



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

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COMMISSIONERS

3/4G-01 - Lisa R. Gore, Chair 3/4G-02 - Bruce Sherman
3/4G-03 - James Nash, Secretary 3/4G-04 - Michael Zeldin 3/4G-05 - Peter Lynch
3/4G-06 - Peter Gosselin, Vice Chair 3/4G-07 - Zachary Ferguson, Treasurer

Minutes
ANC 3/4G Public Meeting
February 27, 2023
Zoom Meeting 7:00-9:57 pm
Video <https://www.youtube.com/watch?v=MHoivcz4c2Y>

00:00:05 Introduction of Commissioners, meeting procedures, adoption of agenda

Commission Chair Lisa Gore (3/4G-01) called the meeting to order at 7:00 pm. At the top of the meeting, Commissioner Gore said the Commission has decided, at the request of the community, to switch to a “meeting” format on Zoom as opposed to a “webinar” format. The new format allows community members to see one another.

Also present were Commissioners Bruce Sherman (3/4G-02), James Nash (3/4G-03), Peter Lynch (3/4G-05), Peter Gosselin (3/4G-06), and Zachary Ferguson (3/4G-07). Due to a conflict, Commissioner Zeldin (3/4G-04), was present via an audio connection for the first 30 minutes of the meeting, and then intermittently throughout the meeting. Gore declared a quorum (at least four commissioners being present).

00:07:10 Changes to agenda and vote to adopt the amended agenda

The Commission voted to amend the agenda by adding the following: **Presentation by Jo-Elle Bugard**, DDOT, on the Utah and Tennyson Street livability study, and a discussion on the Maret Field project, including discussion and vote on a draft resolution on **Voiding the ANC 3/4G-Maret School Memorandum of Understanding; Disbanding the Maret Sports Field Project Task Force** and the ANC's **Response to Friends of the Field's Motion to Reopen the Record and Stay the Decision and Order in BZA case #20643** (Maret Field Project). The changes to the agenda were approved 5 (Yes - Gore, Gosselin, Nash, Ferguson, Lynch) - 1 (No - Sherman).

00:10:35 **Commissioner Announcements**

00:13:22 **Community Announcements**

Matthew Barclay, from the Mayor's Office of Community Relations and Services – Ward 3

DPR- Mayor Muriel Bowser and the DC Department of Parks and Recreation (DPR) announced that registration for the 2023 Spring Programs will begin on Wednesday, March 1 for aquatics programs and Thursday, March 2 for all other programs. Registration opens at noon on both days.

DPR programs offered this spring include:

- Aquatics programs, including learn to swim, aquatic fitness, senior aquatics, water polo and lifeguard instruction.
- Team sports and athletics, including soccer, kickball, volleyball, gymnastics, baseball/softball/tee-ball, pickleball, tennis, and flag football.
- Out-of-school time programs like DC Public Schools (DCPS) Fun Day (March 10) and DCPS spring break camp (April 18 – 21).
- Additional activities include fitness programs, senior programming, dance, candle-making, music, and movie nights.

Cherry Blossom - On Wednesday, March 1st, join @MayorBowser, @CherryBlossFest & @NatlParkService for the announcement of the predicted peak bloom at the Festival press conference! Wednesday 3/1 11 AM 950 New York Ave NW

DPW - DPW will begin Posted Street Sweeping on March 1, 2023. Every year between March and October our sweepers operate along residential streets where signs are posted restricting parking during street sweeping hours. DPW will issue warning from March 1, 2023, through March 10, 2023. After March 10, vehicles in violation of posted parking restrictions will be subject to a \$45 fine.

DPW is still collecting holiday trees and greenery curb side at the tree box or at the curb where there is not tree box from the front of only DPW-serviced households. Residents

may also drop their holiday trees and/or greenery at one of two convenient locations January through March 3, 2023. Benning Road (3200 Benning Road, NE) Guy Mason Recreation Center (3600 Calvert Street, NW)

Summer Youth Employment Program- Youth Ages 14-24 This is the last day to apply for the Marion S Barry Summer youth employment program. Summerjobs.dc.gov

Free Steering Wheel Locks - Starting tomorrow, if you're a DC resident and own a 2011-2021 Kia or Hyundai, stop by a @DCPoliceDept station to pick up a free steering wheel lock!

