

4104 Legation St., NW
Washington, D.C. 20015

March 16, 2022

Anthony Hood, Chairman
DC Zoning Commission of the District of Columbia
441 4th Street, NW, Suite 210S
Washington, DC 20001

RE: Zoning Case No. 21-11: Abraham & Laura Lisner Home for Aged Women,
5425 Western Avenue, N.W., Revised Application for a Map Amendment

Dear Chairman Hood and Commissioners:

My family and I reside at 4101 Legation Street, NW, a few houses down the street from the Lisner Home, where we have lived since 2000. I have been a D.C. resident continuously since 1989. Though I vigorously opposed the initial Application for a Map Amendment to rezone the 5.4 acre lot owned by the Lisner Home, *I now support the revised Application to rezone approximately 1.1 acres in the context of the specific proposed development and current proposed design and siting of it*, which will provide approximately 93 new units of senior affordable housing.¹ I commend the Lisner Home and its leadership team for responding to blunt and vigorous input from the immediate neighbors and neighborhood by revising and limiting its request for a Map Amendment to the approximately 1.1 acres needed for the proposed development, and for re-siting and redesigning the proposed building.

The development on Square 1663 is of extremely high interest to the surrounding neighbors and neighborhood. As background, I was involved, along with the Friendship Heights Organization for Reasonable Development (FHORD), in the contested hearing and eventual settlement in the Zoning Commission case regarding a PUD for the development of a condominium project (the Applicant was Stonebridge, and then the developer became Chase Point, as the project is now identified) at 4301 Military Road, N.W. (the old Washington Clinic site). The Chase Point development included approximately 15,000 square feet of land then

¹ Both ANC3E and ANC3/4G, in their resolutions in support, also support the revised proposed Map Amendment in the context of the requested zoning change and the public benefits the development will provide. I note that the Map Amendment process is not permitted to consider any specific development proposal; the PUD process is the most appropriate process to request zoning flexibility on the basis of public benefits, as an adjacent neighbor pointed out in a letter to the ZC at the set-down stage. *See* Letter in Opposition of Suzette Hemberger, dated November 14, 2021 (Exhibit 15). Though under the circumstances, I support the revised Map Amendment, I urge the ZC to suggest to this and other applicants that they invoke the PUD process to request map amendments that are *project specific* and *specifically reliant on the proposed public benefits and amenities*, such as this one.

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owned by the Lisner Home,² which was bought by Chase Point, and was approved by the Zoning Commission in an Order Amending the PUD to reflect that the developer and FHORD reached a settlement of the appeal to the D.C. Court of Appeals of the Zoning Commission's prior approved PUD.

Likewise, as to the pending Lisner Home application, the immediate neighbors to the Lisner Home, and the surrounding neighborhood to the east that would face the proposed development, bounded by 41st Street, Livingston Road, 42nd Street, and Military Road (Square 1743), strongly opposed the initial Application for a Map Amendment (requesting rezoning of 5.4 acres to RA-2). This view, and the reasons supporting it, are set out in the **Petition by the Friendship Heights Coalition for Collaborative Community Development** that was supported by approximately 75% of the homes in Square 1743. Though those concerns have been mitigated by the Lisner Home's revised Application for a Map Amendment, I attach that Petition for your and the Office of Planning's understanding of our perspective, and for the record in this case.

Thank you for your consideration.

Very truly yours,

DocuSigned by:


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Laurence J. Freedman

² The approximately 15,000 square feet of arc-shaped land retained its R-2 zoning under the revised final order of the Zoning Commission approving the PUD. If the Zoning Commission approves the Lisner Home revised application for a Map Amendment, this property will border entirely the western edge of the current Lisner Home property and will retain its R-2 zoning.



**FRIENDSHIP HEIGHTS COALITION FOR
COLLABORATIVE COMMUNITY DEVELOPMENT**

Revised – Technical Corrections

**COMMUNITY PETITION ON LISNER HOME’S PROPOSAL TO REZONE THE LISNER HOME
PROPERTY, AND PLAN TO DEVELOP SENIOR AFFORDABLE HOUSING**

We are immediate neighbors and those that live within a few blocks of The Lisner-Louise-Dickson-Hurt Home (“Lisner Home”), located at 5425 Western Ave, NW.

