



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 |
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Special Meeting
March 27, 2024
Summary Minutes

00:00:07: **Meeting called to order.** Vice-chair Gosselin introduces the meeting, explains it will be a hearing only due to lack of a quorum.

00:01:19: **Commissioner introductions.**

00:03:22: **Commission votes 5-0 to approve modified agenda.** Commissioner Lynch having joined online, a quorum is reached. Modification is to add short discussion at the end of the meeting about future meetings.

00:03:32: **Commissioner Gosselin gives an overview of the topic.** Proposed zoning changes will introduce two special zones, one for the Civic Core and another for the Connecticut commercial corridor. There will be two additional special meetings: April 11 for more community input and for Commissioners to discuss and draft a resolution, and April 17 to debate and vote on the resolution.

00:06:01: **Commissioner Gosselin introduces Joel Lawson from Office of Planning (OP).** Joel Lawson introduces the topic, recognizing his co-worker Maxine Brown Roberts who is not available tonight. *An extended delay occurred here due to technical difficulties.*

00:25:24: **Lawson begins his presentation with his second slide, showing the area of proposed zoning changes.** No proposed changes to residential areas.

00:26:06: **Slides #3 and #4 delineate the process and where we are.** Started three years ago with the Comprehensive plan, Small Area Plan (SAP), Zoning Committee (ZC) Setdown report, etc. All related documents are available at the Office of Zoning website.

00:28:49: **Slide #5: Generalized Policy Map and Future Land Use Map showed the effect of Council policy on zoning changes.** The Generalized Policy Map has a red dotted line delineating the area that the

Council felt needed reconsideration. The big change is that the Council changed the Future Land Use Map designation from low-density commercial to a mix of low-density commercial and moderate density residential, with local public facility zoning at the Civic Core site.

00:36:46: **Slide #6: Chevy Chase Small Area Plan diagrams of building heights and setbacks sparked questions over how to guarantee SAP guidelines.** Lawson points out public space is not governed by zoning but by the Public Space Committee, administered by the District Department of Transportation (DDOT.) There was discussion about how design and materials guidelines agreed upon and included in the SAP could be incorporated into zoning. Some have suggested building permits might serve that role, but they are limited. Commissioner Sherman asked Lawson, once the new zoning is approved, and new development becomes 'by right,' what if any say will the ANC or the community have? Lawson said OP would put as much as possible into the zoning regulations. Commissioner Gosselin asked about requiring compatible design and materials, such as those on page 44 of the SAP. Lawson answered many of these things are difficult to regulate, especially materials. He pointed out that the ANC has the option to complain that the proposed zoning is incomplete, but Lawson does not believe it's possible to include what they want. The accuracy of the scale on the slide was disputed. It was pointed out that Historic Designation would give the ANC and the community a seat at the table on design, material questions.

00:48:28: **Slide # 7: OP Setdown Report with bar chart of affordable housing by planning area.** Lawson explained the chart had been compiled using a racial equity analytic tool. He was asked who in the District has been looking at the big picture? Given that the Comprehensive plan will bring many more residents to the Connecticut corridor, who in the government made the decision to give up the Civic Core when the Chevy Chace Community Center was the 5th most active in the city? Lawson replied this was not the responsibility of zoning, but the office of the Deputy Mayor for Planning and Economic Development (DMPED.) One audience member questioned the chart as not reflecting affordable housing currently under construction on Wisconsin Avenue, rent controlled units at 60% MFI, or vouchers. They noted that 4,000 federally funded vouchers were returned in FY 2023 unused, the city has a \$1.2B budget shortfall, and housing is needed NOW. Lawson suggested they approach the DC Department of Housing and Community Development. Another community member noted the SAP is not law or enforceable. They asked Lawson to confirm the community would see presentations by bidders as part of the Our RFP process. Another resident questioned the inclusion of rent controlled units as affordable housing.

