



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

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

Regular ANC 3/4G Meeting
(Virtual Only)
November 25, 2024
Minutes

00:00:25: Meeting called to order by Chair Gore.

00:01:37: Commissioner introductions. Commissioners Gore, Gosselin, Nash, Sherman, Zeldin, Ferguson, Lynch are present. IT support person Luis Chica also introduces himself.

00:04:59: Discussion of possible changes to agenda. Commissioner Sherman asks public space permit for Knollwood be removed. Commissioner Zeldin asks to add BZA application for 6111 Broad Branch Road. **Chair Gore moves to adopt the amended agenda. Sherman seconds. Passes 7-0-0.**

00:08:42: Discussion and vote on consent agenda. Reimbursement of \$125 to Commissioner Ferguson for Luis Chica hours is only item. **Chair Gore moves to approve the Consent Agenda. Commissioner Gosselin seconds. Passes 6-0-1 (Commissioner Ferguson abstains).**

00:09:37: Resident Forum. No participants.

00:10:27: Commissioner Zeldin presents BZA application for 6111 Broad Branch Road. Krista Schauer, architect, presents for Atalah family. Plan is to add a second story to an existing, non-conforming one-story addition. Issue is incursion into 25' back yard requirement. Five surrounding neighbors gave letters of support. **Commissioner Zeldin calls for a vote. Commissioner Gosselin seconds. Passes 7-0-0.**

00:21:07: Commissioner Nash to present BZA application for 4354 28th Street. Commissioner Nash explains he missed the email and has no information on the application. He notes he will contact homeowners.

00:24:21: Commissioner Gosselin presents grant application for Friends of Chevy Chase Circle to fund spring planting initiative. They need about \$1200 for bulbs. Discussion ensues on the relative merits of providing funds via grants vs direct expense.

00:26:01: Chair Gore interrupts on a point of order. Resident Tracy Bowen has inquired about a permit application for the 3300-3399 block of Quesada Street. The hearing is scheduled for December 5th. Bowen clarifies she is not an affected homeowner. Commissioner Zeldin replies he will follow up.

00:29:48: Commissioner Gosselin continues grant discussion. He tries to reach Tracey D'Angelo, head of Friends of Chevy Chase Circle to join the Zoom discussion. He believes Maryland will also contribute. Commissioner/Treasurer Ferguson clarifies that grants involve more red tape and cannot be proposed and approved in a single meeting and the Office of the Advisory Neighborhood Commissions encourages use of direct expensing. Commissioner Gosselin clarifies the amount requested is \$1,316. He believes it can qualify as an ANC expense under "neighborhood beautification" or "friends of parks." Chevy Chase Circle is National Park Service land, he, notes, and adds that they have been asked to help with planting the bulbs. Chair Gore asks if ANCs can give monies to improve/beautify federal land. Commissioner Gosselin indicates he will investigate these issues and bring the matter back to the Commission at the December 9th meeting.

00:39:10: Commissioner Zeldin asks MOCR Manager Kendall Gibson if she knows anything about 3300-3399 Quesada. She says he does not but will investigate. It's permit #454758.

00:40:37: Commissioner Gosselin introduces Eaghmon Banks, COO of Georgetown Events/Hospitality, which plans to bring a new restaurant to the Organic Wine space on Connecticut Avenue, just south of the Circle. His company owns Jetties, Millies, Due South, Surfside, etc. and plan a similar family-friendly American Bistro style eatery with takeout and an ice-cream window. They would like to have a sidewalk café on Connecticut with canopy, not impeding sidewalk. They will orient towards Connecticut to reduce disruption of neighbors. Rachel Mowery, Manager for Chevy Chase Main Street offers to help. Commissioner Zeldin asks them to consider composting and using only PFAS-free, compostable food containers. Banks, who operates on Nantucket with strict environmental standards, says the company already uses compostable containers and might consider further composting. He notes trash pick-up will be six days a week.

00:58:28: Commissioners Gosselin and Sherman initiate discussion on ANC authorities. Both summarize the issue, involving whether the ANC has the authority to enter into MOUs or Community Benefit Agreements (CBAs), and if so, how those agreements should be structured.

