

District of Columbia Office of Planning



Office of the Director

July 8, 2019

Chairman Phil Mendelson  
1350 Pennsylvania Avenue NW  
Suite 504  
Washington DC 20004

Dear Chairman Mendelson,

The Office of Planning (OP) is pleased that the Committee of the Whole is taking up Bill 23-1, an amendment to the Framework Element of the District of Columbia's Comprehensive Plan. OP is currently working to ensure it understands each of the changes proposed in the draft released on July 2, 2019 (COW Draft) compared to our proposal. In our initial review, which is preliminary, we have highlighted three areas that the Committee of the Whole should address. The first two relate to language that could impair the District's planning and zoning processes and our ability to address critical development needs. The other relates to the opportunity for the Framework Element to enshrine the importance of racial equity as a key lens in the District's planning. In addition to the suggested changes highlighted in this letter, there are several smaller technical issues in the COW Draft. To address all of these issues, Mayor Bowser has asked OP to work with the COW to create a working group to coordinate technical and policy changes and ensure a successful final bill is passed in September.

Small Area Plans

In Section 221.14, and several subsequent sections, the COW Draft amends or removes language that identifies Small Area Plans as a key source of planning guidance for the District's development. Small Area Plans are a fundamental planning tool in the District, which has historically allowed residents, businesses, policymakers, and other stakeholders to articulate how future growth can be compatible within District neighborhoods and along commercial corridors. Within areas that are experiencing change, Small Area Plans balance residents' expressed needs and desires with technical planning analysis. Approved by Council through resolution, Small Area Plans expand on the Comprehensive Plan, which is by its nature a higher-level document. Diminishing their importance or adding additional Council requirements could well undermine the analytical, community-driven planning effort that Small Area Plans embody. In fact, as OP is ramping up its work on Small Area Plans, especially in neighborhoods in Wards 7 and 8, as the Comprehensive Plan work begins to wind down. OP suggests that the original language around Small Area Plans be restored.

#### New Standard About Zoning Changes Outside of Comprehensive Plan Authority

In Section 225.11, the COW Draft proposes new language governing the approval of changes to the District of Columbia's zoning map: "The Zoning Commission, in selecting a zone district, such as through the Planned Unit Development process, shall determine if it," among other things, **"[m]aintains the intent, purpose and integrity of the zone plan as embodied in the zone regulations and map."** If approved, the bolded language would create a new and ambiguous standard for the approval of zoning changes which strays outside of planning and into the realm of zoning regulations, which under District law are the domain of the independent Zoning Commission. *Durant v. District of Columbia Zoning Commission*, 65 A.3d 1161, 1166 (DC 2013). We are concerned that such ambiguity could result in new litigation and the proliferation of challenges to Planned Unit Developments, the creation of housing, and the production and preservation of affordable housing. OP suggests the removal of this language.

#### A New Guiding Principle on Equity

Finally, in response to the COW Draft, OP conducted additional analysis of a potential guiding principle that addresses racial justice, fair housing, and displacement through the lens of equity. The draft language below is informed by public amendments proposed during the Open Call in 2017 and resources from various stakeholders involved in racial equity. OP recommends that the Council add the following language to the Framework Element as a new guiding principle:

Create and support an authentic, equitable, and inclusive city. The Comprehensive Plan must manage equitable growth in ways that support all District residents, including vulnerable communities and District protected classes. It must recognize that managing growth and change includes addressing the historic, structural, and systemic racial inequities and disenfranchisement of many District residents. The Comprehensive Plan must recognize the importance of longtime businesses, as well as educational and cultural institutions, in defining our authentic DC values. An equitable and inclusive city includes access to housing that is healthy, safe, and affordable for a range of household types, sizes, and incomes in all neighborhoods. A citywide problem requires citywide solutions – ones that overcome historical patterns of segregation, avoid concentrating poverty, and afford the opportunity to stay in one's home and not be displaced.

OP looks forward to working with the Council in the coming weeks to ensure that it passes a Framework Element that lays the critical foundation for the Comprehensive Plan to support the equitable growth that is so important for current and future District residents.

Sincerely,



Andrew Trueblood