

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Maxine Brown-Roberts, Development Review Specialist  
*JLS* Joel Lawson, Associate Director, Development Review  
 Jennifer Steingasser, Deputy Director, Development, Design and Preservation

**DATE:** October 13, 2023

**SUBJECT:** Set down Report for Proposed Zoning Text and Map Amendments to create and map new Chevy Chase Neighborhood Mixed Use Zones - NMU-4/CC1 and NMU-4/CC2.

**TABLE OF CONTENTS**

**I. Recommendation..... 1**

**II. Planning Background ..... 2**

**III. Site and Area Description ..... 3**

**IV. Summary of Proposed Text Amendment ..... 4**

**V. Comp Plan Evaluation..... 8**

**A. Comp Plan Maps..... 8**

**B. Equity ..... 13**

**PART ONE: RACIAL EQUITY GUIDANCE ..... 13**

**PART TWO: COMMUNITY OUTREACH AND ENGAGEMENT ..... 13**

**PART THREE: DISAGGREGATED DATA REGARDING RACE AND ETHNICITY .... 19**

**PART FOUR: CRITERIA TO EVALUATE THROUGH A RACIAL EQUITY LENS ..... 23**

**C. Comp Plan Policies, including those related to racial equity..... 26**

**D. ROCK CREEK WEST AREA ELEMENT ..... 35**

**VI. Chevy Chase Small Area Plan ..... 38**

**VII. Summary of Planning Context Analysis..... 43**

**Attachment 1 – CCSAP Guidelines..... 44**

**Attachment 2 - Proposed Text Amendment ..... 52**

**I. RECOMMENDATION**

The Office of Planning (OP) recommends the Zoning Commission **set down** for public hearing amendments to the Zoning Regulations to create the Chevy Chase Neighborhood Mixed Use zones - NMU-4/CC1 and NMU-4/CC2; and a Map Amendment to map the zones on properties generally fronting on Connecticut Avenue, NW between Chevy Chase Circle, NW and Livingston Street, NW.

The proposed new zoning text and map amendment are not inconsistent with the Comprehensive Plan, including when viewed through a Racial Equity lens, and incorporate land use and building massing, design and use guidance from the Council adopted Chevy Chase Small Area Plan.

This report serves as the Pre-hearing Filing required by 11 DCMR § Z-501 as a prerequisite to the advertisement of the public hearings.

If set down for a public hearing, OP requests flexibility to work with the Office of Zoning Legal Division on the draft language for the public hearing notice.

With the publication of Zoning Commission Orders 18-16 (zone names) and 19-27, 19-27A and 19-27B new zone name nomenclature was adopted and the zoning regulations were reorganized. In conversations with the community, the Office of Planning (OP) proposed new neighborhood commercial zones NC-18 and NC-19. The new zones names would be NMU-4/CC1 (NC-18) and NMU-4/CC2 (NC-19). The proposed text amendment reflects the new nomenclature and zoning regulations reorganization.

## II. PLANNING BACKGROUND

As part of the 2021 update of the Comprehensive Plan (the Comp Plan), Council approved important changes to the Future Land Use Map (FLUM), the Generalized Policy Map and the Citywide and Rock Creek West Area Elements, including the Chevy Chase corridor. The new Comp Plan places a much stronger emphasis on the provision of new housing and new affordable housing opportunities, particularly in areas such as the Rock Creek West Planning Area where there is a lack of dedicated affordable housing.

**Rock Creek West Road Map:** Based on the direction of the Comp Plan, the Office of Planning along with the Department of Housing and Community Development (DHCD) and the Office of the Deputy Mayor for Planning and Economic Development (DMPED) undertook the [Rock Creek West Road Map](#) study to examine where and how to build affordable housing within the Rock Creek West Area. The Rock Creek West Road Map identified several near term opportunities to increase the supply of affordable housing and tools that can be used to realize those opportunities. The Chevy Chase Area was identified as one of three areas<sup>1</sup> in Rock Creek West where efforts should be made to increase the production of housing and affordable housings, supported by vibrant public spaces, retail and other amenities. The Roadmap identified three approaches to affordable housing production: Financial Subsidies, Land Use Regulations and Planning for Opportunity Sites. Regarding development on opportunity sites, the Roadmap provides the following guidance:

*Planning for opportunity sites in Rock Creek West includes exploring the possibility of including mixed income housing, especially for the lowest-income households, to support the District's housing goals. Many different types of sites can be considered "opportunity sites." For example, the District can leverage the land value of underutilized parcels of District-owned land to redevelop properties and produce new affordable housing, job opportunities, and community amenities. Projects on public disposed land are required to allocate 30% of housing units as dedicated affordable if close to public transit or 20% of units for all other projects.*

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<sup>1</sup> Chevy Chase Area, Cleveland Park/Woodley Park Area, and the Wisconsin Avenue Area.

*Neighborhood Planning & Opportunity Sites: Neighborhood Planning can engage the community in establishing a vision and goals for redevelopment that can integrate a mix of housing options, high-quality design, public space, and community-serving amenities.*

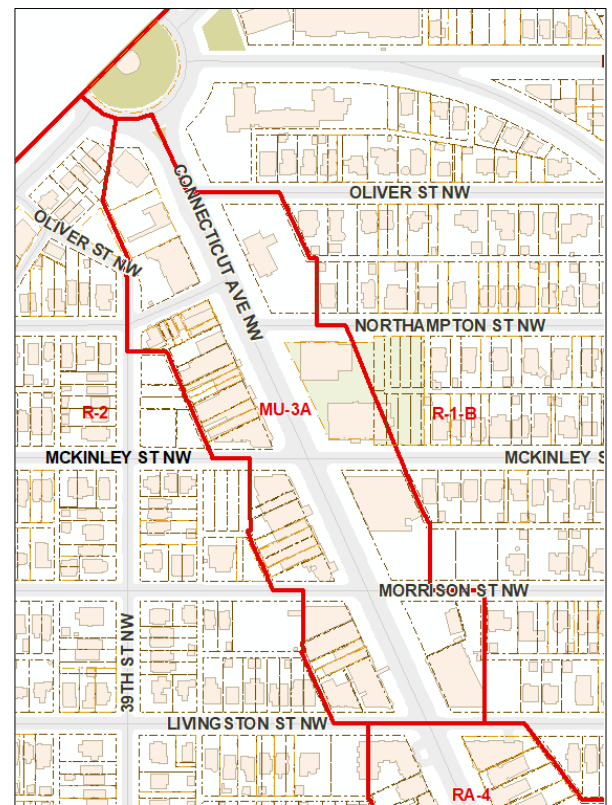
*In Rock Creek West, OP's 2021-2023 neighborhood planning efforts are intended to implement the Comp Plan, particularly where land use changes have been made on Wisconsin and Connecticut Avenues that increase opportunities for residential development. These land use changes were an important step for Rock Creek West to support an equitable share of the District's growth, specifically providing for more dedicated affordable and moderate-income housing.*

**Chevy Chase Small Area Plan:** The Comp Plan also recommended a more detailed and holistic analysis be done of the Chevy Chase corridor<sup>2</sup>, looking at the physical, social, transportation, environmental, housing and economic issues of the area. After community outreach, meetings, and conversations, the [Chevy Chase Small Area Plan \(CCSAP\)](#), was approved by the Council of the District of Columbia on July 12, 2022 (Resolution 24-0564). The CCSAP places great emphasis on the provision of more housing and in particular affordable housing, as well as neighborhood retail, along Connecticut Avenue NW. A more complete discussion of the CCSAP is provided later in this report.

The proposed text and map amendment is the next step towards implementing the recommendations of the Comp Plan and the CCSAP. The proposed text amendment has evolved considerably over the past year as OP has worked with ANC-3/4G and members of the community on the appropriate density and heights of buildings that would accommodate additional housing and neighborhood serving retail, as established in the Comp Plan, while addressing neighborhood character and impact guidance from the CCSAP. OP greatly appreciates the work of the ANC committee and the comments received from community members— their input significantly impacted the currently proposed zoning, as will be outlined later in this report. Setting down the proposal would allow for continued discussions with the ANC and Chevy Chase community.

### III. SITE AND AREA DESCRIPTION

The area covered by the proposed text and map amendment can be described as the Chevy Chase Main Street Commercial Corridor, and includes the properties fronting on both the east and west sides of Connecticut Avenue, NW, generally between Western Avenue and Oliver Street to the north and Livingston Avenue to the south (Figure 1, below). A small number of properties face side streets – typically, they are part of larger development sites fronting Connecticut Avenue NW. The area includes a variety of lot shapes and sizes, and buildings are mostly one or two stories in height, with a



<sup>2</sup> See Comp Plan Policy Map, and Rock Creek West Area Element Policy Focus Areas § 2310

variety of architectural styles. The corridor also has a variety of restaurant, retail and service uses which serve the local community.

The western side of Connecticut Avenue has mainly relatively small rectangular lots interspersed with larger lots. There are two historic buildings - the Avalon Theater at 5612 Connecticut Ave. and the Chevy Chase Arcade at 5520 Connecticut Ave.

On the east side of Connecticut Avenue, the lots are generally larger, and irregularly shaped. Most of the buildings are detached and accommodate surface parking. One of the largest lots is the District owned property at 5625 Connecticut Avenue, NW (the “Civic Site”) which houses the Chevy Chase Library and the Chevy Chase Community Center, which are two of the tallest buildings along the corridor but are two stories.

The Civic Site and other lots along the east side of Connecticut Avenue are currently encumbered with a covenant from 1907 that prohibits multi-family housing on properties or portions of properties, including the approximately east half of the Civic Site. Council Legislation ([B25-0480](#), [B25-0481](#) and [B25-0482](#)) has been introduced to declare void any pre-1938 covenants that prohibit multi-family housing on these lots where multi-family housing could otherwise be built on those lots under modern planning and zoning laws. However, as is the case with zoning throughout the District, the proposed text and map amendment are not affected by this, or any other, easement.

#### **IV. SUMMARY OF PROPOSED TEXT AMENDMENT**

The proposal is to create two new Chevy Chase Neighborhood Mixed Use zones, NMU-4/CC1 and NMU-4/CC2<sup>3</sup>. The proposed zoning bulk (height and density) and use parameters of the proposed zones reflect the land use policy direction of the Comp Plan. The more area-specific zoning provisions for new construction and additions address specific guidelines of the CCSAP. Much of the discussion with the ANC has been about the incorporation of these guidelines into zoning, and OP appreciates the input received, which has greatly influenced the proposal. To address the policy direction within the Comp Plan, the NMU-4/CC zone is based on the MU-4 zone, and the NMU-4/CC zone is based on the MU-4 PUD provisions.

NMU (Neighborhood Mixed-Use) zones are applied to many neighborhood commercial corridors and are intended to, among other things:

- provide for a mix of residential, employment, retail, service, and other related uses in the area;
- preserve and enhance neighborhood shopping areas; encourage a general compatibility in scale between new and older buildings; and
- identify designated areas within which ground floor use restriction can apply.

Other areas with NMU zoning include Cleveland Park, Woodley Park, and Macomb in Ward 3, and Takoma, Georgia Avenue, H Street NE, and Eighth Street SE in other parts of the city. Many other NMU zones are based on the MU-4 zone.

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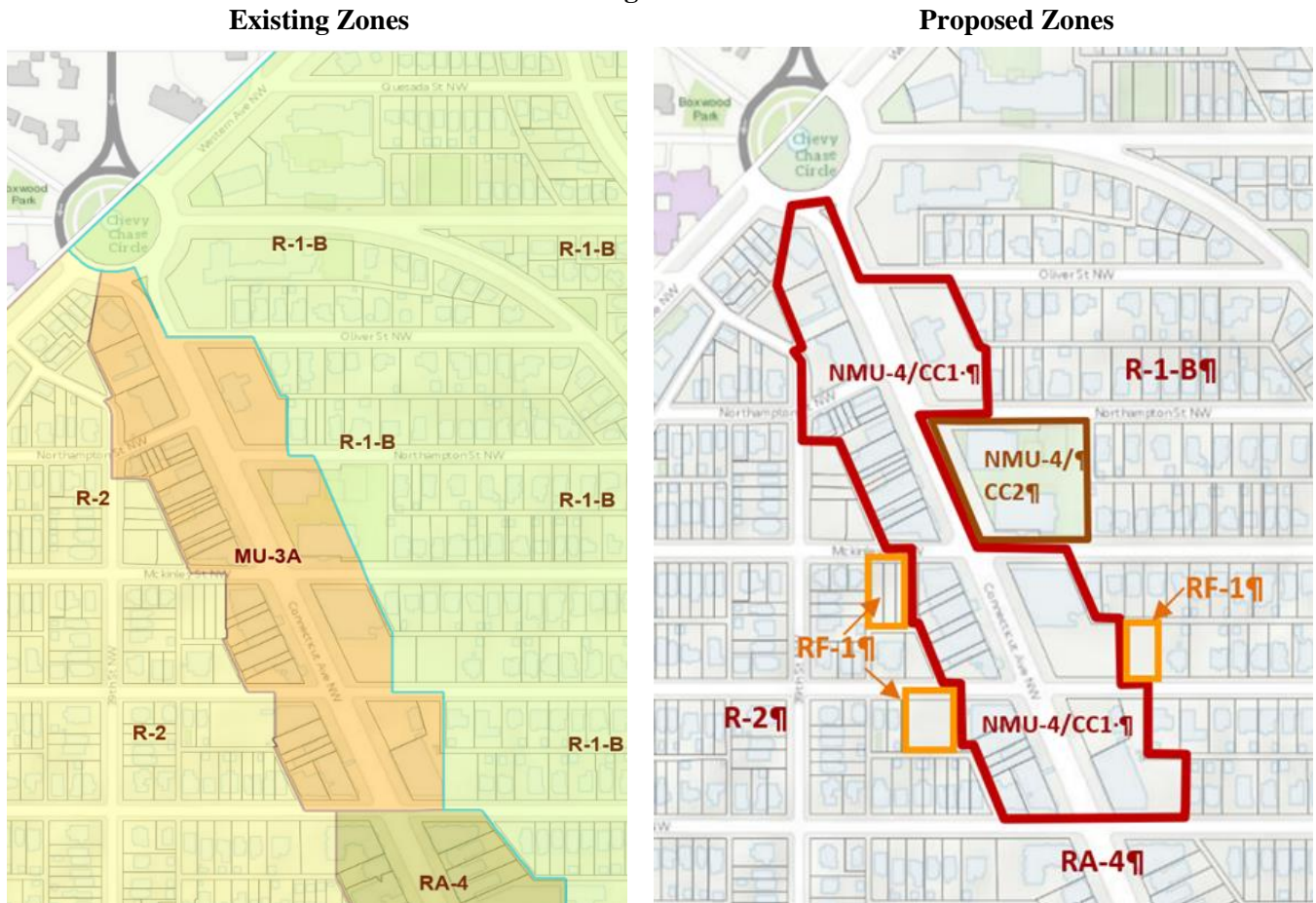
<sup>3</sup> Earlier discussions with the ANC and community on this zoning proposal occurred before the adoption of the zoning reorganization and renaming. At the time, the new zones were referred to as NC-18 and NC-19, consistent with the zone name format at the time. OP had advised the ANC and the community that zoning names and formatting would be amended to be consistent with the new format.



While each NMU zone is different, there are provisions that apply to all NMU zones, so would apply to the NMU-4/CC zones where they are consistent with CCSAP direction. Other proposed provisions to incorporate provisions of the CCSAP would apply only in these zone, although where appropriate, they are often based on similar provisions of other NMU zones. However, some design guidelines of the CCSAP cannot be addressed in Zoning Regulations, such as public space improvements, and therefore are not incorporated into the proposed zoning text.

Please refer to Attachment 2 for a copy of the full text amendment, including existing NMU provisions that would apply to these zones.

Figure 2



**NMU-4/CC1 Zone – Commercial Corridor**

The NMU-4/CC1 zone would apply to most of the commercial corridor along this section of Connecticut Avenue. The Chevy Chase Neighborhood Mixed Use Zone NMU-4/CC1 would be mapped in Squares 1859, 1860, 1865, 1867, and 1868 on lots generally along both sides of Connecticut Avenue, NW between Western Avenue, NW and Livingston Street, NW. These properties are currently zoned MU-3A.

The NMU-4/CC1 zone would allow mixed use, low-density commercial and moderate density residential uses – generally ground floor retail (as would be required by the zone) and residential use above within the development parameters summarized on Table 1 below:

**Table 1 – Summary of NMU/CC1 Zone**

	<b>Existing MU-3A Zone</b>	<b>Proposed NMU-4/CC1 Zone</b>
Maximum FAR	1.0 1.2 (IZ)	2.5 3.0 (IZ+) 0.5 bonus for façade preservation
Building Height	40 ft. / 3 stories maximum	40 feet; 50 feet (IZ+) maximum 5 feet bonus for providing 18 feet tall ground floor 25 feet minimum
Maximum Penthouse Height	12 feet except 15 feet for penthouse mechanical space	12 feet except 15 feet for penthouse mechanical space
Maximum Lot Occupancy	Residential - 60% Non-residential – not limited	Residential - 60%; 75% (IZ+) Non-residential – not limited
Minimum Rear Yard	15 ft. above 25 feet No alley – 15 feet	15 feet above 25 feet No alley – 15 feet 1:1 step-back above 25 feet
Minimum Side Yard	None required; 5 feet minimum if provided.	None required. 5 feet. minimum if provided. 15 feet minimum if not separated from an R or RF zone by an alley.
Minimum Front Step-back	None required	3 feet above the third floor or a preserved façade
GAR	0.3	0.3

The proposed NMU-4/CC1 development standards would include provisions to reflect the guidelines of the CCSAP:

- To encourage the preservation of pre-1958 building facades, an additional 0.5 FAR in density would be allowed with the addition above the façade setback at least three feet;
- Along the Connecticut Avenue frontage, new buildings would have a **minimum** height of twenty-five feet, with a minimum first floor ceiling height of fourteen feet;
- Along Connecticut Avenue, there would be a required setback of three feet minimum for building above a third floor; and
- Buildings with 18-foot floor to ceiling heights would be allowed an additional 0.5 FAR in density.

Transition requirements, to address the relationship between new development and adjacent low density residential properties in the R and RF zones, include:

- A 1:1 step-back from a rear lot line above 25 feet;
- A 15-foot wide rear yard setback; and
- A 15-foot wide side yard setback if there is not an alley separating the properties.

To activate the Connecticut Avenue frontage, a number of additional provisions are proposed:

- At least 75% of the front façade would be built to the front lot line;

- Minimum window area and door separations on the ground floor
- Maximum window area on upper floors to avoid a “glass curtain wall” inconsistent with the existing character;
- Retail space required to be accessed from Connecticut Avenue and be at grade with the sidewalk; and
- Parking and loading could not be accessed from Connecticut Avenue.

**NMU-4/CC2 Zone – Civic Site**

The NMU-4/CC2 zone would apply only to the Civic Site on Connecticut Avenue, NW between Northampton Street, NW and McKinley Street, NW, Square 1866 Lot 823. This site is currently zoned MU-3A and R-1-B. The proposed zone reflects the Comp Plan and Chevy Chase Small Area Plan recommendations by providing for mixed-use and local public facility development on the District owned property, including a moderate density level of housing.

**Table 2 – Summary of NMU/CC2 Zone**

	<b>Existing MU-3A Zone</b>	<b>Existing R-1B Zone</b>	<b>Proposed NMU-4/CC2 Zone</b>
Maximum FAR	1.0; 1.2 (IZ)	n/a	3.0; 3.6 (IZ+) Total; 1.5 Non-Residential
Maximum Building Height	40 ft. / 3 stories	1, detached	65 feet
Maximum Penthouse Height	12 feet/1 story except 15 feet for penthouse mechanical space	40 feet / 3 stories	12 feet/1 story except 15 feet for penthouse mechanical space
Maximum Lot Occupancy	Residential - 60% Non-residential – not limited	40%	Residential – 60% Non-residential - 60%
Minimum Rear Yard	15 ft. above 25 feet No alley – 15 feet	25 ft.	15 feet from grade No alley – 15 feet 1:1 step-back above 25 feet
Minimum Side Yard	None required; 6 feet minimum if provided.	8 feet	None required; 6 feet. Minimum, if provided 15 feet minimum if not separated from an R or RF zone by an alley.
GAR	0.3	n/a	0.3

The proposed NMU-4/CC2 development standards would be similar to those allowed under the MU-4 PUD, consistent with the Comp Plan but with some variations to reflect the guidelines of the CCSAP:

- Penthouse mechanical space height would be limited to 15 feet maximum where 18.5 feet is allowed under the MU-4/PUD;
- Lot Occupancy for both residential and non-residential uses would be limited to 60% maximum, whereas lot occupancy for non-residential uses is not limited in either the existing MU-3A zone or the MU-4 zone. This is specifically to address community

concerns about the provision of open space on this site. OP acknowledges that this could limit the ability of the site to provide the level of housing anticipated by both the Comp Plan and the CCSAP; however, those documents also call for the provision of open space on District-owned properties, including this one.

