

ZC 02-17  
June 10, 2002  
Public Hearing

**CORRECTED LETTER SUBMISSION OF  
FRIENDSHIP HEIGHTS ORGANIZATION FOR  
REASONABLE DEVELOPMENT (FhORD)**

**ZONING COMMISSION**  
**District of Columbia**  
Case 02-17  
Exhibit 21

**Friendship Heights Organization  
for Reasonable Development**

**FhORD**

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*Washington, D.C. 20015*

CORRECTED VERSION

June 6, 2002

Via Facsimile (202.727.6072) and Electronic Mail

Carol Mitten  
Chairman  
Zoning Commission  
District of Columbia Office of Zoning  
Suite 210-S  
441 4th Street, N.W.  
Washington, D.C. 20001

Attn: Alberto Bastida, Office of Zoning

Re: Zoning Commission Case No. 02-17, A Proposed One-Stage Planned Unit  
Development with Related Map Amendment at 5401 Western Avenue, NW –  
Square 1663, Lot 805 and a Portion of Lot 7

Dear Chairman Mitten:

We are writing in our personal capacities and on behalf of the Friendship Heights Organization for Reasonable Development (FhORD), a neighborhood group formed to provide community input with respect to the proposed development of 5401 Western Avenue, N.W., which is pending as ZC 02-17. FhORD's leadership includes the three residential property owners closest to the proposed development, all single family detached homes, including two of the three properties in Square 1663 itself and the property in Square 1664 which is 90' from the proposed development.<sup>1/</sup> The undersigned are Larry Freedman, who with his wife and two-year old son live at 4104 Legation Street, N.W., in Square 1743, which is immediately to the east of Square 1663; Hazel Rebold, who lives in the closest house to the proposed development, 4228 Military Road; and Marilyn Simon, who lives at 5241 43rd Street. FhORD anticipates seeking party status in the proceeding on ZC 02-17.

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<sup>1/</sup> The distance between the legal property lines of the proposed development site and Hazel Rebold's home is 90', but the distance between the development site and Ms. Rebold's stone retaining wall is only 71'.

Two days ago, we received the Office of Planning's Preliminary Report dated May 31, 2002, with respect to this application, and have not yet had a chance to fully digest it. We learned yesterday that the Zoning Commission intends to conduct a meeting on Monday, June 10, at 1:00 p.m. to consider whether or not to set down this application. In anticipation of this meeting, and on this short notice, we would like to give you a sense of our views and concerns at this stage, and to suggest areas of inquiry of the applicant if appropriate at the Monday hearing.

As the Office of Planning set forth, we highlight that the applicant is requesting very significant zoning flexibility compared to the permitted development as a matter of right. Specifically, this comparison is striking:<sup>2/</sup>

	<u>Matter of Right</u>	<u>Stonebridge Application</u>
Gross SF	78,912	235,000
FAR	1.8	4.0
Apts.	88-93	200-225
Height	50'	90' (9 stories)
Retail	None	7200 SF

While we, like the Office of Planning, recognize that this is in a Housing Opportunity Area, overall we think that such a huge upward departure from matter of right development is inconsistent with the Ward 3 Comprehensive Plan, detrimental to the residential neighborhood in Friendship Heights and, apart from the economic incentives for the developer, entirely unjustified as a public matter.<sup>2/</sup> It is simply not an *appropriate* amount of increased housing density under any measure.

First, as a general matter, in considering how much housing density is appropriate for this site, we urge you to keep in mind the Comprehensive Plan for Ward 3, the major premise of which is protecting the Ward's "most outstanding characteristic" – "its low density, stable residential neighborhood." The Plan also emphasizes that the "single greatest concern is the possibility of unrestrained development diminishing the quality of life" in Ward 3. As the Office

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<sup>2/</sup> This data is from the Office of Planning and considers only the R-5-B Washington Clinic part of the site.

<sup>3/</sup> Although we are not addressing the issue of amenities, we note that the Office of Planning pointed out that the only actual public amenity – one that is not a project amenity or design element and one that the neighborhood agrees on – is the proposed track at Livingston Park.

of Planning Preliminary Report sets forth, there is no method in place "for determining the *appropriate* increase in density for housing opportunity areas," but to determine the appropriate increase there should be recognition that the site is 250 feet from a Metro station and recognition that "[i]t is also 150 feet or less from a neighborhood of single family houses, that is already experiencing traffic and parking congestion, and can expect considerably more from the approximately 2 million square feet of new development that will be built in the Maryland section of Friendship Heights." Again, in balancing these factors, we recognize that this is a Housing Opportunity Area, but we urge the Zoning Commission and the Office of Planning to recognize that the applicant seeks a medium/high development zone plus a PUD for a property that is amidst a low-density, single family residential neighborhood and is only 90 feet from the closest single family residential property line, Hazel Rebold's home (Square 1664, Lot 810).

