



**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, May 13, 2019, Chevy Chase Community Center, 5601 Connecticut Ave, NW, Washington, DC 20015 (Video of this meeting is available at <https://youtu.be/pBR5q7DhRnw>.) The Commission meetings are video recorded for YouTube to be available to the public. Speakers and Commissioners — but not audience members — are included in the video.

**Summary:**

- The Commission voted separately to support renewal of the Class C liquor licenses for Knollwood, Bread and Chocolate, Macon, and The Avenue, by 4 to 0. It voted 5 to 0 to support the renewal of the Avalon Theater’s liquor license. No representative for Little Beast Bistro and Cafe was present, so that consideration of that application was postponed.
- After presentations and discussion, the Commission approved a resolution by a vote of 4 to 0 supporting the recommendation of the Committee on Transportation and the Environment to provide \$1 million on a recurring basis to implement the “Lead Water Service Line Replacement and Disclosure Amendment Act of 2018.”
- Tommy Wells, Director of the Department of Energy and Environment (DOEE), made a presentation on the Mayor’s FY 2020 budget and answered questions about the Clean Rivers Impervious Area Charge relief program and other DOEE issues.
- After presentations by proponents and opponents and discussion about the proposed “Old Hardy School Disposition and Lease Approval Emergency Declaration Resolution of 2019” that would give the Lab School a long-term lease for the old Hardy School, the Commission deferred any vote until a hearing is set before the

Council's Committee on Business and Economic Development.

- The Commission reported on the current status of the project to modernize the Chevy Chase Community Center.
- The Commission approved its minutes for the April 22, 2019 meeting by a vote of 5 to 0 and approved one check by a vote of 5 to 0.

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

**Attendance:** Approximately 40 people attended the meeting.

**Adoption of Agenda (video at 00:00):** Commissioner Speck indicated that an additional item related to the Council's consideration of the FY 2020 budget has arisen — a proposed change to the Freedom of Information Act (FOIA) — and the Commission will consider it at the end of the meeting. (By the end of the meeting, this item was moot since the Council had withdrawn that provision.) With that modification, the Commission adopted the agenda by a vote of 4 to 0.

### **Commissioner Announcements (00:05)**

Commissioner Speck:

Proposed Modifications to Chevy Chase Pavilion PUD — Some residents have suggested that the Commission should participate in the Zoning Commission's consideration of an application to modify the terms of the Planned Unit Development (PUD) for the Chevy Chase Pavilion at 5335 Wisconsin Avenue, NW. The Commission was a party to the original PUD more than 30 years ago based on concerns related to the proposed density of the development and a resulting potential increase in traffic through our ANC. (The ANC's January 23, 1986 request to participate as a party is exhibit 31 in the Zoning Commission's exhibit log and is available at <http://bit.ly/2H5kUte>.) The concerns expressed more than 30 years ago have not been realized.

The Commission determined not to participate in the current Zoning Commission proceeding at this time based on the following reasons: (1) ANC 3E, which includes the Chevy Chase Pavilion, has thoroughly evaluated the complex issues raised and has adopted a resolution based on its analysis (available at <http://bit.ly/2Vo1c5Q>); (2) the Commission would require extensive research in order to fully appreciate the issues involved; and (3) the Commission determined to concentrate on time-sensitive issues that arise in and are more closely related to our ANC and its constituents (e.g., the traffic issues around Lafayette Elementary School and the proposed reroute of the E6 bus).

There are many issues that arise outside our ANC's boundaries that interest some of our constituents, and we encourage residents to provide feedback on what is important to them. The Commission does not have the time or resources, however, to address every potential topic and must determine which affect our residents and the District as a whole most significantly. In this case, we deferred to ANC 3E to handle the issue.

