



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

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**ANC 3/4G Resolution
Concerning Proposed Rezoning of
Upper Connecticut Avenue NW Commercial Core
April XX, 2024**

SUMMARY

DISTRICT PROPOSAL

The District in Zoning Case #23-25 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 93 units of affordable housing, or 4.7 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 helping to solve the District's affordable housing problem, the Commission has sought to ensure that any solution respects the scale and style of the community and assure that residents continue to have a strong voice in shaping the future of their community.
- 5) 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.”

- 6) 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.
- 7) 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

- 8) 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 and may in the future seek to become a party to that effort.
 - 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.
- 9) On the substance of the proposed zoning changes for the upper Connecticut Avenue commercial corridor, the ANC takes the following positions:
 - It supports the major provisions of the proposal for the NMU-4/CC1 and RF-1 zones, although it reserves judgement for the time being on the proposed maximum floor area ratios, side-yard requirement and inclusion by reference of District parking minimums and maximums.
 - While it recognizes that OP has made important changes to its proposal for the NMU-4/CC2 zone covering the Community Center-Library site, it believes that the proposed building height maximum with permissible penthouses and various height 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 to the entire upper Connecticut Avenue commercial corridor, including the Community Center-Library site.