

Lois-Wisconsin LLC

December 9, 2025

VIA IZIS

Anthony Hood, Chairperson
District of Columbia Zoning Commission
441 4th Street, NW, Suite 200-S
Washington, DC 20001

Re: **Zoning Commission Case No. 25-13**
Proposed Zoning Text and Map Amendments to Create and Map New
MU-10/FHM, MU-10/TTM, and MU-8A/WA Zones, and Map the Existing
RA-2 zone for the Friendship Heights Transition Area

Dear Chairperson Hood and Members of the Commission:

On behalf of Lois-Wisconsin Ave LLC, the owner of property at 4551 Wisconsin Avenue, NW (the “Property”), please accept these comments into the record for Z.C. Case No. 25-13.

On July 21, 2025, the Office of Planning (“OP”) filed the proposed map and text amendments. As stated in OP’s setdown report at Exhibit 2 of the record, this proposal represents the culmination of a lengthy public planning process, which started in 2019 when Mayor Bowser issued her order on housing, directing District agencies to identify new policies, tools, and initiatives to achieve the goal of creating 36,000 new housing units, including 12,000 affordable housing units, by 2025. The most significant step towards achieving the District’s housing goals came when the D.C. Council adopted the 2021 amendments to the Comprehensive Plan (the “Comp Plan”). OP’s proposed zoning text and map amendments in this case will implement the Comp Plan, as supplemented by the Wisconsin Avenue Development Framework (“WADF”), and finally bring the height and density that has long been necessary to support the additional housing, including affordable housing, and other neighborhood amenities that this area has sorely needed for decades.

As a long-term property owner in Square 1770 in the Tenleytown neighborhood, we commend OP for their steadfast commitment to seeing this effort through to the end, and overall, we are very supportive of the proposed changes. We are excited about the vision that the WADF put forth for the Wisconsin Avenue corridor, particularly around the Tenleytown Metrorail station, including the changes to zoning for our property, which holds significant opportunity for new housing and retail in Tenleytown. To that end, we are generally supportive of the proposed MU-10/TTM zoning for the Property.

There are, however, a few specific areas of the proposed MU-10/TTM zoning that we believe require revisions to:

- (i) Delete or incentivize the provision of a through-square pedestrian connection rather than mandating it to accommodate the uncertainty around how and when the square may or may not be redeveloped (Comment #1 below),
- (ii) Resolve internal conflicts within the regulations caused by the proposed maximum lot occupancy for non-residential uses (Comment #2 below), and
- (iii) Provide clarification to achieve greater certainty on urban design outcomes and avoid interpretation issues during permitting related to ground floor uses and height requirements (Comments #3 and 4 below).

With those goals in mind, we respectfully provide the following comments and recommendations for the Commission's consideration.