DSLBD (Department of Small and Local Business Development) Grants - Robust Retail Grants Deadline is April 1, 2023

Cynthia Collier announced in the chat, because her microphone was not working, DDOT Tenleytown Multimodal Access Project survey is open through March 19. Click "View Details" to access meeting materials and survey:

<https://www.eventbrite.com/e/ddot-tenleytown-multimodal-access-project-meeting-2-tickets-527220630097>

00:26:53 **Janelle Williams, new account manager, Department of Buildings (DOB)**

Ms. Williams explained the role of this new agency. DOB was created to take over some of the functions of the previous DCRA agency. DOB is responsible for regulating construction activity in the District of Columbia. This includes permitting, rental property maintenance standards, inspections, construction code and zoning regulation compliance, and surveying the District. The Mission of DOB is to protect the safety of residents, businesses, and visitors and advance the development of the built environment through permitting, inspections, and code enforcement.

Ms. Williams said the agency will respond within three days of all complaints. However, a response is not the same as a resolution of the complaint, as that will typically take longer.

Citizens can apply for a permit online. Planned reviews typically take 30 days business days.

DOB has a new program that allows citizens to schedule a DOB permit inspection or pay for a third party inspection through the DOB website. Scout allows citizens to track permit applications, certificate of occupancy, enforcement, and licensing. This program can be accessed through the DC Access Account.

Ms. Williams then spoke about illegal construction, and vacant and blighted properties. She said she would send information about this through the ANC for wider distribution. These situations are multi-agency problems: DOB is not the only agency involved in addressing them. The Office of Tax and Revenue and the Department of Housing and Community and Development are also involved.

Stuart Miles-McLean said his long-standing problem has been with contractors and developers going beyond what has been permitted. It falls upon residents to bird dog this and harass DCRA continually to get something done. Blighted and vacant properties are not generally a big problem in this neighborhood. He asked if DOB would do better than DCRA so residents do not have to engage with those involved in illegal behavior.

Ms. Williams replied that her agency is not able to canvass a neighborhood for illegal construction. Therefore, she said we must work together, and we need citizens to report illegal activity to our agency so we can investigate it.

Stuart Miles-McLean replied the problem is that after reporting violations, DCRA never responded properly, never took meaningful action. He expressed great frustration with DCRA.

Ms. Williams replied that the reason for the split of the DCRA agency was that it was trying to do too many things. She expressed the hope that DOB will do better.

Commissioner Gosselin identified one problem has been multiple cancelled inspection appointments for illegal construction. He pointed to one instance in which appointments were cancelled on six different occasions for a single property.

Ms. Williams said when this happens citizens should elevate the problem so it will be addressed properly.

Commissioner Sherman said many buildings are being constructed that appear oversized and out of scale with local properties and cause great consternation with residents. He asked if there are any opportunities for neighbors to have some input before by right development occurs.

Ms. Williams said with DCRA neighbors were notified of development that affected them. Objections that fell under the scope of the law could then be made. Now neighborhood notification works on the back end. After receiving a permit, neighbors must be notified of construction activity.

Some voices are upset about this new process, according to Ms. Williams. She added she does not know if DOB will move back to the old process.

00:49:13 Presentation by Jo-Elle Bugard, DDOT, on the Utah and Tennyson Street livability study

Ms. Bugard said the goal of the project at Utah, Tennyson and 32nd Street is to improve pedestrian safety with green infrastructure practices. She said slip lanes will be closed on 32nd Street in the northern and southern areas of the project to improve pedestrian safety. A Capital Bikeshare station will be added along with trees and grass. A triangle park is proposed in the southern slip lane.

The public can provide comments via the DDOT website and these comments are due the week of April 9. The public can also comment by contacting Ms. Bugard: joelle.burgard@dc.gov.

