



**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 11, 2019, Chevy Chase Community Center, 5601 Connecticut Ave, NW, Washington, DC 20015 (Video of this meeting is available at <https://youtu.be/QJyWOtyJFn8>.)

**Summary:**

- WMATA presented its plans for the rehabilitation of the bus turnaround at 5720 Connecticut Avenue, NW. The plans would restore the building in accordance with historic preservation standards. No vote was taken, but the Commission will consider submitting comments on the plans at its February 25, 2019 meeting.
- The Little Beast Bistro discussed its public space permit application to install an awning on its McKinley Street sidewalk cafe. The Commission voted 7 to 0 on three issues: (1) the Commission will not object to Little Beast Bistro's application before the Public Space Committee for an awning on its property; (2) the Commission will send a letter to the Public Space Committee supporting Little Beast Bistro's request for a refund of public space cafe rental fees that it paid but that are not owed because the cafe is entirely on private property; and (3) the Commission will request that the Public Space Committee place Little Beast Bistro's application for an awning on the Committee's February 28, 2019 meeting agenda.
- The Commission approved testimony at the Council's oversight hearings for four agencies, each by a vote of 7 to 0: the Department of Energy and Environment (<http://bit.ly/2IbSrFS>), the Board of Elections (<http://bit.ly/2Go16Dj>), the Office of Advisory Neighborhood Commissions (<http://bit.ly/2GnIJyz>), and the Department of Transportation (<http://bit.ly/2GnJp6V>).

- The Commission approved by a vote of 7 to 0 testimony before the Department of Energy and Environment opposing its proposed regulations to provide relief from DC Water's Clean Rivers Impervious Area Charge by discriminating between similar non-profits, making the Ingleside eligible for relief but denying eligibility to Knollwood (<http://bit.ly/2Go1pxX>).
- The Commission took no action on the grant application by the Wilson Crew Booster Club to purchase ten oars because it still does not have approval from the Office of Advisory Neighborhood Commissions. The Commission will seek further clarification from the Director of the Office.
- The Commission approved its minutes for the January 28, 2019 meeting by a vote of 7 to 0.

**Present:** Speck, Tuck-Garfield, Clayman, Maydak, Bradfield, Fromboluti, and Malitz. A quorum was declared. (Commissioners Tuck-Garfield and Clayman were not present at the beginning of the meeting because they were attending a meeting of residents in their Single Member Districts. They joined the meeting during the WMATA presentation.)

**Attendance:** Approximately 35 people attended the meeting.

**Adoption of Agenda (video at 0:01):** The Commission adopted the agenda by a vote of 5 to 0.

**Commissioner Announcements (0:03):**

Commissioner Speck:

Community Center Modernization Request for Proposal (RFP) Update — The Department of Parks and Recreation (DPR) issued its RFP for design of the new Community Center on January 11, 2019 (available at <http://bit.ly/2DGpFch>). DPR told the Commission that it would consult the Commission with any prospective bidder questions about the scope of the work items, but they told us that they had received no such questions. Based on a recent addendum to the RFP, DPR will provide answers to bidders' questions the week of February 19, 2019, and proposals will be due on February 28, 2019. The Commission will continue to report any developments on the modernization and seek the community's input.

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 and they

are conducting a survey to assess how to fine tune and expand library services. You can take the survey at [https://www.surveymonkey.com/r/DCPL\\_Survey](https://www.surveymonkey.com/r/DCPL_Survey). There will also 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>).

Vocal Art Performance Opportunity — Politics & Art, a program co-sponsored by Councilmember Grosso, will spotlight DC-based artists who use the power of their voices to inspire, entertain, and empower. Artists who live in the District may apply to participate — whether in song, spoken word, or a host of other expressive modes — to tell their stories and share messages. This is a showcase format, with multiple locations within The Wilson Building. Each act will perform a set of 15 minutes. Applications are free, and the deadline for submissions is Friday, February 22, 2019. More information is available at <http://bit.ly/2DmmRzy>.

