



## **ADVISORY NEIGHBORHOOD COMMISSION 3E**

**TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS**  
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### **RESOLUTION REGARDING OP MISCONSTRUCTION OF ANC 3E RESOLUTION REGARDING PROPOSED CHANGES TO FUTURE LAND USE MAP**

#### **WHEREAS:**

1. The District of Columbia Office of Planning (OP) misused an ANC 3E resolution (“SAP Resolution”) calling for a Small Area Plan (SAP) process to, instead, justify substantial increases in permissible density (“up-FLUMing”) without a SAP. OP must submit a corrected proposed Future Land Use Map (FLUM) to the Council of the District of Columbia (Council) to fix this error.

2. OP conducted a review of the 2006 Comprehensive Plan (“Comp Plan Review”) over many months. OP released a draft amended FLUM for public review. Any changes to the draft FLUM were to have been made pursuant to public comments. OP set different deadlines for comments from the general public and ANCs.

3. In response to OP’s call for comments, ANC 3E passed the SAP Resolution on February 13, 2020 and timely transmitted it to OP.

4. The SAP Resolution acknowledged that OP had proposed a lengthy discussion period **after** the Council amended the FLUM, but among other things called instead for a genuine SAP process in which the community would work with OP to craft recommendations to the Council that would include changes to the FLUM:

OP proposes to conduct a process *after* FLUM changes are made to develop recommendations for improvements to the neighborhood as a whole, including streetscape changes. The process proposed is akin to a Small Area Plan (SAP), except FLUM changes are ordinarily considered in conjunction with recommendations for improvements to the neighborhood as a whole.

ANC 3E believes the better course would be, in fact, to conduct an SAP process so that the ANC, community members, and OP can work together on a holistic set of recommendations for improving the neighborhood, including density changes.<sup>1</sup>

5. In case OP refused our request for a genuine SAP process, The SAP Resolution provided advice for numerous amendments OP proposed in the draft FLUM OP released.

<sup>1</sup> “SAP Resolution” at Whereas Pars. 4-5 (emphasis in original).

6. The SAP resolution *also* contained recommendations for changes to *consider if* an SAP process was conducted, in particular regard the following lots (“Subject Lots”):

**9976 (the “Dancing Crab Lot”):** This lot is far from any single-family housing, and close to Wisconsin Avenue. OP proposes to keep the lot medium density. Although **we do not oppose that recommendation if no SAP process is initiated**, we believe that **if there is an SAP process**, this lot should be a **candidate** for high density residential.

**2155.9 (the “Whole Foods Lot”):** Except for the southeastern portion of this lot, which is near single-family housing, this lot is on or near Wisconsin Avenue and relatively far from single-family housing. OP proposes to keep the lot medium density. Although **we do not oppose that recommendation if no SAP process is initiated**, we believe that **if there is an SAP process**, this lot, except for the southeastern portion, should be a **candidate** for high density residential.<sup>2</sup>

7. ANC 3E’s advice regarding these lots was clear. If OP refused ANC’s request for an SAP process, ANC 3E did not oppose OP’s recommendation that these lots be reclassified as “medium density.” **If**, by contrast, OP supported an SAP process, then these lots should be **candidates** during such a process for reclassification as “high density.”

8. Yet, OP’s response to the SAP Resolution was, in pertinent part, to revise its proposed FLUM to reclassify the Subject Lots as “high density,” while refusing our request for an SAP process. OP specifically – and wrongly -- used ANC 3E’s advice about what should be a “candidate” for up-FLUMing *if* a SAP process were initiated to justify up-FLUMing these lots without a SAP.

