



Comments on Zoning Commission Case 25-13 Wisconsin Avenue Upzone Supplemental Report III

Thank you for the opportunity to comment on Supplemental Report III as submitted by the District of Columbia Office of Planning (OP) on July 2, 2026, and for reopening the record on July 16, 2026.

First, we question why the Wisconsin Avenue and Connecticut Avenue corridors are being upzoned to allow matter of right development, to the maximum consistent with the FLUM, but we shall confine our comments to Supplemental Report III as submitted by the OP. It is important to remember that the rulemaking process will result in a great deal of height and density for developers without any time or monetary commitment on their part that would otherwise be required to make changes to their lots one at a time. Design Review is a small requirement within this context and will be the only opportunity for public participation.

Design Review

The proposed upzoning of the Wisconsin Avenue corridor from Rodman Street to the Maryland border as proposed by the OP in the Wisconsin Avenue Development Framework (Exhibit 3, August 7, 2025) originally included Design Review for all lots.

To achieve the urban design vision of this Development Framework, OP will work with property owners and developers whenever possible. It is recommended that Design Review, as currently described in the zoning regulations, be applied to the high-density mixed-use areas covered by the proposed Friendship Heights Metro Zone and Tenleytown Metro Zone. The purpose of Design Review is to promote high-quality, contextual design, by allowing for review against specified criteria as identified in this Development Framework. The process entails a public hearing with review and approval by the Zoning Commission. The proposed Mixed-Use Corridor Zone and Friendship Heights Transition Zone could be developed as a matter of right. A PUD would also be an available option in all four zones. Ex 3 at p. 42.

Design Review: The purpose of Design Review is to promote high-quality, contextual design, by allowing for review against specified criteria. The process entails a public hearing with review and approval by the Zoning Commission. Ex 3 at p 58,

Note that the upzones for the Wisconsin corridor are so dramatic that a developer is extremely unlikely to request a planned unit development (PUD).

Subsequent to the initial proposal, OP then decided to avoid Design Review by including more details in their proposal and thereby rendered the entire proposal as Matter of Right.

The Zoning Commission and others asked OP to further explore their options, resulting in Design Review being once again available for all upzoned lots. But in response to some witnesses asking for exemptions from Design Review, a new hybrid version of this proposal was produced by the OP.

Three proposed exemptions to Design Review

OP proposed 3 different instances to be considered for a development to be exempt from Design Review:

1. Size of the Lot;
2. Whether the proposed use included affordable units; and
3. Whether the lot included Historically Preserved elements.

I. Size of Lots

The Office of Planning acts improvidently in proposing to exempt from Design Review lot sizes smaller than 15,000 square feet. No minimums should be imposed.

The Office of Planning (OP) asserts that limiting the number of Design Reviews it conducts is necessary for administrative efficiency. It states the policy goals of Design Review – principally a unified streetwall and appealing streetscape – can be served even if lots smaller than 15,000 sq. ft. are exempt. OP’s reasoning is that smaller lots “typically have limited physical and operational impacts on the surrounding community.”

In setting this threshold, OP states that 15,000 sq. ft. is the minimum requirement for most Planned Unit Developments (PUDs) and argues that the PUD threshold should apply to Design Review as well. OP estimates that reducing the threshold for Design Review to 10,000 sq. ft. could double the number of reviewable projects.

OP’s analogy misses the mark. PUDs, among other purposes, are a vehicle for awarding benefits – extra height and density – in exchange for public benefits. As OP notes, PUDs by their nature require individualized attention; they often entail negotiations with the community over benefits.

That is not the case here. The benefits have already been awarded to the developer. The text and map amendments in ZC 25-13 expand the by-right building envelope and dictate development standards to an extent that avoids the need to envision and negotiate PUDs on a case-by-case basis. Besides these obvious differences, the administrative burden of Design Review is in no way comparable to the more intense PUD process. The PUD analogy therefore must not serve as a basis for limiting Design Review.

