

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DC OFFICE OF PLANNING



Bill 22-663, the “Comprehensive Plan Amendment Act of 2018”

Testimony of  
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Before the  
Committee of the Whole  
Council of the District of Columbia  
The Honorable Phil Mendelson, Chairperson

John A. Wilson Building  
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Good afternoon, Chairman Mendelson and members of the Committee of the Whole. I am Eric Shaw, Director of the Office of Planning. I am pleased to be here today to present testimony on Bill 22-663, the “Comprehensive Plan Amendment Act of 2018,” which amends the Framework Element.

## **BACKGROUND AND PLANNING CONTEXT**

The 2006 Comprehensive Plan (Comp Plan) is the District’s 20-year blueprint for the city and sets detailed guidance for the growth and development of the District. The Comprehensive Plan at its core is a community-based plan supported by shared values, professional data, and analysis. The Comp Plan was developed through an extensive public participation process that began with “A Vision for an Inclusive City” and continued from 2003 to 2006. This work informed the Comprehensive Plan’s Guiding Principles and Core Themes that are integral to the Framework Element.

The current Comprehensive Plan includes over 600 action items and provides guidance on monitoring, evaluating, and amending the document. It recommends a review and amendment every four years. The first amendment, the “Comprehensive Plan Amendment Act of 2010,” was approved in 2011.

In late 2015, the Office of Planning initiated the current effort to amend the District Elements of the Comprehensive Plan of the National Capital. The Office of Planning scoped the amendment process to achieve the following:

- Update factually outdated information;

- Delete Actions in the Plan that had already been completed;
- Reflect the narrative, policy, and planning guidance from plans and policies developed since 2012;
- “Refresh” language on specific planning topics to provide the appropriate context based on new analysis and contemporary best practices within the planning field;
- Address new and emerging issues;
- Make technical corrections to the Future Land Use and the Generalized Policy maps; and
- Modify the Future Land Use and the Generalized Policy maps to align future physical development with updated District priorities as reflected in Council approved Small Area Plans.

OP’s scope included maintaining the organizational structure, narrative structure, and relevant text and policies of the 2006 plan. We heard early in the scoping process about the extensive outreach and consensus building of the 2006 Comprehensive Plan Revision Task Force that developed 36 Guiding Principles. As such, OP determined the principles to be the “bedrock” of the plan with the addition or deletion of principles to be a fundamental change that would impact the overall integrity of plan.

The District of Columbia is unique as compared to other jurisdictions around the country in that the plan amendment process not only seeks input from the public to inform the drafting of changes to the plan, but also provides the opportunity for the public and interested stakeholders to submit proposed amendments for incorporation into the Comprehensive Plan.

The Office of Planning took our charge to solicit input and amendments from the public very seriously and executed an outreach strategy that was far reaching and varied in its approach.

Our engagement goals were to:

- Provide the necessary information for the public to participate with informed input;
- Listen and document input and be transparent in sharing that input;
- Provide formal and informal engagement programming throughout the District;
- Provide specialized trainings and resource materials for those interested in proposing amendments; and
- Provide individualized support for those interested in proposing amendments.

Our extensive outreach yielded positive results: over 500 residents and stakeholders participated in seven town hall meetings, we received 800 responses to a survey shared at public events, and to date we have tracked 20,000 unique page views and 2,000 downloads of materials from our project website [plandc.dc.gov](http://plandc.dc.gov). Additionally, hard copies of amendment submission forms were available at all public libraries.

OP published several resources aimed at promoting public participation, including a how-to guide for drafting an amendment, held more than 100 office hours in locations throughout the city, and opened a technical assistance help desk during the open call period. Additionally, OP hosted two information sessions specifically for ANC commissioners, which more than 50 commissioners attended.

Different divisions within OP coordinated their efforts and worked closely with the Directors of our sister agencies and their staffs to identify text and narratives within the Comprehensive Plan that needed to be amended. District agencies also submitted their own amendments during the open call period.

As I have shared with the Council previously, the result of our engagement efforts was unprecedented. We received over 2,000 amendments from the public and 1,000 amendments from District agencies, for a total of 3,064 proposed amendments submitted during the open call from March 24 to June 23, 2017. Specific to this legislation, the public submitted 101 proposed amendments to the Comprehensive Plan Framework Element.

