



## **ADVISORY NEIGHBORHOOD COMMISSION 3E**

**TENLEYTOWN    AMERICAN UNIVERSITY PARK    FRIENDSHIP HEIGHTS**  
**WAKEFIELD    CHEVY CHASE    FORT GAINES    SPRING VALLEY**

c/o Lisner Home 5425 Western Avenue, NW Washington, DC 20015

<https://anc3e.org>

### **ZC Case 25-13; Wisconsin Avenue Development Framework**

#### **WHEREAS:**

1. Over the last 17 years numerous proposals to redevelop commercial properties have come before Advisory Neighborhood Commission 3E. ANC 3E has sought and obtained numerous required community benefits, amenities and mitigations through this process in cases seeking zoning relief before both the Zoning Commission (ZC) and the Board of Zoning Adjustment (BZA).
2. Among these benefits have been:
  - a. Inclusionary Zoning (IZ) substantially in excess of what is required by zoning regulations specifically including:
    - i. A higher percentage of units than required
    - ii. Units at lower area median income (AMI) than required including units at 50 and 30% AMI
    - iii. Additional larger units than required
    - iv. ADA-ready units that are not otherwise required
  - b. Improvements to public space including:
    - i. Public space improvements on and adjacent to proposed projects
    - ii. Undergrounding of utilities
    - iii. Creation of new publicly accessible outdoor park spaces
    - iv. Landscaping improvements and the planting of new trees in other public spaces
  - c. Retail Agreements that advance community interests including:
    - i. Limitations on certain businesses
    - ii. Requirements to recruit or provide space for certain businesses
    - iii. Funds to subsidize build-out costs for certain businesses
  - d. Green building and design features including:
    - i. Specific LEED certifications
    - ii. Green roofs and solar panels
    - iii. Design & massing changes responding to concerns raised by neighbors and ANC Commissioners
  - e. Traffic & parking mitigation
    - i. On-street safety infrastructure

- ii. Traffic signals at dangerous intersections
- iii. Capital Bikeshare stations
- iv. Parking agreements

3. By and large these community benefits have been secured via Memorandums of Understanding negotiated by the ANC with applicants and incorporated by the ZC and BZA into binding and enforceable orders.

4. In several notable instances, a DC agency had recommended, outside a particular zoning case, that the particular amenity or mitigation be created, presumably by DC government, but years passed without any suggestion that the city would ever, in fact, fund such amenity or mitigation.

5. Indeed, DC agencies have recommended over the years that many additional livability and/or safety improvements be made in our neighborhood, with no sign that DC government will ever fund the improvements.

6. At its properly noticed public meeting on February 13, 2020, ANC 3E supported numerous substantial changes to the Future Land Use Map (FLUM) which created a means for applicants to seek significant upzoning through the use of Planned Unit Developments (PUDs) to build new housing along and adjacent to the Wisconsin Avenue corridor. Indeed, in some cases, we asked OP to increase the density the agency had originally proposed, and the agency did so.

7. In the subsequent 6 years since passing that resolution and the DC Council passing legislation updating the Comprehensive Plan there were four examples<sup>1</sup> of proposals for new housing within ANC 3E where proposals that had been granted zoning relief were subject to significant delays because of appeals of ZC and BZA rulings.

8. There are further examples of proposals to build new housing where applicants avoided lengthy public review processes and instead opted to build matter of right projects delivering significantly fewer housing units than could have been built<sup>2</sup> and no associated public amenities that might have been delivered had the applicant sought greater densities via zoning relief. Such examples, in the short term at least, reduced the delivery of badly needed additional housing units.

9. In part because of requests from ANC 3E and others in the community during the most recent Comprehensive Plan process beginning in 2022 the District of Columbia Office of Planning (OP) initiated a planning process called the Wisconsin Avenue Development Framework (the Framework)<sup>3</sup>. After numerous public meetings in 2022 and 2023 OP released the draft Framework on September 26, 2023.

