



December 3, 2020

Dear Members of the Council of the District of Columbia:

I write on behalf of the Cleveland Park Citizens Association, a non-profit membership organization of Cleveland Park residents founded in 1911, to offer our comments on the proposed amendments to the District of Columbia's Comprehensive Plan. As explained more fully below, while CPCA supports policy goals articulated in the proposed amendments, we have several substantive questions and concerns that we respectfully request the Council consider and address.

1. General, introductory comments

The mission of CPCA is, in part, “to enhance the quality of life in Cleveland Park, by addressing issues of broad-based concern and relevance to support a diverse, thriving, forward-looking neighborhood while preserving its character . . . and, through advocacy and other action, to make every effort to promote the community’s interest in matters affecting Cleveland Park and other parts of the District of Columbia.” Consistent with this mission, CPCA supports the social and economic goals articulated in support of these proposed amendments.

CPCA has long been committed to social equity and justice, going back, for example, to its support for desegregation of DC schools and for Home Rule. We recognize the critical need to protect and provide housing for those who cannot afford market-rate dwellings and, in particular, the need for family-sized housing affordable for all, in our immediate community and throughout the city. We are also committed to sustainability and maintaining and increasing green space. In addition, we are concerned with ensuring the utility and vitality of our local business districts and deeply concerned with helping our neighborhood and the District as a whole weather and recover from the effects of the pandemic.

Accordingly, we also support clear, effective public policy in furtherance of these goals. Our comments concern: the substantive basis for the proposed amendments; their clarity; and ensuring that proposals specific to Cleveland Park will promote and preserve our neighborhood’s diversity, vitality, and character.

2. Substantive basis for the proposed amendments

CPCA wrote to the Council in June concerning questions raised by COVID-19 directly relevant to public planning for Washington, DC, including regarding population trends and commercial activity projections. We noted, for example, the implications if the number of people working at home remains substantially higher, including how this might affect commercial space usage and retail activity, housing demand (including for affordable housing), public-school enrollment, public transportation and infrastructure needs, and use of other services and amenities.

The soundness of the Comprehensive Plan is important to the well-being of Cleveland Park, as it is to the rest of the District. Accordingly, the CPCA does not wish to delay consideration of amendments that will better guide planning in coming years. However, the soundness of any amendments depends on the strength of the data supporting them, and the data currently supporting the proposed amendments do not appear to consider in what ways and to what extent COVID-19 may affect Washington, DC.

When the Office of Planning submitted the proposed amendments to the Council in April, it stated in its accompanying report that “upon analyzing the Comprehensive Plan in light of the public health emergency, OP confirmed that it stands up to many of the changes we are experiencing and will continue to experience.” Nowhere is analysis or data presented however, to support this assertion. In fact, the Office of Planning goes on to say that “the economic and social impacts of the resulting crisis are still unknown,” and that “. . . when related data become available, it will take months and possibly years to fully comprehend and respond to the impacts of this public health emergency.”

To inform both the Council’s evaluation of the proposed amendments and the public’s ability to comment upon the amendments in an informed manner, we call upon the Council to publish any analysis and data relevant to determining whether the projections upon which the amendments were based remain sound with regard to District population trends and characteristics, and commercial activity. Further, CPCA calls on the Council to return the amendments to OP for further consideration if the data and analysis do not indicate that these projections remain sound.

3. Clarity of the proposed amendments

In various respects, the proposed amendments are unclear or difficult to interpret. We call upon the Council to address these issues to enable informed public comment and ensure that the Plan, with whatever amendments may be adopted, will effectively serve its purpose as a plan.

The ongoing status of the Plan is unclear. Will the Plan continue to control zoning decisions, such that these decisions cannot be inconsistent with the Plan? This must be stated and otherwise reflected in an unequivocal, unqualified manner, to enable informed public comment and so that, should any amendments come into force, DC government bodies and the public understand their intent and purpose.

In this regard, we note that language has been modified to replace mandatory (e.g., “must”) verbiage with recommendatory (e.g., “should”) language. Would a zoning decision be inconsistent with the Plan if it does not comport with a “should” or equivalent statement? This must be clearly explained. Further, the Plan is a massive document and remains so as amended, with the addition of associated interpretive texts and policy reports. While various elements as amended and associated documents cross-reference to one another, they also use substantively

different language to address the same issues, including varied phrasings that might be interpreted inconsistently from one another. As a consequence, it is difficult, if not impossible, to understand precisely what the Plan says on some topics. In addition, goals articulated in one element of the plan may not be fully consistent with those articulated in another, raising questions as to how to interpret and implement these potentially competing policies.

Calling upon the Zoning Commission “to consider the many competing, and sometimes conflicting, policies of the Comprehensive Plan,” does not adequately address this lack of clarity, but rather demonstrates it. It might be remedied in various ways, but we strongly encourage avoiding discussion of the same issue in multiple places, relying instead on cross-reference without restatement. Further, a clear hierarchy needs to be established to enable application of the Plan where content from different elements may be in tension, including by giving the Future Land Use Map (FLUM) primacy over other elements of the Plan as the essential representation of land use planning. Such clarity is needed not only to enable the Zoning Commission to perform its function but for DC residents, communities, and other stakeholders to engage and advocate in an informed manner grounded in the expectations and prescriptions of the Plan.

At its heart, the Plan is, of course, just that, a plan, and to function as such, it must be clear in its nature, purpose, and goals. This is essential to enable effective public comment and so that, as adopted, the Plan can serve its basic purpose of defining the overarching parameters for land use, as well as serve its associated functions for city planning.