Commissioner Maydak:

Commissioner Tuck-Garfield (and Commissioner Clayman) were not present for the beginning of this meeting because it coincided with a meeting of residents expressing their concerns about DDOT's proposed installation of bioretention cells as part of the Oregon Avenue Watershed Green Streets program. DDOT planned a further meeting with residents at 7:00 pm the Community Center on February 13, 2019, to discuss these concern further.

Commissioner Malitz:

Community Center Transition Planning — On February 5, 2019, Commissioners Malitz and Speck met with three DPR representatives to begin identifying the needs for and finding transition space for current programs while the Community Center is under construction. Commissioner Malitz provided DPR with the following: (1) a list of and some background on the programs for those who submitted survey responses; (2) a copy of the survey the Commission used; (3) a list of the winter programs offered at the Community Center in the DPR catalog; (4) a summary of the responses the Commission received; and (5) a zip file of all the responses in full. He told DPR that the Commission had crosschecked the individual responses against DPR's list of winter programs. The DPR representatives said that they will look for other available facilities at recreation and community centers, schools, and UDC that could be used during construction. Commissioner Malitz said that this was a good first meeting to initiate the planning for space to accommodate Community Center programs during the modernization.

### **Community Announcements (0:08)**

Gabriel Priest, the Ward 4 liaison from the Mayor's Office of Community Relations and Services, reiterated her contact information: cell phone — 202-603-7182, email —

[gabriel.priest2@dc.gov](mailto:gabriel.priest2@dc.gov). She announced the Alert DC program, which allows residents to subscribe to wireless alerts about weather, safety, or other emergencies. More information is available at <http://bit.ly/2Gpq8Cg>. Ms. Priest announced that the “Right Care, Right Now” program will be operational on March 1, 2019. This program connects 911 callers with less serious and non-life-threatening injuries and conditions to primary care providers near their homes, helping preserve resources for serious emergencies. More information is available in the minutes of the Commission’s February 26, 2018 meeting, <http://bit.ly/2Id5Qxz> at page 3. The Mayor has also declared Fair Shot February, which includes free rides on the DC Circulator bus all month. Finally, the Mayor is in the midst of her budget engagement forums to get residents’ input on how the District should spend its money. Forums will be held on February 21st at 6:30 pm at the Arthur Capper Community Center, 1001 5th Street, SE, on February 22nd at 10:00 am at the Deanwood Recreation Center, 1350 49th Street, NE, and on February 25th at 6:30 pm at Roosevelt High School, 4301 13th Street, NW.

Anthony Castillo, Councilmember Cheh’s Deputy Director for Constituent Services, announced that the Committee on Transportation and the Environment will hold the performance oversight hearing for the Department of Energy and Environment at 10:00 am on February 13, 2019, in Room 412 of the Wilson Building. Those wishing to testify may contact Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us), 202-724-8062), and written testimony for the record will be accepted until two weeks after the hearing. The Councilmember will also hold Chat with Cheh on February 23, 2019, at Compass Coffee at 4850 Massachusetts Avenue, NW from noon to 1:30 pm.

Ruth Robbins, president of the Friends of Chevy Chase Circle (FoCCC), said that the FoCCC has published a newsletter (available on line at <http://bit.ly/2GqngVr>) to keep the community posted on the work that the organization does. They work with the National Park Service to maintain the Circle. The newsletter summarizes recent events. The major new program that they hope to begin is an initiative to light up the fountain in the Circle. They are working to improve both the beauty and the safety of the Circle.

John Carlos Green, Community Engagement Coordinator at the Office of the Attorney General, announced the Attorney General’s focuses and initiatives for the next term: (1) elder abuse, (2) civil rights, (3) child trauma, and (4) gun violence. Commissioner Speck said that the Commission would be particularly interested in hearing the Attorney General’s views about the recent announcement by the Mayor and the U.S. Attorney that gun prosecutions would be made under federal law in federal court instead of under District law in D.C. Superior Court. Commissioner Speck said that concerns had been raised about the District relinquishing this jurisdiction over gun crimes. Mr. Green said that the Attorney General would be happy to give the Commission his views.