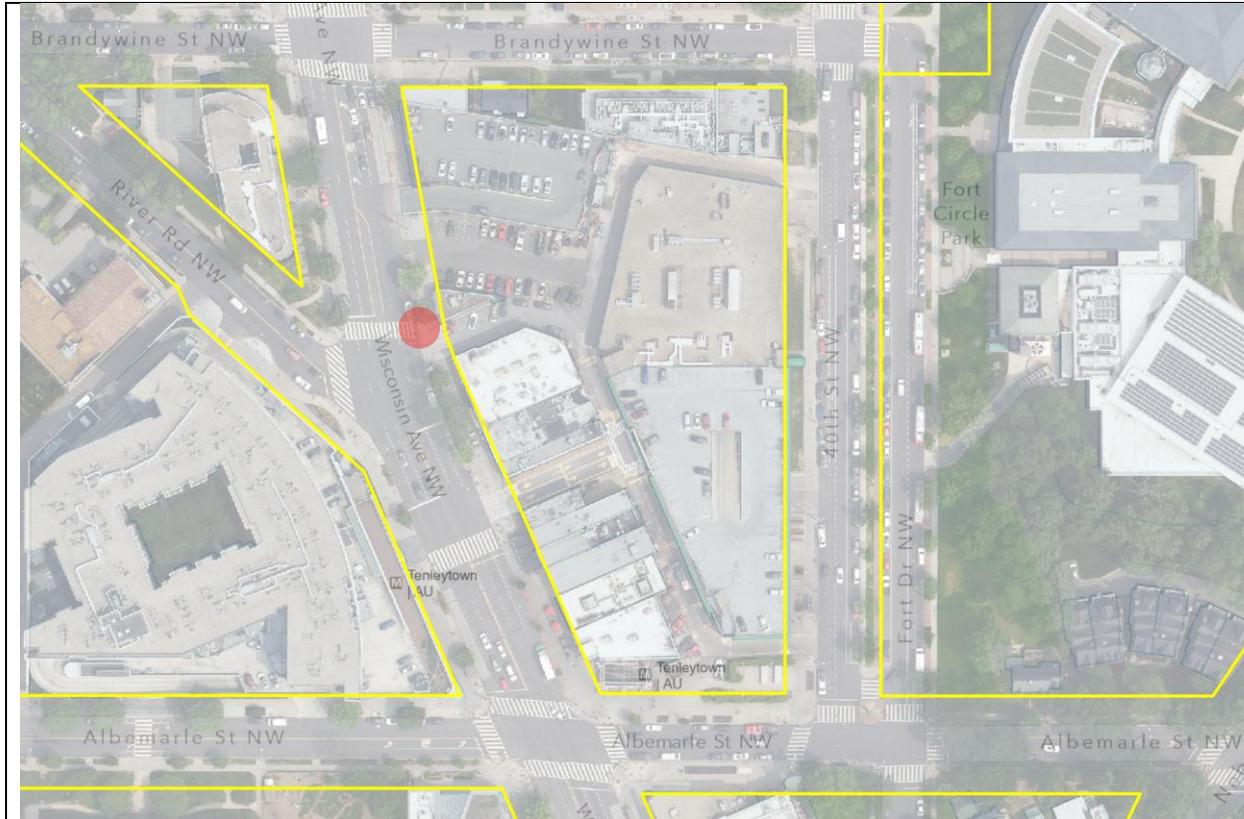
1. Pedestrian Connection

There are important threshold questions relating to whether mandating a through-block pedestrian connection in this square is necessary from planning, urban design, and programmatic perspectives, or whether the connection would be "nice to have" in theory, but might lead to significant challenges (enforcement, maintenance, security) and even present a disincentive to development. We believe these challenges are real and would be onerous for property owners within the square. We also believe there will be ample frontage around the perimeter of the square where retail is needed to active the public realm that could suffer from vacancy due to the additional retail frontage along the pedestrian connection. Therefore, as a threshold matter we recommend deleting the through-connection language.

If the Commission prefers to maintain a mechanism to help advance the pedestrian connection recommended in the WADF, which is non-binding on the Commission, it should make provision of a pedestrian connection voluntary and alter it from a requirement to an incentive. To incentivize the provision of the pedestrian connection, flexibility could be provided from certain design criteria such as lot occupancy, upper-level setbacks on Wisconsin and/or 40th Street/Fort Drive, and/or penthouse setbacks for habitable space (where not in conflict with the Height Act). Making the pedestrian connection voluntary rather than a requirement would also help avoid challenges that could arise from a mandate to devote such a substantial portion of a private property to a publicly accessible walkway.

Regarding OP's proposed language, Section 907.2 requires "any new development in Square 1770" to provide an east-west pedestrian corridor between Wisconsin Avenue and 40th Street/Fort Drive that must be designed according to specified criteria. As written, the language appears to be based upon a development scenario whereby the square, or a significant portion thereof, is redeveloped with a single building or project on a site that has frontage on both Wisconsin Avenue and 40th Street/Fort Drive. However, there are currently multiple owners within the square, no one property currently has frontage on both Wisconsin and 40th Street/Fort Drive, and the square is bifurcated by a public alley. The square might ultimately be redeveloped as a single building or could potentially be redeveloped with multiple buildings at different times. Thus, because the proposal is aimed at facilitating matter-of-right development, the language in Section 907.2 presents enforcement and interpretation issues. First, should the square be redeveloped as multiple buildings, the current language in Section 907.2 could be interpreted as requiring a through block pedestrian connection in every "new development." Second, unless the public alley is closed and a development site is assembled and subdivided such that it has adequate frontage on both Wisconsin Avenue and 40th Street/Fort Drive, no developer would be able to satisfy this requirement and thus would have to seek relief from the Commission pursuant to Section 908, and thus subject themselves to a discretionary review process that is subject to delay and appeal. Language changes that address both of these challenges are provided below for the Commission's consideration.

