



## **FULL SUMMARY**

Chair Bradley-Lewis called the meeting to order at 7:07 pm. The meeting was held in “hybrid” format, virtually via Zoom and in-person at the McLean Gardens Ballroom.

The Chair called the roll. In addition to Commissioner Bradley-Lewis (3A01), Commissioners Judy Havemann (3A02), Hans Miller (3A03), and Ann Mladinov (3A05) were present, which made a quorum. (Three of the five Commissioners constitute a quorum.)

### **MPD Community Report**

Captain Darren Haskis who oversees MPD 2D Sectors 1 and 2 reported on crimes in ANC 3A for the year to date and for the most recent 30 days. He noted there had been 3 robberies which was very uncharacteristic. He specifically reported on an attempted carjacking in the 3300 block of Wisconsin opposite the National Cathedral in which the vehicle owner gave the suspects something other than the car keys and they moved on to carjack another vehicle in the Foxhall area. They appeared to be seeking a BMW X3. He said MPD had a person of interest. He also reported on a robbery at the Berkshire at 4201 Massachusetts Avenue, which appeared to be an internal matter related to a drug-related dispute. In another incident, on Nebraska Avenue around AU, not far from the DHS complex, a car pulled up by a bus stop, 2 or 3 individuals stepped out of the car and took personal possessions from the victim. Captain Haskis said there had also been 4 thefts of vehicles in the previous 30 days, which was also uncharacteristic. He advised residents to be cautious when parking, and shared MPD’s recommendations to avoid carjackings, including not idling a vehicle for very long and using a club-like device to secure older vehicles including Hyundais and Kias.

Several residents from the area around 38<sup>th</sup> Street and Woodley Road spoke about drug activity in the alley adjacent to 3207 38<sup>th</sup> Street, which provides a pass-through to the parking lot behind the apartments on Wisconsin Avenue. Neighbors said they have observed people buying, selling, and using drugs, probably heroin, and needles on the ground, especially in the back steps off the alley, which provide a safe alcove. Captain Haskis said he would follow up, ask the Crime Suppression Unit to check that location, and report back at the next meeting.

He urged residents to continue to report criminal or suspicious activities to MPD, including finding drugs or drug paraphernalia. He also described the steps MPD would follow, including taking a report, taking in the evidence, and assigning an investigator. He noted that filing a drug report doesn’t automatically lead to a police report but a call to 911 is recorded. If the police come out and do not find a person committing a crime, they cannot file a report of a crime, but individuals should still call.

### **Presentation on Proposed Construction of Garage off Alley behind 3523 Porter Street (BZA 21045)**

Commissioner Miller introduced the architect, Ralph Cunningham, who described the project, which is in the Cleveland Park Historic District, in the R-2 Zone. The new owners are requesting a zoning Special Exception to build a garage to provide covered off-street parking for their vehicle, replacing a parking pad in the rear yard. The proposed garage will have the required setbacks from the alley and the dimensions are consistent with zoning standards, but he said the project requires a Special Exception because of zoning officials’ interpretation of how to measure the size of the rear yard (from the rear wall of the primary structure to the accessory building, rather than from the primary structure to the alley). He noted that all the neighbors support the project, it has already been approved by the Historic Preservation Office, and the owners are cooperating with the adjoining owner to coordinate the project with plans to improve the shed across the fence. The main requirement for the Special Exception is that the project not intrude on privacy, light and air for other residents. Commissioner Miller asked the applicants to share the neighbors’ letters of support with the ANC, and Mr. Cunningham agreed to do that. The ANC would plan to take a vote on whether to support the project at the January meeting.

### **Discussion and Vote on DDOT proposal to Create a Loading Zone at 3601 Wisconsin Avenue**

Commissioner Miller reported that the DC Department of Transportation (DDOT) had issued a Notice of Intent (NOI-23-237-TOA) to change the remaining two-hour parking space in front of the Crestview Condominiums to a No Parking/Entrance (Loading) Zone. Comments on the change from a two-hour parking space to a No Park/loading zone were due to DDOT by December 22. The new NOI followed DDOT's recent decision to move the Metrobus stop on the east side of Wisconsin Avenue next to the Washington Ballet to a new location in front of the Crestview, in the process removing 4 two-hour parking spaces and the previous loading zone near the building entrance, in spite of opposition by the ANC and Crestview residents due to concerns about safety of pedestrians transferring between buses as well as added noise and trash. Commissioner Miller said that DDOT had not yet added a paved pad at the new bus stop but the residents had reluctantly agreed to have a District garbage receptacle in public space nearby, though they had heard it could take 320 days to be installed. He said he would contact DPW about that. He also had heard from the Crestview residents that they would support having the one remaining parking space in front of the building be signed as a loading zone to serve the entrance, rather than as a parking space. The Chair made a motion to vote on a resolution supporting the NOI, and also noting that the ANC still favors having the Metrobus stop next to the Washington Ballet. The motion was seconded and the Commission voted 4-0 in favor of the resolution.

