

Comprehensive Plan Being Revised - Framework Element (Guiding Principles) sent to Council.

Act Now: The DC Office of Planning, without allowing public comment, sent the Council draft legislation to change the Framework Element of the Comprehensive Plan. Draft here: <https://plandc.dc.gov/sites/default/files/dc/sites/Comprehensiveplan/direcletter.pdf>
Write to raise your concerns to the Council immediately. DC Council contact info can be found here: <http://dccouncil.us/council>.

Tuesday, March 20 @ 2:00 PM. The Council will hold a hearing on the draft changes to the Comp Plan on Tues, March 20 at 2 PM at the Wilson Building, 1350 Pennsylvania Avenue, NW, Room 500. **To testify (limited to 4 minutes) email the Committee of the Whole at cow@dccouncil.us, or call Sydney Hawthorne at (202) 724-7130,** and provide your name, address, telephone number, organizational affiliation and title (if any) by COB Friday, March 16, 2018.

Why Should You Care? Last updated in 2011, the DC Comprehensive Plan (Comp Plan) is the most important land-use law in the city - zoning, the Zoning Commission (ZC) and the Board of Zoning Adjustment (BZA) must follow the Plan. As adopted by the District Council, the Comp Plan is law. See current Comp Plan at 227.1 and the DC Home Rule Charter (DCMR sec. 6-61.02). Recently, by relying on the Comp Plan, neighbors successfully have challenged ZC decisions before the Court of Appeals.^[1] The right response to these court decisions is not to water down the standards so neighbors cannot go to Court. The right response is for the ZC and BZA to honor the existing standards. The Comp Plan and the zoning regulations that implement it give neighbors a voice. Vague standards not only silence the neighbors' voice but also will hinder the ZC and BZA in holding developers' proposals to any standard.

What are the Goals? Although displacement, gentrification and shortage of affordable housing are intensely discussed in the District, they are barely mentioned in the Draft Framework Element. Unless purely allowing more development with more units gets you affordability, then the Draft Framework Element does not answer your concerns. Consider, Manhattan is very dense but not affordable.

The Comp Plan Amendment Process and Timeline: The Office of Planning (OP) announced a procedure for amending the Comp Plan. It began with the public submitting amendments (over 3,000 received), OP would make determinations on the public's suggestions, then OP's draft legislation would be available for 60 days for public comment before being sent to the DC Council for consideration.

Effect of OP Draft Framework Element sent to the DC Council

The Comp Plan has three parts:(1) a framework element setting out economic and demographic data and setting overall goals for the city's future, (2) citywide elements for urban design, housing, environment, transportation, economic development, etc. and (3) area elements for each geographic area of the District. Since the Framework Element guides the rest of the plan, watering down the standards and definitions in the Framework Element with pro-developer provisions will block pro-neighborhood changes to be discussed when they amend the citywide and area elements later this year. District law (sec. 1-306.01) states six purposes of the District elements of the plan, two of which are: **5) Maintain and enhance the natural and architectural assets of the District; and 6) Assist in the conservation, stabilization, and improvement of each neighborhood and community in the District."**

By contrast, the proposed changes to the Framework Element open the door to more dense, higher and commercial development in residential neighborhoods. The Comp Plan's Future Land Use Map (FLUM) designates different areas for different levels of density. For example, the map shows Capitol Hill as Moderate Density Residential. By watering down the definitions of what is allowed in the different zones, the framework element would give developers a free hand to invade established residential neighborhoods with large, incompatible projects.

Underutilized Industrial Sites and Affordable Housing

The **only area where OP is incentivizing affordable housing seems to be on Production, Distribution and Repair (PDR) sites.** Note that the definition of PDR at 225.12 continues to say "activities, which may require substantial buffering from ... uses such as housing". 225.12. But the OP draft Framework says that these sites are "**anticipated to foster mixed use developments that include residential uses together with residentially-compatible industrial uses. Such development is anticipated to include considerably greater affordable housing than required by statute or regulations such as Inclusionary Zoning**". 225.18 at (d)

^[1] *Friends of McMillan Park v. DC Zoning Comm'n et al.*, Dec. 2016. www.caselaw.findlaw.com

Commercial Zones: Housing is permitted in all and **is incentivized through increased floor area ratio in low and medium density commercial**. In addition, in Mixed Use (Residential and Commercial) the draft adds **industrial** uses as strongly encouraged.

