

November 13, 2017

VIA IZIS AND HAND DELIVERY

Anthony Hood, Chairman
District of Columbia Zoning Commission
441 4th Street, NW
Suite 200-S
Washington, DC 20001

**Re: Z.C. Case No. 16-26 – 4620 Wisconsin Avenue NW
Supplemental Posthearing Submission**

Dear Chairman Hood and Members of the Commission:

At its October 30, 2017 public meeting, the Commission took unanimous action to approve the Applicant's proposed Project, concluding that the Project was not inconsistent with the District of Columbia Comprehensive Plan, including the Future Land Use Map and provisions of the Rock Creek West Area Element regarding development along the Wisconsin Avenue corridor. The Commission requested that the Applicant provide additional information for the record summarizing and supporting information presented at the public hearing by the Applicant, the Office of Planning, and the parties in support regarding these provisions.

In response to the Commission's request, the Applicant has prepared the below narrative, which conclusively demonstrates that the height and density of the Project as proposed is not inconsistent with the guidance, goals, and policies of the Comprehensive Plan—including in particular the Future Land Use Map and the Rock Creek West Area Element. The narrative is supported by a series of drawings that are attached as Exhibit A, which illustrate and support the points made during the course of the hearing and summarized below.

Future Land Use Map Designation: The Property is located in the Mixed Use Medium-Density Residential / Moderate Density Commercial land use category on the Future Land Use Map.

- The C-3-A Zone, which is the predecessor to the proposed MU-7 Zone, is explicitly listed as a zone that is consistent with that Moderate-Density Commercial land use designation. 10A DCMR § 225.9.
- The MU-7 Zone is described in the Zoning Regulations as a zone intended for “medium-density mixed-use development located on arterial streets, in uptown centers, and at rapid

transit stops”, and so it is entirely consistent with the Property’s location and its medium-density designation. 11-G DCMR § 400.6.

- The Mixed-Use designation of the Property on the Map indicates a desire to encourage “substantial amounts of housing” on the Property, which further supports the proposed rezoning to the MU-7 zone district. 10A DCMR § 225.18. (Other provisions of the Plan, including in particular provisions of the Rock Creek West Element, similarly call for new housing at the Property. See RCW-1.1.4; RCW-1.1.6.)

The proposed MU-7 Zone is wholly consistent with the Property’s Future Land Use designation. Accordingly, the proposed height and density of the Project, which is entirely within the height and density limits for the MU-7 Zone, is also by definition consistent with the Property’s land use designation.

Eight-Story Height: The Future Land Use Map generally describes the “predominant” height range in the Medium Density Residential category as “4-7 stories,” and language in the Rock Creek West Element calls for an “emphasis” on low- to mid-rise buildings in Friendship Heights and Tenleytown. 10A DCMR §§ 225.5, 2312.6.

- The Framework Element of the Plan (which lays out 4-7 stories as the “predominant” use) explicitly states that PUD density bonuses may result in buildings that exceed the typical ranges cited for each density category. Therefore, the approval of the proposed 8-story Project through the PUD process is clearly anticipated as an outcome in the Plan itself.
- As the Opponents have themselves acknowledged, other buildings in the Tenleytown neighborhood are in the 6-7 story range, and no other building is eight stories tall. Accordingly, the area will continue to remain consistent with the “predominant” and “emphasized” height range. The Project is an exception – and a valid one because it is being approved through the PUD process.
- As discussed at the hearing and shown on the attached drawings, the Project is actually consistent with the absolute height of those 6-7 story buildings because of changes in topography. *See pages A2 – A3 of the attached.* As a result, when viewed in context, the Project will appear to be consistent in height with the “predominant” medium density height in the neighborhood. The additional story of height is no more discernible from within the neighborhood, and the proposed Project does not generate significant shadow impacts when compared to matter of right development. *See pages A4 – A12 and A14 – A15 of the attached.*

Accordingly, the proposed 8-story height is not inconsistent with the Plan.

Land Use Compatibility: Policy RCW-2.2.5 of the Rock Creek West Element states that future development along Wisconsin Avenue should be physically compatible with and architecturally sensitive to adjoining residential neighborhoods. It goes on to state that projects should be appropriately scaled and use a variety of tools to improve the interface between commercial districts and residential uses, such as architectural design, stepping down of building heights away from the avenue, and landscaping and green space improvements. Other provisions within the RCW Element also envision this transition. 10A DCMR § 2308.2, 231.6, and 2312.5.

