DC Public Service Commission (PSC) has contracted with [Smart Electric Power Alliance](#) to facilitate a Technical Conference as part of its Modernizing the Energy Delivery System for Increased Sustainability ([MEDSIS](#)) Initiative. This meeting will be held on June 27, 2018, from 9:30 am to 4:30 pm at the PSC’s hearing room, 1325 G Street, NW, Suite 800. The conference agenda and other information about live streaming the conference is available at <https://go.sepapower.org/register-medsis-technical-conference/>.

Petitions to be an ANC Candidate in the November general election — Anyone interested in serving the community as an ANC commissioner may pick up petitions at the Board of Elections, 1015 Half Street, SE, Suite 750, beginning on July 9, 2018. To be on the November 6 ballot, candidates must (1) be a registered voter, (2) have lived in their single member district for

at least 60 days, and (3) submit the petition signatures of at least 25 registered voters in their SMD. Petitions must be returned 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>.

This 30-day petition period for ANC candidates is shorter than for any other elected position in the District and makes it more difficult for ANC candidates since many registered voters are away during this summer month. Our ANC led a request from 45 commissioners representing all eight wards to have the Board of Elections conform the petition period to that of all other elected offices — i.e., from June 15 to August 8. The Board denied that request because it said there had not been sufficient notice to all potential candidates. They agreed with the need to extend the petition period, however, and may do so for elections in 2020.

Sustainable DC — The Department of Energy & Environment has released the [Sustainable DC 2.0 outline](#) and is soliciting feedback. The goal of Sustainable DC is to “make the District the healthiest, greenest, and most livable city in the US.” DDOE seeks feedback on whether the outline reflect your priorities, whether it reflects the opinions of your neighbors, and whether anything is missing. You may read and comment directly on the draft Outline document [online](#) or by email to sustainable.future@dc.gov or by calling [\(202\) 536-2600](tel:(202)536-2600). The public comment period closes July 15, 2018.

Commissioner Maydak:

Lafayette Recreation Center — The Department of Parks and Recreation had announced a meeting on modernization of the Lafayette Recreation Center for June 27, but that meeting will be postponed because DPR did not provide two-weeks notice. DPR will soon announce the new date, either July 11 or 12, 2018. This will not be the only meeting, however, and others will be scheduled for the fall. This meeting is for DPR to check in with the community to be sure that it is on the right track.

Commissioner Bradfield:

Road Repairs — DDOT has completed most of the resurfacing of Reno Road north of Military Road. Only some walkways remain. DDOT is also considering steps to slow traffic in this portion of Reno Road but will come to the affected ANCs with a proposal before it is implemented. Morrison Street resurfacing and sidewalk repairs have also been mostly completed, though residents still have some concerns.

Traffic Light at Reno and Livingston — Residents have raised questions about the timing of the traffic light at Reno and Livingston, which they believe gives too much preference to Reno Road while causing long waits on Livingston. DDOT has been satisfied with the timing. Commissioner Bradfield suggested that the Commission may need to make a formal request to DDOT to conduct further studies.

Chevy Chase Circle — The fountain is now working, and the leaks that caused flooding on the south side of the Circle have been repaired. With respect to traffic in the Circle, the five affected

jurisdictions have met to consider changes to traffic patterns. Engineering studies have been completed, and proposals are being reviewed. A pilot program is planned for two weeks in October to examine two alternatives. This pilot program will be presented to the ANC in September.

Fees for Tree Removal — A senior on fixed income in Commissioner Bradfield’s single member district seeks to remove a tree that is considered unsafe. The Urban Forestry Division has not provided a waiver, however, for the fee to remove a tree on private property, and the fee in this instance is \$9000, not including the additional substantial cost to remove the tree. Commissioner Bradfield raised this as a problem with the system that does not allow a waiver under these circumstances. It may be necessary for the ANC to ask Urban Forestry or DDOT’s safety team for an analysis and explanation.

Commissioner Malitz:

Intersection of Military Road and Chevy Chase Parkway — The Commission asked DDOT in February 2018, to look at this hazardous intersection. DDOT reported that it has completed the initial steps of its examination, including line-of-sight studies. It has a “funding gap,” however, that has prevented completion of the study. It expects to have results in another month. Jay Thal said that there was once a convex mirror at that intersection to improve visibility, but it was removed. He also cited other possible approaches, including placing a police officer there and installing a flashing light. Commissioner Malitz said that all those options were discussed with DDOT and would be included in its analysis.

