

# UNDERSTANDING the NEW MIXED-USE ZONING for CHEVY CHASE DC

## SUMMARY

On April 29, 2024, the DC Zoning Commission will consider [public testimony](#) on proposed new land use zones for Chevy Chase mainstreet – from Chevy Chase Circle to Livingston Street NW along Connecticut Avenue. These zoning changes are intended to guide the redevelopment along the avenue to meet the District’s goals of increased affordable housing, enhanced building design and improved public spaces. While no significant development has occurred for five decades or is imminent on private land, the District-owned civic core site is planned for redevelopment with a new library, community center, and the addition of affordable, mixed income housing. Three new zones are proposed:

- The main two zone changes are along the Connecticut Avenue commercial corridor between Livingston Street and Chevy Chase Circle – creating two new Neighborhood Mixed-Use (NMU) zones.
  - Most of this short portion of Connecticut Avenue’s commercial blocks are to be rezoned to NMU-4/CC-1, which allows a modest increase in height and density and is similar to the existing MU-4 (Mixed-Use) zone.
  - The library/community center block would be rezoned to NMU-4/CC-2 which includes a further increase in density to achieve more opportunities for affordable housing and to offset a requirement to create significant public open space at ground level, and is similar to the existing MU-4 PUD (Planned Unit Development) zone.
  - The increased allowable density under these zones would be subject to Inclusionary Zoning Plus (IZ+) which requires more affordable housing than regular Inclusionary Zoning.
- The third change is to designate a few parcels Residential Flat (RF-1) zone (a common zone that allows 1 and 2-unit rowhouses). These are small sites, but are in key locations off the avenue that are not appropriate for mixed use but will serve as a transition from the scale of the avenue to the scale of the single-family houses on the side streets.

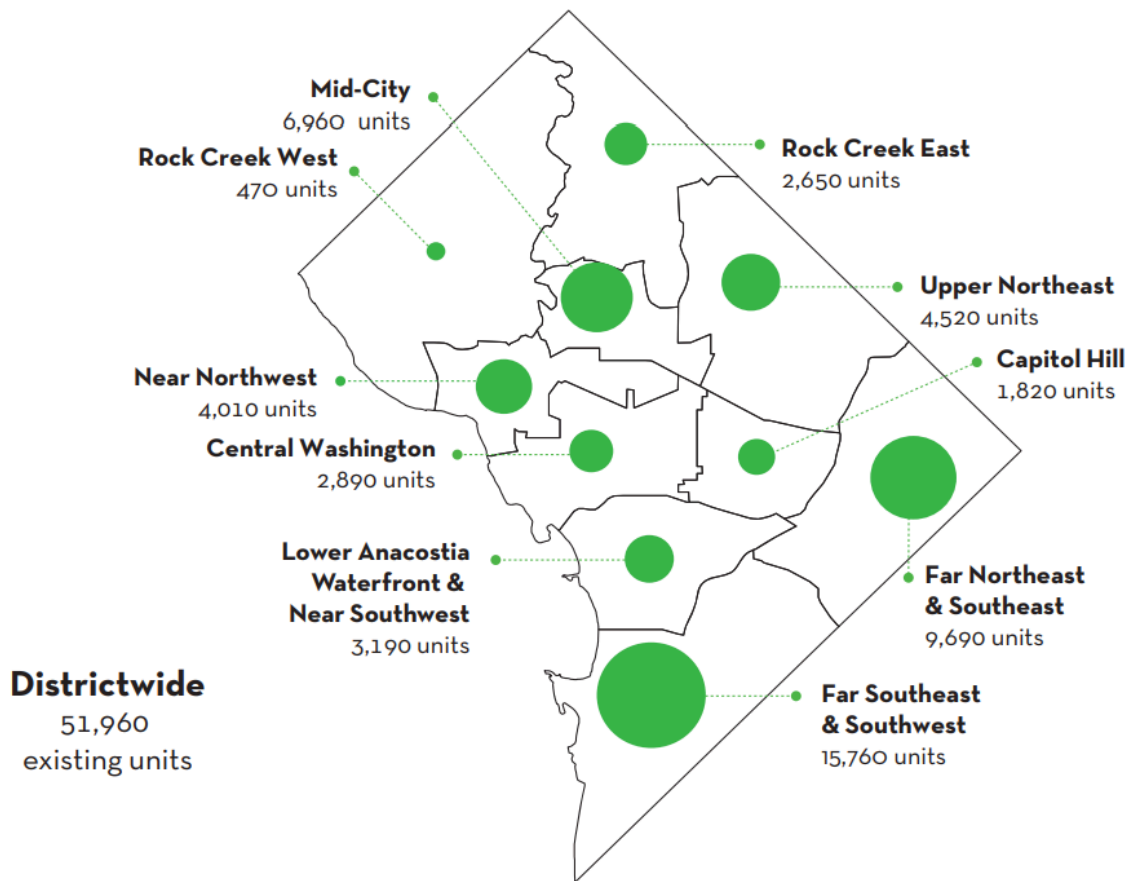
These zoning changes implement the guidance of the Comprehensive Plan, Chevy Chase Small Area Plan, and the [Housing Equity Report](#) which call for increased affordable housing opportunities in Chevy Chase. **Currently, Ward 3 has less than 1% of D.C.’s dedicated affordable housing.** The zoning changes are also intended to support moderate density mixed use development that creates an active, pedestrian-oriented commercial corridor with a convenient mix of neighborhood serving shops and services.

