



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

Chevy Chase, Barnaby Woods, Hawthorne  
5601 Connecticut Avenue N.W. P.O. Box 6252 Washington, D.C. 20015  
3G@anc.dc.gov | <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

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**ANC 3/4G  
Resolution on  
Proposed Rezoning of  
Upper Connecticut Avenue NW  
April 25, 2024**

**SUMMARY**

This resolution assesses the District’s proposal to rezone upper Connecticut Avenue in light of residents’ testimony and the results of a Fall 2023 ANC survey. It asks the Zoning Commission to make several key changes.

**DISTRICT PROPOSAL**

In Zoning Case #23-25, the District proposes to establish three types of new zones for the upper Connecticut Avenue commercial core of the Chevy Chase DC community. The first, Neighborhood Mixed Use-4/Chevy Chase 1 (NMU-4/CC1) would apply to both the east and west sides of the Avenue from Livingston Street NW to the Chevy Chase Circle, except for the Community Center-Library site. The second, Neighborhood Mixed Use-4/Chevy Chase 2 (NMU-4/CC2) would apply to the Community Center-Library parcel. The third Residential Flat-1 (RF-1) would apply to three relatively small parcels that are now parts of parking lots, those behind the CVS drug store, the PNC Bank and at the back of the Safeway lot.

- NMU-4/CC-1 would allow new buildings of up to **70 feet**, when permissible penthouses and bonuses for such things as affordable housing and generous ground-floor space are included. Current zoning permits buildings of up to **55 feet** with permissible penthouses.
- NMU-4/CC2 would allow new buildings of up to **80 feet**, Current zoning permits buildings of up to **55 feet** with permissible penthouses.
- RF-1 would allow up to **two** detached or semi-detached buildings of up to **35 feet** or 40 feet with special exception. Current zoning allows one structure of up to **40 feet**.

## **BACKGROUND**

- 1) Since at least 2019, the District has framed its efforts to alter land use in DC as part of a broader plan to increase density along upper Connecticut Avenue NW and elsewhere to alleviate a citywide shortage of affordable housing. Its goal is to encourage development of 12,000 new affordable units by 2025, including 1,990 in Rock Creek West, a District-designated planning area that encompasses much of Ward 3, parts of Ward 4 and all of Chevy Chase DC.
- 2) DC data shows that since 2019, Rock Creek West has produced 200 units of affordable housing, or 10.1 percent of its 2025 target. Data on the District's efforts to produce new affordable housing can be found [here](#).
- 3) ANC 3/4G has consistently supported the idea that the Chevy Chase community should contribute to solving the District's affordable housing problem, including along upper Connecticut Avenue.
- 4) In tandem with supporting the community contributing to the solution to the District's affordable housing problem, the Commission has sought to ensure that any solution respects the scale and style of the community and to assure that residents continue to have a strong voice in shaping the future of their community.
- 5) Residents across a wide spectrum of local opinion have repeatedly voiced support for maintaining the community's scale and style, including in a fall 2023 ANC survey about development plans for Chevy Chase's Community Center-Library site at the center of the upper Connecticut Avenue corridor now slated for rezoning. The Commission conveyed the survey results to the District in a [December 6, 2023 resolution](#).
- 6) The survey received 2,836 responses, including 2,297 from residents in the ANC 3/4G community, a greater response than that for the Commission's two previous surveys in 2017 and 2019 and that for such heavily publicized District-wide surveys as DC's 2019 Housing Equity Report.

- 7) In large numbers, respondents expressed strong views on two issues critical to the community's scale and style, maintaining open green space and limiting building heights. For example,
- Asked to choose seven outdoor amenities they would like at the Community Center-Library site from among 16, nearly 80 percent chose "benches/outdoor seating," 78 percent chose "outdoor green space/gardens" and 66 percent chose "mature trees.
  - Among ANC respondents, only 13 percent said they would support a building height of 80 feet, the maximum for the Community Center-Library site in the District's current rezoning proposal. The responses for other, lower height options were:
    - 40 feet (2-3 stories): 25.62 percent
    - 50 feet (3-4 stories): 26.38 percent
    - 60 feet (4-5 stories): 18.27 percent
    - 70 feet or more (5-7 stories): 20.66 percent
    - No preference: 9.06 percent
  - Overall, 59% of ANC respondents said "scale and style of development: consistency with neighborhood architecture and feel" was their number one concern.
- 8) The Office of Planning (OP) and the Zoning Commission (ZC) did not adequately notify the ANC of a November 9, 2023 set-down hearing for the proposed zoning changes that eliminated an opportunity for the ANC to request that consideration of the proposal be treated as a "contested" case rather than "rulemaking."
- 9) On April 11, 2024, the Zoning Commission in Case #22-25 adopted new procedural rules that negatively affect ANC participation in zoning changes in the future by, among other things, reducing the advanced notification that all ANCs are required to be provided. The changes permit the very kind of inadequate notification ANC 3/4G received in the current case, suggesting that OP and ZC effectively may have implemented the rules prior to their adoption.
- 10) A residents' group, Chevy Chase Voice, has filed a Notice of Intent to Sue the ZC in the current case, asserting a series of procedural defects and seeking to have ZC consideration of the proposed zoning converted into a contested case.

