



July 3, 2025

Zoning Commission of the District of Columbia
441 4th Street, NW - Suite 210
Washington, DC 20001

VIA IZIS

Re: OAG Comments in Support of the Planned Unit Development (“PUD”) of Harrison Wisconsin Owner, LLC (Z.C. Case No. 24-12)

The Office of the Attorney General (“OAG”) recommends that the Zoning Commission approve the proposed PUD because, by providing significant affordable housing in the high-cost, high-opportunity area of Rock Creek West, it complies with the equitable development and affordable housing requirements of the Comprehensive Plan (“CP”) and other District planning guidance. The PUD will transform a surface parking lot and inactive television tower into a new residential building within walking distance of a commercial and transit corridor. More than a third of the building’s 126 units will be affordable, with three units reserved for very low-income households, including one family-sized three-bedroom unit. These significant housing benefits significantly outweigh the PUD’s requested zoning incentives and so satisfy the PUD requirements.¹ The PUD should therefore be approved.

I. The CP and District Planning Policies Prioritize Additional Affordable Housing in Rock Creek West.

A. The CP Prioritizes the Development of Affordable Housing.

The Zoning Act requires the Zoning Commission to promote the general welfare as guided by the CP. The CP establishes the District’s land use and planning goals through a public process culminating in approval by the Council and the Mayor.² The CP is therefore law. Under that law, the District’s elected representatives have determined that “it is the availability of safe, decent, affordable housing across all neighborhoods that will determine whether the District’s vision for an inclusive District will be realized.”³ To achieve this goal of an inclusive and diverse city, the CP prioritizes both affordable and market-rate housing to serve a variety of household types and income levels.⁴

¹ D.C. Mun. Regs. tit. 11-X (Zoning Regulations of 2016), §§ 300.5 (2023), 304.2 (2017), 305.11 (2019).

² D.C. Code §§ 6-641.01–6-641.02 (2001); Wisconsin-Newark Neighborhood Coal. v. Dist. of Columbia Zoning Comm’n, 33 A.3d 382, 389–90 (D.C. 2011); District of Columbia Comprehensive Plan Act of 1984 (D.C. Law 5-76), as amended by the Comprehensive Plan Framework Amendment Act of 2019, D.C. Law 23-127 (2020), the Comprehensive Plan Amendment Act of 2021, D.C. Law 24-20 (2021); and the Comprehensive Plan Future Land Use Map and Generalized Policy Map Approval Resolution of 2021, D.C. Resolution R24-0292 (2021).

³ D.C. Mun. Regs. tit. 10-A, §§ 500.6a, 503.1 (2021).

⁴ *Id.* §§ 206.1, 224.9, 310.10, 500.6a, 504.17 (2021).

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In particular, the CP and associated District planning guidance encourage the development of both new affordable and market-rate housing in high-cost areas like Rock Creek West. They offer a host of reasons, including the following:

Addressing the District's Affordable Housing Crisis. The CP identifies rising housing costs as one of “the most pressing and critical issues facing the District.”⁵ It notes that rising housing demand, driven by an increase in higher-income households, has increased housing costs across the District and resulted in a “crisis of affordability.”⁶ To address this crisis, the CP calls for the creation of 12,000 new affordable units equitably distributed across the District by 2025, so that 15% of all housing units in each planning area of the District will be affordable by that date.⁷ Since by-right development only requires a 10% affordable housing set-aside, the CP recognizes PUDs as critical tools to achieve this 15% goal, because the Zoning Regulations require PUDs to provide public benefits in compensation for extra density and other zoning flexibility⁸ and the CP identifies affordable housing as the only “high-priority public benefit” that residential PUDs can provide.⁹ The CP also notes the need for varying levels of affordability—including more deeply affordable units as well as “moderate-income” or “workforce” housing—and a greater number of family-sized units to ensure that both lower-income families and critical District workers such as police officers, teachers, and service workers are able to afford to live in the District.¹⁰