Additionally, unlike the pedestrian connections required under Sections 807.2 and 1008.1, the language in Section 907.2 provides no guidance - specific or general - on where the pedestrian connection should traverse Square 1770, leaving it open to interpretation and causing potential enforcement issues. Given the significant uncertainty around when and how the square would be redeveloped, including whether the square will be developed as a single building, Section 907 should state *generally* where the pedestrian connection should be located, without pinpointing a specific lot or lots or requiring the connection on each lot. This will avoid interpretation and enforcement issues during permitting regardless of whether the square is redeveloped as separate buildings over time or as a single undertaking and would help ensure that the pedestrian connection is provided in an acceptable midblock location. Assuming the intent is for the connection to be generally located through the middle of the square, it would be prudent if the regulations contained general guidance that could help steer the connection toward a location that is near the intersection of Wisconsin Avenue and River Road. As shown in the diagram below, this location is generally midblock along the Wisconsin Ave frontage of Square 1770 and would be conveniently located at an existing pedestrian crosswalk where multiple pedestrian connection points come together.



Approximate midblock location of existing crosswalk at intersection of Wisconsin Avenue and River Road adjacent to Square 1770.

The following amended language for Section 907.2 demonstrates how the above concepts can be implemented and is provided for the Commission’s consideration (the base language of Section 907.2 shown below includes the latest language proposed by OP in its hearing report) :

907.2 ~~In the MU-10/TFM zone, any A new~~ development in Square 1770, ~~shall that~~ provides an **east-west** pedestrian corridor between Wisconsin Avenue N.W. and 40th Street/Fort Drive, N.W. **that fully satisfies the criteria of 907.2(a) may utilize the exemptions and flexibility set forth in 907.2(b): in accordance with the following:**

(a) A pedestrian corridor provided in accordance with this section shall:

(1) Be located near the pedestrian crosswalk at the intersection of Wisconsin Avenue and River Road;

(2) Be a minimum of twenty feet (20 ft.) wide;

- (3) Be uncovered for a minimum of seventy-five percent (75%) of its length;
- (4) Provide clear sightlines between the connecting streets;
- (5) Be open and available to the general public on a continuous basis **during normal retail hours of operation**; and;
- (6) Be used only for additional commercial frontage, outdoor seating, or open green space, **provided that** no connection provided under this section shall be used for loading, vehicular parking, vehicular access, or trash storage.
- ~~(7) A restaurant use fronting on the pedestrian corridor shall be designed to not exceed a maximum width of 40 feet (40 ft.)~~

(b) A development that provides a pedestrian connection in accordance with this section shall be:

- ~~(1) Permitted a lot occupancy of 90% for residential uses,~~
- ~~(2) Permitted a penthouse setback requirement of one-half to one (0.5/1) for penthouse habitable space where not in conflict with the Height Act,~~
- ~~(3) Exempt from the upper-level setback requirement of 906.1(a), and~~
- ~~(4) Exempt from the (c)A pedestrian corridor provided in accordance with this section shall be considered as satisfying the public plaza requirements of Subtitle G § 212.1, and Subtitle C, Chapter 17.~~

2. Lot Occupancy for Non-Residential Uses

Under OP's proposal, Section 905.1 of the new MU-10/TTM zone establishes a maximum lot occupancy of 80% for all uses, while the underlying MU-10 zone only imposes an 80% lot occupancy on residential uses. As discussed below, the planning and urban design case for this change is not clear, and subjecting portions of a building that do not contain residential dwelling units to 80% lot occupancy seems unnecessary given other yard, court, and plaza requirements. Indeed, requiring additional lot area to be devoted to

open space would likely come at the cost of residential and retail square footage, and could create internal conflicts within the regulations that cause property owners to have to seek relief.

Under the existing MU-10 zone, which is the underlying base zone of the MU-10/TTM zone, the maximum permitted lot occupancy is 80% for residential uses only. See Subtitle G § 210. As such, the lot occupancy of the ground floor for a mixed-use building (ground floor retail and residential amenities with dwelling units above) in the base MU-10 zone is sufficiently dictated by yards, courts, and the plaza requirements. This may result, and often does, in a ground floor lot occupancy that is over 80%, particularly if the rear yard can be measured to the centerline of an alley. For example, under the base MU-10 zone the ground floor in a new development on the Property that entailed a 110-foot mixed-use residential building with a fully compliant rear yard, street wall, and plaza would have a ground floor lot occupancy of approximately 83-84%. As touched upon below, having to have an additional 4-5% of the Property's land area, or approximately 1,200 square feet, to open space would lead to significant programmatic challenges and undesirable urban design outcomes.

