

# The Committee of 100

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on the Federal City



November 30, 20016

Chairman Hood and Members of the Zoning Commission:

Re: Case No. 25-09

The Committee of 100 on the Federal City (C100) offers the following comments in opposition to the Office of Planning's proposed text and map amendments for Cleveland Park and Woodly Park (Case No. 25-09).

There are significant issues with OP's proposed new zones, including the short-circuiting of public participation in zoning actions, lack of consistency with the Comprehensive Plan, including the FLUM, disregard for the historic districts and low-density surrounding neighborhoods, omission of zoning tools presented in the Connecticut Avenue Development Framework, the insufficiency of the IZ+ income criteria to address the goal of racial diversity, and failure to assess the adequacy of existing infrastructure to handle projected growth.

## **Public Participation Is Being Short-Circuited**

The tack taken by the Office of Planning and the Zoning Commission in the upzoning of the Cleveland Park and Woodley Park corridors limits public participation during consideration of the proposal and, assuming approval of a final order, participation during future development. Specifically, OP is asking the Zoning Commission to approve the proposed amendment as a rulemaking. A rulemaking precludes affected individuals and neighborhood organizations from party status, thus limiting presentation by neighborhood groups to five minutes and precluding presentation of witnesses, cross examination of OP, and the right to submit briefs, motions and proposed findings of fact and conclusions of law at the Zoning Commission proceeding. Most importantly, the rulemaking procedure forecloses any opportunity to appeal.

Further, following approval, any proposed development will be matter of right, which means this major corridor could be built out for a generation without meaningful public review so long as any proposed development satisfies the Design Review requirements that OP has proposed. Individuals, community associations and Advisory Neighborhood Commissions (ANCs) will have no input into any development. There will be no required hearings, no

opportunity for residents to see what is planned, no chance to bargain for desired community benefits. The tax-paying public will no longer have a role to play in how their neighborhoods change and grow.

## **OP's Proposed New Zones**

### **A. Cleveland Park – The Proposed MU-8A Zone is Not Justified by the Comprehensive Plan and the FLUM**

The Office of Planning has overreached in proposing a base zone of MU-8A for the Cleveland Park commercial area on Connecticut Avenue. MU-8A is intended for areas with a large component of office-retail development and other non-residential uses, whereas Cleveland Park is designated for minimum office-retail.

The FLUM designates Cleveland Park for medium density residential and moderate density commercial. The Framework Element states that medium density residential has a FAR of 1.8 to 4.0. MU-8A has a residential FAR of 5.0 before applying IZ. Since IZ PLUS is required, the permitted FAR will be 6.0. A FAR of 5.0 or 6.0 is consistent with high density residential which is *inconsistent* with the FLUM designation for Cleveland Park. To be consistent with the FLUM, the FAR for this area should be no higher than 4.0. Given that the entire area is in a historic district, it should even be less.<sup>1</sup>

In a recently heard case (Case No. 25-12), the Commission and OP amended regulations implementing MU-4, MU-5 and MU-7, stressing the importance of strict consistency between the Plan and the rules. In this case (Case No. 25-09), OP has abandoned consistency without explanation. The Commission should not go along.

It is a pattern with OP to choose the most intense zone for a density designation even though the Comprehensive Plan states it should not do that and should rather consider what would be compatible with the surrounding area.<sup>2</sup> In this case, OP has chosen a zone that is

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<sup>1</sup> Policy HP-2.4.6: Preservations Standards for Zoning Review

Ensure consistency between zoning regulations and design standards for historic properties. Zoning for each historic district shall be consistent with the predominant height and density of contributing buildings in the district. Where needed, specialized standards or regulations should be developed to help preserve the characteristic building patterns of historic districts and minimize design conflicts between preservation and zoning controls. 1011.11

<sup>2</sup> DC Comprehensive Plan Framework Element, Guidelines for Using the Generalized Policy Map and Future Land Use Map

e. The designation of an area with a particular Future Land Use Map category does not necessarily mean that the most intense zoning district described in that category is automatically permitted... A range of densities and intensities applies within each category, and the use of different zone districts within each category should reinforce this range.

f. Some zone districts may be compatible with more than one Comprehensive Plan Future Land Use Map designation. As an example,

mistakenly labeled as medium density when its residential FAR is high density. This is the opposite to OP's position in Case No. 25-12.

OP compounds the zone choice problem by asking for a height of 75 feet when the zone has a maximum of 70 feet, which not only is inconsistent with the Comprehensive Plan but also is incompatible with this area. An appropriate development height must consider the predominant existing heights, many of which are one-story, as well as the current heights of the surrounding residential neighborhoods, which are zoned for 3-stories and 40 feet.