Community Announcements (26:00)

Russell Rowe, from the Mayor’s Office of Community Relations, announced the opening of the new Cleveland Park Library and the Petworth Meditation Garden (<https://mayor.dc.gov/release/mayor-bowser-cuts-ribbon-petworth-meditation-garden>). The Mayor kicked off the Marion Barry Summer Youth Employment Program (<https://webapps.does.dc.gov/OYP/OYPHome.html>), which provides jobs for youths up to age 24. The Mayor also announced the selection of nine projects that will produce or preserve housing for seniors and residents experiencing homelessness. The Department of Public Works will hold its annual “Truck Touch” on Saturday, June 30, 2018, from 8:00 am to 1:00 pm at RFK Stadium, Lot 7 (2400 East Capitol Street, SE). About 40 vehicles will be available for kids to learn about the trucks DPW uses. Finally, the Palisades July 4 Parade at 11:00 am will be followed by the ribbon cutting for the new Palisades Recreation Center.

Anthony Castillo, Councilmember Cheh’s Deputy Director for Constituent Services, announced a hearing by the Council’s Committee on Transportation and the Environment on June 29, 2018, on school modernization. The hearing will be held at the Wilson Building, Room 412, beginning at 11:00 am. To testify, contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us.

Robert Gordon, Vice President of the Chevy Chase Citizens Association, announced that the CCCA will hold its summer ice cream social on Thursday, July 12, 2018, from 6:30 pm to 8:30 pm in the courtyard between the Community Center and the Library.

Discussion and possible vote on additional details (e.g., the location of the trash bins in the alley and the design for the platform that will make the cafe level) in the application by the Gordon Restaurant Group for a public space permit for a new sidewalk cafe (un-enclosed) at 5600 Connecticut Avenue on both the Connecticut Avenue and McKinley Street sidewalks (DDOT Tracking No. 10598084) (33:00)

Commissioner Bradfield indicated that the ANC considered the plans for the Little Beast Bistro outdoor cafe at its last meeting and, after the applicant made a number of modifications, advised the Public Space Committee that it did not object to the plans. On May 24, 2018, the Public Space Committee tabled the application, however, so that the applicant could provide some additional details on the design.

Aaron Gordon, an owner of the planned restaurant, provided copies of the new plans that have been filed with the Public Space Committee to address questions that the Committee raised. First, they have indicated where the trash bins will be located — on private property adjacent to the rear alley. Trash and recycling will be picked up daily. Second, the drawings show the deck that will be constructed for the outdoor cafe on the McKinley Street side. The deck is necessary to compensate for the sidewalk slope of about one inch per foot. Any slope greater than one-half inch per foot requires a deck. The proposed deck will be 18 inches above the sidewalk at its highest point. Finally, the designs also include sketches of the “shade sails” — stretched fabric canopies — that will be used instead of umbrellas. Mr. Gordon also indicated that the existing ADA ramp will be used for access to the deck.

In response to questions from Commissioner Speck, Mr. Gordon said that the railing around the deck will be no higher than 36 inches above the sidewalk, as required by public space regulations. He also confirmed that after the Public Space Committee raised questions about the nature of the electrical connections for outside lights, they decided to eliminate those lights from the design. The only outside lighting may be from “Christmas lights,” like those that are sometimes used at other outdoor cafes.

Jay Thal asked about the ADA accommodations, and Mr. Gordon clarified that ADA accessibility will be through the ramp to the front entrance, which also provides access to the outdoor deck. Deanne Rubin said that, based on her experience with Robert Gordon on the CCCA, she was sure that he would ensure compliance with all ADA rules.

Commissioner Bradfield moved that the Commission advise the Public Space Committee that it has no objection to the newly revised plans for the outdoor cafe. The Commission adopted that motion by a vote of 5 to 0.

Presentation by Allen Seeber and discussion on ways to address long-term parking shortage in the neighborhood (49:00)

Commissioner Bradfield expressed his strong concern about parking on the three blocks to either side of the Connecticut Avenue business district. As density increases, parking problems will increase. Mr. Seeber has asked to make a presentation to start the discussion.

Mr. Seeber read the following statement: “The manifest vitality of our community draws both businesses and prospective homeowners into Chevy Chase. Yet constant discussion of parking problems here may imply we’ve got too much of a good thing. We must treat any such parking crisis as an opportunity for improvement of our community.

