



**Government of the District of Columbia**  
**ADVISORY NEIGHBORHOOD COMMISSION 3/4G**

CHEVY CHASE, BARNABY WOODS, HAWTHORNE

**COMMISSIONERS**

3/4 G-01 - Abraham Clayman, Secretary  
3/4 G-02 - Chanda Tuck-Garfield, Treasurer  
3/4 G-03 - Randy Speck, Chair  
3/4 G-04 - Rebecca Maydak  
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, February 25, 2019, Chevy Chase Community Center, 5601 Connecticut Ave, NW, Washington, DC 20015 (Video of this meeting is available at [https://youtu.be/8by\\_KfzS0P0](https://youtu.be/8by_KfzS0P0).)

**Summary:**

- Congresswoman Eleanor Holmes Norton discussed issues before Congress affecting the District, including DC statehood, gun control, and home rule, and answered questions from commissioners and the community.
- Peter Lynch, Josh Birch, and Noah Wills reported on efforts by the Ward 3 Democrats, Neighbors United for DC Statehood, and Students for DC Statehood to promote DC Statehood.
- Laura Phinizy described the efforts of the Mayor's Streetlighting Advisory Panel to give feedback to DDOT on a city-wide plan to replace street lights with LED lights.
- Commissioners discussed WMATA's proposed restoration plans for the bus turnout at 5720 Connecticut Ave, NW, and voted 6 to 0 to approve comments urging WMATA to rehabilitate the facility and include flexibility in the design that can accommodate other uses for the property.
- The Commission voted 5 to 0 (with Commissioner Bradfield abstaining) to urge the Public Space Committee to study the effects of 5G wireless technology further before implementing small cell wireless technology in the District.

- The Commission voted 6 to 0 to approve performance oversight hearing testimonies for DC Water and the Department of Consumer and Regulatory Affairs.
- The Commission approved its minutes for the February 11, 2019 meeting by a vote of 6 to 0.

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

**Attendance:** Approximately 75 people attended the meeting.

**Adoption of Agenda (video at 0:01:00):** The Commission adopted the agenda by a vote of 6 to 0. (The order of the agenda items was adjusted to permit Congresswoman Norton to speak when she arrived.)

**Discussion with Congresswoman Eleanor Holmes Norton on issues before Congress affecting the District (0:03:15)**

Congresswoman Norton said that regardless of any partisanship, the District is better off now that Democrats hold the majority in the House. Every term, Republicans introduce bills that would strike down the District’s gun laws or other laws that the District enacted. Congresswoman Norton said that she had been able to block those bills, but now that the Democrats control the House, such bills will have no chance to reach the floor for a vote. She said that the Democrats have also restored the vote for the District’s representative in the Committee of the Whole, and Congresswoman Norton is able to chair subcommittees.

The Congresswoman reported that the DC Statehood bill (HR 51) has 197 co-sponsors in the House and at least 30 senators who support it. She expects the House to pass a statehood bill. Enactment is still some time away, however, because of opposition from Republicans in the Senate, but this is part of a long process to get statehood for the District. Even without statehood, there are steps that need to be taken to give the District full home rule. “We’re still not in charge of everything.” She cited the lack of local prosecution of crimes committed by adults. Commissioner Speck asked whether it detracted from full home rule when the U.S. Attorney announced that her office will prosecute gun offenses in Federal District Court instead of DC Superior Court. The Congresswoman said that this was done by the U.S. Attorney to address the increase in gun-inflicted homicides, and the Mayor went along with it. Federal prosecutions are more likely to result in longer sentences. She said that another area where the District does not have full home rule is the inability of the Mayor to call out the National Guard, an ability that all state governors have. She said that Representative Cummings has said that he will hold committee hearings on DC statehood.

The Congresswoman said that one way she brings benefits to the District is as Chair of the Subcommittee on Highways and Transit, which has jurisdiction over Metro. She is also on the Subcommittee on Economic Development, which provided development funds for the Wharf. Phil Thomas from DPR asked what would be done about the U.S. government property at RFK Stadium. The Congresswoman said that there has been controversy about how to deal with it because of the name of the Washington football team. They are now trying to get the land transferred to the District with no restrictions on how it may be used.