**Council's FY 2020 Budget Recommendations** — The Council's Committees have completed their reports on the FY 2020 budget, and several of their recommendations address issues that the Commission raised in its budget hearing testimony. For instance, the Committee on Facilities and Procurement adopted the Commission's recommendation that the Office of Advisory Neighborhood Commissions (OANC) be given \$100,000 in its budget "to procure or license mobile technology or software to support Commissioners who wish to use such technology to improve outreach and engagement with their residents." Although our Commission did not request an increase in ANC allotments, the Committee also voted to increase all ANCs' allotment for FY 2020 from the current \$678,000 to \$800,000. If this recommendation survives in the final budget, it will mean that ANC 3/4G will receive about \$2,885 more annually. Finally, the Committee recommended an additional \$30,000 to provide communications access for ANCs for the remainder of FY 2019 and \$80,000 for communications access in FY 2020. This money provides sign language to interpreters when needed for ANC meetings, and anyone needing interpreters may contact the Commission's office in advance of the meeting to make arrangements.

The Committee on Transportation and the Environment's FY 2020 budget report addresses the Commission's testimony on the Clean Rivers Impervious Area Charge (CRIAC). The Committee acknowledges the Commission's concern that the Mayor's proposal to reduce funding for the CRIAC relief fund from \$7.5 million to \$4.0 million may not be sufficient to provide relief to eligible low-income and non-profit customers. The Committee found that the current rate of relief applications would likely leave some surplus at the end of FY 2019 but notes that the application rate may increase. (DOEE still has not issued final regulations specifying the criteria for relief eligibility.) The Committee proposes to require that the Department of Energy and Environment (DOEE) provide monthly reports to the Council on the rates of applications and that any surplus funds be carried over into FY 2020 rather than reverting to the General Fund.

The Committee of the Whole will have its first vote on the overall budget bill on May 14, 2019. The latest version of the Fiscal Year 2020 Budget Support Act is available at <http://bit.ly/2JGZMfF>.

**Chevy Chase Citizens Association Happy Hour and Election** — The CCCA meets on Tuesday, May 14, 2019, from 5:30 pm to 7:30 pm at the Little Beast Cafe Bistro, 5600 Connecticut Avenue, NW. There will be complimentary appetizers, happy hour drinks, and the annual election of officers. Everyone is welcome to attend.

Commissioner Maydak:

Lafayette Recreation Center Modernization — On Tuesday, May 14, 2019, the Department of General Services (DGS) and the Department of Parks and Recreation (DPR) will hold a “Stormwater Design Charrette” and discussion for the scheduled Lafayette Recreation Center modernization project. The goal of this design charrette will be for DGS, DPR, and the Project Team (including the civil engineer) to gain a clear and comprehensive understanding of how the park spaces are currently being used. This information, in turn, will be used to make informed and strategic decisions with regard to stormwater management strategies moving forward. The meeting begins at 6:30 pm at the Community Center. This will be one of the last opportunities to provide input on the final design.

Commissioner Clayman:

ANC Newsletter — The Commission will begin publishing a monthly newsletter on May 15, 2019 (available at <http://bit.ly/2Hrax2Z>). The newsletter will be sent by email to those who have signed up at ANC meetings, corresponded with the Commission, or otherwise requested to be kept informed of community activities. Anyone may sign up to receive the newsletter at <http://bit.ly/2JpDzUj>.

Commissioner Fromboluti:

Construction Permits at 5301-5303 Connecticut Avenue — These lots at the Connecticut Avenue/Jenifer Street intersection have been vacant for some time, but have now received construction permits to build a 4 and 1/2 story apartment building. Commissioner Fromboluti raised questions with the Department of Consumer and Regulatory Affairs (DCRA) about the size of the building and the number of parking spaces. He learned from DCRA that the developer plans to include two affordable housing units, which expands the permissible size of the building. They also reduced the number of required parking spaces by making one space a shared space. Commissioner Fromboluti is continuing to monitor this planned project.

### **Community Announcements (00:15)**

Gabrielle Priest, the Ward 4 liaison from the Mayor’s Office of Community Relations and Services ([gabrielle.priest2@dc.gov](mailto:gabrielle.priest2@dc.gov), 202-603-7182), announced that the Mayor has included additional budgeted funding for Vision Zero to address the increase in traffic fatalities. This will include funding for “ambitious” street safety improvements. She also announced DC Microtransit, a new ride service available in parts of Northwest and Northeast DC. For \$3, you can travel anywhere within the service zone (which does *not* include ANC 3/4G). Add more riders for only additional \$1. By downloading the app