Commissioner Sherman said neighbors at the corner of Tennyson and Utah have told him they are favorable to this project.

Commissioner Gore said notification is a big issue for residents with DDOT. They don't receive notice of intent. How are you going to handle that, she asked Ms. Bugard? Broadening outreach so people will know about it?

Ms. Bugard replied typically there is a project website, flyers are passed out and public meetings are held. Flyers have already been passed out at this intersection. Ms. Bugard is happy to meet with people on site.

1:00:55 **Discussion on Chevy Chase Draft Zoning**

Commissioner Gosselin provided an update of zoning on the main street of Conn. Ave from Chevy Chase Circle to Legation. The Small Area Plan (SAP) calls for a new zoning district for upper Conn. Ave. Commissioners have met several times in recent months with Office of Planning (OP) staffers who are drawing up provisions for the new zoning district, which will then be presented to the DC Zoning Commission.

Commissioners agreed to keep the meetings confidential so that OP staffers could share their early thinking and allow commissioner to ask questions and offer reactions. Commissioners also wanted to ensure the community had advance notice of what was coming.

Commissioners now believe OP has settled on the provisions it will propose. OP has ended the confidentiality requirement, and commissioners now want to alert the community to what is coming, specifically the provisions for the community library site. This site could be a zone separate from that of the commercial area surrounding it and on both sides of Conn. Ave.

Commissioner Gosselin said the new provisions would allow for a building on the community center to be 65 feet tall, up to 70 feet under inclusionary zoning. There could in addition be a two tier set-back penthouse of up to 18.5 feet, plus an additional five foot allowance if the first floor is made higher than the rest. This would mean a building that is almost 95 feet tall.

The proposal would allow 80 percent of the site to be built on. Commissioners are concerned this would allow little space for people to gather at the civic core.

Commissioner Gosselin said he encouraged everyone to read the OP draft and that he would post the draft OP text of amendments to the Chevy Chase Civic Core on the ANC

website. Here is a link to the document: <https://anc3g.org/wp-content/uploads/2023/02/Draft-Chevy-Chase-Text-Amendment-February-24-2023-2.pdf>

Several members of the community expressed shock at learning of such a high allowable building height.

Commissioner Gosselin added that he does not think anything has yet been decided and that the community needs to work together to shape the final document. He believes Council Members Frumin and Lewis George are supportive of the community on this matter.

Commissioner Gosselin said there would be a 67-foot maximum height in the rest of the zoning area. In response to a chat question about what the commissioners said during the confidential meeting, Commissioner Gosselin noted that he said, "This is too tall."

Commissioner Gore added that no one on the ANC supported building heights of 95 feet. She said commissioners need to follow this issue and promised a future resolution on the matter.

1:36:24 Voiding the ANC 3/4G-Maret School Memorandum of Understanding; Disbanding the Maret Sports Field Project Task Force and the ANC's Response to Friends of the Field's Motion to Reopen the Record and Stay the Decision and Order in BZA case #20643 (Maret Field Project)

After some back and forth between Commissioners Sherman, Gore, and Gosselin on the agenda amendment process, Commissioner Sherman moved to the substance of his resolution. He said he wanted to know the statutory authority for the ANC to enter into an agreement with a developer for a project within the ANC. He said he posed the question to the OANC and others and did not get answers satisfactory to him.

According to Commissioner Sherman the Attorney General (AG) said the home rule act does not authorize such an agreement. He said his concern is the ANC may not be within its statutory authority. The AG ruling on this is that the ANC lacked the authority to execute a Memorandum of Understanding (MOU), so it is void and should be void. And the Maret Task Force should therefore be disbanded.

Commissioner Sherman moved to adopt the resolution and after a long moment of silence, Commissioner Lynch seconded it.

During the discussion Commissioner Ferguson said that although not pertinent to the resolution he wanted to say something related to the topic. He said there had been vandalism at the ECC site and that the community should agree that property destruction is unacceptable and wrong.

Commissioner Ferguson then questioned Commissioner's Sherman use of the word "ruling" to refer to the AG's advice on this matter.