Second, we have no objection to development at this site as a matter of right under current zoning. Current zoning, R-5-B for the Washington Clinic site and R-2 for the portion of the Lisner Home land, reflects the proximity to the Metro (the Washington Clinic site was rezoned from R-2 to R-5-B in 1974 in anticipation of the planned Friendship Heights Metro station) and the fact that the Lisner Home is surrounded by a stable, low density, single family neighborhood that is R-2. From Tenleytown north through Friendship Heights along the Wisconsin Avenue Corridor, in fact, we believe that R-5-B for Lot 805, Square 1663, already is the densest residential zoning of any property that does not have frontage on Wisconsin Avenue, and no other such land in this corridor is zoned this dense. A gross upward departure, therefore, would be unprecedented for this area of Ward 3. ANC Commissioner Jill Diskin's recent letter to the Office of Planning demonstrated the serious and fundamental flaws in the applicant's comparative housing study, and we urge you to read this carefully. Likewise, the Office of Planning found two "somewhat comparable" areas within the district, and we respectfully suggest that neither of these are good overall comparisons.<sup>4/</sup> Current zoning provides for significant housing development opportunities.

Third, given the proximity to the Metro and the housing opportunity that exists, which is now underutilized, we understand the potential public interest in allowing additional housing development, provided it is suitable for the neighborhood. With this in mind, though, we feel strongly that limitations on the height and FAR should be suitable for our neighborhood of single family homes and townhomes. This is especially true given the current traffic and parking problems in the neighborhood, and the fact that, regardless of the amount of garage parking provided, there will be additional parking demand on our local streets directly in proportion to the number of new housing units and the gross floor area of new developments. This is

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<sup>4/</sup> One is 4725 Wisconsin Avenue PUD in the Tenleytown Housing Opportunity Area, which does have some similarities but is in a commercial zone and thus is essentially different. The second is the Kennedy-Warren Apartments Addition PUD which, after reading the Zoning Commission Order, we respectfully suggest involved issues very different than the ones presented in ZC 02-17, as the Office of Planning Preliminary Report seems to recognize as well.

inevitable, due to renters with more than one car, renters who choose not to pay for garage parking, guests, and retail shoppers that exceed the small number of retail spaces. As to traffic, the Stonebridge traffic study that we have seen cannot be seriously considered to be an adequate study of the impact of this proposed project on the surrounding neighborhood. For example, the current use by Washington Clinic generates little rush hour and virtually no weekend traffic; the proposed project will generate a substantial amount of both, and the study should reflect this. Some of these traffic concerns are outlined in a March 14, 2002, letter from Marilyn Simon to Stonebridge Associates and copied to Stephen Cochran of the Office of Planning.

Given these competing concerns – some increased housing density versus the impact on the single family residential neighborhood – it is our view that, at most, an appropriate development would be that permitted under the current R-5-B zoning (and part R-2) with a PUD, provided that superior public benefits and neighborhood amenities justify a PUD, as required by law. Specifically, a PUD under current zoning would allow for very significant housing development, including:<sup>5/</sup>

- FAR of 3.0 for R-5-B land (versus 1.8 far as matter of right).
- Maximum height of 60 feet on R-5-B land (10 feet greater than matter of right).
- 131,520 gross square feet for the R-5-B portion (166% of matter of right GSF).
- 138 apartments (150% of the matter of right units).

While we would still want some restrictions within such a PUD, such as ensuring that the 60 foot height is only on the Western Avenue side of the project, generally this sort of approach – again with significant work on the specific design proposed and the amenities provided – is what we could envision gathering neighborhood support.

Fourth, we are concerned that the traffic and other studies by the applicant fail to take into account the cumulative impact of the numerous large existing and planned developments in Friendship Heights DC and Maryland, as set forth at Table 1 of the Office of Planning Preliminary Report. The applicant's traffic studies also did not study weekend traffic, which is a serious problem in our neighborhood. This renders all such studies fundamentally flawed, and we encourage you to ask Stonebridge to address the cumulative and weekend impacts, especially in light of the fact that Stonebridge is the developer of 412,000 square feet of retail office in the new Chevy Chase Center<sup>6/</sup> directly across Western Avenue from the proposed development at 5401 Western Avenue.<sup>2/</sup>

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<sup>5/</sup> This data is from the Office of Planning Preliminary Report.