### **Presentations by Washington Gas Light (WGL) and DC Office of the People's Counsel (OPC) on WGL PROJECTpipes to replace gas infrastructure in Washington, DC (now concluding Phase 2)**

PROJECTpipes is a 40-year program launched in 2014 to replace virtually all the pipes used to distribute natural gas to District customers. Washington Gas has asked the PSC for approval of a proposed \$672 million Phase 3 for the next 5 years. John Dodge, Associate General Counsel and Director of Regulatory Matters, spoke for Washington Gas. He noted that PROJECTpipes was initiated in response to the 2007 USDOT Pipeline and Hazardous Materials Safety Administration's call to replace older pipes, address leaks and leak-prone pipes. He said since the project began, the number of methane leaks reported in the District had decreased by 45%, or about 3,500 and WGL expected about the same results in Phase 3. WGL uses an algorithm to identify the most leak-prone gas pipes, including the age of the pipe and its leak history. Commissioner Miller asked who pays for repairs when there is a gas leak—the ratepayer or WGL? Mr. Dodge said that WGL advances the funds to make the repair or replacement, and then WGL recovers the costs in a rate case. In comparison, under PROJECTpipes, the DC Public Service Commission (PSC) reviews WGL's proposal for pipe replacement and approves a total amount of expenditures for the expected work and that is covered by a surcharge on gas bills. Mr. Dodge also reported that WGL has faced a large increase in capital costs in the past year, with double digit inflation, well beyond past experience, so they are trying to be cautious because ultimately ratepayers pay the costs.

Commissioner Havemann asked why we are replacing gas lines when we're trying to move away from gas to electrification. [The District has adopted policies calling for reduced use of fossil fuels, including natural gas which is primarily methane, with a target of "net zero" carbon emissions by 2045.] Mr. Dodge said that WGL is in tune with those goals and is decarbonizing, but the company agrees with President Biden's statement that full electrification is "decades away."

Ankush Nayar, Assistant People's Counsel, made the presentation for OPC ("the people's lawyer" on utility issues. He noted that WGL's requests for PROJECTpipes have gone up sharply and keep rising. Phase 1 cost \$110 million over 5 years. Phase 2 cost \$150 million over 3 years. (The PSC pared back the cost from the WGL's request for \$374 million.) He raised questions about WGL's surcharges and algorithm. He also spoke about WGL work labeled "compelled by others." That occurs when WGL asks to replace all the gas pipes under the streets at the same time there is excavation for DDOT or Pepco or DC PLUG (the District's power line undergrounding project), even if there is no evidence of gas leaks or any showing that there would be a reduction in leaks by repairing the pipes. WGL has said that approach avoids additional traffic disruption but DDOT has said that WGL comes in after the other project work is

already completed and is just further extending the traffic blockage. Mr. Nayar said those replacement projects are not using a probabilistic model of where pipes most need replacement, and appear to be taking crews away from work to repair pipes that are leaking or leak-prone. There is no standard for what gas pipes should be replaced in an area where other utility projects are going on. Mr. Nayar also spoke about advances in gas leak detection using devices mounted on surface-based vehicles, which PSC had ordered WGL to adopt.

WGL filed its application to the PSC for PROJECTpipes Phase 3 in spring 2023 (Formal Case 1175), OPC filed objections. While the review of that case continues, WGL has filed for a one-year extension of Phase 2 for \$57.3 million (The PSC previously reviewed Phase 2 in Formal Case 1154, but a new docket could be established to review the request for an extension.)

Commissioner Jeremy Del Moral (3A04) arrived at 8:00 pm.

Commissioner Bradley-Lewis asked how long the gas lines being replaced will last compared to how long they may be needed, using the example of buying a minivan as the children are approaching 17 or 18 and getting ready to leave the household.

Mr. Nayar observed that the District is moving faster than the rest of the nation in combatting climate change and reducing carbon emissions, and OPC is very concerned about “stranded assets”—investments that are no longer needed and become a burden on ratepayers. As more buildings and households shift from using gas to using electricity, people with the least are likely to be left using gas and bearing the cost of the gas infrastructure that other customers are no longer are using. OPC is calling for more attention to addressing this challenge.