- A 1:1 step-back from a rear lot line above 25 feet;
- A 15-foot wide rear yard setback; and
- A 15-foot wide side yard setback if there is not an alley separating the properties.

**RF-1 Zone**

The proposed map amendment would also include a rezoning to RF-1 of a small number of sites fronting side streets, specifically McKinley and Morrison Streets, currently zoned R-2 or R-1-B. These properties are mainly existing surface parking lots that are in common ownership with commercial properties fronting Connecticut Avenue, NW. Although generally included within the CCSAP study area, applying the proposed new mixed-use zones to these properties would not appear to be consistent with the Comp Plan, particularly the FLUM, and could introduce commercial use into the low-density neighborhood.

Following conversations with the ANC about these properties, OP is proposing to rezone them to the RF-1 zone, which would allow potential development as an appropriate transition between the low-density residential uses and the moderate density NMU-4/CC1 zone. The RF-1 zone would not permit commercial use of the lot but would allow a one or two family rowhouse form of development. There are no site-specific guidelines proposed for these sites.

**Table 2 – Summary of NMU/CC2 Zone**

	<b>Existing R-1B Zone</b>	<b>Existing R-2 Zone</b>	<b>Proposed RF-1 Zone</b>
Maximum FAR	n/a	n/a	n/a
Maximum Principal Dwellings	1, detached	1, detached, semi-detached	2, detached, semi-detached, attached
Minimum Lot Size	50 ft. width; 5,000 sq.ft. area	30-40 ft. width; 3,000-4,000 sq.ft. area	18 ft. width; 1,800 sq.ft. area
Maximum Building Height	40 ft. / 3 stories	40 ft. / 3 stories	35 ft. / 3 stories 40 ft. by sp.ex.
Maximum Lot Occupancy	40%	40%	60%
Minimum Rear Yard	25 ft.	20 ft.	20 ft.
Minimum Side Yard	8 ft.	8 ft.	None required; 5 feet. minimum if provided

**V. COMP PLAN EVALUATION**

**A. Comp Plan Maps**

The Framework Element states that the “*Generalized Policy Map and Future Land Use Map are intended to provide generalized guidance for development and conservation decisions, and are*



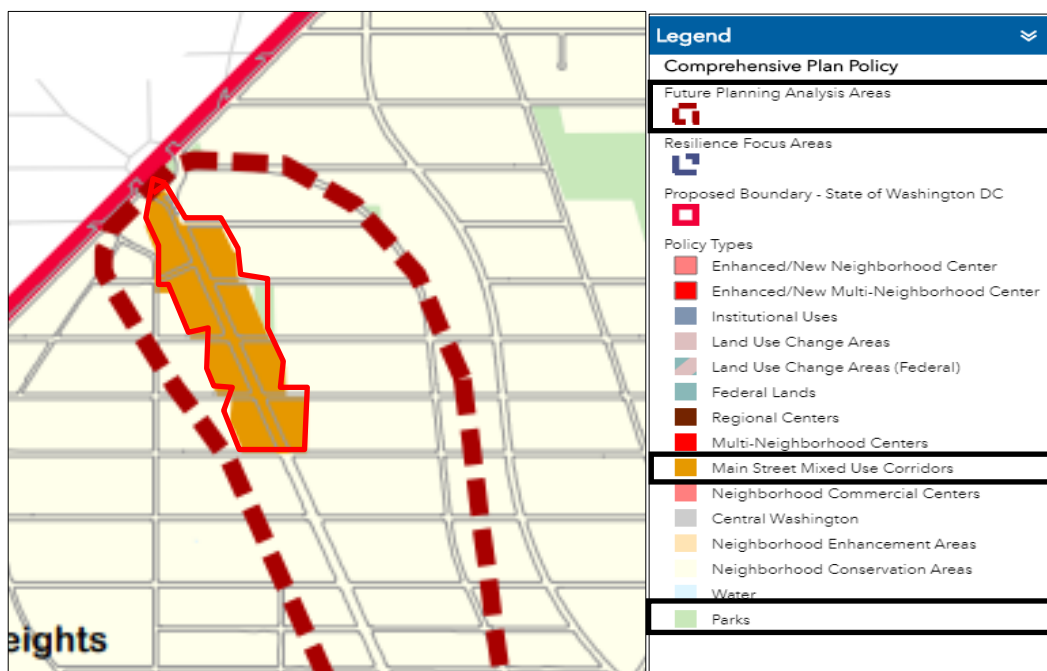
*considered in concert with other Comp Plan policies.” Additionally, “. . . the zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comp Plan, including the Citywide Elements and the Area Elements.”*

The proposed zoning is not inconsistent with the Generalized Policy Map and the Future Land Use Map and furthers many important policy statements of the Comp Plan, as well as the guidelines of the CCSAP.

### **Generalized Policy Map (GPM)**

The Generalized Policy Map (GPM) (Figure 4) designates the majority of the corridor as being within a Main Street Mixed Use Corridor; a portion of the Civic Site is designated as Park. The corridor is within an area designated as a Future Planning Analysis Area.

**Figure 4 – Generalized Policy Map (GPM)**



**Main Street Mixed Use Corridors:** *These are traditional commercial business corridors with a concentration of older storefronts along the street. The area served can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian oriented environment with traditional storefronts. Many have upper-story residential or office uses. Some corridors are underutilized, with capacity for redevelopment. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment. 225.14*

**Parks, Recreation, and Open Space:** *This designation includes the federal and District park systems, including the National Parks, such as the National Mall; the circles and squares of the L’Enfant city and District neighborhoods; settings for significant commemorative works, certain federal buildings such as the White House and the U.S. Capitol grounds, and museums; and District-operated parks and associated recreation centers. ... This category includes a mix*

*of passive open space (for resource conservation and habitat protection) and active open space (for recreation). ... Zoning designations for these areas vary. The federal parklands are generally unzoned, and District parklands tend to be zoned the same as surrounding land uses.*  
227.1

***Future Planning Analysis Area:*** *As further discussed in Sections 2503.2 and 2503.3 of the Implementation Element, areas of large tracts or corridors where future analysis anticipated to ensure adequate planning for equitable development. Boundaries shown are for illustrative purposes. Final boundaries will be determined as part of the future planning analysis process for each area. Planning analyses generally establish guiding documents. Such analysis should precede any zoning change in this area. The planning process should evaluate current infrastructure and utility capacity against full buildout and projected population and employment growth. Planning should also focus on issues most relevant to the community that can be effectively addressed through a planning process. Individual planning analyses may study smaller areas than the Analysis Area. For the purposes of determining whether a planning analysis is needed before a zoning change, the boundaries of the Future Planning Analysis Areas shall be considered as drawn. The evaluation of current infrastructure and utility capacity should specify the physical or operational capacity both inside the boundaries and any relevant District-wide infrastructure available.*

The proposed zones are not inconsistent with the GPM as they would allow a mix of uses, particularly ground floor commercial uses and upper floor residential uses, as well as a District library, community center and open space on the Civic Site. This portion of the Connecticut Avenue corridor has a pedestrian oriented environment with traditional storefronts. The potential exists for a more vibrant mixed use corridor and the capacity for redevelopment to encourage greater economic development and housing opportunities to address Comp Plan policies and neighborhood needs.

The recommended future analysis of the area has taken place and the boundaries of the planning area were determined in the CCSAP and on which the proposed zones are based. The vision of the CCSAP is to advance equity in housing and the provision of more affordable housing, a thriving retail corridor, and mix of uses in the civic core, safe and sustainable pedestrian ways and an inclusive built environment along Connecticut Avenue main street and the Chevy Chase community.

### **Future Land Use Map (FLUM)**

The Future Land Use Map (FLUM) (Figure 3) designates the area for mixed moderate density residential and low density commercial for the corridor, with an additional local public facilities designation on the Civic Site.



*The R-3, RF, and RA-2 Zone Districts are consistent with the Moderate Density Residential category, and other zones may also apply. 227.6*

**Low Density Commercial:** *This designation is used to define shopping and service areas that are generally lower in scale and intensity. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts that draw from a broader market area. Their common feature is that they are comprised primarily of commercial and mixed-use buildings that range in density generally up to a FAR of 2.5, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-3 and MU-4 Zone Districts are consistent with the Low Density category, and other zones may also apply. 227.10*

**Local Public Facilities:** *This designation includes land and facilities occupied and used by the District of Columbia government or other local government agencies (such as WMATA), excluding parks and open space. Uses include public schools including charter schools, public hospitals, government office complexes, and similar local government activities. Other non-governmental facilities may be co-located on site. While included in this category, local public facilities smaller than one acre – including some of the District’s libraries, police and fire stations, and similar uses – may not appear on the map due to scale. Zoning designations vary depending on surrounding uses. 227.17*

The Future Land Use Map (FLUM) indicates that the designated area is appropriate for Mixed Use development, a combination of Moderate Density Residential and Low Density Commercial, plus Local Public Facilities on the Civic Site. The current MU-3A zone allows a mix of uses but is listed in both the Comp Plan and zoning (Subtitle G § 101.8) as a low density zone thus it does not permit the moderate density level of housing anticipated by this designation. Throughout the city, MU-4 zoned land is typically designated on the FLUM for low density commercial or a mix of low density commercial and moderate density mixed use development.

The proposed NMU-4/CC1 zone is based on the MU-4 zone which is described in zoning (subtitle G § 101.9) as a moderate density zone. While the Comp Plan lists MU-4 as a low density zone the Framework Element also states that “*other zones may also apply*” and that “*greater density (is) possible when complying with Inclusionary Zoning.*” (227.10).

As with the base MU-4 zone, the NMU-4/CC1 zone would allow an FAR of up to 2.5 with 3.0 permitted with IZ Plus, which is not inconsistent with the FLUM.

The NMU-4/CC2 zone for the Civic Site, which is based on the MU-4/PUD permissions, would allow a FAR of up to 3.0 FAR and up 3.6 FAR with IZ Plus. This higher FAR is recommended for the NMU-4/CC2 zone based on the clear policy statements regarding the provision of housing in the Comp Plan, and the need for the site to also accommodate the civic uses.

The NMU-4/CC2 zone would be not inconsistent with the FLUM, as it would achieve the policy direction to accommodate both the public facilities, including significant open space, and a moderate density level of housing. Comp Plan policy statements for this site indicate that the FLUM designation should not be interpreted as Local Public Facilities *instead of* a moderate density level of residential, but rather *in addition to* a moderate density level of residential on the site.

As such, the proposed zones are not inconsistent with both the Comp Plan GPM and FLUM particularly when read in conjunction with policy recommendations of the Comp Plan.

## **B. Equity**

### **PART ONE: RACIAL EQUITY GUIDANCE**

The Comp Plan requires the Zoning Commission and staff to consider equity as part of its Comp Plan consistency analysis and to do so through a racial equity lens (10-A DCMR § 2501.8.). The scope of the review and Comp Plan policies that apply depend on the nature of the proposed zoning action.

One way the Comp Plan seeks to address equity is by supporting additional housing in new developments. The Comp Plan recognizes that without increased housing, the imbalance between supply and demand will drive up housing prices in a way that creates challenges for many residents, particularly low-income residents.

The Comp Plan Framework Element also states that equity is achieved by targeted actions and investments to create equitable opportunities. (10-A DCMR § 213.6.) Further, *“equitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices [and] holistically considers land use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, healthcare, technology, workforce development, and employment opportunities.”*

Ultimately, a racial equity analysis is a tool for identifying and addressing structural inequalities and ensuring that all members of the community, regardless of race or ethnicity, can benefit. The Commission requires an analysis of the proposed zoning action through the equity lens, utilizing disaggregated race and ethnicity data.

As detailed below, the proposed NMU-4/CC1 and NMU-4/CC2 zones are, on balance, not inconsistent with the policies and goals of the Comp Plan, particularly when the Comp Plan is read as a whole. Given the wide range of overlapping policy topics addressed in the Comp Plan, certain Citywide Elements may have little to no applicability to this proposal or to this portion of the Rock Creek West area. For those Citywide Elements that are more directly applicable to the proposal, a narrative is provided below explaining the basis for the determination that the proposed zones are not inconsistent with that particular element.

### **PART TWO: COMMUNITY OUTREACH AND ENGAGEMENT**

#### ***Chevy Chase Community***

The community most impacted by the proposed zoning action is the area identified in the CCSAP as the area around the Chevy Chase Mixed Use Corridor along Connecticut Avenue, NW. The area is generally bounded by 41st Street NW, Military Road NW, Nevada Avenue NW, and Western Avenue NW. The area is located at the border with Maryland with the prominent Chevy Chase Circle serving as a gateway entrance into the District.

Other than the commercial corridor itself, the surrounding area is predominantly composed of single family detached houses on large lots. To the south of the existing low-density commercial corridor, along Connecticut Avenue, is an area of mid- to high-rise residential development, consistent with the medium to high density RA-4 residential zone, which permits a residential

building height of 90 feet. The commercial corridor features a mix of small independent businesses, including a grocery store, pharmacy, several bank branches, and a neighborhood library and community center with a small tot lot, tennis court, and surface parking.

The proposed text amendment, once mapped, would not have any physical impacts until a property owner chooses to move forward with a development project. To date, OP has not been approached by any landowner, other than the District for the Civic Site, to discuss re-development opportunities of their lands.

Although land use changes were identified two years ago in the 2021 Comp Plan, the zoning could contribute to commercial displacement pressures for existing tenant businesses. Property owners may benefit from the zoning change as increased residential development potential at this scale may lead to higher land values on the corridor, but this could also lead to higher commercial rents causing pressure on existing businesses. More permissive development opportunities may enable existing or new tenant businesses to relocate or expand within the community, while the addition of new residents to the community would provide a larger customer base and labor force for existing businesses.

This text and map amendment would enable housing, including affordable housing, on both private and public property, which provides new opportunities and options for residents of the city and the neighborhood. The zoning enables IZ Plus, which would achieve greater dedicated housing affordability, where it presently does not exist. This would benefit current and future residents of the District by providing greater housing choice in terms of location, cost, and type. It could benefit existing residents of the neighborhood by providing opportunities to “down-size” from a single-family dwelling in their neighborhood, by providing additional opportunities for family members to live close by, and by facilitating a more diverse and inclusive community. New development would be required to include retail or service uses, and this could also be of benefit to both new and existing residents of the community.

The community would also benefit from a desired new library, recreation center and improved open space on the Civic Site.

### ***Past and Present Racial Discrimination/Harm to Community***

A history of discriminatory land use practices has led to the racially segregated landscape of Rock Creek West Planning Area today. In the Chevy Chase community, this history included the displacement of historic Black communities including the George Pointer Settlement. Captain George Pointer’s family were among the early Black landowners in the area, and they lived on and farmed the site from the 1830s until they were displaced in the 1920’s when their homes were taken to build the Lafayette Elementary School, for whites only, and Lafayette Park in 1928.

Other means to segregate many neighborhoods in DC including Chevy Chase included restricted housing (restrictive covenants) based on race, the establishment of covenants to prohibit residential developments other than single family detached homes, and the creation of the Federal Housing Administration Grading Map of 1937, which used race as a criterion for loan approvals.

In recent years, community organizations as well as the ANC have documented the exclusive legacy of Chevy Chase, economically and racially, and are leading research projects and truth-telling efforts to convey a more complete story of the neighborhood’s history. One such project highlights the displaced George Pinter community.



Chevy Chase residents spearheaded the effort to rename Lafayette Park to Lafayette-Pointer Park, and the recreation center to Lafayette-Pointer Recreation Center in 2021 to honor the Captain George Pointer family. Community-led efforts have also focused on renaming the Francis Newlands memorial fountain in the center of the prominent Chevy Chase Circle, a federal property.

Chevy Chase is a high opportunity area with many public and private amenities but is increasingly out of reach for a range of household incomes. Homeowners in the CCSAP study area are overwhelmingly white and wealthy compared with the District as a whole.

New housing would provide new opportunities for non-white households to live in the neighborhood. As of early 2022, there were no dedicated affordable housing units within the CCSAP study area, either through subsidy or inclusionary zoning. Existing housing subsidies, such as the federal mortgage interest tax deduction and municipal Homestead and Senior Citizen property tax deductions benefit homeowners in the CCSAP study area.

**Figure 4 Approximate location of George Pointer Settlement**



***Community Participation/Outreach Efforts***

Subsequent to the approval of the 2021 Comp Plan, OP began to plan for the CCSAP. From the beginning, OP’s project team faced a number of special challenges posed by the COVID-19 pandemic in delivering a typical planning process. Engagement activities included virtual meetings and workshops, online surveys, and in-person activities both outdoors and indoors. A dedicated project website was used to promote engagement activities, broadcast meetings, gather community feedback, and share background and key information on the planning process and status.

The planning process centered on community engagement and participation, anchored by a series of virtual and in-person activities. Following the virtual public kick-off a series of virtual Visioning Workshops accompanied by an online Visioning Survey informed the development of the CCSAP’s Draft Vision and Goals, which were released for community feedback. The CCSAP’s Recommendations and Urban Design Guidelines were then developed following community feedback on the Draft Vision and Goals, a series of Community Walks, a virtual Community Design Workshop, online Design Survey, and in-person Community Open House.

Throughout the 12-month CCSAP process, OP attended or led 45 community events or meetings related to topics covered by the plan. OP engaged hundreds of residents in the process via online and in-person activities and over 4,000 written comments were submitted to the CCSAP project webpage and via online surveys.

The CCSAP includes 37 recommendations in six categories. Many of these cannot be addressed through the Zoning Regulations but are expected to be addressed by other District agencies,

property owners, the ANC, and/or community organizations. CCSAP Design Guidelines addressing building frontage, street wall variation and articulation, massing, and transitions are incorporated into the proposed text.

OP continues to be committed to a robust community engagement process throughout the text and map amendment process towards implementing the recommendations of the Comp Plan and the CCSAP. The following are the engagements to date, not including one-on-one discussions and email exchanges:

August 10, 2022	OP Director met with ANC representatives and decision was taken that the ANC would convene a subcommittee to work with OP on the initial draft text amendment prior to having a full community roll out.
September 13, 2022	OP met with the ANC subcommittee to discuss the Comp Plan, CCSAP and Zoning recommendations. The subcommittee included members of the ANC, as well as other community members invited by the ANC.
November 2, 2022	OP submitted a draft zoning text to the ANC subcommittee for review.
November 9, 2022	Continued discussions about the draft zoning text with the ANC subcommittee.
December 9, 2022	OP met with ANC subcommittee to discuss changes based on their previous comments.
February 14, 2023	OP met with remaining ANC subcommittee members <sup>4</sup> to review a further draft of the zoning.
March 1, 2023	ANC released the draft text amendment to the public.
March 10, 2023	OP met with the Councilmember to discuss draft zoning for the Civic site.
May 17, 2023	OP made a presentation of the draft zoning at an ANC meeting focused on the text amendment process but also fielded questions on the draft zoning.
May 31, 2023	OP met with ANC Chairperson regarding public meetings and participation going forward.
June 12, 2023	OP sent out emails to assist ANC in notifications of a second OP presentation to be made at its June 26 meeting.
June 21, 2023	OP met with ANC Chairperson and ANC Single Member District representative to finalize format and information to be presented by OP presentation at June 26 meeting.
June 26, 2023	OP gave a presentation to the community at ANC public meeting on revised draft text, based on previous discussions, for the new zones with illustrations.
August 7, 2023	OP updated the ANC subcommittee members of changes to the proposal based on community feedback at and following the last ANC presentation.
September 11, 2023	OP update at an ANC meeting, particularly to discuss timing of the OP report; the need to “translate” the proposal into the new zone name and format approved by the Zoning Commission; and amendments to the draft zoning text based on based on prior community input.

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<sup>4</sup> Fewer subcommittee members because some were no longer ANC members after November elections.

If the proposal is set down, OP anticipates additional ANC and community discussions prior to a public hearing.

### ***Community Priorities and Impact on Zoning Action***

The planning process that preceded this proposed text and map amendment filing revealed mixed feelings and expectations in the community about the future of Chevy Chase. Some community members are supportive of prospective changes that the zoning action may facilitate and advocate for broader, more permissive zoning changes. Others have expressed strong opinions that the zoning actions could result in a negative physical change in the built environment along Connecticut Avenue. Some residents have expressed an opposition to the provision of new housing particularly on the Civic Site. Throughout, OP has noted that zoning is not a new planning process, which can be used to circumvent Comp Plan policy or CCSAP guidance. However, much of the discussion has been about how to interpret that guidance into zoning, which has been very productive and has resulted in substantive changes to the proposed draft.

