

ANC 3/4G Public Meeting
Monday, November 27, 2017
Chevy Chase Community Center, 7:00 pm – 9:00 pm
5601 Connecticut Avenue, NW
Washington, DC 20015

- 7:00 Adoption of Agenda
- 7:05 Commissioner Announcements
- 7:15 Community Announcements
- 7:20 Presentation by and discussion with Tommy Wells, Director of the Department of Energy and the Environment and Chair of the DC Water Board, on DC Water's impermeable area charges and discussion with non-profit institutions on the impact of increasing impermeable area charges (Commissioner Speck)
- 8:00 Presentation by Kevin Bush, Chief Resilience Officer, on the District's plans for responding to natural, man-made, or social challenges (Commissioner Speck)
- 8:20 ~~Lawrence Jones~~ ^{BETO} ^{ARICK SEARS} Presentation by the Office of People's Counsel on the proposed Washington Gas/AltaGas Merger and its outreach regarding Third Party Energy Suppliers (Commissioner Speck)
- 8:35 Discussion and possible vote on resolution supporting prompt construction of DDOT's proposed sidewalk on Chestnut Street (Commissioner Clayman)
- 8:45 Discussion and possible vote on resolution urging the District to reassess its relationship with Wells Fargo (Commissioner Speck)
- 8:50 Discussion and possible vote on resolution supporting Bill 22-0223, Public Restroom Facilities Investment and Promotion Act of 2017 (Commissioner Speck)
- 8:55 Commission Business:
1. Minutes: November 13, 2017
 2. Checks: \$99.99 Jeralynn Graham (copier services), \$125.44 Verizon (telephone/internet), \$610.00 Northwest Neighbors Village grant.
 3. Items for December 11 meeting may include: Presentation by and discussion with DDOT on its data collection to determine the impact of changed traffic patterns at 39th Street and Reno Road; presentation and possible vote on a resolution to support Bill B22-0234, which proposes to phase out the use and sale of gas-powered leaf blowers by January 2022; discussion and possible vote on Public Space Permit Application for new leadwalk and steps, driveway, retaining walls and porch with step projection to service a new single-family dwelling at 3723 Harrison Street, NW (Tracking # 254090). The Commission will also have a holiday meet-and-greet at 6:30 before the meeting on December 11 and will be collecting canned goods.

If you aren't able to attend the ANC's public meeting, you may submit your written comments via ANC 3/4G's website (<http://www.anc3g.org/contact-us/>). Note: Police representatives of PSA 201 may attend and are invited to speak.

Minutes of ANC 3/4G Public Meeting
Monday, November 27, 2017
Chevy Chase Community Center, 7:00 pm – 9:00 pm
5601 Connecticut Avenue, NW
Washington, DC 20015

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

Attendance: Approximately 25 people attended this meeting.

Agenda: The agenda was adopted by vote of 7 – 0.

Commissioner Announcements:

Commissioner Speck:

Public Space Permit at 5363 29th Street — After the developer made modifications to its design to reduce the width of the proposed curb cut to nine feet and to add green space within public space, the ANC voted at its November 13 meeting to support the application. The Public Space Committee voted at its hearing on November 16 to approve the applications with five conditions. On November 20, the developer submitted a revised application that further increased the amount of green space and maintained the nine-foot wide curb cut. On November 22, the Public Space Committee indicated that “the applicant has met the conditions,” and the permit was granted. Nevertheless, the Snells, who had a contract to purchase the house, have decided that the new design does not work for them, and on November 27, they voided the contract.

Meetings on the Community Center’s future — At our November 13 meeting, the Commission decided to hold two special meetings in its continuing efforts to plan for the future of the Community Center. The first meeting is to be held from 7:00 pm to 9:00 pm on November 28 in the Community Center Lounge to explore options for the physical facilities that the community wants and needs, whether through renovation or otherwise. We have invited DPR and DGS to describe their experience with other community or recreation center renovations and expansions, and John Stokes, DPR’s Deputy Director for Community Engagement, is scheduled to be there. We expect other speakers to describe recent experience in other jurisdictions and how that might be applicable here. The second meeting will be on December 14 between 7:00 and 9:00 and will investigate how we can assure adequate funding for whatever facilities we recommend.