4. Specific Proposals for Cleveland Park

We have the following comments on the proposed changes to (i) the FLUM that would increase permissible density along the Connecticut and Wisconsin Avenues business strips in Cleveland Park and (ii) to the generalized policy map (GPM) that would designate most of Cleveland Park for “future planning analysis.”

a. Comments relating to the FLUM

Regarding the proposed FLUM amendments, we begin by noting that we assess development along Connecticut Avenue or Wisconsin Avenue within the neighborhood in light of our mandate to promote and preserve neighborhood diversity, vitality and character.

Consistent with this mandate, we offered support last year for continuing to pursue a project at 3400 Connecticut Avenue, subsequently approved by the Board of Zoning Adjustment earlier this Fall. We conditioned our support on the developer’s working with the community to address legitimate concerns. We concluded that the project as proposed appeared consistent with our mandate, noting that it: included Inclusionary Zoning units and some family-sized housing that could be expected to be less expensive than existing single-family homes in the neighborhood; increased the number of potential customers for neighborhood merchants; offered additional outdoor public space; added to residential and commercial space close to public transportation; was of a scale roughly similar to some other nearby properties, and had the potential to contribute to the character of the neighborhood by improving the appearance of our business corridor.

In short, we believe development can contribute to the vitality and diversity of Cleveland park while being in character with the neighborhood. That said, we have the following concerns regarding the proposed changes to the FLUM.

First, we believe the proposed amendments are not sufficiently clear regarding the relationship between development and capacity of neighborhood infrastructure. Specifically, we call on the DC Council to ensure the Plan clearly establishes, which it does not currently, that development can only occur to the extent that infrastructure is in place, or put in place, to support the additional burden.

Second, we believe the amendments are not sufficiently clear regarding the relationship between development and the capacity of the local schools. Accordingly, we call on the DC Council to ensure the Plan clearly establishes, which it does not currently, that residential development can only occur to the extent that local schools have the capacity to support the additional demand. As you know, the public schools in and supporting Cleveland Park, for example, are chronically oversubscribed.

Lastly, we cherish our green space and the rich, historic architectural character of our neighborhood. They define the neighborhood, providing the foundation for its ongoing strength as a residential market and capacity to attract visitors from across the city and region. We call upon the DC Council to ensure that any FLUM and other land use amendments are not in tension with the historic preservation standards and requirements applicable to the neighborhood, including as an historic district and, more broadly, are consistent with maintaining and enhancing these core attributes that have made Cleveland Park, and will enable it to remain, such an attractive residential community and destination to visit.

b. Comments relating to the Generalized Policy Map

Turning to the Generalized Policy Map, we are concerned that the GPM and Plan as a whole do not provide sufficient clarity regarding the nature, scope, or potential outcome of the “future planning analysis.”

The rationale for proposing future analysis across most of Cleveland Park should be presented, as should the nature of the adjustments that might be considered. Given that the neighborhood is an historic district and is otherwise indicated as a neighborhood conservation area under the current and proposed GPM, this proposal seems to be in tension with the current and proposed future land use status of the neighborhood as otherwise reflected in the Plan, including the Rock Creek West element. It needs to be explained to inform further public comment on this proposed change to the GPM and the underlying rationale for calling for such analysis.

Broadly speaking, such “analysis” might be understood to be for one of two purposes, either to evaluate potential land use changes consistent with the Plan including the FLUM, or to evaluate changes that would require revision of the Plan including the FLUM. Evaluation of land use changes consistent with the Plan including the FLUM would not need to be reflected in the GPM as such activity can and does occur without such a demarcation. That said, demarcating where the city believes such review should occur has value including because it helps communities to know that such review is contemplated and to take steps to engage in and inform such review. Evaluation of land use changes that would require revision of the Plan including the FLUM also would not need to be reflected in the GPM since such review is how amendments to the Plan come into being and existing legislation prescribes the process for amending the Plan. However, again, it is helpful to provide clarity regarding City thinking.

The land use element identifies issues that this “future planning analysis” might address and examples of planning guiding documents that might result. But the purpose of the demarcations needs to be unambiguously stated and bounded. If, for example, the purpose may be, in whole or in part, to enable assessment of land use changes that are not consistent with the Plan adopted, including the FLUM, it must be clearly stated that this is a potential purpose of the analysis and that any such changes can be pursued only through further amendment of the Plan. Also, statements in the land use element to the effect that the areas demarcated for future planning analysis are not firmly set, but may change subsequent to finalization of the Plan, bring into question the purpose and value of including such demarcation in the GPM, whether to guide District planning activity or enhance public transparency regarding it. Additional clarity is needed in this regard as well.

5. Community engagement and priorities

Finally, regarding the proposed changes to the FLUM and GPM, and to other elements of the Plan relating to land use, we note that the amendments themselves and associated materials speak to the importance of community engagement, and also to the need to consider District-wide as well as community-level needs and goals. We agree that community engagement is critical and that both local and city-level needs and goals need to be considered, in land use planning for the District.

We also believe that community needs and goals should be respected in the absence of more compelling countervailing need. Accordingly, we call upon the DC Council to establish clearly in the Plan that where proposed District planning activities are in tension with the needs or preferences of the affected local community(ies), the proposed activities must be supported by substantive analysis and data demonstrating that the District-level priorities are more compelling than competing interests or priorities of the affected community.

Thank you for your consideration of our views. We welcome the opportunity to engage with the Council further on this important activity.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Barlow Weiner". The signature is stylized and somewhat abstract, with a large initial "J" and "W".

John Barlow Weiner
President