new users receive a \$5 credit. Hours of operation are Monday to Thursday from 8:00 am to 8:00 pm and Friday and Saturday from 8:00 am to 12:00 am. Credit card payments are accepted on the app and drivers also accept cash payments. If you don't have the app, you may call (202) 398-0500 instead. More information is available at [DC Microtransit](#) or email [microtransit@districtcab.com](mailto:microtransit@districtcab.com). The Mayor initiated a program on April 29, 2019, for returning citizens. The READY Center (<http://bit.ly/2JpGpIX>) is a one-stop shop where formerly incarcerated District residents can access critical post-release services such as housing and employment assistance as well as educational and health care supports and opportunities. Returning citizens can also obtain vital documents and get connected to programs for substance use disorder and mental health aftercare. The READY Center is located behind the Correctional Treatment Facility (1901 E Street, SE).

Anthony Castillo, Councilmember Cheh's director of constituent services, announced that May 17, 2019, is Bike-to-Work day. It started in 1956 and has grown to 18,700 participants in 2018. There are pit stops at various locations with refreshments and swag. The closest is at the Friendship Heights Metro. More information is available at <http://www.biketoworkmetrodc.org>. The first Council vote on the FY 2020 budget will be on May 14, 2020, and the second vote will be on May 28, 2019. Residents should let Councilmembers know their views on the budget. June 1, 2019, is Glover Park Day from 11:00 am to 5:00 pm on the grounds of Guy Mason Recreation Center, 3600 Calvert St. NW. More information is available at <https://gpcadc.org/glover-park-day/>. June 1, 2019, is also the Woodley Park community picnic from 4:00 pm to 7:00 pm in the park next to the playground on Cortland Place. More information is available at <https://www.wpcaonline.org>. June 8, 2019, is the Capital Pride Parade, and information is available at <https://www.capitalpride.org/celebration-2019/>. Finally, Mr. Castillo announced that he will be leaving Councilmember Cheh's office after six years and will be going to the Department of Transportation. The Commission thanked him for his assistance during his time with Councilmember Cheh.

Jackson Carnes, Director of Constituent Services in Councilmember Todd's office, reiterated that the first vote on the budget will be May 14, 2019, and the budget includes funding for education, transportation, and affordable housing. The Councilmember will hold a small business forum on May 16, 2019, at 9:00 am at the People's Congregational Church, 4704 13th Street NW. Ward 4 Family Fun Day will be held on June 23, 2019, at the Kingsbury Day School, 5000 14th Street, NW.

Doanna Nguyen, a twelfth-grade student at Capital City Public Charter School, made a presentation on climate change and energy and distributed a flyer that she prepared on three-tiers of steps that residents can take to address climate change — green thumb, climate changer, and eco-warrior. The Commission thanked her for her efforts on this important topic.

## **Discussion and possible votes on Class C liquor license renewals for Knollwood, Little Beast Bistro, Bread and Chocolate, Macon, and The Avenue (00:20)**

Commissioner Speck noted that liquor licenses for all restaurants or bars must be renewed every three years. When a business applies for a renewal, it is automatically issued a new license unless there is an obvious problem to prevent renewal. The business can then post the renewal showing that it is properly licensed. That does not stop the protest process, however. If the Commission objects and the Board sets it for hearing, the license can be terminated if the Board eventually finds that it should not be renewed.

The ANC is automatically a party for the license renewal, and may either support or oppose the renewal based on input from the community. The Commission's meetings are an opportunity for residents to raise any concerns about specific renewals.

Knollwood — Paul Bricker, Chief Operating Officer for the Knollwood Military Retirement Community, and Jarvis Ndumbe. Mr. Ndumbe indicated that Knollwood serves an average of 437 drinks per month and provides an average of 248 complementary glasses of wine at events during the average month. Managers and supervisors are all trained in the liquor license requirements so that there are always trained workers on every shift. There are no changes in terms of the license renewal, and no one raised any concerns with the proposed renewal. In Commissioner Tuck-Garfield's absence, Commissioner Speck moved that the Commission support Knollwood's application to renew its Class C liquor license, and the Commission adopted the motion by a vote of 4 to 0.

Little Beast Bistro — Despite being invited, no representative of Little Beast Bistro was present at the meeting, so the Commission deferred any action to a later meeting.