Mr. Dodge said for people coming onto the gas system, WGL makes a net present value calculation, and uses the contribution date of construction to be sure that existing customers don’t pay the costs imposed by new customers. He cited an estimate of \$74,000 as the total cost for a household to switch from gas to electricity, and noted that right now there are not enough clean power plants to supply the demand for electricity, so electrification could require older higher emitting power plants to remain in service longer. He also noted that economists see an “all of the above” approach as the most prudent to meet current and future needs of residential and commercial customers.

Mr. Dodge said the DC PSC vets the projects that WGL undertakes under PROJECTpipes when the utility submits its annual list of proposed projects to undertake, and then the PSC has an annual reconciliation process to check what work WGL has done. He also observed that fixing leaks doesn’t get to long-term system safety. In addition, he said that PROJECTpipes is a large project that relies on a large number of contract workers, and if the work on PROJECTpipes is cut off abruptly, the contract crews that are working on the project will go elsewhere and destroy the continuity the company has tried to maintain in the program.

Several residents and Commissioners posed other questions. Both speakers ended by urging people to submit comments in the cases before the PSC, including the WGL cases and the Pepco rate case asking for \$191 million. Mr. Nayar said OPC is calling for a pause on WGL’s request for PSC approval of both Phase 3 and WGL’s request for an extension of Phase 2. He also cited the need for coordinated climate action plans for WGL and Pepco, which currently have adopted their own plans which are not working to the same end.

The Chair made a motion to take a vote on a resolution to support a pause on PROJECTpipes. Commissioner Mladinov asked for clarification on whether the pause would be on Phase 3, or on both Phase 2 and 3. The Chair asked for more assurance that WGL is focusing on pipes that are leaking, is

working from information on what is leaking, and is paying attention to the impact that the work it is doing means for WGL's ability to address emergency leaks. He also highlighted that people who can't afford to pay higher costs should be assured that utility programs are not wasting money.

With those friendly amendments, the motion to vote was seconded and the Commission voted 5-0 to approve the resolution supporting a pause on PROJECTpipes.

**Presentation by Eric Goulet, Board of Education member from Ward 3, on DCPS contract**

The Chair reported that Mr. Goulet was not going to be able to participate in the meeting. He also provide an update on the DCPS contract with teachers and other school officers. Earlier that day, DCPS had started negotiations with the Washington Teachers Union (WTU), after a series of delays. The contract covering DCPS teacher salaries and benefits had expired in October 2023, and the contract with other school officers is set to expire in October 2024. The State Board of Education adopted a resolution in October urging DCPS to open negotiations with the Washington Teachers Union by January 1, with the hope that new contract terms could be taken into account in DCPS funding formulations and the Mayor's proposed budget which will be presented in early spring for school year 2024-2025. The ANC was prepared to consider a resolution recommending that DCPS begin contract negotiations with WTU, but for the moment that appeared not to be necessary.

The Chair noted that the last time the contract expired, the Cost of Living Adjustment (COLA) had been frozen and when contract negotiations were completed, several years of COLA increases then had to be covered which had a major effect on the DCPS budget. That situation could be repeated whenever contracts expire, especially if negotiations stretch out.

**Proposed Resolution on Proposed Protected Bike Lanes on Connecticut Avenue NW**

Commissioner Miller introduced the issue, sharing a brief history of the efforts to reconfigure Connecticut Avenue in Ward 3 (including eliminating the "reversible lanes" and adding protected bike lanes), which started in 2019. The community had a survey and numerous meetings with DDOT and stakeholders, and the ANCs serving portions of Connecticut Avenue voted in 2021 to support "Concept C." On December 15, 2021, the Mayor gave a press conference saying she supported Concept C and the preferred design. Since that time, the project seemed to have stalled, and other ANCs were urging that DDOT go ahead with the plan that had been announced. He asked if ANC 3A would like more detail or more time to consider engaging on this matter.

Commissioner Havemann said she did not have any knowledge of the issue.

The Chair reported that since December 2021, DDOT had issued a statement that it was re-evaluating the options and would form a new Citizens Advisory Council (CAC) to consult on the matter. Nominees to the CAC were solicited, including representatives from ANC 3A, which is within the "influence area" for changes on Connecticut Avenue, and possible members had been approached. DDOT had not yet convened the new CAC but the ANC was in a position that DDOT had laid out a new plan. He said he would hesitate to decide on something when DDOT had said it was not going to go ahead with what it announced earlier.

Commissioner Del Moral said he would like to see the protected bike lanes go ahead, which would be a benefit for Ward 3. He noted that the ANC is supposed to serve the greater good.

Commissioner Mladinov said she had not participated in the discussions of plans for Connecticut Avenue and did not have the information on the proposals that would be necessary to take a position on a particular option.