DDOT Military Road Concerns — On November 20, Commissioner Speck and nearby residents met on Military Road with DDOT Director Marootian and his staff to discuss several issues with respect to Military Road, particularly the pedestrian crosswalk at 30th

Place and Military Road. DDOT agreed that this was a problematic intersection that needs improvements. We discussed several possible options to make the crosswalk more visible and safer for pedestrians. DDOT is to get back to us about possible improvements. DDOT will also take a look at speeding and other long-standing issues on Military Road. (DDOT also met with Commissioners Speck and Fromboluti and residents on Jenifer Street about their long-standing concerns with speeding traffic from Nebraska during morning rush hours.)

MPD Breakfast with Santa — The MPD Second District will have Breakfast with Santa on Saturday, December 9, 2017, from 8:30 am to 10:30 am at 3320 Idaho Avenue, NW. There is limited seating, so please RSVP to kyi.branch@dc.gov.

Commissioner Maydak:

Lafayette Recreation Center survey — The Department of Parks and Recreation's community survey about the Lafayette Recreation Center closes on November 28. This survey conducted by DPR is separate and distinct from the ANC's Community Center and relates to the small field house in Lafayette Park.

Commissioner Tuck-Garfield:

Oregon Avenue Detoured Traffic — Commissioner Tuck-Garfield commended a student at Lafayette Elementary for writing to her about concerns over the increased traffic on residential streets caused by the Oregon Avenue closure. Commissioner Tuck-Garfield responded to the student that we are working with DDOT to address this concern.

Commissioner Fromboluti:

Permit application — The owner at 3823-1/2 Harrison has indicated his intent to seek a permit for a new leadwalk and steps, driveway, retaining walls and porch with step projection to service a new single-family dwelling on a narrow space between two existing houses. The lot line has a jog in it that looks suspect and his application for a driveway and parking pad in the side yard raises questions about compliance with the Code.

Community Announcements:

Ian Maggard, from the Mayor's Office of Community Relations, announced that the Mayor celebrated Small Business Saturday by designating Minnesota Avenue, NE as the newest corridor in the DC Main Streets program. On November 29 at 2:00 pm, the Mayor will initiate the Made-in-DC Holiday Bazaar at the Wilson Building, 1350 Pennsylvania Avenue, NW, followed by a reception at 5:00 pm. Finally, the Department

of Public Works has begun leaf collections. If blocks have been missed, they should be reported through 311.

Presentation by and discussion with Tommy Wells, Director of the Department of Energy and the Environment and Chair of the DC Water Board, on DC Water's impermeable area charges and discussion with non-profit institutions on the impact of increasing impermeable area charges (Commissioner Speck)

Commissioner Speck began the discussion by framing the issue. A number of concerns have been raised on the Chevy Chase listserv and in emails to commissioners about increases in DC Water's "Clean Rivers Impervious Area Charge" (sometimes called "CRIAC"). This is a surcharge that DC Water adds to every water bill to pay the \$2.6 billion cost of a 2005 consent decree that DC Water entered with the Federal government to settle acknowledged violations of the Clean Water Act (available at https://www.dewater.com/sites/default/files/ltcp_consent_decree.pdf). Among other measures, the consent decree requires that DC Water build four enormous tunnels to capture stormwater runoff and sewage overflow so that it doesn't flow into the Anacostia or Potomac Rivers. About 25% of DC Water's current budget goes to the Clean Rivers capital investments.

The CRIAC surcharge to pay for those capital structures has increased from \$1.24 per Equivalent Residential Unit (a measure of the amount of impervious area for a customer) in 2009 to \$25.18 per ERU in 2018 — a more than 2000% increase in nine years. And, according to testimony by DC Water's General Manager, George Hawkins, at a Council hearing on November 17, 2017 (available at http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4224), the CRIAC charge will continue to increase through at least 2026 as DC Water spends even more to satisfy the terms of the Clean Rivers consent decree. That means that a non-profit like the Rock Creek Cemetery saw its CRIAC fee increase from \$3500 per year to \$230,000 annually and can expect even larger future increases. Residential customers have seen similar proportionate increases, but low-income customers receive a credit for about 50% of the CRIAC fees so that they have not felt its full impact.

