

## TENLEYTOWN NEIGHBORS ASSOCIATION (TNA) STATEMENT IN OPPOSITION IN CASE NO. ZC 16-26

### EXECUTIVE SUMMARY

Urban Investment Partners (UIP) has filed a petition for a Consolidated Planned Unit Development (PUD) and a related Map Amendment to rezone the site at 4620-4624 Wisconsin Avenue N.W. from MU-4 to MU-7.

The applicant seeks the Zoning Commission's approval for construction of a high-rise (8 stories), high-density building in a block that is located outside of the Tenleytown Metrorail Station Area, and thus not in a block that the Comprehensive Plan identifies as a preferred location for higher density growth. Rather, the proposed building is on Lots the Zoning Commission specifically considered and downzoned to restrict to mid-rise, lower-density projects that are consistent with the Comprehensive Plan.

For the reasons discussed more fully below, the Tenleytown Neighbors Association (TNA) opposes the UIP application in its present form.

Specifically, TNA urges the Zoning Commission to reject UIP's petition for a Map Amendment and to deny its request for relief from current limits on Lot Occupancy, which would allow building on 89.9% of the land area.

In brief, TNA's objections to the current UIP proposal are:

- UIP's proposed high-rise (8 stories), high-density building is inconsistent with the Comprehensive Plan's policies for Rock Creek West and the Wisconsin Avenue Corridor, which emphasize *"low-to mid-rise mixed use buildings rather than high-rise towers..."*(2312.6) along the corridor and the conservation of nearby *"low-density, stable residential neighborhoods..."* (2308.2).
- The 8-story project is also inconsistent with the Comprehensive Plan's Future Land Use Map (FLUM) because the FLUM classifies this property as medium density residential (4-7 stories).

- The zoning for this area of Wisconsin Avenue was thoroughly studied in the past and, after consultation with many public and community organizations, the Zoning Commission decided to down zone this area of Wisconsin Avenue to MU-4 (C-2-A under the old system) and nothing of significance has changed since that time that would warrant reversing that decision (Zoning Order 530).
- The height of the UIP proposed building (8 stories) is significantly higher than any building in the Tenleytown Metrorail Station Area, and two buildings most recently approved by the Zoning Commission in this area: Tenley View (6 stories) located immediately to the south, and Tenley Hill (6 stories) located in the neighboring block to the north.
- Similarly, the density of the proposed building (5.73) is much greater than its neighbors: Tenley Hill (4.5) and Tenley View (4.8).
- The Public Benefits offered do not meet the standards of Sec. 305.11 and are grossly inadequate when compared to the concessions requested from the District Government (map amendment, relief from lot occupancy requirements, and height and density increases related to the PUD).
- Finally, 98% of the proposed housing units in the UIP project would be studio and on-bedroom apartments suitable for a single, and likely transient, demographic, though the Comprehensive Plan encourages an increase in larger, family oriented housing that is also more typical of our community (See Housing Element of the Comprehensive Plan).

TNA supports development on the Wisconsin Avenue Corridor provided it is consistent with the Comprehensive Plan's policies that emphasize balancing growth while conserving successful residential neighborhoods situated to the east and west of the corridor. These policies are expressed by the existing zoning classification (MU-4), which allows low-rise buildings (50 feet) as a matter of right and mid-rise buildings (up to 65 feet) as part of a Planned Unit Development. In general, TNA would support an application for a Planned Unit Development on Wisconsin

Avenue at the current zoning level of MU-4, especially if the project increased the availability of housing suitable for families and children, including affordable housing, as encouraged by the Comprehensive Plan.

## **TNA STATEMENT IN OPPOSITION IN CASE NO. ZC 16-26**

### **TNA POLICY POSITION**

- **TNA supports growth on Wisconsin Avenue.**
- **TNA opposes the excessive height and density of the UIP proposal because they threaten our nearby residential neighborhood.**
- **In general, TNA would support a MU-4/ PUD because it best balances the Comprehensive Plan's twin goals of growth and neighborhood conservation.**

### **COMPREHENSIVE PLAN GENERALIZED POLICY MAP**

UIP proposes an 8-story building located in the Rock Creek West area on Wisconsin Avenue between the Friendship Heights Metrorail Station, a Regional Center to the north, and the Tenleytown-AU Metrorail Station, a local shopping district nearby to the south.

Wisconsin Avenue itself is described as a "Main Street Mixed Use Corridor", a term used for neighborhood shopping streets characterized by low-to-mid rise buildings with ground floor retail and upper floor residential and office uses.

Low-rise residential areas stretch for many blocks to both the east and west of this entire section of Wisconsin Avenue. These areas are defined as Neighborhood Conservation Areas and consist largely of stable, successful neighborhoods for families and children.