Cleveland Park has been low density on the FLUM for decades. The area was developed largely before zoning existed. Ninety-foot matter of right buildings (including a penthouse) or more than 125-foot buildings with a PUD are inconceivable for an historic district with most buildings no more than 20 feet. Attached is a rendering showing how a maximum buildout of the east side of Connecticut Avenue in Cleveland Park might look.

Fortunately, medium residential density does not dictate this level of development, and we strongly urge the Zoning Commission to insist upon a sane approach. The Framework Element describes moderate density commercial areas as zoned MU-5 or MU-7 with an FAR range of 2.5 to 4.0. MU-5 has an emphasis on housing, which is what is intended by the FLUM for Cleveland Park. It provides an FAR of 4.2 for Inclusionary Zoning developments, which is consistent with the Medium Residential designation. It permits heights of 65 feet, 70 feet with IZ and 80% lot occupancy and would increase density by 140% over the current zone. MU-7A or 7B have similar development standards for IZ developments, with 7B allowing less non-residential FAR (1.0 versus 2.5) than 7A. MU-5 and MU-7A would both be consistent with the Comprehensive Plan, while MU-8A is not. C100 recommends MU-5 with a cap on height at 60 feet because of the very low density of the existing historic district.

**B. Woodley Park – The Proposed Rezoning of the East Side of Connecticut is Inappropriate**

None of the zoning code's high-density mixed-use zones contain limits on height and FAR. Nevertheless, OP proposes height limits on the east side in Woodley Park. This strongly suggests that even OP believes the FLUM designation is not compatible with the area. Unless and until changes to the existing Comprehensive Plan FLUM designation are enacted, no rezoning of this area should occur.

OP's proposal for the Woodley Park commercial area on Connecticut Avenue demonstrates the arbitrariness of OP's proposals. The proposed MU-9A with a residential 6.5 FAR (increasing to 7.8 with IZ), results in a building envelope so inconsistent with the area that even OP proposes lowering the permitted height from 90 feet (100 feet with IZ) to 75 feet on

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the MU-4 zone is consistent with both the Low Density Commercial and the Moderate Density Commercial designation, **depending on the prevailing character of the area and the adjacent uses. [emphasis added]**

the east side. The east side proposal for height and FAR is almost the same as OP's proposal for Cleveland Park even though Cleveland Park is designated for medium not high density. Both are in historic districts and both back up to predominantly low-density residential neighborhoods. The impact of a 90-foot building with a penthouse adjacent to these neighborhoods will be overwhelming and will destroy the feel of an integrated neighborhood and commercial strip.

MU 9A may be appropriate on the west side of Woodley Park where there are large multi-family developments and a hotel, but it is clearly out of scale with the historic district on the east side. There are existing zoning options for the Cleveland Park area to maintain consistency with the Comprehensive Plan, but C100 finds no existing zoning options that are compatible with both the scale of the east side and with the Comprehensive Plan's high-density designation. We urge the Zoning Commission to reject rezoning the east side until the Council can reconsider the density designation on the FLUM.

### **Inconsistency with the Connecticut Avenue Development Framework**

#### **OP Misled the Public by Omitting Setbacks and Step Downs in Zoning Proposals; the Zoning Commission Should Utilize These Tools to Mitigate Huge Disparities in Adjacent Densities**

OP ignored the projected setbacks and step downs highlighted in the development standards for Cleveland Park and Woodley Park in the Connecticut Avenue Development Framework. These devices for mitigating bulk and establishing transitions, which are standard zoning devices, were presented to the public in illustrations and text. None of these typical devices are included in the zoning proposals being considered by the Zoning Commission. This is a remarkable omission, and the Zoning Commission should correct it.

All of the Cleveland Park commercial area is in a historic district and half of Woodley Park is in a historic district. It is not credible for OP to say that the Historic Preservation Review Board will determine setbacks in its design review. OP knew these were historic districts when it wrote the Framework, and it labeled its illustrations as New Development Above Contributing Buildings. Nonetheless, OP is clearly showing how it would manage the bulk of new construction.

