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July 21, 2025

**Via Email: [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov)**

Zoning Commission  
for the District of Columbia  
441 4<sup>th</sup> Street, NW Suite 210-S  
Washington, DC 20001

**Re: Z.C. Case No. 24-12 – Applicant’s Post-Hearing Submission  
Consolidated PUD and Related Zoning Map Amendment  
4201 Garrison Street NW (Sq. 1666, Lot 810 and a portion of Lot 809)**

Dear Members of the Commission:

On behalf of Harrison Wisconsin Owner, LLC (the “Applicant”), and pursuant to the Commission’s request at the conclusion of the public hearing on the above-referenced application held on Monday, July 18, 2025, we hereby submit the Applicant’s Post-Hearing Submission. This submission provides responses to specific questions raised in the record and supplements the record with additional clarifying information.

**A. Response to Testimony and Questions from Immediately Adjacent Neighbors**

The Commission requested that the Applicant respond directly to the questions outlined in Section VI, titled “Summary of Questions,” of the Testimony from Immediately Adjacent Neighbors, which is marked in the record as [Exhibit 80](#). The Applicant orally responded during the public hearing and provides written responses below.

- *How, if it 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? (citing *Durant v. D.C. Zoning Comm’n*, 99 A.3d 253, 261-62 (D.C. 2014).*

**In accordance with the Zoning Regulations, the proposed PUD will have a maximum height of 50 feet, 3 inches, as measured from the building height measuring point (BHMP) on 42<sup>nd</sup> Street, NW. See Subtitle B § 308.2. As shown on the updated plans (Ex. 23A1-23A5), and particularly the building and site sections shown Sheets A06 and A07, respectively, the BHMP**

is established at the mid-point of the building façade of the principal building that is closest to a street lot line, which is at elevation 345 feet, 3 inches. The PUD site slopes significantly downward from north to south, i.e., from Harrison Street NW to Garrison Street NW. Consequently, portions of the building toward Garrison Street appear as five stories, while areas fronting Harrison Street appear as three and a half stories. This condition is typical in the District when there is a sloping site.

Earlier versions of the project were shared with the community before the current development plan and the availability of new affordability options for the Applicant. In particular, the HANTA program, which took effect in December 2020,<sup>1</sup> created opportunities not previously considered under the earlier, lower-scale concept. The proposed height in the current plan allows for more residential units and a greater amount of affordable housing than could have been achieved under the earlier design shared several years ago.

The proposed height facilitates a compatible transition to the single-family neighborhoods surrounding the PUD site, particularly for adjacent homeowners across 42<sup>nd</sup> Street, NW. The building steps down from the taller Wisconsin Avenue corridor toward 42<sup>nd</sup> Street, moving west to east. Notably, the future mixed-use building immediately west of the PUD site, approved pursuant to BZA Order No. 20638, will rise to approximately 78 feet along Wisconsin Avenue, presenting a much taller presence at the corridor. By contrast, while the proposed PUD has a maximum height of approximately 50 feet, it would read as approximately 44 feet when viewed from Harrison Street NW, helping to create a transitional urban form between Wisconsin Avenue and the lower-scale residential areas.

Moreover, the Commission need not find that a proposed design is the *only* feasible means of advancing Comprehensive Plan policies. Rather, the Commission must explain “why the various policies at issue conflict so as to require a trade-off among them.” See *Durant v. D.C. Zoning Comm’n*, 99 A.3d 253, 261 (D.C. 2014). Similarly, in *D.C. Library Renaissance Project/West End Library Advisory Group v. D.C. Zoning Comm’n*, 73 A.3d 107, 126 (D.C. 2013), the Court recognized that the Commission “may balance competing priorities in determining whether a PUD is consistent with the Comprehensive Plan as a whole.”