Fort Reno Park, which is the highest natural point in the District and one of its largest green spaces, is also located immediately to the east of

Wisconsin Avenue between Chesapeake and Fessenden Streets and is maintained by the National Park Service.

The UIP project would be inconsistent with key policies of the Comprehensive Plan for the Rock Creek West (RCW) area and the Wisconsin Avenue Corridor. These policies seek to balance development on Wisconsin Avenue with the conservation of nearby low-rise residential neighborhoods.

### **“Policy RCW-1.1.1: Neighborhood Conservation**

*Protect the low density, stable residential neighborhoods west of Rock Creek Park and recognize the contribution they make to the character, economy, and fiscal stability of the District of Columbia. Future development in both residential and commercial areas must be carefully managed to address infrastructure constraints and protect and enhance the existing scale, function, and character of these neighborhoods.” (2308.2)*

The 8-story project would rise above all buildings within the Tenleytown-AU Metrorail Station Area and all surrounding buildings to its north and south on Wisconsin Avenue. As such, it would diminish and destabilize the residential character of nearby neighborhoods and act as a catalyst for additional high-rise development along the Wisconsin Avenue corridor to the north.

The building would be at one of the highest elevations in the District magnifying the impact of its massiveness on the low-lying, single family homes to the west: (1) it would be visible from its perch on Wisconsin Avenue for many blocks away and (2) it would cast a **shadow on houses and buildings along 42<sup>nd</sup> St. and Chesapeake St. to the west, as well as parts of Wisconsin Avenue and Ft. Reno Park to the east, according to the UIP’s own shadow study.**

### **“RCW-2.2: Wisconsin Avenue Corridor**

*...The scale and height of new development on the corridor should reflect the proximity to single family homes, as well as the avenue’s intended function as the neighborhood’s main street. This means an*

*emphasis on low-to mid-rise buildings rather than high-rise towers or auto-oriented strip development. "(2312.6)*

The UIP project would be eight stories high, thus it is inconsistent with this general policy guidance because the Comprehensive Plan defines a low-rise building as three stories or less, a mid-rise building as four to seven stories in height, and a high-rise building as eight stories or taller. (Glossary G-19, 25, and 26)

**"Policy RCW- 2.2.5: Land Use Compatibility Along Wisconsin Avenue**

*Ensure that future development along Wisconsin Avenue is physically compatible with and architecturally sensitive to adjoining residential neighborhoods and is appropriately scaled given the lot depths, widths, and parcel shapes. Use a variety of means to improve the interface between commercial districts and residential uses, such as architectural design, the stepping down of building heights away from the avenue, landscaping and screening, and additional green space improvements." (2312.12)*

On Wisconsin Avenue, the UIP project would be built on one of the highest hills in DC and on **land that slopes downhill to the north (10 feet) and west (12 feet)**. Rather than stepping the new building down to adjust to the change in elevation, UIP designed it to be two stories taller than the Tenley View, its immediate neighbor to the south, and to rise to a height of over **91 feet at its north end**.

**Similarly, the west façade on the alley, which faces low-rise residential areas, rises above the rear alley to a height of 103 feet at its north end with a setback of 10 feet for the lowest three floors and only 3 feet for the top four floors. This design would confront nearby residents with a monolithic wall that looms even larger as the land falls an additional 11 feet before reaching the homes on 42<sup>nd</sup> St.**

Finally, UIP is requesting relief from zoning limits on Lot Occupancy to allow building on 89.9% of the land area. Approval of this request would further weaken opportunities for transition from commercial to

residential land uses by reducing space for landscaping and screening and other green space improvements.

## **COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The Comprehensive Plan makes clear that the Future Land Use Map (FLUM) is intended as a general guide to decision-making but not the only source. For example:

- *“The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including citywide elements and area elements...”[226(d)] and*
- *“The designation of an area with a particular land use category does not necessarily mean that the most intense zoning district described in the land use definitions is automatically permitted.” [226(e)].*

The Applicant’s Statement of Support states that the FLUM *“locates the Property in the Mixed Use Medium Density Residential/Moderate Density Commercial land use category.”*(p.2).

However, the Comprehensive Plan defines **medium density residential** as 4-7 stories and **moderate density commercial** as 3-5 stories in height, yet UIP is requesting approval of an 8 -story building.

In 1988, the Zoning Commission changed the zoning district of the UIP project area from C-3-A (now MU-7) to C-2-A (now MU-4) after careful consideration in a legislative hearing (ZC Order 530). In four days of public hearings, the ZC took testimony from the Wisconsin Avenue Corridor Committee, which represented 26 civic organizations and seven ANCs west of Rock Creek Park; the ZC also received correspondence from the DC Office of Planning, three DC City Council members and a number of civic organizations, businesses, and residents (ZC Order 530, pp1-2).

