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**ADVISORY NEIGHBORHOOD COMMISSION 3E**  
**TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS**  
c/o Lisner Home 5425 Western Avenue, NW Washington, DC 20015

**Resolution of ANC 3E Opposing**  
**the Application of the John Akridge Development Company for Consolidated Review and**  
**Approval of a Planned Unit Development and Zoning Map Amendment at**  
**5220 Wisconsin Avenue, NW, Square 1657, Lots 810, 811 and 812**

**Zoning Commission Case 06-31**

**WHEREAS**, The John Akridge Development Company ("Akridge") has filed an application for consolidated review and approval of a Planned Unit Development ("PUD") and an amendment to the Zoning Map for the property known as 5220 Wisconsin Avenue, NW, Square 1657, lots 810, 811 and 812;

**WHEREAS**, the property is currently zoned R-5-B and Akridge seeks a Planned Unit Development (PUD), a map amendment to rezone the property to C-2-B, and additional zoning flexibility;

**WHEREAS**, R-5-B zoning for Square 1657, Lots 810, 811 and 812 currently allows a height of 50 feet (4-5 stories), a lot occupancy of 60%, a Floor Area Ratio ("FAR") of 1.8, residential development of 40,500 square feet of gross floor area;

**WHEREAS**, Akridge has applied to construct a new condominium apartment house with 71 units, with the first floor of the proposed building devoted primarily to retail use, including approximately 13,000 square feet of retail gross floor area, and a total FAR of the 5.25, a gross floor area of 118,125 square feet, and with a lot occupancy of 100%;

**WHEREAS**, the Akridge project would have a maximum height for the project on this site of 79 feet (7 stories), more than 50% greater than that allowed by matter of right zoning;

**WHEREAS**, approximately half the building will have a height of 79 feet, and, with the exception of an interior courtyard, the remainder of the lot will have a building height of 36 feet to 57 feet as measured from Wisconsin Avenue;

**WHEREAS**, the land area for this site is 22,500 square feet [or 0.56 acres];

**WHEREAS**, the minimum land area for a PUD in an R-5-B District is one acre [43,560 square feet] and the Zoning Commission may waive up to 50% of the minimum area requirement, provided that the project is of exceptional merit and in the best interest of the city or country;

**WHEREAS**, this site was downzoned to R-5-B to be a buffer between the high-density commercial and mixed use portions of the area and the surrounding low density residential community. In particular, the Statement of Reasons given in Zoning Commission Order 87 for downzoning this site was to carry out the following objectives [emphasis added]:

"protection of stable residential areas adjacent to the plan boundaries by concentrating intensive commercial development at the intersection of Western and Wisconsin Avenues where there will be immediate access to the Friendship Heights Metro Station;

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controlling commercial and residential development within the plan area at a level consistent with the traffic capacity of the main arterial and feeder streets within the plan area;

rezoning certain property south of the intersection of Wisconsin and Western Avenues to a mixture of commercial and residential to encourage the development of apartments as well as neighborhood commercial facilities;

rezoning certain areas on the periphery of the plan area to medium density residential in order to provide a buffer between the high density commercial and mixed use portions of the plan area and the surrounding low density residential community."

The intent of this order to downzone, originating during the planning for the Metro, was to preserve stable neighborhoods; this intent remains valid and is even more necessary today

**WHEREAS**, the Generalized Land Use Map of the District of Columbia shows this site as low-density commercial, which corresponds to a zoning category of C-1 or C-2-A at most;

**WHEREAS**, while the boundaries of the regional center are not drawn in the current Comprehensive Plan, (called hereafter "the Plan or "the Comprehensive Plan") in the latest Comprehensive Plan Generalized Policy Map recently approved by the Council, the Akridge site is outside the regional center shown. The regional center begins just north of the site, at the WMATA facility.

**WHEREAS**, the Comprehensive Plan includes the following policy: to "Maintain heights and densities in established and proposed regional centers which are appropriate to the scale and function of development in adjoining communities, and develop buffer areas for neighborhoods exposed to new moderate, medium, and medium-high commercial densities;" [Section 1108.1(h)]; the revised Comprehensive Plan echoes this policy.