Addressing the Need for Affordable Housing in High-Cost Areas. The CP recognizes the particular need to increase affordable housing in high-cost, high-opportunity neighborhoods.¹¹ Increasing affordable housing in these areas makes them more inclusive and sustainable, while providing lower-income residents with “access to opportunity and outcomes.”¹² The CP recognizes that high-cost areas are often the result of restrictive land use patterns that limit density and thus reduce the availability of more affordable housing alternatives while effectively subsidizing detached single-family development.¹³ The CP also recognizes that these historic practices have resulted in the exclusion of residents of color due to racial disparities in wealth and income reflected in the District’s Black and Hispanic communities’ higher shares of housing-cost-burdened-households.¹⁴ To remedy this and advance racial equity in housing, the CP calls for more deeply

⁵ *Id.* § 206.1 (2020).

⁶ *Id.* § 500.19 (2021); *see also* D.C. Mun. Regs. tit. 10-A, §§ 500.4, 500.15, 500.18 (2021).

⁷ D.C. Mun. Regs. tit. 10-A, §§ 310.10, 501.1, 504.17 (2021); DHCD & DCOP, HOUSING EQUITY REPORT (October 2019), https://housing.dc.gov/sites/default/files/dc/sites/housingdc/page_content/attachments/Housing%20Equity%20Report%2010-15-19.pdf.

⁸ D.C. Mun. Regs. tit. 11-X (Zoning Regulations of 2016), §§ 300.5 (2023), 304.2 (2017), 305.11 (2019).

⁹ D.C. Mun. Regs. tit. 10-A, §§ 224.9, 504.14, 504.15 (2021).

¹⁰ *Id.* §§ 500.29–500.30, 503.11, 504.8, 504.13, 513.3b (2021).

¹¹ *Id.* §§ 307.20, 503.10 (2021); *see also* DHCD & DCOP, HOUSING EQUITY REPORT (October 2019), https://housing.dc.gov/sites/default/files/dc/sites/housingdc/page_content/attachments/Housing%20Equity%20Report%2010-15-19.pdf; DMPED, *DMPED 36,000 by 2025 Dashboard* (July 1, 2025, at 10:47am), <https://open.dc.gov/36000by2025/>.

¹² D.C. Mun. Regs. tit. 10-A, §§ 503.1, 503.10 (2021).

¹³ *Id.* § 500.5 (2021).

¹⁴ *Id.* § 500.19 (2021); *see also* D.C. Mun. Regs. tit. 10-A, § 500.7a (2021) (Households spending more than a third of their income on housing costs are considered housing cost burdened); DHCD, DCOP, & DMPED, ROCK CREEK WEST

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affordable housing production in high-cost areas.¹⁵ And to support increased affordable housing production in general, and particularly in high-cost areas, the CP encourages the use of the Inclusionary Zoning (“IZ”) program as well as the leveraging of discretionary density increases, like those obtained through PUDs, which can provide more affordable housing than by-right requirements—a benefit that the CP considers of even greater priority when used to expand “the inclusiveness of high-cost areas.”¹⁶

Need for Additional Market-Rate Housing. The CP recognizes that solving the District’s affordable housing crisis and increasing affordability more broadly require increasing the overall supply of housing.¹⁷ The CP also notes that supporting overall housing production will be critical to ensure that the population of the District remains demographically diverse.¹⁸ The CP thus calls for the development of more market-rate units in addition to dedicated affordable housing. This, according to the CP, will help meet overall demand and ensure that demand at higher price points does not “hasten the loss of naturally occurring affordable housing.”¹⁹ Consistent with its directive to increase the overall supply of housing, the CP pairs its goal of 12,000 new affordable units by 2025 with a goal of 24,000 new market-rate housing units in that same timeframe, with the market-rate units also to be equitably distributed among the District’s planning areas.²⁰

Addressing the Need for More Housing Along Transit Corridors. The CP calls for new affordable and market-rate housing to be located along the District’s transit corridors.²¹ This increases the affordability of these units by reducing transportation costs, including the need for a car, and freeing up more disposable income for other needs.²² Locating new housing, both affordable and market-rate, along these corridors supports and enhances neighborhood-serving retail with increased pedestrian traffic while increasing the efficiency of the District’s transportation network.²³

B. The CP and Public Planning Policies Call for Increased Affordable and Market-Rate Housing in Rock Creek West Along the Upper Wisconsin Avenue Corridor.