The HPRB can recommend setbacks and step downs as well as reductions in height. But it is the Zoning Commission that establishes as a matter of law the permissible development envelope. Architects and developers follow zoning regulations in designing new construction and they don't expect the HPRB to significantly alter what zoning permits beyond what compatible design requires. It is disingenuous for OP to suggest that the Zoning Commission put aside its typical tools to ensure that stark transitions are softened especially when OP on other occasions has shown the public how these tools will be utilized to achieve what these devices are intended to guarantee. A minimum of 20 feet set back should be required for new development above contributing buildings with the series of periodic setbacks at upper floors per the Framework. Rear setbacks should also include an at grade rear yard to accommodate

parking and loading in addition to upper floor setbacks to lessen the impact of a barrier wall facing the residential neighborhoods as depicted in the Framework.

## **Need for Affordable Housing Equity**

### **Lower IZ+ Income Eligibility Standards to Match DC African-American Median Household Income and Facilitate Greater Racial and Income Diversity in Cleveland Park and Woodley Park MU Zones**

OP has included an unprecedented statement in the Purpose and Intent section of the proposed new zones that allowing for more housing construction will “accommodate a greater range of resident diversity to advance the District’s housing equity goals...” It is known that Ward 3 is predominantly white and more expensive than many other parts of the city. It is considered a high-opportunity area where the Council has legislated incentives to produce higher concentrations of affordable housing in new developments.

OP’s intent to facilitate housing equity, however, cannot be achieved if these zoning proposals are not revised. Absent revision, the Purpose and Intent statement is meaningless. The DC median family income for African-American households in 2024 was \$60,591<sup>3</sup>. The HUD DC regional median family income in 2024 was \$154,700. Sixty percent (60%) of the latter number (\$92,820) is the income ceiling for the Inclusionary Zoning program. It should be obvious that allowing higher income households to compete for units reduces the chances of Black households for the affordable housing units produced through IZ or IZ+.

To achieve the diversity that OP says is the purpose of the new zones, the income eligibility standard needs to be lowered. C100 strongly recommends including such a provision in the Cleveland Park and Woodley Park new zones.<sup>4</sup> This action is consistent with the Comprehensive Plan Housing Element<sup>5</sup>. While lowering the maximum income eligibility for IZ+ for these proposals is not inconsistent with the IZ regulation, it would need to be baked into the

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<sup>3</sup> DC Fiscal Policy Institute

<sup>4</sup> Amend Subtitle C Chapter 10 Section 1003.7 by adding (c) In the Cleveland Park and Woodley Park NMU zones half of the affordable rental units for households with incomes at or below 30% MFI and half for households with incomes 31 to 50% MFI; ownership units for households with incomes at or below 50% MFI. A corresponding amendment would be necessary in the Cleveland Park and Woodley Park NMU zone text.

<sup>5</sup> More deeply affordable housing production and preservation is needed to advance racial equity in housing because of the racial income gap. As shown in Figure 5.8, the proposed allocation of new affordable units should be 40 percent available to extremely low-income households, and 30 percent allocated each for low- and very low-income households. These targets would prioritize production and preservation of housing affordable to more of the District’s residents of color. Achieving these targets requires actions from the public, non-profit, and private sector. 504.7

The problems with the District’s IZ program are well recognized. *See, e.g.,* Tracey Zhang, Making Inclusionary Zoning more Inclusive: How DC Should Reform Its Inclusionary Zoning Program to Account for Income, Racial and Geographic Segregation, XXVII Georgetown J. on Poverty Law and Policy 171, 174 (Fall 2019) (“The level of economic and racial segregation in D.C. means that 60% MFI is still higher than the median income in D.C.’s poorest wards”). <<https://www.law.georgetown.edu/poverty-journal/wp-content/uploads/sites/25/2019/12/27-1-Zhang.pdf>>

proposal to be an enforceable condition. The Commission has authority to do this. Does it have the will?

## **Existing Small Businesses and Other Tenants May be Adversely Impacted Immediately**

The Committee of 100 is concerned that the neighborhoods here may immediately lose a number of small businesses even though development growth may not occur for decades. The Office of Tax and Revenue is obligated to take changes in zoning (among other factors) into consideration in assessing properties for tax purposes.<sup>6</sup> This means that, in conducting its annual review of assessments, OTR shall factor in the higher potential zoning of properties along the Connecticut Avenue corridor. Since most if not all, leases call for a pass-through of certain expenses such as taxes, the tenants may bear the impact of the upzoning immediately through higher rents. How many will be forced to close? Any final order should direct OTR to refrain from raising assessments based on the upzoning until permits for new construction are filed.

