



ADVISORY NEIGHBORHOOD COMMISSION 3E
TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS
CHEVY CHASE WAKEFIELD FORT GAINES
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Resolution Regarding Wisconsin Avenue Development Framework

WHEREAS:

1. Over the last 15 years numerous proposals to redevelop commercial properties have come before Advisory Neighborhood Commission 3E. ANC 3E has sought and obtained numerous required community benefits, amenities and mitigations through this process in cases seeking zoning relief before both the Zoning Commission (ZC) and the Board of Zoning Adjustment (BZA).

2. Among these benefits have been:

- a. Inclusionary Zoning (IZ) substantially in excess of what is required by zoning regulations specifically including:
 - i. A higher percentage of units than required
 - ii. Units at lower area median income (AMI) than required including units at 50 and 30% AMI
 - iii. Additional larger units than required
 - iv. ADA-ready units that are not otherwise required
- b. Improvements to public space including:
 - i. Public space improvements on and adjacent to proposed projects
 - ii. Undergrounding of utilities
 - iii. Creation of new publicly-accessible outdoor park spaces
 - iv. Landscaping improvements and the planting of new trees in other public spaces
- c. Retail Agreements that advance community interests including:
 - i. Limitations on certain businesses
 - ii. Requirements to recruit or provide space for certain businesses
 - iii. Funds to subsidize build-out costs for certain businesses
- d. Green building and design features including:
 - i. Specific LEED certifications
 - ii. Green roofs and solar panels
 - iii. Design & massing changes responding to concerns raised by neighbors and ANC Commissioners
- e. Traffic & parking mitigation

- i. On-street safety infrastructure
- ii. Traffic signals at dangerous intersections
- iii. Capital Bikeshare stations
- iv. Parking agreements

3. By and large these community benefits have been secured via Memorandums of Understanding negotiated by the ANC with applicants and incorporated by the ZC and BZA into binding and enforceable orders.

4. In several notable instances, a DC agency had recommended, outside a particular zoning case, that the particular amenity or mitigation be created, presumably by DC government, but years passed without any suggestion that the city would ever, in fact, fund such amenity or mitigation.

5. Indeed, DC agencies have recommended over the years that many additional livability and/or safety improvements be made in our neighborhood, with no sign that DC government will ever fund the improvements.

6. At its properly noticed public meeting on February 13, 2020 ANC 3E supported numerous substantial changes to the Future Land Use Map (FLUM) which created a means for applicants to seek significant upzoning through the use of Planned Unit Developments (PUDs) to build new housing along and adjacent to the Wisconsin Avenue corridor. Indeed, in some cases, we asked OP to increase the density the agency had originally proposed, and the agency did so.

7. In the subsequent 4 years since passing that resolution and the DC Council passing legislation updating the Comprehensive Plan there were two examples of proposals for new housing within ANC 3E where proposals that had been granted zoning relief were subject to significant delays because of appeals of ZC and BZA rulings and further examples of proposals to build new housing where applicants avoided lengthy public review processes and instead opted to build matter of right projects delivering significantly fewer housing units than could have been built had the applicant sought greater densities via zoning relief – both examples in the short term reduced the delivery of badly needed additional housing units.

8. In part because of requests from ANC 3E and others in the community during the most recent Comprehensive Plan process beginning in 2022 the District of Columbia Office of Planning (OP) initiated a planning process called the Wisconsin Avenue Development Framework (the Framework)¹. After numerous public meetings in 2022 and 2023 OP released the draft Framework on September 26th and is seeking comments from the public.