Bread and Chocolate — The regional manager for Bread and Chocolate indicated that none of the terms in its liquor license have changed. He said that they have reduced their hours from 7:00 pm closure to 5:00 pm and do not serve dinner. In response to a question from former Commissioner Allen Beach, he said that they have garbage pickup twice a week and recycling once a week. There were no comments or concerns expressed by commissioners or attendees. In Commissioner Bradfield's absence, Commissioner Speck moved that the Commission support Bread and Chocolate's application to renew its Class C liquor license, and the Commission adopted the motion by a vote of 4 to 0.

Macon — Tony Brown, owner of Macon, indicated that they have been in business for five years. There are no changes in the renewed liquor license, and no one expressed any comments or concerns. In Commissioner Bradfield's absence, Commissioner Speck moved that the Commission support Macon's application to renew its Class C liquor license, and the Commission adopted the motion by a vote of 4 to 0.

The Avenue — Tim Walsh, owner of The Avenue, indicated that they have now been open for one year. They have trash pickup six days a week and recycling four days a week. He said that their business is about evenly split between food and alcohol. In response to questions about the future of the former Arugula, which he also owns, he said that it is being converted to a crab and seafood restaurant and will be open soon. The Avenue's liquor license will remain the same. There were no comments or concerns expressed by commissioners or attendees. In Commissioner Bradfield's absence, Commissioner Speck moved that the Commission support The Avenue's application to renew its Class C liquor license, and the Commission adopted the motion by a vote of 4 to 0.

**Presentations by Valerie Baron (Staff Attorney at the Natural Resources Defense Council) and Vince Morris (DC Water) and possible vote on a resolution urging the Council to provide funding in the FY 2020 budget to implement D.C. Law 22-241, the "Lead Water Service Line Replacement and Disclosure Amendment Act of 2018" (<http://bit.ly/2GXjbWB>) (00:40)**

Commissioner Speck introduced Valerie Brown, a staff attorney at the Natural Resources Defense Council, and Vince Morris, Communications and Government Relations Manager at DC Water. Commissioner Speck has worked with both of them as part of DC Water's Strategic Alliance group to address a broad range of issues related to DC Water.

Mr. Morris indicated that DC Water, a governmental agency that does not make a profit, supplies all of the District's drinking water and processes all of its waste water. DC Water has also implemented the Clean Rivers project that customers pay for through a fee added to their water bills. The results of that effort in terms of cleaning up our rivers has been "fantastic."

With respect to lead in the water, Mr. Morris said that 10,000 homes in the District have lead service lines that connect the DC Water main lines with customers. The main lines are typically under or parallel to streets, and the service lines run from those main lines through public space and customers' private property. DC Water has been replacing the lead lines that are in public space, but it does not have responsibility for those service lines on private property. Customers can replace their service lines, but some elect not to. The District enacted a law that became effective in 2019 that would permit DC Water to reduce lead further by replacing the entire service line from the main line to a customer's home. DC Water supports efforts to reduce lead in service lines.

Ms. Baron said that she became aware of this problem when she was an ANC commissioner and pregnant. Her colleagues at the Natural Resources Defense Council were involved in the Flint, Michigan case. She said that when only part of the lead service line is replaced — as DC Water has done in the past — the construction shakes the pipe and loosens flakes of lead within the line. In addition, when two metals are fused

together (e.g., copper and lead), corrosion at that joint can release lead as well. As a result, there can be high levels of lead in partially replaced service lines.

Ms. Baron said that the District experienced a serious problem with lead in the water several years ago, but those problems are not behind us. Partial replacement is not safe. If funded, the statute that the District enacted will stop the practice of partial replacements. There is no safe level of lead in drinking water, and even tiny amounts can cause problems. The \$1 million that the Committee on Transportation and the Environment recommends for the FY 2020 budget can stop creating new problems by only partially replacing service lines.

A resident asked about the level of lead in the water now. Ms. Baron said that DC Water will test any customer's water for lead without cost, and customers can tell whether they have lead service lines by looking at the intake line to their house. DC Water also has a map on its website (<https://www.dewater.com/servicemap>) that shows the available information for each home, but 79% of the homes have no information about whether there are lead service lines on private property. (The map shows many lead service lines in ANC 3/4G and many that are of unknown material.) DC Water prioritizes known lead service lines for replacement.