**Presentation by WMATA on and discussion of restoration plans for the bus turnout at Connecticut and Oliver (0:17)**

Commissioner Bradfield said that the Commission has discussed the state of the bus turnout (which WMATA now refers to as the “bus loop facility”) for three or four years. The Commission has had conversations with WMATA and DDOT and was told that some federal funds were available for restoration. The Commission is now excited that the project is finally moving ahead and is anxious to hear more about specific plans.

Stephen Powers, Senior Program Manager at WMATA, said that there are three bus loop facilities that WMATA inherited from Capital Transit — 5720 Connecticut Avenue, NW, 1971 Calvert Street, NW, and 5409 Colorado Avenue, NW. They are treating all three restorations as one design project.

The Chevy Chase exterior rehabilitation work will include replacement of all doors and windows, replacing the portico columns and roof, replacing and repairing the canopy and lighting, replacing the existing windscreen, and repairing the slate roof and drainage gutters. The interior rehabilitation of the building will include installing a new restroom and upgrading the plumbing system, installing a new janitor room where there is an existing alcove, and installing new lighting and security systems. They also plan to replace the asphalt pavement and concrete sidewalks with the same materials, install concrete pavement bus pads, and install new landscaping.

Commissioner Fromboluti said that he did not see the need for the windscreen in the design, which creates a dark and potentially dangerous place. It is not really needed, serves no purpose, and could be eliminated. Otherwise, he said generally that the design looked good. He also asked how the facility will be secured. Mr. Powers said that it would be accessible to drivers through a one-badge, electronic card reader system. There will also be security cameras that are connected to MPD monitors. Commissioner Fromboluti also asked about the landscape plan showing four trees. Mr. Powers said that the plan is to keep the one healthy tree in back of the facility and to replace the other three distressed trees.

Commissioner Maydak asked whether any of the space would be open to the public, and Mr. Powers said that it would only be open to drivers. Commissioner Malitz asked whether WMATA had considered designing this facility for mixed uses. He said that some buses do not even use the loop, and much of the space could accommodate other compatible uses. Mr. Powers said that his assignment was only to rehabilitate the bus facility with bathrooms for drivers’ use. Commissioner Malitz asked whether the communities near the other two bus loops had suggested mixed uses for those facilities, and Mr. Powers said that they had not. He said that the other two locations present different challenges.

Commissioner Tuck-Garfield asked whether WMATA would be open to considering mixed uses for this bus loop facility or whether they had ruled it out. Mr. Powers said that he joined the project a year ago, and to his knowledge, it was never intended to do

anything more than rehabilitate the facility for WMATA use. Commissioner Speck asked whether WMATA would seek historic designation for the building. Mr. Powers said that they are working with Andrew Lewis at the Historic Protection Office, and the project is undergoing HPO review. They also have an “historic architect,” Jeff Winstel. Mr. Winstel said that the facility is eligible for listing in the National Register of Historic Preservation. The restoration work is being done under a Federal Highway Administration grant that requires restoration in accordance with the Department of the Interior’s historic preservation standards. They are not, however, planning to seek historic designation.

Mr. Powers said that the projected schedule is to complete the design by Spring 2019, contract for the construction by the Summer 2019, begin construction in late Summer 2019, and complete construction in the Summer of 2020.

Alan Seeber asked how many drivers use the building, but Mr. Powers did not know. Mr. Seeber said it was undoubtedly a small number. He said that use by drivers should not preclude use of the building for other purposes. Commissioner Fromboluti said that drivers do use the facility. Another resident said that limiting use of the bus loop only to drivers is a wasted opportunity to use this space for other purposes. She said that the restoration will make the site much more attractive for L-2 bus riders, but it could be used for other purposes, e.g., a pop-up gallery. It is great that WMATA is restoring the building, but more could be done with the space.

Another resident, Pat Spillman, asked what door would be placed on the building. Mr. Powers said that the new door would replicate the original door based on old photographs of the building. Another resident asked whether comments could be submitted on the proposed landscaping. Commissioner Speck said that comments would be allowed until February 26, 2019, the day after the ANC’s next meeting. The ANC will consider offering comments, but any resident may submit comments. Another resident asked why buses were permitted to idle at the facility. Mr. Powers said that that is an operational issue that was beyond the scope of his assignment. Ann Chisholm, WMATA’s government relations officer, said to let her know if buses were idling ([achisholm@wmata.com](mailto:achisholm@wmata.com) or 202-962-2877).