In the first draft of the proposed text amendment presented to the community, OP proposed the NMU-4/CC1 (NC-18) zone, based on the MU-4 standards, for the majority of the corridor fronting on Connecticut Avenue. Most feedback was received by the ANC subcommittee, prior to community meetings regarding transitions from the lower density residential areas; articulation, preservation, and setbacks of front facades, and public space improvements. There appeared to be support for the inclusion of IZ+. OP responded to the concerns by:

- amending the proposal for rear and side setbacks to require a 15-foot setback where commercial properties abut residentially zoned properties and are not separated by an alley;
- adding a provision to encourage the preservation of existing building facades, in return for a 0.5 FAR bonus;
- amending front façade guidelines by requiring a three foot (3 ft.) setback above the third floor or above a preserved façade, and setting a limit on glazing for upper, residential floors to ensure streetscape compatibility;
- strengthening a 1:1 required setback from the rear lot line to provide a better transition from low density residential properties; and
- adding a minimum height requirement of 25 feet. This is the first time this provision has been proposed in DC but would help to address CCSAP guidelines about a consistent street wall along Connecticut Avenue.

The initial zone for the Civic Site was originally proposed by OP to be based on the MU-5A zone. This was based on the somewhat unique FLUM designation and policy language in the Comp Plan and other housing related planning documents to maximize the density on the site to accommodate and prioritize affordable housing in addition to the public facilities.

The initially proposed zone would allow an FAR of up to 3.5/4.2 with IZ+, and a maximum height of 70 feet with IZ + in addition to an 18.5-foot high penthouse. The strong feedback received from the community – including supporters of the rezoning - was that the proposed height and density were more than anticipated through the planning processes and could be inconsistent with the Comp Plan. Based on those concerns, the proposal was revised to use the MU-4 PUD standards which reduced the FAR to 3.0/3.6 with IZ+, a building height of 65 feet plus 15-foot penthouse height for mechanical space and 12-foot for habitable space. To further reduce the height of the

building, the 5 foot height bonus recommended for an 18-foot high ground floor was not proposed for the new zone.

Through the community discussion process, additional feedback and concerns resulted in other changes of substance to the zoning for the Civic Site:

- The originally proposed lot occupancy, limiting residential uses to 80% with no limit on non-residential uses, is the typical requirement for MU (including the current MU-3A zone) and NC zones. OP had not proposed a change to this standard, to ensure maximum flexibility for the design of buildings on this site, and to more fully address Comp Plan and other planning policies to maximum housing. However, this was strongly opposed, with ANC and community members, including supporters of a rezoning, noting that this could result in a loss of open space on the site, and could be interpreted as being inconsistent with Comp Plan language about preserving open space.

In response, OP proposed a lot occupancy of 80% for all uses, not just residential. This too met with considerable opposition from all sides. In the current draft, OP is proposing 60% lot occupancy for all uses on the Civic Site. While this could limit Comp Plan direction to maximize housing on the site, it would ensure an amount of open space on the site that is not inconsistent with the amount of green space on the site now.

- A minimum rear yard of 15 feet was added,
- A minimum side setback of 15 feet was added where the site abuts residentially zoned properties and are not separated by an alley;
- The 1:1 step-back provision, intended to provide a transition from Civic Site construction to the lower density residential area to the east, was strengthened.

### ***Potential Impact of the Proposed Zoning Action***

There is no expectation that local residents will be displaced, either directly or indirectly, as a result of the proposed text and map amendment. There are no residences on the Civic Site or on this section of the corridor. This zoning action would continue to enable mixed-use redevelopment on the commercial properties and the Civic Site, but with a more substantial residential component including introducing dedicated affordable housing into the neighborhood, consistent with Comp Plan policy direction.

Displacement pressures on existing businesses could be intensified by the proposed text and map amendment. These could be mitigated through recommendations in the CCSAP that are not within the purview of zoning but which would support a thriving retail corridor, such as technical assistance administered by the Main Street organization. In addition, the new regulations would require the provision of ground floor retail space which could accommodate existing businesses and provide opportunities for larger or better space.

In summary, these changes appear to have been received as generally positive steps by the ANC subcommittee, although ANC members and many community members have indicated opposition to aspects of the zoning, mainly on the grounds of intensified use, building height/scale; consistency with the low density residential areas, traffic impacts, and an opposition to the provision of new housing especially on the Civic Site.

Concerns have also been raised that some of the CCSAP guidelines have not been incorporated into the proposed zoning text – this is typically because some of the guidelines are beyond the scope of what zoning can or typically does regulate. Examples include guidelines pertaining to streetscape design, which is not within the jurisdiction of zoning to regulate, and guidelines related to required façade materials of buildings, something that is not currently regulated in zoning and which would be very difficult to craft in a meaningful, comprehensive way and more difficult to administer. A full list of the CCSAP guidelines with an OP response is provided as Attachment 1. However, OP anticipates additional discussions with the ANC and community about the proposal.

**PART THREE: DISAGGREGATED DATA REGARDING RACE AND ETHNICITY**

The data below compares the demographic information for the Rock Creek West (RCW) Planning Area with District-wide information, disaggregated by race and ethnicity retrieved from the DC Demographic Data Hub at <https://opdatahub.dc.gov/>. The data is from the last two 5-year American Community Surveys ([ACS DATA](#)) conducted by the US Census to demonstrate the trajectory of demographic change over time. This proposed map and text amendment would implement the Chevy Chase Small Area Plan (CCSAP), approved by Council in 2022, which also included a racial equity analysis comparing the RCW Planning Area, District, and smaller study area of census tracts (001100.1, 001401.1, and 001401.2) in the immediate area of the CCSAP.

***Race or Ethnicity***

The population data of RCW showed a slight decrease between 2016 to 2021, compared with the growth in population of the District as a whole. RCW retains the highest percentage of white residents and lowest percentage of Black or African American residents of all 10 planning areas, although the percentage of both Black and Hispanic residents rose slightly from 2016 to 2021.

**Table 4: Race or Ethnicity Districtwide and in the Rock Creek West Planning Area (2012-2016 and 2017-2021)**

Race or Ethnicity	District-wide 2012-16	District-wide Percent	Planning Area 2012-16	Planning Area Percent	District-wide 2017-21	District-wide Percent	Planning Area 2017-21	Planning Area Percent
Total Population	659,009	100%	91,389	13.9%	683,154	100%	90,457	13.2%
White alone	266,035	40.4%	73,607	80.5%	276,373	40.5%	68,502	75.7%
Black alone	318,598	48.3%	6,745	7.4%	305,109	44.7%	8,045	8.9%
American Indian and Alaskan Native alone	2,174	0.3%	293	0.3%	1,984	0.3%	92	0.1
Asian alone	24,036	3.6%	5,479	6%	27,988	4.1%	5,992	6.6%
Native Hawaiian and Other Pacific Islander alone	271	0.04%	0	0%	359	0.05%	60	0%
Some other race alone	29,650	4.5%	1,552	1.7%	32,484	4.8%	1,690	1.9%
Two or more races	18,245	2.8%	3,622	4%	38,857	5.7%	6,077	6.7%
Hispanic	69,106	10.5%	9,250	10.1%	76,982	11.3%	9,571	10.6%

***Median Income***

RCW residents maintained a higher median income than the District as a whole between 2016 and 2021, but the data reveals specific nuances when disaggregated by race and ethnicity. In particular:

- The median income of Black or African American population in RCW *decreased* by 16.8% between 2016 and 2021. RCW was one of only two planning areas (along with Central Washington) where the median income of Black or African Americans did not increase during this time period.
- Meanwhile, the median income for white households rose at a rate higher than that of the planning area as a whole.
- The median income of RCW’s Asian population increased but remains slightly below the median of the District-wide Asian population.

**Table 5: Median Income Districtwide and in the Rock Creek West Planning Area (2012-2016 and 2017-2021)**

<b>Median Income (disaggregated by race and ethnicity)</b>	<b>Districtwide 2012-2016</b>	<b>Planning Area 2012-2016</b>	<b>Districtwide (2012-2016)</b>	<b>Planning Area (2017-2021)</b>
Median Household Income	\$72,935	\$118,411	\$93,547	\$138,665
White alone	\$119,564	\$128,941	\$150,563	\$159,110
Black or African American alone	\$ 40,560	\$ 76,527	\$ 51,562	\$ 63,653
American Indian and Alaskan Native alone	\$ 51,306	\$ 47,168	\$ 58,164	\$ 42,500
Asian alone	\$ 91,453	\$ 91,732	\$112,776	\$107,935
Native Hawaiian and Other Pacific Islander alone	NA	NA	\$132,054	\$137,500
Some other races	\$ 48,047	\$100,817	\$ 65,202	\$ 79,113
Two or more races	\$ 83,243	\$ 82,692	\$ 96,003	\$105,150
Hispanic or Latino	\$ 60,848	\$ 89,063	\$ 89,480	\$121,720

***Median Age***

The median age of the RCW Planning Area is increasing compared to the District as a whole. Between 2016 and 2021 it was the second highest among the 10 planning areas (moderated by a large population under 18 years of age). RCW’s relatively smaller population that identifies as Black or African American is the only group with a median age that has decreased in the planning area.

**Table 6: Median Age Districtwide and in the Rock Creek West Planning Area (2012-2016 and 2017-2021)**

<b>Median Age (disaggregated by race and ethnicity)</b>	<b>Districtwide 2012-2016</b>	<b>Planning Area 2012-2016</b>	<b>Districtwide (2017-2021)</b>	<b>Planning Area (2017-2021)</b>
Total Median Age	38.7	38.2	34.3	40.6
White alone	40.4	39.6	34.1	42.8
Black or African American alone	33.4	39.1	36.5	38.1
American Indian and Alaskan Native alone	32.2	35.4	48.2	46.8



<b>Median Age (disaggregated by race and ethnicity)</b>	<b>Districtwide 2012-2016</b>	<b>Planning Area 2012-2016</b>	<b>Districtwide (2017-2021)</b>	<b>Planning Area (2017-2021)</b>
Asian alone	36.5	37.8	34.1	41.8
Native Hawaiian and Other Pacific Islander alone	30.8	NA	35.5	NA
Some other races	28	31.9	29.8	30.0
Two or more races	19.8	20.1	29.9	28.3
Hispanic or Latino	28.4	33.7	31.1	34.7

***Housing Tenure***

In 2012-2016, RCW has the second highest percentage of owner-occupied housing of the District’s 10 planning areas at 55.1%, much higher than the Districtwide average of 40.7%. In RCW, 59.8%, of owner-occupied housing was by white households, compared with 29.3% by Black and African American households, the lowest of all races. In 2017-2021, the Districtwide owner occupancy has a slight increase to 41.5% while owner occupancy in the RCW decreased to slightly to 53.5%. However, home ownership for whites, Some Other Race and Hispanics or Latino showed a small decrease while there was an increase for Blacks, Asian, and Two or More Races. The largest increase in home ownership was for the Two or mor Races households which had a 12.9% increase.

**Tables 7: Owner Occupied Households Districtwide and in the Rock Creek West Planning Area (2012-2016 and 2017-2021)**

<b>Owner Occupancy (disaggregated by race and ethnicity)</b>	<b>Districtwide 2012-2016</b>	<b>Planning Area 2012-2016</b>	<b>Districtwide (2017-2021)</b>	<b>Planning Area (2017-2021)</b>
Total Owner Occupied	40.7%	55.1%	41.5%	53.5%
White alone	47.8%	59.8%	48.0%	57.7%
Black or African American alone	35.9%	29.3%	36.0%	30.4%
American Indian and Alaskan Native alone	32.8%	50.8%	29.7%	0.0% <sup>1</sup>
Asian alone	39.4%	33.0%	41.2%	44.8%
Native Hawaiian and Other Pacific Islander alone	9.1%	0.0%	97.0%	100% <sup>1</sup>
Some other races	17.5%	37.3%	24.2%	28.6%
Two or more races	32.7%	33.8%	42.8%	46.7%
Hispanic or Latino	30.9%	51.8%	34.8%	50%

**Tables 8: Renter Occupied Households Districtwide and in the Rock Creek West Planning Area (2012-2016 and 2017-2021)**

<b>Renter Occupancy (disaggregated by race and ethnicity)</b>	<b>Districtwide 2012-2016</b>	<b>Planning Area 2012-2016</b>	<b>Districtwide (2017-2021)</b>	<b>Planning Area (2017-2021)</b>
Total Renter Occupancy	59.3%	44.9%	58.5%	46.5%
White alone	52.2%	40.2%	52.0%	42.3%
Black or African American alone	64.1%	70.7%	64.0%	69.6%
American Indian and Alaskan Native alone	67.2%	49.2%	70.3%	100.0% <sup>1</sup>

<b>Renter Occupancy (disaggregated by race and ethnicity)</b>	<b>Districtwide 2012-2016</b>	<b>Planning Area 2012-2016</b>	<b>Districtwide (2017-2021)</b>	<b>Planning Area (2017-2021)</b>
Asian alone	60.6%	67.0%	58.8%	55.2%
Native Hawaiian and Other Pacific Islander alone	90.9%	0.0%	3.0%	0.0% <sup>1</sup>
Some other races	82.5%	62.7%	75.8%	71.4%
Two or more races	67.3%	66.2%	57.2%	53.3%
Hispanic or Latino	69.1%	48.2%	65.2%	49.2%

<sup>1</sup>The data provided is incomplete at the time of collection and therefore the totals for tenure may be below or above 100%.

***Vulnerable or Special Populations***

Table 9 shows that the percentage of persons 65 years or older in the planning area is about 8% higher than the Districtwide percentage. However, persons under 18 years in the planning area is generally the same as the Districtwide percentage. It is possible that in a planning area with an above average percentage of over-65 residents, the presence of universities may contribute to the percentage of younger population remaining generally the same as the District-wide average. Although perhaps a misnomer, the disability rate Districtwide has remained fairly constant while that of the Planning Area continues to be lower than the Districtwide rate.

**Table 9: Vulnerable or Special Populations in the Planning Area and District**

<b>Vulnerable or Special Populations</b>	<b>Districtwide 2012-2016</b>	<b>Planning Area 2012-2016</b>	<b>Districtwide 2017-2021</b>	<b>Planning Area 2017-2021</b>
Persons 65 or Older	11.4%	16.9%	12.2%	19.5%
Persons Under 18 Years	17.4%	16.7%	17.5%	17.1%
Disability Rate	11.3%	5.7%	11.2%	7.7%

***Progress Toward Meeting the Mayor’s 2025 Housing Equity Goals***

The RCW Planning Area has the least amount of dedicated affordable housing and therefore the most ambitious target for meeting the Mayor’s 2025 affordable housing goal of 1,990 new affordable units. Since 2019, the RCW Planning Area has made the least amount of progress of the District’s 10 planning areas in meeting the goal, achieving only 3.6% of the target (Table 9) (<http://open.dc.gov/36000by2025/>). The proposed text and amendment would increase opportunities for new residential development in RCW and through IZ Plus, a greater amount of dedicated housing affordability in a neighborhood and planning area where it presently does not exist.

**Table 10 – 2025 Dedicated Affordable Housing Production Projections by Planning Area**

Table 1: 2025 Dedicated Affordable Housing Production Goals and Projections by Planning Areas (Projections as of December 2022)			
Planning Area	Affordable Unit Goal	Percent of Progress Towards Goal (January 2023)	Projected Percent of Goal by 2025
Far Southeast & Southwest	1,120	182.2%	369.50%
Far Northeast & Southeast	490	208.2%	322.40%
Lower Anacostia Waterfront & Near Southwest	850	51.6%	161.30%
Mid-City	1,010	51.9%	131.80%
Upper Northeast	1,350	53.4%	97.20%
Central Washington	1,040	44.9%	94.60%
Rock Creek East	1,500	57.9%	84.40%
Near Northwest	1,250	10.7%	37.20%
Capitol Hill	1,400	14.9%	34.60%
Rock Creek West	1,990	3.6%	13.80%
Total	12,000	54.1%	110.00%

***Intersectionality of Data***

The proposed text and map amendment would provide new opportunities for the provision of new housing - both rental and ownership, and both market rate and affordable - in RCW, which presently provides limited housing options for the majority of the planning area’s relatively small but growing racial diversity of residents, as well as housing for more moderate and lower income residents of all racial and ethnic backgrounds.

Most of the rental housing stock in RCW is in larger multifamily buildings, none of which are within the area of the proposed text amendment. The majority of households that identify as Black or African American, Asian, Some Other Races, and Two or More Races, live in multifamily, rental buildings. The CCSAP noted that between 60-90% of minimum Washington Metropolitan Statistical Area Median Family Income (MFI) was needed to own or rent a home in a multifamily building, while a minimum of 184% of MFI was needed to own a detached or semi-detached home.

From a land use equity perspective, the housing that provides for the racial as well as income diversity in RCW accounts for a much smaller proportion of land area. In the CCSAP area specifically, it was noted that 65% of the homes were in multifamily buildings that only occupied seven percent of the land area, while 35% of the homes were single family dwellings, on 83% of the land area (p. 12). This proposed text and map amendment would permit additional multifamily housing on the remaining 10% of the study area’s property that is presently only commercial.

**PART FOUR: CRITERIA TO EVALUATE THROUGH A RACIAL EQUITY LENS**

***Zoning Commission Evaluation Factors***

Pursuant to the Racial Equity Tool, the Commission will use the following criteria, themes and questions, along with data provided in the filings in its evaluation of the proposed text and map amendment’s consistency with the Comp Plan, as viewed through a racial equity lens. Overall, the proposed text and map amendment would advance many of the policies related to racial

equity in the provision of housing, job creation, the advancement of arts and culture and assist in the revitalization of an underserved area.

Table 11 below provides the OP response to themes/questions from the Racial Equity Tool, based on Comp Plan policies related to racial equity, that are anticipated to have positive or negative impacts and/or outcomes as a result of the proposed text and map amendment.

**Table 11 Proposed Zoning Action / Racial Equity**

Factor	Question	OP Response
<b>Direct Displacement</b>	Will the zoning action result in displacement of tenants or residents?	<p>The text and map amendment would not result in the direct displacements of residents - OP is not aware of any exiting residences in the area subject to this zoning.</p> <p>The zoning action itself would have no physical impact until a property owner chooses to move forward with a redevelopment. While this could foster the displacement of existing businesses, the text and map amendment would also provide opportunities that may enable existing or new businesses to relocate or expand within the community.</p>
<b>Indirect Displacement</b>	What examples of indirect displacement might result from the zoning action?	<p>OP does not anticipate indirect displacement of residents as a result of this zoning action. While the proposal is not supported by some area residents, the amendments provide opportunities for existing residents to stay in the neighborhood if they downsize.</p> <p>Likewise, OP does not anticipate indirect displacements of businesses. Rather, additional residents being able to live along the Connecticut Avenue corridor could benefit local businesses by increasing their customer base and labor pool in close proximity.</p>
<b>Housing</b>	Will the action result in changes to: <ul style="list-style-type: none"> <li>▪ Market Rate Housing</li> <li>▪ Affordable Housing</li> <li>▪ Replacement Housing</li> </ul>	<p>The text and map amendment would enable additional market rate housing on both private and public property along the corridor, and new dedicated affordable housing which does not currently exist. This could benefit current and future residents of the area and the city as a whole by providing greater housing choice in terms of housing cost and type. In general, the provision of market rate and affordable housing should help to ease upward pressure on housing costs in the area.</p> <p>The proposal also includes provisions to lessen impacts of new development on adjacent single family areas.</p>

Factor	Question	OP Response
<b>Physical</b>	Will the action result in changes to the physical environment such as: <ul style="list-style-type: none"> <li>▪ Public Space Improvements</li> <li>▪ Infrastructure Improvements</li> <li>▪ Arts and Culture</li> <li>▪ Environmental Changes</li> <li>▪ Streetscape Improvements</li> </ul>	The CCSAP outlines a number of streetscape and public space improvements envisioned for this portion of the Connecticut Avenue Corridor. While many of these are outside the scope of zoning, as they apply to sidewalk and roadway treatments, the proposed zoning text includes many design and siting related guidelines, not present in current zoning, to foster an improved streetscape. <p>Any new construction would be held to all current and applicable zoning regulation and DOEE environmental standards.</p> <p>The proposal would facilitate an improved library and community center and open space with corresponding arts and cultural activities to serve the residents of the area.</p>
<b>Access to Opportunity</b>	Is there a change in access to opportunity? <ul style="list-style-type: none"> <li>▪ Job Training/Creation</li> <li>▪ Healthcare</li> <li>▪ Addition of Retail/Access to New Services</li> </ul>	If the zoning action leads to redevelopment of sites, it could result in a temporary increase in construction jobs and a permanent increase in jobs in expanded and new retail and service facilities on the corridor. Overall, the proposal could result in new or improved retail and services for new and existing residents of the area. <p>While healthcare uses would not be required by the zoning, they would be permitted and would be more likely in redevelopment projects.</p>

Factor	Question	OP Response
<p><b>Community</b></p>	<p>How did community outreach and engagement inform/change the zoning action?                      ▪ (e.g., did the architectural plans change, or were other substantive changes made to the zoning action in response to community input/priorities etc.?)</p>	<p>As discussed above, in the <i>Community Priorities and Impact on Zoning Action</i> section, OP met with representatives of the ANC, and with the community at ANC meetings over a period of about one year, as the zoning was drafted. The OP proposal benefited from these discussions, and other discussions with individuals in the community, and the zoning proposal was amended in significant ways. In summary, major changes included:</p> <p>In the NMU-4/CC1 zone (the corridor):</p> <ul style="list-style-type: none"> <li>• Additional design related guidelines, including ones to encourage existing façade retention; to provide higher retail heights, and to limit glazing on upper floors;</li> <li>• A new provision establishing a minimum building height, to address streetscape character; and</li> <li>• A 15 foot side yard requirement where a commercial property abuts a residential one with no alley between;</li> </ul> <p>In the NMU-4/CC2 zone (the Civic Site):</p> <ul style="list-style-type: none"> <li>• Reduction in permitted height for the building (from 75 feet to 65 ft) and penthouse (18.5 ft. to 15 ft.)</li> <li>• Reduction in permitted FAR (from 4.2 to 3.6 IZ+)</li> <li>• Reduction in permitted lot occupancy for non-residential uses from 100% (standard for MU zones) to 60% (unique to this site) and a reduction in permitted lot occupancy for residential uses from 80% to 60%. These were to address ANC and community member concerns regarding the provision of open space, tree preservation and setbacks on the site.</li> <li>• A 15 foot side yard requirement where a commercial property abuts a residential one with no alley between;</li> </ul> <p>OP appreciates this conversation and anticipates additional meetings and conversations following setdown and prior to the public hearing. OP remains open to additional changes and improvements consistent with Comp Plan policy direction.</p>

**C. Comp Plan Policies, including those related to racial equity**

**CITYWIDE ELEMENTS**

**CHAPTER 3 - LAND USE ELEMENT**

***Policy LU-1.1.1: Future Planning Analysis and Resilience Focus Areas***

*The Generalized Policy Map shows areas of large tracts and corridors where future analysis is anticipated to plan for inclusive, equitable growth and climate resilience. Boundaries shown are for illustrative purposes. Final boundaries will be determined as part of the future analysis process for each area. In certain locations, planning efforts will*



*be undertaken to analyze land use and policy impacts and ways to capitalize on, mitigate, and incorporate the anticipated growth. Current infrastructure and utility capacity should be evaluated against full build-out and projected population growth. The planning process will target issues most relevant to the community that can be effectively addressed through neighborhood planning. Planning analyses generally establish guiding documents, such as Small Area Plans*

*Development Frameworks, Retail Strategies, or Design Guidelines. Areas anticipated for future planning analysis include the following:*

...