The CP places particular importance on providing new housing, both affordable and market-rate, in the high-cost, high-opportunity area of Rock Creek West, specifically along the key transit corridors of Wisconsin and Connecticut Avenues.²⁴ The CP provides guidance for achieving these goals through its Generalized Policy Map (“GPM”) and Future Land Use Map (“FLUM”),

ROADMAP 7 (2021),
https://planning.dc.gov/sites/default/files/dc/sites/op/page_content/attachments/Rock%20Creek%20West%20Roadmap.pdf.

¹⁵ D.C. Mun. Regs. tit. 10-A, §§ 500.5, 500.19, 504.17, 513.3a (2021).

¹⁶ *Id.* §§ 229.3, 500.21, 504.14, 504.15 (2021).

¹⁷ *Id.* §§ 500.7b, 500.12, 503.2 (2021).

¹⁸ *Id.* § 500.36 (2021).

¹⁹ *Id.* § 503.2 (2021).

²⁰ *Id.* § 501.1 (2021).

²¹ *Id.* §§ 307.3, 307.20 (2021).

²² *See Id.* § 508.4 (2021); *Id.* §§ 307.3, 307.11, 307.21, 403.13, 503.11, 508.4, 2312.4 (2021).

²³ *Id.* §§ 307.20, 2308.4 (2021).

²⁴ *Id.* §§ 304.6, 2308.2 (2021).

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supplemented by associated planning guidance, including the Housing Equity Report, the Rock Creek West Roadmap, and the Wisconsin Avenue Framework. Taken together, the planning guidance applicable to the PUD site calls for additional density to enable new housing, with an emphasis on the need for additional affordable housing.²⁵ The planning guidance anticipates that this new housing will support existing commercial uses along Wisconsin Avenue while protecting abutting, low-density residential neighborhoods with transitional buffers.²⁶

FLUM. The FLUM calls for a mix of residential, commercial, and public uses along the Wisconsin Avenue corridor. The FLUM revisions adopted by the Council and Mayor in 2021 quadrupled the density for the northeastern 60% of the PUD site and nearly doubled the density for the southwestern corner.²⁷ The additional density enables more housing adjacent to the commercial and transit corridor and enhances existing retail uses through increased pedestrian foot traffic and a larger local customer base.

GPM. The GPM designates the southwestern corner of the PUD site as a Main Street Mixed Use Corridor based on Wisconsin Avenue, while the remainder (approximately 70%) of the PUD site falls in a Neighborhood Conservation Area.²⁸ Both designations support new housing, with multiple levels of affordable housing particularly needed in high-amenity areas.²⁹ For Neighborhood Conservation Areas, the GPM focuses on linking the densities established by the FLUM to the surrounding neighborhood, including appropriate transitions from higher-density commercial corridors through to low-density residential neighborhoods.³⁰

Housing Equity Report. The Housing Equity Report implements the CP's equitable housing goal of 15% affordable housing per planning area by setting specific production goals that were to be achieved by this year. Echoing the CP, the Housing Equity Report identifies Rock Creek West as well-suited for more affordable housing because of its high housing costs, low crime rates, high

²⁵ *Id.* §§ 503.10, 2300.7–2300.10 (2021).

²⁶ *Id.* § 225.5 (2021); DCOP, WISCONSIN AVENUE DEVELOPMENT FRAMEWORK 4, 8, 13, (2024), https://planning.dc.gov/sites/default/files/dc/sites/op/page_content/attachments/Wisconsin%20Ave%20Development%20Framework_web.pdf.