Tonight [Monday, June 25] we meet with our Advisory Neighborhood Commission on the Chevy Chase “High Street” – Connecticut Avenue between Livingston Street and the Circle – amid a dozen restaurants, various retail stores, banks, offices, supermarket, movie theater, library – all sorts of amenities – along this strip.

At every proposed enhancement of our community assets, as we examine tonight, we address the inconvenience imposed upon residents nearest the commercial strip, primarily loss of residential parking spaces to commercial patronage. With each such discussion we draw nearer to a “tipping point” where some cost would supersede any benefit any entrepreneur might propose to our ANC for public permits or recommendation for new business. This is a form of community sclerosis.

Clearly, we should *not* follow Cleveland Park’s failure to tend to its High Street – south on Connecticut Avenue from Porter to Macomb Streets. Even with a Metro stop at its center, a fractious community watches one new business after another shutter, due largely to parking problems, without intervening. Nor do I recommend the result: political power joined with development resources to install Cathedral Commons on Cleveland Park’s Wisconsin Avenue border over community objection, further dooming its Connecticut Avenue businesses. It is therefore a mixed blessing that Giant built a modern supermarket at Cathedral Commons, not on Connecticut Avenue.

Anchor stores solve parking issues for adjacent stores. Giant has another store at Wisconsin Circle; Whole Foods built at Friendship Heights; high-end Safeways are elsewhere in DC or Bethesda, but not Chevy Chase. Approximately ten thousand of the most affluent households in these United States live in Chevy Chase, DC or MD. A majority of them drive right past our Safeway to reach competing stores.

What I envision at our Safeway is the latest supermarket design, with all its divisions and kiosks. I see it spread above a spacious parking garage that would allow paid parking for all patrons of our High Street in addition to Safeway customers. I see the parking gates lifted from 9PM to midnight to encourage patronage at our restaurants, and on weekends to buttress business along our commercial strip, as is the habit in Bethesda. I see residents’ cars more easily parked in front of their homes.

Tim McNamara, Safeway’s senior eastern region real estate manager, told me last week Safeway “would welcome the opportunity to build and operate a new/larger store at this location” but that theirs is a leasehold until 2033 with various limitations. But that statement isn’t dispositive

because the community could sit down with Safeway to negotiate an agreement that would be attractive to both parties.

We can't implement such resolution to parking problems in Chevy Chase on our own. We can be creative. We can build consensus. We can marshal resources abundant in our community. We can advocate. The act of searching for solutions helps make them apparent to the prepared mind."

Commissioner Speck noted that the current Safeway parking lot was the subject of a BZA special exception that includes several conditions but that, unlike special exceptions for other neighborhood parking lots, has no expiration term. Mr. Seeber agreed that zoning conditions would have to be renegotiated to expand the Safeway store and parking garage as he suggests, but he believes all of that is feasible. Commissioner Speck also suggested that other sites might also be considered to expand options for parking — e.g., the Wells Fargo Bank site north of the Community Center and the existing parking garage under 5333 Connecticut, which is almost certainly not being used to its capacity. Mr. Seeber agreed that these should be considered as well. Commissioner Speck suggested that perhaps the Commission should create a task force to consider how to address the neighborhood's parking needs.

Commissioner Malitz said that parking concerns should be addressed holistically. Other ways of addressing these problems might include changing the hours for restricted parking. He noted that the reciprocity arrangement for out-of-state drivers is not being adequately implemented or enforced since some cars with out-of-state licenses have permits that are not designated with an "R" to designate them as reciprocity permits.

Commissioner Clayman asked Mr. Seeber whether his proposal was sparked by any specific incident. Mr. Seeber said that the concern has arisen over decades. He lives on 39th Street near Military Road and has seen increasing congestion as the businesses in the neighborhood have grown. He is concerned that it could reach a point that it will affect the vibrancy of the neighborhood. He believes that the incentives can be aligned to increase parking at spaces like Safeway that will benefit everyone.

Peter Gosselin asked whether the District has any government-operated public parking, as exists at many locations in Montgomery County. No one was aware of any such public parking in the District. Mr. Seeber said what he envisions is something like the parking garage at Cathedral Commons, which is an asset and benefit to all of the businesses in that area.

The Commission thanked Mr. Seeber for raising this issue and said that it would decide how it would address parking issues at a future meeting.