Several legitimate questions have been raised — e.g., (1) whether the federal government pays its fair share of Clean Rivers costs, (2) whether more credit should be given for green infrastructure or for the proportion of green space to impervious space, and (3) whether the District government should pay for the largest component of impervious surface — public roads, sidewalks, and alleys. DC Water has emphasized that, while its rate structure is set by the Board prospectively every two years after extensive opportunity for customer input, it has two rigid constraints related to CRIAC: (1) DC Water must pay the increasing costs of the Clean Rivers consent decree through a combination of current rates and long-term debt (which reduces the amount that current customers must pay); and (2) the federal government might refuse to pay CRIAC on its

properties if some categories of customers are exempt from the charge so that it could be deemed a tax rather than a fee tied to service.

Councilmember Todd has introduced a bill that would exempt cemeteries from CRIAC (<http://lims.dccouncil.us/Download/39183/B22-0575-Introduction.pdf>), which might trigger a federal government refusal to pay. Alternatively, the Council might define a class of customers — e.g., cemeteries and other non-profit organizations — who contribute to the District in ways that serve the public good, and they would appropriate subsidies to cover a portion of their CRIAC fees. It might also be possible to provide greater credits for green infrastructure projects or based on the ratio of green space to impervious space.

We asked Director Wells — a veteran of eight years on the Council, a candidate for Mayor in 2014, and DOEE Director since the beginning of Mayor Bowser's administration — to discuss the increasing CRIAC fees from DC Water's perspective.

Director Wells began with the caveat that he wears two hats — recently appointed Chair of the Board of DC Water and Director of DOEE, where he has to protect the District government's interests as a customer of DC Water. The CRIAC fees have their origin in the design of the District's combined sewer overflow system, which is similar to many other large cities. When the City was smaller, it could treat both stormwater and sewage before they flowed into the Potomac or Anacostia Rivers. As the City grew, however, the system couldn't handle all of the storm water, and the overflow from the storm/sewage system flowed into Rock Creek, the Potomac, and the Anacostia.

The Clean Water Act was a federal mandate to fix this contamination problem. The only way to do so in our situation was to build huge underground rain barrels to hold the stormwater runoff until it could be processed. The District could implement some above-ground capture, which it has done through green infrastructure, particularly in Northwest to control the flow into Rock Creek. The biggest expenditure, however, is the \$2.6 billion to build the underground tunnels.

DC Water must come up with the funding for that expenditure, and it's only source of funding is the water bills that its customers pay. The basic principle for allocating costs is to make those who cause the problem contribute to its solution — i.e., to tie the amount charged to the area of a customer's impervious surfaces that add to stormwater runoff. Also, because the benefit of this infrastructure investment accrues to generations of future ratepayers, DC Water obtained financing through 100-year bonds so that payments can be spread out over 100 years. This helps to keep the costs to current customers down.

Initially, the Consent Decree costs were relatively small, but as expenditures went up, the fees charged to customers went up too. They will continue to increase until at least 2026 when expenditures peak. DC Water had no choice about whether to build the required

Clean River infrastructure. They have negotiated some changes to the original Consent Decree, but the basic financial obligation remains.

There are a finite number of people to pay for these costs. The Mayor is also concerned about these costs and wants them to be shared fairly. Cemeteries, for instance, have a lot of roads but use relatively little water, and their CRIAC fees have gone through the roof. Churches with large parking lots and roofs on buildings are also hit hard when their sources of revenue remain fixed or decline. Cemeteries and churches provide benefits to the community, and they should not be driven to divert resources to pay for CRIAC. High CRIAC fees might even drive some businesses to locate outside the District.

One problem in devising a fair allocation of CRIAC costs is that the federal government is not required to pay a tax imposed by the District, but it is obligated to pay a fee that is tied to services. Thus, the federal government does pay CRIAC fees as part of its water bills, and entities like the National Park Service, with lots of road surfaces, gets hit hard. If CRIAC were not based on service — e.g., if DC Water picked who would pay and who would not, choosing winners and losers — the federal government would challenge its liability for what would be deemed a tax and would probably succeed. For that reason, DC Water can't give churches or cemeteries a break from the CRIAC fees.