Commissioner Nash then offered one comment and one question. He said he did not read the AG letter as Commissioner Sherman did. The AG says ANCs may enter into agreements especially when it is in connection with enforcing an agency ruling, which is precisely what is going on in the case of the Maret-ECC agreement with respect to the BZA order.

Commissioner Nash then asked Commissioner Sherman how his resolution would benefit the community. The Maret Task Force is charged with ensuring Maret adheres to its MOU during construction. How would eliminating the Task Force benefit the community?

Commissioner Sherman replied that it is in the first instance a legal issue as to whether or not it's an authorized action on the part of the ANC. That is the key question.

Commissioner Nash replied that in his view, Commissioner Sherman's answer consisted of legal abstractions that fail to answer the basic question of how his resolution benefits anyone in the community.

Commissioner Gosselin said that as a practical matter a good case can be made that the MOU and the Task Force take complaints and follow up on them. This serves the community interest. And as between serving the community interest and legalisms, it seems as though Commissioner Sherman comes down for the legalisms. He asked Commissioner Sherman if that was correct.

Commissioner Sherman repeated his previous statement that he was trying to understand what the "statutory authorities are."

Commissioner Gosselin said the question comes back to Commissioner's Nash question of who benefits. There is a system in place to try to protect the community during the construction period and Commissioner Sherman prefers to choose "legal authorities" over protecting the community. Commissioner Gosselin added that he suspects Commissioner Sherman is choosing "legal authorities" because somehow that will feed back to the BZA decision which allowed for the Maret project. Commissioner Gosselin said he does not understand how Commissioner Sherman can prioritize legalisms over the community, and called it "a great irony," inasmuch as Commissioner Sherman has presented himself as superior to other commissioners because he better represents the community.

Commissioner Sherman asked that commissioners not ascribe motives or to characterize his positions in a personal way. He said his resolution was based on the AG opinion which was relatively straightforward.

Commissioner Zeldin said he thought the MOU and the Task Force were in the community interest. Maret has said it will voluntarily abide by the MOU and there is no reason to remove that check and balance. Second, he said the AG letter is anything but

clear about what the ANC can do on a voluntary basis with Maret. The AG letter provides no support whatsoever for the resolution's claim that the MOU is void ab initio. He concluded that voting for Commissioner Sherman's resolution is illogical.

Commissioner Gore said she would vote "no" on the resolution because the AG has not determined the MOU is void and the ANC is not the kind of body that can make a legal decision to void it as the resolution is asking for. The AG also notes exceptions where ANCs can enter into agreements, one mentioned by Commissioner Sherman and a second one not mentioned by Commissioner Sherman. The one not mentioned involves settlement agreements entered into an agency order. Commissioner Gore said she has read the BZA transcripts and there are several references to the possibility the BZA will reference the MOU in its final written order. To vote to void the MOU is premature she concluded. She said the AG opinion is that agreements that are void ab initio are determined on a case-by-case basis and depending on the community interest.

Commissioner Gore said she had heard from many members of the community on this issue who oppose the resolution and had shared these emails with the other commissioners. She added that voiding the MOU could affect and even undermine other agreements the ANC enters into, such as the redevelopment of the civic core. Because of these possible consequences, she thought Commissioner Nash had raised a very good question that everyone needs to ask themselves: who would this resolution benefit? The Task Force is doing good work, and who would it benefit if it were disbanded? There is nothing in the AG opinion that calls for this.

Commissioner Gosselin said he understands that the Friends of the Field lost a community decision. As the previous Secretary he is keenly aware of the long discussions on this project in the previous term of the ANC. He said he believes the ANC has already decided on this matter and yet in the new ANC term a great deal of more time has been expended on a matter that he believes has already been resolved. A great many other important issues are coming up, such as the community center and library. He although it is a controversial decision, he said we need to put the Maret-ECC issue behind us; nothing of substance is going to change and we need to focus on more important and urgent matters.

Commissioner Nash agreed with Commissioner Gosselin that it was time to move on and called for a vote on the resolution.

Commissioner Sherman asked for community input. To allow for this, Commissioner Nash withdrew his call for a vote on the resolution.