The Congresswoman said that the tax bill last year, despite its significant flaws, did include provisions that help low income communities in Wards 5, 7, and 8. A lands bill now before the House would permit private investments in some national parks, e.g., Franklin Square downtown. Another objective this session is to remove the restrictions on the District's use of its own funds for abortions. The District is the only jurisdiction with these restrictions. Commissioner Malitz asked whether the District should take advantage of the Democrats' control of the House to pass legislation that they have not been able to get past a Republican House. The Congresswoman said that she didn't think the District had held back on passing any legislation, regardless of the opposition it might face in the House.

Commissioner Speck asked whether the bills before the Congress to prevent future shutdowns of the federal government were likely to be passed. The Congresswoman said that there were several bills being considered, but objections have been raised to bills that would continue funding at current levels when Congress has not passed a new appropriation. There is concern that Republicans may oppose a new budget in order to limit funding to the levels previously in place. She also said that she was trying to get a bill to give back pay to government contract workers who lost pay during the recent shutdown. She said that there are many low-wage contract workers who were particularly hard hit during the shutdown.

Davis Kennedy of the Current asked whether some National Park land could be turned over to the District. The Congresswoman said that was not going to happen. Congress will not be willing to give up federal land because of the precedent that it could set, particularly for Western parks. Besides, the Park Service maintains the National Parks in the District. She said that it will be better to permit private investments in the parks but to have the Park Service continue its responsibility for maintenance.

A resident asked what was being done to provide more affordable housing (e.g., comparable to Potomac Gardens). The Congresswoman said that the small amount of existing public housing will remain, but it is not being increased. She said that biggest problem is with the shortage of Section 8 funding (which subsidizes about one-third of an eligible resident's rent). Section 8 housing funds have not been expanded in a long time, and people can wait 20 years to get a voucher. Another resident asked about the status of

the new homeless shelters in all eight wards that are supposed to replace closed DC General. The Councilmember did not know the status of the new shelters but said that she believed some had opened. Phil Thomas said that the shelter in Ward 3 was expected to open in the first quarter of 2020.

The Commission thanked Congresswoman Norton for her work on Capital Hill and her presentation to the Commission.

### **Commissioner Announcements (0:34:30):**

Commissioner Speck:

ANC Testimony at Council Oversight Hearings — Based on the Commission’s approval at its February 11, 2019 meeting, Commissioner Speck testified on behalf of the Commission before the Committee on the Judiciary on the performance of the Board of Elections (BOE) (available on the Commission’s website at <http://bit.ly/2Go16Dj>) and before the Committee on Transportation and the Environment on the performance of the Department of Energy and the Environment (DOEE) (available at <http://bit.ly/2IbSrFS>). In both instances, the Committee Chairs requested that BOE and DOEE take the actions that the Commission recommended. Commissioner Speck also testified before the Committee on Transportation and the Environment on the performance of the District Department of Transportation (DDOT) (available at <http://bit.ly/2GnJp6V>). The Committee on Facilities and Procurement postponed the performance oversight hearing on the Office of Advisory Neighborhood Commissions (OANC) due to the snow closure. The Commission will give its testimony on the OANC’s performance (<http://bit.ly/2GnIJyz>) at the rescheduled hearing on March 4, 2019.

Library Facilities Master Plan — The DC Public Library is developing a Library Facilities Master Plan to help guide planning for library services across the city. There will be a community meeting on Tuesday, February 26, 2019, at 7:00 pm at the Tenley Library, 4450 Wisconsin Avenue, NW (<https://www.dclibrary.org/node/62649>).

Commissioner Maydak

Report Suspicious Persons — Recent reports about a suspicious person emphasized the need for residents to report any suspicious activity directly to the police on 911. Residents should let the police handle those situations.

Lafayette Recreation Center Modernization — The next meeting on the plans for the Lafayette Recreation Center modernization will be scheduled in early April. The Commission will make an announcement of the date when it is set.