As further evidence that there is nothing magical about the number 15,000, the zoning regulations allow applicants to request waivers reducing the size of their projects to 5,000 or

7500 sq ft., depending on the zone. Waivers are available if applicants demonstrate that their projects possess exceptional merit, serve the best interests of the District, and meet one of the following criteria:

- the project furthers and is compatible with a Small Area Plan,
- the project serves a federal or local government purpose; or
- at least 80 percent of the project is used for dwelling units.

See X-301.2 and 301.3 and Table X-301.1. Below is the zoning table showing minimum PUD lot sizes for differing zone groups.

TABLE X § 301.1: MINIMUM PUD LAND AREA		
Zone Group	Applicable Zones	Minimum Area
1	R-1, R-2, R-3	2 acres
	RF-1	2 acres
	RA-2	1 acre
	MU-4, MU-5	15,000 sq. ft.
2	RA-1, RA-2/RC, MU-11	1 acre
3	RF-1/DC, RA-2/DC, RA-4/DC, RA-5/DC, MU-1/DC, MU-2/DC, MU-10/DC	1 acre
4	MU-4/DC, MU-5/DC, MU-6B/DC, MU-8B/DC, MU-9B/DC	0.5 acre
5	NMU-4/GA, NMU-7/GA, NMU-4/H-H, NMU-5/H-H, NMU-6B/H-H, NMU-7B/H-H, NMU-8B/H-H, NMU-4/H-A, NMU-7B/H-A, NMU-4/H-R, NMU-5/H-R	10,000 sq. ft.
6	All Other Zones	15,000 sq. ft.

If lot size waivers are granted, the reduced PUD still must go through the PUD process and its impact on its community must be addressed.

The infeasibility of conflating impact with lot size is demonstrated, for example, by ZC 15-18A through 15-18E (2715 Pennsylvania Avenue, NW). In that case, a PUD waiver was granted to construct a residential building on a lot slightly less than 7500 sq. ft. The project nevertheless incurred additional hurdles related to environmental remediation from the lot's former use as a gasoline station and the owner's desire to convert some units to hotel use. Allowing a reduced lot size did not resolve community impact issues.

Further, a project on a small lot can have an outsize impact, as both the Zoning Commission and Board of Zoning Adjustment know well from their experience.

One need look no further than the “middle finger” house on V Street, where after an upzoning, a 60-foot, three-unit condo was built by-right at 1013 V Street NW in the middle of two-story townhouses. <https://ggwash.org/view/83349/what-the-middle-finger-building-tells-us-about-dcs-housing-construction-debate-1>.

And ZC Case 19-21, governing rooftop and upper floor elements of rowhouses, attempted to impose a measure of Design Review in rowhouse neighborhoods to forestall unsightly pop-ups. Notice of Final Rulemaking (Roof Top or Upper Floor Elements) (eff. Nov. 13, 2020). The BZA caseload involving rear additions or oversized decks demonstrates the impact that changes to a single-family house can have on its neighbors.

It is unfair to contiguous neighbors to exempt developers of less than 15,000 sq. ft. lots from Design Review. There is no evidence that such contiguous neighbors would be less prejudiced and adversely affected than neighbors of larger lots by a failure to conduct Design Review.

OP's proposed Regulations enumerate factors in Design Review that could have an adverse effect on a neighboring Lot owner—and those factors neither make nor imply distinguishing effects based on lot size. *See e.g.*, proposed G-808.1(a).

808 ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES

808.1 For all new development or addition to an existing building with a land area of fifteen thousand square feet (15,000 sq. ft.) or greater shall be subject to review and approval by the Zoning Commission in accordance with the following provisions.

- (a) In addition to proving that the new development or addition to an existing building meets the provisions of Subtitle K § 806 and 807 and Subtitle X, Chapter 9, an applicant requesting approval under this section shall prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:
 - (1) Help implement the purpose and intent outlined in Subtitle G § 800;
 - (2) Be protective of lower scale residences and be in context with the surrounding neighborhood;
 - (3) Enhance pedestrian environments;
 - (4) Minimize conflict between vehicles and pedestrians;
 - (5) Incorporate massing, materials, and buildings and streetscape landscaping to further the design and development of properties in a manner that is sensitive to the establishment of the main street character;
 - (6) Promote safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses;
 - (7) Penthouses and rooftop structures shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in this chapter;
 - (8) Ensure development of the area meets a high level of environmental performance and incorporates sustainability best practices; and
 - (9) A minimum of twenty-five percent (25%) of the total IZ set-aside requirement shall be three- (3)-bedroom units.
 - (10) Incorporate the location of access to parking and loading, the location of service areas to recognize the proximate residential neighborhood use and context, as applicable.