We have grave concerns about the Lisner Home’s application to massively upzone its entire 5.4 acres of land that would permit development, as a matter of right with no further city or community input, equivalent to almost **six and one-half times the entire current Lisner Home**.

Our core concerns pertain to **rezoning the entire Lisner Home property; the lack of *any* community input regarding the proposed building** (except for discussion of minor tweaks); and **substantial concerns about the apartment building as proposed**.

BACKGROUND

The Lisner Home seeks to develop affordable housing for seniors on its property. We commend this, as a benefit to residents of D.C. and as an important project in “Rock Creek West” that aligns with many priorities of the current city administration’s planning and development goals. Specifically, the city’s planning goals call for increased housing density in Ward 3 and more affordable housing in Rock Creek West, preferably near transit. We support those goals.

ANC 3E

We support ANC 3E’s resolution dated February 13, 2020, also in support of these goals, which states that increased density should be done *after* city planning for specific areas, such as a “Small Area Plan” for Friendship Heights. ANC 3E advised that “we prefer a plan for the [Wisconsin Avenue] corridor that would study lot by lot how best to transition between the commercial corridor and the adjacent single family homes.” Unfortunately, the city has not even initiated a Small Area Plan or any planning for Friendship Heights under the new Comprehensive Plan or its land use policies.

We likewise support ANC 3E’s strong statement in that resolution that specific proposals for upzoning and increased density should be done through the “Planned Unit Development” (“PUD”) process to ensure neighborhood input. ANC 3E declared that “[a]ll change in land use designation should be accompanied by policy language that indicates that any rezoning to higher density should be accomplished only through Planned Unit Developments, so that any increased-density projects be architecturally sensitive to adjoining residential neighborhoods . . .” The Lisner Home disregarded that admonition, and instead is proceeding through a requested “map amendment” and upzoning which, if granted, would allow development of the entire 5.4 acre Lisner lot with *no* neighborhood or ANC 3E input.

ANC 3E’s approach is particularly important for this property, which is surrounded in D.C. *entirely* by “R-2” zoning, designated for low-density, single-family housing. All of the adjacent developed property is single-family residential, except that to the west, *after* a deliberate buffer zone of R-2 zoned land, Chase Point/Stonebridge is a higher-density residential condominium building that was developed under a PUD.

D.C. Office of Planning

While we recognize that development and zoning are policy issues, and thus evolve over time, we expect the Office of Planning to maintain some measure of consistency and integrity in its commitments to our neighborhood, certainly in the short-term. Many of us have made long-term commitments to D.C. and our neighborhood, and we expect zoning and land-use issues to reflect long-term planning and public interests, not just reactions to specific development proposals and private interests.

We note that in the Zoning Commission hearing regarding Chase Point/Stonebridge, the condominium project at the intersection of Western and Military Roads, N.W., that replaced the Washington Clinic, the Office of Planning represented to the Zoning Commission that it supported rezoning that property for much higher density on the basis that the property boundary *between* the Washington Clinic site and the Lisner Home “is the appropriate place for the transition boundary” in light of “the District’s planning policies and goals, including transit-oriented development and increased District residency.” Further, the Office of Planning also testified that “it would recommend retention of R-2 zoning on the Lisner Home property as a transition zone as small area planning continued for the Friendship Heights area.”

At that hearing, the Office of Planning gave us its word. Its report stated that “[w]ith respect to future land use east and south of the proposed 5401 Western Avenue project [Chase Point/Stonebridge], OP re-affirms the . . . growth boundary line that runs north-south along the eastern boundary of Lot 807 [the Washington Clinic lot] and the western side of 43rd Street, NW. We would explicitly recognize the importance of preserving the stable, single-family residential neighborhood on the other side of that boundary. We would not entertain proposals for higher-intensity redevelopment of the Lisner Home.” This is not land use ancient history; many of us were involved in those discussions and were at that hearing. At the least, we would expect the Office of Planning to engage in small area planning and community discussions before requesting this massive upzoning or supporting a private applicant’s request for it. It has done neither.