Requiring 80% lot occupancy for all uses in the proposed MU-10/TTM zone will unnecessarily require devoting more lot area to open space, thus further reducing the footprint of a building's ground floor. This could reduce the amount of the ground floor that is built to the property line along the public street frontage where a strong street wall and consistent pedestrian realm is not only desired, but in fact required through the street wall provision in Section 906.1(g). This could lead to having to provide a non-required side yard that would create an undesirable gap in the street wall. Even if these unwanted urban design outcomes were avoided by providing the additional open space at the rear of the building, the reduction in the ground floor footprint resulting from any of these approaches would create challenges to balancing minimum ground floor retail requirements and the other programmatic and operational needs to make a building function: such as lobby space; mail and package rooms; fire control, trash, and mechanical rooms; loading facilities; and parking access. This also could result in a reduction of residential units, or smaller units on average, if the additional land area that is needed to meet lot occupancy impacts the footprint of the building's upper floors.

Based on the foregoing, we recommend that the Commission delete Section 905.1 of the proposed MU-10/TTM zone, and allow the lot occupancy requirements of the underlying MU-10 zone in Subtitle G § 210 (which only require 80% lot occupancy for residential uses) **to govern** development in the MU-10/TTM zone.

3. Minimum Ground Floor Height Requirement

Under OP's proposal, Section 906.1(d) of the new MU-10/TTM zone requires that the ground level of each new building or addition with a commercial use has a height of fifteen (15) feet. We believe a 15 foot ground floor height requirement is too high, and will unnecessarily require reducing the floor-to-floor height of the upper floors of the building, where higher ceilings are desired to maximize penetration of natural light, especially in residential buildings. In fact, a 15-foot ground floor requirement is taller than the requirement for preferred use areas in Downtown (D) zones. In addition, the provision creates uncertainty in how this requirement is measured (i.e. is the 15-foot requirement a ground floor clear height requirement or is it measured to the level of the floor above?). As such, we recommend that Section 906.1(d) be amended to read as follows:

(d) The ground floor level of each new building or building addition with a commercial use on the ground floor shall have a minimum height of ~~fifteen~~ **fourteen** feet (~~15~~ **14** ft.) **measured from the floor of the ground level at the midpoint of the building's street frontage to the level of the floor above;**

4. Location of Retail Uses

Section 906.1(f) of the pending proposal includes a provision that "retail and other active uses should be concentrated along Wisconsin Avenue, NW...". Such language would allow for significant, subjective interpretation issues regarding what "concentrated" would mean. It is very likely that this provision is not enforceable. This language also introduces an additional complication related to efforts to design and lease ground floor space to the very commercial and active users that are desired by relevant planning goals and the WADF itself, all in a very difficult market to bring such tenants to this site. In addition, such language lists all street frontages for Square 1770, and thus recommends to cluster these uses on every street frontage. The language in Section 906.1(f) was drafted before the language in Section 906.3, which establishes a ground floor use requirement with certain enumerated use groups. **As a result of the potential difficulty of implementation and interpretation, and because the provision is no longer necessary, we recommend that Section 906.1(f) is deleted.**

Conclusion

We appreciate the opportunity to provide our comments in the record. We would like to reiterate that we strongly support OP's efforts to bring the zoning map and text amendment forward, with the comments noted above. We believe OP's efforts have significant merit and are even overdue for this part of the City.

We look forward to this effort progressing and to the new investment and production of housing and affordable housing that it could provide.