Another resident asked whether there were any plans to install semi-pervious surfaces for the loop or sidewalks. Mr. Powers said that they plan to mill and pave the existing asphalt.

Commissioner Malitz said that 78 years ago when this facility was built, land was not at the premium that it is today. He said that merely restoring the building for its original use is a missed opportunity to design the restoration for mixed uses. Mr. Powers said that his charge was only to restore the building, but recommendations for mixed use could be included in comments on the plans. Ms. Chisholm said that questions about use of the

property should be directed to Nina Albert, WMATA's Director of Real Estate (202-962-2616 or [realestate@wmata.com](mailto:realestate@wmata.com)). Commissioner Bradfield suggested the need for a working group that could consider various ideas for mixed use of the facility. He said that there should be solutions that will benefit everyone. A resident asked whether there is anything in the design that would preclude mixed use. Mr. Powers said that they are simply replacing in kind and restoring deteriorated parts of the facility.

Another resident asked about the lighting for the facility. Mr. Powers said that all the lighting would be downward-facing LEDs. Commissioner Maydak said that the Commission has a lighting task force that has examined the kind of lighting that is suitable for our neighborhood. She asked the color of the planned lighting in Kelvins, which Mr. Powers said they would provide. (Ms. Chisholm later reported that the lighting plans call for 3000 Kelvins, slightly higher than the 2700 Kelvins that the Commission recommended in its June 26, 2017 resolution on this subject (<http://bit.ly/2SAMJSC>).)

The Commission thanked Mr. Powers, Ms. Chisholm, and Mr. Winstel for their work on this project. The Commission will consider offering comments on these plans at its February 25, 2019 meeting.

**Discussion and possible vote on a public space permit application by Little Beast Bistro (5600 Connecticut Avenue, NW) to install an awning on its McKinley Street sidewalk cafe (Tracking No. 10708282) (0:46)**

Commissioner Bradfield said that the original design for the Little Beast's outdoor cafe had included sun shades to protect patrons. The owners now want to put up an awning and have asked the Commission to give its views to the Public Space Committee.

Robert Gordon, co-owner of the Little Beast Bistro with his sons, said that there are three issues on which they would like the Commission's support: (1) whether they must pay rent to the District for the McKinley Street sidewalk cafe that is entirely on private property; (2) whether the addition of an awning to the McKinley Street sidewalk cafe is acceptable; and (3) whether the Public Space Committee can hear this application at its February 28, 2019 hearing, which will enable the awning to be installed in March.

On the first issue of whether the District may collect rent for the McKinley Street sidewalk cafe, the District billed Little Beast's landlord — who billed Little Beast — \$3,275 in October 2018, as rent for the space occupied by the sidewalk cafe. Mr. Gordon said that the rent should not have been charged since the outdoor cafe is entirely on private property. Mr. Gordon would like a refund for this rent that is not due.

The Public Space Committee staff advised Mr. Gordon that he would need to file a new application to get a determination that the sidewalk cafe was on private property. Since Little Beast was considering the addition of an awning, on December 19, 2018, it filed

additional documentation in a new application showing that the sidewalk cafe is entirely within the property line. Mr. Gordon said that based on this documentation, Little Beast should not owe rent to the District.

On the second issue of the application to install an awning, Mr. Gordon said that the awning will be a simple cloth shield from rain and sun supported by an aluminum frame. He said that their awning fabricator has been in business for many years and installed them at other sidewalk cafes in the District.

Commissioner Speck raised a question about when an “unenclosed” sidewalk cafe becomes an “enclosed” sidewalk cafe. He said that the Commission made it clear at its May 14, 2018 meeting (<http://bit.ly/2DLLC8B> at page 9) that the application before it then was for an unenclosed cafe, and if it were to be enclosed, the criteria for review would be different. Commissioner Speck said that the Commission needed to understand what impact, if any, the addition of an awning would have on the standards it should apply in reviewing the current application, consistent with the representations made earlier.

