

Z.C. Case No. 24-12 (*Harrison Wisconsin Owner, LLC—Consolidated PUD & Related Zoning Map Amendment*)

Anthony J. Hood
Chairman
Zoning Commission
441 4th Street, NW, Suite 200S
Washington, DC 20001

CC: Members of the Zoning Commission

July 13, 2025

RE: Written Testimony of Immediately Adjacent Homeowners

Mr. Chairman and Members of the Zoning Commission:

We are homeowners and full-time residents on the 5100 block of 42nd St. NW, between Harrison St. and Garrison St., and we write to submit comments regarding Zoning Commission Case No. 24-12, related to Harrison Wisconsin Owner, LLC’s application for a consolidated Planned Unit Development (“PUD”) and related map amendment from the R-2 Zone to the RA-3 Zone at 4201 Garrison Street NW.

Our homes are immediately opposite the subject property and the proposed development will substantially impact our day-to-day lives.¹ We favor thoughtful development of the underutilized lot into affordable and mid-density housing, and we have a vested interest in the nuances of the proposed PUD. We hope the Commission will thoroughly consider our comments and questions.

I. PUD Standards and the Comprehensive Plan

The purpose of the PUD process is to “provide for higher quality development through flexibility in building controls, including building height and density,” but a PUD must “[r]esult[] in a project superior to what would result from the matter-of-right standard” 11-X DCMR § 300.1. “In deciding a PUD application, the Zoning Commission shall judge, balance, and reconcile the relative value of the public benefits and project amenities offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” *Id.* § 304.3.

To approve a PUD, the Commission must conclude that the proposed development “[i]s not inconsistent with the Comprehensive Plan and with other adopted public policies and active

¹ Given our proximity to the subject property, D.C. regulations afford us special protections, and we respectfully ask the Commission to give our comments and questions appropriate weight. *See, e.g.*, 11-Z DCMR § 304.5 (affording additional procedural protections for “owners of all property within two hundred feet (200 ft.) of the perimeter of the property in question”); *cf. Towles v. D.C. Bd. of Zoning Adjustment*, 578 A.2d 1128, 1134 (D.C. 1990) (reversing zoning board’s approval of special exception when, *inter alia*, “the Board totally ignored testimony about the detrimental effects in the immediate neighborhood”).

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programs,” and that it “[d]oes not result in unacceptable project impacts on the surrounding area” *Id.* § 304.4.

Despite “providing for greater flexibility in planning and design . . . , the PUD process shall not be used to circumvent the intent and purposes of the Zoning Regulations, or to result in action that is inconsistent with the Comprehensive Plan.” *Id.* § 300.2. Accordingly, “[t]he Zoning Commission . . . shall deny a PUD application if the proffered benefits do not justify the degree of development incentives requested [and] . . . may at any time note the insufficiency of the public benefits and suggest how the benefits may be improved. *Id.* § 305.11.

The 2021 Comprehensive Plan sets a positive, long-term vision for the District of Columbia. Our community, Friendship Heights, falls within the “Rock Creek West” element of the Plan. “The desire to thoughtfully guide growth [in the Rock Creek West area], while trying to preserve neighborhoods, remains a top priority throughout the community and is a major theme of this element.” 10-A DCMR § 2300.7. In relevant part, the Comprehensive Plan’s Policy RCW-1.1.1 (“Neighborhood Conservation”) prioritizes “[p]reserv[ing] the low-density residential neighborhoods west of Rock Creek Park,” including Friendship Heights and instructs that “[f]uture development in both residential and commercial areas should be carefully managed to address the existing scale, function, and character of these neighborhoods.” *Id.* § 2308.2. The Plan also recognizes the “opportunity to create more accessory dwelling units for this area,” and “to provide a more proportional portion of affordable and moderate-income housing,” while remaining “sensitive to existing neighborhood context.” *Id.*; *see also id.* § 2308.5 (Policy RCW-1.1.4) (“Design transitions between large- and small-scale development to ameliorate the appearance of overwhelming scale and to relate to context of lower-scale surrounding neighborhoods.”).

II. We strongly support thoughtful development of the subject property

Well-planned, conscientious development of the subject property is unequivocally beneficial to our community. Put simply, our homes currently face a largely abandoned surface parking lot and a 705-foot television tower, and we look forward to being neighbors to a well-designed, reasonably-sized building full of new, diverse community members. We are glad to see the property put to productive use.

