

#### **Fourth letter in opposition to Zoning Case 23-25**

I have lived in Chevy Chase DC for the past 28 years. The Zoning Commission has acted arbitrarily and incorrectly to set down Case 23-25, related to upzoning the Chevy Chase Commons (a/k/a Civic Core), as rulemaking, rather than as contested. The Zoning Commission took this action despite the testimony of Attorney Edward Hanlon, who demonstrated that regulations stipulate that the hearing for the Chevy Chase Commons must be conducted as contested, not as rulemaking; despite the concern of at least one Zoning Commissioner that the hearing should be conducted properly as contested; despite the Resolution of the ANC 3/4G Commissioners demanding a contested hearing; and despite the pleas of local residents, including those living adjacent or in close proximity to the CC Commons, that the Commission conduct the hearing as contested.

The Chevy Chase Commons is a prized public resource. The zoning hearing for this significant property should be conducted to accord citizens their right to a contested case in compliance with DC regulations.

The Chevy Chase Commons is home to our community's shared outdoor recreation space, including a basketball and pickleball court; a valued green space with mature trees and shade; a popular DPR summer camp for 75 kids; a cooperative play group for pre-school children; a playground; a reading garden; a much-used library; a community center with classes and activities for children, adults, and seniors; and event space, such as for Chevy Chase Day. Adding an apartment building to this small site, and allowing a private developer to build on 60% of the site (currently, buildings occupy only 35% of the site) is incompatible with its many public uses and will irrevocably result in the loss of the open green space. The site will no longer feel like it belongs to the community; instead, it will feel like it belongs to the residents who live in the private apartment building. Further, this public space and park is the heart of the community, as public spaces so often are. Yet, we are being asked to give it up to a private developer for housing that can be built in any number of other places, as is already happening throughout Ward 3 (e.g., in Friendship Heights; the old Wardman Hotel; the old Fannie Mae site in Tenley; etc.) and elsewhere throughout the city (Walter Reed; Navy Yard; NOMA; downtown office buildings being converted to housing; etc.).

Further, this upzoning proposal was done without sufficient community input. This was in part because the 2020-2022 ANC 3/4G had a chairman and several Commissioners who strongly favored this upzoning, and worked with the Office of Planning and Ward 3 Vision, a "smart growth" pro-development advocacy group, to push it on this community while failing to ask the community whether it wanted this development or not. I repeatedly asked the ANC to solicit community opinion on this proposed upzoning, but to no avail.

Finally, in 2023, the ANC (with several new Commissioners) at long last did a survey to assess the community's wishes. This survey should have been done in 2020, but the prior ANC had no interest in truly soliciting community opinion. The 2023 survey was mailed to every household in the ANC 3/4G area. 2,300 residents responded, a larger response by many orders of magnitude than the ANC has ever received on any other survey. The survey revealed that 60% of the residents did not want housing added to the Commons site; only 37% wanted housing

added there. In response to the question of “what would you most like to have” at the site, the top priority – for 78% of the respondents – was preserving the open outdoor green space and gardens. When asked what is the maximum building height people would support if housing were added, a total of 52% said 40 feet (26%) or 50 feet (26%). An additional 18% said 60 feet; thus, a total of 70% wanted 60 feet or less. Only 8% said 70 feet, and only 13% said 80 feet. Yet, despite this expressed community opinion, the proposed zoning allows an 80-foot building at the Commons site and 60% lot coverage – thus destroying much of the existing open green space -- and 70-foot buildings elsewhere on Connecticut Avenue.

As for our commercial area, our low-rise streetscape is inviting specifically because it is human-scale and has unique small businesses (e.g., the Avalon Theatre, toy store Child’s Play, Circle Yoga, a bike shop, an art store, locally-owned restaurants, etc.), and it gives a sense of community and place. Many of our residents chose to live here precisely because they value this human-scale environment. Further, much of the clientele for our businesses is not within reasonable walking distance of our commercial area; nor are we on a Metro station. Thus, parking is critical to our businesses’ success.

The proposed upzoning of our commercial area will result in a loss of our small, independent businesses, as new Class A mixed-use buildings will raise rents – this invariably results in only chain businesses being able to afford the rents. Added density, as well as the proposed building on existing parking lots, will make parking – critical for this neighborhood – much more difficult. If parking becomes too difficult here, people will simply go elsewhere. Further, Chevy Chase will lose the treasured “village” feel of our community – the very thing that makes it so successful and appealing.

Finally, there has been no evaluation of the effect of this proposed upzoning on school overcrowding, traffic congestion, preservation of green space and trees, air quality, and sewer capacity.

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