## **ASSESSMENTS & RECOMMENDATIONS**

- 11) This resolution deals with the procedural issue first and in two ways:
- The ANC recognizes Chevy Chase Voice's intent to sue to have the ZC proceedings handled as a contested case.

- Given the notice defects in the ZC's early handling of the proposed zoning changes for upper Connecticut Avenue, the ANC will seek to organize a multi-Commission challenge to the ZC's April 11, 2023 decision in Zoning Case # 22-25.

12) On the substance of the proposed zoning changes for the upper Connecticut Avenue commercial corridor, the ANC takes the following positions:

- It supports the proposed framework for the NMU-4/CC1 and RF-1 zones but concludes the maximum allowable height with permissible penthouses and various height bonuses for the NMU-4/CC1 zone of 70 feet and lot occupancy of 60 percent for residential or 75 percent with affordable housing and unlimited for non-residential are oversized and would permit development that is out of scale with the current commercial corridor.
  - It asks the Zoning Commission to reduce the maximum allowable height to 60 feet.
  - It calls for a uniform lot occupancy maximum of 60 percent.
  - It reserves judgement on the proposed maximum floor area ratios, side-yard requirements and inclusion by reference of District parking minimums and maximums.
- While ANC recognizes that OP has made changes to its proposal for the NMU-4/CC2 zone covering the Community Center-Library site, it believes that the 80-foot proposed building height maximum with penthouses bonuses could result in a building or buildings out of scale with the rest of the commercial corridor.
- Therefore, it asks the Zoning Commission to eliminate the NMU-4/CC2 zone and apply the NMU-4/CC1 provisions modified as above to the entire upper Connecticut Avenue commercial corridor, including the Community Center-Library site.
- The ANC favors ensuring the same amount or more green/open space in the upper Connecticut Avenue commercial corridor to include the square footage of non-parking space at the Community Center-Library site as well as sidewalks and tree boxes along the Avenue. It asks to Zoning Commission to include protections in the rezoning it approves to protect these spaces.
- The ANC recognizes the continuing need for vehicle transportation, especially among the community's substantial population of post-65 residents and those of all ages who are disabled. It asks the Zoning Commission to ensure adequate parking along the entire length of the upper Connecticut Avenue corridor by, among other things, requiring that any parking lost to development in the proposed RF-1 zones be replaced.

**APPROVED** at a special public meeting of ANC 3/4G, notice of which was properly given and at which a quorum of four (4) or seven (7) members was present on April 25, 2024 by a vote of 4 yes (Gore, Sherman, Zeldin Gosselin), 3 no (Nash, Lynch, Ferguson), 0 abstentions.



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Lisa R. Gore, Chair



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Bruce Sherman, Secretary

**Minority Opinion of Zachary Ferguson**  
**Advisory Neighborhood Commissioner, ANC 3/4G-07**  
**Re: ANC 3/4G Resolution Concerning Proposed Rezoning of Upper**  
**Connecticut Avenue NW Commercial Core, April 25, 2024**

Dear Zoning Commission,

As the ANC Commissioner for single-member district 07 (SMD-07), I submit this minority opinion to express support for the Office of Planning's proposed text and map amendment to rezone upper Connecticut Avenue NW in Chevy Chase (Z.C. Case No. 23-25).

The ANC resolution passed by a vote of 4-3. It advises that existing zoning in the subject area be increased by no more than five feet (60 inches). I have significant concerns about this recommendation.