The original C-3-A zoning was adopted in 1956, when the Glover Archbold Parkway and a proposed “Fort Drive Expressway” were expected to pass through this area. However, since no expressway or parkway were ever built, the Zoning Commission concluded in 1988 that “...the C-3-A zoning on Wisconsin Avenue north and south of Tenley Circle is inconsistent with the Comprehensive Plan, except in the area of the Tenleytown Metro station.” (ZC Order 530, p.6).

The relevant facts and general policy and planning direction relevant here have not substantially changed since that time.

In light of the above, the FLUM should be interpreted in the context of past zoning decisions, current area plans, and other relevant elements of the Comprehensive Plan. And given the zoning history, TNA concludes that a Planned Unit Development under the current MU-4 (and not MU-7) zoning district would be most appropriate.

### **ZONING: HEIGHT AND DENSITY**

As discussed above in the Generalized Policy Map section, the UIP proposal is inconsistent with policies in the Comprehensive Plan that seek to balance growth on Wisconsin Avenue with the conservation of nearby residential neighborhoods. In this section below, we compare the excessive height and density of the UIP project to:

- (1) MU-4 zoning requirements on Wisconsin Avenue, where the project is located versus MU-7 requirements in general and for the UIP proposed map amendment; and
- (2) two comparable buildings in the area recently approved by the Zoning Commission.

As Table 1 below clearly shows, approval of the UIP request for a map amendment from MU-4 to MU-7 together with a Planned Unit Development, and relief of Lot Occupancy Limits would result in the construction of a significantly higher and more dense development than allowed as a matter-of-right under current zoning.

- Height would be 77% greater.
- Density (as measured by the Floor-Area-Ratio or FAR) would be 91% greater.
- Lot Occupancy limits would increase by 50%.

**Table 1**

	<b>MU-4</b>	<b>MU-4</b>	<b>MU-7</b>	<b>MU-7</b>	<b>UIP</b>
	<b>MOR/IZ</b>	<b>PUD/IZ</b>	<b>MOR/IZ</b>	<b>PUD/IZ</b>	<b>Proposal</b>
<b>Height</b>	50 feet	<b>65 feet</b>	65 feet	90 feet	<b>88 feet</b>
% Height Change		<b>+ 30%</b>	+30%	+ 80%	<b>+77%</b>
<b>FAR</b>	3.0	<b>3.6</b>	4.8	5.76	<b>5.73</b>
% FAR Change		<b>+20%</b>	+60%	+92%	<b>+91%</b>
<b>Lot Occupancy</b>	60%	<b>75%</b>	75%	80%	<b>89.9%</b>
% Lot Occupancy Change		<b>+ 25%</b>	+25%	+33%	<b>+50%</b>



As Table 2 below shows, UIP's proposal is significantly higher and more dense than nearby projects approved by the Zoning Commission.

**Table 2**

	<b>Tenley Hill</b>	<b>Tenley View</b>	<b>UIP Proposal</b>
Height	65 feet	71 feet	88 feet
	6 stories	6 stories	8 stories
FAR	4.5	4.8	5.73
Zoning Commission Approval	1999	2013	Pending
Location	4725 Wisconsin	4600 Wisconsin	4620 Wisconsin

Table 3 below compares height and density of the UIP project with a nearby building of comparable land area (Tenley Hill). As with the previous comparisons, the UIP building is higher (+36%) and denser (+27%).

It is also noteworthy that the UIP project takes a very different approach to housing. It would offer more, very small studio and one-bedroom units likely to be attractive to a younger, more transient population. In contrast, Tenley Hill has fewer but larger units for young families, who want to stay in the city, and for “empty nesters” who want to stay in their neighborhood. In addition, Tenley Hill features townhouses, which act as a transition from the main, mid-rise building to adjacent low-rise residences.

**Table 3**

	Tenley Hill	UIP Proposal	% Change
Land Area	22,630 sq. ft.	23,741 sq. ft.	+ 5 %
Gross Floor Area	101,800 sq. ft.	134,664 sq. ft.	+ 32 %
Height	65 ft.	88 ft.	+ 36 %
FAR	4.5	5.73	+ 27 %
Residential Units	Total units: 48 43 units: 1-3 bedrooms 5 townhouses: 3-4 bdrm	Total units: 146 143 units: studio/1 bed. 3 units: 2 bedrooms	

## **PUBLIC BENEFITS**

UIP has the initial burden of proof to justify its application (304.2). It is the Zoning Commission's responsibility to then determine whether the proposed development has merit and meets the standards of ((304.4).