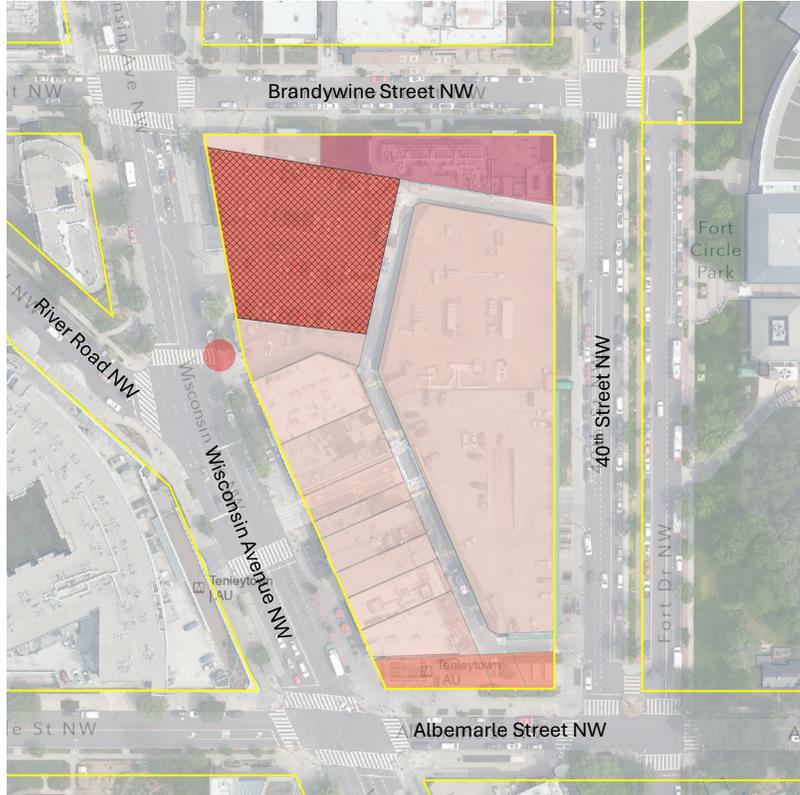
Sincerely,

Lois-Wisconsin Ave LLC

By: Joan E. Akman
Name: Joan E. Akman
Title: Partner

1. Pedestrian Connection

Proposed Text: “907.2 - In the MU-10/TTM zone, **any new development in Square 1770**, shall provide an east-west pedestrian corridor between Wisconsin Avenue N.W. and 40th Street/Fort Drive, N.W. in accordance with the following: ...”

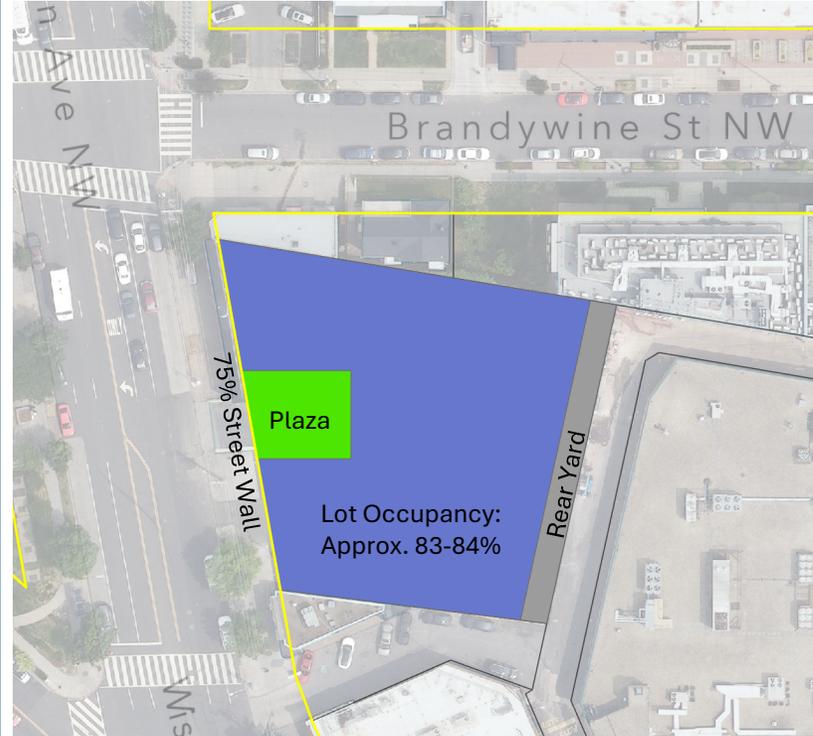


Recommendation

- Eliminate requirement or convert to incentive with flexibility.
- Whether eliminated or retained, provide general guidance on location for clarity on applicability and to achieve urban design objective.

2. Lot Occupancy

Proposed Text: 905.1 - In the MU-10/FHM zone, the maximum lot occupancy shall be eighty percent (80%) **for all uses**.



Recommendation

- Delete 905.1 and allow underlying MU-10 lot occupancy to govern (80% for residential use only).

3. Ground Floor Height

Proposed Text: 906.1(d) - The ground floor level of each new building or building addition with a commercial use on the ground floor shall have a minimum height of fifteen feet (15 ft.);

Recommendation

- Provide clarity on how to measure.
- Make consistent with 14 ft. clear height requirement in Downtown (D) zones.

4. Ground Floor Use

Proposed Text: 906.1(f) - Retail uses and other active uses should be concentrated along Wisconsin Avenue, N.W., Brandywine Street, N.W., Chesapeake Street, N.W., Albermarle Street, N.W. and 40th Street, N.W.

Recommendation

- Delete 906.1(f) as not needed with new 906.3 (50% ground floor commercial use requirement)