Commissioner Clayman

Wise Road — The National Park Service (NPS) is planning to close Wise Road during the final phase of Beach Drive's total rehabilitation. The closure will start around the end of April or the beginning of May. This closure will last for several months (probably until the completion of the Beach Drive rehabilitation project in fall 2019). While Wise Road is closed, NPS will work to repair it. NPS is currently planning the scope and nature of repairs and will provide more details near the time when we close the road. Check for updates about the work in April at [go.nps.gov/beachdrive](http://go.nps.gov/beachdrive).

Cleanup of Pinehurst Tributary — John Burwell and the Rock Creek Park Conservancy are organizing a cleanup of Pinehurst Tributary. This is a regular event held at least once a year and is integral to the cleanliness and preservation of Pinehurst Tributary. Please join John and others at the corner of Oregon and Beech at 9:00 am on Saturday, April 13, 2019.

Commissioner Fromboluti

Community Center Modernization — The Commission is creating two committees for the upcoming Chevy Chase Community Center modernization. A design committee headed by Commissioner Fromboluti will work with DGS, DPR, and the selected design contractor as the design for the new building is developed. A separate construction logistics committee headed by Commissioner Speck will work with DGS on steps to minimize disruption to the neighborhood during construction. Both committees are looking for community participants. The Commission will discuss these committees and the expected timelines at its March 11, 2019 meeting.

### **Community Announcements (0:40:00)**

Jessica Wertheim, the Ward 3 liaison from the Mayor's Office of Community Relations and Services, said that the third anniversary of the DC Street Car would be February 26, 2019, and would be celebrated with an event at 1233 H Street, NE at 3:00 pm. On Wednesday, February 27, 2019, the Mayor would do a neighborhood walk in the Palisades emphasizing prevention of property crime, e.g., theft from autos. The Mayor will kick off National Women's history month with a free 5K run/walk at Yards Park, 355 Water Street, SE from 9:00 am to 11:00 am on March 2, 2019.

Anthony Castillo, Councilmember Cheh's Deputy Director for Constituent Services, announced the continuation of performance oversight hearings with the hearing for DC Water in Room 120 of the Wilson Building on February 26, 2019. Testimony can be submitted within two weeks for the record by contacting Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us), 202-724-8062). There will be a DDOT listening session for the Rock Creek West livability study (west of Massachusetts Avenue) at the Palisades Library from 6:30 pm to 8:30 pm on February 26, 2019. Finally, the Councilmember will

have another performance oversight hearing for the Department of Motor Vehicles on February 28, 2019.

**Presentation by and discussion with Peter Lynch, a delegate from the Ward 3 Democrats, on current activities in the District and beyond on DC statehood (0:48:00)**

Commissioner Malitz introduced Peter Lynch an English teacher raised in the District who now works with the Ward 3 Democrats as a volunteer on efforts to promote DC Statehood. They educate people about what it means to be a state and encourage five actions: (1) host neighbors to discuss DC Statehood; (2) contact members of Congress and ask family and friends in other states to contact their Representatives and Senators urging them to oppose efforts to overturn DC laws and to support statehood; (3) encourage community groups to endorse and work for statehood; (4) write Op-Eds to educate residents around the country about DC's quest for equality; and (5) donate to or volunteer for candidates who support statehood for DC. February 27, 2019, was a lobbying day on Capital Hill for DC Statehood.

Josh Birch, representing Neighbors United for DC Statehood, and Noah Wills, representing Students United for DC Statehood, also spoke about the work they are doing for DC Statehood. Phil Thomas, Chair of the Ward 3 Democrats, reported that his organization has a task force on statehood and met on February 27, 2019. More information is available at [www.the51st.org](http://www.the51st.org) and and at <http://studentsfordcstatehood.org/>.

**Update from the Mayor's Streetlight Advisory Task Force (0:55:25)**

Commissioner Maydak said that the ANC's Lighting Task Force, started in January 2014, began in response to a public outcry about plans to replace street lights with LEDs. The Task Force worked with DDOT to revise its approach to take account of the community's desires and needs. That effort has now been taken up by a city-wide advisory panel. Commission Maydak introduced Laura Phinizy, a member of the Advisory Panel for Ward 4.