# INTRODUCTION

The purpose of the mixed-use zoning proposals for Chevy Chase DC (Zoning Case No. 25-23) is to implement the policies and priorities for the area adopted in the [DC Comprehensive Plan 2021 revisions](#) and [Chevy Chase Small Area Plan](#) (CCSAP). These planning documents address a broad range of land use issues that shape a better community, but a major theme among these plans is housing equity and affordability.

**WARD 3 HAS LESS THAN 1% OF DC'S DEDICATED AFFORDABLE HOUSING.  
The new zoning helps change that.**

**Figure 1. 2018 Estimated Distribution of Dedicated Affordable Units**



Caption: Figure 1 shows Ward 3 (Rock Creek West Planning Area) has by far the smallest stock of dedicated affordable housing with only 470 units in 2018, compared to Rock Creek East, which has 2,650 units. Source: DC Office of Planning, [DC Housing Equity Report](#)

In 2019, the District set area-based affordable housing goals, which were then incorporated into the Comprehensive Plan. Rock Creek West (Ward 3) was assigned the highest goal – 1,990 additional affordable housing units, because the area has the greatest shortfall, with less than 1% of the District’s dedicated affordable housing. In 2021, the District issued the [Rock Creek West Roadmap](#) to provide the steps DC would take to address the significant deficit in

affordable units and support a path toward greater housing equity and opportunity. They provided an [update](#) on progress in 2022.

The proposed Chevy Chase mixed-use zoning is designed to implement the planning studies, which were all approved by ANC 3/4G and the DC Council after extensive public engagement. The ANC resolution on the small area plan explicitly asked the Office of Planning to create a design-oriented ‘form-based code’ that would implement the outcomes of those planning studies. The OP Setdown Report explains how the zoning responds to that and other requests by the community via the ANC.



Source: DC Office of Planning, [Powerpoint Presentation](#), Case No. 23-25.

The Office of Planning’s 78-page Setdown Report (see [Case No. 25-23](#)) provides information on how the proposed zoning relates to particular recommendations in the small area plan. It specifically notes that the zoning is meant to implement and refine the small area plan, not to revisit it. OP has noted that zoning is not a new planning process which can be used to circumvent Comp Plan policy or small area plan guidance.

### What are the new zones and where are they located?

Three new zones are proposed. The main two are Neighborhood Mixed-Use (NMU) zones along the Connecticut Avenue commercial corridor between Livingston St. and Chevy Chase Circle.