10. The Framework proposed, among many things, to create an expedited approval process, in some instances Matter of Right and others requiring Design Review, for new housing along

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<sup>1</sup> Superfresh/Ladybird 4330 48<sup>th</sup> Street NW (Case 19-10); 4620 Wisconsin Avenue (Case 16-26); Wisconsin Avenue Baptist Church (Sunrise) at 3920 Alton Place NW (Case 19823); Federal Realty/5333 Wisconsin Avenue (case 96-13A)

<sup>2</sup> Among these are City Ridge; Fox 5 (unbuilt); Mazza Gallerie; The Harrison (5201 Wisconsin Avenue NW)

<sup>3</sup> <https://publicinput.com/Customer/File/Full/3d8c3f57-1ca2-40c6-8391-c1c9f60e85c7> We note that we had specifically asked for a Small Area Plan (SAP). Although an SAP was produced for neighboring Chevy Chase, OP elected to develop only a framework for our neighborhood.

the Wisconsin Avenue corridor that would remove or reduce discretionary zoning review in exchange for requirements that applicants build more IZ units than were previously included in projects proposed and built in the corridor whether via Matter of Right (MOR) or via discretionary projects negotiated with the ANC and reviewed by the ZC and BZA. The Framework also makes a number of well thought out and appealing suggestions for public space improvements and building massing ideas for how buildings might best be designed to both relate to the street and where buildings might be sited to create appealing new public spaces and opportunities for breaking up large blocks and improving pedestrian porosity.

11. On November 9, 2023, ANC 3E unanimously passed a resolution in response to the draft framework that among many issues cited concerns that:

- a) Public realm improvements were not explicitly funded nor were there any significant design criteria
- b) Improvements to pedestrian porosity were not required nor was the undergrounding of utility wires or closing of curb cut
- c) A lack of language supporting local, women & minority owned businesses
- d) A lack of requirements for additional bike lanes and bus routes
- e) A lack of any requirement for traffic calming
- f) A lack of any reference to Tenleytown as a hub for students and no proposal for recreational or public space improvements for students
- g) A lack of a requirement that the Lord & Taylor site be more than just a WMATA bus garage

12. On Feb. 13, 2025, at a meeting of ANC3E, OP provided an update on the implementation of the Framework.

13. On July 21, 2025, OP filed a proposal with the ZC setting forth a comprehensive rezoning of the Upper Wisconsin Ave. Corridor. The proposal purports to implement the aforementioned Framework and establishes four (4) mixed-use zones for Wisconsin Avenue all of which are wholly or partially within the boundaries of ANC3E.

14. OP's proposal has eliminated design reviews from its current proposal. Design reviews were an important element of the Framework because they preserved the ability of the Zoning Commission and ANC to insist on high-quality, contextual design that is superior to any matter-of-right development. As previously noted, ANC 3E believes that the existing design elements that OP has put forward are inadequate.

15. A vital component of the proposed zoning changes to emerge from the Framework is IZ+<sup>4</sup>. OP's report acknowledges that OP has heard from parties seeking exemption from IZ+ as well as advocates seeking to expand it. OP concluded that policy and legal considerations dictated that it maintains its current recommendation for IZ+ at this time.

16. WMATA owns two large properties in Friendship Heights and is likely the single largest commercial landowner in our ANC. There were communications from WMATA to both the ANC and OP

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<sup>4</sup> <https://planning.dc.gov/inclusionaryzoning>

that WMATA might seek to be exempted from IZ+ under this new zoning but on December 4<sup>th</sup> ANC 3E received written assurances that WMATA will no longer pursue an exemption for its properties. ANC 3E would have strenuously objected to an exemption for WMATA. Exempting WMATA from IZ+ would likely dramatically reduce the amount of affordable housing built in our ANC.

17. ANC 3E has heard concerns that IZ+ requirements generally may deter development. Any changes to IZ+ requirements, however, should be entertained separately from this process.

18. We understand that under OP's proposal PUDs will continue to be available as an option for developers to pursue increased height and density as an alternative to the "Enhanced-Matter of Right" option that would require IZ+. If we misunderstand, we believe the Zoning Commission should ensure that a PUD option is available as an alternative in any situation where it would otherwise have been available.

19. ANC 3E acknowledges that under current conditions, many developers may not be able to take advantage of more permissive zoning that requires IZ+.

20. Even under average conditions IZ+ could be challenging to provide. If OP's recommendation to eliminate Design Reviews here is adopted, this is as it should be. Matter of Right development at the highest height and the proposed higher densities *should* stretch developers. We anticipate that even as market conditions improve, some developers may seek PUDs for flexibility. Again, this is as it should be. Enhanced-Matter of Right development is justifiable precisely because it is accompanied by provision of unusual quantities of IZ.