As in all our planning processes, we highly value ANC input and rely heavily on ANCs to be a voice for their constituents. Throughout this process, OP has carefully considered all ANC amendments and ANC resolutions. Additionally, based on feedback from the Commissioners, OP made specific changes to how we tracked ANC resolutions and amendments. OP notes in the amendment report if there is an ANC resolution associated with an amendment proposal.

### **THE FRAMEWORK ELEMENT**

To quote directly from the Comprehensive Plan, “The Framework Element of the Comprehensive Plan serves four purposes:

First, it provides the context for the rest of the Plan by describing the forces driving change in the city. These forces include demographic shifts, economic change, technological change, fiscal challenges, tensions between federal and

local interests, and more. Such “driving forces” define the major issues facing Washington and touch every aspect of life in the city.

Second, the Framework Element includes a description of the District’s growth forecasts and projections. The forecasts are expressed in narrative format and are also summarized in tables and charts. They show how and where the District expects to add households, people, and jobs between 2005 and 2025.

Third, the Framework Element ties the Comprehensive Plan to “Vision for Growing an Inclusive City.” It lays out 36 principles to be followed as the District moves from “Vision to Reality.” These principles, largely drawn from the Vision and from the previous Comprehensive Plan, express cross-cutting goals for the District’s future that guide the Plan’s policies and actions.

Finally, the Framework Element describes the Comprehensive Plan Policy Map and the Future Land Use Map. The Policy Map “tells the story” of how the District is expected to change during the next two decades. It highlights the places where much of the city’s future growth and change is expected to occur and sets the stage for the Elements that follow. The Future Land Use Map shows the general character and distribution of recommended and planned uses across the city. Both maps carry the same legal weight as the text of the Comprehensive Plan. Unlike the other Citywide Elements, this Element does not contain policies and actions. Its intent is to provide the foundation for the rest of the Comprehensive Plan.”

There were no submissions by the public to amend this narrative articulating the purpose of the Framework, and there were only two changes to the text made by the OP: one to note the inclusion of an extended population forecast to 2045 and another to note the inclusion of a discussion on capital investments in the chapter.

### **EVALUATION OF PUBLIC AMENDMENTS TO THE FRAMEWORK ELEMENTS**

The Office of Planning received 101 proposed amendments to the Framework Element during Open Call. Of these, 43 proposals were submitted by individuals and 58 proposals were submitted by organizations.

On March 17, 2017, the Office of Planning published an Evaluation Framework that detailed a decision-making flow chart and four criteria by which proposed public amendments would be evaluated. Those criteria are as follows:

- Is it an appropriate amendment for the Comprehensive Plan?
- Does the proposed amendment fall into any of the “categorical acceptance” criteria?
- Is the proposed amendment being made for consistency with a plan or policy that has not already been incorporated into the Comp Plan?
- Does the proposed amendment advance the vision of an “Inclusive City” as defined by the five core themes and the 36 Guiding Principles found in the Framework Element?

The Evaluation Framework also specifically states that, “the themes and principles will not be modified during this amendment cycle.”

In order to provide a clear understanding of its recommendations, OP has prepared a report that explains its basis for accepting or rejecting each proposed amendment, along with a justification for each recommendation. The Office of Planning has included an additional recommendation type to the Council, “accept with modification,” where the amendment was in line with the evaluation criteria and the Office of Planning concurred with the intent of a proposed amendment, but identified the need to modify the language to be appropriate for incorporation into the Comprehensive Plan. In many instances, amendments that the office recommended to be “accepted with modification” aligned with concepts already identified by the Office of Planning to be incorporated into the Comprehensive Plan. A report listing Office of Planning recommendations and justifications has been posted on the project website.

In instances where a publicly proposed amendment was not recommended for approval, it was generally because it pertained to the guiding principles, or to the glossary, neither of which were deemed within the scope of the amendment process. Other proposed amendments were to the descriptions of the Generalized Policy Map and descriptions of the Future Land Use Map, these amendments were often in opposition to one another. In some instances, the proposed text limited the scope of land use descriptions, and OP determined that they created a level of specificity and rigidity that would limit our ability to make appropriate and responsive decisions on land use matters. In other instances, the proposed text would expand the scope and flexibility of land use descriptions to the point that it would undermine a basic certainty on density and land use that the Office of Planning uses to ensure development is generally appropriate and consistent with the character and planned distribution of growth within the District.