Discussion 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>) (1:05:00)

Commissioner Speck reported that 50 witnesses testified at the June 22, 2018 hearing of the Council's Committee on Health on the "Omnibus Assisted Living Residence Improvement and

Quality of Long Term Care Act” (B22-0689). (The video of the hearing is available at http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4581 at about 0:29 through about 4:30.) Many of the stories told by assisted living residents or their relatives were inspirational and uplifting. The care provided at most of our facilities is compassionate, thoughtful, and tailored to the residents’ needs. There are some exceptions, and the bill before the Council was primarily based on the experience of some residents and their children at one assisted living residence owned by Sibley Hospital. As one witness noted, however, “regulation should be based on research, not antidotes.”

The 76-page Bill would amend the Assisted Living Residence Regulatory Act of 2000 and set new standards for assisted-living residences in the District. The Department of Health had been charged under the 2000 Act with issuing regulations, but in the 18 years since, it had not done so. The bill was apparently an attempt to compensate for the lack of regulations by enacting legislation. DOH has recently completed a collaborative process, however, to draft detailed regulations that have been widely circulated and, according to several witnesses, will be formally issued soon.

All 13 Councilmembers co-sponsored the Bill, but it was clear from the opening remarks at the hearing that at least some of them have second thoughts after reviewing it more closely. Councilmembers Cheh and Todd made strong opening statements *against* the bill in its present form. They identified a number of the flaws and said that they will not support the bill as it stands. Councilmember Cheh said that the bill will do a disservice to seniors in assisted living. While they agree with the intent of the bill to improve assisted living residences in the District, they believe the current draft is not a viable approach.

This Bill is particularly important for our ANC because it contains five assisted living facilities and their residents who will be significantly impacted — Ingleside, Knollwood, Sunrise, Forest Side, and Chevy Chase House. Witnesses from Ingleside, Knollwood, Sunrise, and Forest Side testified at the hearing.

Many witnesses identified unacceptable provisions in the proposed bill. These seemed to be the most significant:

- (1) The Bill’s excludes anyone from assisted living with “moderate to severe dementia,” thereby stigmatizing those with dementia, a common condition among assisted living residents. There are no accepted standards for gradations of dementia. Many people with dementia can thrive in an assisted living setting but would rapidly deteriorate in a memory care nursing facility.
- (2) The Bill’s mandated staffing requirements are untenable. Most significantly, the Bill requires a 24-hour a day nurse on site, rather than on call, which is the industry norm. The Bill would also dictate the same staffing levels around the clock, even though staffing may only be needed at peak periods. These compulsory staffing levels will increase the costs for residents without a commensurate benefit.

- (3) The proposed bill would dramatically increase costs by converting assisted living facilities to nursing homes. Nursing care is roughly twice as expensive as assisted living. The bill would effectively eliminate affordable assisted living in the District.
- (4) The proposed Bill attempts to dictate in cookie-cutter fashion how every assisted living facility will operate. By its nature, assisted living is adapted to individual needs, and that flexibility is inherent in the model that provides the least care necessary to address the resident's situation. The Bill would deprive residents of choice.

Perhaps the most telling testimony came from developers who have “shovel-ready” projects for affordable assisted-living residences in Wards 7 and 8, where there is currently an “assisted living desert.” They testified that they will lose financing for these sorely needed facilities if the Council continues to consider this Bill, much less if it passes. The most questionable provision in the proposed Bill is the requirement for an RN on site 24-hours a day. Under federal definitions for purposes of accessing low-income tax credits, that would transform the planned facilities from “housing” to “institutions,” making them ineligible for the tax credits and dooming the planned projects. That point hit home with Councilmember Gray, particularly in light of statistics provided by a representative from Capital Hill Village (a counterpart to our Northwest Neighbors Village) that the District has far fewer assisted living units per person over 65 than Maryland or Virginia. He said that the District needs all the new assisted living residences that we can get, particularly for low-income residents. This Bill would do exactly the opposite.

By the end of the day, Councilmember Gray acknowledged that the proposed bill, though motivated by good intentions, is badly flawed as written and would not serve seniors in the District well. Gray was clearly frustrated by the Department of Health's 18-year delay in issuing implementing regulations under the 2000 Assisted Living Act. He did believe that introduction of the bill had been a “catalyst” to stimulate discussion and had perhaps been the impetus that got DOH to the brink of issuing the regulations.

Recognizing that the proposed Bill has many shortcomings, Committee Chair Gray said that he would keep the record for this hearing open “through the summer” to get comments from all stakeholders. The Committee will not take up the bill until October 2018.