01:03:23: **Slide #8: Changes to Proposed Zoning. HD and zoning relief are the only ways to control by right development.** Lawson admitted Historic Designation is one of the few ways to control design and materials. The only other way is if a development needs to seek BZA relief, and the BZA can then write guidelines into their decision.

01:06:34: **Slide #9: Proposed Zoning Map, building height and position.** The question was raised where building height is measured from, the Building Height Measurement Position (BHMP). Lawson did not remember but said he would get back to Commissioner Gosselin. (Lawson later reported building height is measured from the curb opposite the front of the building.) One attendee, pointing out that the current regulations require a building to be built to the front lot line, expressed concern about the heritage trees on the front of the site. Those heritage trees currently provide the green space that 70% of the 2300 respondents to the Civic Core Survey said were important. Lawson agreed with the point and said he would reconsider his language.

01:14:30: **Discussion about the upcoming ZC hearing, how the zoning changes were characterized, who could testify at the hearing and how.** There were also questions regarding notification, and how

the existing covenant and the proposed zoning relate. Lawson stated zoning is not affected by covenants.

01:24:02 **Slide #10: NMU-4/CC1 Commercial Corridor showed images of CC1 buildings which are very similar to NMU-4 to give a sense of what these might look like.**

01:25:15: **Discussion of the proposed RF-1 zones on slide #9, at the CVS, Safeway and PNC parking lots.** This designation has a height limit of 35 feet but allows more than one unit in a single building. Several constituents criticized the inclusion of these zones. They related that RF zones had been suggested during the SAP process and rejected by the community. OP had agreed to remove them. They felt their reappearance was underhanded. Lawson insisted he had been asked by the community to include them, referencing his meetings with the ANC zoning committee.

01:36:50 and 01:50:19: **Constituents supported the proposed changes with several arguments.** They suggested matter of right provided a kind of guidance, that the public space committee is a public process, that limits on glass and blank walls were an improvement, and that the argument that 97% of permits in Historic Districts are approved without a permit doesn't align with the idea that historic designation gives the community a voice. Current zoning allows buildings to the full allowed height right at the property line, without setbacks.

01:41:19: **Increased height allowances as a spur to development.** One constituent pointed out that although the existing zoning allows buildings of 55', the buildings on Connecticut are currently 40' and under. In contrast, the new zoning would be likely to result in significant redevelopment along the corridor. Commissioner Sherman asked Lawson if this were not indeed OP's intent, as Lawson had suggested that they needed to increase height to spur development. Lawson agreed that there is a point where a reduction in height would be difficult to support under the current city planning and policy guidelines.

01:43:19: **Slide #11: NMU-4/CC2 Civic Site showed images of what development might look like at the Civic Core.** Under the new zoning, height would be 80.'

01:47:26: **Slide #12: Recapping, Lawson stressed all citizens could attend the (virtual) ZC hearing.**

01:55:45: **Ed Hanlon, lawyer for Chevy Chase Voice, explained the significance of the designation of the proposed zoning changes as "rulemaking" vs "contested."** At a rulemaking hearing, each person gets only three minutes to testify. Cross-examination, evidence, witnesses, rebuttal are all prohibited. At the end, the ZC makes their ruling with no explanation, and there is no possibility of appeal. It is a legislative decision. With a contested case, the hearing is adjudicatory. The ZC must hear all offered testimony. Opponents to the changes can ask questions of those proposing and supporting the new zoning. The Zoning Commission must justify their decision with findings of fact and conclusions of law. Several members of the audience echoed this should be a contested case. Lawson will be posting his presentation on the OP website.

02:03:50: **Commissioner Gosselin encouraged members of the public to make their voices heard on two questions regarding ANC meetings going forward.** If they want meetings to continue to be hybrid, allowing for an in-person component, and/or if they believe holding special meetings to allow the community to speak on major issues affecting them such as zoning, the RFP and HD it is important that they make their opinions known.

02:06:09: **End of Meeting**

Peter Gosselin, Vice Chair



Peter Gosselin

Bruce Sherman, Secretary



Bruce Sherman