



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

January 23 2023

Zoom Meeting 7:00 – 11:17 pm

Meeting [Link](#)

[00:01:31](#)

Introduction of Commissioners, Zoom Meeting Procedures

Commission Chair Lisa Gore (3/4G-01) called the meeting to order at 7:00 pm. Also present were Commissioners Bruce Sherman (3/4G-02), Michael Zeldin (3/4G-04), Peter Lynch (3/4G-05), Peter Gosselin (3/4G-06) and Zach Ferguson (3/4G-07). Commissioner James Lyman Nash (3/4G-03) was traveling and absent. Gore declared a quorum (being four commissioners present).

[00:07:15](#)

Adoption of Agenda

Commissioner Gosselin asked to add two items: a report by Metropolitan Police Department (MPD) Lt. Marlon Olivierre on the January 19, 2023, 42 St. NW shooting spree and discussion and possible vote on a resolution supporting a special use zoning exception for Mamma Lucia at 5504 Connecticut Ave NW. Chair Gore asked to add an appearance by

Ward 3 Councilmember Matt Frumin. With these changes, the ANC voted unanimously to adopt the agenda.

[00:09:47](#)

Commissioner Announcements

Commissioner Gosselin

Zoning, Design and Development Committee – Gosselin said the committee met on Thursday, January 19, 2023, in the Chevy Chase Community Center. The meeting was the first in-person session by the ANC or any of its committees in almost three years. Gosselin said that unfortunately he was unable to make a virtual link work. The Commission is seeking to develop the ability to conduct hybrid meetings.

Commissioner Sherman

SMD-02 Town Hall – Sherman said he is conducting a town-hall meeting on Thursday, January 26, 2023, from 6:00 p.m. to 8:00 p.m. at St. John’s College High School.

Commissioner Lynch

Feed the Family Pantry – Lynch commended the food pantry accepts donations and provides food items to households in need of assistance on Saturdays and Sundays. The pantry is located on Connecticut Avenue across from the University of the District of Columbia (UDC). On July 12, 2021, the ANC approved a \$1,990 grant to the organization.

Chair Gore

Community Shout-out - Chair Gore recognized neighbor Zola Canaday on her recent national photo ad with Sephora. Zola graduated from Wilson H.S., currently known as Jackson Reid.

[00:13:54](#)

Community Announcements

Ward 3 Councilmember Matt Frumin

Frumin commented on two issues: the recent shooting spree along 42nd St. NW and the debate over a city proposal to partially “surplus” the Community Center-Library site.

On the 42 Street incident, Frumin said Ward 3 has seen “a whole lot more gunfire than we’re used to, and we don’t want to get used to it.” He said he would meet with MPD in the coming week to discuss ways to reduce the number of incidents.

On the Community Center-Library, he said that he will seek to ensure the redevelopment of the parcel includes step-downs to adjacent residential areas, green space, underground parking and affordable housing. He said the city’s introduction of the term surplus “took everybody by surprise,” sparking concerns that all decision-making had been taken out of local hands. He said he will fight to make sure that residents have “significant input’ into plans.

“I think there’s a fear that it’s a runaway train,” he said of the project. “I will not be a part of it being a runaway train.”

Matthew Barclay, Ward Liaison, Ward 3 | Mayor’s Office of Community Relations and Services (MOCRS)

Sophia Tekola, Ward Liaison, Ward 4 | Mayor’s Office of Community Relations and Services (MOCRS)

Leigh Catherine Miles, Chief of Staff, Ward 3 Councilmember Matt Frumin

00:26:15 **Police on 42nd St NW Shooting Spree**

MPD Lt. Marlon Ollivierre said the midday January 19, 2023, incident involved two moving vehicles exchanging gunfire along 42nd St. NW. Although initial reports suggested that someone was shot, he said no one was hit so police consider what occurred as an unlawful discharge of firearms. He said police have received a lot of videos of the incident, but have not identified the vehicles or developed any leads. He said officers recovered nine 9mm shell casings.