Commissioner Speck said that the DC Municipal Regulations (DCRM Section 24-399.1, available at <http://dcrules.elaws.us/dcmr/24-399>) define “enclosed sidewalk cafe” and “unenclosed sidewalk cafe.” Although the definition of an unenclosed sidewalk cafe says that it “is open to the sky,” it “may include awnings.” That seems a bit contradictory, but clearly an unenclosed sidewalk cafe does anticipate the use of an awning so long as it can be removed within 24 hours. Based on these definitions, the critical distinction seems to be that an enclosed sidewalk cafe has some form of removable siding that can “enclose” the cafe during inclement weather.

Commissioner Speck said that based on this analysis, the addition of the awning does not make this an enclosed sidewalk cafe. Little Beast should file a new application to modify its permit before the PSC, however, to ensure that the awning still meets all requirements (e.g., non-flammable materials, removable within 24 hours, etc.). Mr. Gordon said that the definitions are confusing, and they would have preferred to move forward without the need for Public Space Committee approval, but he understands that is what the Committee requires.

On the third issue of when the Public Space Committee would hear this application, Mr. Gordon said that they need to install the awning in March to take full advantage of the improving weather for the outdoor cafe. Thus, they need to get approval from the Committee at the February 28, 2019 meeting in order to begin installation in March. The application was filed before December 19, 2018. The Committee’s meeting schedule specifies that the deadline for filing applications to be heard on February 28, 2019, is December 21, 2018. Given the filing date and Little Beast’s need to begin installation in



March, Mr. Gordon asked the Commission to urge the Committee to put this application on its February 28th agenda.

Commissioner Fromboluti said that Mr. Gordon may want to look at the International Building Code, which is applicable in the District. Commonly, a building is enclosed if 50% of the four walls are enclosed. Commissioner Fromboluti also asked why Mr. Gordon contends that Little Beast does not have to pay rent for its sidewalk cafe in public space. Commissioner Speck explained that the Public Space Committee's chair had stated at the Committee's May, 2018 meeting, that the Little Beast sidewalk cafe is not a "summer garden" because the outdoor cafe will be entirely in public space — i.e., within the building restriction line — even though it is entirely on private property. He said that because the outdoor cafe is on private property, the applicant does not have to pay the District for the use of the property (on which it already pays taxes). In this instance, based on the most recent documents that Little Beast has filed, it is clear that the outdoor cafe is entirely on private property, and, therefore, it does not have to pay rent to the District.

Commissioner Malitz asked whether he was correct that the three sides of the sidewalk cafe would be open, and Mr. Gordon confirmed that they would. Commissioner Malitz asked whether Little Beast would have space heaters, and Mr. Gordon said that they would in the winter, but perhaps fewer than they had previously used.

A resident cautioned that installation could be the start of "mission creep," which would proceed to a fully enclosed cafe. She said that she would object to sidings on the cafe. Commissioner Speck said that if Little Beast wanted to enclose the sides of the cafe, it would have to submit a new application and seek approval from the Commission and the Public Space Committee.

Commissioner Bradfield offered three motions. First, he moved that the Commission advise the Public Space Committee that the Commission has no objection to the application for an awning on the Little Beast's outdoor cafe on the McKinley Street side. The Commission adopted this motion by a vote of 7 to 0. Second, he moved that the Commission send a letter to the Public Space Committee advising it that the Commission agrees with Little Beast that its McKinley Street outdoor cafe is on private property and should not be assessed rent by the District. The Commission adopted this motion by a vote of 7 to 0. Third, he moved that the Commission send a letter to the Public Space Committee asking it to hear this application at its February 28, 2019 meeting. The Commission adopted this motion by a vote of 7 to 0.

**Discussion and possible vote on performance oversight hearing testimony for the Department of Energy and Environment, the Board of Elections, the Office of Advisory Neighborhood Commissions, and the Department of Transportation (1:09)**

Commissioner Speck said that the Council holds performance oversight hearings every February for every agency to get feedback from District residents and to hold the agencies accountable. The ANC has often testified at these hearings, and Commissioner Speck testified on behalf of the Commission at the oversight hearings on February 7, 2019, for the Metropolitan Police Department and on February 8, 2019, for the Department of Health. Both testimonies were well received by the Committee chairs for Judiciary and Health, respectively.