Ms. Phinizy said that there are nine sworn members of the Mayor's Streetlight Advisory Panel. They have had five meetings since October 2018, and will continue to meet during the design phase of the planned streetlight replacement project, the 24 months of expected construction, and the first year of operations. There is currently no one from Ward 3 on the Panel. The next Panel meeting is on March 12, 2019.

She said that there is a consensus on the Panel about the use of LEDs to reduce energy consumption, but there is not a consensus on the color of the light, brightness, or shielding. Many on the panel are concerned about light pollution. The business district and Wards 7 and 8 want brighter lights. DDOT wants "one-size-fits-all" since it makes

procurement and maintenance easier and cheaper (e.g., through economies of scale). DDOT is currently considering three levels of brightness but may accept a slightly larger number of options for some neighborhoods.

Ms. Phinizy said that for our neighborhood, the new lights will be brighter and whiter than the existing incandescent lights. There will be more glare and an increase in light pollution. Because of these changes, there will be an adverse impact on people and wildlife. Another possible consequence is a degradation of GPS accuracy because of the effect light pollution will have on the U.S. Naval Observatory. The Observatory uses measurement of the stars to calibrate positioning for GPS. Light pollution could affect the accuracy of those measurements.

Commissioner Fromboluti asked whether DDOT still plans to use 4000 Kelvin LEDs instead of the 2700 Kelvin that the ANC had recommended in its June 26, 2017 resolution (<http://bit.ly/2SAMJSC>). (Kelvin is a measure of the color of the light. A higher number is more white or cool, and a lower number is more yellow or warm.) Ms. Phinizy said that DDOT is now planning to use 2700 Kelvin lights in most residential neighborhoods. It will use 3000 Kelvin in commercial neighborhoods. Commissioner Fromboluti also raised the brightness of the lights as a potential problem. Ms. Phinizy said that the brightness will be higher if the lights are run at 100% of their ratings — 110 watts for residential streets and 215 watts for commercial streets. DDOT has said that they will be able to vary the level of brightness with dimmers.

Commissioner Maydak asked what other cities have been successful in their installations of LED street lights. Ms. Phinizy cited Flagstaff, Arizona, which has totally filterable lighting that may not be comparable to the District's, and Phoenix, Arizona, which has used 2700 Kelvin lights. Phoenix has had difficulties, however, with inadequate shielding — the panels on the light that will direct the light downward and away from residences. Phoenix is working on this problem, and the District can learn from its experience.

Jeff Norman, a resident on Connecticut Avenue and former commissioner, asked about the “tear-drop” street lights and whether they meet requirements. Ms. Phinizy said that they are “horrible” for light pollution. Davis Kennedy from the Current asked why DDOT has opposed lighting solutions tailored to each neighborhood. Ms. Phinizy said that DDOT wants to take advantage of economies of scale. Therefore, it wants as few options as possible.

The Commission thanked Ms. Phinizy for the outstanding work that she has done representing our community on the Streetlight Advisory Panel.

**Discussion of and possible vote on comments on WMATA's proposed restoration plans for the bus turnout at 5720 Connecticut Avenue, NW (at Oliver Street, NW) (1:13:00)**

Commissioner Fromboluti reported that WMATA made a presentation (available at <http://bit.ly/2SR8OfP>) at the Commission's February 11, 2019 meeting on its plans to rehabilitate its bus loop at 5720 Connecticut Avenue, NW. He said that generally, the designers did a great job, particularly in following historic preservation guidelines. Comments on the proposed plans must be submitted by February 26, 2019.