Ms. Baron said that the \$1 million recommended by the Committee would only address the need to stop partial replacements, and that is the right place to start. It would not, however, correct the partial replacements that have already occurred. The District estimated that full funding to correct partial replacements would cost \$5.2 million per year.

Commissioner Maydak asked whether DC Water replaces lead service lines only to the sidewalk or to the property line. Mr. Morris said that they replace their portion of the line up to the property line. Commissioner Fromboluti asked whether the program would be limited to low and moderate income customers. Mr. Morris said that the program going forward to replace all of the service lines on both public and private property would be for all customers, regardless of income. Whenever DC Water replaces a main line based on its maintenance schedule, it would replace all the lead service lines, regardless of where they are.

Former commissioner Jeff Norman asked whether this program would apply to multifamily and commercial properties. Mr. Morris said that it would, but because the service lines to multifamily and commercial properties are typically larger, they are not usually made of lead.

Commissioner Speck offered a resolution supporting the proposal from the Council's Committee on Transportation and the Environment to provide \$1,000,000 each year for



four years for DC Water to complete lead service line replacements on private property. The Commission approved the resolution by a vote of 4 to 0.

**Presentation by and discussion with Tommy Wells, Director, Department of Energy and the Environment (DOEE), on DOEE's FY 2020 budget (00:55)**

Commissioner Speck said that Director Wells had asked to meet with the Commission and the community about the Mayor's FY 2020 Budget. Director Wells said that the Mayor's cabinet has been talking with communities about her proposals for the budget, which includes \$15.5 billion in expenditures and some tax increases. He said that there is currently a "budget brawl" between the Mayor and the Council over the budget.

Director Wells said that the District spends more on affordable housing per capita than any other US city. The Mayor's budget also includes \$65 million for transit enhancements, \$122 million for the new K Street transitway, and capital funds for the Chevy Chase Community Center and for schools in our area.

With respect to the budget for DOEE, Director Wells said that the District has been in the vanguard in constructing energy efficient buildings, but they also need to be maintained to be effective. He said that DGS maintains District-owned buildings, and it has not had funds to do routine maintenance. For instance, Dunbar High School, as constructed, was one of the most energy efficient buildings in the country, but reductions in maintenance budgets meant that even equipment filters could not be replaced, so that it is no longer at that high level of energy efficiency. The Council has taken \$3 million from the maintenance budget. He said that the District also has not put enough money into maintenance for federal housing.

Director Wells said that ANCs make a difference in focusing the Council and agencies on issues that are important to the community. He said that ANC 3/4G's advocacy for CRIAC relief for non-profits like Knollwood and Ingleside raised the profile of this issue, and DOEE has amended its regulations to ensure that those institutions will be eligible retroactive to October 1, 2018.

With respect to the redesign and replacement of the culvert under Broad Branch Road between 27th Street and Linnean Avenue that floods over Broad Branch Road during heavy rains, Director Wells said that this is an issue raised by Councilmember Cheh as well. The repairs are being funded through a federal grant, and design is 65% complete. DC Water has raised an issue, however, about the adequacy of the culvert lining, which will require additional funding and design changes. They are working on getting the necessary funding to proceed.

Director Wells said that the bioretention cells that DDOT is planning to install as part of the Oregon Avenue Watershed Green Streets program are underway and should be

completed by the end of the year. He said that some of the originally planned cells have been eliminated because of residents' concerns.

Commissioner Maydak asked why DOEE does not support use of 2700 Kelvin LED lights instead of the 3000 Kelvin lights that DDOT is planning. She said that 3000 Kelvin lights will have adverse affects on residents. Director Wells said that his office had been consulted about the effect of the lights on wildlife. His staff concluded that because urban wildlife are already exposed to substantial light, the use of "softer" light would not make a significant difference. Commissioner Maydak said that that conclusion conflicts with her experience with pets. Director Wells said he had asked his staff to recheck their conclusion and to do a literature search, and they returned with the same opinion. He did say that DDOT was evaluations a new product that would have a softer light.

