

Comment on OP Supplemental Report III

Zoning Commission Case No. 25-13

Text and Map Amendment to Carry Forward the Wisconsin Avenue Development Framework

July 23, 2026

Chairman Anthony J. Hood and Members of the Commission
District of Columbia Zoning Commission
441 4th Street NW, Suite 200-S, Washington, DC 20001

Dear Chairman Hood and Members of the Commission:

I am the elected Advisory Neighborhood Commissioner for Single Member District 3A03, which adjoins the southern end of the Wisconsin Avenue corridor covered by this case. I submit these comments in my individual capacity as a commissioner and resident. They do not represent the position of ANC 3A.

I appreciate the Commission's decision to accept comments on Supplemental Report III in advance of its July 30 meeting, and I have confined these comments to the new provisions in that report. My central concern is with the design-review requirement, which I respectfully urge the Commission not to adopt. If the Commission does adopt some form of design review, I urge that its criteria be made objective and measurable and that it be governed by a defined timetable.

1. The threshold is arbitrary and the criteria it triggers are unmeasurable.

Supplemental Report III would subject projects on properties of 15,000 square feet or more to design review. The Office of Planning explains that it selected this figure, in part, to avoid burdening small properties and to limit the number of cases coming before the Commission. Those are reasonable administrative goals. They are undercut by then subjecting every property at or above that figure to design review.

Further, the criteria that the 15,000 square feet threshold triggers are themselves unclear and unmeasurable. Provisions directing that a project "be protective of lower scale residences and be in context with the surrounding neighborhood," "enhance pedestrian environments," "minimize conflict between vehicles and pedestrians," and "ensure development of the area meets a high level of environmental performance" state laudable goals but they do not tell an applicant what would satisfy them. They also do not tell the Commission how to determine whether they have been met and do not give a reviewing court a clear standard against which to measure a decision. Supplemental Report III adds detail to these criteria without adding certainty. And the Office of Planning has not proposed a timetable within which a review would be conducted or a decision issued.

This is the more striking because the corridor is not short of design standards. The Wisconsin Avenue Development Framework was the product of roughly eighteen months of public engagement, and the commitments it produced on the physical form of development—street wall, ground-floor height, transparency, active ground-floor uses—are already written into §§ 806, 906, and 1006 as objective requirements that bind every project on the corridor as a matter of right. Those provisions are specific, they are measurable, and an architect can design to them. They demonstrate that objective standards for this corridor are administrable, because they have already been drafted and adopted in this proceeding. What Supplemental Report III adds is not a further design standard but a discretionary proceeding, governed by criteria far vaguer than the ones that are already binding and layered on top of a framework the community spent a year and a half producing.

2. Discretionary review governed by unmeasurable criteria has a documented cost.

That distinction matters because of what discretionary review with unmeasurable criteria has cost this part of the District. The record is not encouraging.

Cathedral Commons, on Wisconsin Avenue in Cathedral Heights, took the better part of a decade from first proposal to opening, notwithstanding that it proceeded as a negotiated planned-unit development with substantial community engagement throughout. The Ladybird, in American University Park, was approved by this Commission in 2019, after the applicant had already withdrawn an earlier application and returned with a different one in response to objections to the project's size. It then spent roughly four years in appellate litigation before the Court of Appeals affirmed that approval in October 2023 and denied rehearing in March 2024—litigation directed principally at the size of the building rather than at any question of design. Both projects sit in Rock Creek West, the planning area that has added the least new housing in the District over the past decade.

The common mechanism in both cases was that questions the underlying zoning should have settled remained open to re-litigation through discretionary and appealable processes. Criteria that cannot be measured are precisely the mechanism by which that occurs. Unclear and unmeasurable criteria such as the ones described above -- a directive that a project "be protective of lower scale residences and be in context with the surrounding neighborhood for instance -- simply supply a rationale for rearguing height and density under a different heading.

Again, the community's input on the physical form of development on this corridor has been obtained, deliberated, and codified. A second, discretionary review governed by unmeasurable criteria does not add public participation to that record, it reopens it, and the result is all too often lengthy and costly delays and stunted projects.

3. The Office of Planning has accepted this reasoning for deeply affordable projects. Its logic should not stop there.

Supplemental Report III would exempt from design review any project reserving at least one-third of its residential units as deeply affordable. I support that exemption, and I want to be precise about why it is so pertinent. The Office of Planning adopted it because the added cost and, more importantly, the added schedule risk of discretionary review are difficult to reconcile with the financing timelines that affordable housing development depends on. Patrick McAnaney of Somerset Development made that point to the Commission directly, and the Office of Planning credited it.

That is a finding, on this record, that discretionary review of the kind proposed here imposes delay serious enough to prevent housing from being built. The Office of Planning has drawn the necessary conclusion for this category of project.

But the schedule risk it identified is not a property of the affordability of a project; it is a property of the review. It operates in the same way on the market-rate projects that generate inclusionary units under IZ+, which are the principal mechanism by which this Text Amendment will produce affordable housing on the corridor.

The Office of Planning's own materials indicate that the properties subject to design review are those with the greatest capacity for new housing, and therefore for new affordable housing. Supplemental Report III contains no analysis of whether the proposed review would discourage or deter those projects, alter their scale, or push applicants toward other locations, smaller unit counts, or reduced amenities. Given the

Office of Planning's own finding as to deeply affordable projects, there is every reason to expect that the proposed review would have exactly those effects.

Requested action

I respectfully request that the Commission decline to adopt the design-review requirement proposed in Supplemental Report III. The objective standards in §§ 806, 906, and 1006 already implement the Framework's design commitments and bind every project on the corridor by right. They are the appropriate mechanism for governing the physical form of development here, and they do so without the delay and uncertainty that discretionary review has historically produced in this part of the District.

If the Commission determines that some form of design review should apply, I request in the alternative that it (1) direct the Office of Planning to develop objective, measurable standards for assessing each criterion in §§ 808.1, 908.1, and 1008.1; (2) adopt a defined timetable for the conduct of a review and the issuance of a decision, which Supplemental Report III does not specify; (3) tie the applicability threshold to a measure of the project rather than the lot; and (4) provide expressly that design review shall not revisit the height, density, use, or by-right design standards established elsewhere in the Text Amendment.

Thank you for your consideration and for the opportunity to comment.

Respectfully submitted,

Isaac Bowers

A handwritten signature in blue ink, appearing to read 'Isaac Bowers', with a stylized, cursive script.

Commissioner, ANC 3A03
(submitted in individual capacity)