



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, Secretary, 3/4G-03 - James Nash, 3/4G-04 - Michael Zeldin 3/4G-05 - Peter Lynch 3/4G-06 - Peter Gosselin, Vice Chair 3/4G-07 - Zachary Ferguson, Treasurer

Special Meeting
April 17, 2024
Summary Minutes

00:00:05: **Welcome from Vice Chair Peter Gosselin.**

00:01:21: **Commissioner introductions and meeting guidelines:** Nash, Sherman, Lynch, Ferguson and Gosselin are present. Commissioner Gore joins at 01:31:43. Commissioner Gosselin underscores this meeting is for Commissioners to exchange views towards consensus for a resolution on the proposed zoning changes for Connecticut Avenue. He notes there will be no votes taken.

00:07:03: **Modifications to agenda:** adding an executive session at the end of the meeting to discuss website issues; adopted 5-0.

00:08:40: **Discussion of process questions regarding the proposed zoning changes.** The Zoning Commission (ZC) did not give the ANC proper notice of the November 9 set down hearing. This has potentially significant ramifications. Commissioners discuss timing and potential ANC input for the upcoming April 29 ZC hearing.

00:12:21: **Ellen McCarthy, former director of Office of Planning (OP) explains the Zoning Commission process.** If the ZC takes a vote on April 29, the case will be sent to the National Capitol Planning Commission to see if the Feds have any interest (unlikely), then it will be advertised in the DC Register for 30 days. During those 30 days, if comments and concerns come in that are new, and which cause the ZC to reconsider their decision, they will meet again to discuss, and may ask involved parties for further testimony before taking a final decision. After the final vote, changes will again be advertised in the DC

Register, at which time the decision is final. Testimony on the case may take more than one day, and McCarthy thinks it's possible the ZC will not vote on April 29.

00:17:38: Further Commission discussion of how the ZC works and how the ANC should engage.

Commissioner Sherman suggests the ANC send a letter now to ZC asking for a contested hearing so the ANC can have party status. This is a very significant issue for the community and 3-5 minutes of testimony isn't enough. The ANC represents a diverse collection of views and can't adequately represent their constituents in such a short time. When Commissioners Lynch, Zeldin, and Sherman sent a letter on November 8, 2023 to the zoning commission asking them to delay until after the results of the ANC Community Survey were in, they were unaware of the significance of the case designation, or that the November 9 meeting was their one opportunity to argue for a specific designation. Chairman Hood of the ZC admitted they made a mistake but waived the requirement after the fact. The OANC has confirmed this is permissible, but it raises questions of procedural inequity. Commissioners engage in further discussion of ANC strategy.

00:25:44: Rulemaking vs contested designation: A contested case would allow as much time as needed for the ANC to speak to all the issues, to provide documentation to describe the process by which the ANC engaged with the community to assess the proposed developments, to go in depth and detail into community sentiment in full representation of our constituents' interests. The ANC represents 15,000 residents; a few minutes is not enough. There is likely no limit on written submissions, but party status would allow the ANC to engage in dialogue with the ZC, to ask questions, and to present new ideas for their consideration.

00:31:42: Mistakes of the past and new information vs delaying the process: Some Commissioners recognize the process has been faulty. Others question whether ANC engagement with ZC will lead to further delay. The process culminating in the proposed changes was initiated 2-3 years ago, but in the last six months significant new information has been gathered in the survey and additional community meetings. The Commission is unlikely to be in agreement, and contested designation would allow those in dissent from the majority opinion to also share their views. Some Commissioners favor additional debate. If the Commission cannot agree, how can they expect the community to agree? Some Commissioners feel if they pursue a letter to ZC it should be separate and distinct from Chevy Chase Voice. Others see Chevy Choice Voice and other groups as constituents deserving representation.

00:39:16: Part of a larger strategy? Was the failure of the ZC to notify the ANC of the November 9 meeting a "test case" of the new procedural rules passed by the ZC on April 11 to limit the ANC's role in zoning matters?

00:40:26: The case involving 1716 U Street: in this case designation was changed.

00:41:07: Controlling the process to control the outcome: Commissioner Nash wonders if the ZC rule change might be a response to "Nimbyism," which results in resistance to affordable housing. The rule change might be intentionally cutting out the ANCs to counter that effect.

00:47:19: Community comments: Some constituents argue contested designation really does make a difference, the public need to be heard. Some want to defer a vote on the proposed letter of protest. Several constituents support development, others are dismayed over the inequitable process and shutting down the voice of the community. Several against the letter question the actions of Commissioners. One constituent favors a resolution, others argue for a contested designation.

01:02:25: **Dialogue concerning voting and the substance and process of the case and how these might be connected.**

01:05:49: **Commissioners further debate and community engagement.**

01:09:02: **Community clarifications and comments:** According to the Office of Open Government (OOG), the different zones in case 23-25 cannot be separated at the hearing. They fit the criteria of either rulemaking or contested cases. The big difference between the two designations is that rulemaking has no appeal. One constituent argues opponents to development at the site were shut out, that the ANC had not having listened to the community for the last three years. One constituent urges people to visit *Undesign the Redline* (currently on view at the Cleveland Park Library). She believes development can be positive.

01:17:28: **Commissioner Gosselin tables the letter.**

01:18:20: **Discussion of the substance of the proposed changes to the zoning along the Connecticut Avenue corridor begins.** Commissioner Gosselin frames the discussion. He proposes their resolution call for a single zone of 70' height. Commissioners discuss the height of the existing M&T bank building as a visual guide. It is 40' tall at the edge, with a step backed penthouse of an additional 15-18'. Commissioners discuss height, location of buildings in relation to the street, and the effect on light.

01:24:35: **Competing goals; height, housing, and green space:** Commissioner Nash will not support Gosselin's resolution. He sees three competing values: height, affordable housing and green space. For him, more height means more housing and more green space. Commissioner Sherman notes when the entire corridor is developed there will be a substantial amount of affordable housing. They did not ask the community how they viewed development along the corridor. The Commission already passed a resolution calling for a 60' height limit at the Civic Core site in response to survey results.

01:29:29: **Interest among developers:** Commissioner Gosselin explains they are trying to establish new zoning that will allow private property owners to develop the corridor. He notes there is considerable interest in development. A hundred developer reps showed up at the walk through, and plans are also underway at the Blue 44 and M&T Bank sites.

01:32:21: **Height limits at the Civic Core:** Commissioner Gore argues 80' at the Civic Core will set the tone and is too high. Several Commissioners question why they would change their views on height at the Civic Core after already passing a resolution calling for a 60' limit. With the higher elevation of the Civic Core plot a tall building on that site will loom over the rest of the avenue.

01:49:12: **End of public meeting.** The Commission begins Executive Session.

Peter Gosselin, Vice Chair



Bruce Sherman, Secretary


