

Citizens Coordinating Committee on Friendship Heights

October 31, 2021

TO: Casey Anderson, Chair and Members of the Planning Board
Elza Hisel- McCoy, Chief Down County Planning, Grace Bogdan, Planning
Coordinator

FROM: Citizens Coordinating Committee on Friendship Heights, Inc.

DATE: October 31, 2021

RE: OPPOSITION TO 5500 WISCONSIN AVE. SKETCH PLAN

The Citizens Coordinating Committee on Friendship Heights, Inc. ("CCCFH") is a civic association comprised of organizations representing 21 communities in and around the Friendship Heights area. The developers of 5500 Wisc. Ave. made a presentation to CCCFH at CCCFH's request. Thereafter, at its October 20, 2021 meeting, the sketch plan was discussed and CCCFH VOTED UNANIMOUSLY TO OPPOSE THE SKETCH PLAN AS CURRENTLY PROPOSED. THE OPPOSITION IS BASED ON THREE REASONS:

- I. The plan does not substantially conform with the recommendations of the sector plan, required by Sec. 59.7.3.3 E.2;**
- II. The plan does not achieve compatible relationships with existing nearby development, required by Sec. 59.7.3.3 E. 5;**
- III. The plan does not provide satisfactory vehicular, pedestrian, bicycle circulation, parking and loading, required by Sec. 59.7.3.3 E.6;**

I. Non-conformity with Sector Plan

CCCFH has played a major role in the writing and adoption the Friendship Heights Sector Plans. CCCFH was founded in the early 1970's in response to the County's announcement that it would prepare a Sector Plan for Friendship Heights and apply new zones that were being drafted (CBD zones). CCCFH representatives comprised 7 of the 11 Advisory Committee Members working with Planning Board staff to formulate the plan, adopted in 1974. Similarly, when the 1974 plan was updated and adopted in 1998, the current plan, CCCFH representatives constituted 10 of the 16 members of the Advisory Committee. This extensive involvement of CCCFH in formulating the plans, as well as the benefits CCCFH communities receive from the plans, helps explain the concern of CCCFH and its member communities at the possibility of approval of a sketch plan which is inconsistent with the provisions and purpose of the Sector Plans.

A. Prior to the adoption of the 1974 Sector Plan, the Village of Friendship Heights had been extensively developed with very tall and dense buildings permitted under the then code, e.g. the (former) Irene (16 stories, FAR 6.6), Willoughby (20 stories, FAR 8.29), Barlow Bldg. (14 stories, FAR 5.10), and Chevy Chase Bldg, (14 stories, FAR 5.12). These buildings created a "barricade" along the Willard Ave. and Wisconsin Ave. boundaries of the Village. Such large buildings resulted in the "canyonization" of interior streets. For example, N. Park Ave. has the 16 story Irene at the west end of the street, with the 16 story 4620 condo building lining the south side of N. Park Ave and across the street on the north side, 16 story N. Park apartments and 17 story Elizabeth. These tall

buildings lining the street provide limited open space, light and air, and block views from dwelling units, or afford views only into neighboring dwelling unit windows.

The 1974 Sector Plan found this level of development too great. The plan down zoned all parcels in the Village to a maximum height of 90ft and a maximum FAR of 2.0, applying the newly adopted CBD-1 (optional) zone. This down zoning was adopted by the County at the request of the Planning Board and its staff as well as residents.

B. The current 1998 Sector Plan reconfirms the CBD down zoning the of 90 ft height limit and 2.0 FAR. Pages 35-36 show all parcels in the Village continue to be zoned CBD-1. The 1998 plan notes (p-140):

"The 1974 Sector Plan recommended medium density commercial and office use of the parcels nearest to the Metro station and lower density primarily residential uses for the undeveloped properties further from the station ".
(emphasis added).

In confirming the down zoning, the current plan notes (p. xxviii):

" In a densely built-up area like Friendship Heights, open space is critical to the quality of life."