Nancy Voisin asked if the ANC was within its statutory authority to enter into the MOU.

Commissioner Gore replied the ANC thought it was within its authority to enter into the MOU with Maret, just as it had with Ingleside, pending final clarification by the AG.

The resolution failed by a vote of 6 (Yes - Commissioners Gore, Gosselin, Lynch, Ferguson, Zeldin, Nash), 1 (No - Commissioner Sherman).

The commission then took up the matter of **the ANC's Response to Friends of the Field's Motion to Reopen the Record and Stay the Decision and Order in BZA case #20643.**

Commissioner Gore read from the letter, which states that the renewed motion to stay is premature, and the commission believes the BZA will not change its decision. The ANC does not oppose the Friends of Field motion to reopen the record for the sole purpose of including the OAG letter, but the ANC disagrees with the characterization of that letter. Without the MOU Maret would have no restraints and the community would have no recourse. The MOU and the task force benefit the community.

Commissioner Gosselin moved to approve the letter and Commissioner Nash seconded.

Commissioner Sherman said the letter has not been posted and, referring to the letter just read by Commissioner Gore, nevertheless asserted "nobody knows what it says."

Commissioner Gore replied that the procedure followed with this letter is standard. Community feedback is possible at this meeting. The commission needs to act and sometimes that means not everything comes in a timely fashion. Sometimes the commission has a short time frame to respond.

Commissioner Gosselin pointed out the letter is reaffirming a previous ANC decision and awaits a final decision by the BZA. He did not understand how Commissioner Sherman could suggest something is being sneaked through, when the letter is purely procedural.

Commissioner Sherman objected to the letter's characterization of the MOU with Maret for the first time ever as a "settlement agreement." Because the AG letter stated the ANC can only enter into "settlement agreements."

Commissioner Gore asked Sherman what he wanted to change in the letter, and Commissioner Sherman objected that he could not respond because he had no time to absorb the letter properly.

Commissioner Nash said he objected to the amount of time being spent on the matter, that he disagreed with Commissioner Sherman about the letter because the issues it deals with have been discussed exhaustively already. Commissioner Nash called the issues raised here and in the previous resolution by Commissioner Sherman "legal pettifoggery" and asked for a vote so the commission could move on to consider more important matters.

Commissioner Sherman said he did not characterize other commissioners' activities as "pettifoggery" and does not use pejorative adjectives to describe what other commissioners are doing. He kindly asked other commissioners not to do this.

Elizabeth McPike then asked all commissioners to answer the question of what is the maximum height they want a building on the community center site to be. Commissioner Gore said she lacked the information needed to answer the question.

The commission vote to approve the letter was 5 (Yes, Commissioners Gore, Gosselin, Zeldin, Ferguson, Nash) , 1 (No - Commissioner Sherman), 1 (Abstain - Commissioner Lynch).

Commissioner Gore then responded to a comment stating that the public has a right to see everything the commission does. Commissioner Gore said the commission has gone out of its way to make everything public. "Find me another ANC with more transparency on its website," she said. Commissioners are up to 1am. That's why we're in a meeting not a webinar.

The ANC is a volunteer body and citizens need to be aware of the limits this imposes on the amount of time commissioners can devote to the community. "We do a lot of work to make our website transparent," she said.

02:47:36 ANC Committee and Task Force Reports

Commissioner Gosselin said ZDD will meet March 23rd. Committees on the survey, finance, and resources have all met and are moving as fast as we can and attract the city to join our effort.

Commissioner Gore asked for clarification on the four areas. Commissioner Gosselin said two results of the SAP work was people wanted two things. Pictures and focus on the built environment, size, massing, siting. That did not happen with the SAP. The effort is to get the specific designs so people can look at them. An effort to get help with managing large group meetings. That's the community meeting group.

The survey group determined that the survey must be designed to determine where the areas of compromise are. Financing is important because we will need to tell the city we need more money than the city has allotted. We will also need more money for affordable housing. Resources group is trying to find the means to pay for this.