**WHEREAS**, this property sits in front of and 20 feet away from a block of two-story garden apartments to the rear, a one-story Pepco substation to the south, two-story retail buildings directly across the street, and acres of single-family homes just off both sides of Wisconsin Avenue; at 79 feet, nearly 8 stories, this building would dwarf the buildings near it and be grossly out of scale with the buildings directly across the street and south of the project;

**WHEREAS**, the proposed FAR for Akridge's proposed project is higher than that of any building in the Friendship Heights regional center, or along the upper Wisconsin Avenue corridor;

**WHEREAS**, only two buildings, both in the Friendship Heights regional center in the blocks bounded by Western Avenue on the north, have heights exceeding the height sought in Akridge's proposal; and only three buildings have heights above 65 feet in the entire Friendship Heights regional center or along the neighboring sections of the upper Wisconsin Avenue corridor;

**WHEREAS**, vehicular traffic for the Akridge project would necessarily use Harrison Street and the alleys in Square 1657; the property backs onto a 20' alley that meets a 15' alley running directly behind the garden apartments and single-family homes. These alleys would be the sole vehicular access to the building, from Harrison Street on the south and 44<sup>th</sup> Street on the west; the amount of traffic from the 71 units in the building, moving vans, garbage and service trucks, will likely turn the alleys into virtual streets, seriously decreasing safety and quality of life for the residents living just 20 feet away from the proposed building.

**WHEREAS**, the proposed loading docks—which are both necessary and required—will accommodate trucks no larger than 30 feet long; this length is inadequate and unrealistic; in addition, the position of the proposed loading docks precludes trucks even 30-feet long from turning owing to the narrowness of the alley and the small size of the turn-around area; enforcement of the 30-foot rule will be problematic; as a

result of these shortcomings, the likelihood is that trucks moving residents or servicing the retail businesses will park on Wisconsin Avenue or Harrison Street, adding to congestion and reducing safety for pedestrians and drivers.

**WHEREAS**, the completion of the development at Friendship Heights, Maryland, will change traffic patterns and as a result bring significant extra traffic to Harrison and 44<sup>th</sup> Streets, as drivers take new routes to avoid what the developers of that project acknowledge is inadequate capacity for left turns at Willard and Wisconsin; when Jenifer Street is congested it is acknowledged that Harrison Street and 44<sup>th</sup> Street is the most likely route for traffic

**WHEREAS**, DDOT reported at an ANC3E meeting held on December 8 that it intends to remove certain parking spaces along Harrison Street because excessive traffic has caused unacceptable queuing levels at the Wisconsin Avenue intersection, yet Akridge's own impact study found no traffic problems at this intersection and concluded that the additional 71 units would have no adverse impact on traffic; Akridge's findings directly contradict not only the express findings of DDOT, but common sense.

**WHEREAS**, strong and significant opposition to the Akridge proposal was voiced at two public meetings and in letters written by many residents near the proposed project, yet Akridge had only limited communications with concerned residents and did not meet with some of the community groups that had objections to the proposal in order to try to reach consensus on the project as requested by the ANC 3E;

**WHEREAS**, more than 500 residents of ANC 3E, 91% of those polled who live within a 3-block radius of the Akridge site, have signed a petition opposing heights and densities beyond matter-of-right limits for R-5-B, such as those proposed in the Akridge project, in order to preserve the needed buffer between the regional center commercial and the single-family housing; but not opposing the incorporation of ground floor retail in a project on this site;

**WHEREAS**, despite ANC 3E's repeated requests to conduct discussions regarding any proposed amenities package at a regular public ANC meeting after many objections to the proposed project had been received, Akridge refused to honor this request and held amenities meeting outside of ANC 3E, thus foreclosing a public vetting of what are supposed to be amenities that benefit the community at large.

**WHEREAS**, at a duly-noticed public meeting on June 8, 2006, ANC 3E voted unanimously 4-0, with a quorum present, to oppose setdown of this application;

**NOW, THEREFORE, BE IT RESOLVED** that the Advisory Neighborhood Commission 3E reaffirms its opposition to the project and finds it to be inappropriate for this site, inconsistent with the scale and character of the adjoining area, and inconsistent with the Comprehensive Plan:

**(a) A zoning change jumping from R-5-B to C-2-B with a PUD is not appropriate for this site.** Despite the Applicant's claims to the contrary, the proposed height, density and scale are inappropriate for this site, and this project is too tall, too dense and has too high a lot occupancy in relation to the other buildings in the area:

10 DCMR Section 1406.9 sets out the following design guidelines:

- (a) Height: Relate the overall height of new construction ... to that of adjacent structures. As a general rule, construct new buildings to a height roughly equal to the average height of existing buildings. Avoid new construction which greatly varies in height (too high or too low) from older buildings in the vicinity;
- (b) Scale: Relate the size and proportions of new construction to the scale of adjacent buildings. New construction should maintain the scale of existing buildings, regardless of size. Avoid new construction which in height, width, or massing violates the existing scale of the area.

Contrary to these principles, the Akridge proposed height of 79 feet is out of line with the heights of the existing buildings, most of which have heights ranging from 40 to 64 feet, and only two buildings, both on Square 1661, in the core of the Regional Center, have heights exceeding 79 feet.

The scale of the Akridge proposal does not maintain the scale of existing buildings, with its 100% lot occupancy, and width and massing that violates the existing scale of the area.

