



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

Chevy Chase, Barnaby Woods, Hawthorne  
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<http://www.anc3g.org> | YouTube: ANC3G

**COMMISSIONERS**

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**ANC 3/4G Special Meeting**  
**April 11, 2024**  
**Summary Minutes**

00:00:04: **Welcome by Vice Chair Peter Gosselin.**

00:01:32: **Commissioner introductions:** Nash, Sherman, Zeldin, Gosselin, and Lynch are present. Commissioner Ferguson joins at 00:16:38.

00:04:58: **Modifications to agenda:** adding vote on Commissioner Nash's testimony before the budget committee on transportation. Adopted 5-0.

00:05:43: **Consent agenda:** Commission approves minutes of March 27 meeting, 5-0.

00:06:22: **Special meeting will discuss two new zones proposed for Connecticut Avenue corridor and Civic Core site.** Two Office of the Advisory Neighborhood Commissions (OANC) lawyers are on the call: Denise Wiktor and Andrew Gerst, as well as Executive Director of the OANC Kent Boese. An equitable land use lawyer from Office of the Attorney General (OAG), Alexandra Cain, is also on the call. Lawyers are present to answer technical and procedural questions. The OAG has not yet settled on what their final position will be.

00:15:16: **April 11 vote by the Zoning Commission (ZC) in favor of rule changes, case 22-25.** The rule changes will further limit input by ANCs on zoning decisions. Atty Gerst summarizes the changes. They would exempt rulemaking map amendments from the requirement to provide notice to all property owners within 200 feet of the proposed changes. They would also exempt the Office of Planning (OP) and the Office of Zoning (OZ), when making text amendments that include related map amendments, from making any referrals to the local ANC. Two timing changes would give city agencies more time to notify the public of zoning changes.

00:19:26: **ANC letter from September 2022.** The letter objected to this rule change because it would limit, not expand meaningful community engagement.

00:19:56: **April 11 rule change codifies what OP is already doing.** Alexandra Cain agrees the result is restricting notice to the public of zoning actions. ANCs need no longer be given notice of any rulemaking changes, whether text amendments or map amendments.

00:23:10: **Discussion of the ANC not being given proper notice of the November 9, 2023 set down meeting and its significance.** Gerst confirms that the ZC can waive notification if they feel a party was not prejudiced by it. In the video of the November 9 meeting the ZC admits they failed to give the ANC proper notice but feels the ANC has been notified in "other ways." Commissioner Sherman uses slide 15 of a ZC presentation to emphasize the significance of designating a change rulemaking vs contested, and how a rulemaking designation limits public input. This is a procedural equity issue. Wiktor will research the procedural due process issue and get back to the Commission. Cain notes these issues have been raised with the Office of Open Government (OOG) and are the subject of an ongoing investigation.

00:28:03 **Can the ANC contest zoning case designations?** Gerst has reached out to someone at OZ but has not yet heard back.

00:29:36 **Commissioner Nash asks if the ZC is required to give an ANC resolution on a proposed change "great weight."** Commissioner Gosselin asks if the ANC automatically gets "party status?" Cain points out giving an ANC great weight does not in any way mean the ZC will agree with them and explains the ANC only gets party status in a contested case. In a rulemaking case the ANC gets only five minutes, although the ZC has the flexibility to grant them more time should they desire to do so. There is also a comment period after the public hearing during which the ANC could provide written comment. Commissioner Gosselin argues the best strategy might be to fight the 22-25 rule change.

00:35:36: **Constituent questions and comments:** Are the criteria distinguishing rulemaking from contested clearly defined? (see Zoning Regulations subtitle Z 201.2 and 201.5.) The recording of the November 9 ZC meeting and ZC's response to the OOG complaint are available. Should those testifying at the April 29 meeting focus on process or substance?

00:44:28: **Rulemaking vs contested designation: why does it matter?** The most important consequence might be that rulemaking allows for no appeal of ZC's decision. A rulemaking decision is not required to include findings of fact or conclusions of law. The proposed changes could be either rulemaking or contested, and that being the case they should arguably be given the designation which grants citizens the most rights.

00:47:25: **Joining other ANCs in opposition to 22-25.** Other ANCs have voiced opposition to the ZC rule change.

00:49:50: **Should there be separate cases for the proposed new zones?**

00:52:57: **The importance of party status.**

00:55:13: **Chevy Chase Voice arguments:** threatening to sue, and proper procedures.

00:56:39: **Constituents debate housing and development:** the Comp Plan, the covenant at the Civic Core, rent stabilized apartments, upzoning, gentrification, and hotels and retail at the Civic Core.

01:06:28: **Height vs green space.** Commissioner Gosselin argues there are two main community concerns: maintaining the scale and texture of the core of the community, particularly as regards height, and preserving green space. He proposes the ANC form a resolution agreeing to a single zone for the entire area with a height of 65-70'.

01:08:26: **Constituents and Commissioners respond to Gosselin's proposal and proposed community development.** Some constituents urge the ANC to fight for greater representation of the community, to listen to their constituents, and to honor majority viewpoints. Several stress the importance of preserving shared civic spaces.

01:34:49: **Defeat of the bike lane plan for Connecticut Avenue.** Referenced citizen' impact on government decisions.

01:40:10: **Proposed budget testimony on transportation.** Commissioner Nash's testimony calls for the city to add sidewalks to Broad Branch, improve drainage between Linnaean and Beach Drive, and improve motor vehicle safety. Testimony passes unanimously.

01:41:45 **Commissioner Gosselin to write budget testimony on Department of Parks and Recreation (DPR):** he will ask for more money for library/community center.

01:42:25: **Meeting ends.**

Peter Gosselin, Vice Chair



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Bruce Sherman, Secretary



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