Thoughtful development of this property will coincide with ongoing improvements to Friendship Heights as a whole. Recently, new homes, apartment complexes, businesses, and restaurants have been popping up throughout the area. Each project, local business, and tenant gives us hope for the vibrant future of Friendship Heights.

We are thrilled Donohoe has agreed to provide affordable housing and lessen environmental impacts beyond the minimums required by the District. These aspects of the planned development are “public benefits” that will serve our community well. *See* 11-X DCMR § 305.1.

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We are also grateful that Donohoe has offered to meet with community members and has sought to consider their preferences in designing this development. For instance, we strongly approve of the “stepped-down” design, which keeps the residential and mechanical penthouse levels set back from the street and features four marginally shorter “stacked flats” facing 42nd St. which are separated by small courtyards. We also greatly appreciate Donohoe’s commitment to using diverse materials on those outward facing stacked flats in hopes of mitigating the unsightly appearance of a massive, uniform structure.

Ultimately, we are excited for the future of this project. Although we approve of many aspects of the development, we hope this Commission will proceed cautiously when considering the terms of its approval, given the sizeable impacts on the day-to-day lives of neighboring residents. We address a few specific concerns below.

III. Height of the proposed development

The Comprehensive Plan is highly sensitive to the scale of developments in this community. “While there is support for development on underutilized sites along the major corridors, issues of height [and] scale . . . remain a source of concern . . .” 10-A DCMR § 2307.4. “The reliance on planned unit developments (PUDs) has brought neighborhood amenities but has also resulted in density bonuses that are beyond what many residents find acceptable.” *Id.* In “Friendship Heights” in particular, the Plan insists that “as new development arrives along Wisconsin Avenue NW . . . [t]he scale and height of new development on the corridor should transition appropriately to nearby single-family homes . . .” *Id.* § 2312.5.

There is no beating around the bush—compared to surrounding homes, the proposed structure is *very tall*. While the hearing notice states that the proposed development would have a “building height of approximately 50 feet,” that description is practically inaccurate. Fifty feet measures from the first floor to the fourth floor. *See* Illustrative Site Plan with Context (“PUD Submission”) at A06. However, given the grade of 42nd St., the “lower level” is actually a fully exposed, above-ground lobby level on Garrison St. *See id.* at A06, A09. Further, the proposed development has additional residential *and* mechanical penthouse levels that add another two stories (18 feet) to the building height. *Id.* at A11. Altogether, the **seven** above-ground levels of the proposed development appear to total approximately **75 feet**. *Id.*

Thus, on Garrison St., the proposed development is comparable to the newly constructed Residences at Mazza’s Wisconsin Avenue street front, which, as seen in this photo, features seven levels: a lobby level, four floors of primary residences, a penthouse level, and a mechanical penthouse level. On Harrison St., it is only one floor shorter.

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*Residences at Mazza, 5300 Wisconsin Ave.
(lobby level, four main levels, set back penthouse and mech penthouse)*

Notably, earlier proposals for this same development advertised a central structure of five floors, with stepped-down stacked flats of only three floors facing our homes on 42nd St.



2019 conceptual renderings of the proposal presented ANC 3E²

This design would be more comparable to the recent redevelopment of the Lisner-Louise-Dickson-Hurt Home at 5425 Western Ave., a four-story structure that sits a story below street level and deftly bridges the gap between the Collection at Chevy Chase and an analogous residential stretch on 42nd St.

² See Nena Perry-Brown, *Fox News: An Early Look at the 280-Unit Development Planned for Broadcast Company's Headquarters*, UrbanTurf (Jan. 2, 2019), <https://dc.urbanturf.com/articles/blog/fox-news-an-early-look-at-the-proposal-for-broadcast-companys-headquarters/14834>.

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42nd St. facing portion of Louise-Dickson-Hurt Home, 5425 Western Ave.

We ask the Commission to consider whether something closer to the original design would better preserve the interests of the community while continuing to serve the purposes highlighted by the Applicant. “The Zoning Commission may approve a PUD application with or without modifications,” including setting “lesser” “standards and conditions for height and bulk . . .” 11-X DCMR § 300.6. The Residences at Mazza is one of the largest buildings in the neighborhood but faces directly onto the Wisconsin Avenue commercial corridor. A new development of comparable height cannot reasonably be understood to “transition appropriately to nearby single-family homes.” 10-A DCMR § 2312.5. This is especially true when considering that (1) the existing building at 5101 Wisconsin Ave. is only five stories tall, meaning that this proposal would transition *upward* on Garrison St. from the commercial corridor, and (2) several recent multi-unit condominium projects on the surrounding block are only three stories tall.