OP cannot plausibly argue that the 15,000 sq. ft. threshold is a meaningful place to draw the line for Design Review. OP argues in circular fashion that because it applies in the PUD context, it must necessarily apply to Design Review. However, as has been shown, the PUD rules do not

provide a precedent because PUDs and Design Reviews are very different processes serving different purposes, and because PUDs can be smaller than 15,000 sq. ft. and nevertheless require full PUD review.

The contention that projects on lots below 15,000 sq. ft. necessarily have limited impact is disproved by the large body of zoning cases addressing the outsize impact small developments can have on their surroundings. The most that can be said is that there will be fewer cases, but OP cannot use an arbitrary standard as a back door to evade policies that should guide the corridor's development.

OP's initial draft which incorporated design standards imposed no lot minimums. It added them after ex parte meetings with interested parties who concededly wanted to eliminate community review by maximizing by-right development. The Zoning Commission should not adopt the lot size restrictions as a basis for limiting Design Review.

The filing of a Design Review Application and provision of relevant and required supporting information (see <https://dcoz.dc.gov/page/filing-design-review>) would not be unduly burdensome on an Applicant, certainly not when weighed against the significant gift to the Applicant of the major upzonings contemplated in ZC 25-13. Also, such information would be readily in hand for a developer proposing a development plan.

Any claimed concerns of additional burden on the Zoning Commission because of a greater number of Design Review applications for less than 15,000 sq. ft. lots is an unsupported "parade of horrors" argument. It is the Zoning Commission's role to serve the citizens of DC, including protecting its citizens from unsightly and incongruous design anomalies.

II. Affordable Units

C100 opposes the proposed exemption from Design Review for Affordable Developments.

The exemption appears to be based on comments filed by Somerset Development, a for-profit, mission driven development company. Somerset raised timing issues related to participating in a Zoning Commission Design Review process while complying with the unpredictable timing of the DHCD Open RFP process for HPTF funding. Somerset relies on packages of financing including Low Income Housing Tax Credits and HPTF gap financing loans.

C100 acknowledges the uncertainty in timing overlaps that any additional regulatory process could present. However, there are remedies that Somerset with the support of organizations, like C100, could pursue that directly address the flexibility that DHCD should offer applicants for HPTF funds.

In addition, this is a Council matter that can be handled during oversight and budget hearings. The Zoning Commission should not alter zoning processes because an Executive Branch agency's administrative rules may interfere with an applicant's complying with the zoning process and DHCD rules. DHCD rules were written before Design Review was initiated and under consideration by the Zoning Commission in this case. There are avenues that can directly

influence the DHCD timing for applicants, and it is the proper role of the Council to make DHCD aware that it should provide more flexibility, which C100 feels confident that with advocacy the Council will do.

Somerset also raised the cost of participating in the Design Review process at the Zoning Commission. No estimated costs were presented by Somerset or OP. It is difficult to analyze this issue with no actual number to base any potential financial impact.

Any estimate of the costs should be related to a 1-day hearing. The proposed Design Review standards are minimal and will be presented through exhibits that any developer must produce for financing purposes. It is unlikely that more professional work will be required to meet the Zoning Commission Design Review requirements.

Public engagement in the process is limited to the scope of review and thus, will extend to basic issues. Somerset, and all developers, should be sensitive and supportive to the interest of the public in how projects fit into the existing neighborhood and how development standards have been addressed in design. While public influence will be limited it is critically important that the public's right to express its concerns as well as its support be ensured. This is a fundamental element of our democratic process.

The notion that a certain percentage of affordable housing warrants an exemption from a process that has nothing to do with supplying affordable housing is odd.