Upcoming hearings for four agencies are of particular interest for our Commission, and Commissioner Speck said that he had prepared draft testimony for the Commission's consideration. He urged individual residents to submit testimony as well, if they wish to give the Council their views about these agencies' performance.

**Department of Energy and Environment (DOEE) oversight hearing before the Committee on Transportation and the Environment on February 14, 2019** — The Commission's draft testimony (<http://bit.ly/2IbSrFS>) addresses two issues: (1) DOEE's implementation of a program to give non-profits some relief from the escalating costs of DC Water's Clean Rivers Impervious Area Charge (CRIAC); and (2) DOEE's efforts to prevent chronic flooding on Broad Branch Road across from the Ivory Coast Embassy.

On the first issue, the testimony is similar to the comments that the Commission will offer on DOEE's proposed regulations for CRIAC relief. DOEE's proposed regulations are inconsistent with the statute that created the relief program because those rules would make the Ingleside Continuing Care Retirement Community eligible for CRIAC relief but would illogically make the Knollwood Military Retirement Community ineligible. The testimony urges the Council to ensure that DOEE implements the statute in accordance with the Council's intent.

On the second issue, the testimony urges the Council to ensure that DDOT and DC Water work with DOEE to approve improvements to the culvert under Broad Branch Road that often cannot accommodate the volume of water in a storm and overflows Broad Branch. The proposed work would open the existing arched culvert to permit water to flow into a large, existing DC Water box culvert that feeds into Broad Branch Stream. The work can be completed in about three months and is urgently needed for safety.

The Commission approved this testimony by a vote of 7 to 0.

**Board of Elections oversight hearing before the Committee on Judiciary and Public Safety on February 19, 2019** — In June 2018, the Commission — joined by other commissioners from all eight Wards — petitioned the Board of Elections (BOE) to change the one-month period during which ANC candidates can circulate petitions to get on the ballot so that the available period is the same two months allotted for other candidates in the general election. If the Board does not make this change, the

Commission's draft testimony (<http://bit.ly/2Go16Dj>) urges the Council to clarify that ANC candidates should be treated no differently than other candidates when setting dates for the petition period for the general election.

Commissioner Fromboluti said that it is bizarre that ANC candidates have to get their petitions signed in only one month during the summer. The District should encourage candidates to run for this unpaid, volunteer position, but the current application period is onerous. It is not fair to have only one month, and this has necessitated his returning from vacation to collect signatures. Commissioner Tuck-Garfield said that the petition period often conflicts with children's sports travel teams, and it would be great to have a longer window. The shorter period also discriminates against teachers, she said. Commissioner Clayman said that he enjoys going door-to-door collecting signatures, but a one-month period is not adequate for a volunteer position.

The Commission approved this testimony by a vote of 7 to 0. The Commissioners suggested that we share this testimony with other ANCs across the District who may have similar concerns.

**Office of Advisory Neighborhood Commissions oversight hearing before the Committee on Facilities and Procurement on February 20, 2019** — This draft testimony (<http://bit.ly/2GnIJyz>) describes the difficulties that ANCs face in determining whether a grant application will produce “public benefits.” The ANC has had particular difficulty with recent grants and concerns raised by the Office of Advisory Neighborhood Commissions (OANC). The draft testimony urges the OANC — perhaps in consultation with the Office of the Attorney General — to issue written guidelines for grants, including specific examples, so that all ANCs can better understand the criteria that should be used to determine whether a grant will produce a public benefit within the Commission's area.

Commissioner Malitz asked what the Director of the OANC had said in reply to the Commission's request for guidance on the recent grant application by the Wilson Crew Booster Club. Commissioner Speck said that Director Gottlieb Simon had said “based on the information provided so far, regarding the public purpose test as well as who the beneficiaries are, not just the public purpose issue, the grant in our judgement would not comply with the requirements of the ANC law.”