Because the full cost of the Consent Decree must be paid, a cut in charges for one group means an increase in charges to another. DC Water has tried to negotiate to get a larger payment from the federal government, but with little success. As it stands, the only pool for recovering Consent Decree costs is DC Water's ratepayers.

It would be possible, however, for the District government to buy down the amounts owed by some classes of ratepayers. It already does so for about 22,000 low income households where the District buys down about 50% of the CRIAC fees to reduce its impact on that customer class. There are some other reductions in CRIAC fees permitted when customers install stormwater recovery measures, but they can't be reduced too much or DC Water would not be able to pay its obligations under the Consent Decree and its bonds. The District is trying to assist churches by helping them to buy solar installations that will give them a source of income (through solar renewable energy credits). They are also setting up mechanisms that would permit those with stormwater credits to sell them to developers in a market, which would also help to offset CRIAC fees.

Director Wells emphasized that ultimately, DC Water needs help from the Council to address the escalating CRIAC burden. It has and will become unbearable both for cemeteries and religious institutions as well as for residents.

In response to a question from Commissioner Clayman, Director Wells said that the only exception to paying CRIAC fees is the Old Soldiers Home, which was grandfathered in

for reasons that he did not know. Commissioner Tuck-Garfield asked what the impact of the CRIAC fees was on seniors who have a fixed income. Director Wells said that programs like the Low Income Home Energy Assistance Program (LIHEAP) are available to seniors and many may qualify. Seniors may contact the Taylor Street Center (1207 Taylor St., NW) or the Martin Luther King Center in Anacostia (2100 Martin Luther King, Jr. Ave., SE) for assistance. The Office of People's Counsel does not have jurisdiction to challenge DC Water's rates, but they can provide some assistance to customers.

Commissioner Fromboluti asked whether the CRIAC charge is an example of an unfunded federal mandate, and Director Wells said it was. Commissioner Fromboluti said that the message from Director Wells was not encouraging, and the impact of these exceedingly high water bills may chase people out of town. Director Wells pointed out that most states now have some form of charge for stormwater runoff. Maryland, for instance, has a "rain tax" that is part of its property tax. This same issue must be addressed in most urban areas.

Commissioner Malitz asked whether colleges and universities that receive tax breaks from the District receive the same kinds of breaks for CRIAC fees — i.e., do they pay their fair share, and if not, can they pay for the stormwater improvements through a tax rather than the water bill. Director Wells said that colleges and universities are not exempt from the stormwater fee.

Commissioner Bradfield emphasized that this is a big and growing issue in our community. Director Wells agreed that people are upset. He said that DC Water's General Manager, George Hawkins, has participated in many community meetings to warn of this impending increase in CRIAC fees. The City needs to do something to provide funds that will pay down CRIAC fees on water bills. He said that DC Water has done a good job in reducing its costs — e.g., by using biodigesters to capture methane that is then used to generate one-third of the power needed for the Blue Plains facility and by planning for solar panels that could generate another one-third of energy needs.

Commissioner Speck noted that one of the largest contributors to stormwater runoff is the District's public property — impervious streets, sidewalks, and alleys — for which the District makes no contribution toward paying for the Consent Order costs. Given that disconnect between causation and payment for the remedy, Commissioner Speck suggested that it would be appropriate for the District to appropriate funds to buy down the obligation of DC Water ratepayers to pay CRIAC fees. That way, the cost of the Consent Order can be spread more equitably among District taxpayers. Director Wells acknowledged that this approach would "make sense" and "there is a rationale for the City to do that." He emphasized, however, that he was not speaking for the administration, and those kinds of decisions about raising taxes would have to be considered by the Mayor and the Council.

Nanci Link, a resident on Jenifer Street, said that DCRA does not always communicate with DC Water so that new buildings are not charged with the proper CRIAC fees when they increase the amount of impervious area. She cited particularly 5333 Connecticut. Director Wells said that any new building will have to get a permit to hook-up to water service, and it had been a flat fee that could be as high as \$790,000. The fee is now based on the size of the pipe.