Commissioner Gosselin said of the incident that it was the “kind of casual violence that’s particularly frightening to people.” He said that it was one in a series of recent gunfire incidents, including a shooting along Connecticut Avenue near the National Zoo on the day of the ANC meeting. He asked Ollivierre to report to the Commission on any progress in the 42nd Street case.

[00:40:44](#)

Mamma Lucia Special Use Zoning Exception

Commissioner Gosselin said that Mamma Lucia pizza shop at 5504 Connecticut Ave. NW in his district is being required to get a fast-food use exception from the Board of Zoning Adjustment (ZBA) to continue operating. As part of seeking the exception, the shop is being required to install a gate across a back alley that contains dumpsters and a trash compactor used by most of the food establishments in the 5500 block of the avenue. Gosselin said he, neighbors, the shop's owner, Pete Gouskos, and the owner of the adjacent Parthenon restaurant and Chevy Chase Lounge, don't understand why the city is requiring the gate since it will do little to solve the problem neighbors periodically have had, namely unclosed dumpsters and improper use of the compactor resulting in breakdown and food waste on the ground that attracts rats. Nonetheless, neighbors are willing to go along with the gate with these conditions: that it have a large view hole that allows them to see whether the dumpsters are shut and the compactor is operating, that it not obstruct trash trucks and that it not be locked during trash pickup hours.

The ANC voted to support Mamma Lucia's BZA application for a fast-food use exception and the installation of a back-alley gate on condition of meeting neighbors' requests. The vote was 6 yes, 0 no, 0, abstention.

[00:48:14](#)

Opponents' Presentation, Maret Tree Work at ECC Campus

Friends of the Field (FoF), a citizens' group opposed to Maret School's proposal to develop a sports playing field on the campus of the Episcopal Center for Children at the corner of Utah and Nebraska Avenues, laid out its argument for why Maret should not begin any tree work at the site until the city's Board of Zoning Adjustment (BZA) issues its final written order on Maret's application to develop the sports field. In April 2022, the BZA orally ruled in Maret's favor, but has yet issued a written order, issues that order. Maret has obtained the proper city permits to begin removal of numerous trees on the project site.

David Patton, a FoF member, said that group has gathered more than 1,000 signatures on a petition asking that trees not be cut or transplanted at the site. He raised what he described as a series of unresolved legal issues, including the legitimacy of a memo of understanding (MOU) between Maret and the ANC governing the construction phase of the project and the city should require Maret to obtain a more stringent type of zoning relief for the project than it sought and won. Patton said that once the written BZA order is issued, the group will file suit on both of these matters.

Patton acknowledged that Maret has the permits it needs to proceed with the tree work that the group's petition addresses and that trees on the site suffered "decades of neglect." But he said the group believes the tree permits should have been made contingent on it receiving approval for other aspects of the project. He said the group called on Maret to delay the beginning of tree work, which the school says will begin in two weeks, until all FoF appeals are completed and it receives approvals for all work at the site.

Joe Forcier, another FoF member, said that Maret plans to remove 66 trees from the site. He argued that in combination they absorb large amounts of water that otherwise would run off the site, flooding adjacent neighbors' basements. "The neighborhood is going to be left unprotected. There is no way to mitigate that water," Forcier claimed. He asked that the ANC, which unanimously supported the Maret project in February 2022 after six months of hearings, approve a resolution calling for the school to delay the start of work. A third FoF member, John C. Lawrence, made a similar request, citing disruption during construction and potentially negative effects on neighbors' homes afterwards.

During a Q&A, Commissioner Zeldin said that when Commissioners walked the site with officials from the city's Urban Forestry Division, they were told that the majority of trees on site were dead or dying and that in the case of large or "heritage" trees, most are being moved, not removed. He said that leaves a small third category of healthy trees that Maret is planning to cut. He asked whether what the FoF was asking the Commission, BZA or the appeals court to delay work only on this third category or on all trees on the site. Patton said the group wasn't trying to protect particular trees, but wants to stop all work at the site until the BZA has issued its final written order and all appeals have played out.