Other DC neighborhoods with NMU zoning include Cleveland Park, Woodley Park, and Macomb in Ward 3, and Takoma, Georgia Avenue, H Street NE, and Eighth Street SE.

**NMU-4/CC-1** covers all the blocks except the Civic Core (Library/Community Center block). It allows a modest increase in height and density and is similar to the existing MU-4 zone. The OP setdown report describes it this way: *The NMU-4/CC1 zone would allow mixed use, low-density commercial and moderate density residential uses.*

**NMU-4/CC-2** is the Civic Core block. It includes a further increase in density to achieve more opportunities for affordable housing and to offset a requirement to create significant public open space at ground level. It is similar to the existing MU-4 Planned Unit Development (PUD) zone.

**RF-1** zones (allowing rowhouses) are located in a couple of small but key locations off the Avenue that are not appropriate for mixed use but will serve as a transition from the scale of the Avenue to the scale of the single-family houses on the side streets.

### How do the new zones compare to existing zoning?

Zoning provides many details, but some are more consequential than others. Zoning prescribes details like how much space between buildings (side yards) or the dimensions of courtyards, etc. which can be reviewed in the OP Setdown Report. However, this paper will focus on the significant provisions and how they impact the neighborhood.

## ZONE 1: NMU-4/CC-1 – most of the Connecticut Ave. corridor

### Building height

- The current zoning (MU-3) allows 40 ft height (plus a habitable penthouse at 12 ft or a mechanical penthouse at 15 ft. Penthouses must be set back from the main roofline an amount equal to their height) for a total height of 52 - 55 ft.
- The new zone takes a more proactive approach in terms of using slightly relaxed height limits to encourage good urban buildings that achieve other goals of the CCSAP such as encouraging affordable housing, accommodating retail uses, and maintaining an appropriate relationship to existing structures. The proposed zone allows 50 ft. building height, but *only if* the project provides additional affordable housing (IZ+). It also allows an additional 5 ft in height but *only if* the ground floor height is at least 18 ft. high in order to create higher quality, more flexible space for retail shops or restaurants. The 50 ft. + 5 ft. for improved retail floor + the same 12 – 15 ft penthouses = 67 - 70 ft. maximum.
- The 15 ft difference between what is allowable in the new zone vs the existing zoning translates to one additional floor than what is currently allowed, with that floor being

setback to minimize visibility from the street. Practically speaking, it might mean a couple floors difference from some of the existing buildings along the corridor.

- The new zoning rules also calls for a *minimum building height* along Connecticut Ave. of 25 ft. in order to provide definition to the street space along the Avenue. Defined street spaces are a hallmark of good urban places, as opposed to the amorphous space of a suburban road with its parking lots and free-standing drive-ins. More like the Avalon or the Arcade and less like the drive-thru bank.
- The new proposed zone also requires a minimum 3 ft setback above the third floor of any building fronting the Avenue. That would occur at about 35 - 40 ft, establishing a consistent lower scale presence at the street which would emphasize the lower scale, integrating better with the existing landmarked buildings and any others that remain with the new infill development and focusing the experience of folks walking along the street on the ground floor of the buildings.

### **What happens where new construction is adjacent to single family houses?**

- Under current zoning, a 55 ft building could be built 15 ft back from the lot line. If there is an alley, the lower floors could be built right up to the alley and the setback would only apply to the portion of the building above 25 ft.
- Under the proposed zoning the lowest 25 ft of height must also be built at least 15 ft back from the lot line (or alley) but any part of the building above that must be set back 1 ft for every foot of height (1:1) so that the building steps down to a height that is actually lower than that of many adjacent single-family homes. This is a zoning rule that will significantly improve the transition between the Mixed-Use blocks and the single-family houses.

### **Density**

Density refers to the amount of building you can put on a specific site. It is calculated by multiplying the floor area (footprint) of a building by the number of floors. A tall building with a small footprint might provide the same density as a low building with a large footprint. This is called Floor Area Ratio (FAR) in zoning.