After careful review, components of the resolution received from ANC 3E, marked as “Yes” were integrated into the Mayor’s Comprehensive Plan Update (Comp Plan). Such changes include updates to the Future Land Use Map along Wisconsin Avenue, the Dancing Crab Lot, and the Whole Food Lots.<sup>3</sup>

9. OP, after a long process, released for public comment a proposal for changes to the FLUM. The opportunity for public comment was (unsurprisingly) supposed to allow OP to fine-tune its proposal *in light of* public comments. Yet, here, neither ANC 3E nor, so far as we can tell, anybody else timely wrote to OP to support increased density on the Subject Lots. Accordingly, OP has up-FLUMed the Subject Lots without properly-submitted expressions of support from the public or notice that it intended to change its own recommendation even without public support. If allowed to stand, this would constitute an abuse of the process OP itself created.

**NOW THEREFORE BE IT RESOLVED:**

<sup>2</sup> “SAP Resolution” at Resolved Pars. 12-13 (except in headings, emphasis supplied).

<sup>3</sup> “Letter from OP Director Andrew Trueblood to ANC 3E, April 23, 2020,” at p. 1.

1. OP must -- at a minimum -- promptly send a corrected draft FLUM to the Council and all affected parties showing the Subject Lots classified as "medium density," as OP originally proposed. Failure to do so would transform (what we presume is) an error into an act of dishonesty.

2. Additionally, as we previously requested, OP should initiate an SAP process for the neighborhoods within ANC 3E's boundaries, and recommend to the Council that it base its FLUM designations for these neighborhoods on the SAP that emerges from that process.

The resolution passed by a vote of \_\_\_ - \_\_\_ - \_\_\_ at a properly noticed virtual meeting held on May 21, 2020, at which a quorum was present, with Commissioners Bender, Hall, McHugh, and Quinn in attendance.

ANC 3E

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by Jonathan Bender  
Chairperson



3. The Future Land Use Map (FLUM) more than any other component of the Comp Plan guides future development and land use decisions in the District of Columbia as it aspirationally indicates what might be built on a particular lot rather than what is there today.

4. As part of this process OP received numerous amendments to the FLUM within the boundaries of ANC 3E.

5. OP proposes to conduct a process *after* FLUM changes are made to develop recommendations for improvements to the neighborhood as a whole, including streetscape changes. The process proposed is akin to a Small Area Plan (SAP), except FLUM changes are ordinarily considered in conjunction *with* recommendations for improvements to the neighborhood as a whole.

6. ANC 3E believes the better course would be, in fact, to conduct an SAP process so that the ANC, community members, and OP can work together on a holistic set of recommendations for improving the neighborhood, including density changes.

7. Schools in our ANC, particularly Alice Deal Middle School and Wilson High School, are overcrowded and enrollment is expected to continue to grow sharply. DCPS has known about this problem for years and has not taken adequate steps to address it.

8. This overcrowding has multiple reasons, among them existing housing and increasing desire of in-boundary parents to send their children to public schools here. Nonetheless, increasing permissible density (“Up-FLUMing”) will likely exacerbate this situation.

**NOW THEREFORE BE IT RESOLVED:**

1. ANC 3E strongly believes a broad and robust planning process would provide a greater opportunity for community input for the Wisconsin Avenue Corridor between Van Ness Street and Western Avenue and would lead to better policy outcomes than considering FLUM and broader neighborhood needs sequentially. Accordingly, we prefer a plan for the corridor that would study lot by lot how best to transition between the commercial corridor and the adjacent single family homes. ANC 3E therefore strongly urges DCOP to immediately initiate a small area planning process for this area and to postpone the implementation of the changes to the FLUM for one year to allow for a small area plan. However the ANC does not believe a planning process should be a mechanism to put a halt to all development via a “death by process” and requests that if the small area plan has not been completed and submitted to the DC Council within 1 year of the formal passage of the FLUM revisions that the changes to the FLUM go immediately into effect.

2. ANC 3E believes that no Up-FLUMing should be implemented until the Mayor has submitted a formal plan to address school overenrollment within our boundaries, and the Council has approved and funded such a plan. Any such plan should aim to preserve diversity in our schools.

3. If OP refuses our request for a SAP, we provide comments on specific proposals below. We again note our strong preference for an SAP, however, and we provide comments below about how an SAP would enable fine-tuning of density. We note that although we would expect an SAP to involve both decreases and increases of density from that currently proposed, the net change could well be increased density beyond that currently proposed.