Commissioner Tuck-Garfield said that the determination of the Director is very subjective and not based on any objective criteria. She said that the determination by the ANC on the question of whether the grant will serve a public purpose should be determinative. She emphasized that the ANC needs direction. Commissioner Malitz noted that the Director's determinations seem to be inconsistent since the grant to Northwest Neighbors Village was approved even though it is located outside our ANC and has members outside our ANC. He reiterated that we need written guidelines.

The Commission approved this testimony by a vote of 7 to 0. The Commissioners suggested that we share this testimony with other ANC's across the District who may have similar concerns.

**Department of Transportation oversight hearing before the Committee on Transportation and the Environment on February 25, 2019** — This draft testimony (<http://bit.ly/2GnJp6V>) describes the Commission's experiences with DDOT — both positive and negative. The testimony cites the significant improvements under Director Jeff Marootian and commends a number of DDOT's dedicated staff. Nevertheless, the testimony identifies a number of communications concerns that persist and cites several specific examples: (1) to install 29 bioretention cells on neighborhood streets, (2) the need for a robust communications plan for the upcoming Oregon Avenue rehabilitation project, (3) the inadequate notice of public space permit applications and planned construction work, and (4) failure to give the ANC and the community updates for long-planned projects (e.g., Chestnut Street sidewalks, Chevy Chase Circle safety improvements, and Broad Branch rehabilitation).

The Commission approved this testimony by a vote of 7 to 0.

**Discussion and possible vote on testimony on the Department of Energy and the Environment's proposed Clean Rivers Impervious Area Charge (CRIAC) relief emergency regulations (1:38)**

Commissioner Speck said that this testimony (<http://bit.ly/2Go1pxX>) addresses the discrimination created by DOEE's proposed rules for CRIAC relief (<http://bit.ly/2DGeFvr>). The Commission first suggested this type of relief to DOEE Director and DC Water Board Chair Tommy Wells at its November 27, 2017 meeting (<http://bit.ly/2DLLC8B> at pages 4-8) and worked with the Council to get legislation that provides relief to non-profits for FY 2019. DOEE has proposed rules for implementing this relief, however, that are not consistent with the statute and that discriminate among non-profits, making some eligible while making similar non-profit organizations ineligible. In our ANC, the proposed DOEE rules would make Ingleside eligible for CRIAC relief while Knollwood would be denied any relief. The testimony urges DOEE to modify its rules to make them consistent with the statute and nondiscriminatory as between similar nonprofit organizations.

Thelma Mrazek, a Knollwood resident, noted that Knollwood was created as a non-profit by Congress in 1958, before home rule in the District. She emphasized the burden that CRIAC fees place on Knollwood residents — \$260,000 since 2009.

The Commission approved this testimony by a vote of 7 to 0.

### **Discussion and possible vote on Wilson Crew grant application (1:43)**

Commissioner Speck said that this grant application by the Wilson Crew Booster Club for \$2,000 to purchase ten oars has been before the Commission at four previous meetings, and the application has been revised three times in an attempt to satisfy the OANC's requirement that it the grant produce "public benefits," as required by the ANC statute. The Director of OANC has now said that the revised application still does to meet the requirements.

Commissioner Maydak asked that Commissioner Speck inquire with Director Simon whether the grant could be approved if the crew team commits to completing 100 hours of community service within ANC 3/4G. She said that we should get an answer before asking the Booster Club to resubmit the grant application. Commissioner Speck said that he would ask Director Simon for an opinion.

### **Commission Business (1:45)**

1. The Commission voted 7 to 0 to approve the minutes for its January 28, 2019 meeting.
2. There were no checks to approve.
3. Items for February 25, 2019 meeting may include: discussion with Congresswoman Eleanor Holmes Norton of issues affecting the District in the Congress; 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; discussion of Lafayette Elementary School maintenance issues; discussion and possible vote on performance oversight hearing testimony for DC Water, and the Department of Consumer and Regulatory Affairs; discussion 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>); discussion and possible vote on comments on WMATA's plans for rehabilitation of the bus loop facility

The meeting adjourned at 8:50 pm. (1:48)

Signed:

Randy Speck  
Chair

Abe Clayman  
Secretary