Commissioner Gosselin noted that the BZA has already provided oral approval for the Maret project. He asked if the FoF expected the Board's written decision to differ from the oral decision. If it did, he asked, are there any examples of the Board changing its position between oral and written decisions. Patton said he didn't know, but added that BZA orders have been overturned on appeal. Gosselin asked whether that meant that what the group was requesting was not just that Maret delay work until a written BZA order, but that it delay until a written order, an appeal and the completion of any legal action. Patton said it was the latter.

Commissioner Sherman, who was one of the organizers of FoF, but has declared that he resigned from its leadership since joining the ANC, said that he believed that the key question was whether it makes sense of Maret to begin work before the BZA issues its written order and the school has obtained permits for the rest of the work besides the trees. He said he looked forward to Maret's presentation.

[01:22:05](#)

Maret Update on the Project at ECC

Marjo Talbott, Maret's Head of School, and Trey Holloway, the school's Assistant Head for Finance and Operations, presented. Talbott said Maret intended to "tell you what we're planning to do," and not to "relitigate so much of the process." Holloway said that of the 66 trees the school intends to remove the city considers only six to be in "good condition," 31 to be in "fair condition," and the remainder to be in "poor, critical or dead condition" or invasive. He said that all of the trees need to be removed at once because of the need for a "clean site" to move the large heritage trees for replanting. The school has been preparing the heritage trees for replanting since last summer by trimming their roots and canopies. Talbott said unless they are moved before March, they cannot be moved during their growth period in the spring and summer and therefore their transplanting would be delayed a full year.

Sherman asked whether, in working with city agencies, Maret had planned for the possibility that after disturbing the site by moving the heritage trees, there might be a long delay because, for example, FoF appealed and won a stay of further work. Holloway said that Maret will maintain the site and comply with city requirements to mitigate runoff and other problems.

Sherman indicated that he thought the ANC should consider a resolution supporting a delay of tree work at the site. Chair Gore said that the Commission had no resolution before it and that if it took one up at the current meeting the community would not have had prior notice. Chair Gore added that any Commissioner had the right to place a motion on the floor and Commissioner Sherman could make a motion on the matter that the Commission would vote on. Sherman indicated that he wanted to present a motion and Chair Gore said that that was his right.

Commissioner Lynch said his understanding was that the FoF wanted a delayed only until the BZA had issued its written ruling. Saying he was seeking a middle ground, Lynch asked whether both sides would agree to a short delay of work. Talbott and Zeldin both said that Maret needed to move forward now. Chair Gore took questions from the attendees.

Sherman then proposed the following motion:

The ANC call on Maret to delay voluntarily any work related to the trees until such time as it has received the final written order from the Zoning Board of Adjustment and its construction permits. If Maret declined, the ANC would be in touch with Urban Forestry to stay the permits it has granted Maret.

Lynch seconded, but then asked whether the ANC could delay action on Sherman's motion until it had asked BZA for a schedule of when it expected to issue its written decision.

Gosselin countered that he believed the Commission should vote on the motion now and that he would oppose it. He said the ANC already had conducted long and fair hearings on the proposal and agreed to support the Maret project. He considered the Commission to have already spoken on the subject and there was no need to revisit the subject as, he said, the Sherman motion did.

The motion failed. The vote was 2 yes (Sherman, Lynch), 4 no (Gore, Zeldin, Gosselin, Ferguson), 0 abstentions.

[02:40:35](#)

Historic Designation PNC Bank, 5530 Connecticut Ave NW

The Preservation League of Washington and Historic Chevy Chase DC (HCCDC) applied to the District's Historic Preservation Review Board (HPRB) to designate the building at 5530 Connecticut Ave. NW which now houses the PNC Bank branch as historic. Commissioner Gosselin offered a resolution that offered the ANC's support for the designation with the provision that the designation apply only to the bank building and not the adjacent parking lot.

Commissioner Lynch said that while he agreed to the designation of the bank, he objected to the inclusion of the parking lot. He said that he had talked with Preservation League Executive Director Rebecca Miller, who said that if a developer sought to build on the parking lot in the future, the developer's proposal would have to be reviewed by the HPRB.