For context, SMD-07 is only a few blocks south of the Civic Core site, with Military Road as our northern boundary. Of the seven single-member districts in ANC 3/4G, SMD-07 is the most racially and economically diverse. A notable reason for that is because SMD-07 includes a variety of denser housing types and many dedicated affordable housing units. Our neighborhood has townhouses, boutique apartments, the only public housing in Ward 3 (160-unit, 9-story Regency House built in 1964), and the largest Chevy Chase apartment building (261 units), which includes Inclusionary Zoning (IZ) units. This diversity of housing has fostered a walkable and inclusive community where residents of various backgrounds and income levels can thrive.

If SMD-07's zoning had been more restrictive and exclusionary, many of my neighbors that call Chevy Chase home would not have had an opportunity to live here. Lower height allowances would have reduced the number of affordable units. SMD-07 would have been less inclusive and vibrant than it is now.

Some important context beyond SMD-07 is that the number of unsheltered residents in DC jumped to 4,922 people, an 11.6% increase from 2022 to 2023.<sup>1</sup> Despite the large spike in DC residents lacking shelter, the Office of Planning — to accommodate the concerns some residents have raised — scaled *down* its initial zoning proposal and thereby reducing potential affordable housing opportunities in Chevy Chase. This decision came around the time the Urban

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<sup>1</sup> <https://dcist.com/story/23/05/05/dc-homelessness-increase-2023-pit-count/>

Institute released a study finding that 19% of DC children are facing housing insecurity.<sup>2</sup>

Many Chevy Chase residents support affordable housing here and want our neighborhood to be part of the solution, though there is disagreement about where exactly it should go. As the resolution notes, our Rock Creek West planning area remains woefully behind on its affordable housing goals, having achieved a mere 10% of its 2025 target. Moreover, to my knowledge, Chevy Chase has contributed zero dedicated affordable units since 2019, and zero are scheduled to be built here by the program's 2025 goal year.

I also remain concerned that many voices are underrepresented in this zoning process. As a parent of a young child, I personally have struggled to fully engage in the numerous evening meetings held by our ANC, which often conflict with family dinners and bedtime routines. When I speak with fellow parents at the Civic Core playground, school events, and other community gatherings, their primary concerns are not about technical zoning details like mechanical penthouses or floor area ratios. Instead, I hear frustrations over the exorbitant cost of housing in Chevy Chase, which is not only an immediate concern but raises questions about the future. If our children grow up to become police officers or teachers and wish to start their own families in the neighborhood they once called home, the current housing market — with three-bedroom rentals averaging around \$50,000 annually and homes typically exceeding \$1 million — would likely render that unattainable.

The Office of Planning's proposed zoning changes, while more modest than what is currently allowed in SMD-07, represent a reasonable step towards more diversity and inclusion in the Connecticut Avenue corridor. The proposal allows contextually appropriate redevelopment that aligns with the Comprehensive Plan's goals.

The potential benefits extend beyond housing affordability. New residents would bring more customers to our local businesses, improve walkability, and bolster WMATA bus ridership. The design guidelines and transitional setbacks thoughtfully address neighborhood context while still allowing a reasonable development envelope.

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<sup>2</sup> [https://www.urban.org/sites/default/files/2023-11/Housing%20Insecurity%20in%20the%20District%20of%20Columbia\\_0.pdf](https://www.urban.org/sites/default/files/2023-11/Housing%20Insecurity%20in%20the%20District%20of%20Columbia_0.pdf)

The resolution's recommendation for a 60-inch height increase is insufficient to meaningfully advance our housing and equity goals and, in my view, does not reflect a reasonable compromise of varying community interests. I urge the Zoning Commission to approve OP's proposed amendment as a step toward the inclusive and forward-looking development envisioned in the Chevy Chase Small Area Plan — which was requested by this very ANC.

Thank you for your time and consideration.

Sincerely,

Zachary Ferguson  
Advisory Neighborhood Commissioner, 3/4G-07





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**Minority Report of James Nash**  
**Commissioner for ANC 3/4G SMD 03**  
**Re: ANC 3/4G Resolution on**  
**Proposed Rezoning of**  
**Upper Connecticut Avenue NW Commercial Core**  
**April 25, 2024**

The majority resolution asks the Zoning Commission to alter its proposed rezoning of the NMU-4/CC2 zone to a maximum allowable height of 60 feet. This zone encompasses the Chevy Chase civic core where the Chevy Chase Library and Community Center are situated.