²⁷ The FLUM boundary extends the higher density area further into the PUD site than the GPM does. On the FLUM the northeastern corner is now Moderate Density Residential, with a base 1.8 FAR density (from an approximately 0.4 FAR under the previous Low Density Residential designation). The southwestern corner is now Medium Density Residential/Moderate Density Commercial, with an anticipated base 4.0 floor area ratio (“FAR”) density (from an anticipated 2.5 FAR under the previous Moderate Density Residential/Low Density Commercial designation). The FLUM's density guidance anticipates additional density for IZ (20%) and PUDs (up to 25%). (Comprehensive Plan Future Land Use Map and Generalized Policy Map Approval Resolution of 2021, D.C. Resolution R24-0292 (2021)); Office of Planning, *Comprehensive Plan Future Land Use Map Slider* (July 2, 2025, at 4:43pm), <https://dcgis.maps.arcgis.com/apps/webappviewer/index.html?id=0470b35d5da54ad1a64235b8d95ef5cc>; D.C. Mun. Regs. tit. 10-A, §§ 227.5–227.7, 227.11 (2021).

²⁸ Comprehensive Plan Future Land Use Map and Generalized Policy Map Approval Resolution of 2021, D.C. Resolution R24-0292 (2021); Office of Planning, *Comprehensive Plan Policy Map Slider* (July 2, 2025, at 4:43pm), <https://dcgis.maps.arcgis.com/apps/webappviewer/index.html?id=cd1c29c1481f4ddb9cb45490ce16426f>.

²⁹ D.C. Mun. Regs. tit. 10-A, §§ 225.5, 225.14 (2021).

³⁰ *Id.* § 225.5 (2021).

number of neighborhood amenities, and transit connections.³¹ Despite this, in 2019 Rock Creek West had the lowest number of dedicated affordable housing units in the District—there were fewer than 500 dedicated affordable units in Rock Creek West at the time the Report was published, representing only 1% of the units in the planning area.³² The Housing Equity Report set a goal of 1,990 new affordable housing units in Rock Creek West by 2025, the most of any planning area.³³ However, as of December 2024, Rock Creek West had achieved only 11.6% of this goal and thus is not anticipated to meet the goal on time.³⁴

Rock Creek West Roadmap. The Rock Creek West Roadmap identifies where additional affordable housing units should be located.³⁵ Approximately 70% of Rock Creek West’s new affordable units could be added to the existing mixed-use corridors along Wisconsin and Connecticut Avenues, which include the PUD site.³⁶ The Roadmap allocates additional density to these corridors because so little of the rest of Rock Creek West is available for new housing due to historic exclusionary development practices that have been codified in zoning.³⁷

Wisconsin Avenue Framework. Further focusing the implementation of the CP’s affordable and market-rate housing goals, the Wisconsin Avenue Framework provides specific guidance on zoning changes and design considerations needed to accommodate additional housing units along the “high-opportunity” upper Wisconsin Avenue corridor. The Framework recommends maximizing allowable height and density as well as leveraging zoning tools like PUDs and IZ to achieve additional density for housing and affordable housing.³⁸ The Framework also highlights the need for more family-sized units in multifamily buildings to attract and retain families in Rock Creek West.³⁹ The PUD site is included as part of the “Friendship Heights Transition Zone” that the Framework envisions for moderate-density residential development of approximately five-stories to provide a transition to surrounding lower-scale neighborhoods.⁴⁰

³¹ DCHD & DCOP, HOUSING EQUITY REPORT, 8–9, 13 (October 2019), <https://planning.dc.gov/sites/default/files/dc/Files/dc/sites/housingdc/publication/attachments/Housing%20Equity%20Report.pdf>; D.C. Mun. Regs. tit. 10-A, § 2300.09 (2021).

³² DCHD & DCOP HOUSING EQUITY REPORT, 4 (OCTOBER 2019), https://housing.dc.gov/sites/default/files/dc/sites/housingdc/page_content/attachments/zHousing%20Equity%20Report%2010-15-19.pdf.

³³ *Id.* at 4–5, 12.

³⁴ *Id.* at 5; DMPED, *DMPED 36,000 by 2025 Dashboard* (July 1, 2025, at 10:47 ET), [https://open.dc.gov/36000by2025/\(last updated December 2024\)](https://open.dc.gov/36000by2025/(last%20updated%20December%202024)).