Elliott McMullen, a Hawthorne resident, suggested that the District needs to spend its funds more wisely and that it could use funds generated by red-light cameras or PowerBall to pay for infrastructure. Director Wells said that those are thoughtful suggestions and the Council could decide to share the burden of Clean River improvements.

Ben Fisherow, a resident on 32nd Place who helped to negotiate the Consent Decree when he was at the Justice Department, noted that almost all major cities had the same problem as the District, and the remedies have been expensive for them too. He asked how the District's CRIAC compares with similar charges in other cities. Director Wells said that the District is about in the middle. (Commissioner Speck said that General Manager Hawkins had presented a chart in his Council testimony on November 17th that showed the District in the middle, with Cleveland as the most expensive. The chart is available online in the video of the hearing, http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4224 at about 3:17)

A resident asked what proportion of the costs are paid for through the 100-year bonds, and Director Wells did not know. He said that the collected funds are segregated from the District's general funds because DC Water must maintain an entirely separate accounting system to keep track of costs so that they can be shared with other jurisdictions. A resident asked what DC Water was doing to minimize the cost of compliance with the Consent Decree, and Director Wells said that DC Water was trying to achieve cost savings. For instance, it has upgraded its smart meters to achieve greater efficiencies. It is looking at installing solar panels to lower its energy costs. In any case, however, it must pay for new infrastructure. Commissioner Speck noted that General Manager Hawkins testified at the Council hearing that the cost of Consent Decree compliance has not increased from the estimates made in 2009 because they are working to do the work within the allocated budget — i.e., CRIAC has not increased because of cost overruns but because of planned expenditures that increase over time.

Craig Muckle from the Archdiocese of Washington spoke on behalf of the Religious Institutions Valuing Environmental Responsibility (RIVER) coalition representing about 130 religious organizations that advocate for relief from CRIAC fees. He said that the religious community has pushed back because it was not being heard. It only got attention from DC Water when the media picked up the story. He said that there are

many possible solutions to the problem, but the research has not been done to identify them. He said the churches want to be part of the solution. He noted that other jurisdictions benefit from utilizing the rivers, and they should be asked to contribute to keeping them clean. He said that RIVER wants a solution that works for everyone. The religious institutions provide a backup for social services, and increasing CRIAC fees detracts from that work. As one example, Our Lady of Perpetual Help in Anacostia now has to pay CRIAC charges of \$180,000, which could be used to help the community. RIVER members have asked for audits of their impervious areas to help reduce the charges, but the audits have always confirmed or even increased the charges.

The Commission thanked Director Wells and Mr. Muckle for their presentations, which helped the Commission to understand the issues better. The Commission will consider whether it should advise the Council on what should be done to address this important issue.

Presentation by Kevin Bush, Chief Resilience Officer, on the District's plans for responding to natural, man-made, or social challenges (Commissioner Speck)

Commissioner Speck indicated that Mayor Bowser appointed Mr. Bush as the District's first Chief Resilience Officer in July 2017. He had been a policy strategist at the U.S. Department of Housing and Urban Development where he was recognized as a national resilience expert based on his record of designing and implementing award-winning resilience initiatives. The Chief Resilience Officer is a new position created to lead citywide resilience efforts in partnership with 100 Resilient Cities, funded by the Rockefeller Foundation. His task is to build resilience to shocks and stresses and to oversee the development and implementation of a comprehensive resilience strategy for the District.

Mr. Bush said that the District was selected in the third round of the 100 Cities program, which is a world-wide effort to improve resilience. This network provides funding for his position and technical support in developing resilience programs. He recently attended a summit for other resilience officers in New York where he could learn what other cities are doing, how they are updating their comprehensive resilience plans, and what lessons have been learned.

The Resilience Office is located within the Executive Office of the Mayor. Its mandate is to improve the capacity of individual residents, businesses, churches, and others to grow despite shocks to the City's immune system. The types of shocks that they plan for include terrorism, weather events (heat, floods), and economic downturns (e.g., cutbacks in federal government jobs). The District is part of the wealthiest Standard Metropolitan Statistical Area in the country, but it has high housing costs, higher economic inequality, and a stressed transportation network — all of which make it vulnerable to shocks.