With all of this in mind, Commissioner Speck suggested that the Commission plan to prepare testimony for review at a meeting in July when it can consider the proposed Bill and the alternatives in the proposed DOH regulations more thoroughly.

Commissioner Malitz asked how licensed assisted living residences were counted in the District since there seemed to be a disagreement about how many there are. Pat Jones, a resident at Knollwood, president of the Knollwood Resident's Association, and a retired assisted living regulator and professional, said that there are twelve licensed assisted living residences in the District, nine of which are located in Northwest DC. She said that the original legislation passed in 2000 was not implemented until the period from 2005 to 2007. Although the Department of Health was responsible for implementing regulations, it only issued regulations on licensing — not on operations.

Ms. Jones said that there is a need for operating regulations, but the proposed Bill does not answer that need in a way that would permit assisted living residences to survive while providing the least restrictive care to meet residents' requirements. A registered nurse is not necessary since most tasks can and should be performed by a licensed practical nurse.

Ms. Jones said that the proposed Bill is a reaction to incidents at one facility. It caught the rest of the assisted living community by surprise. It is clear that the Bill was not drafted by health care professionals and does not reflect best practices. She identified seven of the most egregious flaws in the Bill.

- (1) The 24-hour-a-day RN on site is not realistic or enforceable. Such a requirement would be more rigorous than nursing care and would convert assisted living from a social model with medical support to an unacceptable medical model with social support.
- (2) The Bill would deny assisted living care to those with moderate dementia and those in need of hospice care, since it prohibits both.
- (3) The proposed Bill would preclude the facility from sending anyone to the emergency room unless the resident has a life-threatening, emergency condition. Thus, someone with a broken hip, for example, would have to stay in the assisted living facility until her or his family arranged for transport to the hospital.
- (4) The proposed Bill prohibits any commercial entities at the facility, thus depriving residents of the care of a contract physical therapist or of the amenity of an on-site beautician.
- (5) Under the proposed Bill a residents cannot use the facility's medical director as their attending physician even though she or he may be the most knowledgeable and appropriate.
- (6) The proposed Bill requires anyone with dementia to be obviously and publicly identified with at badge, creating a stigma and encouraging discrimination.
- (7) The proposed Bill would let each resident use his or her pharmacy for medications that would be dispensed by the facility's staff. This would make is more difficult to ensure correct medications since the pills would come from a variety of sources, increasing the possibility of mistakes. Residents should only be able to use their own pharmacy for medications that they can dispense themselves.

Ms. Jones said that we should not be complacent between now and October but must be continually vigilant to make sure that these proposals do not become law. She noted that Arizona has five levels of licensing for assisted living residences, and a facility can have one to all five licenses, depending on the level of care provided.

Jay Thal asked about "naturally occurring retirement communities" that provide concierge services to seniors. He suggested that although some similar services may be provided by non-

profit organizations like Northwest Neighbors Village, the city of New York provides these services as a governmental function. Such arrangements are not covered by the proposed Bill, which related only to assisted-living residences. Another resident, Lenny Shambon, was “appalled” that the Department of Health had not issued regulations in 18 years. He suggested that any legislation should include a deadline for issuing regulations.

Commissioner Speck said that the Commission would consider possible testimony at a meeting in July and would continue to monitor developments.

Presentation by Justin McCarthy on the prospective Climate and Community Reinvestment Act, which is expected to be introduced at the Council and would apply a carbon fee for the use of fossil fuels with an accompanying rebate to consumers (1:33:00)

Mr. McCarthy represents “Put a Price on It,” a coalition of 90 groups that has worked for two years to put a price on carbon emissions. Strong incentives to reduce carbon are necessary, he said, because the District is lagging behind by 40% on meeting its goals for renewable energy. The Renewable Portfolio Standards (RPS) are an important tool, but corporations need to pay for carbon pollution to provide clear financial incentives to switch to renewables.

The coalition’s proposal is for an initial \$20 per ton fee on carbon emissions, increasing \$10 per year to a maximum of \$150 per ton by 2035. Under this proposal, an energy company like Pepco would pay fees on the carbon that it produces, creating incentives to move to clean energy. The fee would also apply to gasoline, but would only take effect if Maryland and Virginia also adopt similar legislation. The proposal would apply lower registration fees for fuel efficient cars.

Fees at this proposed level would be expected to collect \$140 million in the first year, increasing to \$596 million by 2035. The proposal would rebate 75% of the fees progressively to District residents. Middle income residents would probably receive rebates that fully offset the increases in fuel costs. Another 20% of the fees collected would go to green investments, and 5% would go to relief for small businesses.

