

NOTICE OF PROPOSED RULEMAKING

Z.C. CASE NO. 23-25

Office of Planning

(Zoning Text and Map Amendments to create the Chevy Chase Neighborhood Mixed Use zones (NMU-4/CC1 and NMU-4/CC2), generally fronting on Connecticut Avenue, N.W. between Chevy Chase Circle, N.W. and Livingston Street, N.W. (Squares 1859, 1860, 1865, 1866, 1867 & 1868))

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2018 Repl.)), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505 (2013 Repl.)), hereby gives notice of its proposal to adopt the amendments to the Zoning Map and Regulations that are listed below.

The amendments are intended to accomplish the following:

- Add new text to the Zoning Regulations to create two new Chevy Chase Neighborhood Mixed Use zones, namely, the NMU-4/CC1 and NMU-4/CC2 zones, as follows:
 - 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; and
 - The NMU-4/CC2 zone would allow for mixed-use and local public facility development on the District-owned property, including a moderate density level of housing;
- Map the new zones on properties generally fronting Connecticut Avenue, N.W. between Chevy Chase Circle, N.W. and Livingston Street, N.W. as follows:
 - Rezone to the NMU-4/CC1 zone with IZ Plus (IZ+) portions of Squares 1859, 1860, 1865, 1867, and 1868 fronting onto Wisconsin Avenue N.W.; and
 - Rezone to the NMU-4/CC2 zone with IZ+ Square 1866 Lot 823; and
- Rezone to RF-1 a small number of properties fronting side streets, specifically McKinley and Morrison Streets, N.W.

As part of the 2021 update of the Comprehensive Plan, Council approved important changes to the Future Land Use Map, the Generalized Policy Map and the Citywide and Rock Creek West Area Elements, including the Chevy Chase corridor. This new Comprehensive Plan guidance 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. These amendments are intended to implement this Comprehensive Plan guidance.

The Commission took proposed action authorizing publication of this notice at its July 11, 2024 public meeting.

Proposed Zoning Map Amendments

The proposed amendments to the Zoning Map are as follows:

Square	LOT(S)	FROM	TO
Square 1866	823	MU-3A and R-1B (split zoned)	NMU-4/CC2 with IZ+
Square 1865	90	MU-3A	NMU-4/CC1 with IZ+
Square 1867	92	MU-3A and R-1B (split zoned)	NMU-4/CC1 with IZ+
Square 1868	68	MU-3A	NMU-4/CC1 with IZ+
	69	MU-3A and R-1B (split zoned)	The portion of the lot currently zoned MU-3A to NMU-4/CC1 with IZ+ and the portion currently zoned R-1B to RF-1
Square 1860	1, 12, 13, 15, 22, 23, 24, 800, 801, 811, 812, 814, 816, 818, 819, 821, 824, 825	MU-3A	NMU-4/CC1 with IZ+
Square 1859	34, 54, 74, 86, 87, 93, 94, 801, 802, 804, 805, 808	MU-3A	NMU-4/CC1 with IZ+
Square 1859	95	MU-3A and R-2 (split zoned)	The portion of the lot currently zoned MU-3A to NMU-4/CC1 with IZ+ and the portion currently zoned R-2 to RF-1
Square 1859	49, 50, 51, 92	R-2	RF-1
Square 1867	93	R-1B	RF-1

Consistent with Subtitle X § 502.4, for the purposes of calculating an IZ+ set-aside requirement pursuant to Subtitle C § 1003, the maximum permitted FAR of the property's existing MU-3A zoning is the equivalent of 1.0 FAR, and the maximum permitted FAR of the property's existing R-2 zoning is the equivalent of 0.4 FAR; and the maximum permitted FAR of the property's existing R-1B zone is the equivalent of 0.4 FAR.

Proposed Zoning text amendments

The proposed amendments to the text of the Zoning Regulations are as follows: Proposed changes to current Zoning Regulations are highlighted, additional text is shown in **bold and underlined text**, and deletions from existing text are shown in ~~**bold and strikethrough text**~~.

