



**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

**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 new types of 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 site. 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 penthouse allowances 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 allowable penthouses.
- NMU-4/CC2 would allow new buildings of up to **80 feet**, Current zoning permits buildings of up to **55 feet** with allowable penthouses.
- RF-1 would allow up to **two** detached or semi-detached buildings of up to **35 feet** or 40 feet by 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. The failure to adequately notify 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 all proposed zoning changes in the future by, among other things, reducing the advanced notice that ANCs are required to be provided. The changes permit the very kind of inadequate notification that ANC 3/4G received in the instant case, suggesting that OP and ZC effectively may have implemented the new procedural 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 from a rulemaking into a contested case.

ASSESSMENTS & RECOMMENDATIONS

- 8) This resolution deals with the notification issue in two ways:
 - The ANC takes note of Chevy Chase Voice's intent to sue to have the ZC handle the rezoning of upper Connecticut Avenue as a contested case rather than as a rulemaking. After further consideration, the Commission may independently ask for such a change.
 - Given the notice defects in the ZC's early handling of the proposed rezoning of 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 that limit advance notice to ANCs of proposed zoning changes.
- 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 now on the proposed maximum floor area ratios, side-yard requirement and inclusion by reference of District parking minimums and maximums.
 - It recognizes that OP has made important changes to its proposal for the NMU-4/CC2 zone covering the Community Center-Library site by

reducing the maximum height with allowable penthouses and bonuses to 80 feet and lot occupancy to 60 percent. It supports the major provisions of the proposal for the NMU-4/CC2 zone, although it reserves judgement for now on the proposed maximum floor area ratios, side-yard requirement and inclusion by reference of District parking minimums and maximums.

- It recognizes a concurring opinion by Commissioner Gosselin [[and potentially other commissioners.]]