Here, the Applicant does not contend that the current proposal is the only viable approach. However, reducing the building height would significantly affect the Applicant’s ability to achieve key Comprehensive Plan goals. For example, eliminating a floor would remove approximately 28 units, including approximately 9 affordable units, undermining critical housing objectives in the Rock Creek West (RCW) planning area, where affordable housing is in acute demand. While some RCW policies emphasize neighborhood scale and context (e.g., RCW-1.1.1 and RCW-1.1.4, as cited by neighboring residents), the Applicant submits that these concerns are outweighed by other RCW and citywide policies prioritizing housing production and affordability. See Applicant’s Comprehensive Plan Evaluation, [Exhibit 3F](#).

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<sup>1</sup> See Tax Abatements for Affordable Housing in High-Needs Areas Amendment Act of 2020, effective December 3, 2020 (D.C. Law 23-149; D.C. Official Code § 47- 859.06), and Mayor’s Order 2021-040, dated March 24, 2021.

Even if some tension exists among these policies, the Comprehensive Plan's balancing of priorities supports the proposed height and density, given the PUD's significant contributions to housing supply, affordable housing, and quality urban design. Ultimately, the current proposal advances these goals by delivering substantially more housing, including affordable units, while creating a transitional urban form that bridges the Wisconsin Avenue corridor and surrounding lower-density neighborhoods.

- *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?*

Should the Commission take final action to approve the PUD, the approved plans and development rights cannot be meaningfully altered except through a modification approved by the Zoning Commission pursuant to Subtitle Z §§ 703 or 704. In such cases, the Applicant must provide notice to the affected Advisory Neighborhood Commission, and, for more substantial modifications requiring a hearing, to all property owners within 200 feet of the PUD site at least 45 days prior to filing the request. See Subtitle Z §§ 300.1 and 300.7. Moreover, a PUD-related map amendment is limited in scope and runs only with the PUD approval. As provided in Subtitle Z § 300.4, "PUD-related map amendments ***establish no precedent*** for the Zoning Commission's consideration of permanent changes to the zoning of the PUD site or adjacent areas or for consideration of future PUDs." (Emphasis added.)

- *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?*

Following the public hearing, the Applicant had the opportunity to conduct thorough shadow studies to evaluate potential light and air impacts resulting from construction of the proposed PUD. The shadow studies are attached hereto as **Exhibit A**. The attached studies show the impact of the proposed building throughout the year at 9:00 a.m., 12:00 noon, 3:00 p.m., and at 5:00 p.m. during the spring, summer, and fall months.

The shadows cast by the proposed building, shown in purple, reach the 42nd Street homes to the east of the PUD site only during the spring and fall equinoxes at 5:00 p.m. or later. During the summer solstice, the shadow reaches only the front yards of the 42nd Street homes, and only at 5:00 p.m. or later. During the winter solstice, the shadow begins to encroach onto the 42nd Street homes around 3:00 p.m. Overall, the impact to the 42nd Street homes is minimal and effectively limited to the winter months, when the sun is low in the sky and sets earlier in the day, and to the spring and fall months, only in the evening when the sun is lower in the western sky. Moreover, the single-family homes in the surrounding area also cast shadows on their neighboring properties during these times of year.

- *Will residents of the development be exempt from residential parking permit eligibility?*

The residents of the building would be eligible for Residential Parking Permits ("RPP"). The Applicant has worked closely with the ANC and the community to ensure that the proposed parking for the project (i.e., 82 spaces in the underground garage) will be sufficient to accommodate the expected demand such that there is no need to restrict future tenants from obtaining RPP. In addition, the project is transit-oriented and located within close proximity to multiple public transportation options, including Metrorail and several Metrobus routes. The development also promotes alternative modes of transportation by providing ample bicycle parking (42 long-term bicycle parking spaces) and incorporating a robust Transportation Demand Management plan. Given these features and the project's location, many residents are expected to rely on transit, biking, or walking for their daily transportation needs, notwithstanding the fact that sufficient on-site vehicle parking will be available for residents who own cars.

- *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?*

The Applicant is proffering the removal of the television tower as a public amenity of the PUD and is proposing a corresponding condition in the final order requiring that it be removed prior to the issuance of the first certificate of occupancy. In the interim, the Applicant will diligently monitor the tower and address any safety risks that arise, including those associated with falling ice in winter, and will continue to monitor the tower up to and through its removal.