9. The Framework proposes, among many things, to create an expedited Matter of Right approval process for new housing along the Wisconsin Avenue corridor that would remove discretionary zoning reviews in exchange for requirements that applicants build more IZ units than were previously included in projects proposed and built in the corridor whether they were Matter of Right (MOR) projects or, in some cases, those built out of discretionary projects negotiated with the ANC and reviewed by the ZC and BZA. The Framework also makes a number of well thought out and appealing suggestions for public space improvements and

¹ <https://publicinput.com/Custom/Full/3d8c3f57-1ca2-40c6-8391-c1c9f60e85c7> We note that we had specifically asked for a Small Area Plan (SAP). Although an SAP was produced for neighboring Chevy Chase, OP elected to develop only a framework for our neighborhood.

building massing ideas for how buildings might best be designed to both relate to the street and where buildings might be sited to create appealing new public spaces and opportunities for breaking up large blocks and improving pedestrian porosity.

NOW THEREFORE BE IT RESOLVED:

1. ANC 3E believes that more housing should be built along the Wisconsin Avenue corridor and that the Framework appropriately tries to remedy the paired problem of too-lengthy appeals and applicants avoiding those appeals by seeking to build MOR projects which under deliver on housing and community amenities while leaving the community out of the planning process. ANC 3E also believes that the most valuable benefit of new housing is the inclusion of both market rate and IZ units and that the Framework effectively hastens the construction of both types of housing.

2. Nonetheless, we cannot support the Framework as currently proposed.

3. A plan such as the Draft Framework that calls for significant public realm improvements but contains no dedicated funding source for such improvements will likely fail. Long experience has taught us that in a city with such significant challenges in other parts of the city, we are unlikely to see much spending by DC government on the public realm improvements the Draft Framework recommends for our neighborhood. In short, if there is not a mechanism to require developers who reap density benefits to pay for such improvements, the Draft Framework is deceptive, because it creates expectations that predictably will go unfulfilled.

4. Even the additional IZ that may be built under OP's proposal via "IZ+" is, at best, a mixed-blessing, because there will be no incentive for developers to build units for incomes below 60% AMI for rentals and 80% AMI for sale units. This ANC has worked with developers to obtain units at 50% and 30% AMI, and Zoning Commissioners, including the Chair of the Zoning Commission, have expressed strong support for production of units at these reduced AMI levels.

5. Accordingly, in the absence of specific and enforceable guidelines that will achieve substantially the same results, we must oppose the loss of an iterative public process that delivers tangible and binding public benefits in exchange for an expedited approval process that, while facilitating the construction of badly needed housing, contains no guarantees that we can discern that it will deliver nuanced IZ packages; well designed and funded public space improvements; retail agreements; or green building requirements, traffic and traffic-safety mitigation, and parking management plans beyond the minimum required for Matter of Right construction.

6. In addition, the Framework should recommend the creation of public financing tools such as tax increment funding, to allow financing of public amenities beyond what we would reasonably expect individual developers to otherwise finance.

7. The Framework is a good start, but to merit ANC 3E support we believe the plan at the least must:

- a. Articulate exactly how public realm improvements and other amenities and mitigation will be made and paid for. If, as suggested by OP staff at the ANC 3E/3A presentation on November 2nd, Design Review Criteria are required to deliver the public space improvements outlined in the Framework we believe the Design Criteria should be created out of a public process before this plan is

enacted and, if necessary, incorporated into the plan or, if the design criteria need to be incorporated into DDOT's Public Realm Design Manual² through rule making and that process should be initiated immediately and completed before adoption of this plan.