This maximum allowable height is too low, representing a mere five-foot increase over the existing height limit. It would excessively limit the number of affordable housing units which can be constructed on the civic core site. In addition, the majority resolution fails to support sufficiently the preservation of all existing green space on the civic core site. Finally, the majority report fails to represent the views of the many

residents of ANC 3/4G who support more affordable housing in our community while preserving all existing green space on the civic core.

Therefore, I urge the Zoning Commission to disregard the majority's resolution and to proceed with the Zoning Commission proposal for the maximum allowable height in NMU-4/CC2 zone, while preserving existing green space on the site, for the following reasons:

- 1) Of the ten DC Planning Areas, Rock Creek West is farthest from meeting DMPED's 2025 new affordable housing goals. (See <https://open.dc.gov/36000by2025/>) Only 200 such units have been produced since 2019, amounting to just 10 percent of the target. A maximum building height of 60 feet would result in the construction of fewer affordable housing units on the Chevy Chase civic core. The consequence is that Rock Creek West will continue to be by far the worst performing Planning Area in the city with respect to the construction of new affordable housing units. Given the critical shortage of affordable housing in the District of Columbia, this is an unacceptable outcome. Moreover, this Planning Area is the wealthiest in the city, and further restricting new affordable units compounds DC's existing housing inequity.
- 2) As Commissioner Ferguson's minority report indicated, homelessness is now rising in the District of Columbia for the first time in three years: an 11 percent increase in 2023 from 2022. A rise of five feet in building height does not meet the moral challenge posed by this rise in homelessness. <https://dcist.com/story/23/05/05/dc-homelessness-increase-2023-pit-count/>
- 3) The sixty-inch height increase of the majority position is inconsistent with the Small Area Plan (SAP) and the Comprehensive Plan. In a table entitled "Reimagined Civic Core Recommendations, on page 31 of the SAP, recommendation 3.4 directed to OP and DMPED states: "Submit proposal to rezone the site to leverage full Comprehensive Plan height and density to maximize the flexibility to co-locate civic uses with a significant

amount of mixed-income housing.”

[https://planning.dc.gov/sites/default/files/dc/sites/op/page\\_content/attachments/2022.07.12\\_Final%20Chevy%20Chase%20SAP\\_web.pdf](https://planning.dc.gov/sites/default/files/dc/sites/op/page_content/attachments/2022.07.12_Final%20Chevy%20Chase%20SAP_web.pdf)

- 4) The majority position is inconsistent with many previous ANC 3/4G resolutions which promoted an expansion of affordable housing in Chevy Chase. For example, “ANC 3/4G Resolution Requesting Changes to the Office of Planning’s Proposed Amendments to the Comprehensive Plan (approved Feb. 20, 2020) states in paragraph 4: “Our community needs more affordable housing that will promote income diversity and enrich our civic life.” <https://anc3g.org/wp-content/uploads/2020/02/Comp-Plan-Res-Final.pdf>
- 5) More affordable housing will not only enrich civic life and increase the diversity of this largely Caucasian neighborhood, the addition of new residents will also help many of the small local businesses. Housing prices in Chevy Chase have risen to levels that are unaffordable for the vast majority of people. I have spoken with constituents in my district who support affordable housing because they themselves could no longer afford to purchase a house in this neighborhood. Others lament their children could no longer afford to live here.
- 6) The majority position relies excessively on the amateurish ANC “do it yourself” survey conducted in the summer of 2023. I served on the survey committee along with several other commissioners. The survey was unscientific, viz. it made no effort to correct for sampling errors, to ensure that those surveyed were representative of the entire community. **The vast majority of Chevy Chase residents did not take the unscientific ANC survey.** Only 2297 survey respondents self-identified as living in the ANC. This means that roughly seven out of eight ANC residents did not take the survey. Minorities, apartment dwellers and younger people were underrepresented in this survey (85 percent of survey takers were White; fewer than five percent African American). Moreover, although some survey professionals were consulted, the survey

questions were written by non-professionals, resulting in some questions that were biased against housing.