The Resilience Office is identifying the most important challenges and developing resilience strategies. This often involves pulling together the actions that are already being taken within various parts of the District government. They are developing a baseline on the state of the District's resilience so that they can make improvements. A website will soon be available at resilient.dc.gov but until that is functional, information is available at <https://oca.dc.gov/page/resilient-dc>.

Commissioner Tuck-Garfield asked whether the Resilience Office would involve the ANCs in developing the resilience strategy. Mr. Bush said that they would definitely visit the ANCs — this was his first presentation to an ANC. He said that they are generally starting at the higher levels in the District government, then moving down to the ANC's, and finally to the community level.

Commissioner Malitz asked whether any of the other 100 Cities can be models for the District. Mr. Bush said that he looks at the breadth of issues to identify best practices. For instance, Miami had concentrated on plans to address sea level rise. Boston has focused on structural racism. The Hague may be most analogous to the District because of its size and governmental role.

Commissioner Speck asked what could be done to enhance resilience at the community level. He indicated that the Community Center is designated as an emergency shelter, but it is far from being resilient. Mr. Bush said that they are working with the Department of General Services to get funding for resilience in the District's buildings. This would include building distributed electric generation on public buildings and creation of microgrids and battery storage that would enable public buildings to function even in a power shortage.

The Commission thanked Mr. Bush for his presentation and encouraged him to work with ANCs in developing his programs.

Presentation by the Office of People's Counsel on the proposed Washington Gas/AltaGas Merger (Commissioner Speck)

Commissioner Speck noted that, as announced at the ANC's November 13 meeting, the DC Public Service Commission has scheduled three more community hearings on the proposed merger between Canada-based AltaGas and Washington Gas, during the week of November 27: (1) November 28 at 6:30 pm at Trinity University, 125 Michigan Avenue, NE; (2) November 29 at 10:00 am at the Public Service Commission, 1325 G Street, NW, Suite 800; and (3) November 30 at 6:30 at the Greater Washington Urban League, 2901 14th Street, NW.) Anyone wishing to provide oral or written testimony at these community hearings should call 202-626-5150 or send an email to PNC-commissionsecreary@dc.gov by 5:00 pm three days before the hearing. Written

statements may also be submitted through the PSC's website at <https://www.dcpsc.org> at any time until the close of the evidentiary record on January 30, 2018.

Arick Sears, Assistant People's Counsel at the Office of the People's Counsel, described the proposed AltaGas/WGL merger. Alta/Gas seeks to purchase WGL Holdings for \$4.5 billion — a 20% premium over its pre-offer stock price. AltaGas is a Canadian power generation, gas processing, and utility company. It has about 570,000 utility customers and would increase this part of its business substantially if it merges with WGL, which has 1.1 million customers. AltaGas has proposed several customer benefits, including: (1) a \$12.5 million, one-time bill credit (about \$50 per customer); (2) \$700,000 in workforce development funds that would concentrate on STEM training; (3) \$2.2 million for weatherizing low income housing; (4) \$2 million for an affordable housing natural gas initiative to provide more efficient gas appliances; (5) \$24.5 million in financing for communities in the area (with no separate breakdown for the District); (6) \$1.2 million annually over ten years for charitable contributions in the entire WGL service area (about a 10% to 12% increase from current contribution levels), and (7) \$210,000 to develop a battery project in the District. It has been difficult for OPC, however, to segregate the amount of some proposed benefits that will be allocated or that will accrue to the District.

The evidentiary hearing on the merger is set to begin on December 5, 2017. OPC opposes the merger on several grounds. First, the proposed benefits are not sufficient. Second, Alta/Gas has a lower credit rating than WGL (BBB versus A), which will increase costs of debt. That is especially important since WGL is undertaking a substantial capital investment program in Project Pipes. Commissioner Bradfield asked what WGL's capital budget was, and Mr. Sears said that WGL is in the third year of a five-year budget. There has been a chronic problem, however, with WGL exceeding the budget.