I. Proposed Amendments to Subtitle H, NEIGHBORHOOD MIXED-USE (NMU) ZONES

A new Chapter 10, CHEVY CHASE NEIGHBORHOOD MIXED-USE ZONES – NMU-4/CC1 and NMU-4/CC2, is proposed to be added to Subtitle H, NEIGHBORHOOD MIXED-USE (NMU) ZONES, to read as follows:

**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, N.W. between Western Avenue, N.W. and Livingston Street, N.W. 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.**

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, N.W.

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:**

- (a) **The rear yard shall be measured from the east-most lot line of the existing property; and**
- (b) **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>	<u>60</u> <u>60 (IZ)</u>	<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, N.W., Livingston Street, N.W., McKinley Street, N.W., or Northampton Street, N.W.:**

- (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, N.W. 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 façade of each building above the ground level, or for a building which is retaining an existing façade, above the façade 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, N.W. shall have an individual public entrance directly at grade with the public sidewalk along Connecticut Avenue, N.W.;

- (k) On a corner lot that fronts onto both Connecticut Avenue, N.W. 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 twenty feet (20 ft.) 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 façade pursuant to Subtitle H § 1009.2.

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, N.W.:

- (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 the rear property;
- (b) Vehicle parking, loading and trash collection shall be accessed only from adjacent streets, except Connecticut Avenue, N.W. 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 twenty feet (20 ft.) of the Connecticut Avenue right of way and shall be screened along Connecticut Avenue with designated uses.

CHAPTER 10 THROUGH CHAPTER 12 [RESERVED], Subtitle H, NEIGHBORHOOD MIXED-USE (NMU) ZONES, is proposed to be amended to read as follows:

CHAPTERS ~~40~~11 through ~~42~~51 [RESERVED]

The table in Subtitle H § 6000.8 of § 6000, GENERAL USE PERMISSIONS, of CHAPTER 60, USE PERMISSIONS FOR NEIGHBORHOOD MIXED USE (NMU) ZONES, of

Subtitle H, NEIGHBORHOOD MIXED USE (NMU) ZONES is proposed to be amended to read as follows:

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	... <u>NMU-4/CC1</u> <u>NMU-4/CC2</u>	NMU-5A/WP ...

Subsections 6001.3(b) and 6001.4(f), (g), and (h) of § 6001, DESIGNATED AND RESTRICTED USES of CHAPTER 60, USE PERMISSIONS FOR NEIGHBORHOOD MIXED USE (NMU) ZONES, of Subtitle H, NEIGHBORHOOD MIXED USE (NMU) ZONES are proposed to be amended to read as follows:

6001.3 The designated uses shall occupy ...

- (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...

6001.4 The following conditions shall apply ...

- (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; and
- ~~(g)(h)~~ In all NMU zones, animal sales, care, and boarding as a matter-of-right designated use ...

II. Proposed Amendments to Subtitle W, SPECIFIC ZONE BOUNDARIES

A new § 124, CHEVY CHASE MIXED USE ZONES, is added to the Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, to read as follows:

124 CHEVY CHASE NEIGHBORHOOD MIXED-USE ZONES

124.1 The Chevy Chase Neighborhood Mixed Use Zone NMU-4/CC1 IZ+ shall be mapped in Squares 1859, 1860, 1865, 1867, and 1868 on lots generally along Connecticut Avenue, N.W., between Western Avenue, N.W. and Livingston Street, N.W., 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 IZ+ shall be mapped in Square 1866 Lot 823 on Connecticut Avenue, N.W. between Northampton Street, N.W. and McKinley Street, N.W., and identified in the Comp Plan and Chevy Chase Small Area Plan for mixed-use and local public facility development.

The complete record in the case can be viewed online at the Office of Zoning's Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov; by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by e-mail at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.