- *What is the anticipated timeline for construction? Specifically, when is groundbreaking expected and when would it plan to finish?*

The anticipated timeline for construction will depend on financing and broader economic conditions, but the Applicant intends to proceed in accordance with the schedule set forth in the final order, summarized in the response below.

- *Will the Commission limit the PUD approval to a reasonable completion timeline to afford the community with a measure of predictability?*

The Zoning Regulations establish timelines that will be set forth in the final order, should the Commission approve the PUD. Under Subtitle Z § 702.2, the PUD would be valid for two years from the effective date of the order, established as the date of publication in the D.C. Register, prior to which time a building permit application must be filed. Subtitle Z § 702.3 requires that construction commence within three years of the effective date. The Applicant must comply with these deadlines to maintain the validity of the PUD or obtain approval from the Zoning Commission for extension of such deadlines for good cause shown per Subtitle Z § 705.

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

A permit to redevelop the former Fox 5 headquarters at 5151 Wisconsin Avenue NW has been issued (Building Permit No. B2302079); however, construction has not yet commenced. The Applicant has executed a Memorandum of Understanding with the ANC that includes several construction-related commitments. These include designating a representative to serve as a liaison between the contractor and surrounding residents to address any issues or concerns that arise, and consulting with the ANC on matters related to parking arrangements for construction workers and construction-related vehicles. These commitments will be memorialized in the final order approving the PUD. The Applicant will continue to work with the ANC once construction timelines are confirmed.

## **B. Response to Committee of 100's Comments**

### ***1. Affordable Housing Proffer***

The Applicant acknowledges the comments submitted by Shelly Repp on behalf of the Committee of 100 on the Federal City, marked as [Exhibit 40](#) in the record, as well as the supplemental testimony provided at the public hearing. In response, the Applicant cites the Commission's explanation below:

The Zoning Regulations make clear that IZ Plus is not the applicable standard for a PUD. Specifically, the IZ Plus regulations state: "IZ Plus shall not apply to a map amendment that is related to a PUD application." 11-X DCMR § 502.2(a). This reflects an intentional policy decision by the Commission, recognizing that PUDs are distinct from standalone map amendments. The Commission has expressly noted that PUDs offer a broader range of public benefits that can be tailored to the specific needs of a site and are informed by a higher level of community engagement.

[Z.C. Order No. 22-29, Conclusion of Law No. 19(e), at p. 76.]

As detailed in the Applicant's prior submissions and testimony, the proffered benefits of this PUD, and particularly the affordable housing commitment, are significant.

Under Subtitle X § 305.5(g)(1), affordable housing provided in compliance with IZ requirements is considered a public benefit only to the extent it exceeds what would be required through matter-of-right (MOR) development under existing zoning. In this application, the IZ set-aside exceeds both relevant MOR scenarios: (1) under the current R-2 zoning, which would generate at most one IZ unit; and (2) under RA-3 zoning, which would yield approximately 12 IZ units. See [Exhibit 81](#), Applicant's PowerPoint Presentation, p. 64. By comparison, the PUD is

expected to produce approximately 13 IZ units, based on 10,411 square feet of net residential floor area reserved for IZ. This includes two three-bedroom units—one reserved at 60% MFI and one at 50% MFI. Moreover, although only 1,096 square feet of IZ set-aside is required under Subtitle C § 1003.1(b) based on the project's habitable penthouse space, the project will provide three units totaling 2,314 square feet, all at the 50% MFI level, which is more than twice the required amount. Therefore, the project not only exceeds MOR requirements, but also provides deeper affordability and a meaningful commitment to larger, family-sized units.

Notably, the IZ component is only *part* of the broader affordable housing proffer, as the Applicant proposes to reserve 33% of all residential units as affordable. To reach this threshold, the Applicant will leverage the District's HANTA program to deliver approximately 29 additional units at the 80% MFI level. Although HANTA permits affordability up to 100% MFI for a 40-year control period, the Applicant has committed through negotiations with DHCD to a deeper level of affordability. Together, the IZ set-aside and HANTA-supported units provide a meaningful and enhanced affordable housing benefit under the PUD.