The ANC needs legal clarification, yet it is unclear whether that should come from the Office of Advisory Neighborhood Commissions (OANC), the Office of the Attorney General (OAG), or both, particularly as regards interpreting statute. The ANC seeks to meet with both bodies to seek clarity. The OANC recently cancelled a meeting at the last minute. A meeting with OAG is scheduled.

Although the OANC and OAG differ on other aspects, they agree the ANC itself is not a regulatory body and has no enforcement capabilities. Questions remain on whether and how any agreements could be structured to make them enforceable by other DC agencies. This has been a lingering issue, at least as early as February 2023, but came to the fore in the Commission discussion as to calling on Maret School to use natural grass at the ECC field rather than artificial turf.

Commissioner Zeldin believes the OANC might have difficulty giving legal advice if they are prohibited from considering questions of statute. He argues an MOU, even if not legally binding, provides a structure for communication between parties. Commissioner Gosselin argues that one of the great benefits of working at the hyper-local ANC level is that parties are and wish to stay in community which motivates members to honor even informal agreements. Commissioner Sherman points to two past examples: the 2014 Ingleside agreement and the 2004 agreement between Knollwood and the Knollwood Neighbors.

Commissioner Sherman questions the value of unenforceable agreements when there is a dispute between the parties, as has happened in the Maret case. Chair Gore points out that this issue is not limited to ANC 3/4 G, that ANCs execute MOUs and CBAs across the District, that other ANCs have found benefits from these agreements, enforceable or not. Commissioner Sherman raises the issue of his draft resolution asking the city to clarify the roles of the OANC and OAG.

01:30:27: Commissioner Ferguson introduces resolution on disruptive overnight construction. DC Water is working overnight replacing water mains and disturbing neighbors. Three main issues of concern are lack of communication with the ANC and affected neighbors; nighttime vs daytime work; and failure to abide by a compromise agreement limiting most noise to before 11 PM. Commissioner Gosselin asks to include a request for clearer delineation of affected areas and better communication of those areas to Councilmembers and ANCs. Chair Gore notes that, in meeting with DC Water and their contractor, the ANC has no oversight authority. She posits overnight permits like this should have to go through the ANC. **Commissioner Ferguson calls for a vote. Chair Gore seconds. Passes 6-0-0 (Zeldin has left the meeting.)**

01:43:30: Commissioner Ferguson introduces resolution asking Mayor and Council to respect the will of the voters regarding Initiative 83. Commissioners discuss “great weight” – when ANCs have it. Technically, ANCs have great weight when the city proposes something to them. If the Council disregards an ANC in this context, they are required to explain in writing specifically why they did so. Commissioner Ferguson notes he has yet to find an example of such a document. He recommended a DC Auditor’s report on which DC agencies are better or worse at honoring ANCs “great weight.” Commissioner Sherman agreed it would be valuable to study which resolutions have been accorded great weight and what the circumstances were to direct Commission efforts. Chair Gore feels it is not the subject matter, but the influence the ANC brings to bear, and the unanimity of the vote. Commissioner Nash notes the passing of a resolution is just the beginning of the work if one wants to have impact. That impact, he believes, is based on the strength of the Commission’s case/argument. **Commissioner Ferguson moves for a vote. Nash seconds. Passes 6-0-0 (Zeldin absent).**

01:52:27: Consideration of Commissioner Ferguson’s transportation related resolutions. Commissioner Ferguson shared his drafts with Commissioners and community members two months ago. Lots of feedback has been incorporated. The ANC has passed two resolutions on bus service directed at WMATA but has yet to address the underlying problem of funding. DC is owed \$1.3 billion in unpaid traffic tickets. Collecting that would both fund better bus service and would improve road safety by correcting the standing impression that drivers can break traffic laws with impunity. Commissioner Sherman asked if the resolution could be read as a request for increasing taxes. Commissioner Nash notes Councilmember Frumin is working on dedicated funding which would involve taxation. Commissioner Sherman asked if the proposed resolution was akin to “shouting out the window.” Chair Gore argued it is

necessary for ANC's to "shout out the window." Any resolution that speaks to the harm or impact to our community is worth doing, and it is worth continuing to raise these issues. Public oversight and budget testimony is important. Change often takes years. The restoration of E6 bus service, at least in part, is evidence of that. **Commissioner Ferguson moves for a vote on WMATA funding resolution. Nash seconds. Passes 6-0-0 (Zeldin absent).**