Third, OPC opposes the merger because of the risk created by the Alta/Gas' foreign ownership. The exchange rate may not be favorable, which could increase District customer's risks. In addition, there is a risk that the District may not be able to regulate AltaGas adequately because of the arbitration provisions in Chapter 11 of the NAFTA treaty, which gives Canadian companies the right to challenge any governmental actions that jeopardize their investment expectations. This is a novel issue that has not been addressed in merger proceedings in other jurisdictions.

Fourth, AltaGas has not shown that it will improve customer service in terms of safety or reliability. This is in contrast to the Exelon merger with Pepco where Exelon made enforceable commitments to exceed current performance standards.

Commissioner Speck noted that in the Exelon/Pepco merger proceeding, many ANC's across the District passed resolutions opposing the merger, and those resolutions seemed to have an impact on the Public Service Commission. He asked whether ANC

resolutions would be important in this case. Mr. Sears indicated that the AltaGas/WGL propose merger was perhaps more problematic for customers than the Exelon/Pepco merger. This merger could increase the cost of service that will be reflected in higher rates. He urged the ANC to consider a resolution opposing the merger. The Public Service Commission's record will remain open until January 30, 2018.

Discussion and possible vote on resolution supporting prompt construction of DDOT's proposed sidewalk on Chestnut Street:

Commissioner Clayman indicated that his proposed resolution requests prompt DDOT installation of approved sidewalks on Chestnut Street. He stated that when he began campaigning for ANC Commissioner in the summer of 2016, he knocked on over 600 doors in Hawthorne and Barnaby Woods, and met hundreds of residents. Many residents spoke to him about sidewalks, and he heard a wide range of opinions. Some residents wanted sidewalks on as many streets as possible as quickly as possible, others wanted no sidewalks anywhere in Hawthorne or Barnaby Woods, and most occupied a position somewhere in between.

Commissioner Clayman knocked on every door on Chestnut Street and listened to about two dozen residents on the street share their opinion about sidewalks. From the beginning, he took the position that he would listen to what residents thought and do his best to ascertain what people wanted and what would be beneficial for the community. He had no pre-formed opinion and acknowledged that he was entering a process in the middle of things and that it would be best to listen.

Over the last year, he spoke with residents who attended ANC meetings, emailed residents and officials at DDOT, and attended a number of public meetings with DDOT officials. On May 10, 2017, DDOT presented options for how to proceed on Chestnut Street. One of the options was to build no sidewalks, and three were to construct some amount of sidewalk on the street.

At the meeting in May, Commissioner Clayman said that he listened to what residents had to say, looked at the prepared maps, and carefully read through the proposals. At the meeting, the overwhelming majority of residents who spoke favored installation of some sidewalks, on one or both sides of the street. DDOT heard everyone who wanted to a chance to speak and also distributed fliers for residents to provide written feedback.

After conducting their internal review process and receiving the feedback, DDOT decided to pursue the installation of sidewalks on one side of the street only, their Alternative 1. This option provided for (1) a five-foot wide walkway for pedestrians on the north side of the street that extends from the current curb into the street, (2) planting approximately 37 new trees, (3) no removal of existing trees, (4) a place for pedestrians

to wait while buses load or unload, and (5) only a slight narrowing of lanes — two feet on north side and three feet on south side.

Commissioner Clayman said that he supports installation of sidewalks on the north side of Chestnut Street for three main reasons: (1) sidewalks improve pedestrian safety; (2) the installation of sidewalks complies with city law, and (3) DDOT has committed to doing so. The resolution addresses each of these points.

First, Chestnut Street is a heavily trafficked Metro bus route and a detour route during ongoing Beach Drive and Oregon Avenue construction. The increased vehicular traffic, particularly during the morning and evening rush hours, exacerbates pedestrian dangers. Sidewalks on the north side of the street would greatly reduce this risk.

Second, for roadways that are missing sidewalks and when no major construction project is currently planned for that roadway — like Chestnut Street — DC Code Section 9–425.01 requires that new sidewalk installation “shall be prioritized for school areas, routes that provide access to parks and recreational facilities, transit stops, locations where the absence of a sidewalk creates substantial pedestrian safety risks, and roadway segments for which residents petitioned to have sidewalks.” Chestnut Street meets all those requirements.