The process of developing legislation has been an interactive process involving Pepco, Washington Gas, and the Public Service Commission. A working group has met every Friday to work on the bill, and there is broad stakeholder buy-in to a compromise. The compromise provides for a fee of \$5 per ton with increases of \$5 per year. It includes a more robust RPS that would achieve 100% renewables by 2038. Rebates will still be progressive, but some customers would see a net increase in energy costs. Mr. McCarthy seeks the ANC’s support for the original coalition proposal as a way to keep pressure for a substantial payment for carbon emissions.

Commissioner Clayman asked how the fees collected are passed on to customers. Mr. McCarthy said that rebates will be made monthly to any resident who uses electricity or natural gas. Similar programs have been passed in a dozen cities (e.g., Vancouver), and they have seen a 25% reduction in carbon use. Lower income residents will be protected from any increased costs. Resolutions have been passed by ANCs 3A and 3C.

The Commission said that it will consider a resolution at a subsequent meeting.

Presentation by Carly Didden, Crown Castle, on the District’s program to install “small cell” wireless service on existing right-of-way infrastructure like street signs, telephone poles, or streetlights to improve the quality of wireless service throughout the District by expanding coverage and increasing network capacity (1:50:00)

Ms. Didden is government relations manager for Crown Castle, which has a contract with the District to install small cell wireless service. The small cell acts as a booster for wireless service provided by the major carriers (Verizon, AT&T, Sprint, etc.). It is intended to provide better wireless service at home and improved connectivity everywhere. The small cell increases capacity at the street level to provide different types of access. The wireless carriers pay the costs and concentrate on areas where they need additional coverage. Crown Castle also pays a fee to the District for use of the District’s infrastructure.

Commissioner Clayman noted that there is particularly poor wireless service in Hawthorne. Ms. Didden said that the small cell does not enhance service to 5G but merely boosts whatever service is provided by the carrier to supplement its capacity.

Justin McCarthy asked whether there were environmental concerns since the FCC has provided regulatory relief for small cell wireless. Ms. Didden said that the District does not provide those exceptions for wireless, and they would comply with all District environmental regulations. Commissioner Maydak asked whether there were any medical concerns associated with small cell wireless, and Ms. Didden said that the radiation emitted immediately below the small cell device would be less than from a cell phone held to one’s ear. Isabelle Thabault asked whether there was any security risk posed by the small cell wireless, and Ms. Didden said there was no greater risk than currently exists.

In response to Commissioner Maydak’s questions about the size of the installation, Ms. Didden said that the original proposal had been to install the small cells on existing electricity and light poles in the right-of-way. DDOT has now said, however, that contractors like Crown Castle will have to install new poles with the small cell equipment in the pole and in a box on the ground. When asked how many poles will be needed, Ms. Didden said that her company was planning to install about 700 poles, only about ten of which would be in our neighborhood. Commissioner Malitz asked how many total new poles would be installed in the District by all of the contractors, and Ms. Didden said it would be “thousands” if they proceed as DDOT has proposed. She said, however, that it is “not a done deal.” Matthew Marcou, Chair of the Public Space Committee, represents DDOT in setting the parameters for installing small cell wireless.

Commissioners expressed serious concerns about installation of new poles without reducing the number of existing poles. The Commission indicated that, in light of this presentation, it would revisit this topic at another meeting to decide what, if any, action to take.

Commission Business (2:03:00):

1. The Commission voted 5 to 0 to approve the minutes for its May 14, 2018 meeting.

2. Commissioner Speck moved that the Commission approve the following checks: \$141.34 (Verizon, May), \$140.54 (Verizon, June), which were approved by a vote of 5 to 0.
3. Items for July 9, 2018 meeting may include: Discussion and possible vote on testimony regarding the proposed “Omnibus Assisted Living Residence Improvement and Quality Long Term Care Act” (Bill B22-0689); discussion and possible vote on the creation of a parking task force; discussion and possible vote on a resolution supporting the proposed Climate and Community Reinvestment Act; discussion and possible vote on a resolution on the proposed installation of small cell wireless on new right-of-way infrastructure rather than existing infrastructure; presentation by the Urban Forestry Division on removal of an unsafe tree on private property

The meeting adjourned at 9:05 pm. (2:05:00)

Signed,

Randy Speck
Chair

Rebecca Maydak
Secretary