



Office of the Director

June 22, 2020

Advisory Neighborhood Commission 3E
5425 Western Avenue, NW
Washington, DC 20015

RE: Advisory Neighborhood Commission 3E Changes to the FLUM

Dear Advisory Commissioners Bender, Ehrhardt, Hall, Quinn, and McHugh:

Thank you for Advisory Neighborhood Commission (ANC) 3E's recent resolution regarding proposed changes to the Future Land Use Map (FLUM) in the draft Comprehensive Plan (Comp Plan) amendment, which is now pending before the Council.

The District of Columbia Office of Planning (OP) agrees with ANC 3E that a targeted planning effort is valuable in Tenleytown to identify streetscape and other neighborhood changes that may be important as individual sites are considered for rezoning and redevelopment. That is why in connection with proposing certain areas on the FLUM for additional density, OP also proposed the Upper Wisconsin Avenue Northwest Corridor, including Tenleytown, on the Generalized Policy Map as a Future Planning Analysis Area. This designation is given to areas where additional planning analysis, such as a Small Area Plan, "should precede any significant zoning change."

ANC 3E's February 13th resolution suggesting that a FLUM change should occur only after a Small Area Plan had been prepared is not in line with the law governing area planning. As interpreted in recent court decisions and enshrined in the Framework Element, approved by the Council in 2019, an area planning effort, including a Small Area Plan, provides "supplemental guidance" to the Comprehensive Plan and operates to refine the Comprehensive Plan.¹ It cannot amend the Comprehensive Plan, including the FLUM. Therefore, FLUM changes

¹ By statute, a small area plan "provide[s] supplemental guidance to the Zoning Commission and other District agencies in carrying out the policies of the Comprehensive Plan." DC ST § 1-306.03(c)(4). As the DC Court of Appeals has recently explained, "Small Area Plans are to be interpreted in conjunction with the Comprehensive Plan," so a Small Area Plan recommendation that is inconsistent with the Comprehensive Plan will have no effect unless and until the Comprehensive Plan is amended to eliminate the inconsistency. *Barry Farm Tenants and Allies Ass'n v. District of Columbia Zoning Comm'n*, 182 A.3d 1214, 1219 (DC 2018). And as stated in Section 224.5 of the recently passed Framework Element, "[u]nless a Small Area Plan has been made binding on the Zoning Commission through its enactment as part of a Comprehensive Plan amendment, a Small Area Plan provides only supplemental

must first be included as part of the Comprehensive Plan update, which then lead to and guide a more detailed planning effort.

We believe that the Future Planning Analysis Area designation of Tenleytown does substantially address your concerns. As the Mayor has submitted her proposed Comprehensive Plan amendment to Council, any proposed changes would need to be discussed with Council. We look forward to working with you as the Comprehensive Plan amendment is before the Council and after it is passed ensure Tenleytown is an equitable, safe, healthy, and vibrant community for all.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Andrew Trueblood', with a long horizontal flourish extending to the right.

Andrew Trueblood

cc: John Falcicchio, Deputy Mayor, Planning and Economic Development
Phil Mendelson, Chairman, Council of the District of Columbia
Anita Cozart, Deputy Director, Community Planning and Design

guidance to the Zoning Commission and it does so only to the extent it does not conflict with the Comprehensive Plan.”