

Case 25-09, Comments in Response to Supplemental Report from Office of Planning

Dear Chairman Hood and members of the DC Zoning Commission.

I have been a taxpaying property owner since 1989 in the historic Woodley Park Towers condominium building, at 2737 Devonshire Place NW. (And before that I lived for seven years in the neighborhood as a tenant.) Since I live right in between the Woodley Park and Cleveland Park Historic Districts, I have a deep appreciation for the wonderful architectural character of these main street commercial districts, and for the beautiful scale of the residential portions of the historic districts as well. As a result, I am extremely disturbed by the dramatic increases in height and density that are being proposed by the Office of Planning and the Zoning Commission.

I appreciate the Zoning Commission's decision to reopen Case 25-09 in light of the questions raised during the December 1 hearing, and these comments are submitted in response to the Supplemental Report issued by the Office of Planning.

The current proposal would allow building heights of up to seven stories, plus penthouses. This is grossly incompatible with the scale of the buildings in these historic districts, and represents a huge windfall for the developers.

I have attended review hearings by the Historic Preservation Review Board (HPRB) over the years, and HPRB generally does a good job of allowing new additions in historic districts, but ensuring that the new additions are subordinate in design, and set back so that the historic scale of the original buildings and their facades are respected. However, I am concerned that the new zoning density increase will be interpreted by developers as a blank check, and will create economic expectations that HPRB would either be preempted or mandated to approve anything within the massive new height envelope.

It will be important for any rezoning amendments to be explicitly clear that nothing would override the HPRB's jurisdiction and authority to require reductions and alterations in order to ensure compatibility with the architectural character of these wonderful historic districts. In the absence of this clarification, developers would likely challenge attempts by the HPRB to limit new construction in an effort to respect the historic character of the district. Remember when the owners of Cathedral Mansions sued the District of Columbia arguing that the city was "taking" their property without just compensation because the city denied their proposal to build a set of eight townhouses on their lawn along Connecticut Avenue? *District Intown Properties Ltd. Partnership v. DC*, 198 F.3d 874 (D.C. Cir. 1999). Fortunately, the court rejected that argument, but the current proposal creates the risk that similar litigation would be initiated.

The mantra of "affordable housing" is often used as a sales pitch for allowing developers to expand the limits of what would otherwise be allowed. But in my experience, the city rarely comes through on that implied promise, and instead the developers are gifted with super-profitable luxury housing developments with just a tiny number of token "affordable" units. The Wardman Hotel project is a classic example. The community wanted affordable housing there, but the developers were allowed to build luxury housing. And in any event, the definition of "affordable" is usually based on 80% of the median income in the DC metropolitan area – which is pretty high – and the price of affordable housing is 30% of that number.

In short, I urge you to substantially reduce the height and density that would be allowed under the proposed rezoning, and to explicitly clarify that HPRB's review jurisdiction would not be overridden or constrained by the new rules.

Thank you for considering these comments and concerns.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Merritt". The signature is written in black ink and is positioned above the typed name and address.

Elizabeth Merritt
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