Maps Boundaries Blurred

The General Policy Map and the FLUM are law therefore they require that decisions must "not be inconsistent". The maps show how the District is currently developed and where and what kind of changes we envision - and importantly what we want to preserve and protect. Both the current FLUM and current General Policy Map can be found here: <https://planning.dc.gov/page/district-map-library> The draft Framework says that "boundaries on the map are **generalized and are** to be interpreted in concert with other sources, as well as the .. **context** of each location shown. 223.3. Bold is newly added in the draft. The draft also adds **"Each land use category includes a brief description ... a reference to the areas for which the category is generally, but not exclusively, suited."** 225.1. Throughout all the definitions the **"not exclusively"** phrase is inserted rendering the descriptions meaningless. See also 226.1 where the draft says the zones for each land use category are for **"broad guidelines" "not intended to be strictly followed" and are "intended to be 'soft edged'."** Also, Section 227, included in response to neighbor's successful court cases, is entirely new and is devoted to the broad authority and flexibilities available to the Zoning Commission.

The maps have been color coded for easy reading. The **Draft Framework Element would eliminate the color coding**. In addition, the definitions used on the maps and elsewhere are watered down.

Definitions Watered Down

"Definitions" are changed to the vaguer "descriptions". "Stories" term deleted – but stories added in reality.

Residential zones, previously described as a maximum of a certain number of stories. Medium density residential was limited mid-rise apartment buildings of "4-7 stories – the 4-7 story limit is deleted so no limit. High density residential was limited to a max of 8 stories for high-rise apartment buildings. The limit on stories has been deleted and no height limit has been added. Presumably if these changes are allowed in the Comp Plan, OP will move to change the regulations that have story limits for low (single family detached) and moderate (row house) density residential.

For **commercial zones**, OP replaced the number of stories with building heights. Story maximums are deleted in commercial zones and heights are inserted as matter of right plus more if a PUD (planned unit development): Low density was 1 – 3 stories max but draft changes to **50 feet**; moderate density was not to exceed 5 stories but draft changes to **50 feet**; for medium density it was not to exceed 8 stories but draft inserts up to 90 feet; for high density commercial the draft deletes 8 story max and inserts 90 feet. 225.7 – 225.11.

Definitions made circular and meaningless

"Neighborhood Conservation Areas," a category on the Generalized Policy Map, were areas to "conserve and enhance established neighborhoods," but the new definition is to "encourage the conservation and enhancement of existing neighborhood character, but **not to preclude new development, redevelopment or alteration.**" 223.5

Moderate Density Residential: Previous definition: This designation is used to define the District's residential row house neighborhoods, as well as low-rise garden apartment complexes. This designation also applies to areas characterized by a mix of single-family homes, 2-4 unit buildings, and low-rise apartment buildings. ... The ... RF-1 ...zone [e.g., Capitol Hill row houses] [is] generally consistent with the Moderate Density category. 225.4

Proposed new framework element shown in bold: Moderate Density Residential: This designation is used to **describe** the District's areas suited **generally but not exclusively for residential row house neighborhoods**, including garden apartment complexes. This designation **is also relevant** to areas characterized by a mix of single-family homes, 2-4 unit buildings, and low-rise apartment buildings. The ... RF-1 ...zone [e.g., Capitol Hill row houses] [is] generally consistent with the Moderate Density category. **Another zone district may be generally consistent with the Moderate Density Residential land use category when approved as described in section 225.1** [underline added] 225.4 Proposed new Section 225.1 states that the description of the land use category is **"a reference to areas for which the category is generally, but not exclusively suited."** [emphasis added]