Elizabeth McPike again asked each commissioner to say what maximum height of building is appropriate at the civic core.

Commissioner Gore repeated she lacked the information to offer an opinion on the question. She needs to hear from the community and from other sources before offering an opinion.

Commissioner Gosselin said his personal view is the proposal from OP is too big. He said it is not a good idea to put our cards on the table, we have no sense of where there is room for compromise.

Racial and Social Equity Standing Committee

Commissioner Gore reported there was concern about black home ownership on the community center. Committee members want to work with Commissioner Gosselin on this. She asked for members of Commissioner's Gosselin group to meet with RASE.

Maret Project Task Force

Jenny Backus said the next meeting will be held on March 22nd at 7 PM on zoom. The task force is trying to focus on input from community members. There are vandalism concerns. The Maret sign was vandalized also.

People concerned about the tone, on all sides of the issue. She asked her commissioner, who is Commissioner Sherman, and everyone else to lower the temperature. She thinks vandalism is something we need to watch. People are quick to anger.

Mike Osborne said he wanted to echo Jenny's comment about the tone of the debate. Someone said ECC looks like "a war zone." He works for Veterans Affairs, and he said as the son and grandson of those who fought in different wars the comment made him extremely angry. He couldn't even formulate a response. It was offensive personally and professionally. The leaders in the community need to turn down the volume on this debate. It is simply out of hand. On our task force we focus on the issues before us he said.

In response to a comment on the chat, he noted Maret was not involved in the selection of who serves on task force.

Ms. Backus noted that someone in the chat just threatened Maret students. She appealed to Commissioner Sherman to tone this down, because that comment is ridiculous.

Mike Osborne, asked why are people protesting at student games? No one should make threats particularly against students. It is unacceptable behavior.

Marjo Talbott spoke next. She thanked TF members and commissioners for their work. She added that Maret is committed to carrying out the terms of the MOU in the spirit of collaboration and follow all the guidelines. She understands there are difference of opinions. We will be respectful, she said. Let's keep the discourse civil and respectful.

Commissioner Sherman said, "I'm on the record repeatedly condemning any acts of vandalism." He said he did so at the last Maret Task Force meeting, and in immediate

response to Commissioner's Nash's post in response to news that came out about vandalism. "I reiterate it here," he added. "There is no place for it, I condone it," [sic] (at 3:11:13).

Commissioner Sherman encouraged the community not to draw conclusions about the origin of the vandalism. It is important for us to condemn the vandalism and stay on an even keel. He promised to do what he can to further this.

Mr. Osborne asked Commissioner Sherman to condemn threats against Maret students occurring in the chat.

After a heated exchange with Mr. Osborne, Commissioner Sherman said he just did condemn threats against Maret students.

Nancy Voisin: said she reached out to the TF because she said her house was shaking due to falling trees. The feedback from the TF was it lacked jurisdiction over the trees. She asked commissioners if it was their intent for the TF to have jurisdiction over the trees.

Marjo Talbott said the TF was established for the construction process. Even though the trees were not technically part of the construction process, we asked the ANC to include them to work with the neighbors.

Ms. Backus said the TF does not have jurisdiction over the trees. The TF has tried to forward and report complaints about the trees.

3:18:45 Commission Business

Commissioner Nash said the minutes for the Feb. 13th meeting would be ready soon and he thanked everyone for their patience as he completes them.

Treasurer Report:

The treasurer, Commissioner Ferguson, reported that a clerical error was found on the Quarterly Financial Report (QFR) for Fiscal Year 2023, Quarter 1, omitting the second allotment to the ANC from the District. The QFR was amended and corrected.

The commission then voted 6-0 to approve spending \$53 on the debit card to raise capacity for Zoom meetings to over 100 people for the current month. Commissioner Zeldin was not present to vote.

3:25:00 Chair Lisa Gore adjourns the meeting.

APPROVED at a regular public meeting notice of which was properly given, and at which a quorum of four (4) of seven (7) members was present on March 13 by a vote of **6** yes, **0** no, **0** abstentions.



Lisa R. Gore, Chair



James L. Nash, Secretary