The proposed zone allows about twice the maximum density that is currently allowed on any one lot, but height and lot occupancy will probably be the more limiting factors, and it will be difficult for new development to achieve maximum density. Buildings will accommodate the increase in part by filling up more of their lots. In an urban environment like this, it will not mean loss of green space so much as pushing parking below grade.

### **Using zoning to create attractive and compatible urban streetscapes**

Under existing zoning, there are no provisions that control design choices, which can have a critical impact on neighborhood character, convenience, and safety. For example, if there were to be a new building at the Diner site, it could easily be an out-of-place glass box with access on the side streets, totally out of sync with the character of its neighbors such as the Arcade and

PNC Bank. The existing zoning regulations include nothing to protect Connecticut Avenue from becoming home to surface parking lots, and more buildings like Wells Fargo with no real connection to the avenue, or Safeway, with its low suburban profile and featureless blank walls, or gas stations.

The proposed zoning, on the other hand, has important design-oriented provisions to avoid such development, including:

- To encourage the preservation of pre-1958 building facades, some additional density would be allowed for the addition above a preserved façade; the addition would be set back at least 3 ft. to highlight the old façade. This is essentially paying the property owner to preserve facades should they redevelop.
- At least 75% of any Connecticut Avenue façade would have to be built to the front lot line. Like the provision for minimum 25 ft height, to create a sense of definition to the street space, but also to locate retail uses where they are more likely to activate a ‘Main Street’ streetscape.
- Retail spaces must have access from Connecticut Ave and are required to be at grade with the sidewalk.
- Entrances to retail must be every 40 ft if possible, which means the ground floors will not be configured to preclude smaller shop spaces which create livelier street frontages and provide appropriate shop spaces for ‘Mom and Pop’ retailers.
- Ground floor facades must be at least 50% glass to encourage traditional transparent storefront window treatments.
- Parking and loading may not be accessed from Connecticut Avenue so the sidewalk and people-oriented uses are uninterrupted and safer for pedestrians.
- Upper floors of new buildings must be no more than 50% glass to avoid a “glass curtain wall” inconsistent with the existing character.

These provisions provide the building blocks of any good urban street, while leaving the architectural expression somewhat open-ended so that the eclectic Main Street character of this commercial area can continue to find its own expression.

## **ZONE 2: NMU-4/CC-2. The Civic Core**

The NMU-4/CC2 zone would apply only to the Civic Core block (current location of the library). Per OP: *The site is currently zoned MU-3A and R-1-B. The proposed zone is based on MU-4 PUD and reflects the Comp Plan and CCSAP recommendations by providing for mixed-use and local public facility co-development on the District-owned property, which means a moderate-density level of housing.*

The Civic Core zone is both more restrictive and more flexible than the other zone. It’s more restrictive in that it requires more of the lot to be left unbuilt to provide more open space, and

more flexible in that there are fewer design-oriented requirements in recognition that this site will undergo intensive design review as part of the ongoing RFP process, which is, in part, a kind of a beauty contest. Additional height is allowed to facilitate achieving all the other goals for this block.

## **Building height**

The new zone allows 65 ft building height plus penthouse. The 65 ft + the same 12 – 15 ft penthouses = 77 - 80 ft. maximum. The penthouse above the 65 ft height must be set back at the 1:1 ratio so that the portion of the building above 65 ft is less visible, especially from nearby sidewalks. This is likely to mean a building with a high first floor, and 5 stories plus penthouse above. The allowable penthouse height (15 ft) is lower than the penthouse height (18.5 ft) usually allowed in the MU-4 PUD zone that CC-2 is based on, *in deference to community concerns about height*.

## **How does this compare to other apartment buildings in the neighborhood?**

Two blocks to the south of the Civic Core, along Connecticut Avenue, is an area of mid- to high-rise residential development, consistent with their RA-4 residential zone, which permits a building height of 90 ft. (108.5 ft with penthouse.) The proposed NMU-4/CC-2 zone limits height to 74% of these existing apartment building neighbors along Connecticut Avenue like the Garfield or the newer building at 5333 Connecticut Avenue.