- b. ANC 3E enthusiastically supports the numerous suggestions in the plan to break-up super blocks along upper Wisconsin Avenue and in the process improve pedestrian porosity. However, we see nothing in the proposal requiring implementation of these thoughtful ideas or spelling out by what means they might be achieved. ANC 3E believes the Office of Planning must work with the community and stakeholders to craft clear and comprehensive design criteria for new zones that rely on clear urban design standards rather than subjective and reactive guidance and out of this process propose a form-based code to achieve the goal of explicitly delineating where buildings could go and creating room for the needed pedestrian porosity for improved connectivity as well as placemaking. ANC 3E also believes that with the MOR upzoning proposed, undergrounding of utilities should be a requirement and not a suggestion, and that curb cuts should explicitly be eliminated along Wisconsin Avenue. We also do not believe that woonerf-type spaces where pedestrians co-mingle with cars are feasible in the Washington region and that they should be eliminated from this proposal.
- c. ANC 3E believes the Framework needs stronger language and requirements around retail, including requirements that building owners who reap the financial benefits of much greater than MOR developments should also be required to recruit local, women and minority-owned businesses and businesses that employ disabled person and that subsidize build out costs. We also believe the framework should create a mechanism to recruit businesses that pay family supporting wages.
- d. ANC 3E appreciates that the Framework references long percolating plans for new protected bike infrastructure in Friendship Heights but is disappointed the Framework is otherwise silent on additional opportunities to build protected bike lanes in the Wisconsin Avenue corridor and is similarly silent about the WMATA Better Bus initiative³ and opportunities to improve bus service along Wisconsin Avenue as well as east-west bus routes serving Friendship Heights and Tenleytown and we expect more robust language be added.
- e. ANC 3E is similarly concerned that the Draft Framework does not squarely address the need for additional traffic calming that greatly-increased density and associated pedestrian activity will likely necessitate. The cost of such improvements also will likely need to be borne in significant part by developers for it to be installed timely.
- f. ANC 3E is disappointed the Framework says so little about the opportunities for Tenleytown to be a hub for the many students who spend time in the neighborhood almost every day when school is in session. We believe the plan would be stronger if it explicitly references retail and public spaces that would

² <https://ddot.dc.gov/PublicRealmDesignManual>

³ <https://www.wmata.com/initiatives/plans/Better-Bus/>

serve students. We are particularly disappointed the Framework contains no explicit requirement that a significant recreational amenity like a recreational center or an ice-skating rink be included as an amenity in a MOR project in Tenleytown – if a project of the scale suggested in the Framework came before ANC 3E as a PUD the ANC would almost certainly require such an amenity.

- g. ANC 3E is also disappointed both that OP has taken the siting of a new bus garage on the Lord & Taylor site as a given, without considering alternative uses, and that OP has not required or even recommended that any use of the site featuring a bus garage also incorporate additional community serving uses, such as housing or recreational spaces.
- h. ANC 3E supports the proposal in the Framework on page 49 to create a pair of graduated set backs between the existing R-2 zone in the 4300 and 4400 blocks of Harrison Street and the high density zone in the FLUM but particularly in the absence of a form-based code to guarantee this buffer we respectfully request that the Framework be updated to include a moderate density transition zone strip on these two blocks the same as the moderate density strip on 45th Street between Harrison Street and Western Avenue.

8. ANC 3E respectfully requests that OP incorporate these suggestions and processes and comes back to the ANC with an amended proposal that would merit our support and create a process that would facilitate both the creation of badly needed market rate and affordable housing and fantastic public spaces within ANC 3E. As such, we ask that OP amend the current proposal and accept comments on the amended proposal before issuing a final report

BE IT FURTHER RESOLVED:

ANC 3E acknowledges that the District of Columbia Public School system is responsible for facilities planning and school boundary management to manage school enrollment and overcrowding. We also acknowledge that Ward 3 over the last 30 years has not borne its fair share of providing badly needed additional housing.

Nonetheless, ANC 3E strongly believes that if Ward 3 is going to bear its share of providing the housing the District needs that the DC Council and DCPS need to take the necessary steps to improve public schools and school capacity both in this Ward and across the District so families in every Ward have neighborhood public schools that are as appealing and successful as the schools in Ward 3. Furthermore, if necessary, politically difficult decisions about school boundaries and feeder patterns must be made to relieve the untenable and unsustainable overcrowding at Deal Middle School and Jackson-Reed High School.

The resolution passed by a vote of 8-0-0 at a properly noticed meeting held on November 9, 2023, at which a quorum was present, with Commissioners Bender, Carney, Cohen, Denny, Ghosh, Gianinno, Hall, and Quinn in attendance.

ANC 3E

by Jonathan Bender
Chairperson