

The Committee of 100

on the Federal City



November 15, 2023

To: Anita Cozart, Director, Office of Planning
Erkin Ozberk, Ward 3 Planner, Office of Planning

From: Shelly Repp, Chair
Committee of 100 on the Federal City
Chair@Committeeof100.net

Re: Comments on the draft *Wisconsin Avenue Development Framework*

Thank you for the opportunity for the Committee of 100 to comment on the draft of the proposed *Wisconsin Avenue Development Framework* (the “Framework”). The Framework draft is intended to be guidance for zoning changes. Unfortunately, the document does not deliver the quality of zoning recommendations that will implement the pronounced goals of “clarity in outcome and process for community stakeholders and property owners alike.”¹

If implemented, the Framework will result in dramatic changes along the Wisconsin Avenue Corridor, some positive and some that raise questions. Appropriate creative planning is called for. Based on the large attendance at recent ANC3E meetings, there is strong community interest and concern with the proposals. Unfortunately, the time the community has been given to digest the proposals has been too limited.

It appears that the Office Planning (OP) is planning to petition the Zoning Commission to up-zone the entire corridor from Rodman Street to the DC line based on the Framework. Despite a statement in the Framework Element of the Comprehensive Plan that “designation of an area with a particular Future Land Use Map category does not necessarily mean that the most intense zoning district described in that category is automatically permitted,”² OP would appear to be planning to up-zone this corridor to the maximum allowed under the FLUM approved as part of the 2021 amendments to the Comprehensive Plan.

The Comprehensive Plan’s Implementation Element, as approved by the DC Council, states what it expects OP to provide in Future Planning Analysis Areas, such as the Wisconsin Avenue corridor. There, the Council directed OP to “evaluate current infrastructure and utility capacity

¹ Draft Wisconsin Avenue Development Framework, Executive Summary

² Framework Element of the Comprehensive Plan, Section 228(e).

against full build out and projected population and employment growth.” Significantly, the requested data is not provided.

Need for More Planning

The proposed blanket up-zoning raises the question of whether the corridor has the infrastructure to support the changes envisioned. OP representatives have stated that they anticipate 5,000 new residential units. At the same time, OP says that they do not expect many more school-aged children. We question whether this is consistent with the Framework’s goal of creating more family-sized units. It seems likely that OP is trying to deflect concern from the existing overcrowding at all schools in the area. There also is a current need for more recreation (parks, sports fields, etc.) and other community facilities in the area. The stress on existing facilities will increase under the Framework unless space is specifically set aside for these purposes; unfortunately, we don’t see how this need is being addressed. There is also a notable absence of discussion of the impacts of the added development on water/sewer, roads, and power.

We would have expected the OP proposal to show that other DC agencies, such as DCPS, DOEE, and DDOT, are involved. However, that is not evident from the draft.

Design Criteria Are Needed and Design Review Should be Required

Since the plan is to up-zone the entire corridor to the maximum allowed in one zoning action, the result will be that all development along the corridor will be matter-of-right. That means that the community will not be involved, as would be the case for PUD and Design Review proposals. For this reason, design criteria (not just “guidelines,” as provided in the Framework) need to be prepared before the up-zoning occurs. Office of Planning representatives stated at a November 2, 2023, ANC3E meeting that they have not yet begun to work on design criteria. Rather than racing to up-zone the corridor, OP should be drafting design criteria for the corridor. The Framework is full of descriptions of what the corridor could look like, but this is all prose that would have no legal significance once the up-zoning is in place. The community needs to review and comment on the guidelines now. In addition, the Zoning Commission should require that all new construction be subject to design review.

Affordable Housing

Increasing the stock of affordable housing at lower income levels throughout the District, and in Ward 3 in particular, is a priority of the District and the Committee of 100. However, there is no assurance that this goal will be met. As presently drafted, the Framework relies on IZ+ to produce affordable housing. We assume that, initially, the Zoning Commission will ensure that IZ+ is marked on the zoning maps for the entire corridor (or at least the portion that is up-zoned), as required by 11 DCMR X § 502.1(b). Nonetheless, under the zoning regulations, the Zoning Commission has the authority to determine that IZ+ is not appropriate due to mitigating

circumstances identified by the Office of Planning. See 11 DCMR X § 502.2(c). Thus, there is no assurance that the IZ+ provisions will ultimately apply to specific projects.

Further, depending on the property, the level of up-zoning and the amount of non-residential FAR, IZ+ may not result in a significant increase in the amount of affordable housing over what would be the case under standard IZ. The Committee of 100 is looking for predictability, and in this regard the Framework falls short. One suggestion would be to bypass the complicated IZ+ formula and just require a fixed amount of affordable housing that would not be dependent on the amount of bonus density utilized and other factors.

In any case, IZ+ is not an aggressive target. We note that affordable housing advocates in Ward 3, as well as C100, have advocated for greater affordability targets at lower MFI's than would be the case under IZ+. The Framework's affordable housing provisions should be strengthened, consistent with what we propose in the next section (Custom Zoning).