Design Review is not premised on the type of housing units or who will live in the units. It is unbiased in that respect. There is no logical reason to expect that an affordable project will not have design issues any more than that a luxury housing project will not have design issues.

The only reason that OP presents is the financing issue for affordable projects. OP presents a speculative argument, but C100 takes it seriously and we have explained above how it can more appropriately be addressed.

The recommendation by OP that developments on Wisconsin Avenue can provide at least 33% affordable housing units in their projects adds substance to another major issue in this case.

In a previous supplemental OP argued that it was unfeasible and uneconomic for developers to comply with higher set asides for affordable housing. OP stated that 18% was the limit per IZ+. Now OP without any conditional comments states that development projects could provide 33% affordable housing. We hope that this fact will be part of the commission's analysis of the requirements for the new zones. This would be consistent with the Comprehensive Plan.

Policy 2503.3 of the Comp Plan recommends:

“ . . .to advance deeply affordable housing production, proposals that reserve at least one third (33 percent) of housing units as affordable to very-low- and extremely-low-income households for the life of the building in Future Planning Analysis Areas with high housing costs

and few affordable housing options may proceed in advance of planning analyses. 2503.3”

Finally, the presumption that the Council has endorsed exemptions from zoning review based on its Comprehensive Plan exemption from a required OP design guideline process is farfetched.

The unprecedented Council directive that areas subject to major density changes per the FLUM must undergo a planning process prior to rezoning was intended to be a deliberative process that would take months, if not years, to accomplish.

In acknowledgment of the potential that affordable housing projects could be in some of the designated areas and that they would not benefit from upzoning until OP completed its planning process, the Council created an off ramp. The exemption from an open-ended planning process provided by the Council is not relevant to a design process that follows stated rules and that likely is a 1-day process.

Borrowing the Council's minimum affordable housing set aside to warrant an exemption is interesting, and C100 supports a higher affordable housing requirement, but what warranted exemption from a long process versus a very limited process is probably not an apt comparison.

III. Lots with Historically Preserved Elements

C100 opposes exempting lots with historically preserved elements from Design Review. Design Review and Preservation Review are not the same.

The third supplemental report adds language to exempt from Design Review, projects at sites designated as historic.

Wisconsin Avenue Upzone (Case 25-13) applies to as many as 150 lots for which no building proposals yet exist. The Office of Planning, which included Design Review in the Wisconsin Avenue Development Framework (WADF, Ex 3), then eliminated it temporarily but at the urging of the Zoning Commission reinstated Design Review for all affected developments in its second supplemental report to the Zoning Commission. More recently, in Supplemental Report III, (Ex256), OP waived the Design Review requirement for over half the affected lots, including those that were subject to preservation review.

The Committee of 100 welcomed an additional review of buildings on these lots and is dismayed that OP has changed its mind.

Preservation review ensures that work on historic properties meets preservation standards and guidelines, and that this work is compatible with the buildings' historic character. This is accomplished through review of building plans, permits and subdivision applications. Historic protections concentrate on the exterior of buildings, primarily exteriors that face the streets. Most often, building interiors have not been landmarked and so interior changes are not reviewed.

In contrast, Design Review by the Zoning Commission takes all areas of a building and its land into consideration, and it is intended to promote high-quality contextual design of the entire building. The review includes examination of plats, site plans, circulation plans (including vehicular and pedestrian routes), landscaping and grading plans, elevations and statements prepared by the builders. Developers pay a fee for Design Review, but that should not be a consideration as to whether the review is necessary and should be required.

The fact that historic alterations are subject to a rigorous review by the Historic Preservation Review Board or staff is not a reason for exempting these buildings from Design Review. These two reviews do not use the same criteria. Historic buildings should receive both Preservation Review and Design Review. Preservation review, no matter how rigorous, should be an extra enhancing review on top of any Design Review. The Committee of 100 believes in the preservation of the built history of our city.

Additional Concerns

Family-Sized Units. Perhaps an unintended interaction between the requirement for family-sized units, and the allowance for reduction in the set-aside requirement with a large number of family-sized units.

