



ADVISORY NEIGHBORHOOD COMMISSION 3E

TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS
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www.anc3e.org

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.¹

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.

¹ “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.²

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.³

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.

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

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

NOW THEREFORE BE IT RESOLVED:

1. OP must 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.

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

by Jonathan Bender
Chairperson