



*Cleveland Park Citizens Association  
PO Box 11444  
Washington, DC 20008*

Council Member Mary Cheh  
Council Chairman Philip Mendelson  
VIA ELECTRONIC MAIL

April 19, 2022

Dear Council Member Cheh and Chairman Mendelson:

We are writing to you both as we do not have clear information on the current stage of the budget process (whether before the Committee on Transportation and Environment or the full Council) with regard to the matter on which we seek your help. The matter is funding the Performance Parking and RPP Exclusion Amendment Act of 2020.

As explained briefly below, we are concerned that failure to fund this legislation would indicate a lack of commitment by the DC government to enforce conditions and other requirements for development projects. Perceptions of such a lack of commitment would undermine confidence in the capacity for community engagement and governmental oversight to enable and ensure sound development. Among other things, this would raise challenges for neighborhood associations such as ours in determining how to engage in an effective and constructive manner.

As you may recall, the origins of the Performance Parking and RPP Exclusion Amendment Act coincide with a now pending development in Cleveland Park, at Newark and Connecticut Avenue, the “Macklin” project. To gain community support, including ANC endorsement, of a request for a waiver of the 100% on-site parking requirements, the developer agreed to restrict residents from participating in the residential parking permit program. The Board of Zoning Adjustment approved the waiver based in part on this agreement, incorporating this condition as an element in its decision.

The District Department of Transportation asserted that it could not enforce such restrictions, and the Council passed emergency, and subsequently permanent, legislation to address the issue for this and other such projects authorized with RPP restrictions. However, we understand that the Mayor's Office did not fund the legislation and, so, it is not in effect. The Chief Financial Officer has scored the legislation as costing approximately \$1.7 million in fiscal year 2021 and \$2.4 million over the four-year financial plan period.

Of course, it might be argued that failure to fund this legislation does not reflect a general lack of commitment to enforcing conditions and requirements for developmental projects. But it would certainly raise legitimate questions as to which conditions and requirements for development the DC government considers real or important and which should not be relied upon, do not have practical meaning. Funding this legislation will help demonstrate a commitment to sound developmental policy and practice. Not funding can be expected to reinforce beliefs that the DC government is not committed to authentic planning reflective of community input, needs and priorities.

As you know, both the Mayor and the Council support development along major avenues such as Connecticut Avenue and Wisconsin Avenue, and the Council emphasized the importance of community engagement in this process in its revisions to the Comprehensive Plan Amendments for enactment. For such engagement to have meaning and for sound development planning for these major efforts to follow from it, stakeholders must be able to know that conditions and other requirements can be relied upon. Otherwise, mistrust, litigation, and lost or delayed opportunity to improve the lives of DC residents can be expected to follow.

Thank you for your attention and consideration. We would welcome the opportunity to discuss this matter further with you if that might be helpful to address this important issue (recognizing time is short to resolve the matter in this budget cycle).

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Barlow Weiner', with a stylized flourish at the end.

John Barlow Weiner  
President