We are extremely grateful for the effort Donohoe has made thus far to mitigate the building’s overall visual impact on 42nd street. As noted, the PUD proposes using marginally shorter four-story (or in one case, five- story) stepped-down stacked flats with distinct facades and separated by small courtyards to give some impression of separate, medium-height buildings. But those features are not alone sufficient to bring the PUD into harmony with the Comprehensive Plan. As the D.C. Court of Appeals has explained, “it is difficult to see how . . . the erection of a six-story building next to [] other residences is consistent with taking special care to protect those residences,” even when the project features a “‘step-down’ design, which sets back the topmost floor” in an effort to “avoid[] dramatic contrasts between the project and the single-family residences nearby.” *Durant v. D.C. Zoning Comm’n*, 99 A.3d 253, 256, 261 (D.C. 2014).

The question before this Commission is not whether allowing a 75-foot building “would be ‘necessary in order to complete th[is] Project,’” rather, the Commission must ask whether this particular design “would be the only feasible way to advance the other policies” that the Applicant “relies upon as supporting approval of the project.” *Durant*, 99 A.3d at 261–62. Adding additional height to the proposed structure unnecessarily forces “trade-off[s] among”

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policies in the Plan. *Durant*, 99 A.3d at 262. The Commission should consider whether the Applicant has met its burden of proving those trade-offs are justified. *See* 11-X DCMR § 304.2.

Conversely, reducing the PUD to a six-level central structure (i.e., the exposed lobby level, three primary residential floors, a penthouse, and a mechanical penthouse) with three-floor stacked flats would better serve the policies of appropriately transitioning into neighborhoods. It would likely also lessen environmental impacts, another proposed benefit of the PUD. It would better attend to concerns about “height” and “scale” while “develop[ing] underutilized sites along the major corridors,” another Plan priority. 10-A DCMR § 2307.4. On the other hand, eliminating one floor would only remove 26 units (including approximately eight affordable housing units). *See* PUD Submission at A03. Even keeping the set-back central structure’s seven-level height while reducing outward-facing stacked flats to the originally proposed three floors would substantially better serve the Plan priority of community transition, while eliminating, at most, *eight* units (including only *two* or *three* affordable-housing units). *Id.* It is difficult to imagine such limited reductions disrupting Plan-wide development and affordable housing goals in light of the “thousands of units” currently planned for new development in Friendship Heights, including more than 500 units planned by Donohoe alone between the Fox 5 Headquarters redevelopment project and the massive 5500 Wisconsin project.³

While we believe that a marginally shorter building—just a single story less, even on a portion of the property—would be more much appropriate, we reiterate that we support development of the lot as a general matter. We raise these concerns to ensure that the Board is able to appropriately determine whether the current design is necessary or whether prior designs from the same applicant more appropriately balance project impacts.

IV. Questions about the PUD

Regardless of the scale of the designs that this Commission ultimately approves, we have several questions about the PUD that should be answered prior to approval.

First, we would like to know whether there is **any risk that an approved map amendment could be transferred** along with development rights to another entity, who might abuse that amendment to overdevelop the lot according to another design. *See e.g.* 11-X DCMR § 300.4. We seek reassurances that we would receive notice and opportunity to comment on any substantial changes to the design of the proposed development, whether from this developer or in the event of a future change in developer. For instance, can the Commission tie the approval of this application to the general dimensions of the proposed plan?

Second, regardless of the ultimate building height this Commission approves, we do not know whether **sufficient impact studies** have been performed. Most critically, has a **shadow study** has been conducted? Such studies are crucial of understanding the “shadow impacts on

³ *Mall Conversions, Trader Joe's And The Thousands Of Units Coming To Friendship Heights*, UrbanTurf (Mar. 18, 2025), https://dc.urbanturf.com/articles/blog/mall_conversions_trader_joes_and_the_thousands_of_units/23300.

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nearby residences.” *Neighbors for Responsive Gov’t, LLC v. D.C. Bd. of Zoning Adjustment*, 195 A.3d 35, 49 (D.C. 2018) (relying on applicants “shadow study” and other studies to resolve “concerns” about “the visual and privacy impacts of a tall, ‘high-density’ structure on the adjoining residential uses in a low- to moderate-density zone”). We also seek assurances that analyses have been conducted to confirm the PUD “will not raise ‘any issues of light and air’ or threaten the **privacy** of neighboring homes,” or create excessive **noise**. *Id.* For instance, will there be limits on the placement of rooftop decks that could see into our homes? Will methods be employed to limit the noise from rooftop mechanical units? We ask the Commission to wait to approve the application until such studies are completed.

