



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

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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
- 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.

Lisa R. Gore, Chair

Bruce Sherman, Secretary