We also encourage OP to publish a road map that shows how to use available subsidies and tax credits to promote housing that's more affordable than would be the case with IZ+. To our knowledge, with the exception of the Lisner Home, none of the publicly financed District affordable housing programs targeted for new construction are being implemented in Rock Creek West. Yet the Administration, including OP, repeatedly points out the shortage of affordable housing in this area.

The Framework touts the benefits of family housing, but we fear that the Framework will not lead to more housing for families. This fear is based in part on the failure to address the need for more schools in the area.

Blanket Up-zoning versus Custom Zoning

Blanket up-zoning is a blunt instrument that will result in uncontrolled growth. To obtain the results outlined in the Framework, and to better address the Council's equitable development goals expressed in the Comprehensive Plan, this area should be custom zoned.³ The goal of customized zoning should be to activate upper Wisconsin Avenue with ground floor retail and pedestrian-oriented public spaces. The balance of uses should be conducive to a higher quality of life and environment for residents (current and new), businesses, employees, visitors, and institutions. Gaps in public services, like recreation, capacity of public resources, such as schools, and amenities, should be identified and incorporated into the purpose of the customized zones.

The affordable housing requirement for customized zones in the Framework area should be set with no allowance for gaming the result. There will never be meaningful affordable housing on Wisconsin Avenue if OP and the Zoning Commission rely on the minimal and porous requirements of IZ and IZ+. A thirty percent affordability set-aside should be a target, and a requirement for all high-density zones, the WMATA and Lord & Taylor sites, as well as every

³ Alternatively, OP could have engaged in a small area planning.

development with public subsidies. As the Council stated in the Comprehensive Plan, the Zoning Commission must use the regulatory process to address this imbalance. Meager results would be unacceptable.

The Comprehensive Plan Land Use Element states that heights and densities in established regional centers, like Friendship Heights, should be appropriate to the scale and function of development in adjoining neighborhoods, step down to lower density neighborhoods and create buffers if density increases.⁴ OP has not provided any information about the adjoining neighborhoods in its draft framework. What are building heights in these neighborhoods? Is there potential for residents to become displaced? Are there particular non-residential uses that require greater setbacks and step backs, and fewer impacts on residents? These are the types of issues that should be addressed in a customized zone.

C100 urges OP to look to the examples of customized zones at Capital Gateway and Hill East. These areas share borders with arterials similar to Wisconsin Avenue. Capital Gateway and Hill East have designations for high density commercial and residential uses. Capital Gateway zones do not exceed 90 feet and 6.0 FAR. Hill East has zones at 50 feet, 80 feet, 90 feet, and 110 feet located to minimize potential surrounding impacts. Providing sensitive scale of development in relation to the proposed uses and the adjacent scale of existing neighborhoods requires OP to explain why recommending the most intense height and density is necessary to achieve the District's goals, based on analysis and compatibility with surrounding areas.

Non-residential Use

The Framework suggests that between 33 and 40 percent of new development in Friendship Heights and Tenleytown will be for non-residential uses. We question whether this is realistic, given that there will likely be no retail above the ground floor and that the demand for office space will be limited. An Office of Tax and Revenue report states that the current office vacancy rate in the area is between 11 and 19 percent, depending on whether the building is class A, B, or C. We also note the high vacancy rates of office and retail space downtown, which further raises the question of whether the Wisconsin Avenue corridor will be a location developers will choose for non-residential uses. This raises the question of why OP chose this mix. Could it be that OP decided that higher residential use would put too much of a spotlight on infrastructure issues?

Unintended Consequences

The one-step *en mass* re-zoning could result in increased property tax assessments if the Office of Tax and Revenue assessed all property in the corridor at the highest and best use, as it is supposed to do. Given that actual redevelopment along the corridor will take years, this means that current owners will almost immediately face higher property taxes, which will be passed on to tenants, including residents and small businesses. Families and small businesses unable to pay

⁴ Policy LU-2.4.4: Heights and Densities in Regional Centers

higher rents will be forced to vacate, leaving even more empty space. OP needs to address the displacement potential.

Conclusion

The draft Framework is a glossy PR piece of what the upper Wisconsin corridor could look like. However, it is unlikely that the proposed up-zoning alone will lead to that result. The Framework falls far short of satisfying Comprehensive Plan requirements of providing for truly affordable housing, assuring adequate supporting infrastructure, and protecting contiguous neighborhoods from massive overshadowing without adequate step-downs in place. Critical implementation details, including mechanisms to achieve the Framework's vision, are missing.

The Committee of 100 looks forward to reviewing the revisions you make in the Framework, and stands ready to work with you in improving this plan. I encourage you to utilize the subject matter experts who are Committee of 100 members.

Cc: Councilmember Matthew Frumin
Leigh Ann Miles
Jon Bender, Chair, ANC3E