21. Because Ward 3 desperately needs more affordable housing, and for the other reasons above, ANC 3E does not oppose OP's recommendation to eliminate design review in favor of Enhanced-Matter of Right (which incorporates IZ+).

22. We note, however, some confusion about what IZ+ would require under this new regulatory framework. We understand that at or near the maximum height/density permitted, developers will be required to provide up to 20% IZ. If that is not the case under OP's proposed zoning language, the language should be amended to require this.

23. We remain concerned, however, that Enhanced-Matter of Right may permit building designs that are less than optimal, perhaps substantially less.

24. ANC 3E and representatives from smart growth organizations have suggested to OP that it adopt a form-based code for areas within the Framework.

25. OP cites impediments to creating a form-based code, including the need for training and additional time and expense. We believe that the value of bringing form-based code capability to DC is substantial in the abstract. Moreover, here, where the ZC would create Enhanced-Matter of Right zoning, the value of a form-based code would be extreme.

26. A form-based code might also incorporate requirements for public space improvements. We understand that DDOT has ultimate responsibility for public space, but the Zoning Commission has for many years incorporated into its orders requirements for public space amenities "subject to DDOT approval." The Zoning Commission could likewise incorporate such language in a form-based code.

**Now therefore be it resolved:**

ANC 3E continues to believe that additional housing should be built on or adjacent to Wisconsin Avenue within our ANC but that the current discretionary zoning process is often an impediment to delivering that housing.

ANC 3E appreciates that some of the concerns we cited in our November 2023 resolution have been addressed particularly around pedestrian porosity and public realm improvements.

ANC 3E however has significant outstanding concerns about OP's proposal and we believe these concerns should be addressed.

ANC 3E requests that the following changes apply to all 4 zones:

- No Grade level parking spaces should be permitted
- Section 1000.1 encouraging sustainable well designed new development that is compatible with the built environment and contributes to the main street character shall apply to all 4 zones
- All developments must underground utility lines on all public frontages
- No Curb cuts shall be permitted along Wisconsin Avenue
- Superior design should be defined or the relevant code referenced
- Superior publicly accessible spaces should be defined or the relevant code referenced and believe distinct or higher quality paving materials for pedestrian zones should be required
- Additional design requirements to break up massing should be required including chamfered corners.

ANC 3E requests these changes to specific zones:

Friendship Heights Metro Mixed-Use Zone:

- The pedestrian connection between Wisconsin Avenue and 44<sup>th</sup> Street (square 1657, Lot 24) shall align with the Ingomar Street viewshed
- If WMATA is unable to move forward with a mixed-use project at the Lord & Taylor site they should be required to include a significant public recreation amenity on the site

Friendship Heights Transition Area:

- NA

Tenleytown Metro Mixed-Use Zone:

- We reiterate our previously expressed concern about a lack of acknowledgement of Tenleytown as a significant hub for students from Kindergarten to graduate school and the lack of any planning for recreational or public space uses for this significant population.

Wisconsin Avenue Mixed Use Zone:

- NA

**Be it further resolved:**

ANC 3E thanks OP for the extensive work it has put in to create a draft Framework. We also thank OP for retaining the current IZ+ requirements.

ANC 3E supports the additional height and density along Wisconsin Avenue contemplated in the Wisconsin Avenue Development Framework and the rezoning proposal submitted by OP. We also support what we have called enhanced matter of right....

We ask the Zoning Commission to create a form-based code or something like it for the Framework. Such a code should incorporate more granular design requirements as well as requirements for public space improvements consistent with the Framework.

We understand that additional time would be involved but given the sharp downturn in the real estate market, relatively little development may occur in the near term in any event. Thus, we believe the benefits of creating a form-based code outstrip any harm from delay.

The ANC stands ready to work with OP on an expedited basis to create such a code.

We ask if it is already not required the ZC follow section 502.4 for all four zones being re-zoned as it was in ZC Case 22-02.

ANC 3E authorizes Commissioners Jonathan Bender and Tom Quinn to testify for the ANC at any proceedings connected to the above referenced case.

The resolution passed by a vote of 4-2-0 at a properly noticed meeting held on December 4, 2025, at which a quorum was present, with Commissioners Bender, Cohen, Gianinno, Graff, Mitchell and Quinn in attendance.

ANC 3E

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by Jonathan Bender  
Chairperson