Ben Cole, an eighth grader at Deal, asked about whether it was possible to install speed humps on Chevy Chase Parkway and whether there could be a four-way stop at Chevy Chase Parkway and Military Road. Commissioner Speck said that Commissioner Malitz was well-informed about that intersection, and was continuing to work with DDOT on a solution. Commissioner Fromboluti said that DDOT was going to remove some parking spaces to improve sight lines at the intersection. He said that with regard to speed humps on Chevy Chase Parkway, because that is an emergency route for fire and EMS, it cannot have speed humps. Anthony Castillo from Councilmember Cheh's office said that DDOT has updated the process for requesting a traffic safety review. Now, it is only necessary to complete a safety assessment questionnaire and to get the endorsement of the single member district commissioner. More information is available at <https://ddot.dc.gov/service/traffic-safety-assessment>.

A resident asked whether there was additional funding to assist low-income families with their energy bills. Director Wells said that there are energy assistance programs for both electric and gas customers, and there are now programs to assist with water bills as well.

The Commission thanked Director Wells for his presentation.

**Discussion and possible vote on resolution regarding the Mayor's proposed legislation to continue leasing the Old Hardy School to the Lab School, Council Bill 23-0150 — "Old Hardy School Disposition and Lease Approval Emergency Declaration Resolution of 2019" (<http://bit.ly/2XvuqfH>) (1:15)**

Commissioner Speck said that, at the Mayor's request, Council Chair Mendelson had introduced emergency legislation that would continue to lease the old Hardy School to the Lab School on an long-term basis. The Commission heard a presentation by Brian Doyle that touched on this subject at its March 25, 2019 meeting. Commissioner Speck summarized the discussion at that meeting.

1. In February 2019, the Wilson Feeder Pattern Community Working Group issued a Summary Report of its findings on current and projected overcrowding in the schools that feed into Wilson High School (<http://bit.ly/2JADBcM>).
2. Based on the statistics that the Working Group compiled, schools in the Wilson feeder pattern are already at or above capacity. Projections in the District’s master facilities plan show that this overcrowding will get much worse over the next ten years with a projected 3,185 additional students over that period. According to the Working Group, that increase suggests the need for three new elementary schools, one new middle school, and one new high school.
3. Faced with these projections, the District of Columbia Public Schools (DCPS) advisory group has considered possible solutions, including using facilities in shifts, longer school years, partnerships with the University of the District of Columbia or the Duke Ellington School for the Arts, and use of privately owned facilities like the former Fanny Mae site. Some schools are already required to have multiple lunch times to utilize cafeterias, and halls are too crowded for students to get through them to classes. The working group has pushed the District to take the next steps to add more schools.
4. DCPS has indicated that it prefers to use publicly-owned sites for any new schools. The old Hardy School at 1550 Foxhall Road is the only DCPS-owned property west of Rock Creek that is not currently being used for public education.
5. The Mayor has submitted emergency legislation to the Council in Bill 23-0150, “Old Hardy School Disposition and Lease Approval Emergency Declaration Resolution of 2019,” proposing to enter a new long-term lease with the Lab School for that site. Such a lease would effectively remove the old Hardy School from consideration for a new public school.
6. The proposed legislation represents that the old Hardy School building needs continued investment, including capital investments. In order to make those investments, the legislation represents that the Lab School requires a long-term lease. The legislation does not specify any terms of the lease.
7. Ward 3 Councilmember Mary Cheh (<http://bit.ly/2VdxS1J>) and the ANC that includes the old Hardy School, ANC 3D (<http://bit.ly/2GUoaHJ>), have written letters opposing the proposed bill.
8. Because this is designated as “emergency” legislation — even though the Lab School’s lease does not expire until 2023 — there would be no public hearing on the bill before a Council vote.

The Commission invited Katherine Schantz, Head of School at the Lab School, to present the Lab School's position on the proposed bill. Ms. Schantz said that the proposed long-term lease is important to the Lab School. She said that the bill will not be considered on an "emergency" basis (which does not permit a hearing) but will follow the regular process, including a public hearing before the Committee on Business and Economic Development. Ms. Schantz said that in 2013, the Lab School went through the legislative process to get a long-term lease, but the bill was pulled at the last minute. Similar legislation was introduced in 2018 for the Jackson School on R Street (<http://bit.ly/2HpNq8Y>), and the Council passed it unanimously.