## **What happens where new Civic Core construction is adjacent to single family houses?**

Under the proposed zoning the lowest 25 ft of height must be built at least 15 ft back from the lot line, but any part of the building above that must be set back 1 ft for every foot of height (1:1) so that the building steps down to a height that is actually lower than that of many adjacent single-family homes.

## **How about open space in the Civic Core zone?**

Generally, zoning restricts the amount of a lot that you can build on. This was originally intended to ensure there was enough open space to allow all apartments in a building to have access to light and air. It also determines how much of a lot must be dedicated to open space for recreation, landscaping, or in the case of a Civic Core, public gathering space for residents. These zoning controls are called *Lot Occupancy*.

## **Lot occupancy**

- Under existing zoning, non-residential uses have no Lot Occupancy limitation and residential uses are limited to 60% of the lot. The typical building that results can cover

the entire ground floor with retail uses, garage ramps, loading docks, storage, etc. leaving no open space. Residential uses on upper floors cover only 60% by having open areas between wings of the building and similar designs to get light and air to the units.

- Under the new proposed zoning, the 60% Lot Occupancy is extended to *all* uses, which means that 40% of the lot **must** remain open space. Per OP: *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.*

## What does this mean for public open space at the redeveloped Civic Core?

Ultimately, it will be the actual design of the open space that matters most, but the amount of open space should not change in any significant way from what is there now. 60% Lot Occupancy leaves approximately the same amount of useable open space that currently exists (not counting space devoted to parking cars which should be re-located below grade in a new development.)

## Affordable housing requirements and bonuses

Unlike the other proposed zone, the Civic Core zone NMU-4/CC-2 does not offer additional density or height in exchange for affordable housing. Rather, the RFP requires that the minimum amount of affordable housing will be 30% rather than the approx. 20% that would apply under the IZ+ zoning provision.

## PARKING

Parking is not directly addressed in the proposed NMU zones because it is handled in a special section of the District Zoning Code. *Chapter 7: Parking* is lengthy and complicated and addresses both the parking required to support each use, as well as how to minimize the negative impact of parking on neighboring properties and the community. It outlines the acceptable reasons a property might provide less than the minimum required parking as well as the mitigation required if a property builds more than the minimum. The guiding document is the [2022 DDoT "Guidance for Comprehensive Transportation Review \(CTR Guidelines.\)](#) Curbside parking is not addressed by zoning.

### NMU-4/CC-1

Parking in most of the Connecticut Avenue corridor will be a function of the size, the mix of uses, and the physical layout of the project in question. As you can see from the discussion about parking at the Civic Core (below) the number of units or amount of retail, as well as the availability of vehicular access will determine the amount of parking required. In accordance with CTR Guidelines for locations greater than ½ mile but less than 1 mile from Metro, the calculations will roughly follow the Civic Core requirements discussed below.



## NMU-4/CC-2, Civic Core

Parking at the Civic Core will likely be below grade and will be subject to review by DDoT in a myriad of transportation and traffic-related impact studies including review of accessibility for the elderly and handicapped users. In addition, the CTR Guidelines require a robust Transportation Demand Management (TDM) plan for any project of similar scale.

If we assume a 25,000 sq. ft. Library; a 35,000 sq. ft. Community Center; a 100-unit apartment building; and, a 1000 sq. ft. café, then the parking requirements per CTR would be:

Residential: 1 space per 2.5 units = 40 spaces

Retail: 1.65 spaces per 1000 sf retail = 2 spaces

Library: 0.6 spaces per 1000 sf in excess of 2000 sf = 14 spaces

Community Center: 0.3 spaces per 1000 sf in excess of 2000 sf = 10 spaces.

There are currently 29 surface parking spaces on the site.

## OFFICE OF PLANNING SETDOWN REPORT

Access the full report on the [Office of Zoning website](#) dcoz@dc.gov. Click on **Case 23-25** on the Interactive Zoning Information System (IZIS) section. Look for and select '**OP Setdown.**'