The Commission's draft comments recommend that WMATA (1) eliminating the windscreen, which creates a dark and potentially dangerous place; (2) use permeable pavers or pavement when replacing the existing asphalt pavement and concrete sidewalks; (3) abide by the Commission's July 26, 2017 resolution calling on DDOT to use 2700 Kelvin LEDs (available at <http://bit.ly/2SAMJSC>) for the new exterior lighting at the facility; and (4) include sufficient design flexibility so that the facility can be adapted to serve a more community-oriented use (e.g., a farmers' market or other temporary use) in addition to serving as a relatively infrequent rest stop for WMATA drivers.

Commissioner Bradfield said that he is happy the renovation is finally getting done and that it will meet National Registry standards. He said that the Friends of Chevy Chase Circle support the Commission's comments. He suggested that someone should look into completing the paperwork to have this designated as an historic site. The Historic Preservation Office wants the bus loop to be designated historic, but there must be an applicant. Commissioner Speck noted that a possible application was discussed several years ago, but no one took responsibility for completing it.

Robert Gordon, Vice President of the Chevy Chase Citizens Association (CCCA), said that they agree with the ANC's comments for the most part. They don't agree, however, that the 78-year old building is the best use of the property. It is used only for bus drivers and then only infrequently. He said that the space could be used for another, more imaginative purpose. Commissioner Speck said that the property belongs to WMATA, and it has made clear that it has a continuing need for a bus rest stop. It would be difficult to get WMATA to relinquish this property. Mr. Gordon said that the space is seldom used now, and another use could provide greater value.

Commissioner Malitz suggested that the Commission could contact WMATA's real estate manager identified at the February 11, 2019 meeting (Nina Albert, WMATA's Director of Real Estate, 202-962-2616 or [realestate@wmata.com](mailto:realestate@wmata.com)). Commissioner Fromboluti said that Mr. Gordon makes a good point since the bus loop is little used. Commissioner Speck suggested that the community should not lose the opportunity have the building restored. He said that there is a value to preserving historic buildings. Jeff Norman said that there are a fair number of passengers who wait for the bus at the bus loop, and that should be a consideration in possible future uses.

Commissioner Malitz suggested that the comments be revised to make them more directive — e.g., instead of urging WMATA “to consider” flexibility that will permit alternative uses, recommend that WMATA include flexibility in the design to accommodate alternative uses. Commissioner Clayman said that the Commission should encourage WMATA to use the money that is available now to complete the rehabilitation. The Commission does not want to be perceived as objecting to the restoration.

Commissioner Speck proposed to include Commissioner Malitz’s changes to make the comments more directive. Commissioner Clayman said that those changes would be acceptable to him. With those modifications to the draft comments, the Commission approved the comments on WMATA’s plans for the bus loop facility by a vote of 6 to 0.

**Discussion of and possible vote on resolution on the Public Space Committee’s revised Small Cell Guidelines (see the Commission’s resolution on the original guidelines at <http://bit.ly/2ScIPz5>) (1:33:15)**

Commissioner Malitz indicated that the Commission had adopted a resolution in September 2018, opposing DDOT’s draft small cell guidelines (<http://bit.ly/2ScIPz5>). (These guidelines are intended to govern the installation of small cell wireless equipment, including antennas and related power equipment that transmits wireless signals to improve reliable data streaming.) DDOT received about 40 comments on the draft guidelines. On February 2, 2019, DDOT issued revised draft guidelines (<http://bit.ly/2E0kgvg>) that made no significant changes based on the comments. In particular, it did not address the Commission’s comments raising reasonable concerns about the health risks of this technology. These health concerns have been raised elsewhere in the United States, Europe, and around the world.

Commissioner Malitz said that an article in the Washington Post on February 25, 2019, indicated that 5G technology would be implemented in the District by the first half of 2019 (<https://wapo.st/2T9OWF7>). (See a letter to the editor on that date as well, <https://wapo.st/2T7rKHo>.) Thus, it looks like DDOT intends to go ahead regardless of what others say.

Because these concerns have not been addressed, the Commission’s comments again urge the Mayor, the Council, and the Attorney General to oppose the imposition of small cell wireless and 5G technology on the District unless scientifically reliable studies demonstrate that they pose no undue health risks for residents or their pets and that those installations will have no damaging consequences for people or the natural environment. There should be a scientific resolution of these issues before jumping into the unknown.