- ***Upper Connecticut Avenue NW corridor;***

• ....

The Chevy Chase area falls within the Upper Connecticut Avenue NW corridor recommended for future planning analysis. The planning analysis has taken place and has resulted in the Chevy Chase Small Area Plan, which has been approved by Council. The proposed rezoning would implement the policy direction of the Comp Plan as well as the more detailed guideline recommendations of the CCSAP including the recommendation for inclusive and equitable growth on this section of the corridor.

***Policy LU-1.3.1: Reuse of Large Publicly Owned Sites***

*Recognize the potential for and encourage the reuse of large, government owned properties to supply needed community services and facilities; provide significant deeply affordable housing and desired housing types such as family housing; create education and employment opportunities; remove barriers between neighborhoods; enhance equity, including racial equity, and inclusion; provide large and significant new parks, including wildlife habitats; enhance waterfront access; improve resilience; and enhance Washington, DC's neighborhoods. 306.6*

The proposed text amendment would allow for the introduction of housing and affordable housing as part of the redevelopment of the Civic Site with an improved library and recreational facility, and open space on the site.

***Policy LU-1.3.2: Mix of Uses on Large Sites***

*Ensure that the mix of new uses on large, redeveloped sites is compatible with adjacent uses and provide benefits to surrounding neighborhoods and to Washington, DC as a whole. The particular mix of uses on any given site should be generally indicated on the Comp Plan Future Land Use Map and more fully described in the Comp Plan Area Elements. Zoning should be compatible with adjacent uses but need not be identical. 306.8*

The proposed zoning for the Civic Site would accommodate a mix of uses to serve the local community and to the city as a whole. The introduction of housing and affordable housing on the site would benefit the area and the city by helping to meet housing and affordable affordability goals. The uses allowed on the Civic Site would be compatible to the adjacent low density residences and the commercial corridor; design related zoning restrictions would help to ensure this compatibility.

***Policy LU-1.3.5: Public Benefit Uses on Large Sites***

*Given the significant leverage the District has in redeveloping properties that it owns, include appropriate public benefit uses on such sites if and when they are reused, and involve the public in identifying benefits. Examples of such uses are housing, especially deeply affordable housing, and housing serving families, older adults, and vulnerable populations; new parks and open spaces; health care and civic facilities; public educational facilities and other public facilities; and uses providing employment opportunities for District residents.*

The Civic Site would have a new and improved library and community center as well as affordable housing which would be of great benefit to the surrounding community Chevy Chase community. Housing for families, seniors, and vulnerable populations would all be permitted by the zoning, and required through IZ+, although it is assumed that through the RFP process for the site, a larger and potentially deeper affordable provision may be required. Lot occupancy restriction would help to ensure the provision of improved park and open space on the site.

***Policy LU-1.4.6: Development Along Corridors***

*Encourage growth and development along major corridors, particularly priority transit and multimodal corridors. Plan and design development adjacent to Metrorail stations and corridors to respect the character, scale, and integrity of adjacent neighborhoods, using approaches such as building design, transitions, or buffers, while balancing against the District's broader need for housing. 307.14*

The proposed NMU-4/CC1 and NMU-4/CC2 zones would allow for growth along this portion of Connecticut Avenue, at a scale consistent with the FLUM. The proposed zones would allow uses and development at a height and density that would be compatible to the adjacent low density residences, particularly with the transition and setback provisions proposed, and would allow for continued ground floor retail uses and the introduction of residential uses above along Connecticut Avenue. The zones would also create important opportunities for affordable residence on the corridor.

***Policy LU-1.4.10: Co-location of Private and Public Facilities***

*District-wide, analyze the opportunity to co-locate private and public uses, including multiple public uses, where the District seeks to modernize, expand, or build new public facilities. Co-located uses should align with District-wide priorities and can include affordable housing for older adults and families, affordable multi-family housing, recreation facilities, and health-related facilities. 307.18*

The NMU-4/CC2 zone on the Civic Site would allow for the continued colocation of a new and modern library and community center, and open space, with the addition of much needed housing consistent with the FLUM and other Comp Plan policy direction. The zoning would permit a mix of unit sizes including housing for seniors and larger families.

***Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods***

*Recognize the importance of balancing goals to increase the housing supply, including affordable units, and expand neighborhood commerce with parallel goals to preserve historic resources, advance environmental and sustainability goals, and further Fair Housing. The overarching goal to create vibrant neighborhoods in all parts of the District requires an emphasis on conserving units and character in some neighborhoods*

*and revitalization in others, including inclusive and integrated growth and meeting communities and public facility needs. All neighborhoods have a role to play in helping to meet broader District-wide needs, such as affordable housing, public facilities, and more. 310.10*

The proposed zoning represents a unique opportunity for the Chevy Chase neighborhood to help meet identified broader needs of the city, while at the same time providing an opportunity for inclusive growth that would benefit the neighborhood. A goal of the CCSAP and the proposed zoning is to provide for revitalization of the corridor into an active and thriving commercial corridor that would serve the neighborhood as well as provide opportunities for increased inclusiveness and integrated growth through the provision of affordable housing, public facilities and additional neighborhood serving retail and service uses.

***Policy: LU-2.1.8 Explore Approaches to Additional Density in Low- and Moderate-Density Neighborhoods***

*Notwithstanding Policy LU-2.1.5, explore approaches, including rezoning, to accommodate a modest increase in density and more diverse housing types in low-density and moderate-density neighborhoods where it would result in the appropriate production of additional housing and particularly affordable housing. Build upon the guidance of the April 2020 Single Family Housing Report to diversify the cost of housing available in high-opportunity, high-cost low- and moderate-density neighborhoods, especially near transit. However, neighborhood planning and engagement is a condition predicate to any proposals. Infill and new development shall be compatible with the design character of existing neighborhoods. Minimize demolition of housing in good condition. 310.15*

The 2021 Comp Plan changed the land use designation for properties fronting on Connecticut to include a moderate density level of residential use. The proposed zones would implement those recommendations by allowing housing forms different from the prevailing detached dwelling on large lots and would require the inclusion of affordable housing consistent with IZ+. No existing housing would be demolished, and a provision has been included to encourage the preservation of an existing front façade, to help maintain streetscape character.

**CHAPTER 5 – HOUSING ELEMENT**

***Policy H-1.1.1: Private Sector Support***

*Encourage or require the private sector to provide both new market rate and affordable housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.3*

***Policy H-1.1.2: Production Incentives***

*Provide suitable regulatory, tax, and financing incentives to meet housing production goals, prioritizing affordable housing production in support of the targets in Policy H-1.2.2. These incentives should continue to include zoning regulations that permit greater building area for commercial projects that include housing than for those that do not, and relaxation of height and density limits near transit. Strongly encourage incentives and strategies that result in the production of more deeply affordable housing, such as the use of income averaging across a range of affordable housing income levels. 503.4*

The proposed zones would permit more housing than the current zone, consistent with the FLUM designation, so would encourage the construction of new housing including affordable units along the corridor. IZ+ would be applied to all new residential developments to encourage the provision of affordable units in all new developments.

***Policy H-1.1.3: Balanced Growth***

*Strongly encourage the development of new housing, including affordable housing, on surplus, vacant, and underused land in all parts of Washington, DC. Ensure that a sufficient supply of land is planned and zoned to enable the District to meet its long-term housing needs, including the need for low- and moderate- density single-family homes, as well as the need for higher-density housing. 503.5*

The buildings on the Civic Site have been identified for redevelopment with improved facilities. The proposed zoning on the Civic Site would allow for multifamily residential use including affordable housing consistent with IZ+. As this is a District property subject to an RFP, there would also be separate requirements for additional affordable housing, or housing targeted to lower income residents than would be provided under IZ+.

***Policy H-1.1.4: Mixed-Use Development***

*Promote moderate to high-density, mixed-use development that includes affordable housing on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed-use corridors and high-capacity surface transit corridors, and around Metrorail stations. 503.6*

***Policy H-1.1.8: Production of Housing in High-Cost Areas***

*Encourage development of both market rate and affordable housing in high-cost areas of the District, making these areas more inclusive. Develop new, innovative tools and techniques that support affordable housing in these areas. Doing so increases costs per unit but provides greater benefits in terms of access to opportunity and outcomes. 503.10*

The Chevy Chase area is considered a high cost area with no dedicated affordable housing, on commercially zoned properties within a Policy Map Main Street Mixed Use Corridor. Although the site is not proximate to a metro station, it is served by bus lines providing access to numerous metro stations, the closest less than 2 miles away. The proposed zones would allow market rate and affordable housing consistent with IZ+ at a moderate density level. To maximize affordable housing, developers could utilize the additional height and density provided.

***Policy H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority***

*The production and preservation of affordable housing for low- and moderate-income households is a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout all District neighborhoods. 504.8*

As outlined on the Rock Creek West Area Element and the CCSAP, the production of affordable housing is a priority and is strongly encouraged. The proposed zones would permit new housing and affordable housing production along the corridor, in particular in the NMU-4/CC2 on the Civic Site.

***Policy H-1.2.2: Production Targets***

*Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in Washington, DC from 2018 to 2030, or approximately 20,000 units, should be affordable to persons earning 80 percent or less of the area-wide MFI. In aggregate, the supply of affordable units shall serve low-income households in proportions roughly equivalent to the proportions shown in Figure 5.8: 30 percent at 60 to 80 percent MFI, 30 percent at 30 to 60 percent MFI, and 40 percent at below 30 percent MFI. Set future housing production targets for market rate and affordable housing based on where gaps in supply by income occur and to reflect District goals. These targets shall acknowledge and address racial income disparities, including racially adjusted MFIs, in the District, use racially disaggregated data, and evaluate actual production of market rate and affordable housing at moderate, low, very-low, and extremely-low income levels. 504.9*

***Policy H-1.2.3: Affordable and Mixed-Income Housing***

*Focus investment strategies and affordable housing programs to distribute mixed-income housing more equitably across the entire District by developing goals and tools for affordable housing and establishing a minimum percent affordable by Planning Area to create housing options in high-cost areas, avoid further concentrations of affordable housing, and meet fair housing requirements. 504.10*

The RCW Planning Area has the least amount of dedicated affordable housing, and there are none within the subject area. The Mayor's 2025 has set a goal of 1,990 affordable new affordable units for RCW. Since 2019, the RCW Planning Area has made the least amount of progress of the District's 10 planning areas in meeting their goal, achieving only 3.6% of the target in 2023. The applicability of IZ+ to the corridor and to the Civic Site would assist in increasing the number of affordable housing in the RCW.

***Policy H-1.2.4: Housing Affordability on Publicly Owned Sites***

*Require that 20 to 30 percent of the housing units built on publicly owned sites disposed of for housing, co-located with local public facilities, or sites being transferred from federal to District jurisdiction, are reserved for a range of affordable housing with long-term commitments to maintain affordability, seeking to maximize production of extremely low- and very low-income for rental units, and very low- and low-income households for ownership units and family-sized units. Prioritize the provision of affordable housing in areas of high housing costs. Explore strategies at these redeveloping sites to enable seniors in the surrounding community to have opportunities to age in place, and to provide housing opportunities for residents at risk of displacement in the surrounding community. Consider Universal Design and visitability. 504.1*

The application of IZ+ would establish an affordable housing requirement consistent with this policy. However, as a District property, the Civic Site would be subject to the requirements of District Law 10-801 which requires that at least 20% of the rental units be affordable and of which at least 25% of the units will be for very low-income household paying no more than 30% of their income toward housing, and the remainder would be for low-income household paying no more than 30% of their income toward housing. The provision of affordable housing on the Civic Site or elsewhere along the corridor should not present a risk of displacement to current residents.

***Policy H-1.2.7: Density Bonuses for Affordable Housing***

*Provide zoning incentives, such as through the PUD process, to developers proposing to build affordable housing substantially beyond any underlying requirement. Exceeding targets for affordable housing can refer to exceeding the quantity or depth of affordability otherwise required. The affordable housing proffered shall be considered a high priority public benefit for the purposes of granting density bonuses, especially when the proposal expands the inclusiveness of high-cost areas by adding affordable housing. When density bonuses are granted, flexibility in development standards should be considered to minimize impacts on contributing features and the design character of the neighborhood. 504.15*

The proposed zones offer additional height and density for projects which include affordable units, consistent with the IZ+ requirements.

***Policy H-1.2.9 Advancing Diversity and Equity of Planning Areas***

*Proactively plan and facilitate affordable housing opportunities and make targeted investments that increase demographic diversity and equity across Washington, DC. Achieve a minimum of 15 percent affordable units within each Planning Area by 2050. Provide protected classes (see H-3.2 Housing Access) with a fair opportunity to live in a choice of homes and neighborhoods, including their current homes and neighborhoods. 504.17*

The proposed zones would offer opportunities for affordable units along the corridor, and would require affordable housing consistent with IZ+. This would encourage demographic diversity and equity in the area.

***Policy H-1.2.11 Inclusive Mixed-Income Neighborhoods***

*Support mixed-income housing by encouraging affordable housing in high-cost areas and market rate housing in low-income areas. Identify and implement measures that build in long-term affordability, preferably permanent or for the life of the project, to minimize displacement and achieve a balance of housing opportunities across the District. 504.1*

The proposed zones would allow for and encourage affordable units along this corridor. IZ+ applies for the life of a project, so long term affordability would be ensured.

***Policy H-1.3.1: Housing for Larger Households***

*Increase the supply of larger family-sized housing units for both ownership and rental by encouraging new and retaining existing single-family homes, duplexes, row houses, and three- and four-bedroom market rate and affordable apartments across Washington, DC. The effort should focus on both affordability of the units and the unit and building design features that support families, as well as the opportunity to locate near neighborhood amenities, such as parks, transit, schools, and retail. 505.8*

While zoning in DC does not establish specific requirements or targets for particular size, the zoning would permit the range of potential housing types in either, or both, rental and home-ownership tenure. Affordable housing for larger families or for seniors is encouraged, particularly on the Civic Site.

***H-1.4.6: Whole Neighborhood Approach***

*Ensure that planning and new construction of housing is accompanied by concurrent planning and programs to improve neighborhood services, schools, job training, childcare, services for older adults, food access, parks, libraries, community gardens, and open spaces, health care facilities, police and fire facilities, transportation, and emergency response capacity. 506.11*

The proposed zoning is based on both recent Comp Plan changes and on the Council approved CCSAP. The proposed zoning, particularly for the Civic Site would allow for a mix of uses and would allow for new development that would include housing, a new library and community center, and open space to serve and improve neighborhood services.

***Policy H-1.5.1: Land and Building Regulations***

*Ensure the District's land regulations, including its housing and building codes, zoning regulations, construction standards, and permitting fees, enable the production of housing for all income groups. Avoid regulations that make it prohibitively expensive or difficult to construct housing. 507.2*

The proposed text amendment would provide more opportunities for the provision of housing, including affordable housing, where housing does not currently exist and consistent with the Comp Plan direction. While aspects of the proposed zoning, such as step-backs and transition requirements, could make construction of housing more costly, OP analysis indicates that they generally should not significantly limit the amount of housing provided, while the bonuses available under IZ+ would facilitate the construction of housing.

**CHAPTER 7 – ECONOMIC DEVELOPMENT ELEMENT**

***Policy ED-2.2.3: Neighborhood Shopping***

*Create and support additional shopping opportunities in Washington, DC's neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately scaled retail infill development on vacant and underused sites. Promote the creation and growth of existing locally owned, nonchain establishments because of their role in creating unique shopping experiences, as well as in generating stronger local supply chains that facilitate community wealth building. 708.8*

The proposed zoning would support additional shopping opportunities as it requires ground floor retail uses along the corridor to better meet the demand for basic goods and services for the surrounding residential neighborhood and new residents, and to ensure an active streetscape. The text amendment encourages the preservation of existing building façades while encouraging development of sites which are currently underdeveloped.

***Action ED-2.2.B: Retail Ceiling Heights***

*Determine the feasibility of developing zoning amendments that would permit higher ground floor retail ceiling heights in neighborhood commercial areas. Through processes including ZR-16, many zones have been revised to better accommodate the national standards for retail space, which has higher ceiling limits than typical office or residential uses. However, there may be an additional opportunity to make similar adjustments to*



*zones used in neighborhood commercial areas. If these adjustments are feasible, better accommodating national retail space standards would help improve the District's economic resilience. 708.16*

In the proposed NMU-4/CC1 zone, the ground floor level of a new building or building addition would require a minimum clear floor-to-ceiling height of 14 feet. To encourage higher ground floor retail ceiling heights, an incentive of an additional five feet of building height would be available for those providing 18 feet or more.

***Policy ED-3.1.1: Neighborhood Commercial Vitality***

*Promote the vitality and diversity of Washington, DC's neighborhood commercial areas by retaining existing businesses, attracting new businesses, supporting a strong customer base through residential density, and improving the mix of goods and services available to residents. 713.5*

The proposed zoning would allow for increased opportunities for neighborhood retail uses in the area and for additional housing opportunities to support retail.

**CHAPTER 11 - COMMUNITY SERVICES AND FACILITIES ELEMENT**

***Policy CSF-1.1.1: Public Facilities Plan and Effective Use of District- Owned Lands and Buildings***

*District-owned buildings and lands should be effectively used to meet the needs of residents. Develop a District-wide Public Facilities Plan to understand the distribution, capacity, control, and occupancy of District facilities and lands across systems and agencies, taking into account service delivery and improved alignment with current needs and expected future growth. 1103.12*

***Policy CSF-1.1.2: Adequate Facilities***

*Construct, rehabilitate, and maintain the facilities necessary for the efficient delivery of public services to current and future District residents. 1103.13*

The zoning on the Civic Site would allow it to be more effectively used to meet the needs of current and future residents as it would allow for the construction of a new library and community center with improved facilities, while retaining at least 40% of the site for open space. The proposal would also allow for housing and affordable housing on the site which is a District priority.

***Policy CSF-1.1.8: Public Facilities, Equity, and Economic Development***

*Locate new public facilities to best serve all District residents and to support economic development and neighborhood revitalization efforts, with a focus on underserved areas and areas of growth. 1103.19*

The redevelopment of the Civic Site with a new library, community center and open space would provide improved facilities for residents. The zoning proposal for the corridor could also assist in revitalization with improved retail choices and services as well as additional housing and affordable housing envisioned by the CCSAP.