The Committee of 100 appreciates the new language that encourages affordable family-sized units of 3-bedrooms or more in the new MU-10/FHM, MU-10/TTM and MU-8/WA zones by requiring “a minimum of twenty-five percent (25%) of the total IZ set-aside requirement” be three (3)-bedroom units. [Subtitle G §808.1(9), §908.1(7) and §1008.1(7)].

But the Office of Planning appears to have failed to consider how this new requirement would interact with Subtitle C, §1003.9(c), which provides for a 20% reduction in the IZ+ set-aside requirement if at least 50% of the Inclusionary Units in a development are three bedroom or larger (and 20% of all units are three-bedroom or more).

If there is a requirement for a substantial numbers of 3-bedroom units and a developer gets a 20% reduction in IZ if a developer provides a specific number of 3-bedroom units higher than the new requirement, the trigger for the reduction should take into account how much is required and be based on the increase above that baseline.

With the new requirement that, in these three new zones, 25% of the total IZ+ set-aside are three bedrooms or more, the developer would need to add significantly *fewer* additional family-sized units to trigger this 20% reduction in the total IZ set-aside requirement, even though the upzoning in ZC 25-13 provides a substantial amount of additional density.

As an example, consider one site in MU-10/FHM, the Home Plate Lot, across the street from Bloomingdales, with a land area of 62,865 SF. It is currently zoned MU-7B, which allows a height of 65 feet and a Floor Area Ratio (FAR) of 4.0 (4.8 with the IZ bonus). With current zoning, the maximum development is 301,752 SF (including the IZ bonus). With the proposed map amendment, the maximum height is 130 feet (a 100% increase in height) with an FAR of 7.8 (a 62.5% increase). The maximum development is 490,347 SF. For the purposes of the IZ+

set-aside requirement in Table C§1003.4, if they use the entire allowable increased density, it is a 95% increase in total density utilized, and the IZ+ set-aside requirement would be 14% of the residential floor area.

With a requirement that 25% of the IZ requirement be for three-bedroom or more units, the amount of additional family-sized units needed to trigger a 20% reduction in the total affordable housing requirement is reduced significantly. If the developer uses a floor plan where 50% of the IZ+ units are three bedrooms or more, the IZ+ set-aside requirement would be only 11.2% of residential floor area, a substantial saving to the developer and a substantial reduction in the IZ requirement, even though the project benefits from a 65% increase in density and a doubling of the allowable height.

Home Plate Lot	Current Zoning	With ZC 25-13
Zone	MU-7B	MU-10/FHM
Land area	62,865 SF	62,865 SF
Maximum FAR	4.8 (4.0 + 20% IZ bonus)	7.8
Maximum SF	301,752 SF	490,147 SF
Required Family-sized IZ Units	None	25% of the IZ Requirement
Required IZ set-aside	C §1003.1: If not Type I construction: The greater of 10% of residential floor area or 75% of the bonus density utilized, i.e. 12.5% of total floor area if the project utilizes the entire bonus density. C §1003.2: If Type I construction: The greater of 8% of the residential floor area or 50% of the bonus density utilized, i.e., a minimum of 8.33% of the total floor area if the project utilizes the entire bonus density.	C §1003.4: 14% of residential floor area.
C §1003.9: Additional family-sized IZ units necessary to get a 20% reduction in the IZ set-aside requirement	50% of Inclusionary Units being three bedrooms or larger.	The difference between 25% of the IZ requirement and 50% of IZ units being three bedrooms or larger
IZ set-aside requirement if qualifies for the reduction in C §1003.9	8.33-12.5% of total floor area if the project utilizes the entire IZ bonus density	11.2% of residential floor area.

Possible solution regarding family-size units.

The new requirement that 25% of the IZ requirement be for family-sized units should be accompanied by a change in the trigger for a reduction in the IZ+ set-aside requirement based on family-sized units.

Perhaps allowing a 20% reduction in the IZ+ requirement if 50% of the IZ requirement, beyond the those required G§808.1, 908.1 and 1008.1, were family-sized.