- The height of the Project is appropriately scaled given the distance between the Property and nearby residential. The overall Project is set back 12 – 14 feet from the alley which, when combined with the 20-foot wide public alley and rear yards of the immediately adjacent houses (none of which oppose the project and some of which actively support it), results in significant separation from the closest nearby structures. *See page A16 of the attached.* Furthermore, the Property is over 300 feet away from the closest houses of members of the Opponents, which are deeper in the residential neighborhood. *See page A13 of the attached.* The perspectives clearly demonstrate that this distance reduces the apparent visibility of the Project, and the loss of an additional story would make little difference in that visibility. *See pages A4 – A12 of the attached.*
- The Project utilizes architectural design elements as well as setbacks and stepdowns in height to further reduce its visibility. *See pages A17-A18 of the attached.*
 - **Setbacks:** The southern wing of the Project is set back nearly 12 feet from the property line at ground level, and then sets back an additional 10 feet starting at the second floor, and then an additional 3 feet starting at the fifth floor. As a result, the bulk of the Project is set back nearly 22-25 feet from the property line. At the northern wing of the Project, the setback is even greater, measuring over 14 feet at the ground floor and then 32 to 45 feet starting at the second level, for a total setback of 46-59 feet from the property line. *See page A17 of the attached.*
 - **Stepdowns:** The southern wing of the Project incorporates a series of stepdowns at the fifth floor, which narrow the width of the upper stories of the Project and reduce the apparent size of the building. *See pages A17 – A18 of the attached.*
 - **Architectural Design:** The rear façade of the Project is sensitively designed with a simple but elegant residential pattern of regularized punched windows set in a façade composed of high-quality brick material. As discussed above, the building utilizes a tiered setback from the base to then reduce the apparent height and bulk of the building. To further reduce noise impacts and enhance privacy, the Applicant has eliminated balconies on the west façade of the southern wing, which is closest to the alley and residential neighbors to the west. *See page A18 of the attached.*

- Landscaping: At the lowest level, the Applicant proposes to landscape over the existing structure that extends all the way to the alley in order to further soften the Project's appearance at the ground level, when viewed from the alley.
- The same combination of horizontal separation and architectural design features is utilized on the Wisconsin Avenue façade to mitigate the apparent height and density of the Project. Among other features, the entire superframe of the façade steps down one story on its northern façade, which mimics the transition in grade along Wisconsin Avenue. *See page A3 of the attached.*
- The Project also furthers and features many other goals of the RCW Area Element that specifically call for the adaptive reuse and redevelopment of underutilized commercial sites along this stretch of Wisconsin Avenue with new retail and substantial housing uses. The furtherance of these important goals and policies must be weighed and balanced against the language regarding scale and transition. To the extent that this Project deviates from the "emphasis" on mid-rise buildings, that deviation is entirely appropriate because it is for an exemplary project proposed through the PUD process that delivers so many important public benefits, goals, and priorities of the Comprehensive Plan.
- Finally, the Project enjoys broad support from those that live within the neighborhood, as evidenced by the support of ANC 3E (which is afforded great weight) and Ward3Vision as well as individuals in the neighborhood. This support does not turn a blind eye toward concerns about scale and transition; by contrast, the supporters specifically acknowledge these challenges but then go on to conclude that the Applicant has achieved the goals of the RCW Element. The Office of Planning, which is also entitled to great weight, draws similar conclusions regarding compatibility in its report.

Accordingly, the Project is not inconsistent with RCW-2.2.5 in itself as well as when balanced against the overall language in the RCW Element and the Plan as a whole.

Please feel free to contact Dave at (202) 721-1137 if you have any questions regarding the enclosed. We look forward to the Commission's action at the December 11, 2017 public meeting.

Sincerely,



David M. Avitabile

Enclosure

Certificate of Service

The undersigned hereby certifies that copies of the foregoing document will be delivered by first-class mail or hand delivery to the following addresses on November 13, 2017.

Bryan Golden
Office of Planning
1100 4th Street, SW, Suite 650E
Washington, DC 20024

Anna Chamberlin
District Department of Transportation
55 M Street, SE, Fourth Floor
Washington, DC 20003

ANC 3E (5 copies)
c/o Lisner Home
5425 Western Avenue, NW
Suite 219
Washington, DC 20015

Jonathan Bender – ANC 3E 03
4411 Fessenden Street NW
Washington, DC 20016

Tenleytown Neighbors Association
c/o Julie Six
3807 Alton Place NW
Washington, DC 20016

Ward 3 Vision
c/o John Wheeler
4304 Yuma Street NW
Washington, DC 20016



David Avitabile