***Policy CSF-1.1.9: Co-Location***

*Encourage the strategic co-location of public municipal uses on publicly owned and controlled sites, provided that the uses are functionally compatible with each other and the site's future land use designation. Consider co-location of private and public uses as a strategy that can help advance District-wide and neighborhood priorities, such as the creation of affordable housing and equitable access to services. 1103.20*

***Policy CSF-1.1.12: District-Owned Facilities and Shared Uses***

*Encourage the shared use of District-owned facilities, such as recreation centers, as sites that can support a variety of programs and activities. These can include community education about nutrition, nutrition entrepreneurship, and small business development; urban agriculture; cultural performance, production, and exhibition; and child development and care. 1103.23*

***Action CSF-1.1.F: Co-Location of Housing with Public Facilities***

*As part of facilities master planning and the CIP, conduct a review of and maximize any opportunities to co-locate mixed-income multi-family housing when there is a proposal for a new or substantially upgraded local public facility, particularly in high-cost areas. 1103.29*

The Civic Site is currently developed with a library and community center which are old and identified for replacement. It is a priority of both the District and the neighborhood to construct new facilities to better serve and support the community, and the community has expressed a strong desire for the open space to also be preserved. It is also a District priority to provide new housing, and in particular affordable housing, in the area and on the Civic Site. The proposal would allow for the co-location of the library, community, open space, and housing on the Civic Site and provide equitable access to services.

***Policy CSF-3.2.4: Libraries as Neighborhood Anchors***

*Encourage library modernization and new construction to support corridor reinvestment efforts, create spaces for arts and culture, bring together multigenerational communities, provide job training and literacy programs, promote high-quality civic design, and create partnerships that connect library improvements to new housing and mixed-use projects. 1112.5*

***Policy CSF-3.2.5: Libraries and Mixed-Uses***

*When feasible, locate and integrate District-owned library facilities in mixed-use facilities, such as those containing in-line retail, housing, or office uses. This can help induce programmatic links that enhance the public impact of libraries. 1112.6*

The proposed zoning would facilitate a mixed use development on the Civic Site, which would include a replacement library and community center and housing on the site, and additional retail and service opportunities on the corridor.

**D. ROCK CREEK WEST AREA ELEMENT**

The subject property is in the Rock Creek West Area Element which outlines planning and development priorities including:

- increasing affordable and moderate income housing units within new market rate projects;
- attracting retail uses to provide a wider range of neighborhood serving retail;
- encouraging developments that would improve the vibrancy of a pedestrian oriented corridor; and
- supporting improvements to common open spaces and public facilities.

The proposed zoning text and map amendment would allow for more housing and affordable housing while also providing for more retail opportunities, as well as a new library, community center and public open space. The proposed density, greater than existing and consistent with the Comp Plan, would allow for more housing to support businesses, while zoning to incorporate the CCSAP guidelines would encourage a vibrant pedestrian corridor.

***Policy RCW-1.1.2: Economic Development***

*Given the strength of the private market within Rock Creek West, carefully consider public-private partnerships that provide public space and community amenities and support additional mixed-use development in the area. 2308.3*

The proposed zoning would allow for mixed use developments, including housing and affordable housing, by the private sector along the corridor, along with expanded opportunities for retail and service uses. Through the redevelopment of the Civic Core, public private development would result in new mixed-use development furthering the housing and affordable housing goals of the Comp Plan.

***Policy RCW-1.1.4: Infill Development***

*Recognize the opportunity for infill development within the areas designated for commercial land use on the Future Land Use Map. When such development is proposed, work with ANCs, residents, and community organizations to encourage mixed-use projects that combine housing, including affordable housing, neighborhood-serving retail, and commercial uses. Design transitions between large- and small-scale development to ameliorate the appearance of overwhelming scale and to relate to context of lower-scale surrounding neighborhoods. 2308.5*

Along the corridor there are a number of underutilized properties which could be redeveloped to utilize the additional height and density permitted by the Comp Plan and allowed under the proposed zones to create mixed use projects with ground floor retail and housing above. The proposed zones include required rear and side setback and step-back provisions to transition the scale of the commercial corridor (where 50 feet of height would be permitted) and Civic Site (where 65 feet would be permitted) to the low density residential areas (where 40 feet of height is permitted).

***Policy RCW-1.1.5: Preference for Local-Serving Retail***

*Support new commercial development in the Planning Area that provides the range of goods and services necessary to meet the needs of local residents. Such uses are preferable to the development of new larger-scale or big box retail uses that serve a regional market. Destination retail uses are not appropriate in smaller- scale commercial areas, especially those without Metro access. Regardless of scale, retail development should be planned and*

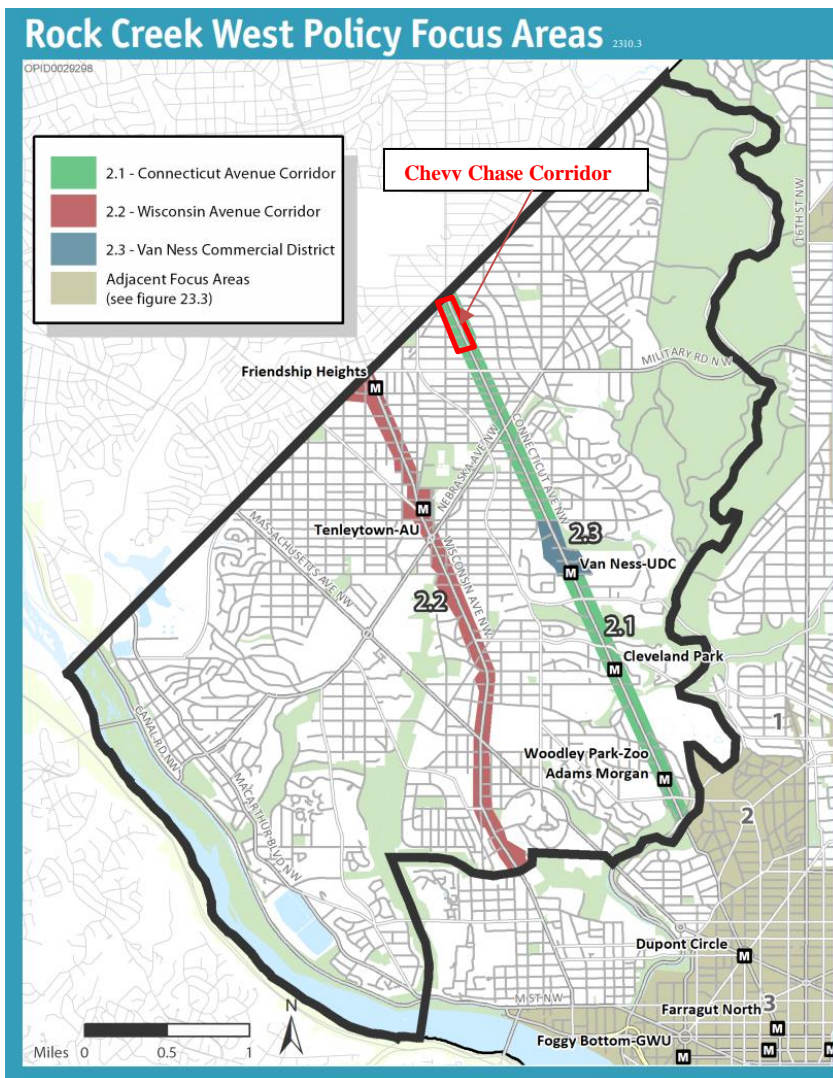
*designed to mitigate traffic, parking, and other impacts on adjacent residential areas.*  
2308.6

The proposed zoning would require ground floor retail along the corridor, except on the Civic Site where local public facilities would be required. The guidelines include ones, such as fenestration and door spacing, requirements that would encourage smaller scale retail. The regulations also include requirements that the floor level of retail be at grade with the sidewalk, and for parking and loading access from the rear and not from Connecticut Avenue, to mitigate impacts and create a vibrant streetscape.

### Rock Creek West Policy Focus Area

The Rock Creek West Area Element contains three policy focus areas (Figure 6) with additional guidance and direction to that provided in the Citywide and Area Elements and recommends *Future Planning Analysis Areas*, one of which is the Chevy Chase corridor on the upper portion of the Connecticut Avenue Corridor.

**Figure 6 – Map of Rock Creek West Policy Focus Areas**



### ***RCW-2 Policy Focus Areas 2310***

*The Comp Plan has identified three areas in Rock Creek West as Policy Focus Areas, indicating that they require a level of direction and guidance above that in the prior section of this Area Element and in the Citywide Elements. These areas are shown in Map 23.1 and are listed in Figure 23.3. The policy focus areas include:*

- ***Connecticut Avenue corridor***
- *Wisconsin Avenue corridor*
- *Van Ness Commercial District. 2310.1*

*Two Future Planning Analysis Areas are located along Connecticut Avenue NW and Wisconsin Avenue NW. Within those Analysis Areas, additional finer- grained small area plans are needed at Friendship Heights, Tenleytown, **Chevy Chase**, Cleveland Park, Forest Hills, and Woodley Park, and may be appropriate at other areas. 2310.4*

The CCSAP provided the planning analysis. The proposed text and map amendment is the next step in implementing the recommendations of the Comp Plan and the CCSAP for this policy focus area.

#### ***Policy RCW-2.1.1: Connecticut Avenue NW Corridor***

*Sustain the high quality of the Connecticut Avenue NW corridor. The positive qualities of the corridor, particularly its architecturally appealing, older apartment buildings; green spaces; trees; and walkable neighborhood shopping districts, should be conserved and enhanced. Continued efforts to improve traffic flow and parking should be pursued, especially in the commercial districts. 2311.5*

The proposed zoning encourages the retention of positive qualities of the corridor through the proposed incentive for projects which retain their front façade. Other guidelines include ones to provide fenestrations minimums for the ground floor and maximums for upper stories, consistent with existing patterns, and step-back above a preserved façade or at the third floor level. Many other CCSAP guidelines will be implemented as part of any new development through the Public Space Review process.

#### ***Policy RCW-2.1.2: Infill Development***

*Recognize the opportunity for additional housing, including new affordable and moderate-income units, with some retail and limited office space along the Connecticut Avenue NW corridor. 2311.6*

The new zones offer opportunities for additional housing, including affordable housing and moderate income units, though the application of IZ+ to new developments. The proposed zoning also continues to permit most forms of retail and office uses along the corridor.

## **VI. CHEVY CHASE SMALL AREA PLAN**

The 2021 Comp Plan update amended Citywide and Area policies as well as the Future Land Use Map and the Generalized Policy Map designations along the Connecticut Avenue NW mixed use corridor, between Western Avenue and Livingston Street. The amendments are specifically to encourage the provision of opportunities for more housing, including affordable housing, as well as new civic facilities and neighborhood serving retail and services.



Following the Rock Creek West Roadmap, in 2020, ANC 3/4G passed a resolution requesting a Small Area Plan for the Chevy Chase “Gateway,” to be developed through a community-led planning process. OP initiated the Chevy Chase Small Area Plan (CCSAP) in March of 2021. As noted in the CCSAP, A small area plan is intended to:

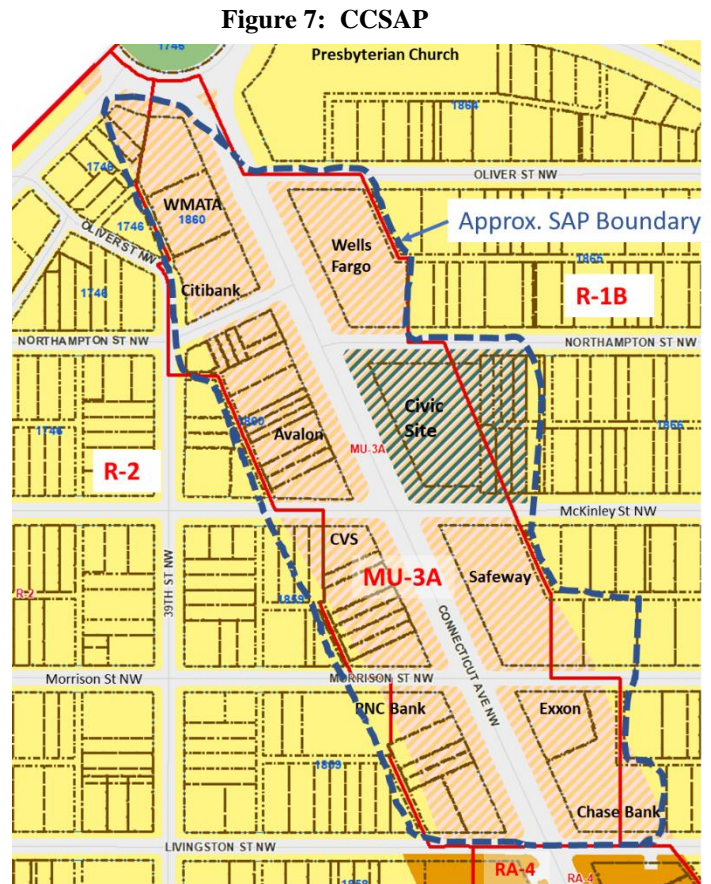
- *Supplement the Comprehensive Plan by providing land use and urban design guidance for the development of city blocks, corridors, and neighborhoods.*
- *Engage residents to develop strategic priorities that will shape future development in their neighborhoods.*
- *Guide capital budget decisions and agency investment priorities.* (p. 7)

Following analysis and discussions with the ANC, community groups, individuals, the Chevy Chase Main Street Organization, and other district agencies, a draft CCSAP plan was forwarded to Council. A Council public round table regarding the CCSAP was held on July 5, 2022. The CCSAP was approved by Council on July 12, 2022 (Resolution 24-0564).

Generally, the CCSAP outlines how any new development could look and function to support the commercial district and provide new housing options, including affordable housing. The CCSAP is intended to provide a “community-informed vision in advance of future development proposals within the neighborhood and in relation to broader local and metropolitan growth patterns.” (p.2). It’s vision “. . . is to advance more equitable and environmentally sustainable growth along the Connecticut Avenue corridor to support an inclusive Chevy Chase community and thriving commercial main street.” (p. 2) The Plan frames success in achieving this vision around six themes, all of which this zoning action would further:

1. *An inviting social and cultural character;*
2. *An inclusive built environment;*
3. *A reimagined civic core;*
4. *A thriving retail corridor;*
5. *An equitable housing strategy; and*
6. *Safe and sustainable mobility.* (p. 16)

For the Zoning Commission, the CCSAP provides guidance to supplement Comp Plan direction regarding density and use mix for new zoning established for the area, and it can guide the review of discretionary development proposals. The proposed new neighborhood commercial zones for



the corridor incorporate many of the guidelines pertaining to building use and form<sup>5</sup>. A summary of the CCSAP guidance is provided below; a detailed comparison of the zoning to the CCSAP guidelines is attached as Attachment I.

### ***Inviting Social and Cultural Character Recommendations***

*Vision: Chevy Chase is inviting and accessible to an increasing diversity of residents, workers, and visitors who participate in and contribute to the social life of the neighborhood while supporting a more resilient and connected community. (p. 20)*

The CCSAP notes that “*Chevy Chase has a complex history of planning and land use practices that have contributed to racial, social, and economic inequities that are still tangible in the neighborhood today*” (p. 20), but that “*... current land use regulations that have been a barrier to achieving socio-economic diversity and access to housing opportunities that lead to better health and economic outcomes can start to be addressed by permitting additional development in Chevy Chase.*” (p.20). The CCSAP recommends the creation of a “*family-oriented environment in Chevy Chase through multi-use community spaces at civic facilities and playgrounds.*” (p.22)

### ***Inclusive Built Environment Recommendations***

*Vision: The built environment along the Connecticut Avenue corridor embraces well designed and sustainable development that complements the traditional features of Chevy Chase and those valued by the community today. (p.24)*

The CCSAP notes that “*Chevy Chase can play a crucial role in creating a built environment that supports equitable and inclusive growth. This growth can be achieved in a way that is respectful of the neighborhood’s physical character valued by current residents while embracing a more socially and economically diverse future.*” (p.25). The CCSAP recommends the creation of a new zone for the corridor to incorporate the design guidelines, specifically ones that:

- Address building form;
- Reinforce vibrant retail streetscape and spaces scaled to attract independent, local businesses;
- Include environmentally sustainable features and materials; and
- Maximize opens spaces and vegetation, including through minimizing surface parking. (p. 27)

### ***Reimagined Civic Core Recommendations***

*Vision: The redevelopment of the Chevy Chase Community Center and Library takes a coordinated approach rooted in community engagement to include mixed income housing and community gathering spaces while strengthening the site’s role as the social and physical heart of the Connecticut Avenue corridor. (p. 28)*

The CCSAP recommends that the redevelopment of the Civic Site include both state of the art public facilities, mixed income housing, and both indoor and outdoor community gathering spaces for people of all ages and abilities. Specifically, the CCSAP calls for OP to “*Submit (a) proposal*

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<sup>5</sup> Other design guidelines pertaining to public space, such as sidewalk improvements, are not relevant to zoning, but would be used as part of Public Space Committee review.



*to rezone the site to leverage full Comprehensive Plan height and density to maximize the flexibility to co-locate civic uses with a significant amount of mixed-income housing.” (p. 31).*

### ***Equitable Housing Strategy Recommendations***

Vision: *Housing options in Chevy Chase are expanded to accommodate a greater range of incomes, ages, and racial diversity to advance the District’s housing equity goals, support the commercial main street, and enhance the social and economic well-being of the community. (p. 32).*

The CCSAP notes that “(t)he Chevy Chase community has expressed a desire for the creation of mixed-income housing, with dedicated affordable housing, at redeveloped sites along the Connecticut Avenue corridor, including the District-owned property. A key opportunity is to optimize the development capacity at the District-owned site for the creation of mixed-income housing in coordination with the reconstruction of the Community Center and Library.” (p. 33). The CCSAP specifically calls for “Zoning Map Amendments, consistent with the Comprehensive Plan, to increase housing supply and encourage a mixed-income community that includes market-rate and dedicated affordable housing.” (p. 35). While not all housing goals can be achieved through zoning, providing additional opportunities for housing can help to address all housing related goals.

### ***Thriving Retail Corridor Recommendations***

Vision: *Chevy Chase enjoys a thriving commercial corridor with a convenient mix of neighborhood-serving shops and services along Connecticut Avenue. (p. 36)*

The CCSAP includes recommendations for a commercial corridor that:

- attracts commercial uses to activate the corridor; and
- “Incorporate requirements for streetscape activating and neighborhood serving retail as part of any new development proposal or zoning amendment.” (p. 39)

### ***Safe and Sustainable Mobility Recommendations***

Vision: *Chevy Chase is a safe and comfortable place to navigate, with enhanced and accessible multi-modal transportation infrastructure that supports more climate friendly mobility options. (p. 40)*

While most of the recommendations of this section pertain to the design and treatment of public space, so are outside the scope of zoning, the CCSAP does include recommendations to:

- Reduce pedestrian-vehicle conflicts along Connecticut Avenue; and
- Encourage electric vehicle-charging stations in buildings;

### ***CCSAP Design Guidelines***

The CCSAP includes guidelines, intended address the relationship between new development and the existing character of Connecticut Avenue and the surrounding low density residential areas. These guidelines do not address building density, height, or overall use mix, as these have already been set in the Comp Plan. The guidelines fall into two categories - Building Form and Public Realm.

### ***Building Form***

Building Form guidelines are intended to be considered in new zoning for the corridor, or in the review of a discretionary development proposal for an individual site such as a PUD.

Building Frontage guidelines are intended to create “a consistent building edge along the commercial corridor” and include ones to ensure an active and pedestrian-friendly streetscape, through the use of step-backs, fine-grained retail space modulation, and even the preservation of existing retail façades as part of new developments.

Building transition guidelines are intended to provide transitions or buffering between new development on the corridor, and adjacent low density housing.

Building Material guidelines are intended to encourage high quality, environmentally friendly façade and building materials.

### ***Public Realm***

Public realm guidelines relate primarily to street and sidewalk design, so are outside the scope of zoning. Potentially relevant guidelines would not typically be required in zoning but could inform a discretionary review process such as a PUD. The exception is a guideline to locate parking and loading entrances off alleys or, where alleys do not exist, on secondary streets to provide an uninterrupted pedestrian path along Connecticut Avenue.

### ***Zoning Response to CCSAP Guidance***

The CCSAP does not recommend specific zoning designations or regulations to implement the policies of the Comp Plan or the CCSAP guidance.

The CCSAP urban design guidelines were assessed to see which should be incorporated into proposed Zoning Regulations. Those guidelines were built upon and supplement the Urban Design Guidelines of the Comp Plan. The aim is for the creation of zoning to address Comp Plan direction, particularly to increase housing opportunities, and simultaneously provide provisions that address streetscape, neighborhood character, and activation guidelines of the CCSAP.

The proposed zoning along the corridor is intended to address these goals through the provision of requirements, such as the following:

- Require ground floor retail, service, or public facility uses;
- Require building setbacks and step-backs;
- Encourage the preservation of building facades;
- Encourage a strong relationship between retail spaces and the street; and
- Govern the location of commercial and residential entrances and access to parking and loading.

Many of the recommended provisions are consistent with all or some other Neighborhood Commercial zones; a few would be unique to this area.

Not every provision of the CCSAP is relevant to zoning for this area or could be implemented through zoning. Provisions that are outside the scope of the Zoning Regulations would be relevant to other approval processes, which is typical for small area plans. The design guidelines are intended to be used by various entities including private property owners, developers, design

professionals, District agencies and community groups as they review proposals. They could also be used by the Zoning Commission in the review of a discretionary review process such as a PUD.

