

April 14, 2024

**TO:** ANC 3/4G Commissioners

**FROM:** Peter Gosselin

**SUBJECT:** **Seeking Consensus on Proposed Connecticut Ave NW Rezoning**

This document is intended for commissioners' use only. The aim is to see if there's enough agreement among us to produce a useful resolution that commands a majority. I lay out the premises behind what I suggest not to convince you of them, but in hopes they help clarify where our differences lie.

### **PREMISES**

- 1) Together with what happens at the Community Center-Library site, the proposed rezoning likely will result in the biggest change to the upper Connecticut Avenue commercial corridor since the 1960's.
- 2) Given the proposal's importance, it behooves us to try to come up with a resolution.
- 3) Some changes in the built environment of the commercial corridor are inevitable, even if the District's budget problems slow the process. The fact that 100 developer reps walked the CC-Library site in February suggests the dimension of pressure for change.
- 4) *Some* change in the corridor is good. Nothing new has been built north of Military Road in 50 years.
- 5) At the extreme, those who oppose the proposed zoning want *no* change. At the extreme, those who support the proposal want *no* further limits. In between, there seems to be broad agreement that whatever changes are permitted by the rezoning, they shouldn't appreciably alter the current scale and style of the corridor.
- 6) Even many of those who believe that some change is good have deep doubts about developers' intentions and the District's development politics.
- 7) Given 5) and 6), our resolution should convey that protecting the scale/style of the corridor is crucial and that the Commission, being best positioned to represent the community's interests in zoning/development, must have a continuing role.
- 8) The key zoning tools for protecting scale/style are building height limits and open space requirements.
- 9) The ANC has gone about as far as it can in getting the District to agree to a 60% lot occupancy maximum/40 percent open space requirement. So the main bone of contention is height.
- 10) At minimum, ensuring the Commission has a continuing role involves challenging, perhaps with other ANCs, the Zoning Commission's recent decision in Case #22-25 to change procedural rules to limit ANCs' involvement in zoning matters.

## **ZONING PROPOSAL**

On April 29<sup>th</sup>, the Zoning Commission is scheduled to take up a proposal by the Office of Planning to create two new zones along upper Connecticut Ave. NW, currently labeled Neighborhood Mixed Use or NMU-4/CC1 for both sides of the Avenue from Livingston to the Circle, save the Community Center-Library parcel, and NMU-4/CC2 for the Community Center-Library parcel.

As part of the proposal, OP is also suggesting three small RF-1 zones for the CVS and PNC parking lots and the back 15 or 20 feet of the Safeway parking lot. Their addition has sparked concern among some neighbors. But the proposed zones are small. They'd *reduce* maximum building height from the current 40 feet to 35 except with special exception. They'd permit only an incremental increase in density. I don't think they should divert our attention.

You can find OP's account of all provisions for the two NMU zones [here](#). I believe the important ones for our purposes are height and lot occupancy, the flipside of open space. I've summarized these below.

### **Existing & Proposed for CT Ave Other Than CC-Library Site: NMU-4/CC1 Zone**

	<b>Existing</b>	<b>Proposed</b>
<b><u>Building Height</u></b>	40 ft/ 3 stories max	40 ft <b>max</b>
IZ+/with affordable housing	-	50 ft <b>max</b>
-	-	25 ft <b>min</b>
-	-	5 ft bonus for providing 18-ft ground flr.
<b><u>Penthouse</u></b>	-	12 ft, except with mechanical, 15 ft
<b><u>Total</u></b>	-	-
with affordable housing		70 ft <b>max</b>
without affordable housing		65 ft <b>max</b>
<b><u>Lot Occupancy</u></b>	Residential: 60%	Residential: 60% <b>max</b>
IZ+/with affordable housing		75% <b>max</b>

	Nonresidential: No limit	Nonresidential: No limit
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**Existing & Proposed for CC-Library Site: NMU-4/CC2 Zone**

	Existing	Proposed
<b>Building Height</b>	40 ft/ 3 stories max	65 ft
<b>Penthouse</b>	-	12 ft, except with mechanical, 15 ft
<b>Max Total</b>	-	80 ft
<b>Lot Occupancy</b>	Residential: 60%	60%
	Nonresidential: No limit	60%

**POSSIBLE RESOLUTION?**

**Substance**

The simplest means of making some additional adjustment to height is to **propose collapsing the CC2/Community Center-Library zone, which would permit a maximum height of 80 feet, into CC1 zone, which would permit a maximum height of 70 feet. This would mean a single, consistent zone for all the Avenue from Livingston to the Circle.**

There might be room for some additional downward adjustment if, for example, we advocated eliminating the 5-foot bonus for 18-foot ground floors. But the community has an interest in generous ground-floor retail space. It seems unlikely that the other major bonus, the IZ or Inclusionary Zoning Plus one of 10 feet, is negotiable.

There may be some ancillary issues that need to be worked out. For example, the floor-area ratio maximum with IZ+ is 3.0 for CC1, but 3.6 for CC2. In addition, if there are parking minimums or maximums in the zoning proposal, we'd need to come to some agreement about what we think are reasonable asks on that score.

**Process**

Chevy Chase Voice (CCV) believes that the ANC and the community should fight any change in zoning. The group and at least a couple commissioners believe that the failure by OP and the Zoning Commission to properly notify the ANC of the Nov. 9, 2023 set-down hearing for the zoning proposal provides a legal hook to delay or derail the process. Although I appreciate the problem raised improper notification, I'm reluctant to see us endorse or become party to the CCV effort. I suggest that we recognize the CCV effort in the background and rationale section of the resolution and say that we will

assess whether/how the ANC can use any extended Zoning Commission process that might result from CCV's legal effort to the community's benefit.

The fact that the Zoning Commission just last Thursday approved procedural changes that reduce ANC's role in zoning may give us a means to challenge some of the process free and clear of CCV. I believe that the defect in OP's and the Zoning Commission's notice to us matches what the newly approved regulations now allow. I suggest that, as part of the resolution, we say that we'll be notifying other ANC of our problems in this case and consulting with them about mounting a challenge to the new Zoning Commission rules.

## **ARGUMENT**

I recognize that trying to further trim maximum height is going to offend some of you, and agreeing to the broad outlines of the zoning change is going to offend others. My pitch to the former is that much of the community would appreciate our taking some further steps to protect scale and style and it could help some commissioners toward compromise. My pitch to the latter is that I doubt "no change" is an option when it comes to the zoning proposal and, if I'm right, our aim should be to try to get to as close as possible to what the majority of the community wants.

I'm confident that our survey results, especially those for Question 10, will be cited in arguing about what the majority actually does want. Here's my reading of what the Question 10 results tell us. Looking at the ANC-only numbers, roughly one quarter of respondents want buildings no taller than what current zoning allows and therefore no change. Of the remaining three quarters, a little more than a quarter want less than 60-to-70 feet and a little less than a quarter want more than 60-to-70 feet or don't care. Having a single CC1 zone for all of Connecticut Avenue, including the Community Center-Library site, would open the way for 60-to-70-foot buildings to get built over time.