The FAR proposed is also out of scale with existing development, higher than the FAR for all the other buildings in the area.

**(b) The proposed heights and densities of this project far exceed the heights and densities that would be appropriate even for a site within the Regional Center, which this site is not:**

10 DCMR Section 1108.1 (h) establishes a policy to “maintain heights and densities in established and proposed regional centers which are appropriate to the scale and function of development in adjoining communities, and develop buffer areas for neighborhoods exposed to new moderate, medium, and medium-high commercial densities;”

Thus, even if the project were in the Regional Center, the proposed heights and densities are not appropriate to the scale and function of the adjoining communities, and thus would be inconsistent with the Comprehensive Plan. Moreover, since the site is outside the Regional Center, the appropriate heights and densities should be moderated, as this site clearly lies within the required buffer area between the commercial densities in the Friendship Heights Regional Center, and the low density residential community as well as the low-density, neighborhood-oriented commercial development along Wisconsin Avenue.

**(c) The proposed heights and density are inconsistent with the Zoning Commission’s Statement of Reasons for downzoning this site, zoned as R-5-B to provide a buffer between the commercial and mixed use portions of the plan area and the surrounding low density residential community.**

These limitations were put into place to protect the stable residential neighborhoods adjacent to the plan boundaries and to control commercial and residential development at a level consistent with the traffic capacity of the area. As discussed in that Zoning Commission Statement, maintaining these limitations is essential for the protection of the stable residential neighborhoods, and the protection of our stable residential neighborhoods is an important theme of the Comprehensive Plan, in the Land Use Element, 10 DCMR Section 1104.1, and in the Ward 3 Element, 10 DCMR Section 1400.2, 1401.3, 1406.2 and 1409.1.

**(d) The proposed heights and density are inconsistent with the Future Land Use Map of the revised Comprehensive Plan: this map designates the site as low-density commercial and medium-density residential, designations incompatible with Akridge’s requested jump from R-5-B to C-2-B with a PUD.**

**BE IT FURTHER RESOLVED** that 3E finds that approval of this Application would have a negative impact on the neighboring community, in terms of both the impact of this particular project and the precedent this approval will establish for impending development at adjacent and nearby sites.

The negative impacts from this project alone include the following:

**(a) Directing significant new traffic onto the adjoining residential streets and causing queuing on Harrison Street.** The project will direct all of its traffic into a residential community and onto streets which DDOT has concluded already have an unacceptable level of queuing. Traffic congestion at Jenifer and Wisconsin and on Harrison have shifted traffic into alleys (including traffic that goes the wrong way on a one-way alley) and narrower residential streets. Residents report observing vehicles driving over lawns and traffic barriers to speed through the neighborhood, endangering the many children under 10 years old living in the immediate vicinity. Emergency vehicles, police, ambulance, and fire currently use 44th street to proceed to emergencies. The Project makes worse a situation that is becoming intolerable and dangerous.

**(b) Forcing vehicular traffic on to alleys that are alongside and behind existing garden apartments and the semi-detached homes on the 4400 block of Harrison.**

**(c) Taking already scarce parking spaces away from residents because of demand for onstreet parking from the project's customers, employees and guests. The amount of parking proposed for this project is not adequate to meet the parking demands**

**(e) Making it impossible for moving vans and trucks servicing the project to turn around and load from the rear of the building because of the inadequate size of the loading docks and the narrowness of the alleys, thus forcing moving vans longer than 30 feet to park on Wisconsin Avenue or Harrison St.. In addition, the ban on trucks larger than 30 feet using the alley is unenforceable.**

**The precedent set by approval of a project so grossly out of scale with the surrounding residential neighborhoods and inconsistent with the Comprehensive Plan and the expressed wishes of the residents would be unfortunate and dangerous considering the impending developments at adjacent and nearby sites such as the WMATA and Lord and Taylor sites, and especially in light of the massive new development coming to Friendship Heights, Maryland. This precedent would exacerbate the problems caused by this project alone. It is imperative to consider this project in the context of what is already in the pipeline, as well as development that would likely occur on underdeveloped sites in the area. These problems include:**

**(a) The infrastructure—streets, schools, police, fire, and EMS services—already strained, will be stressed even more.** Adequate traffic and infrastructure studies have not been done to determine the limits of reasonable development; responsible planning requires that all the new development be factored into any decision for an individual project, particularly one that will be precedent setting.

**(b) Emergency response times are likely to be reduced with the increased congestion not just along Wisconsin but on the side streets as well.** Even now EMS vehicles often use side streets when Wisconsin Avenue is at gridlock, and when these streets are also impassable, the safety of the community will be endangered.

