



May 14, 2026

Mr. Anthony Hood
Chairman, Zoning Commission of the District of Columbia
441 4th Street, NW, Suite 210S
Washington, DC 20001

RE: **Comments regarding Z.C.** Case No. 25-13

Dear Mr. Hood and members of the Zoning Commission:

Please accept these comments by Ward 3 Vision (W3V). Ward 3 Vision is a group of Ward 3 residents dedicated to supporting smart growth, sustainable transportation, walkable streets and affordable housing in our Ward and across the city. This submission has been unanimously approved by the Steering Committee of W3V, in response to the Zoning Commission's request for comments on the April 20, 2026 report by the Office of Planning and subsequent discussion of ZC 25-13 at the Commission's meeting on April 30, 2026.

Our primary concern is that the added requirement for design review makes virtually every future development project be subject to a discretionary Design Review by the Zoning Commission. This requirement would make every new development proposal a contested case, significantly slowing the approval process and increasing development costs. The result would be less and more expensive development, as well as making the delivery of publicly-subsidized affordable housing nearly impossible.

A related concern is that the design guidelines in the draft amendments included in the April 30 report are limited and subjective. They provide little specific guidance to either developers who are trying to design compliant projects or to the Zoning Commission members who are conducting the Design Review. The general nature of these guidelines leave them open to various interpretations by developers, reviewers and local opponents, extending the time and complexity of the review process and leaving the city open to legal action. In addition, we are concerned that the nonspecific nature of the design guidelines—and the inevitable protracted negotiations that result—will not produce the high quality design envisioned in the WADF. See [Austin, TX Urban Design Guidelines](#).

The remainder of our comments address the reasons for our concern, and suggest possible solutions.

The basis for our concern

We strongly believe in the importance of good design, especially given the increased density allowed in 25-13. However, given the experience of recent projects in the area, we believe that the requirement for a Design Review, as currently written, would make every new development project a contested case, and likely to be stalled by an appeal. This will have a chilling effect - with many potentially high-quality development projects not proposed due to fear of years long delay and uncertainty.

Given the devastating impact such appeals have on the economics of residential projects, this open and discretionary process would discourage development, at a time when development is sorely needed to improve the availability of housing at different levels of affordability. The threat of unpredictable delays due to appeals has already produced a reluctance of many in the development community to risk projects in litigious Rock Creek West; we fear that the impact on housing supply, particularly affordable housing supply, could be significant

In its setdown report, the Office of Planning chose not to include the design review process proposed in the Wisconsin Avenue Development Framework (WADF). In its April 20, 2026 Supplemental Report, while including provisions for a design review process, OP stated

There was also testimony and in discussions with OP, several persons and organizations expressed concerns that further public review of individual projects could add time and financial constraints and could affect bringing projects to fruition in a timely manner, particularly at this time when both public and private financing are scarce or limited. The reality is that there are also persons with intentions to delay projects through the appeal process.

There are many recent examples across the District of appeals that have resulted in substantial delays. One such example is the Lady Bird project, just a few miles away, which was delayed by over 4 years, causing the initial developer to abandon the project and resulting in the loss of the original grocery store prospective tenant. After a long delay, the Court of Appeals upheld the zoning change which had been approved by the Commission.. The developer of the former Mazza Galleria site, within the proposed Friendship Heights zone, opted for substantially less density than would have been permitted under the Future Land Use Map, adopted in 2021. They chose this route because they were concerned that applying for a discretionary change in zoning to significantly increase the number of residential units—on a prime site immediately on top of a Metro station—would have resulted in appeal delays making the project unfinanceable.

The fragile state of the development market in the upper Wisconsin Avenue corridor provides ample evidence of the difficult development climate. This discretionary process—which effectively eliminates by-right development will substantially slow development and make innovative projects—especially those with affordable housing—near impossible. In fact, three development projects within a five minute walk of the Friendship Heights Metro station are currently stalled because they are unable to get the financing they need to move forward. These projects already have the necessary zoning approvals and one of them has a 40 year tax abatement. The proposed discretionary design review would make it nearly impossible in this

already difficult development climate to produce the badly needed new homes, increase in property taxes and other revenue which could be generated by new residents at a time when the Mayor has had to reduce the budget for FY27 by 3%. We cannot afford to create additional obstacles that discourage new development.

Our concern regarding the Design Review process is amplified by the lack of specificity in the design guidelines included in the proposed amendment language, which is likely to open the door to appeals and legal challenges by development opponents. In its setdown report the Office of Planning proposed by-right development and incorporated standards for height, setbacks, lot coverage and other design features, typically found in a form-based zoning code. In general, we support this approach and encourage OP to continue its consideration of adopting form-based zoning, particularly in places where the Comprehensive Plan and small area plans call for mixed-use, walkable development slated for gentle increases in density. The Commission recognized these design-based provisions in its comments on April 30th, but stated directly that the full WADF should be considered as the guidelines for the Design Review. While the WADF creates an excellent framework for the type of development desired, the absence of specific metrics—e.g. spacing, active openings on a block, characteristics of different types of open space, lighting requirements—leaves the outcomes of Design Review open to different interpretations and challenges.

For example, the WADF called for the creation of a park in the square on the west side of Wisconsin Avenue between Garrison and Harrison Streets; it contemplated financing such public improvements through a design review process that could award additional density to compensate for the additional expense. The current zoning proposal eliminates the density bonus as part of the design review. If the developer does not find it economically feasible to provide that park, and wishes to pursue an alternative configuration, does that mean that opponents can appeal an approval of the alternative scheme because of the lack of the park?

Recommendations

The goal we believe the Zoning Commission is working toward is 1) encourage more housing to be built on the Wisconsin Avenue corridor by increasing housing capacity while creating predictability for developers and their financing; 2) require good design that creates engaging places and is shaped with significant public input during the planning process; 3) minimize a process that can be manipulated to create frivolous delays. To that end we recommend:

1. Eliminate the proposed Design Review by the Zoning Commission from ZC 25-13. Approve the amended Tenleytown, Friendship Heights, and Wisconsin Ave proposed zones without requiring Design Review at this time.
2. Direct OP to develop and submit for approval by the Zoning Commission, clear and objective design standards, based on the WADF for MU-10/FHM, MU-10/TTM, MU-8A/WA zones, which have been developed through extensive

public input. These standards would support and extend the design guidance currently in the proposed amendments.

3. Direct the Zoning Administrator to determine compliance with design standards during permit review. There is already a precedent in DC zoning regulations for this approach. The Zoning Regulations for the Downtown Development District (DDD) Overlay Zone before 2016, required the Office of Planning to report to the ZA its finding on whether a proposed development project met the DDD requirements. Similarly many other jurisdictions place the responsibility with their Zoning Administrator for determining compliance with the design provisions in their zoning regulations.
4. This proposed administrative review process should apply to all projects proposed in the three new WADF zones, MU-10/FHM, MU-10/TTM, MU-8A/WA.

Sincerely,



Ellen M. McCarthy

Steering Committee Member

Ward 3 Vision