4. All change in land use designation should be accompanied by policy language that indicates that any rezoning to higher density should be accomplished only through Planned Unit Developments, so that any increased-density projects be architecturally sensitive to adjoining residential

neighborhoods, and include appropriate community benefits, such as increased affordable housing and attractive public open spaces

5. To the extent not mentioned below, ANC 3E supports the proposed changes.

6. **2154.21 (the “WMATA Lot”)**: Part of the southernmost portion of this lot adjoins relatively small apartments and condominiums in a moderate density zone, and part is diagonally across the street from low-density duplexes. We believe, accordingly, that it is appropriate to step down density here from high to medium. The precise delineation of this stepdown should be determined in an SAP.

7. **2155.14 (the “Lot Behind Rodman’s”)**: OP proposes to change this from low to moderate density. Because the lot, particularly the section behind Rodman’s parking lot, is relatively far from Wisconsin Avenue and adjoins single-family housing on two sides, we believe that limiting language should be added to this change to the effect that “moderate-light” is most appropriate here, such as townhomes or multi-unit housing that approximates townhomes in height, density, and general appearance. For avoidance of doubt, we support the proposed change of the portion of the lot closest to Wisconsin Avenue to medium density.

8. **2430 (the “Lot Behind the Fox 5 Building”)**: Like the Lot Behind Rodman’s, OP proposes to change this from low to moderate density. Because the lot, is behind Wisconsin Avenue and adjoins single-family housing on two sides, we believe that, like the Lot Behind Rodman’s, limiting language should be added to this change to the effect that “moderate-light” is most appropriate here, such as townhomes or multi-unit housing that approximates townhomes in height, density, and general appearance. For avoidance of doubt, we support the proposed change of the portion of the lot closest to Wisconsin Avenue to medium density.

9. **2155.2 (the “Rome Pizza Lot”)**: The parking lot behind this building was not included in either proposals for FLUM changes or OP’s recommendation. Accordingly, for process reasons, we do not here recommend changes to it, but note that if OP institutes an SAP, discussion should occur as to whether the parking lot’s FLUM designation be changed to moderate.

10. **2155.5 (the “Maartens Lot”)**: The southwestern portion of this lot is behind Wisconsin Avenue and adjoins single-family housing. We believe that it would be appropriate to step down some of this part of the lot to moderate density. The precise delineation of this stepdown should be determined in an SAP.

11. **2095 (the “Doctors and Dentist’s Building”)**: This lot is well behind Wisconsin Avenue and adjoins single-family housing. Moreover, it is the only lot in our ANC that OP proposes to Up-FLUM from low-density to medium density. Given these facts, we believe that OP should increase the density only from low to moderate on this lot, which will provide a step down from the large medium density lot between it and Wisconsin Avenue.

12. **9976 (the “Dancing Crab Lot”)**: This lot is far from any single-family housing, and close to Wisconsin Avenue. OP proposes to keep the lot medium density. Although we do not oppose that recommendation if no SAP process is initiated, we believe that if there is an SAP process, this lot should be a candidate for high density residential.<sup>4</sup>

<sup>4</sup> This lot would then be high-density residential and medium density commercial. In general, when we refer to possible Up-FLUMing, we are referring to the residential portion, and intend no change to other parts of the proposal).

13. **2155.9 (the “Whole Foods Lot”)**: Except for the southeastern portion of this lot, which is near single-family housing, this lot is on or near Wisconsin Avenue and relatively far from single-family housing. OP proposes to keep the lot medium density. Although we do not oppose that recommendation if no SAP process is initiated, we believe that if there is an SAP process, this lot, except for the southeastern portion, should be a candidate for high density residential.

The resolution passed by a vote of 4-0-0 at a properly noticed meeting held on February 13, 2020, at which a quorum was present, with Commissioners Bender, Hall, McHugh, and Quinn in attendance.

ANC 3E

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by Jonathan Bender  
Chairperson