<sup>6/</sup> This will replace 98,000 square feet of current retail and office.

<sup>2/</sup> We understand that this project either has been approved or is now getting its final permissions, and that construction will commence in 2003.

Fifth, we note that another emphasis in the Ward 3 Comprehensive Plan is that "[t]he loss of open space and natural areas is an important concern." Granting a PUD under the current zoning which, again, under the right conditions we would not oppose, would entail a significant loss of open space. However, the current proposal would involve the additional and unnecessary destruction of a natural area that is highly valued by the community. Specifically, to excavate for an underground garage necessary for such a big project, Stonebridge plans to remove all of the trees from the Lisner land at issue, including at least 8 majestic ones that have diameters between 12 and 32 inches. This unnecessary loss of open space and natural areas is another reason why this level of development, in our view, is inappropriate.

Sixth, notwithstanding claims to the contrary, there are no superior architectural or aesthetic features of the proposed development, and there is no effective transition to our neighborhood of single family homes and townhouses. On the former point, many have observed that the proposed 9-story building is essentially a "brick box" with a flat frontage on Western Avenue, a flat roofline, and no mitigating or softening design features; the proposed 5-story Lisner-wing, though it would have a curved facade, likewise is essentially a box design. On the latter point, the main proposed transition is that the last twenty feet of the Lisner wing would step down from 5 stories to 4 stories, and from about 53 feet high about 43 feet high (42 feet, 8 inches). This is an inadequate transition to the immediate neighborhood of single family detached homes and townhouses. Also on the transition topic, we are deeply concerned that upzoning to allow a 5 story structure on the Lisner land without a transition buffer, e.g. no structure on the Lisner land or at most townhouses, would set a precedent for the development of the remaining 6-acres of Lisner land and create enormous economic pressures for medium/high density development there, which could devastate the neighborhood.

We appreciate the design elements that respond to community input, such as providing that all traffic would enter and exit on Western Avenue. However, given the considerations stated above, we believe that the medium/high density level of development sought in the application is clearly inappropriate for this site, inconsistent with the balancing of a Housing Opportunity Area and the need to preserve Ward 3 neighborhoods, and grossly out of proportion to any development in this stretch of Ward 3 (Tenleytown to Friendship Heights) that does not front on Wisconsin Avenue and that abuts low-density single family neighborhoods. In sum, our analysis lead us to conclude that the impact of the proposed project on the surrounding area would be unacceptable, and that the proposed project is inconsistent with the Ward 3 Comprehensive Plan. While an appropriate housing development under current zoning and a PUD might be able to balance the housing opportunities with the neighborhood concerns, we think that the proposed project is way out of balance and is not a close call.

Given these circumstances and the facial inadequacies of the application (e.g. inadequate traffic studies, flawed and not useful comparative housing analysis as requested by the Office of Planning), and though it may be a relatively rare action, we suggest that you seriously consider not setting down this application for hearing until more of this essential information is provided to the Office of Planning and the neighborhood. Otherwise, there is no assurance that the

essential information will be forthcoming, or will be available in a timely manner to provide the Office of Planning and the neighborhood a sufficient opportunity to digest it and comment prior to a hearing. In any event, we suggest that you raise these issues at the set down hearing if appropriate and that you ensure that the Zoning Commission, the Office of Planning, and the neighborhood have sufficient information well in advance of the hearing so that each can make informed decisions.

We greatly appreciate the professional work of the Office of Planning and the serious attention to this application by the Zoning Commission, and we look forward to participating in this process.

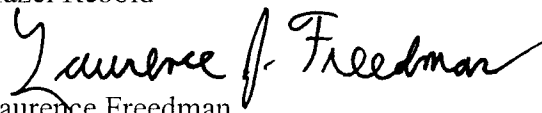
Very truly yours,

Handwritten signature of Marilyn Simon in cursive, followed by the initials "LJF" in a smaller font.

Marilyn Simon

Handwritten signature of Hazel Rebold in cursive, followed by the initials "LJF" in a smaller font.

Hazel Rebold

Handwritten signature of Laurence Freedman in cursive.

Laurence Freedman

cc: Douglas M. Firstenberg  
Stonebridge Associates, Inc. (via fax, 301.913.9615)

cc: Sharon Sanchez