02:07:23: Commissioner Ferguson presents resolution calling for more daylighting. He explains "daylighting" means restricting parking near intersections to provide clear sight lines to improve public safety. Commissioner Ferguson gives the Starbucks on the corner of Livingston and Connecticut Avenue as an illustration: recently flexible poles have been installed to prevent illegal parking. Typically, DDOT (District Department of Transportation) only acts after someone is killed, yet there are many dangerous intersections in our ANC. Great opportunity for bio-retention beds. Commissioner Gosselin notes that the Starbucks is in his SMD and he worked with neighbors for two years to convince DDOT to take action. He believes the true value we can bring is to use our knowledge of the ANC to create a specific list of dangerous intersections. This will be more effective than the proposed general resolution. Chair Gore worries the resolution will effectively give DDOT carte blanche to introduce daylighting without engaging community stakeholders. Commissioner Sherman asked if utilizing the TSI system might be an alternative. He offers to support a more specific resolution including community engagement. Commissioner Nash offers the help of the Transportation Committee. Commissioner Ferguson points out his resolution does include a call on DDOT to work with the community and monitor and issue reports. The possibility of legal parking spaces arises. Commissioner Sherman counsels DDOT would expect to find TSI requests supporting the resolution and offers to help with TSI requests. Chair Gore agrees better process would involve entering TSI requests, then passing a resolution in support of those. **Commissioner Ferguson calls for a vote. Commissioner Nash seconds. Resolution fails 3-3-0 (Ferguson, Nash, Lynch in support, Gore, Gosselin, Sherman opposed, Zeldin absent).**

02:37:24: Commissioner Ferguson presents resolution calling for Protective Bike Lanes (PBLs). Commissioner Nash notes the Transportation Committee had provided feedback to the proposed resolution to strengthen community involvement in locating PBLs, which he thinks the resolution now reflects. Commissioner Gosselin indicates he will not support it for fear it might give DDOT license. Commissioner Sherman reports on the survey of his constituents: 170 responses, evenly split, with 81 additional written comments. He asks for more time to discern his constituents' concerns and opinions, arguing the ANC should not go forward with a resolution for bike lanes without solid community support. Chair Gore agrees more groundwork and engagement are needed to gain full understanding of community views. Commissioner Nash reports on a recent DDOT meeting in which the department briefed on their intention to build a citywide PBL network. He observes that Wards 3 and 4 have relatively few PBLs. DDOT intends to redress this imbalance, he says. A constituent asks for ANC support for the resolution, stating concerns for child safety. **Seeing opposition to the resolution at this time, Commissioner Ferguson moves to table it. Commissioner Nash seconds. Passes 6-0-0 (Commissioner Zeldin absent, having had to leave the meeting early).**

03:13:20: Committee Reports. Commissioner Nash delivers the Transportation Committee. He notes WMATA has finalized the Better Bus Network bus route changes, effective in June 2025. Many are good for our ANC, he notes, reflecting the result of community lobbying. He then describes many of the changes and thanks the efforts of Bus Transit Working Group headed by Michaela Platzer and Cal Simone. Commissioner Nash also notes that DDOT Community Engagement Representative Christian Piñeiro is now attending every TC meeting. The Committee is planning a walk-around in SMD 03 to

address sidewalk issues and looking to collaborate with similar bodies on other ANC's. Finally, **Commissioner Nash offers a motion to send three letters of thanks to Councilmembers Frumin and Lewis George and to WMATA for listening to and acting on Commission and community concerns. Commissioner Gosselin seconds. Passes 5-0-0 (Zeldin, Ferguson absent, having had to leave the meeting early).**

03:26:15: Commission Business. Discussion of agenda items for December meeting, including 2728 Rittenhouse, grant application for Friends of Chevy Chase Circle, Connecticut Ave. zoning, threats to Home Rule.

03:30:21: Meeting adjourned.

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 December 9, 2024 by a vote of 6 yes, 0 no, 0, abstentions (Commissioner Ferguson absent).

Lisa Gore, Chair



Bruce Sherman, Secretary