The Office of Planning assured the community that this transition boundary would be a “Maginot Line” between higher-density uses along Wisconsin Avenue and the lower-density neighborhoods. At that time, the neighborhood opposition to that development warned the Office of Planning that, like the real Maginot Line, this approach was destined to fail. We did not expect that the Office of Planning itself would conduct no small area planning and would itself attack its own “Maginot Line.”

Lisner Home Proposed Development

If the upzoning is approved, the Lisner Home currently intends to build as a matter-of-right affordable housing for seniors in a 4-story, 93-unit, 42-foot high, 84,450 square foot apartment building bounded by Western Avenue, 42nd Street, and Livingston Street. On November 9, 2021, the Lisner Home presented to the community for the first time its rendering of the proposed building, and its siting, massing, overall size, design, elevations, and all other significant aspects of the building, which was presented as “final” with the exception of some minor architectural and landscaping details that it said it was willing to discuss.

PETITION

With these planning principles and this development proposal in mind, **we have grave concerns about the Lisner Home’s application to massively upzone its entire 5.4 acre lot from “R-2” (low-density single-family housing) to “RA-2” (residential apartment buildings up to 50-feet high, plus 12 to 15-feet for a 1-2 story “penthouse”)**, which would permit development on its property of up to 511,034 square feet of market-rate residential apartments. In comparison, the current Lisner Home building is approximately 79,500 square feet – less than 16% of the development that would be allowed if the property is upzoned as requested. In comparison, Mazza Gallery is 300,000 square feet, and Chase Point/Stonebridge is 185,000 square feet. These two buildings together are smaller than the 511,034 square feet that would be permitted anytime as a matter-of-right without any public or community input, if the current upzoning request is approved.

COMMUNITY CONCERNS AND REQUESTED ACTIONS

Our core concerns pertain to zoning, the lack of any community input about the proposed building, and serious questions about the structure as proposed.

1. **Zoning.** We are concerned that approval of the requested rezoning to “RA-2” would permit massive matter-of-right development (which likely would be a floor, not a ceiling, for future development) for residential, institutional and perhaps commercial (with further zoning permissions) development.

Without *any* city planning in place for Friendship Heights under the new Comprehensive Plan and land-use policies, rezoning this substantial parcel in the heart of Friendship Heights and in the middle of our residential neighborhood is particularly reckless, and creates substantial uncertainty for us. Lastly, the Lisner Home has suggested that it would agree to refrain from developing the property once it gets rezoning through a map amendment approved by the Zoning Commission. This makes little sense. Except for a legally binding covenant, we do not think there is an effective way to *approve the upzoning but prevent matter-of-right development* by the Lisner Home, and successor owners, under this new zoning.

Critically, upzoning the entire Lisner Home property (5.4 acres) is unnecessary for the proposed senior affordable housing – the lot can be “split zoned” or subdivided to allow for the construction of the apartment building as proposed by the Lisner Home.

Therefore, we urge ANC 3E to oppose the requested rezoning, we urge the Office of Planning to withdraw its support for it, and we urge the Zoning Commission to reject the request as it is currently pending before it.

2. **Lack of Any Community Input.** We are concerned that the Lisner Home excluded the neighborhood from having *any* input on the specific development proposal for senior affordable housing prior to making it final, and since then has only been willing to discuss potential minor adjustments, such as landscaping.

On November 9, 2021, the Lisner Home distributed to us and the Friendship Heights community, for the first time, its renderings of the actual building it proposes for this site. Since then, though it has initiated discussions with immediate neighbors and has made community presentations, *the Lisner Home leadership has made it clear that it will not change, or consider changing, any significant aspect of the proposed building – the height (42 feet), design (institutional), massing (primarily in a block-long, 4-story*

brick structure along 42nd Street), density (Lisner Home has not even disclosed the actual density of this proposed building in relation to the land it would be on), destruction of significant trees, or setback (only 4-feet along Livingston Street). The proposed building is more stories (4), taller (42 feet), and larger (85,450 square feet) than the *entire* existing Lisner Home structure.

