



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

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ANC 3/4G Resolution
Requesting that the Council
and the Zoning Commission Ensure That
No Zoning Changes Will Be Approved Before
Completion and Council Adoption of the
Chevy Chase Small Area Plan

Adopted April 12, 2021

BE IT RESOLVED that the Commission requests that the DC Council, as part of its consideration of the city's Comprehensive Plan, strengthen language in proposed Plan amendments to preclude changes to the zoning of the Chevy Chase Gateway (upper Connecticut Avenue corridor) until the Chevy Chase community has been able to engage in a full small area planning process, settle on a plan and have it enacted by the Council.

IN PARTICULAR, the Commission asks the Council to change a sentence under the "Future Planning Analysis Areas" section of the Generalized Policy Map of the Comprehensive Plan amendments¹ that now reads planning "[a]nalysis *should*

¹Comprehensive Plan Generalized Policy Map Amendments, District of Columbia Office of Planning, April 20, 2020, available at https://plandc.dc.gov/sites/default/files/dc/sites/Comprehensiveplan/page_content/attachments/PolicyAmendments420.pdf.

precede any *significant* zoning change in this area” to read “Analysis *shall* precede *any* zoning change in this area.” (italics added)

IN ADDITION, the Commission urges and advises the Zoning Commission — regardless of whether the Council strengthens the language in the Generalized Policy Map — to deny any application for a zoning change in the area covered by the Chevy Chase Small Area Plan until that plan has been completed and adopted by the Council.

RATIONALE

1. Chevy Chase is striving to embrace a future in which it grows more equitable and diverse, supports a vibrant local commercial core and preserves its many positive attributes.
2. The community undertakes these efforts in the context of pending amendments to the District’s Comprehensive Plan and the Mayor’s directives to assist the District in meeting the requirements for racial and social equity by permitting moderate-density residential and low-density commercial development along the Connecticut Avenue corridor from Chevy Chase Circle to Livingston Street, NW, including significant affordable housing.
3. As part of these efforts, the Commission on February 10, 2020, approved a Comprehensive Plan resolution that “supports OP’s (the city’s Office of Planning) proposed changes to the Future Land Use Map... that increase the planned density for the Chevy Chase Gateway. The Commission asks, however, that OP include a provision in the Comprehensive Plan that the Zoning Commission may not approve any proposed density changes until completion of a Small Area Plan. The Small Area Plan should be a prerequisite so that new development will be consistent with that Plan.”²
4. In an April 23, 2020 response letter, OP Director Andrew Trueblood wrote that his office accepted the Commission’s provisional support for “proposed changes to the Future Land Use Map that increase the planned density for the Chevy Chase Gateway” so long as “OP include[d] a provision in the Comprehensive Plan that the Zoning Commission may not approve any proposed density changes until completion of a Small Area Plan. The Small Area Plan should be a prerequisite so that new development will be consistent with that Plan.”³ Director Trueblood indicated that the Generalized Policy Map had been updated to reflect this fact. However, Director Trueblood noted that while the Comprehensive Plan, including the Generalized Policy Map, “establishes a context and sets broad goals to inform public decision-making and future fine-grained planning efforts [and] informs zoning regulations and capital budgeting[,] . . . it does not have the force of law or regulation.”

² ANC 3/4G Resolution Requesting Changes to the Office of Planning’s Proposed Amendments to the Comprehensive Plan, February 10, 2020, paragraph 9, available at <https://bit.ly/2Ir1Gzb>.

³ Letter from OP Director Andrew Trueblood to ANC 3/4G Commissioners, April 23, 2020, available at <https://bit.ly/323PzCc>.

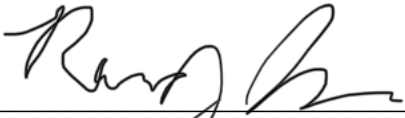
5. Asked in recent weeks how OP had updated the language to capture the Commission's standstill request, Director Trueblood pointed to the sentence that the ANC is asking to be strengthened.
6. Director Trueblood in conversation with a member of the Commission and OP in a subsequent FAQ answer posted on the Chevy Chase Small Area Plan website suggested there is little danger that the Zoning Commission would change zoning to increase density in advance of the community's completion of the Small Area Plan. The FAQ answer reads in part "...it is unlikely that the Zoning Commission would hear an application to rezone a property within a Small Area Plan's boundaries until that effort is complete...."⁴
7. But Director Trueblood and OP in its FAQ answer again acknowledged that the agency does not have the power to bind the Zoning Commission. As the FAQ answer put it, "The law does not constrain the independent Zoning Commission from taking actions on applications that may be inside the boundaries of an active Small Area Plan."
8. The fact that OP cannot legally bind the Zoning Commission and that the proposed density increases in the Comprehensive Plan amendments for the Chevy Chase Gateway would eliminate a key barrier to the Zoning Commission acting to change zoning designations to permit greater density have raised concerns among some Chevy Chase residents that they will not have a voice in decisions about the future of their community through a small area planning process.
9. These concerns have been exacerbated by an August 5, 2020 letter from Zoning Commission Chairman Anthony Hood to Council Chairman Phil Mendelson in which Chairman Hood said the Zoning Commission needed the Council to act on the Comprehensive Plan amendments, including the density increases in the proposed Future Land Use Map, so it could handle a "backlog of zoning cases that are in limbo until the Comp Plan is approved..." and in order to "counteract adverse decisions by the DC Court of Appeals in zoning cases which support small area plans, land use dispositions, or other policies previously approved by the Council...."⁵
10. Concern that the community will not be heard through a Small Area Plan has culminated in several hundred residents signing a petition calling for the Council to forgo any density changes to the Comprehensive Plan and its FLUM until the community has formulated a Small Area Plan and the Council has approved it.
11. With this resolution, the Commission is seeking clear and definitive action by the Council to mutually achieve the same objective of protecting the integrity of the Chevy Chase Small Area Plan and thereby encouraging residents to engage in a planning process that will help shape our community for a generation to come. Regardless of whether the Council makes

⁴ Chevy Chase Small Area Plan website, District of Columbia Office of Planning, April 1, 2021, <https://publicinput.com/13078/> (under FAQ tab for "What if an application to change zoning is filed while the Small Area Plan is underway?").

⁵ Letter from Anthony J. Hood to Phil Mendelson, August 5, 2020, available at <https://bit.ly/3fUdRqL>.

this requested change, the Commission asks the Zoning Commission to deny any zoning change application until the Chevy Chase Small Area Plan is completed.

ADOPTED by voice vote at a regular public meeting notice of which was properly given, and at which a quorum of ___ of seven members was present on April 12, 2021, by a vote of 6 yes, ___ no, 1 abstentions.



Randy Speck, Chair



Lisa R. Gore, Secretary