Commissioner Fromboluti pointed out that these antennas may be only 500 feet apart, putting them very close to many residential homes. It appears that this technology is being shoved down our throats. More due diligence is required before their installation.

Commissioner Malitz also noted that the revised guidelines indicate that any installation applications that are not consistent with the published guidelines require review and approval by the Public Space Committee and review and comment by ANCs, but there is no process specifying how any findings of inconsistency with the rules determined by ANCs will be resolved to the ANC's or the neighborhood's satisfaction. Without a specified process, the ANC should not cede these aspects of local neighborhood control.

The Commission adopted the resolution opposing the revised draft small cell guidelines by a vote of 5 to 0 (Commissioner Bradfield abstaining).

### **Discussion of and possible vote on performance oversight hearing testimony for DC Water, and the Department of Consumer and Regulatory Affairs (1:39:00)**

Commissioner Speck said that the draft performance oversight hearing testimony before the Council's Committee on Transportation and the Environment proposes a comprehensive approach to providing relief from DC Water's burdensome, continuously escalating Clean Rivers Impervious Area Charge (CRIAC). Last year, the Commission testified before the Council that DC Water needs to be proactively working with the Mayor and the Council to reduce CRIAC fees for all residential customers, but with particular attention to those who can least afford to pay.

The Council's FY 2019 budget included limited, one-year relief for some low-income residents and non-profit organizations that could show a hardship. A more permanent solution is required. The Commission's testimony urges the District to take responsibility for its contribution to stormwater runoff from its impervious streets, sidewalks, and alleys. Those transportation infrastructures account for at least 40% of the District's impervious surfaces. The Commission proposes that the District contribute that share of CRIAC's annual costs — about \$40 million now — to a fund that would be used to provide tax credits and rebates to all DC Water customers, with greater relief going to those that need it most. This fund would increase as CRIAC fees increase over the next decade. Under this approach, the District could assume its fair share of the CRIAC fees, become a responsible partner, and reduce the impact of those fees on groups that are least able to bear these costs.

Commissioner Malitz noted that the District currently has a \$2.4 billion surplus, and, thus, has plenty of cash to address this concern.

The Commission approved this testimony at the performance oversight hearing for DC Water by a vote of 6 to 0.

Commissioner Fromboluti said that the Council's Committee of the Whole will hold its performance oversight hearing on the Department of Consumer and Regulatory Affairs (DCRA) on February 27, 2019. The Commission's testimony would address the long-term dilapidated condition of 5301 and 5303 Connecticut Avenue, NW, at the corner of Jenifer and Connecticut. In August 2016, the owner tore down the house at 5301 Connecticut, and the house at 5303 Connecticut it being propped up. Work was started in 2017 to tear down this building, but nothing has been done since. The site has been the subject of stop-work orders and has been effectively abandoned in an unsafe and hazardous condition.

Commissioner Fromboluti said that he and neighbors have written letters about this hazard, and he presented the evidence to DCRA's Chief Building Officer. Nevertheless, DCRA has done nothing to address the situation. People appear to be sheltering in the partially demolished building, and there have been several instances of persons exposing themselves to students in this area. The testimony asks the Council to insist that DCRA enforce the law to abate this situation with immediate corrective actions.

The Commission voted 6 to 0 to approve this testimony at the DCRA performance oversight hearing.

### **Commission Business (1:48:00)**

1. The Commission voted 6 to 0 to approve the minutes for its January 28, 2019 meeting.
2. There were no checks for approval.
3. Items for February 25, 2019 meeting may include: presentation by and preliminary discussion with DDOT about on-demand transit options that could enhance mobility in ANC 3/4G; discussion and possible vote on a public space permit application for a curb cut on Military Road for 5365 29th Street, NW (DDOT Tracking # 325587); discussion of Commission committees to address the Community Center's design and Community Center's construction logistics

The meeting adjourned at 8:50 pm. (1:50:35)

Signed:

Randy Speck  
Chair

Abe Clayman  
Secretary