



COUNCIL OF THE DISTRICT OF COLUMBIA  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004

Phil Mendelson  
Councilmember At-Large

April 6, 2009

Office: (202) 724-8064  
Fax: (202) 724-8099

**TESTIMONY REGARDING ZONING CASE 08-15  
(Friendship Shopping Center, Wisconsin Avenue & Newark Street, NW)**

I am Phil Mendelson. I lived for 33 years at McLean Gardens, including 15 years on Newark Street, two blocks from this development. I represented the area subject to this zoning application while ANC Commissioner from 1979 until 1999. I was involved in the rezoning of this area to C-1 and mapping it with a neighborhood-commercial overlay in 1989. I support redevelopment of Squares 1920 and 1920N. But I do not support the PUD application before you.

For as long as there has been a home-rule adopted comprehensive plan, the Wisconsin/Newark commercial district has been designated low density commercial. The most recent version of the Comprehensive Plan designates this area as low density commercial. Not mixed use with moderate density residential on the north parcel, as proposed in this case.

The rezoning and overlay mapping in 1989 rendered this area consistent with the Comprehensive Plan. It was done because the community and city recognized that the focus of this commercial node along Wisconsin Avenue was low density, neighborhood shopping. Nothing has changed in the Plan or reality over the subsequent 20 years to alter this vision.

There are elements of the proposed PUD that are at odds with this vision. But the primary point I wish to make is that the proposal before you will destroy the neighborhood commercial overlay for this particular area, and, of even greater concern, it will set a precedent that jeopardizes overlays elsewhere in the city.

- First, the PUD would remove all of Square 1920N and virtually all of Square 1920 from the overlay and little would be left in the overlay district.
- Second, the PUD would start over the count for limitations on restaurants and drinking establishments, and would start over the count for limitations on office-type retail (e.g., banks, etc.) – in effect, *expanding* these uses within the area currently comprising the overlay.
- Third, the PUD will increase height and density, not only above what is permitted under the current zoning, but what is permitted matter-of-right under the proposed zoning.

You might ask: what difference does this make? The added density is primarily residential, and the added height is perhaps 11 feet. Further, the bulk of the massing is near Idaho Avenue where there is already a mid-to-high-rise building at McLean Gardens.

**ZONING COMMISSION**  
CASE No. 08-15  
EXHIBIT No. 170

The difference to be considered is the significant policy implication of gutting an overlay – and doing so not as part of a larger planning exercise, but rather in response to a site-specific development proposal.

The Wisconsin/Macomb Neighborhood Commercial Overlay District is not the only overlay that constrains PUD heights and density to matter-of-right limits (11 DCMR 1305). This constraint applies to every neighborhood commercial overlay, and to the Dupont Circle Overlay District as well. The purpose of this constraint is to discourage PUD end-runs around the overlay. But that is precisely what is before you.

This is a significant policy matter. If you approve the PUD as proposed, you send a signal to developers regarding every one of these overlays. A precedent has been set: that the Zoning Commission will entertain changes to height and density on a case by case basis, in spite of the broad policy constraint. The policy has no teeth. The policy, written broadly, is intended to stop case-by-case changes, but now it is to be subject to exceptions, entertained on a case-by-case basis. In terms of height and density, the overlay becomes meaningless.

The Office of Planning does a great disservice by ignoring the broad implication of what it is recommending. The OP report gives no discussion.

The greater heights and density in the proposal before you raise other planning concerns. When the Wisconsin/Macomb commercial district began maybe a century ago, the center was along Macomb Street, NW. After the development of McLean Gardens during World War II, the Friendship Shopping Center was built and the center of the commercial district was more appropriately located at Wisconsin and Newark.

But from a land use planning perspective, the proposed PUD would move the center of the commercial district to its northern border. That is where the greatest height and density will be found – at Wisconsin and Idaho. One would expect something contrary: usually the edge of a district steps down in height and density and acts as a buffer.

I want to make one other point. I join with residents throughout the area seeking a new, revitalized shopping center with a better supermarket. The current landowner, or a developer, can do this within the constraints of the neighborhood commercial overlay, especially with a rezoning to C-2-A. Indeed, that was the basis of several proposals throughout most of this decade.

Thank you for consideration of my views.