- 7) Housing opponents also misinterpreted the survey results. Nearly 40 percent of survey respondents supported redevelopment of the civic core with affordable housing. While a plurality (47 percent) of survey takers opposed housing in the redevelopment of the civic core, housing opponents incorrectly added their numbers to those who opposed all redevelopment on the civic core (9 percent) in order to assert that a majority of survey takers oppose housing. However, it is possible some who might oppose the loss of the library and community center for the years required for redevelopment, would favor housing once told that redevelopment is going to happen. All we know for certain of the nine percent opposed to redevelopment is they oppose redevelopment: we cannot conclude anything about housing from these respondents.
- 8) Scientific surveys come with a margin of error, generally around three percent. The ANC survey has no stated margin of error, as it is not a scientific survey. But the fact that no margin of error is given does not mean no margin of error exists. Because the survey makes no allowance for sampling errors nor for biased questions, a conservative estimate of its margin of error would be no less than twice that of scientific surveys. Assuming this estimated margin of error the difference between opponents and supporters of housing is essentially eliminated. Given the unknown margin of error for this unscientific survey, I believe the safest conclusion to be drawn from it is that the neighborhood is divided on the question of housing on the civic core site.
- 9) The fact that the *quantitative* results of the survey must be handled with caution does not mean the survey results are without value. As stated above, it is safe to conclude from it the neighborhood is divided about housing on the civic core. Another conclusion this Commissioner reached emerges from reading all of the narrative responses to survey question 24. The overwhelming majority of responses to this question from my district stated support for housing *provided there was no loss of "green space" on the civic*

*core site*. “Green space” is defined here as the space on the site not currently occupied by buildings and it also excludes the paved parking lot.

- 10) The majority resolution does not adequately protect existing green space on the civic core site. The Zoning Commission proposal should not allow new buildings on the civic core to occupy more land than the existing library, community center and the paved parking lot. Placing parking underground could allow for an expansion of green space with no loss of space for buildings on the site.
- 11) The majority resolution fails to appreciate that there is a trade-off among the following three resources: building height, open green space and housing. By excessively prioritizing a low building height, the majority sacrifices green space and housing. My reading of the survey results contradicts prioritizing building height over housing and green space. Preserving, and if possible, expanding green space will more effectively protect new development from being incompatible with the existing built environment of upper Connecticut. Preserving the existing “neighborhood feel,” was a theme often repeated in survey question 24. Green space will also be an important resource to connect those who now live in Chevy Chase with the families, children and senior citizens who we hope will soon come to live on the site.

Peter Lynch

ANC 3/4G-05

4/27/24

Zoning Case 23-25 Dissenting Opinion

As commissioner of ANC 3/4G-05 my boundaries include the Chevy Chase Civic Core. My dissenting opinion adds context and recommendations to zoning case 23-25.

The two recommendations are as follows:

1. Maintain the current building lot coverage at the site.
2. Concentrate building height at the southwest section of the site.

My constituents, as well as residents from across the ANC and in the city, use the Civic Core frequently and for many different purposes. While many of my neighbors and I are supportive of affordable housing, it is clear that the community center, library, and outdoor space at the Civic Core is an essential public good. It drives connection and growth for the community at a time when that is desperately needed. My hope, and one reflected in a great number of my neighbors, is that the public uses of this site are not diminished. The zoning proposed by the Office of Planning in case 23-25 in the NMU-4/CC2 section should honor the central purposes of the site.

The current proposal allows for 60 percent lot occupancy by buildings. The current lot occupancy is understood to be around 40 percent. The Office of Planning should maintain the current lot occupancy. Losing a third of the current outdoor space is unacceptable. The community has expressed in our [survey](#), conversations, and testimony the necessity and value of shared open space. It should be maintained.

The full ANC commission has requested a 60 foot cap on the buildings at the site. This height limit is acceptable but the zoning could be refined. Northampton Street residents are worried about the height of buildings close to their homes. Our ANC commission has also raised concerns about towering homes that dwarf their neighbors in other parts of the ANC.

Northampton Street residents are no different. The zoning should emphasize and direct building height at the site closer to Connecticut Avenue and McKinley Street where taller buildings won't impact these neighbors in close proximity.

Just days before ANC 3/4G voted on the zoning recommendations the Civic Core parking lot was completely full. Children and their parents were on the playground. Friends gathered to walk and chat in the gardens, games were played on the court, and both buildings were alive with activity. While the affordable housing goals are laudable and I support them, it is also important to preserve the current utility of this space which was first and foremost a place for the community. As zoning along the Connecticut Avenue corridor increases, and potential housing may arrive in the years to come, this space will only take on more significance. The zoning should ensure the shared space for future generations.

Thank you,

Peter Lynch

[3g05@anc.dc.gov](mailto:3g05@anc.dc.gov)