³⁵ DHCD, DCOP, & DMPED, ROCK CREEK WEST ROADMAP, 16–17 (2021), https://planning.dc.gov/sites/default/files/dc/sites/op/page_content/attachments/Rock%20Creek%20West%20Roadmap.pdf.

³⁶ *Id.* at 5, 15 (estimating that RCW could exceed the 1,990 affordable unit goal and provide up to 2,410 affordable units in addition to 3,600–4,200 market-rate units).

³⁷ D.C. Mun. Regs. tit. 10-A, § 2306.1 (2021), DHCD, DCOP, & DMPED, ROCK CREEK WEST ROADMAP 7 (2021), https://planning.dc.gov/sites/default/files/dc/sites/op/page_content/attachments/Rock%20Creek%20West%20Roadmap.pdf.

³⁸ DCOP, WISCONSIN AVENUE DEVELOPMENT FRAMEWORK, 4, 8 (2024), https://planning.dc.gov/sites/default/files/dc/sites/op/page_content/attachments/Wisconsin%20Ave%20Development%20Framework_web.pdf.

³⁹ *Id.* at 13.

⁴⁰ *Id.* at 42.

C. PUDs Must Provide Public Benefits Proportionate to, and in Compensation for, Requested Zoning Incentives.

The District’s Zoning Regulations require a PUD to proffer public benefits sufficient to compensate the District for the PUD’s requested zoning incentives, including added density and height and other zoning flexibility.⁴¹ PUD public benefits must be tangible, quantifiable, and proportional to the degree of development flexibility sought.⁴² For affordable housing to qualify as a PUD benefit, it must exceed the requirements for a matter of right development under the existing zoning in its quantity or depth of affordability.⁴³ More generally, housing that exceeds what could be provided through a by-right development or that provides units with three or more bedrooms is considered a PUD benefit.⁴⁴ As noted above, while the Zoning Regulations identify multiple categories of PUD benefits, the CP identifies only one “high-priority” public benefit for residential PUDs—affordable housing, noting that it is of particular value in high-cost areas.⁴⁵

II. The Proposed PUD Will Advance the Directives that the CP and Other Planning Policies Establish for the Wisconsin Avenue Corridor through its Significant Affordable Housing and Housing Benefits.

A. The PUD Complies with the CP’s Guidance for Wisconsin Avenue by Creating Affordable Housing and Housing in a High-Cost, High-Opportunity Area.

The proposed PUD will facilitate fulfillment of the land use objectives that the CP, the Housing Equity Report, the RCW Roadmap, and the Wisconsin Avenue Framework have established for the area encompassing the PUD site.

First, by providing 42 new affordable housing units along Wisconsin Avenue in Rock Creek West, the PUD will advance the equitable development policies of the CP and District planning guidance to increase affordable housing in one of the District’s most high-cost, high-opportunity areas. Critically, the PUD will add substantially more affordable housing—33% instead of the 10% set-aside under base IZ, or the 20% set-aside under IZ+ for a Zoning Map Amendment providing equivalent density—in the area of the District where it is most critically needed to meet the District’s equity goals. Indeed, the High Area Needs Tax Abatement (“HANTA”) program supporting the PUD’s expanded affordable housing contribution specifically targets “high-need affordable housing areas” as identified in the Housing Equity Report, including Rock Creek West.⁴⁶ Furthermore, the PUD will reserve three units for very-low income households (50% MFI), two more than required by base requirements, with one of these very-low income units being a family-sized three-bedroom unit. The PUD will also offer all HANTA units at the 80% MFI level,

⁴¹ D.C. Mun. Regs. tit. 11-X (Zoning Regulations of 2016), §§ 300.5 (2023), 304.2 (2017), 305.11 (2019).

⁴² *Id.* §§ 300.5 (2023), 305.3 (2019), 305.11 (2019).

⁴³ D.C. Mun. Regs. tit. 11-X (Zoning Regulations of 2016), § 305.5(g) (2019).

⁴⁴ *Id.* § 305.5(f) (2019).