## **VII. SUMMARY OF PLANNING CONTEXT ANALYSIS**

On balance, the proposed text amendment is not inconsistent with the 2021 Comp Plan, including the building density and use indicated on the FLUM, and with the CCSAP. The FLUM, read in conjunction with the Comp Plan text, provides a clear and definitive set of related policy objectives in support of the proposed zoning, in particular the very strong policy language to provide housing and affordable housing, and the policy language to preserve open space for the community – the current proposal would allow both.

The proposed zoning text and map amendment would permit the provision of new housing and affordable housing along this portion of Connecticut Avenue NW. The proposal would also encourage the expansion of neighborhood retail uses, and establish a suite of building setbacks, step-backs and design guidelines to ensure an active and welcoming streetscape along Connecticut Avenue, and to lessen potential impacts on the adjacent residential uses.

### **I. ATTACHMENTS**

Attachment 1 – CCSAP Guidelines in Zoning  
Attachment 2 – Proposed Text Amendment

## ATTACHMENT 1 – CCSAP GUIDELINES

	CCSAP	PROPOSED ZONING
<b>Section</b>	<b>RECOMMENDATIONS ( pp. 23-39)</b>	
	<b>1. Inviting Social and Cultural Character Recommendations (p.23)</b>	
<b>1.1</b>	Acknowledge the legacy of racial discrimination and honor the history of African Americans who once lived in the Chevy Chase area through public art installations, murals, community events and programming.	The zoning is intended to address a legacy of racial discrimination by providing wider range of opportunities to existing and new residents, including a wider range of housing. While such things as public art installations are not within the scope of zoning, these could be encouraged through public space reviews, or discretionary zoning reviews.
<b>1.2</b>	Support a family-oriented environment in Chevy Chase through multi-use community spaces at civic facilities and playgrounds.	Zoning would permit these uses.
<b>1.3</b>	Explore the creation of playable spaces such as street and alley closures, block parties, and interactive public art.	Not within the scope of zoning – public space and programming.
<b>1.4</b>	Use development and growth forecasts to inform decisions about how local public school capacity can keep pace with a growing family population.	Guidance to DCPS.
	<b>2. Inclusive Built Environment Recommendations (p. 27)</b>	
<b>2.1</b>	Create a new zone along Connecticut Avenue, between Livingston and Western Avenues that incorporates the CCSAP Urban Design Guidelines, specifically those that address Building Form.	Proposal for NMU zones based on MU-4 Includes new zoning requirements based on the Guidelines, as detailed below.
<b>2.2</b>	Planned Unit Developments should incorporate the CCSAP Urban Design Guidelines to the extent feasible.	Any PUD would be evaluated against the Comp Plan and the CCSAP guidelines
<b>2.3</b>	Redevelopment along Connecticut Avenue should reinforce a vibrant retail streetscape that maintains a pedestrian friendly sidewalk character and creates retail spaces scaled to attract independent, local businesses.	Proposed new zoning includes requirements based on the Guidelines, as detailed below.
<b>2.4</b>	Include environmentally sustainable features and materials in building, site, and streetscape design to minimize the site’s carbon footprint.	Sustainable features are permitted and accommodated in zoning regulations which would apply to all new construction. Any new construction would be held to all green building requirements.
<b>2.5</b>	New development should maximize open spaces, vegetation, and sustainable practices, including through minimizing surface parking.	Zoning includes lower lot occupancy on Civic Site, and additional setback requirements. Surface parking would not be prohibited, but any provided would have to meet surface parking landscaping and screening requirements.

	<b>CCSAP</b>	<b>PROPOSED ZONING</b>
<b>2.6</b>	Incorporate elements into public spaces and the built environment designed to invite playfulness and that are inclusive of people of all ages and abilities.	Public space is not within the scope of zoning. Civic Site includes lower lot occupancy to accommodate open space.
<b>2.7</b>	Support community efforts for historic landmark and historic district designation of eligible resources within the Connecticut Avenue commercial corridor.	Not within the scope of zoning, although a provision would encourage the preservation of a pre-1958 front façade.
<b>3. Re-imagined Civic Core Recommendations (p. 31)</b>		
<b>3.1</b>	Redevelop the community center and library into a multi-purpose civic core with state-of-the-art public facilities and mixed-income housing.	Proposed zoning would allow these uses.
<b>3.2</b>	Prioritize dedicated affordable units that serve a range of incomes and household sizes.	Proposed zoning would include the application of IZ+ which requires dedicated affordable units.
<b>3.3</b>	Incorporate both indoor and outdoor community gathering spaces that provide passive and active recreational opportunities for people of all ages and abilities.	Proposed zoning includes a Civic Site lot occupancy maximum of 60% for all uses to encourage the provision of open space. Design of the open space would be addressed through the RFP and site design process.
<b>3.4</b>	Submit proposal to rezone the site to leverage full Comprehensive Plan height and density to maximize the flexibility to co-locate civic uses with a significant amount of mixed-income housing.	Proposed zone, while not maximizing the potential height or density potential under the Comp Plan, balances various objectives and would include the opportunity to provide mixed-income housing.
<b>3.5</b>	Incorporate the CCSAP’s design guidelines and policy recommendations related to the civic core site into a future request for proposal.	Proposed zoning incorporates zoning related guidelines, as well as other direction provided by the ANC and community as detailed below.
<b>4. Equitable Housing Strategy (p. 35)</b>		
<b>4.1</b>	Support Zoning Map Amendments, consistent with the Comprehensive Plan, to increase housing supply and encourage a mixed-income community that includes market-rate and dedicated affordable housing.	Proposed zoning is not inconsistent with Comp Plan, would increase housing opportunities, and with the application of IZ+, would encourage mixed income housing and dedicated affordable housing.
<b>4.2</b>	Incorporate a range of household sizes that serve mixed incomes within development projects along Connecticut Avenue, with priority given for households at or below 40% of the Median Family Income.	Mixed use area zoning does not regulate unit or household size. IZ+ requires for sale units at 80% MFI and rental units at 60% MFI, with the potential for some units at 50% MFI. Lower MFI could be achieved on the Civic Site through the RPF process, on other sites through a PUD, although a PUD is not likely in the area.

	<b>CCSAP</b>	<b>PROPOSED ZONING</b>
<b>4.3</b>	Apply and build upon existing options for providing deeper affordability for rental and homeownership, such as vouchers and community land trusts.	Not within the scope of zoning; zoning would not impede these programs.
<b>4.4</b>	Pursue financial subsidies for the conversion of naturally occurring affordable units, within and in proximity to the CCSAP study area, to dedicated affordable units.	Not within the scope of zoning; zoning would not impeded such a process.
<b>4.5</b>	Leverage District acquisition funding for when properties in the CCSAP study area come up for sale.	Not within the scope of zoning; zoning would not impede this, and proposed new zones would apply.
<b>4.6</b>	Encourage new multifamily buildings to prioritize ownership opportunities suitable for 80% Median Family Income.	Zoning cannot dictate tenure. Any multi-family building with for-sale units would be subject to IZ+, requiring the dedication of units at 80% MFI, with the potential for some units at 50% MFI.
<b>5. Thriving Retail Corridor (p. 39)</b>		
<b>5.1</b>	Attract commercial uses that activate the corridor on weekdays, evenings, and on weekends.	Not directly within the scope of zoning, although proposed zoning would require ground floor restaurant/retail/service uses.
<b>5.2</b>	Expand and build a stronger connection to frequent customers while diversifying the types of businesses, in terms of their size, offerings, and operators: ...	Not within the scope of zoning.
<b>5.3</b>	Support continuity of operations for small businesses along Connecticut Avenue during times of change, including construction and renovation projects through targeted technical assistance.	Such technical assistance is not within the scope of zoning.
<b>5.4</b>	Enhance the public realm to attract more foot traffic to businesses on Connecticut Avenue that adapts to changing social, health, and climate through streetscape design, beautification, and programming as outlined in the CCSAP Urban Design Guidelines.	Public realm is not directly within the scope of zoning, but the proposed zoning guidelines intended to help ensure inviting and accessible buildings and an activated streetscape.
<b>5.5</b>	Incorporate requirements for streetscape activating and neighborhood serving retail as part of any new development proposal or zoning amendment.	Proposed zoning includes numerous requirements for retail and activated street frontages – see guideline discussion below
<b>5.6</b>	Explore opportunities to program the WMATA site for periodic community events such as pop-up markets and concerts.	Not within the scope of zoning; zoning would not impede these uses.
<b>5.7</b>	Encourage creative placemaking efforts such as block parties, festivals, markets, and pop-up retail. Help inform community organizations and individuals about how to implement such programs in the public space.	Not within the scope of zoning; zoning would not impede these uses.

	CCSAP	PROPOSED ZONING
<b>Section</b>	<b>6. Safe and Sustainable Mobility Recommendations (p. 43)</b>	
<b>6.1</b>	<p>Improve pedestrian circulation throughout the CCSAP study area, with:</p> <ul style="list-style-type: none"> <li>• Safe and accessible crossings at Chevy Chase Circle;</li> <li>• Active and well-lit sidewalks with reduced pedestrian-vehicle conflict spots along Connecticut Avenue; and</li> <li>• Dedicated bicycle and scooter facilities on Connecticut Avenue to reduce conflicts with pedestrians on sidewalks.</li> </ul>	<p>Mainly public space issues so not within ability of zoning to regulate. Proposed zoning does include a provision that access to parking and loading not be from Connecticut Avenue, to improve both pedestrian and motorist safety and minimize conflicts.</p>
<b>6.2</b>	<p>Install electric vehicle-charging stations and set aside electric vehicle only parking spaces in the garages of future buildings.</p>	<p>Zoning has not typically required these, but this could be considered, either for these zones or as a city-wide zoning amendment.</p>
<b>6.3</b>	<p>Develop a coordinated parking plan that takes advantage of the existing parking lots in the CCSAP study area for better utilization throughout the day and night, week and year.</p>	<p>Somewhat outside the scope of zoning, but existing parking regulations permit the “sharing” of parking spaces, and the provision of parking off-site on private property, which would enable such an approach.</p>
<b>6.4</b>	<p>Study changes to curbside management ½-block both east and west of the Connecticut Avenue corridor to efficiently and equitably support various competing commercial and transportation needs (deliveries, loading, pick-up and drop-off, Bikeshare, etc).</p>	<p>Curbside management is not within the scope of zoning. Zoning does establish on-site loading requirement, and the proposed zone would require that it not be accessed from Connecticut Avenue. Zoning also provides for required short term and long term bicycle parking.</p>
<b>6.5</b>	<p>Study alternatives for the alignment and design of a protected bicycle route between Friendship Heights (Wisconsin Ave) and Chevy Chase (Connecticut Ave), as population increases in both locations.</p>	<p>Not within the scope of zoning.</p>
<b>6.6</b>	<p>Provide ample and reliable bike and scooter parking in the commercial district designed to reduce potential conflicts with comfortable pedestrian movement on the sidewalks and in intersections.</p>	<p>Zoning includes requirements for both short term and long term bicycle storage.</p>
<b>6.7</b>	<p>Consider extending protected bike lanes along Connecticut Avenue all the way north to Chevy Chase Circle as part of the Connecticut Avenue Redesign, which repurposes reversible lanes south of Legation Street, NW.</p>	<p>Not within the scope of zoning.</p>



	CCSAP	PROPOSED ZONING
<b>6.8</b>	Study opportunities to improve bus reliability and travel speeds by introducing transit signal priority technologies at key intersections and dedicated bus lanes or queue jumps where feasible. Evaluate needs for increasing bus services along Connecticut Avenue or adding new services to better connect the surrounding neighborhoods.	Not within the scope of zoning.
<b>DESIGN GUIDELINES – BUILDING FORM (pp.50 - 55)</b>		
<b>Section</b>	<b>1.1 Building Frontage (p. 50)</b>	
<b>1.1a.</b>	Ground floor commercial uses fronting onto Connecticut Avenue are strongly encouraged and should take full advantage of allowances for show window projections to create strong visual connections between the sidewalk and interior spaces.	<ul style="list-style-type: none"> <li>• H § 1002 and U § 6001 establish requirement for retail, restaurant and service uses on the ground floor facing Connecticut.</li> <li>• H § 1009.2(c) requires buildings to be constructed along front lot line.</li> <li>• H § 1009.2(e) requires show windows.</li> <li>• H § 1009.2(m) prevents surface level parking lots along Connecticut Avenue.</li> <li>• Zoning cannot regulate what is in public space, such as projections.</li> </ul>
<b>1.1b.</b>	Buildings should be sited parallel to Connecticut Avenue to maintain a continuous and engaging streetwall that gives scale and definition to adjacent streets and civic space.	<ul style="list-style-type: none"> <li>• H § 1009.2(c) requires buildings to be constructed along front lot line.</li> <li>• H § 1005.2 requires buildings to be 25 feet in height minimum.</li> </ul>
<b>1.1c.</b>	The front façade of the building should be generally at the front property line, and the ground floor of the building should be at the same elevation as the sidewalk.	<ul style="list-style-type: none"> <li>• H § 1009.2(c) requires buildings to be constructed along front lot line.</li> <li>• H § 1009.2(j) requires retail entrances to be at grade.</li> </ul>
<b>1.1d.</b>	In mixed-use buildings, individual ground-floor residential unit entrances should front on side streets and incorporate social features like stoops and porches to transition to adjacent residential uses.	<ul style="list-style-type: none"> <li>• H § 1009.2(k) requires mixed-use buildings on corner lots to have residential entrances on the side street.</li> <li>• Zoning cannot regulate what is in public space, such as stoops and porches, but they are typically elements permitted by Public Space Committee.</li> </ul>
<b>1.1e.</b>	All loading and parking should be accessed from existing alleys at the rear of the lot, and be sited and designed to minimize potential impact on adjacent low density residential uses.	<ul style="list-style-type: none"> <li>• H § 1009.2(l) requires parking, loading and trash collection to be from the alley where one exists. Also requires trash rooms to be internal to the building, and at grade level.</li> <li>• H § 1010.1(b) establishes similar requirements for the NMU-CC2 zone.</li> </ul>
<b>1.2 Streetwall Variation and Articulation (p. 52)</b>		

	<b>CCSAP</b>	<b>PROPOSED ZONING</b>
<b>1.2a.</b>	As part of new construction, buildings should maintain a consistent street wall along their street frontages. An identifiable break, generally above the second or third floor, through change in material, fenestration, or similar means is encouraged.	<ul style="list-style-type: none"> <li>• H § 1009.2(c) requires buildings to be constructed along front lot line.</li> <li>• H § 1009.2(b) requires a step-back of 3 feet above the third floor or any portion of a retained façade.</li> <li>• H § 1009.2(g) limits windows above the ground level on the front façade.</li> </ul>
<b>1.2b.</b>	For larger development sites or as part of any consolidation of commercial lots, retail storefront design should incorporate modulation of window displays and retail entrances every 25 to 40 feet to attract small businesses and promote visual interest for pedestrians.	<ul style="list-style-type: none"> <li>• H § 1009.2(d) requires buildings to be designed with an entrance every 40 feet.</li> <li>• For most individual lots, this would mean one entrance.</li> <li>• H § 1009.2(e) requires show windows.</li> </ul>
<b>1.2c.</b>	Floor-to-ceiling heights of between 15 and 18 feet should be provided for commercial ground floors in new mixed-use buildings. The depth of new retail spaces along the building frontage should be a minimum of 50 feet.	<ul style="list-style-type: none"> <li>• H § 1009.2(h) requires a 14 foot ground floor clear height (this is typical for most zones with this provision).</li> <li>• H § 1009.2(i) allows 5 extra feet of building height if a ground floor of 18 feet or more is provided.</li> </ul>
<b>1.2d.</b>	Include elements such as projections, textured materials, awnings, plantings, signage and seating to create a visually engaging and inviting building edge to frame the sidewalk and create stopping points to relax, gather, and socialize.	<ul style="list-style-type: none"> <li>• Zoning cannot regulate element in the public space, but these features are typically permitted and encouraged by the Public Space Committee.</li> </ul>
<b>1.3 Building Massing (p. 52)</b>		
<b>1.3a.</b>	Encourage balconies, bay windows, varying step-backs at upper floors, or material changes to break up larger façades.	<ul style="list-style-type: none"> <li>• Zoning cannot regulate elements in the public space such as balconies and bay windows.</li> <li>• H § 1009.2(b) requires a step-back of 3 feet above the third floor or any portion of a retained façade.</li> <li>• H § 1009.2(g) limits windows above the ground level on the front façade.</li> </ul>
<b>1.3b.</b>	Expansions and additions should incorporate architectural details that are consistent or complementary to those of the existing structures; preserving unique and well-built design features to the extent feasible.	<ul style="list-style-type: none"> <li>• Zoning cannot include discretionary and arbitrary provisions such as this, but this could be addressed as part of any discretionary approval process.</li> <li>• H § 1004.1 establishes an FAR bonus for the preservation of a pre-1958 façade.</li> </ul>
<b>1.4 Building Transitions (p. 54)</b>		

	CCSAP	PROPOSED ZONING
<b>1.4a.</b>	New buildings or additions to existing buildings should provide appropriate transitioning or buffering from low density housing to the east and west of the corridor. Building height step downs, upper story step-backs, and other building form articulation and modulation should be employed, particularly where there is no intervening alley.	<ul style="list-style-type: none"> <li>• H § 1006 establishes rear yard requirements.</li> <li>• H § 1007 establishes side yard requirements, including a 15 foot setback if there is not an alley separation from and R zoned lot.</li> <li>• H § 1009.2(a) establishes a rear step-back provision for the NMU-CC1 zone, and H § 1010.1(a) establishes a rear step-back provision for the NMU-CC2 zone.</li> </ul>
<b>1.4b.</b>	Building setbacks in the form of open space, landscaped buffers, and courtyards should be employed on the rear of new buildings where they transition to lower scale residential uses.	<ul style="list-style-type: none"> <li>• In addition to setback and step-back provisions,</li> <li>• H § 1008.1 establishes a maximum lot occupancy of 60%, which is less than permitted under current zoning.</li> </ul>
<b>1.5 Building Materials (p. 54)</b>		
<b>1.5a.</b>	The use of brick or other masonry as cladding material characteristic of the neighborhood is encouraged for new buildings.	<ul style="list-style-type: none"> <li>• Zoning cannot regulate building materials and cannot “encourage” materials; this can be addressed as part of any discretionary review process.</li> </ul>
<b>1.5b.</b>	Large windows providing visibility and social connections to the street are appropriate for ground-floor retail. However, glass curtain walls are discouraged for upper-level residential floors in mixed-use buildings.	<ul style="list-style-type: none"> <li>• H § 1009.2(e) requires ground floor front façade to be 50% glazing minimum.</li> <li>• H § 1009.2(g) limits front façade windows above the ground level to 50% maximum.</li> </ul>
<b>1.5c.</b>	Sustainable materials that are recycled and less carbon intensive are encouraged both for exterior cladding and interior structural components. The preservation or re-use of existing building materials in new buildings is also encouraged.	<ul style="list-style-type: none"> <li>• Zoning cannot require specific materials.</li> <li>• Any new construction would be subject to any DOEE Green Building provisions at the time of construction.</li> </ul>
<b>DESIGN GUIDELINES – PUBLIC REALM (pp. 56 - 59)</b>		
<b>Section</b>	<b>2.1 Identity and Placemaking (p. 56)</b>	
<b>2.1a.</b>	Development opportunity sites within the Gateway character area should incorporate signature design elements on prominent corners such as projections, angled or curved façades, and special lighting and/or materials as well as landscape designs that visually connect to Chevy Chase Circle.	<ul style="list-style-type: none"> <li>• Not applicable to zoning; would be address through Public Space Committee reviews</li> </ul>
<b>2.1b.</b>	Public art such as sculptures, murals, or other form of art installations should be explored in the Gateway area to both mark this entry point into the District and as a form of historical interpretation.	<ul style="list-style-type: none"> <li>• Not applicable to zoning; would be address through Public Space Committee reviews</li> </ul>

	CCSAP	PROPOSED ZONING
<b>2.1c.</b>	Murals should be considered on highly visible side walls of mid-block buildings where windows are not feasible.	<ul style="list-style-type: none"> <li>• Zoning could not require the use of murals on side building walls; this could be encouraged as part of any discretionary review process.</li> </ul>
<b>2.1d.</b>	The WMATA site should be considered for activation and programming opportunities such as pop-up markets, concerts, and other community led events.	<ul style="list-style-type: none"> <li>• Not applicable to zoning; would be address through Public Space Committee reviews; these uses would b permitted by zoning.</li> </ul>
<b>2.2 Streetscape (p. 58)</b>		
<b>2.2a.</b>	Enhance the pedestrian experience with streetscape elements such as wider sidewalks on the east side of Connecticut Avenue, pedestrian scale lighting along the corridor and around block corners of side streets, and enhanced tree canopy and native plantings	<ul style="list-style-type: none"> <li>• Not applicable to zoning; would be address through Public Space Committee reviews.</li> </ul>
<b>2.2b.</b>	Enhance existing crosswalks across Connecticut Avenue to better connect the two sides of the retail main street.	<ul style="list-style-type: none"> <li>• Not applicable to zoning; would be address through Public Space Committee reviews.</li> </ul>
<b>2.2c.</b>	Establish dedicated sidewalk areas that accommodate outdoor seating, clear pedestrian paths, landscaping, and other amenities. The sidewalk along Connecticut Avenue can be broken down as follows: ...	<ul style="list-style-type: none"> <li>• Generally not applicable to zoning; would be addressed through Public Space Committee reviews.</li> <li>• H §§ 1009.2(l) and 1010.1(b) require parking, loading and trash collection to be from the alley where one exists.</li> </ul>
<b>2.2d.</b>	Allow for unique pavement, landscaping, and streetscape materials at the Civic Core site that is distinctive, reflecting the civic use of those spaces	<ul style="list-style-type: none"> <li>• Not applicable to zoning; would be address through Public Space Committee reviews.</li> </ul>
<b>2.2e.</b>	Parking and loading entrances should be located on alleys or secondary streets to minimize curb cuts along Connecticut Avenue and provide an uninterrupted pedestrian path.	<ul style="list-style-type: none"> <li>• H §§ 1009.2(l) and 1010.1(b) require parking, loading and trash collection to be from the alley where one exists.</li> <li>• H § 1009.2(m) requires any at grade parking be screened by designated uses along Connecticut Avenue.</li> </ul>

## ATTACHMENT 2 - PROPOSED TEXT AMENDMENT

Proposed changes to current regulations are highlighted – additional text is shown in **bold underline**, and deletions from existing text are shown in ~~**bold strikethrough**~~.

