The Committee of 100 on the Federal City

Submitted via email to zcsubmissions@dc.gov

December 2, 2022

Committee of 100 Comments on Federal Realty's Proposed Development on Lot 855 in Square 1661 (Case No. 96-13A)

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The Committee of 100 on the Federal City ("C100") provides these comments to the application (the "Application") from Street Retail, LLC (the "Applicant") for review and approval of a modification to the consolidated Planned Unit Development ("PUD") and a related Zoning Map Amendment for Lot 855 in Square 1661 (5333 Wisconsin). Street Retail, LLC is an affiliate of Federal Realty Investment Trust. Under the Application, the Applicant is proposing to convert a 2-story commercial building with 94,000 SF of retail into a 12 story, 130-foot, 371,000 SF building (plus a penthouse) with approximately 310 apartments. Federal Realty is committing to provide at least 10,500 SF of retail. **For the reasons set forth below, C100 believes that the Application raises several issues and as proposed should not be approved by the Zoning Commission (the "Commission").**

a. Because Friendship Heights is no longer the vibrant commercial and entertainment district it once was, C100 concurs that the area needs revitalization. In the amended Comprehensive Plan, the District government designated Friendship Heights as a Future Planning Analysis Area and, in fact, a planning process is underway. Among other things, the planning process will address the several unutilized or underutilized sites in the area that need redevelopment. The Applicant is attempting to leapfrog that process. C100 believes that consideration of this Application should await completion of this planning process so that it can be considered as part of the overall redevelopment of the area. Otherwise, the project will in effect set a precedent for the area, one that did not come from the planning process. We read the Comprehensive Plan as requiring that the rezoning await completion of the planning process, echoing the fundamental principle that planning precedes zoning. See sections 2503.2 and 2503.3 in the Implementation Element. The sole exception to this restriction would be in cases where the developer reserves 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. As noted below, the Applicant is only providing 15 percent affordable housing (and only two units will be reserved for very-low or extremely-low income

ZONING COMMISSION
District of Columbia
CASE NO.96-13A
EXHIBIT NO.24

levels). For this reason alone, the Application is not consistent with the Comprehensive Plan.

b. Friendship Heights is designated as a Regional Center in the Comprehensive Plan. Regional Centers support and serve area shopping needs that are not met downtown. Policy LU-2.4.3. The added height in Friendship Heights at least in part is justified by its designation as a Regional Center. Policy LU-2.4.3. The Applicant, however, is not meeting those shopping needs, as the amount of retail space in fact is being reduced by 89 percent. Regional Centers should also allow for additional housing and employment opportunities. While additional housing is being provided, hardly any jobs will be created, and retail space is being substantially reduced. For this reason also the project is inconsistent with the Comprehensive Plan.

c. The Applicant is proposing that 15.43 percent of the residences will consist of affordable housing subject to the District's Inclusionary Zoning Program ("IZ"). C100 believes, given the amount of zoning relief requested, that the IZ set-aside for this project is much too low. As demonstrated in the separate submission of Marilyn Simon, if this project were subject to IZ-Plus, the required set-aside would be at least 18 percent. That is because the proposed increase in FAR is 158 percent. While the project is not technically subject to IZ-Plus, we strongly believe that the IZ-Plus requirements should set an affordable housing floor for PUD projects generally, and specifically for PUDs like this one requesting significant increases in Floor Area Ratio.

d. The amenity package for this PUD offered by the developer is minimal and not in line with the extent of the zoning relief requested. As explained above, the Applicant is proposing less IZ than would be required under IZ-Plus. Otherwise, the developer is only offering minimal landscaping along Wisconsin (much of which is actually required), a modest intersection change at 43rd and Military, landscaping along part of Chevy Chase Park (located several blocks away), and funding for solar panels for the Tenleytown center of Iona Senior Services, also located several blocks away.

e. The Applicant is proposing a project that is larger than, and out of scale with, all commercial and residential buildings in the area. Included as Attachment A is a bar chart comparing the Floor Area Ratios of several buildings along upper Wisconsin Avenue. As shown, the FAR of the proposed project is substantially greater than the FAR of all the other buildings.

f. Because of the out-of-scale height of the proposed structure, the project fails to respect the concerns of neighbors to the east of the project. Part of the eastern façade near those neighbors would appear to be as high as 120 feet, not much lower than the 130-foot height along Wisconsin Avenue. This is not "gentle density," as generally promoted by the Office of Planning. Clearly, the views of those living to the east, including in the townhouses on the eastern side of 43rd Street, will be obscured.

Given the shortcomings in the proposal, C100 recommends that the Commission should decline to approve the Application and should direct the Applicant to address the comments raised.

Thank you.

Shelly Repp
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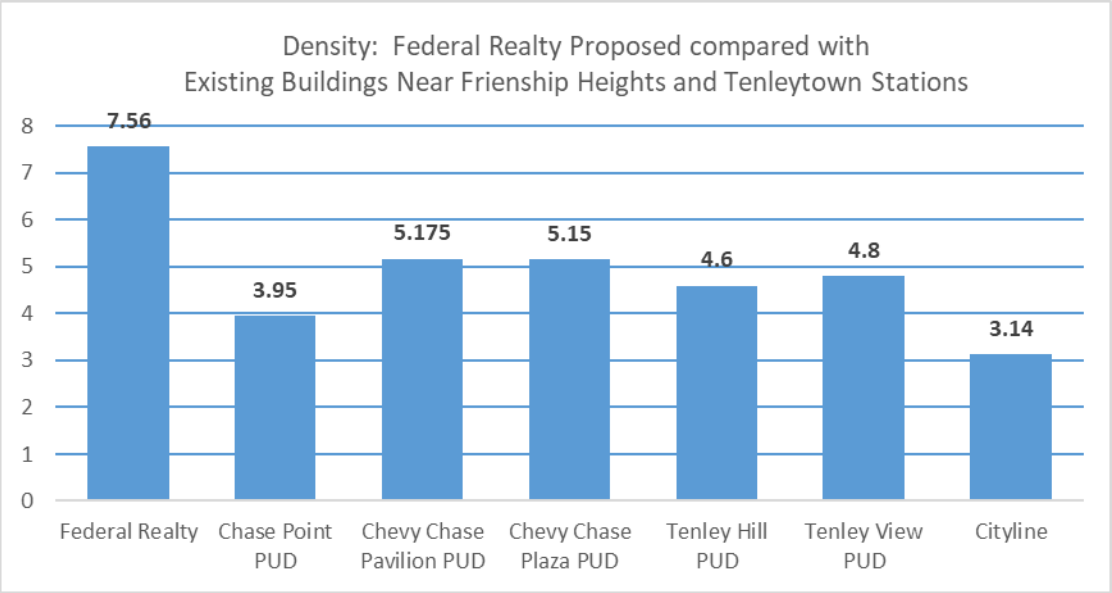
Attachment A