Gosselin responded that the parking lot was included only because the applicants used city's property records to identify the property, which include both the building and the parking lot. He said the application says that only the building is a "contributing resource" and therefore considered historical. In addition, Gosselin said that he had structured the proposed resolution so that the ANC's support applied to the designation of the building only, not the parking lot.

HCCDC member Jordan Benderly said that, although the parking lot was not historic, any development on it would have to be reviewed by the HPRB because the development would be adjacent to a historic structure assuming the bank building is designated. He later pointed out that a development on the parking lot would have to undergo such a review even if the bank building was not designated because the adjacent building, the Chevy Chase Arcade, already has been historically designated.

Lynch said he would only support designation if the parking lot was separated from the building. Commissioner Ferguson also raised concerns about the designation because it

apparently is occurring without the support of the current owner, PNC Bank. He said such designations should be done collaboratively with property owners.

There Commissioner Gosselin's proposed resolution which stated..... was defeated by a vote of 2 yes (Gore, Gosselin), 3 no (Sherman, Lynch, Ferguson), 1 abstain (Zeldin).

Commissioner Zeldin offered an amended resolution which stated..... The amended resolution was approved by a vote of 4 yes (Gore, Sherman, Gosselin, Zeldin), 2 no (Lynch, Ferguson), 0 abstentions.

[03:22:04](#)

Vote on City Surplus Proposal for Community Center-Library

The office of the Deputy Mayor for Planning and Economic Development (DMPED) has proposed partially surplussing the Community Center-Library site to make possible the portion's sale or lease to private parties to develop housing, including affordable housing. Chair Gore and Commissioner Gosselin offered a draft resolution to respond to the DMPED proposal that would say:

- Surplussing at this time is not appropriate because the Commission and the community do not the details they need to make an informed choice;
- The ANC would not support surplussing unless and until DMPED worked with the Commission to develop and execute a substantial engagement process;
- The ANC calls on DMPED to extend the timeline for the project, develop a comprehensive planning process that includes charrettes and seeks to strike a balance between the scale of the project and pursuing Mayor Bowser's and the ANC's goal of affordable housing.

Commissioner Zeldin, who said he opposes surplussing any part of the site, sought language changes to remove what he said was the implication that if DMPED conducted a substantial community engagement process it would win ANC support. Gosselin agreed to take the change as a friendly amendment. Zeldin also sought language changes that he said clarified the call for a comprehensive planning process. Gosselin eventually accepted that change as well.

Commissioner Lynch said that there was considerable confusion about what surplussing means and that Commissioners should reach a common understanding. Gosselin said that this was precisely why the resolution called for extending the timeline and the city engaging in a more extensive conversation with the community.

At the suggestion of resident Andrea Rosen, commissioners agreed to ask that planning process and community input occur before surplussing or issuance of a request for proposal

(RFP); that the charrettes involve use of ArcGIS design software that allows viewers to view buildings and spaces as they would moving through them and that the community get to chosen by the community.

Lynch, Gore, Zeldin and resident Mara Verheyden Hilliard engaged in a discussion about how to describe the type or types of housing the ANC is seeking from the site.

The Commission unanimously approved the resolution as amended. After the vote and because of the late hour, Commissioners agreed to postpone discussion of by-law changes to their next meeting February 13, 2023.

[04:06:10](#)

Commission Business

- **Minutes** – Commissioner Gosselin, who is finishing out his time as Secretary, said he had not finished the minutes for the Jan. 9, 2023 meeting.
- **Payments** – On a motion by Commissioner Ferguson, who is the ANC’s Treasurer, the Commission unanimously approved a payment of \$28.09 to reimburse Chair Gore for a Mailchimp account.
- **New Zoom Account** – On a motion by Chair Gore, the Commission authorized a new business account subscription to replace the personal account that former ANC Chair Randy Speck used for meetings.
- **Possible Items for the ANC’s February 13, 2023 Meeting** – Update on Maret project task force; discussion and vote on the 2023 by-laws; Commission response to Racial and Social Equity Committee recommendation.

[04:17:05](#)

Adjourn

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 February 13, 2023, by a vote of **6** yes, **0** no, **0** abstentions.

Lisa R. Gore

Lisa R Gore, Chair

James Nash

James L. Nash, Secretary