Commissioner Miller suggested that the ANC could do both: learn more and tell DDOT to follow what it committed to do.

The Chair said he would like to have on the record that the ANC had discussed the merits of the plans and gotten public comments. The issue was tabled with an expression of interest in learning more.

### **Commissioner Updates**

Commissioner Mladinov announced that earlier in the day the WMATA Board had announced a proposed FY 2025 budget to take effect on July 1, 2024. Taking into account the expected \$750 million gap in contributions from the District, Virginia, and Maryland, the draft budget called for a 50% reduction in service. The existing 30-series buses on Wisconsin Avenue (31 and 33 routes) would be maintained, but the N-series bus service would be reduced, H-buses would be limited to running between Tenleytown and Cleveland Park only, and there would be no service on the 96 (or D2 or D6).

Commissioner Bradley-Lewis observed that the proposed WMATA budget seems intended as a call for support for more funding for the system, and Commissioner Mladinov agreed: WMATA has said the draft budget is not what it wants to do but what it would be forced to do if it cannot get additional funds.

Commissioner Miller asked how WMATA could afford to introduce 24-hour service on the H-4 on December 17, running every 20 minutes all night, if the system is so short of funds. Commissioner Mladinov said the money for that service came from funds approved in the current fiscal year for specific purposes and would not be available to support other services during the next fiscal year. (In October, WMATA entered an agreement with the District to use DC funds for 24-hour service on 14 Metrobus lines serving the city including H-4, along with several other changes to improve Metrobus access for all.)

### **Community Announcements**

Christian Damiana, Communications Director in Councilmember Frumin's office, reported that CM Frumin was looking at legislative options to protect tenant health and safety when the living conditions at their buildings endanger residents' health. CM Frumin was also moving forward on out-of-school programming (including after school, weekends, and summer) for all DCPS and DC Charter School students, to help provide more activities for all the young people.

Max Broad spoke about the campaign to prohibit force feeding of animals (for example, to produce foie gras). He had gotten signatures from 100 ANC Commissioners on his letter and was hoping for more.

### **Open Forum**

There were no additional comments from members of the community

### **Administrative Matters**

The Chair made a motion to vote on the minutes of the November 14 regular monthly meeting. The motion was seconded and the Commission voted 5-0 to approve the minutes.

Treasurer Del Moral read the monthly ANC 3A financial report for November:

#### **ANC 3A November Financial Report**

Opening Balance (November 1): \$11,366.06

- Income: \$6,611.92 - Two Quarterly District Allotments
- Cash Withdrawals: None
- Expenditures:
  - Checks: None
  - Bank Fees: None
    - Monthly Fee waived

Ending Balance (November 30): \$17,977.98

The Chair made a motion to add the Commission's resolutions and actions from the December meeting to the ANC 3A Annual Report that was approved at the November ANC meeting, which covered actions through November. The motion was seconded and the Commission voted 5-0 to approve the addition.

The Chair made a motion to extend the ANC's agreement with the McLean Gardens Ballroom for use of the space for regular public meetings. Commissioner Del Moral asked if the agreement could be amended so the ANC meeting time would be cut off at 9:00 pm, as it had been at the National Presbyterian Church which hosted the initial meetings of ANC 3A in 2023. The Chair said he would check on the ballroom's options on when the doors would be locked, and committed to trying to start the meetings promptly at 7:00 pm and ending the meetings at 9:00 pm as scheduled. The motion was seconded and the Commission voted 4-1 to approve the extension. Commissioner Havemann voted against the motion to extend the agreement to use the Ballroom for ANC 3A public meetings.

The Chair presented a proposed list of ANC 3A regular public meetings in calendar year 2024, on the third Tuesday of the month as had been the practice in calendar year 2023 unless a holiday or schedule conflict causes a change. Hearing no objection, he made a motion to vote on approving the proposed list of public meeting dates through January 2025. The motion was seconded and the Commission voted 5-0 to approve the list of meeting dates as presented.

Commissioner Miller asked if the ANC would be having officer elections at the January ANC 3A public meeting. Several Commissioners responded that officers are elected at the first meeting each year and that would be happening at the January meeting.

The Chair announced the next ANC 3A regular public meeting would be Tuesday, January 16, 2024.

The Chair made a motion to adjourn the meeting. The motion was seconded and the Commission voted 5-0 to adjourn.

The meeting adjourned at 9:36 pm.

---

These minutes were approved by the Commission by a vote of 5 - 0 at the duly noticed public meeting on January 16, 2024, at which a quorum was present. (Three of the five Commissioners constitute a quorum.)