A main principle of the current plan is to (p.31):

"[p]reserve and enhance the environment for residents of high-rise buildings....
This principle can be achieved ...by limiting the height of new buildings close to high rise apartments to preserve views."

C. The proposed new buildings, located at the highest point of elevation of Friendship Heights, is 18 stories, plus two 10 ft roof top stories for mechanical equipment. It will protrude 213 ft above ground. Clearly this is not in conformity with the 90 ft height limit of the Sector Plan. Similarly, the FAR is effectively 5.14, and thus not in conformity with the Sector Plan's 2.0 limit. The 5.14 FAR is based upon the fact that the entire site is 79,012 sq. ft according to the SDAT records and the total development proposed is 406,563 sq.ft. The developer claims FAR is 3.42 by including in the size of the site about 40,400 sq ft of land previously dedicated for public roads. However, the actual visual effect of the development will be an FAR of 5.14.

The sketch plan not only fails to be in conformity with the Sector Plan's height and FAR limits, but its approval eviscerates the Sector Plan's very purpose - to down zone so as not to permit the continuation of the scale of development in height and FAR that occurred prior to the Sector Plan, which created a wall along the Village's boundary and resulted in "canyonization" of interior streets. The new building completes the barricading wall effect along Wisconsin Ave by filling in the one remaining relatively open space and "canyonizing" the first block of S. Park Ave. by placing effectively a 21-story building across the street from the 15 story Highland House, blocking, light, air, and views from dwelling units.

D. CCCFH is aware that since the adoption of the Sector Plan, a new zoning code was enacted. The new code zone, for this site and all other sites in the Village, retains the 90 ft height limit but allows greater height as long as the average height for the entire development does not exceed 90 ft. Of course, this does not, nor could it, override the Sector Plan recommendations and its purpose—to prevent buildings in excess of the 90 ft in height. Nor does the existence of averaging mean that a developer is entitled to average as a matter of right and ignore other considerations such as the Sector Plan limitations, compatibility, etc. We are also aware of zoning code provisions which permit

increased height over Sector Plan recommendations for a greater percentage of MPDU's. The developers have advised that for their plan they are allowed an increase of 12 ft. Thus the maximum height permitted is 90 ft plus 12 ft or a total of 102 ft- not 231ft. [We note with great concern that the developers have refused to provide sufficient specifications of their plan which would permit the community as well as the Planning Board and its staff- to verify the developers' conclusions re height averaging.]

In adopting the new zoning code in 2014, it was represented that the names of the zones were being changed but not their substance. Nevertheless, the new zone replacing the CBD-1 zone provided for an FAR of 3.0 although the CBD-1 zone replaced had an FAR of 2.0. We believe this was error which occurred due to the fact that the CBD-1 zone could have a 3.0 FAR under specified and extraordinary conditions but those conditions were not present in the Village. In any event, even assuming the correctness of a 3.0 FAR, rather than FAR of 2.0, does not eliminate the Sector Plan requirement of a 2.0 FAR, nor eliminate the requirement of compatibility with existing development, nor confer upon a developer a greater FAR as a matter of right. A zoning code provision which does override the Sector Plan FAR limit is the allowance of greater FAR for an increased percentage of MPDU's. The developer has taken advantage of this by providing more MPDU's which it asserts entitles the project to an additional 0.42 FAR. Thus, the permitted FAR is 3.42. However, as noted above, the actual effective FAR is 5.14 when one considers the existing square footage of the site rather than the land previously dedicated for, and now part of adjacent roads.

II. Not compatible with existing nearby development

A. The building is 213ft tall, the equivalent of 21 stories, on the highest elevation in Friendship Heights. It will stick out above the line of buildings along the west side of Wisconsin Ave. like a sore thumb. It will be the tallest building on Wisconsin Ave south to the Potomac River. Adjacent to the north and downhill is the 12-story hotel, and then the 14 story Chevy Chase Medical Building. Adjacent to the south is the 15 story Highland House, then downhill the 14 story Barlow Building, etc.