Third, DDOT has committed to installing sidewalks on Chestnut Street after numerous community meetings, after receiving substantial community input, after presenting alternatives, and after receiving residents’ comments on those alternatives. Not all Chestnut Street or Hawthorne residents support sidewalks, but all residents have had multiple opportunities through petitions and multiple community meetings to provide input, ask questions, and make their opinions known. DDOT decided to move forward with the option of installing sidewalks on the north side only, extending sidewalks from the curb, and removing no trees. Residents reasonably expect that when a District agency decides on a course of action, that course of action will be promptly implemented, as DDOT has suggested it would.

Commissioner Clayman concluded that installing sidewalks on Chestnut street will be a benefit to the community, and he hoped that this resolution would encourage District officials to promptly install sidewalks.

In response to a resident’s questions, Commission Clayman indicated that funds for these sidewalks probably were not included in the current DDOT budget and probably would not be eligible for federal funding. The total length of the sidewalks would be about one-half mile. Elliott McMullen, a Hawthorne resident, indicated that, based on his experience with recently installed sidewalks, the contractors need to be managed well and need to be watched. If not controlled properly, the contractor may not do a good job.

One Chestnut Street resident asked whether DDOT had already decided that it would postpone sidewalk installation until after completion of the Oregon Avenue rehabilitation. Commissioner Speck said that DDOT Director Marootian said at the ANC's October 23rd meeting that they would reconsider the timing of sidewalk installation. Commissioner Clayman emphasized that the current detour on Chestnut Street due to the Oregon Avenue closure made it even more imperative that sidewalks be installed to make it safe for pedestrians to walk along the street. One resident noted that the traffic is heaviest on Chestnut during the morning and evening rush hours, and work on the sidewalks could be conducted during the middle of the day when there is little traffic.

Commissioner Clayman moved that the Commission approve the resolution urging DDOT to promptly install the planned sidewalks on Chestnut Street. The Commission approved the resolution by a vote of 7 to 0.

Discussion and possible vote on resolution urging the District to reassess its relationship with Wells Fargo

Commissioner Bradfield raised a concern that the Commission may not have enough information to vote on a resolution since it had only heard from one side. He suggested that, in the interests of openness and transparency, the Commission postpone consideration of this resolution until it had an opportunity to gather any further information. Commissioner Speck agreed and suggested that this resolution be deferred until a later meeting when the Commission could hear from Wells Fargo. The other Commissioners concurred, and the resolution was tabled.

Discussion and possible vote on resolution supporting Bill 22-0223, Public Restroom Facilities Investment and Promotion Act of 2017

For the same reasons as with the Wells Fargo resolution, the commission tabled this resolution. Commissioner Malitz said he had reservations about this resolution that could be addressed at a later Commission meeting.


Commission Business:

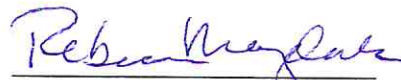
1. Minutes: The Commission approved the minutes for the November 13, 2017 meeting by vote of 7 to 0.
2. Checks: The Commission approved the following checks by vote of 7 to 0: \$99.99 Jeralynn Graham (copier services); \$125.44 Verizon (telephone/internet), \$610.00 Northwest Neighbors Village grant.
3. Items for December 11 meeting may include: Presentation by and discussion with DDOT on its data collection to determine the impact of changed traffic patterns at 39th Street and Reno Road; presentation and possible vote on a resolution to

support Bill B22-0234, which proposes to phase out the use and sale of gas-powered leaf blowers by January 2022; discussion and possible vote on Public Space Permit Application for new leadwalk and steps, driveway, retaining walls and porch with step projection to service a new single-family dwelling at 3723 Harrison Street, NW (Tracking # 254090), and possibly discuss and vote on the ANC's FY 2017 Annual Report. The Commission will also have a holiday meet-and-greet at 6:30 before the meeting on December 11 and will be collecting canned goods, and possibly the Annual Report for FY17.

The meeting adjourned at 9:15 pm

Signed:


Randy Speck
Chair


Rebecca Maydak
Secretary