

Intro & Purpose

Thank you for the opportunity to speak. I've been on the ANC for almost 7 years, and Chair for over 3 years, but this is only the second time I've had occasion to testify to the BZA. I am glad to be here on behalf of the ANC. I don't have anything to add to Commissioner and Vice Chair Noah Smith's testimony about the substance of our resolution regarding the deck. As the Commissioner for Single Member District 2B09, he was most intimately involved in the issue and worked diligently to try to bring all the parties together to talk about the matter. The purpose of my testimony is to talk a bit more about the ANC process, how we arrived at our resolution.

The reason for this is that we expect that you'll hear from some of the protesting parties that our resolution shouldn't be given "great weight." We even received a Freedom of Information Act (or "FOIA") request from one of the protesting neighbors – our first in at least seven years – which seemed clearly devised to fish for flaws in our public meeting notice, or inappropriate collusion between Commissioners and the applicant (or the applicant's attorneys).

This is an understandable tactic. If you disagree with the substance of an ANC decision, you try to undermine it by attacking the process. But in this case, that tactic is unavailing, and there's no reason for the BZA to give any less than "great weight" to our resolution. Our meeting notice was more than sufficient, and there was absolutely no inappropriate behavior.

Notice of Commission Meeting

We understand that the protesting parties believe that we provided insufficient notice of the public meeting where this issue was discussed, both in terms of timing and manner of notice. However, this is not true. We provided more days' notice than required, and we provided notice in more places than is required.

The ANC law and our own by-laws require seven days' notice of a regular public meeting, and reasonable public notice of a special meeting.

We heard this matter at our February 17, 2014 public meeting. Our usual monthly public meeting is on the Second Wednesday of every month, which would have been February 12th. However, we recognized early on that we had a very full agenda for February, so by February 10th, we provided public notice that while we would still have our regular meeting on the 12th, we would also have an extra meeting on the 17th, which we styled as an "overflow" meeting.

As you may recall, the District went into snow emergency the evening of February 12th. Therefore, our usual meeting site, the Brookings Institution, shut down early, forcing us to re-schedule. The next day was indeed a snow day for the federal government, D.C. public schools, and the District government.

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Thankfully, because of our packed agenda, we had already lined up the meeting space and time for our “overflow” meeting on the 17th, so we simply moved our entire agenda to be that night and sent out further notice of this snow emergency change. That notice went out on February 12th. We pushed out several additional notices and reminders from the 12th through the 17th.

The manner of notice is also unassailable here. ANC rules require notice in at least 3 conspicuous places. We provided notice of the meeting through several media: through our website via blog postings, through our Facebook page, through tweets both by the Commission and by individual Commissioners, on the neighborhood “DupontForum” YahooGroup that is closely watched by hundreds of residents and stakeholders, and by e-blasts through our own ANC listserv. In short, we utilized all of our public information portals, as we do with every ANC meeting. In addition to all this, Commissioners also reached out to individual applicants and interested stakeholders.

Additional Consideration for the 1536 T Street Matter

Moreover, as Commissioner Smith already described, we gave this particular matter additional attention, beyond formal notice and our usual processes at a full ANC meeting. We heard this matter first at a committee meeting on February 5th. As you may know, we have set up a “Zoning, Preservation, and Development” committee (which we call the “ZPD” committee), to delve into BZA, HPRB, and similar matters in more depth prior to the full ANC meeting. No formal action is taken at a ZPD Committee meeting, but it helps hone the issues and guide the discussion at our full ANC meeting, where we actually do take formal actions. At the full ANC meeting on the 17th, we heard all the other regulatory issues first, so that we could save and devote additional time to this matter, because we understood it could be controversial and require an in-depth conversation. In the end, we spent over an hour on this matter alone before the full ANC, which is extremely rare. In most circumstances, we limit discussion on regulatory issues to approximately 10-15 minutes maximum.

Conclusion

In sum, we devoted considerable time and attention to this matter, through multiple meetings, in addition to the legwork done by Commissioner Smith before the full ANC meeting. We noticed the meeting through multiple portals and in plenty of time for the public to learn about the issue and comment, going above and beyond what D.C. law and our own by-laws require. Our resolution is thus fully deserving of the “great weight” this Board is required to give it by law.