The Lab School is funded both through privately paid tuition and through funds paid by the jurisdiction where the student lives. The school provides services to students with learning differences, and it has a significant impact on those children. Persons with learning differences constitute 10% to 20% of the population. These learning differences affect students' self-esteem. She said that Councilmember Grosso has focused on the emotional needs of students, which is part of the Lab School's mission.

Ms. Schantz reported that the Lab School has about 140 students — 71 at the old Hardy School, 25 (35%) of whom are from the District. It is an independent school but is not wealthy. There is a low teacher to student ratio: 1 to 2.5. They provide a lot of financial aid. They have been at the old Hardy School location since 2008, and it fits the needs for a campus in proximity to its main campus at 4759 Reservoir Road. There is no gym and no cafeteria at the old Hardy School campus on Foxhall Road. Their lease does not include the field next door, which belongs to DPR.

Ms. Schantz said that they need to make the building more functional, and they would like to make these investments sooner rather than later. They are committed to make \$3 million in investments if they are given a long-term lease. The plan is for a 25-year lease. The current lease for the old Hardy School ends on December 31, 2023.

Commissioner Fromboluti asked how many students were at the old Hardy School when it was a public school. Nick Keenan, a resident in Palisades, said that the school had more than 200 students originally, and it could be accommodate up to 300 or more. Commissioner Tuck-Garfield asked about the class size at the Lab School. Ms. Schantz said that classes are usually eight to twelve students with two or three adults. The staff includes occupational therapists, physical therapists, psychologists, social workers, and visual and performing arts teachers.

The Commission also invited Ruth Wattenberg, Ward 3 member of the State Board of Education, Karin Perkins, chair of the Wilson High School Local School Advisory Team (LSAT), and Nick Keenan, past president of the Palisades Citizens Association, all of whom who oppose this bill, to explain the basis for their position. (Ms. Wattenberg has written the Council opposing the bill (<http://bit.ly/2GTv6F3>)).

Ms. Wattenberg said that she understands the need to support students in reading like the Lab School provides, and she has tried to get more of these programs in DCPS. This issue, however, is about space. It is not viable for the increasing numbers of kids in the Wilson feeder pattern to go to the schools that exist now. It would be irresponsible, she said, not to use District-owned buildings to accommodate some of these students. The old Hardy School can be expanded in that footprint to a facility that could serve 500 students.

Ms. Wattenberg said that the need to find a place for the Lab School has been known for some time, and there are other buildings that could be available. The District hasn't worked to find an alternative place for the Lab School. The lease does not expire for four years, and no one is being thrown out. ANC 3D has indicated it will work with the Lab School to find an alternate space.

Mr. Keenan said that the old Hardy School was built in 1932 with the same design as several other elementary schools. It was later converted to a middle school that moved to a larger building in 1996. The Financial Control Board wanted to sell the building, but it was blocked to save the building for future use by DCPS. Mr. Keenan said that the proposed long-term lease was pulled back in 2013 because DCPS would not certify that it does not need the building.

Mr. Keenan said that other schools built with the same design now have an average capacity of 523 students. The old Hardy School abuts DPR property so that the entire site is six acres — the largest track in Ward 3.

Mr. Keenan said that 14% of District students have learning differences, and more DC kids could be served if the old Hardy School were a public school. He said that the leases for the building have never been for more than five years. The proposed lease term for the Lab School is 25 years with a 25-year option by the School to renew — effectively a 50-year lease, which might as well be forever. He said that space becomes available as schools move — e.g., the Kingsbury School is being sold, and its building is under contract to the Latin American Montessori Bilingual Public Charter School.

Commissioner Tuck-Garfield asked whether DCPS could use other sites. Ms. Wattenberg said that DCPS' options are more limited, and they should make use of existing facilities. Mr. Keenan said that to dispose of property, DCPS has to go through a surplus property process. The site first has to be offered to a public charter school, which has the first option to purchase.

Ben Young, who is a resident of our ANC and a Lafayette parent, has been helping the Lab School, and he said that the District did dispose of the Jackson School, which is about 1.2 miles from the old Hardy School. That was the same process as proposed for

the old Hardy School. He said that the District has not done special education well, and the Lab School fills a need.