### Subtitle G, MIXED-USE (MU) ZONES

#### CHAPTER 1 INTRODUCTION TO MIXED-USE (MU) ZONES

##### 100 GENERAL PROVISIONS

100.1 Subtitle G is to be read and applied in addition to the regulations included in:

- (a) Subtitle A, Authority and Applicability;
- (b) Subtitle B, Definitions, Rules of Measurement, and Use Categories;
- (c) Subtitle C, General Rules;
- (d) Subtitle H, Neighborhood Mixed-Use (NMU) Zones; and
- (e) Subtitle U, Use Permissions.

100.2 Geographically modified zones are indicated by letters following the base zone name, such as MU-4/CAP/CHC or MU-7B/FT.

100.3 For those geographically modified zones, the zone boundaries are described in Subtitle W, Specific Zone Boundaries, and identified on the official Zoning Map.

##### 101 PURPOSE AND INTENT

101.1 The Mixed-Use (MU) zones provide for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling residential development at varying densities.

101.2 The MU zones are designed to provide facilities for housing, shopping, and business needs, including residential, office, service, and employment centers.

101.3 The MU zones are intended to:

- (a) Provide for the orderly development and use of land and structures in the MU zones, characterized by a mixture of land uses;
- (b) Provide for a varied mix of residential, employment, retail, service, and other related uses at appropriate densities and scale throughout the city;
- (c) Reflect a variety of building types, including, but not limited to, shop-front buildings which may include a vertical mixture of residential and non-residential uses, buildings made up entirely of residential uses, and buildings made up entirely of non-residential uses;
- (d) Encourage safe and efficient conditions for pedestrian and motor vehicle movement;
- (e) Ensure that infill development is compatible with the prevailing development pattern within the zone and surrounding areas;

- (f) Preserve and enhance existing commercial nodes and surroundings by providing an appropriate scale of development and range of shopping and service opportunities; and
- (g) Ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces.

...

101.9 The MU-4 zone is intended to:

- (a) Permit moderate-density mixed-use development;
- (b) Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and
- (c) Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers.

...

## **CHAPTER 2 DEVELOPMENT STANDARDS FOR MIXED-USE (MU) ZONES**

### **200 DEVELOPMENT STANDARDS**

200.1 The development standards of this chapter shall apply to all the MU-1 through MU-15 zones except as changed by a geographically modified zone.

200.2 The development standards regulate the bulk of buildings and other structures and the spaces around them, including the following:

- (a) Height and number of stories;
- (b) Density and lot occupancy;
- (c) Yards and setbacks; and
- (d) Environmental performance.

200.3 The Inclusionary Zoning (IZ) requirements and the available IZ modifications to certain development standards and bonus density shall apply to all MU zones as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle.

200.4 A building or structure in existence with a valid Certificate of Occupancy prior to January 1, 2022, may convert existing gross floor area to the “Residential” use category of Subtitle B § 200.2 as a matter of right even if the building or structure or portion thereof to be converted does not comply with the following development standards of this subtitle for residential use:

- (a) Courts;
- (b) Floor Area Ratio (FAR);

- (c) Green Area Ratio (GAR);
- (d) Height;
- (e) Lot Occupancy;
- (f) Waterfront Setback; or
- (g) Yards.

**201 DENSITY**

201.1 Except as provided elsewhere in this title, in any of the MU-1 through MU-14 zones, the maximum permitted floor area ratio (FAR) shall be as set forth in the following table:

**TABLE G § 201.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

<b>Zones</b>	<b>Maximum Total FAR</b>	<b>Maximum Non-Residential FAR</b>
MU-1	4.0 4.8 (IZ)	2.5
MU-2	6.0 7.2 (IZ)	3.5
MU-3A	1.0 1.2 (IZ)	1.0
MU-3B	2.0 2.4 (IZ)	1.5
MU-4	2.5 3.0 (IZ)	1.5
MU-5A	3.5 4.2 (IZ)	1.5
MU-5B	3.5 4.2 (IZ)	1.5
MU-6A	6.0 7.2 (IZ)	1.0
MU-6B	6.0 7.2 (IZ)	2.0
MU-7A	4.0 4.8 (IZ)	1.0
MU-7B	4.0 4.8 (IZ)	2.5
MU-8A	5.0 6.0 (IZ)	1.0
MU-8B	5.0 6.0 (IZ)	4.0
MU-9A	6.5 7.8 (IZ)	1.0
MU-9B	6.5 7.8 (IZ)	6.5
MU-10	6.0 7.2 (IZ)	3.0



Zones	Maximum Total FAR	Maximum Non-Residential FAR
MU-11	0.5	0.5
MU-12	2.5 3.0 (IZ)	1.0
MU-13	4.0 4.8 (IZ)	2.0
MU-14	6.0 7.2 (IZ)	5.0

201.2 In any of the MU-4 and MU-5 zones, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less may have a maximum density of 2.0 FAR for non-residential uses; provided the uses are located in the ground story and the story directly above the ground story. For new construction, any additional use is limited to 0.5 FAR.

...

**203 HEIGHT**

203.1 Except as provided elsewhere in this title, the maximum permitted height of buildings or structures, not including a penthouse or rooftop structure, and the maximum number of stories shall be as set forth in section.

203.2 The maximum permitted height of buildings or structures and number of stories, except as provided in Subtitle G §§ 203.3 through 203.5, shall be as set forth in the following table:

**TABLE G § 203.2: MAXIMUM HEIGHT AND NUMBER OF STORIES**

Zones	Maximum Height, Not Including Penthouse or Rooftop Structure (ft.)	Maximum Number of Stories
MU-1	65 70 (IZ)	No Limit
MU-2	90	No Limit
MU-3A	40	3
MU-3B	50	4
<b>MU-4</b>	<b>50</b>	<b>No Limit</b>
MU-5A	65 70 (IZ)	No Limit
MU-5B	75	No Limit
MU-6A MU-6B	90 100 (IZ)	No Limit
MU-7A MU-7B	65	No Limit
MU-8A MU-8B	70	No Limit
MU-9A MU-9B	90 100 (IZ)	No Limit

Zones	Maximum Height, Not Including Penthouse or Rooftop Structure (ft.)	Maximum Number of Stories
MU-10	90 100 (IZ)	No Limit
MU-11	40	No Limit
MU-12	45 50 (IZ)	No Limit
MU-13	60 80 (IZ)	No Limit
MU-14	90 100 (IZ)	No Limit
MU-15	110	No Limit

...

**205 PENTHOUSE AND ROOFTOP STRUCTURE**

205.1 In any of the MU-1 through MU-15 zones, the maximum permitted height of a penthouse or rooftop structure, except as limited by Subtitle C § 1501 on the roof of a single household dwelling or flat, shall be as set forth in the following table:

**TABLE G § 205.1: MAXIMUM PENTHOUSE AND ROOFTOP STRUCTURE HEIGHT AND NUMBER OF STORIES**

Zones	Maximum Height	Maximum Number of Stories
MU-1	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-2	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space
MU-3A MU-3B MU-4 MU-11 MU-12	12 ft., except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5A MU-7A MU-7B MU-13	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5B MU-8A MU-8B	20 ft.	1; Second story permitted for penthouse mechanical space
MU-6A MU-6B MU-9A MU-9B MU-10 MU-14 MU-15	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

...

**207 REAR YARD**

207.1 Except as provided elsewhere in this title, in any of the MU-1 through MU-15 zones, the minimum required rear yard shall be as set forth in this section.

207.2 In all MU zones, where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

...

207.6 Except as provided in Subtitle G § 207.8, in any of the MU-4 through MU-6 zones, a minimum rear yard of fifteen feet (15 ft.) shall be provided.

...

207.8 In any of the MU-3 through MU-7 zones, the depth of rear yard required in Subtitle G §§ 207.5 through 207.7 may be measured as follows:

- (a) For that portion of the structure below a horizontal plane twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure from the center line of the alley to the rear wall of the portion; and
- (b) For that portion of the structure above the horizontal plane described in Subtitle G § 207.8(a), the depth of rear yard shall be measured from the rear lot line to the rear wall of that portion immediately above the plane.

...

207.14 Relief from the rear yard requirements of Subtitle G § 207 may be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:

- (a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;
- (b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;
- (c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;
- (d) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and
- (e) Upon receiving an application for relief from rear yard requirements of this section, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with coordination of reviews in writing from all relevant District of Columbia departments and agencies, including:
  - (1) The District Department of Transportation;
  - (2) The Department of Housing and Community Development; and

- (3) The Historic Preservation Office if the application involves a historic district or historic landmark.

**208 SIDE YARD**

- 208.1 Except as provided elsewhere in this title, in any of the MU-1 through MU-15 zones, the minimum side yard shall be as set forth in this section.
- 208.2 In any of the MU-1 through MU-10 and MU-15 zones, no side yard is required for a building or structure other than a detached or semi-detached single household dwelling; however, if a side yard is provided, it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building, but no less than five feet (5 ft.).
- 208.3 In any of the MU-1 through MU-10 and MU-15 zones, a minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached single household dwelling.
- ...
- 208.6 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.

**209 COURT**

- 209.1 Courts are not required in any of the MU-1 through MU-15 zones; however, where a court is provided, the court shall have the following minimum dimensions:

**TABLE G § 209.1: MINIMUM COURT DIMENSIONS**

Type of Structure	Open Court Minimum Width	Closed Court	
		Minimum Width	Minimum Area
Residential, 3 or more units	4 in. per 1 ft. of height of court but not less than 10 ft.	4 in. per 1 ft. of height of court; but not less than 15 ft.	Twice the square of the required width of court dimension based on the height of the minimum court width; but not less than 350 sq. ft.
All Other Structures	2.5 in. per 1 ft. of height of court but not less than 6 ft.	2.5 in. per 1 ft. of height of court; but not less than 12 ft.	Twice the square of the required width of court dimension based on the height of the minimum court width; but not less than 250 sq. ft.

**210 LOT OCCUPANCY**

- 210.1 Except as provided in Subtitle G § 210.4 and elsewhere in this title, in any of the MU-1 through MU-15 zones, the maximum permitted lot occupancy for a residential use shall be as set forth in the following table:

**TABLE G § 210.1: MAXIMUM LOT OCCUPANCY FOR RESIDENTIAL USE**

Zones	Maximum Percentage of Lot Occupancy (%)
MU-1	80
MU-2	80 90 (IZ)

Zones	Maximum Percentage of Lot Occupancy (%)
MU-3A	60
MU-3B	60 75 (IZ)
<b>MU-4</b>	<b>60</b> <b>75 (IZ)</b>
MU-5A MU-5B	80
MU-6A MU-6B	75 80 (IZ)
MU-7A MU-7B	75 80 (IZ)
MU-8A MU-8B	N/A
MU-9A MU-9B	N/A
MU-10	75 80 (IZ)
MU-11	See Subtitle G § 210.3
MU-12	80
MU-13	75
MU-14	75 80 (IZ)
MU-15	N/A

...

**211 GREEN AREA RATIO**

211.1 The minimum required green area ratio (GAR) in any of the MU-1 through MU-10 and MU-12 through MU-15 zones shall be as set forth in the following table:

**TABLE G § 211.1: MINIMUM GREEN AREA RATIO**

Zones	Minimum GAR
MU-1 MU-2 MU-3 <b>MU-4</b> MU-5 MU-6 MU-12 MU-13 MU-14	<b>0.30</b>
MU-7 MU-8	0.25
MU-9 MU-10	0.20

Zones	Minimum GAR
MU-15	

...

**CHAPTER 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR MIXED-USE (MU) ZONES**

**5200 GENERAL PROVISIONS**

- 5200.1 Except for density, height, and penthouse and rooftop structure, the Board of Zoning Adjustment may grant relief from the development standards of this subtitle, as a special exception subject to the criteria at Subtitle X, Chapter 9.
- 5200.2 Requested relief that does not comply with specific conditions or limitations of a special exception authorized by this subtitle shall be processed as a variance pursuant to Subtitle X, Chapter 10.

## **SUBTITLE H, NEIGHBORHOOD MIXED-USE (NMU) ZONES**

### **CHAPTER 1 INTRODUCTION TO NEIGHBORHOOD MIXED-USE (NMU) ZONES**

#### **100 GENERAL PROVISIONS**

100.1 Subtitle H is to be read and applied in addition to the regulations included in:

- (a) Subtitle A, Authority and Applicability;
- (b) Subtitle B, Definitions, Rules of Measurement, and Use Categories;
- (c) Subtitle C, General Rules; and
- (d) Subtitle G, Mixed-Use (MU) Zones.

100.2 Geographically modified zones are indicated by letters following the base zone name, such as NMU-7B/GA or NMU-8B/H-H.

100.3 For those geographically modified zones, the zone boundaries are described in Subtitle W, Specific Zone Boundaries, and identified on the official Zoning Map.

#### **101 PURPOSE AND INTENT**

101.1 The Neighborhood Mixed-Use (NMU) zones are designed to provide for stable mixed-use areas permitting a range of commercial and multiple dwelling unit residential development in defined neighborhood commercial areas.

101.2 In addition to the purpose statements of each MU zone stated in Subtitle G and the individual chapters of this subtitle, the purposes of the NMU zones are to:

- (a) Provide for a varied mix of residential, employment, retail, service, and other related uses in the area;
- (b) Encourage safe and efficient conditions for pedestrian and motor vehicle movement;
- (c) Preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services;
- (d) Encourage a general compatibility in scale between new and older buildings;
- (e) Encourage retention and establishment of a variety of retail, entertainment, and personal service establishments, predominantly in a continuous pattern at ground level, to meet the needs of the surrounding area's residents, workers, and visitors;
- (f) Encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient conditions for pedestrian and vehicular movement;
- (g) Identify designated roadways within NMU zones with limitations on driveways and curb cuts; and



- (h) Identify designated use areas within NMU zones within which use restriction shall apply to the ground floor.

## **CHAPTER 2 GENERAL DEVELOPMENT STANDARDS FOR NEIGHBORHOOD MIXED-USE (NMU) ZONES**

### **200 DEVELOPMENT STANDARDS**

- 200.1 The development standards of the MU zones of Subtitle G shall apply to the relevant NMU zones except as changed by a geographically modified zone.
- 200.2 In the NMU, the development standards for lodging uses shall be those for non-residential uses except for FAR.
- 200.3 In the NMU zones, no driveway providing access from any designated roadway to required parking spaces or loading berths shall be permitted.
- 200.4 The Inclusionary Zoning (IZ) requirements and the available IZ modifications and bonus density shall apply to all NMU zones, except for Square 907 in the NMU-7B/ES zone, as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle; provided that new penthouse habitable space, as described in Subtitle C § 1507.2, in Square 907 in the NMU-7B/ES zone shall be subject to the IZ requirements.
- 200.5 A building or structure in existence with a valid Certificate of Occupancy prior to January 1, 2022, may convert existing gross floor area to the “Residential” use category of Subtitle B § 200.2 as a matter of right even if the building or structure or portion thereof to be converted does not comply with the following development standards of this subtitle for residential use:
  - (a) Courts;
  - (b) Floor Area Ratio (FAR);
  - (c) Green Area Ratio (GAR);
  - (d) Height;
  - (e) Lot Occupancy; or
  - (f) Yards.
- 200.6 Notwithstanding Subtitle H § 200.5, the requirements for ground floor designated uses of Subtitle H § 6001 shall apply.

### **201 PLANNED UNIT DEVELOPMENT**

- 201.1 In the NMU zones, the matter-of-right building height, floor area ratio, and penthouse and rooftop structure height shall serve as the guidelines for a planned unit development.

...

**CHAPTER 10 CHEVY CHASE NEIGHBORHOOD MIXED-USE ZONES –  
NMU-4/CC1 and NMU-4/CC2**

**1000 PURPOSE AND INTENT**

**1000.1 The purposes of the NMU-4/CC1 and NMU-4/CC2 zones shall be those of the MU-4 zone as set forth in Subtitle G § 101, those of the Neighborhood Mixed-Use zones, as set forth in Subtitle H § 101, and the following:**

- (a) Implement the policies and goals of the Chevy Chase Small Area Plan as approved by the Council of the District of Columbia, effective July 12, 2022 (PR-0564);**
- (b) Permit mixed-use development at a moderate density;**
- (c) Permit reimagining of the Chevy Chase Community Center and Library site, including mixed-income housing and community gathering space.**
- (d) Establish Design Guidelines that encourage sustainable, well designed new development that is compatible with the surrounding built environment and contributes to the main street character;**
- (e) Establish Connecticut Avenue, NW between Western Avenue, NW and Livingston Street, NW as an attractive, active, pedestrian-oriented commercial corridor with a convenient mix of neighborhood-serving shops and services;**
- (f) Allow and encourage residential development to help meet the need for housing, by accommodating a greater range of resident diversity to advance the District’s housing equity goals, and by mapping both the NMU-4/CC1 and NMU-4/CC2 zones as subject to IZ Plus; and**

**1000.2 The NMU-4/CC1 zone is intended to permit mixed-use development at a moderate density.**

**1000.3 The NMU-4/CC2 zone is intended to permit mixed-use development and institutional uses at a moderate density.**

**1001 DEVELOPMENT STANDARDS**

**1001.1 The MU-4 zone development standards in Subtitle G, Chapter 2 shall apply to the NMU-4/CC1 and NMU-4/CC2 zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

**1002 DESIGNATED USE AREA**

**1002.1 In the NMU-4/CC1 and NMU-4/CC2 zones, the designated use area shall include any lot that fronts onto Connecticut Avenue, NW. Within this area, designated uses shall be provided pursuant to Subtitle H § 6001.**

**1003**      **DESIGNATED ROADWAY**

**1003.1**      **In the NMU-4/CC1 and NMU-4/CC2 zones, the designated roadway shall be Connecticut Avenue, NW.**

**1004**      **DENSITY**

**1004.1**      **In the NMU-4/CC2 zone, the maximum permitted floor area ratio (FAR) shall be as set forth in the following table:**

**TABLE H § 1004.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

<u>Zone</u>	<u>Maximum Total FAR</u>	<u>Maximum Non-Residential FAR</u>
<u>NMU-4/CC2</u>	<u>3.0</u> <u>3.6 (IZ)</u>	<u>1.5</u>

**1004.2**      **In the NMU-4/CC1 zone, new construction that preserves an existing façade constructed before 1958 is permitted an increase of 0.5 FAR to the maximum permitted density.**

**1005**      **HEIGHT**

**1005.1**      **In the NMU-4/CC1 and NMU-4/CC2 zones, the maximum permitted building height, not including a penthouse or rooftop structure, shall be as set forth in the following table:**

**TABLE H § 1005.1: MAXIMUM HEIGHT**

<u>Zones</u>	<u>Maximum Height, Not Including Penthouse or Rooftop Structure (ft.)</u>
<u>NMU-4/CC2</u>	<u>65</u> <u>65 (IZ)</u>

**1005.2**      **Buildings along the designated street should have a minimum height of twenty-five feet (25 ft.).**

**1006**      **REAR YARD**

**1006.1**      **The requirements of Subtitle G § 207.8 shall not apply to the NMU-4/CC2 zone.**

**1006.2**      **In the NMU-4/CC2, the depth of the required rear yard shall be measured as the mean horizontal distance between the rear line of a building and the rear lot line abutting an alley or an R or RF zone.**

**1007 SIDEYARD**

**1007.1** In the NMU-4/CC1 and NMU-4/CC2 zones, no side yard is required for a building or structure other than a detached or semi-detached single household dwelling; however, if a side yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than six feet (6 ft.).

