



**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

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3/4G-04 - Laura Phinizy 3/4G-05 - Karrenthya Simmons, Treasurer  
3/4G-06 - Peter Gosselin 3/4G-07 - Elizabeth Nagy, Secretary

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**ANC 3/4G Resolution on**  
**Requesting the Zoning Commission to Conduct**  
**a Contested Hearing Regarding Upzoning**  
**on Upper Connecticut Avenue**  
**January 29, 2025**

**Whereas**, the Zoning Commission (ZC) failed to notify ANC 3/4G of the “set down” hearing for case 23-25 in November 2023, as required by law;

**Whereas**, the failure to notify deprived ANC 3/4G of its rightful role in advising ZC on whether 23-25 should be treated as a contested or rule-making case;

**Whereas**, the rule-making procedure imposed by the Zoning Commission caused prejudice to the Chevy Chase community by truncating the role of the ANC in representing the diverse interests and concerns of its constituents;

**Whereas**, the truncated role of the ANC caused by the Zoning Commission’s decision to conduct rulemaking rather than a contested hearing contributed to largely dichotomized testimony before ZC, lacking the complexity of perspectives shared across the Chevy Chase community;

**Whereas**, the perspectives the ANC, given the opportunity, would have provided a nuanced representation of local interest, emphasizing the perspectives of both business operators as well as property owners whose commercial concerns and property use stand to be the most directly and deeply affected;

**Whereas**, ANC's truncated role, which was caused by the Zoning Commission's decision to conduct rulemaking rather than a contested hearing, created inherent imbalance with a preponderance of opinions about Chevy Chase expressed by those who do not reside in Chevy Chase, yet influencing outcomes for Chevy Chase;

**Whereas**, the rule-making process limited interaction between the ANC and the DC Office of Planning to exchanges of memoranda rather than open dialogue, thereby limiting the potential for compromise that aligns with positions consistent with the wishes of the Chevy Chase community and specifically neighborhood business owners;

**Whereas**, remarks on the record by the ZC Chair at the set down hearing, expressing criticism of Chevy Chase for alleged resistance to affordable housing, further prejudiced the process against the ANC, views the ANC was unable to address due to the rulemaking nature of the case;

**Whereas**, regulatory framework under 11 DCMR Subtitle Z § 201.2(e) explicitly categorizes Zoning Case 23-25 as a contested case, as it involves a map amendment filed by the District, the property owner of the Civic Site, which includes contiguous public land designated for significant community use;

**Whereas**, on April 9, 2023, Sara Bardin, in her official capacity as the Director of the Office of Zoning, acknowledged that Zoning Case 23-25 meets the criteria for a contested case as outlined in Subtitle Z § 201.2(e), while also asserting that it qualifies for rule-making procedures under Subtitle Z § 201.7(a), thus creating ambiguity regarding the appropriate classification for the hearing;

**Whereas**, the ZC has claimed, through Ms. Bardin, that it possesses unfettered discretion to choose between contested case and rule-making procedures, thereby undermining the rights of the community to a fair and just hearing process;

**Whereas**, a development project in Ward 1, was treated differently from the Chevy Chase zoning case. Specifically, after protests and threats of court intervention, similarly situated property owners, residents, and civic organizations in Zoning Case 23-02, where the Office of Planning proposed to upzone the civic site at 1617 U St/1620 V Street (Square 175 Lots 826 and 827), which included a police and fire station, vacated their initial decision to treat the case as a rulemaking and voted in June 2023 to classify it as a contested case under DC Code § 2-509 and 11 DCMR Subtitle Z § 201.2(e); and

**Whereas**, in sum, the above circumstances, beginning with ZC's failure to comply with law and regulations, resulted in a biased, imbalanced process with long-term ramifications for the Chevy Chase community;

**Therefore, be it resolved:**

ANC 3/4G requests that the Zoning Commission follow proper procedures in accordance with law and regulation and abandon the rulemaking process to conduct a proper contested hearing with respect to the proposed rezoning on upper Connecticut Avenue.

**BE IT FURTHER RESOLVED:**

The Commission designates Commissioner Elizabeth Nagy, ANC 3/4G-07, Chair Lisa R. Gore, ANC 3/4G-01, Commissioner Karrenthya Simmons, ANC 3/4G-05, and Commissioner Peter Gosselin, ANC 3/4G-06, to represent the Commission in all matters relating to this resolution.

**APPROVED** at a special public meeting notice of which was properly given, and at which a quorum of four (4) of seven (7) members was present on January 29, 2025, by a vote of 6 yes, 0 no, 1 abstention.

The votes were as follows:

Lisa R. Gore (SMD-01) – yes

Bruce Sherman (SMD-02) - yes

Carol Grunewald (SMD-03) – yes

Laura Phinizy (SMD-04) – yes

Peter Gosselin (SMD-06) - yes

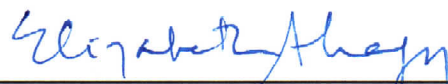
Liz Nagy (SMD-07) - yes

Karrenthya Simmons (SMD-05) - abstained



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Lisa R. Gore, Chair



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Elizabeth Nagy, Secretary