Once we received the renderings, we immediately requested a pause in the process for Lisner Home to meaningfully consider, and respond to, neighborhood questions and concerns. The Lisner Home rejected that request, and instead continued full-speed ahead with presentations to ANC 3E, its application to the Zoning Commission (hearing now scheduled for March 17, 2022), its presentation to the historical preservation review board, and its application for approval by D.C. for a federal low-income tax credit – all based on the plans exactly as unveiled to us on November 9, 2021.

We understand that one driver is the financial sustainability of the Lisner Home. We support the mission of the Lisner Home, and its long-term financial viability. However, the current development proposal, by Lisner Home’s own estimates, would bridge only about one-quarter of its annual \$2 million operating deficit. While a small delay from its current course of action might be a small financial detriment, it would not impair its ability to proceed along all of the tracks it is pursuing – zoning and federal low-income tax credit, in particular.

We fear the outcome that seems inevitable if the Lisner Home proceeds on its course – massive upzoning of its 5.4 acres *and* enormous financial pressures for the Lisner Home to further develop or sell its property, or part of it. These are the same pressures that faced the defunct Louise, Dickson, and Hurt homes that are now folded into the Lisner Home. We want Lisner Home to remain financially viable for the long-term, and request that the Lisner Home share with the community its financial proposal for its long-term viability.

Therefore, we request that the Lisner Home delay for 6 months its Zoning Commission hearing to facilitate a discussion with the community regarding the zoning and proposed development on the Lisner Home property, as well as the long-term financial viability of Lisner Home.

3. **Proposed Apartment Building.** We are concerned with many aspects of the proposed building. It remains exactly as the Lisner Home revealed to us on November 9, 2021. In response to our constructive ideas, the Lisner Home’s response to date is that the structure needs to be exactly as proposed in all significant respects, and that it will “consider” only relatively small potential tweaks to the building or landscaping. Although we value the Lisner Home as a neighbor, this approach is markedly unneighborly.

Our questions include:

- Can the massing be adjusted from the proposed Livingston Street wing to the proposed smaller wing that would extend to Western Avenue?
- What are the alternatives to Lisner’s proposal to retain one Heritage Tree (near Western Avenue), destroying two other Heritage Trees (closer to 42nd Street, which Lisner now calls “hazards” in the context of the proposed development) and attempt to move another near 42nd Street (and we think incur a city fine/removal fees in the range of \$100,000), instead of preserving them? Heritage Trees are trees that are over 100 inches in circumference, and which