⁴⁵ D.C. Mun. Regs. tit. 10-A, §§ 225.5 (2020), 224.9 (2020), 504.15 (2021).

⁴⁶ “‘High-need affordable housing area’ means the Near Northwest, Rock Creek West, and Capitol Hill planning areas identified in the District’s Housing Equity Report, published in October 2019, plus 1,000 feet in any direction beyond any of those 3 planning area boundaries.” (D.C. CODE § 47-860(g)(6) (2023)).

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expanding housing options for moderate-income households unable to afford market-rate housing but ineligible for IZ units.⁴⁷ Finally, the PUD's increased density will allow for 84 market-rate units, including a family-sized three-bedroom unit, which follows the CP and associated planning guidance's aim to increase housing at all income levels. Altogether, the PUD will provide a wider range of housing options, including a high percentage of affordable units, which will make Rock Creek West more accessible to a broader range of residents, including low- and moderate-income households.

Second, the PUD will provide this significant new affordable and market-rate housing on an underutilized site in a manner consistent with the guidance of the FLUM and GPM. The PUD's increased density will implement the 2021 increased FLUM density along the corridor for housing and affordable housing.⁴⁸ Consistent with the guidance of the GPM, as supplemented by the Wisconsin Avenue Framework, the PUD will create a stepped-down architectural transition between the higher density of the Wisconsin Avenue commercial corridor and the surrounding lower density areas through a series of creative design features, including by locating penthouses only on the building's western side and by breaking the eastern façade into a series of four architecturally distinct "pavilions" separated by landscaped courts to reduce the building's apparent bulk as it meets the residential neighborhood. This will enable the PUD to provide a substantial amount of affordable and market-rate housing that buffers the surrounding neighborhood from the higher density and intensity uses along Wisconsin Avenue.

Third, the PUD will implement the CP's call to locate new housing along transit corridors, as the site is within walking distance of both the Friendship Heights and Tenleytown Metrorail Stations.⁴⁹ The PUD is also located near multiple retail options, including grocery stores, and community amenities such as schools, libraries, and recreation centers. This proximity to transit and other resources will reduce transportation costs for future residents of the PUD site and increase transit ridership and patronage of local businesses.

B. The PUD's Proffered Affordable Housing Significantly Outweigh the PUD's Requested Zoning Incentives.

The PUD's substantial affordable housing proffer exceeds the value of its requested zoning incentives.⁵⁰ The PUD proffers a 233% increase in affordable housing over the base IZ requirements and an 85% increase over the IZ+ requirements for a Zoning Map amendment for the same additional density, in addition to very-low income and moderate-income units and three-bedroom units. The PUD only seeks to roughly double the site's density and obtain relatively minor zoning relief from the rear yard, penthouse, and parking requirements. And the PUD will maximize this additional density to provide new market-rate housing in a high-cost, high-opportunity area along a transit corridor. The end result is a PUD that will leverage its requested density to provide

⁴⁷ The HANTA program permits offering units at up to the 100% MFI level, provided the overall average MFI level is 80% (D.C. CODE § 47-860(a)(3) (2023)).

⁴⁸ Applicant's Prehearing submission, Z.C. Case No. 24-12, Ex. 23A1, Sheet G10.

⁴⁹ Friendship Heights Metro is an approximately six-minute walk, and Tenleytown Metro is an approximately 13-minute walk. See Applicant's Prehearing submission, Z.C. Case No. 24-12, Ex. 23A1, Sheet G01.

⁵⁰ D.C. Mun. Regs. tit. 11-C (Zoning Regulations of 2016), § 1003.1 (2025).

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a significant amount of affordable and inclusive housing far beyond what a by-right project under current zoning could provide.

OAG strongly recommends that the Zoning Commission approve the proposed PUD as it complies with the directives of the CP and associated public planning guidance to create critically needed affordable and market-rate housing in a high-cost, high-opportunity area. In so doing, it will meaningfully advance the CP's vision for a more equitable and inclusive city.

Respectfully submitted,

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Attachments:

Appendix – Comprehensive Plan Quotations