**1007.2** Notwithstanding Subtitle H § 1007.1, where an NMU-4/CC1 or NMU-4/CC2 zone is not separated by an alley from an R or RF zoned property, a side yard shall be provided of least fifteen feet (15 ft.).

**1008 LOT OCCUPANCY**

**1008.1** In the NMU-4/CC2 zone, the maximum permitted lot occupancy for both residential use and all other uses shall be as set forth in the following table:

TABLE G § 1008.1: MAXIMUM PERMITTED LOT OCCUPANCY

<u>Zone</u>	<u>Maximum Percentage of Lot Occupancy Residential Use (%)</u>	<u>Maximum Percentage of Lot Occupancy All Other Uses (%)</u>
<u>NMU-4/CC2</u>	<b>80</b> <b>80 (IZ)</b>	<u>60</u>

**1009 DESIGN REQUIREMENTS CHEVY CHASE NEIGHBORHOOD NMU-4/CC1 MIXED-USE ZONE**

**1009.2** In the NMU-4/CC1 zone, the following design requirements shall apply to a new building or addition on any lot fronting onto Connecticut Avenue, NW, Livingston Street, NW, McKinley Street, NW, or Northampton Street, NW:

- (a) **No part of the building, including the penthouse or rooftop structure, shall project above a plane drawn at a forty-five degree (45°) angle from a line located twenty-five feet (25 ft.) directly above a rear property line that abuts an alley, or zone boundary line with an R or RF zone.**
- (b) **A set back of not less than three feet (3 ft.) shall be provided from the building façade along Connecticut Avenue, NW for:**
  - (1) **Any portion of a building or structure above the third story; or**
  - (2) **Any portion of a building or structure above a retained building façade pursuant to Subtitle H § 1009.1;**
- (c) **Buildings shall be designed and built so that not less than seventy-five percent (75%) of the street wall at the street level shall be constructed to the property line abutting the street right-of-way, not including permitted projections into public space;**
- (d) **Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.) on average for the linear frontage of the building;**

- (e) Not less than fifty percent (50%) of the surface area of the street wall at the ground level of each building shall be devoted to display windows having clear or clear/low emissivity glass and to entrances to commercial uses or to the building;
- (f) Security grilles shall have no less than seventy percent (70%) transparency;
- (g) Not more than fifty percent (50%) of the front facade of each building above the ground level, or for a building which is retaining an existing facade, above the facade to be retained, may be devoted to windows or glazing of any type;
- (h) The ground floor level of each new building or building addition shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.);
- (i) A building which provides a ground floor level clear floor-to-ceiling height of eighteen feet (18 ft.) or more shall be permitted an additional five feet (5 ft.) of building height over that permitted in the zone;
- (j) Each space devoted to a designated use with frontage on Connecticut Avenue, NW shall have an individual public entrance directly at grade with the public sidewalk along Connecticut Avenue, NW;
- (k) On a corner lot that fronts onto both Connecticut Avenue, NW and a side street, any entrance to residential portions of the building shall be located on the side street;
- (l) Vehicle parking, loading and trash collection shall be accessed from the alley where an alley of exists. Trash and recycling rooms shall be located internal to the building, and located at-grade level of the building; and
- (m) Vehicle parking spaces shall be located below or at grade. If at grade, no portion of the parking shall be within 20 feet of the Connecticut Avenue right of way and shall be screened along Connecticut Avenue with designated uses.

1009.3 The requirements of Subtitle H §§ 1009.2(c) through (i) shall not apply to a building preserving a front facade pursuant to Subtitle H §§ 1009.1.

1010 DESIGN REQUIREMENTS CHEVY CHASE NEIGHBORHOOD NMU-4/CC2 MIXED-USE ZONE

1010.1 In the NMU-4/CC2 zone, the following design requirements shall apply to any building fronting onto Connecticut Avenue, NW:

- (a) No part of the building, including the penthouse or rooftop structure, shall project above a plane drawn at a forty-five degree (45°) angle from a line located twenty-five feet (25 ft.) directly above a rear property line that abuts an alley or zone boundary line with an R or RF zone;

- (b) **Vehicle parking, loading and trash collection shall be accessed from the adjacent alley where one exists. Trash and recycling rooms shall be located internal to the building and located at-grade level of the building; and**
- (c) **Vehicle parking spaces shall be located below or at grade. If at grade, no portion of the parking shall be within 20 feet of the Connecticut Avenue right of way and shall be screened along Connecticut Avenue with designated uses.**

**CHAPTERS 1011 through 1251 [RESERVED]**

**CHAPTER 52 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED  
DEVELOPMENT STANDARDS**

**5200 GENERAL PROVISIONS**

5200.1 Unless specifically provided for in this subtitle, the Board of Zoning Adjustment may not grant special exception relief from the density, height, and penthouse and rooftop structure development standards.

5200.2 The Board of Zoning Adjustment may grant special exception relief from the development standards of this subtitle, pursuant to Subtitle X, Chapter 9 and subject to the following:

- (a) The building or feature for which the relief is sought, at the size, intensity, and location proposed, will substantially advance the stated purposes of the NMU zones, and will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity;
- (b) The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located; and, if a historic district or historic landmark is involved, the Office of Planning report to the Board of Zoning Adjustment shall include review by the Historic Preservation Office and a status of the project's review by the Historic Preservation Review Board;
- (c) Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the requested relief;
- (d) Vehicular access and egress are located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions;
- (e) Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences;
- (f) Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences; and
- (g) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the NMU zone.

5200.3 Requested relief that does not comply with specific conditions or limitations of a special exception authorized by this subtitle shall be processed as a variance pursuant to Subtitle X, Chapter 10.

**CHAPTER 60 USE PERMISSIONS FOR NEIGHBORHOOD MIXED-USE (NMU) ZONES**

**6000 GENERAL USE PERMISSIONS**

- 6000.1 This chapter contains the use permissions, conditions, and special exceptions for the NMU zones.
- 6000.2 Uses are permitted as a matter of right or as a special exception.
- 6000.3 A condition on a matter-of-right use may limit a use category to one (1) or more specific uses, modify the characteristic(s) of a use, or limit a use to specific zone.
- 6000.4 Uses are permitted as either principal or accessory uses unless specifically permitted as only a principal or accessory use.
- 6000.5 Other accessory uses that are customarily incidental and subordinate to the principal uses permitted in this chapter shall be permitted.
- 6000.6 Designated uses, as described by this chapter, shall be provided pursuant to the requirements of Subtitle H § 6001. All other uses shall be provided pursuant to the requirements of this chapter.
- 6000.7 Antennas in NMU zones shall be controlled by Subtitle C, Chapter 13.
- 6000.8 Use groups for the NMU zones are as follows:

**TABLE H § 6000.8: NMU USE GROUPS**

Use Group A	Use Group B	Use Group C
NMU-3A/MW	NMU-4/TK	
	NMU-4/CP	
	NMU-4/WP	
	NMU-4/GA	NMU-5A/WP
	NMU-4/H-H	NMU-7B/ES
	NMU-5A/H-H	NMU-7B/GA
	NMU-6B/H-H	NMU-7B/H-H
	NMU-4/H-A	NMU-8B/H-H
	NMU-4/H-R	NMU-7B/H-A
	NMU-5A/H-R	
	<u>NMU-4/CC1</u>	
	<u>NMU-4/CC2</u>	

**6001 DESIGNATED AND RESTRICTED USES**

- 6001.1 In the NMU zones, any building that occupies or is constructed on a lot in a designated use area shall provide designated retail and service establishments on the ground level according to the requirements of this chapter and any additional requirements of the particular zone.



- 6001.2 The NMU zone designated uses, for the purposes of this subtitle, are those permitted in the following use categories subject to any conditions of this section:
- (a) Animal sales, care, and boarding;
  - (b) Arts, design, and creation;
  - (c) Eating and drinking establishments;
  - (d) Entertainment, assembly, and performing arts;
  - (e) Financial and general services; and
  - (f) Retail.
- 6001.3 The designated uses shall occupy no less than fifty percent (50%) of the gross floor area of the ground floor level of the building within a designated use area, subject to the following requirements:
- (a) No more than twenty percent (20%) of the ground floor level area shall be financial services, travel agencies, or other ticket offices;
  - (b) Except in the **NMU-4/CC1, NMU-4/CC2**, NMU-4/H-H, NMU-4/H-A, NMU-4/H-R, NMU-5A/H-H, NMU-5A/H-R, NMU-6B/H-H, NMU-7B/H-H, NMU-7B/ES, NMU-7B/H-A, and NMU-8B/H-H zones, eating and drinking establishments, and fast food establishments where permitted, shall be subject to the following limitations:
    - (1) These uses shall occupy no more than twenty-five percent (25%) of the linear street frontage within a particular NMU zone, as measured along the lots in the designated use area in the particular zone; and
    - (2) Except for fast food establishments, eating and drinking establishments may occupy the full ground floor requirements of this subsection; provided, that they shall remain subject to the linear street frontage requirement of paragraph (b)(1) of this subsection;
  - (c) In the NMU-7B/ES zone, eating and drinking establishments shall occupy no more than fifty percent (50%) of the linear street frontage as measured along the lots that face the designated roadway of which no more than one-half (0.5) of the 50% of the linear street frontage shall be occupied by fast food establishments and prepared food shops;
  - (d) In those parts of the affected building or lot other than as delineated in this section, the matter-of-right use provisions of the zone shall apply; and
  - (e) For the purposes of this section the designated use areas of the NMU-4/WP and NMU-5A/WP zones shall be treated as a single zone.
- 6001.4 The following conditions shall apply to the matter-of-right designated uses in a designated use area in the specified NMU zones:
- (a) In the NMU-3A/MW zone, entertainment and performing arts shall not be considered a designated use;

- (b) In the NMU-4/TK, NMU-4/H-H, NMU-5A/H-H, NMU-6B/H-H, NMU-7B/H-H, and NMU-8B/H-H zones, residential uses may also be considered designated uses;
- (c) In the NMU-4/CP zone, no dwelling unit or rooming unit in existence as of October 1, 1987, shall be converted to any nonresidential use or to a transient use such as hotel or inn; provided, that this restriction shall not apply to the ground floor of the building; that is, that floor that is nearest in grade elevation to the sidewalk;
- (d) In the NMU-4/GA and NMU-7B/GA zones, liquor stores and pawn shops shall not be permitted;
- (e) In the NMU-7B/H-H and NMU-8B/H-H zones, catering establishments and bakeries may also be considered designated uses;
- (f) In the NMU-4/H-A and NMU-7B/H-A zones, designated uses shall be limited to uses within the arts, design and creation, and the eating and drinking use categories; ~~and~~
- (g) **In the NMU-4/CC2 zone, designated uses shall also include Local Government and Parks and Recreation uses;**
- ~~(g)~~**(h)** In all NMU zones, animal sales, care, and boarding as a matter-of-right designated use shall be limited to:
  - (1) An establishment used by a licensed veterinarian for the practice of veterinary medicine subject to the following:
    - (A) No more than fifty percent (50%) of the gross floor area of the veterinary office may be devoted to the boarding of animals;
    - (B) The veterinary office shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
    - (C) The veterinary office shall not abut an existing residential use or a residential zone;
    - (D) External yards or other external facilities for the keeping of animals shall not be permitted; and
    - (E) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence shall be permitted as accessory uses;
  - (2) An animal grooming business provided there are no boarding facilities, and no external yards or other external facilities for the keeping of animals; and
  - (3) An animal boarding use located in a basement or cellar space subject to the following:

- (A) The use shall not be located within twenty-five feet (25 ft.) of a lot within an R, RF, or RA zone. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the animal boarding use and any portion of a street or alley that separates the use from a lot within an R, RF, or RA zone. Shared facilities not under the sole control of the animal boarding use, such as hallways and trash rooms, shall not be considered as part of the animal boarding use;
- (B) There shall be no residential use on the same floor as the use or on the floor immediately above the animal boarding use;
- (C) Windows and doors of the space devoted to the animal boarding use shall be kept closed and all doors facing a residential use shall be solid core;
- (D) No animals shall be permitted in an external yard on the premises;
- (E) Animal waste shall be placed in a closed-waste-disposal containers and shall be collected by a licensed waste disposal company at least weekly;
- (F) Odors shall be controlled by means of an air filtration or an equivalently effective odor control system; and
- (G) Floor finish materials and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor shall be impervious and washable; and

(4) Animal sales, including pet shops, shall not be permitted.

6001.5 In a NMU zone, no drive-through or drive-in operation shall be permitted as a principal or accessory use.

**6002 USES IN NMU ZONES**

6002.1 Uses in those parts of a building or lot in a NMU zone that are not within a designated use area shall be permitted by Subtitle H § 6003 and the remainder of this chapter.

6002.2 When there is a difference between use permissions and conditions of this section and the designated use provisions and conditions of this chapter, the more restrictive provisions or conditions shall apply.

**6003 MATTER-OF-RIGHT USES (NMU - USE GROUPS A, B, AND C)**

6003.1 The following uses in this section shall be permitted as a matter of right:

- (a) NMU zone designated uses;
- (b) Agriculture, large;
- (c) Arts, design, and creation;

- (d) Chancery;
- (e) Community solar facility, subject to the following conditions:
  - (1) Roof-mounted solar array of any size; or
  - (2) Ground-mounted solar array, subject to the following requirements:
    - (A) Measures no greater than twenty feet (20 ft.) in height;
    - (B) Has an aggregate panel face area of one-and-one half (1.5) acres or less;
    - (C) Meets the yard and height development standards of the zone; and
    - (D) Where the panels are sited no less than forty feet (40 ft.), including any intervening street or alley, from an adjacent property in the R, RF, or RA-1 zone;
- (f) Daytime care;
- (g) Education, private;
- (h) Education, public;
- (i) Government, local;
- (j) Institutional, general and religious;
- (k) Medical care;
- (l) Office, including chancery;
- (m) Parking;
- (n) Parks and recreation;
- (o) Residential;
- (p) Retail;
- (q) Services, financial;
- (r) Short-Term Rental as an accessory use to a principal residential use; and
- (s) Transportation infrastructure.

**6004 MATTER-OF-RIGHT USES (NMU – USE GROUP A)**

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**6005 SPECIAL EXCEPTION USES (NMU – USE GROUP A)**

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**6006 MATTER-OF-RIGHT USES (NMU - USE GROUP B)**

6006.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

- a) Uses permitted as a matter of right in any R, RF, or RA zone;
- (b) Any uses permitted in Subtitle H § 6003;
- (c) Animal sales, care, and boarding uses, subject to the conditions of Subtitle H § 6001.4(g);
- (d) Eating and drinking establishment uses, except for:
  - (1) A prepared food shop shall be permitted as a matter of right with seating for no more than twenty-four (24) patrons; and
  - (2) A fast food establishment and a food delivery business shall not be permitted as a matter of right;
- (e) Emergency shelter use for no more than four (4) persons, not including resident supervisors or staff and their families;
- (f) Education uses in the MU-5A/H-H, MU-6B/H-H, and MU-5A/H-R zones only;
- (g) Firearms retail sales establishments, except that no portion of the establishment shall be located within three hundred feet (300 ft.) of:
  - (1) Any R, RF, RA, MU-1, or MU-2 zones; or
  - (2) A place of worship, public or private school, public library, or playground;
- (h) Lodging uses, except that they shall not be permitted in the MU-4/CP and MU-4/WP zones;
- (i) Motor vehicle uses shall be limited to the following and subject to the corresponding conditions:
  - (1) An automobile rental agency;
  - (2) A car wash with stacking spaces for a minimum of fifteen (15) cars;
  - (3) A gasoline service station with a valid certificate of occupancy that has not been replaced by another use with a valid certificate of occupancy; and
  - (4) Gasoline service station as an accessory use to a parking garage or public storage garage; provided:
    - (A) All portions of the gasoline service station shall be located entirely within the garage;
    - (B) No part of the accessory use shall be visible from a sidewalk; and
    - (C) Signs or displays indicating the existence of the accessory use shall not be visible from the outside of the garage;
- (j) Service (general) uses subject to the following limitations and corresponding conditions:

- (1) A self-service or full-service laundry, or dry-cleaning establishment shall not exceed two thousand five hundred square feet (2,500 sq. ft.) of gross floor area and no dry-cleaning chemicals shall be used or stored on site; and
- (2) Any establishment that has as a principal use the administration of massage shall not be permitted as a matter of right; and
- (k) Utility (basic) uses limited to optical transmission nodes.

**6007 SPECIAL EXCEPTION USES (NMU - USE GROUP B)**

6007.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the conditions applicable to each use as follows:

- (a) Animal care and boarding uses not meeting the conditions of Subtitle H § 6001.4(g) for these uses, subject to the conditions of Subtitle H §§ 6005.1(a) and (b) for these uses;
- (b) [RESERVED];
- (c) Community solar facility not meeting the requirements of Subtitle H § 6003.1(e), subject to the following:
  - (1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:
    - (A) Maintains as many existing native trees as possible;
    - (B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;
    - (C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and
  - (2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report;
- (d) Emergency shelter uses for up to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions in Subtitle H § 6005.1(e);
- (e) Eating and drinking establishment uses as follows:
  - (1) Prepared food shop with seating for more than twenty-four (24) patrons; and
  - (2) Fast food establishments or food delivery businesses shall be permitted, subject to the following conditions:
    - (A) The uses shall not be permitted in the MU-4/WP zone;

- (B) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of any R, RA, or RF zone unless separated therefrom by a street or alley;
  - (C) If any lot line of the lot abuts an alley containing a zone boundary line for a residential zone, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot;
  - (D) Any refuse dumpsters shall be housed in a three- (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face an R, RA, or RF zone;
  - (E) The use shall not include a drive-through;
  - (F) There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone boundary line for a residential zone; and
  - (G) The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions;
- (f) Education, college/university uses subject to Subtitle X § 102, in all the other zones in NMU Use Group B that are not allowed as a matter of right;
- (g) Motor vehicle-related uses are not permitted except for the following uses subject to the corresponding conditions:
- (1) The uses shall not be permitted in the NMU-4/H-A and NMU-4/H-R zones; and
  - (2) A gasoline service station or repair garage not including body or fender work, subject to the following conditions:
    - (A) The use shall not be located within twenty-five feet (25 ft.) of any R, RF, or RA zone;
    - (B) The operation of the use shall not create dangerous or other objectionable traffic conditions; and
    - (C) Parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces shall be designed to allow parking and removal of any vehicles without moving any other vehicle onto public space;
- (h) Motorcycle sales and repair uses subject to the following conditions:
- (1) The use and all its accessory facilities shall be located within a building; and

- (2) No portion of a building used for motorcycle sales and repair shall be located within fifty feet (50 ft.) of any R, RF, RA, MU-1, and MU-2 zones;
- (i) Parking as accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use subject to the following conditions:
  - (1) The total number of parking spaces provided for the principal use shall not exceed the minimum number of spaces required for the principal use;
  - (2) It shall be considered economically impracticable or unsafe to locate the parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following:
    - (A) Strip zoning or shallow zoning depth;
    - (B) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;
    - (C) Unusual topography, grades, shape, size, or dimensions of the lot;
    - (D) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or
    - (E) Traffic hazards caused by unusual street grades or other conditions; and
  - (3) The parking spaces shall be located, and all facilities in relation to the parking spaces shall be designed, so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.
- (j) Service (general) uses subject to the following limitations and corresponding conditions:
  - (1) A self-service or full-service laundry or dry-cleaning establishment that exceeds two thousand five hundred square feet (2,500 sq. ft.) of gross floor area; and
  - (2) An establishment that has as a principal use the administration of massage;
- (k) Utility (basic) uses, other than an optical transmission node, but not including an EEF use, provided the Board of Zoning Adjustment concludes the use will not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities, inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement;
- (l) Youth Rehabilitation Home, Adult Rehabilitation Home provided that the use shall house no more than twenty (20) persons, not including resident supervisors or staff and their families.



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**6010 PROHIBITED USES IN NMU ZONES**

6010.1 Any use not permitted as a matter of right or as a special exception in this chapter shall be deemed to be prohibited.

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**SUBTITLE W SPECIFIC ZONE BOUNDARIES**

**CHAPTER 1 BOUNDARIES**

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**124 CHEVY CHASE MIXED-USE ZONES**

**124.1 The Chevy Chase Neighborhood Mixed Use Zone NMU-4/CC1 shall be mapped in Squares 1859, 1860, 1865, 1867, and 1868 on lots generally along Connecticut Avenue, NW, between Western Avenue, NW and Livingston Street, NW, and identified in the Comp Plan and Chevy Chase Small Area Plan for mixed-use development.**

**124.2 The Chevy Chase Neighborhood Mixed Use Zone NMU-4/CC2 shall be mapped in Square 1866 Lot 823 on Connecticut Avenue, NW between Northampton Street, NW and McKinley Street, NW, and identified in the Comp Plan and Chevy Chase Small Area Plan for mixed-use and local public facility development.**