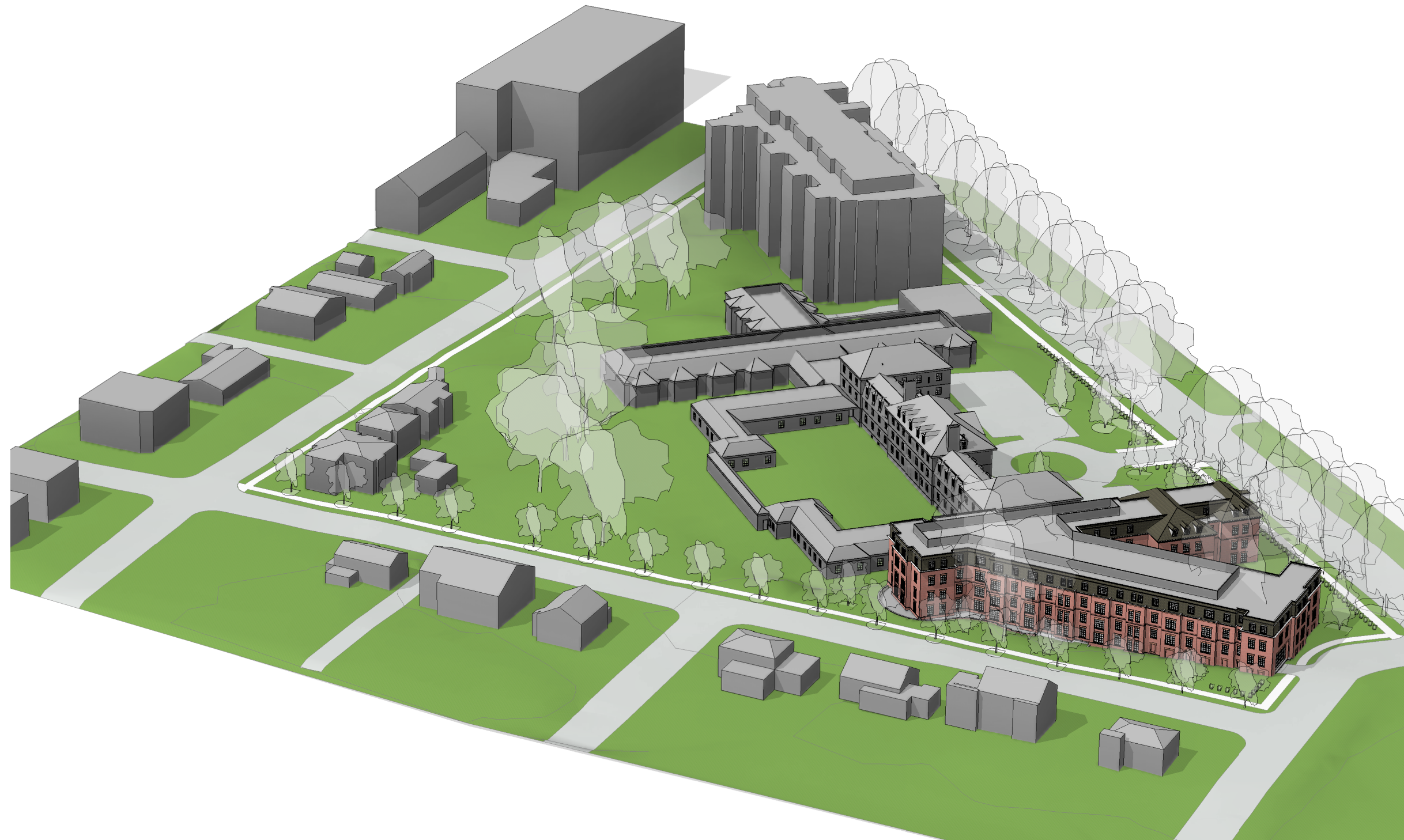
Therefore, we request that the Lisner Home engage in meaningful discussions – not just with the immediate neighbors but also those of us in the immediate surrounding neighborhood – about these issues, alternative approaches, constraints that Lisner may be facing. This likely will result in a better project, and enormously more community support.

While we have these strong concerns, the immediate neighbors, and others of us who Lisner invites to its discussions, will continue in good-faith to provide input and suggestions to the Lisner Home on any issues that it may be receptive to discussing.

However, we do not want these discussions with the Lisner Home to be misconstrued as support for the proposed rezoning, endorsement of the proposed building as-is, or as any indication that we are “ok” with the process that Lisner Home engaged in prior to November 9, 2021, when the development plans were first distributed to the community and declared “final,” or the discussions it has had since then with a few immediate neighbors..

To the contrary, we oppose strongly the proposed upzoning to RA-2, we have serious unaddressed concerns about the proposed building, and we are deeply disappointed and frustrated that we have been and continue to be excluded from any meaningful input into the Lisner Home project.

Signed (following pages):



Aerial View along 42nd St.

FRIENDSHIP HEIGHTS COALITION FOR COLLABORATIVE COMMUNITY DEVELOPMENT

NAME	ADDRESS	SIGNATURE	DATE
Stefan Hagenp	4130 Legation St	[Signature]	1/13/22
Kathleen Mullin	4130 Legation St NW	[Signature]	1/13/22
Jacobs van der Ven	5459 42nd St. NW	[Signature]	1/13/22
Alex Cougle	5443 42nd St.	[Signature]	
MIKE LAWRENCE	5451 42ND ST	[Signature]	1/14/22
Susan Parter	5443 41st Place	[Signature]	1-14-22
William George	5440 41st Place WDC	[Signature]	1-14-22
Jarah Bergmann	5430 41st PL NW WDC 20015	[Signature]	1/14/22
Tim Weber	4103 Legation St NW	[Signature]	1/14/22
Michael Rubin	4111 Legation St NW	[Signature]	1/14/22
Jeffrey Fox	5417 42nd St, NW	[Signature]	1/14/2022
Lauren Hartz	5439 42nd St NW	[Signature]	1/14/22
Philip Holland	5451 42nd St NW	[Signature]	1/14/22
Rebecca [Name]	5447 42nd St. NW	[Signature]	1/14/22
Jason Dzubow	5442 42nd St NW	[Signature]	1/14/22
Mike Green	4601 N. Park Ave #814 Chevy Chase	[Signature]	1/14/22