Commissioner Speck said that the key new information in this discussion was the fact provided by Ms. Schantz that the Council would hold hearings on the proposed legislation rather than proceeding on an “emergency” basis without a public hearing. He said that, as a result, there is no urgency for the Commission to act. He said that it would be preferable to have all of the Commissioners present for a discussion and vote on this issue. Thus, he proposed that the Commission wait until the Committee on Business and Economic Development sets a hearing, and the Commission would then consider whether to offer testimony on the legislation. The Commission agreed to follow this approach. The Commission thanked Ms. Schantz, Ms. Wattenberg, Mr. Keenan, and Mr. Young for providing helpful information on this topic.

### **Discussion and possible votes on Class C liquor license renewals for the Avalon Theater(01:56)**

Bill Oberdorfer, Executive Director for the Avalon, said that there have been no changes to the conditions of its liquor license. He said that they normally close the cafe 30 minutes after the last feature, which is generally around 11:30 pm. There were no comments or concerns expressed by commissioners or attendees. In Commissioner Bradfield’s absence, Commissioner Speck moved that the Commission support the Avalon’s application to renew its Class C liquor license, and the Commission adopted the motion by a vote of 5 to 0.

### **Update on the modernization plans for the Chevy Chase Community Center (02:00)**

Commissioner Fromboluti said that on May 13, 2019, he spoke with George Lewis, the DGS Director of Procurement, who said that they are negotiating with four bidders and will most likely have an award announcement by May 24, 2019.

Karen Perkins, a resident, asked whether the design was considering flexible education space in the building. Commissioner Fromboluti said that part of the reason for the new Community Center building will be to create more flexible space. The current building is not flexible. Commissioner Speck also mentioned that the Library held a meeting on April 25, 2019, and discussed the need to coordinate with the Community Center to make maximum use of the space in both buildings.

Commissioner Speck reported that he had followed up on the suggestion at the Commission’s April 8, 2019 meeting to talk with other ANCs about their experience with construction projected in mixed commercial and residential neighborhoods. On April 25, 2019, Commissioner Speck met with Nancy MacWood, Chair of ANC 3C, about the construction of the Cleveland Park Library. She described the problems that they

encountered with parking, traffic, and use of public space (e.g., for dumpsters and deliveries). Most of the problems are similar to those that our Commission experienced during construction at 5333 Connecticut and Ingleside. She said that DGS would not enter an agreement with the ANC (like the one we have with Ingleside), but they did agree on the record to most of the things the community wanted. She said that they had to be extremely persistent to get their concerns addressed. She did develop a good relationship with the construction contractor that enabled them to address most problems. She agreed that we are on the right track in addressing our concerns with DGS early. Commissioner Speck said that he expects to begin discussions with DGS soon on construction-related issues.

### **Discussion and possible vote on a resolution urging the Council to hold hearings on any proposed changes to the District's Freedom of Information Act (02:10)**

Commissioner Clayman reported that the proposed changes to the District's Freedom of Information Act had been deleted from the Budget Support Act that was circulated late in the afternoon on May 13, 2019. Thus, consideration of a possible resolution urging the Council to hold hearings on any proposed changes was moot.

### **Commission Business (02:10)**

1. The Commission voted 5 to 0 to approve the minutes for its April 22, 2019 meeting.
2. The Commission approved the following checks by a vote of 5 to 0: \$141.43 to Verizon. Commissioner Tuck-Garfield also announced that the Commission had received its allotment of \$3997.96 for the first quarter of FY 2019.
3. Items for June 10, 2019 meeting may include: presentation by Inez Saki-Tay, Account Manager & Community Outreach Specialist at the Department of Consumer and Regulatory Affairs, on the agency's recent enforcement and consumer protection enhancements (<http://bit.ly/2VgxEHq>); discussion and possible vote on special exception application at 3615 Military Road, NW (BZA Case No. 20060) proposing to extend the existing bump-out that currently encroaches into the required side yard setback by four feet; discussion of homes at 5745 and 5900 Moreland Street leased to Oxford House (<http://bit.ly/2HFVFOz>)

The meeting adjourned at 9:15 pm (02:15).

Signed:

Randy Speck  
Chair

Abe Clayman  
Secretary