Third, **street parking** on our block is highly limited, and often fills up with business patrons, churchgoers at St. Louis de France, and others. 10-A DCMR § 2307.4 (noting that “[p]arking is also an issue” in the area and “additional parking management measures are needed”); *see also Citizens for Responsible Options v. D.C. Bd. of Zoning Adjustment*, 211 A.3d 169, 177 (D.C. 2019) (relying on “studies” presented by applicant to prove that development “will have no materially adverse impact on parking, traffic, or transportation in the area surrounding the designated site”). Given the substantial availability of parking proposed in the PUD, will there be limits on residents obtaining additional residential parking permits, as is often the case for large buildings with private garages?

Fourth, we ask the Commission to consider requiring that the **television tower** be removed or otherwise made safe with de-icing measures in the near future. During the winter, icy rain can coat the tower in thick layers of ice, which break off in large, heavy chunks that pummel surrounding homes, cars, and sidewalks. This year, a piece of ice dislodged a gutter on one of our homes, requiring repairs. This situation poses safety threats to our families, our fellow neighbors, and visitors to the area.

V. Question about construction plans

The construction of the proposed development will directly affect us for its full duration. We seek limited assurances to mitigate the negative ramifications of the building process.

First, what is the **anticipated timeline for construction**? Specifically, when is groundbreaking expected and when would it plan to finish? “The Zoning Commission may . . . set appropriate time limits for benefits conferred as part of a PUD approval to ensure the construction of a proposed development in accordance with the conditions established.” 11-X DCMR § 300.7. “Failure of an applicant to complete a proposed development as directed within the time limits set by the Zoning Commission or the Zoning Regulations shall result in the termination of the benefits granted under the application, and reversion of the zoning controls to the underlying zone regulations.” *Id.* § 300.8. We ask that the Commission limit its approval to a reasonable timeline for completion to afford the community with some measure of predictability.

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Second, how will redevelopment of the **Fox 5 Headquarters building** by the same developer affect the timeline of this project? How does the developer plan to ensure that development of the two adjacent projects proceeds in a manner that does not unnecessarily subject neighbors to years and years of construction disturbances?

Third, what restrictions will be in place to **limit noise and vibrations during construction**, including from construction itself, and from vehicles and machinery arriving and departing outside of approved construction hours? During the construction of the Louise-Dickson-Hurt Home, we noticed the use of ground monitors in place on 42nd St. We ask the Commission to require active monitoring of noise and vibration during construction on this project. We also ask the Commission to consider requiring other mitigation measures, such as an agreement to not use or block on-street parking during construction.

VI. Summary of Questions

To summarize our comments, we ask that the Applicant and/or Commission provide sufficient responses the following questions prior to any approval of the PUD application and map amendment:

- How, if at all, does changing from the earlier proposal of a shorter transitional development to a 75-foot structure with four- or five-story stacked flats better serve the policies and goals of the Comprehensive Plan? Is your current proposal “the only feasible way to advance” those policies? *Durant*, 99 A.3d at 261–62.
- Could the plans be meaningfully altered or the development rights transferred *after* the approval of a PUD application and map amendment? What safeguards are in place under those circumstances to ensure the final design does not further burden neighboring residents?
- Has the Applicant conducted a shadow study and other analyses to investigate any issues of light and air, noise levels, and impacts privacy of neighboring homes? If so, what were the results of those studies?
- Will residents of the development be exempt from residential parking permit eligibility?
- Would the Commission require that the television tower be removed or otherwise made safe in the near future, due to safety risks from falling ice in winter?
- What is the anticipated timeline for construction? Specifically, when is groundbreaking expected and when would it plan to finish?
- Will the Commission limit the PUD approval to a reasonable completion timeline to afford the community with a measure of predictability?
- How will redevelopment of the Fox 5 headquarters building by the same developer affect the timeline of this project? Is there a plan in place to ensure that development of the two

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adjacent projects proceeds in a manner that does not unnecessarily subject nearby residents to years and years of construction disturbances?

* * *

We look forward to this exciting improvement to the neighborhood and to welcoming new residents to our community. We hope the Committee will consider our limited requests and answer our questions prior to granting the PUD application and map amendment.

Sincerely,

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