FRIENDSHIP HEIGHTS COALITION FOR COLLABORATIVE COMMUNITY DEVELOPMENT

NAME	ADDRESS	SIGNATURE	DATE
Lawrence Baker	3529 Duran St NW Washington DC		1/15/21
COLIN CLARK	4329 44th St NW WDC		1/15/21
Haron Levif	3811 Legation St. NW 20015		1/15/21
Noam Stopak	4108 Ingomar St NW Wash 20015		1/15/21
Paul Julin	4118 Legation St NW Washington, DC 20015		1/15/22
Jude Julin	4118 Legation St NW Wash DC 20015		1-15-22
Evan Hathaway	4116 Legation St. NW Washington DC 20015		1-15-22
Joy Hathaway	4116 Legation St NW Washington DC 20015		1-15-22
Loree Epstein	5019 Western Ave NW WASHINGTON, DC 20015		1-15-22
DEAN FILER	4115 Legation St NW Washington DC 20015		1-15-22
Linda Johnson	4114 Legation St, NW Washington, DC 20015		1-15-22
Hallie Sacks	4108 Legation St NW Washington DC 20015		1-15-22
Daniel Cole	4106 Legation St NW Wash DC 20015		1-15-22
Mohsen Khatib-Rahbar	4100 Livingston St DC 20015		1-15-22
Elisa Arden	4101 Legation St NW		1-15-22
SUSAN Crawford	4109 Legation St NW		1-15-22

FRIENDSHIP HEIGHTS COALITION FOR COLLABORATIVE COMMUNITY DEVELOPMENT

NAME	ADDRESS	SIGNATURE	DATE
John Danberg	4108 Legation St. NW		1/15/22
MAR KATZEW	4107 LEGATION ST. NW		1/15/22
Kim Curtis	4107 Legation		1/15/22
SIBNE MARY MCKERDAD	4115 LEGATION ST NW		1/15/22.
LAURENCE FREEMAN	4104 LEGATION ST NW		1/15/22
Lucy Eldridge	4104 Legation St		1/15/2022
Mary J. Simpson	4115 Military Rd NW		1/15/22
Mirela Smole	5412 41st Street		1/16/22
Heather D. Corryell Shubham Chaudhary	5406 41ST NW WASH DC 20015	Heather D. Corryell J. Chaudhary	1/16/22
Heather D. Corryell	5406 41ST NW WASH DC 20015		1/16/22
ARAN A GAVOOR	4112 LEGATION STREET, NW WASH, DC 20015		1/16/2022
ARONUSH A GAVOOR	4112 Legation St. NW WASH DC 20015		1/16/2022
Mary Elmford	5414 41st St NW Washington DC 20015		16 JAN 2022
FERRI CO ERINBERG	4123 MILITARY RD NW WASHINGTON DC 20015		16 JAN 2022
Ingrid Fitzgerald	4105 Legation St. NW WDC 20015		17 Jan/22
Catherine Krypka	5411 42nd St, NW, DC		16 JAN 2022

FRIENDSHIP HEIGHTS COALITION FOR COLLABORATIVE COMMUNITY DEVELOPMENT

NAME	ADDRESS	SIGNATURE	DATE
Harris HOPER Black	4125 Military, NW WDC 20015	Hypert Harris Black parent/child	1/17/2022
David Black	4125 Military, NW WDC 20015	David Black parent/child	1/17/2022
Patricia M Cunningham	5439 41st Place NW, WDC 20015	Patricia M. Cunningham parent/child	Jan 17, 2022
Bruce T Cunningham	5439 41st Place, NW. WDC 20015	Bruce T. Cunningham parent/child	Jan. 17, 2022