## ***2. Processing as a Separate Zoning Entitlement***

The Committee of 100 suggests that this project should have been included as a single PUD with Applicant's adjacent development at 5151 Wisconsin Avenue, approved by the BZA in 2022. See BZA Order No. [20638](#). However, the approval in BZA Case No. 20638 was narrow in scope, unrelated to building form, and the mixed-use building could have been constructed as a matter-of-right but for the limited zoning relief required.

The decision to pursue separate zoning entitlements was also driven by timing. The Applicant sought to advance the 5151 Wisconsin Avenue project as efficiently as possible, given financial constraints, broader macroeconomic conditions, and the expectation of a typically faster review process before the BZA. By contrast, the project requires a rezoning of the R-2-zoned portion of the PUD site to the RA-3 zone to allow the multifamily use, making a PUD with a related map amendment the appropriate mechanism for achieving the proposed development program. Combining the two efforts would have compromised that efficiency. More importantly, the proposed PUD offers a standalone public benefits and amenities package that is both comprehensive and compelling on its own merits.

## **C. Commitment to LEED Gold Design and Clarification of Environmental and Sustainable Benefits Under Subtitle X § 305.5(k)**

The Office of Planning requested that the Applicant provide more detail regarding the proffered environmental and sustainable benefits. In addition, during the public hearing, the Commission encouraged the Applicant to consider refining the PUD's design to achieve LEED Gold certification. In response, the Applicant has now modified its proffered benefit to design the project to achieve 60 points, which is the threshold for LEED Gold certification under the LEED v4 BD+C Multifamily Midrise rating system. An updated LEED scorecard attached is **Exhibit B**. This proffer qualifies as a public benefit pursuant to Subtitle X § 305.5(k)(5).

Accordingly, the Applicant's environmental and sustainable benefits proffered pursuant to Subtitle X § 305.5(k) are itemized as follows: (i) designing the project to meet the minimum standards for LEED Gold certification under the LEED v4 BD+C Multifamily Midrise rating system; (ii) installing vegetated or "green" roofs; (iii) adding rooftop solar panels; (iv) providing least six EV-ready charging spaces; (v) integrating all-electric appliances in residential units; and (vi) dedicating areas for composting and recycling. The Applicant has included these stated environmental benefits in its list of initial proffers and corresponding conditions, which is being submitted on the same day as this Post-Hearing Submission, in accordance with Subtitle X §§ 308.2 and 308.4.

**D. Fully Executed Memorandum of Understanding with ANC 3E**

With this Post-Hearing Submission, the Applicant is submitting a fully executed copy of its Memorandum of Understanding with ANC 3E, attached hereto as **Exhibit C**. The Applicant notes that all benefits and commitments outlined therein will be memorialized when it submits its initial and revised proffers and corresponding conditions for inclusion in the final order, pursuant to Subtitle X § 308.4 *et seq.*


**E. Conclusion**

The Applicant trusts that the information provided herein is responsive to the requests and questions raised by the Commission, the Office of Planning, and other witnesses who offered testimony during the public hearing. The Applicant appreciates the Commission taking proposed action to approve the subject application at the conclusion of the public hearing and looks forward to the Commission's consideration of final action at the public meeting scheduled for September 11, 2025.

Should there be any further questions or requests for additional information, please do not hesitate to have the Office of Zoning staff contact us.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:   
Christine M. Shiker  
Christopher S. Cohen

**Attachments**

Exhibit A: Shadow Studies  
Exhibit B: Updated LEED Scorecard  
Exhibit C: Fully Executed Memorandum of Understanding with ANC 3E

cc: Certificate of Service

### **Certificate of Service**

I hereby certify that on July 21, 2025, a copy of the foregoing Post-Hearing Submission filed in support of Z.C. Case No. 24-12 was served via electronic mail upon the following recipients at the addresses listed below:

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