That would encourage family-sized housing, without the unintended consequence of a large reduction in the total IZ set-aside when there is a minimal increase in family-sized units above those already required.

In addition, the Office of Planning should consider a text amendment for Subtitle C, §1003.9(c), where the trigger for a reduction in the IZ set-aside requirement would be based on family-sized units in excess of those required in the zone.

We suggest adding language to say: “notwithstanding any regulation only voluntary additions to the required affordable housing percentages/amounts will satisfy potential exemptions”

Number of Lots

This is perhaps a bookkeeping error, but this case suffers from an inconsistency in designating which and how many lots are being upzoned. The original list of cases on the Zoning Commission website listed 116 lots, some more than once. But, although not included in the list, the case appears to also include the 20 lots, commonly referred to as The Ridge, which would bring the total to 136. Yet Supplemental III concludes that 150 lots are being upzoned and uses that as the base number to do charts on how many lots are subject to Design Review or not subject to Design Review under their suggested exemptions. See Attachment A.

Conclusion

The Committee of 100 strongly urges the Zoning Commission to reject the proposed exemption from Design Review. Allowing Design Review on the up to 150 lots on Wisconsin Avenue subject to upzoning would preserve and protect public input and participation.

Thank you for your consideration.

Judy Chesser
Chair
Committee of 100 on the Federal City

ATTACHMENT A

Analysis: Number of Lots rezoned in ZC Case 25-13 Wisconsin Avenue Upzone: 116? 131? 150?

Square 1579; Lots 0007, 0008 and 0010, Lot 0011
Square 1580, Lot 33, except western portion fronting on 45th Street, N.W.
Square 1655, Lots 8, 11, 14 and 807
Square 1656, Lots 0009, 0807, 0808, 0809 and 0810
Square 1657, Lots 22, 23 (this lot not on OZ site), 24, 26, 810
Square 1659, Lots 1 and 2
Square 1660, Lots 809, 810, 811, 812
Square 1665, Lots 10, 11, 801 and 802
Square 1666, Lots 804, 809, 810, and 808, 812 and 813 in Supp III but these 3 not on OZ website - and 807 on OZ site but not in Supp III)
Square 1668, Lot 1
Square 1669, Lots 27, 34, 35, 36 and 805
Square 1729, Lot 7 and a portion of Lot 808
Square 1730, Lots 15, 16, 17 and 807
Square 1731, Lots 2 and 3
Square 1732, Lot 54
Square 1733, Lots 7, 18, 19, 20, 21, 817, 818, 827, 835, 836 and 839
Square 1769, (Brandywine to Chesapeake on Wisc Ave) Lots 10, 22, 23, 24, 25, 26, 27, 28, 29, 30, 800, 804, 809. OZ website says not including Lot 32.
Square 1770, Lots 7001, 7002, 7003, 7004, 7005, 7007, 7008, 7009, 7010
Square 1780, Lots 20, 24 and 820
Square 1783, Lots 1 and 804
Square 1784, Lots 14, 17 and 18
Square 1785, Lots 9, 14, 17, 18, 801, 802 and 803
Square 1786, Lots 6, 7, 8, 9, 810 and a portion of Lot 10
Square 1789, Lots 801, 802, and 803
Square 1823, (The Ridge) Lots 802, 803, 804, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 819, 820, 821, and 7000 to 7011. Not on OZ website but in Supp III.
Square 1829, Lots 55 and 56
Square 1831, Lot 37

Total number of Lots: 131 lots, including the 20 lots comprising The Ridge.

Then, in Supplemental Report III, there is a chart regarding exempting lots of 15,000 SF or less. This chart adds to **138 lots** at more than 10,000 SF, including **67 lots** at more than 15,000. The text throughout the Supp III Report talks about “examining” **150 lots** so perhaps there are **12 lots** at less than 10,000 SF.

WADF Zone	Number of Lots ≥10k	Number of Lots ≥15k	Number of Lots ≥20k
Friendship Heights Metro	3	3	6
Friendship Heights Transition	0	1	5
Tenleytown Metro	24	1	3
Mixed-Use Corridor	44	18	30