Finally, *"...the Zoning Commission...shall deny a PUD application if the proffered benefits do not justify the degree of development incentives requested (including any requested map amendment)..." (305.11).*

As discussed below, we believe the public benefits offered by the applicant do not justify the extraordinary development incentives requested by the Applicant:

Requested development incentives are extensive:

- A map amendment of MU-4 to MU-7 that would authorize significant increases in building height and density and other benefits.
- Approval of a Planned Unit Development with additional height and density increases.
- Approval of an Inclusionary Zoning density bonus above matter - of-right.
- Relief from zoning limits on Lot Occupancy.

The offered Public Benefits are grossly inadequate:

- **Housing:** The Applicant offers housing square footage in excess of the amount allowed under matter-of-right, but emphasizes studio and one -bedroom units rather than larger family oriented housing, which is a policy priority of the Comprehensive Plan. (See Housing Element).
- **Superior Urban Design and Architecture:** The Applicant claims "step downs along Wisconsin Avenue to be consistent with the changing grade, as well as setbacks at the rear of the Project to

better transition to the neighboring residential properties.” (UIP Statement of Support, p. 15).

In reality, the building does not step down along Wisconsin Avenue; on the contrary, it is 2 stories higher than the Tenley Hill to the south and rises by 11 feet from the south to the north end of the building. Similarly, the minor 3 feet setback at the rear of the building offers very little in the way of transition to neighboring residences.

- **Uses of Special Value:** The Applicant cites as a “potential benefit” the renovation of the Chesapeake House, which is owned by the National Park Service. This claimed benefit is unwarranted, since there is no binding agreement or plan for its use and maintenance.
- **Limitations on Future Development:** A conditional promise to limit development to six stories on nearby land that UIP does not own is worthless.
- **Brandywine St. Closure and Park:** Removing an “awkward” intersection would have a neutral effect; it would be a minor benefit for some and an irritant for others seeking entrance to Best Buy from 42<sup>nd</sup> Street. It would only truly benefit UIP, the owner of the adjacent property at 4545 42<sup>nd</sup> Street N.W.

In our view, the Zoning Commission should deny the Applicant’s PUD application and map amendment because the proffered benefits do not justify the very extensive zoning relief and extraordinary development incentives requested by the Applicant.

**When examined by the Zoning Commission, any upzoning needs to stand on its own merits as to its appropriateness in the context of the neighborhood. “Public benefits” cannot buy appropriateness.**

## **HOUSING FOR FAMILIES**

We note that 98% of the housing units proposed for the UIP project will be studio and one-bedroom units suitable for singles, a likely transient, demographic, while the Comprehensive Plan encourages an increase in

larger, family oriented housing that is also more typical of the larger Tenleytown community.

According to the Comprehensive Plan, “one of the critical issues facing the city is how to retain and create more housing units that are large enough for families and children.” (500.18) The Plan points out that family households with children need larger housing units, yet only one-third of the existing D.C. housing units have three bedrooms or more. Moreover, retention of new and existing families, which depends on the availability of larger housing units, is “important to the health of the city”. (500.20-21).

In this, as in other aspects discussed above, the UIP project is inconsistent with the housing policy priorities of the Comprehensive Plan and we urge the Zoning Commission to take this into account as it considers the UIP request for significant development incentives and zoning relief.

## **CONCLUSION**

The Zoning Commission should deny UIP’s project with its proposed massive height and density increases because the proposal is inconsistent with the Comprehensive Plan, because it is inconsistent with the Zoning Commission’s thoroughly considered prior legislative decision regarding appropriate zoning for the lots in question, and because the proposal is incompatible with the surrounding neighborhood.

Specifically, the Zoning Commission should deny UIP’s requests for a Map Amendment and relief from Lot Occupancy Limits as inconsistent with the Comprehensive Plan’s policy of balancing growth on Wisconsin Avenue with conservation of residential neighborhoods like ours and in accordance with the following analysis:

- ▶ UIP seeks growth on the Wisconsin Avenue corridor far in excess of current zoning.

- ▶ The UIP Project has significantly greater height and density than nearby buildings in the Tenleytown-AU Metrorail Station Area and those most recently approved by the Zoning Commission.
- ▶ The Zoning Commission in Order 530 already rejected MU-7 zoning north of Brandywine and should reject a return to MU-7 zoning here today.
- ▶ The building exceeds the medium-density residential / moderate-density commercial designation on the Future Land Use Map.
- ▶ This project does not accommodate families, who are important to the health of the city and our neighborhood.

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