B. The building fills in the one remaining open space between high rise buildings along Wisconsin Ave., completing the walling effect sought to be avoided by the Sector Plan. This site currently provides open space, a view of the sky facing east as one walks along N. Park Ave, sits in the adjacent Village Humphrey Park, etc. A building of such great height will loom over the community. The shadows cast by the building are considerable but the exact locations are uncertain as the developers have refused to give to Friendship Heights Village the specifications used to conduct their shadow studies so that the studies can be verified.

C. The 18-21 story building on one side of S. Park facing the 15 story Highland House on the other side will "canyonize" the street, blocking light, air and block views. The blocking of views will not only occur with these two buildings but other nearby buildings, e.g., the Willoughby units fronting on Friendship Blvd facing east and Highland House West, situated on S. Park west of the Highland House.

III. Failure to provide satisfactory vehicular, pedestrian, bicycle circulation, parking and loading

Friendship Heights Village, a member of CCCFH, has informed CCCFH that the current residential high-rise buildings in the Village have insufficient pick-up/drop-off areas for residents of the buildings, minimal to no parking spaces for visitors and guests, minimal to no parking for delivery and service vehicles, and insufficient, or no, bays for unloading moving trucks and no garbage truck pick-up areas. As a result, vehicles double park on the streets, park in "No Parking" areas, creating

unsafe conditions for vehicles and pedestrians. Further, the intersections of S. Park-Hills Plaza, S. Park -Wisconsin Ave, and Somerset-Wisconsin Ave, also currently experience congestion. with vehicles backed up to enter the intersections, frequently having to wait more than one traffic signal cycle to exit.

The developers represented that their proposed plan would not exacerbate these problems but would improve all conditions by the creation of a new street between the hotel and the apartment building. In addition, this street would provide a pleasant amenity with cafe/restaurant outdoor seating along the side of the new road. However, substantial portions of the street will necessarily be devoted to the entrance/exit areas for the apartment house garage, garbage truck pick-up, and moving truck unloading areas, and traffic lanes to accommodate two-way traffic. There appears to be little to no room for delivery/service vehicles, visitor/guest parking, adequate pick-up and drop-off, bicycle and pedestrian paths, etc. as well as any place for outdoor eating. Comments by various agencies to the DRC noted the inability of the proposed narrow new road to achieve all the purposes claimed. Even the developers responding comments indicate that revisions to the road concept are needed. The zoning code requires a finding for approval of a sketch plan that it provides satisfactory vehicular, bicycle, pedestrian circulation and parking and loading. Such a finding cannot be made. The developers argue that these problems can be worked out at the subsequent stage of site plan. But resolving these problems may NOT be able to be worked out, or at a minimum require a substantial change to the plan, such as a widening the proposed road by locating the apartment building further back from the new road, or reducing the massing of the building. The code, and good planning, require these issues to be addressed and resolved before sketch plan approval.

Conclusion

CCCFH favors redevelopment of 5500 Wisc. Ave. However, any redevelopment must more closely adhere to the legal requirements of (i) substantial conformity to the Sector Plan; (ii) compatibility with existing development; and, (iii) satisfactory vehicular, bicycle, pedestrian circulation, parking and loading. Suggestions for changes have been made to the developers which could lead to CCCFH and its member communities to consider dropping their opposition. Changes have not been made. We urge the Planning Board staff and the Board to DENY approval of the sketch plan as presently drafted and require submittal of a revised plan.

Citizens Coordinating Committee on Friendship Heights
David S. Forman, Chair

Representing the Communities of Brookdale, Chevy Chase Village, Chevy Chase West, Drummond, Glen Echo Heights, Green Acres, Kenwood, Kenwood Condominium, Kenwood Forest II, Kenwood House Cooperative, Kenwood Place Condominium, Somerset, Somerset House Condominiums, Springfield, Sumner Village, Village of Friendship Heights, Westbard Mews, Westmoreland, Westwood Mews, and Wood Acres