**(c) Extra, overflow traffic will be forced onto residential streets and on Jenifer, Harrison and 44th Streets.** The new developments under construction and in the pipeline at Friendship Heights will change traffic patterns to the detriment of streets near the Akridge site. In going from Wisconsin Avenue to the new Bloomingdale's site (1,750 parking spaces), cars will likely use Jenifer Street because there is inadequate capacity for left turns at Willard; and when Jenifer/Friendship Boulevard becomes congested, Harrison Street into 44th Street becomes the most likely alternative.

**BE IT FURTHER RESOLVED** that 3E finds that Akridge did not consult with the community in the development of its amenities package and that many of the claimed amenities and benefits are of negligible or little value, or cannot be defined as benefits under 11 DCMR Section 2403.5 given that they are no different from what would likely result from any development at the site under the matter-of-right provisions.

**(a) Improvements to the façade of the PEPCO building:** Clearly, improvements of this type would be in the interest of a developer of a matter-of-right building on this site, inasmuch as such efforts to improve the appearance of 5210 Wisconsin Avenue would be a cost-effective means of enhancing the value of neighboring condominiums at 5220 Wisconsin.

**(b) LEED Certification:** 3E applauds the goals of green building and protection of the environment; however, given that the project has 100% lot occupancy, the presence of a green roof far above the ground does not begin to mitigate the harm associated with the lost open space or potential for attractive landscaping on the 40% of the site that would be unoccupied in a matter-of-right or more appropriately scaled development.

According to the Application, the LEED certification is based on construction water management, water use reduction, comprehensive commissioning of Building Energy Systems (resulting in higher efficiency), low emitting paints, carpet and adhesives, construction indoor air quality management, alternate transportation (bicycle storage and shower and changing room, and a hybrid car-sharing vehicle), a green roof, a green education program based on demonstrating these measures, and green housekeeping. Each of the first six of these features either reduces the developer's costs or the cost of maintaining the building, or makes the building more attractive to tenants or condominium purchasers by reducing energy costs, or providing services such as access to a car-sharing vehicle, bicycle storage and shower. There is no reason that these features could not be part of a less dense development more in keeping with the intent of the Comprehensive Plan and the Future Land Use Map.

**(c) Contributions to Janney Elementary School, IONA Senior Services, and Lisner Home:** these amenities were not discussed with the public at large through the ANC despite the ANC's specifically asking the developer to work with them and the community. The resulting amenities offered appear to be checkbook amenities to a favorite charity that do have some benefit but do not benefit the residents of the areas most affected by the proposed project.

**(d) Retail Space:** While members of the community are open to including retail space in a project of appropriate scale on this site, the provision of neighborhood-serving retail cannot be considered an amenity. Those familiar with the Friendship Heights area realize that there is no lack of retail services, and that nearly all goods and services considered as neighborhood-serving retail are available at one or several locations within walking distance of this site. The site currently contains neighborhood-serving retail—a flower shop and Friendship Motors, which would be eliminated with the proposed building. Retail substituting for those businesses may or may not be a net gain for the community.

**(e) Affordable housing:** The ANC agrees that housing in the District of Columbia needs to be more plentiful and available to residents at all income levels. The affordable housing in this application, however, does not provide housing that is not already easily available for the prices at which the units would be offered. For example, the 2005 income limit for a one-bedroom unit is \$72,000, and a household with that income can afford, at 30% of income, to pay a monthly rent of \$1,800 plus utilities. The 2005 income limit for a two-bedroom unit is \$81,300, and a household with that income could afford to pay a monthly rent of \$2,300 plus utilities. Housing at those prices is already plentiful in the project area.

**(f) Construction Agreement:** The developer did not discuss the Construction Agreement with the ANC or residents who live close to the site. The Construction Agreement submitted by the Applicant was grossly inadequate, provided for no protections for the neighborhood beyond those currently required of the developer, and didn't even specify that the developer would maintain a pedestrian walkway on the west side of Wisconsin Avenue throughout the Construction process.

**ANC3E opposes the application of The John Akridge Development Company for the site currently zoned R-5-B to allow a Planned Unit Development (PUD), a map amendment to rezone the property to C-2-B, and additional zoning flexibility; The ANC will participate at the Zoning Commission hearing on March 8: ANC3E-03 Commissioner Carolyn Sherman will speak on behalf of ANC3E, and ANC3E-04 Vice Chairman Lucy Eldridge will represent the ANC in the cross examination.**

ANC 3E approved this resolution by a vote of 4-1 at its monthly public meeting on February 8, 2007. Commissioners present were Amy McVey, Carolyn Sherman, Lucy Eldridge, Talia Primor and Anne Sullivan,

Amy McVey  
Chair, ANC3E

*Lucy Eldridge* vice chair, ANC 3E