## **The Inadequacy of the Infrastructure Report for Consideration by the Zoning Commission**

**The lack of timelines for OP's development scenarios and the vague impact reports related to the scenarios leaves the Zoning Commission without the guidance the Council wanted it to have.**

The DC Council created Future Planning Analysis Areas on the Generalized Policy Map. Cleveland Park and Woodley Park were included in these areas where equitable development was the goal. The Council was specific that any guiding documents for development frameworks and future zoning proposals should evaluate current infrastructure and utility capacity against full build out and projected population growth. The required infrastructure study<sup>7</sup> produced by OP is wholly inadequate in providing guidance to the Zoning Commission about how the proposed new development standards will impact existing infrastructure.

First, the FLUM that authorized density increases is a 20-year document. The infrastructure study is based on a much longer-term growth scenario. OP should report on infrastructure impacts over a 20-year period based on the development standards it is proposing. It should not dismiss the potential for immediate impacts if this zoning case (Case

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<sup>6</sup> DC Code §47-820.

<sup>7</sup> [Connecticut Ave Infrastructure Assessment.pdf](#)

25-09) is approved until and unless it can provide persuasive suppositions about development timelines and not mere guesses.

Second, OP has presented two very different impact projections. The Theoretical Full Build Out Scenario given the intensity of the zoning proposals is the one that the Zoning Commission should consider. The 2021 FLUM Build Out Scenario is colored by OP's projections. No further information is provided to explain the basis for this scenario. It seems on the face of it unreliable and non-transparent.

What we do know from the utilities consulted is that water supply in the area is already at capacity and the sewer services are also at capacity. The latter has been well studied by DOEE because of flooding on Connecticut Avenue affecting the metro station and neighborhood residences. OP has neglected to state the significance of water issues affecting this area.

The District Department of Transportation reports that the OP zoning proposals could require more multi-modal transportation options over the "long term." DDOT does not explain how it evaluated the metro functionality, bus supply and demand, parking supply and demand, trucks and loading operation functionality, and pedestrian and bike safety, or how many years equate to "long term." On traffic, the DDOT Report (Exhibit 150) does not include an evaluation of current conditions and does not estimate the amount of traffic that would be added to currently existing development with a maximum buildout as a MOR with the proposed zones.

The Council expected that these studies would influence the Zoning Commission in deciding the appropriate zones consistent with the FLUM designations.<sup>8</sup> The Zoning Commission needs more information from OP to clarify how the Zoning Commission can responsibly use the Infrastructure Study as the Council expects.

## Conclusion

C100 concludes that there are significant issues with OP's proposed new zones. We urge the Zoning Commission to advise OP how it wants each of these issues handled and that any new submissions by OP be the subject of an additional hearing and an open record. We also suggest that the Commission ask OP to produce data on who is living in IZ units, by race, age, family size and income.<sup>9</sup> Demographic information on IZ residents is surprisingly difficult to come by, despite its relevance to decisions the Commission is asked to make.

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<sup>8</sup> Policy IM-1.1.3: Relating Development to Infrastructure Capacity

Align development with infrastructure capacity, with the intent of not exceeding capacity. Land use decisions should balance the need to accommodate growth and development with available transportation capacity, including transit, and other travel modes and the availability of water, sewer, drainage, solid waste, and other public services. 2502.8

<sup>9</sup> Last year, the DC Auditor issued a highly critical report of the program, finding that inefficiencies were rife, landlord compliance was uneven, and enforcement appeared not to exist. See DC Auditor, *Stronger DHCD Oversight, Needed for Inclusionary Zoning Program to Reach Housing Goals* (November 20, 2024).

Thank you for your consideration. Please do not hesitate to contact me if you have any questions.

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Chair, Committee of 100  
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<[https://dcauditor.wpenginepowered.com/wp-content/uploads/2024/11/Inclusionary.Zoning.Audit\\_.11.20.24-1.pdf](https://dcauditor.wpenginepowered.com/wp-content/uploads/2024/11/Inclusionary.Zoning.Audit_.11.20.24-1.pdf)>



## ATTACHMENT





The COMMITTEE OF 100 on the Federal City  
testimony in Zoning Case 25-09  
Graphic by Jim Schulman, Architect - 11/30/25



### Schematic elevation of new construction

allowed by proposed maximum allowable zoning envelope  
on the east side of Connecticut Ave., NW mid-block between Macomb & Ordway Streets (3315-3423)  
if non-contributing buildings to the historic district were removed and replaced by new construction

*\* Note: It is our understanding that the proposed zoning does not include setback requirements.  
Those illustrated here are as recommended in the Connecticut Avenue Development Guidelines.*

-  Existing adjacent historic buildings to remain
-  Existing buildings incorporated in new construction
-  Existing non-contributing buildings replaced with new
-  New maximum construction under proposed zoning