## **OFFICE OF PLANNING AMENDMENTS**

In advance of drafting amended text, the Office of Planning undertook rigorous due diligence that included:

- Reviewing and analyzing existing content within the Comprehensive Plan Elements;
- Reviewing recent population and job growth forecasts;
- Reviewing new and emerging best practices within the planning field;
- Reviewing and synthesizing policy and planning guidance from the 26 plans initiated by OP, in addition to other agency plans that have been adopted since 2011.

As I shared earlier in my testimony, one of the key outcomes of the amendment process scope was to “refresh” language on specific planning topics to reflect current conditions, as well as changing best practices within the planning field. In the discussion of the Generalized Policy Map (section 223), OP proposes new language:

- Noting that the Generalized Policy Map descriptions should be read in the context of applicable Comprehensive Plan and small area plan recommendations.
- Describing Neighborhood Conservation Areas to affirm the conservation and enhancement of existing neighborhood character, but that new development, redevelopment, and alteration can occur within these areas. Text referencing the need for development to be compatible with scale and character was retained.
- Describing that Neighborhood Enhancement Areas include mixed-use and industrial areas.

- Noting that redevelopment in Land Use Change Areas should “promote inclusivity and resilience through the provision of significant affordable housing and employment opportunities, and that provide innovative environmental measures.”

The Office of Planning proposed changes to section 225 to align the land use descriptions with the new zoning regulations adopted in 2016. For example, most zoning categories reference height maximums by feet, rather than by stories. The number of stories does not provide a contextual understanding of form or character. By amending the commercial land use descriptions in the Comp Plan to reference feet instead of stories, they are now better aligned with the density categories, as they are implemented through zoning, and provide a more predictable and understandable way to describe height.

New language was added to provide guidance for areas designated as a mix of Production, Distribution, Repair (PDR), and residential uses. This language provides guidance for these areas to maintain industrial character, support the dedication of a significant amount of space to compatible PDR uses (such as maker spaces), and demand a greater amount of affordable housing than required by statute or regulation when the land is changed to another use.

The land use descriptions have never been intended to be rigidly interpreted, and the new language seeks to clarify this longstanding practice. Nothing new is being added to the descriptions of the land use and policy categories for the maps that is beyond the scope of the *existing* process.

New language in section 226 affirms that the Future Land Use Map defines the general character and distribution of growth in District stating, “The references to representative and specific zone districts in each land use category are intended to provide broad guidance, and are not intended to be strictly followed with respect to determining consistency of a zoning map amendment and/or Planned Unit Development with the Comprehensive Plan... The land use categories identify desired objectives, but not the techniques for achieving these objectives.”

As of today, there are 11 planned unit development (PUD) cases under appeal, which include more than 1,000 units of affordable housing. In addition, there are 12 PUD cases now in the pipeline under the threat of appeal, which account for an additional 300 units of affordable housing. The draft Framework contains nothing that will in any way limit the ability to seek judicial review of a Zoning Commission decision. We believe, however, that the amendments to the land use descriptions in the Framework will clarify how the land use categories are intended to be applied, and in doing so we ensure that the PUD process can continue to serve as one of our most efficient and cost-effective tools for producing affordable housing and other key public benefits. In addition to the amendments to the land use descriptions, the Office of Planning has included a new section (227) called “Zoning and the Comprehensive Plan,” to provide additional clarity about the relationship between land use and zoning. This section is a recitation of existing practice on how the Zoning Commission considers the Comprehensive Plan in zoning decisions.

At 700,000 residents, the population of the District of Columbia is at its highest since the 1960's. The Office of Planning has amended the narratives of Section 215 – Projected Growth, and Section 203 – Demographic Changes to reflect new population forecasts and the dynamics of growth since the last amendment cycle in 2011. The population projections are based on a combination of the regional forecasts, approved and planned development, and land supply estimates. Population growth is expected to be positive, growing to 729,500 in 2020, 842,200 in 2030, and 987,200 in 2045. The narrative is amended to expand upon the notion that large sites will be the areas within the District to absorb much of this growth. By 2045, the District will be home to a larger percentage of the regional population, growing from 10 to 14 percent. Employment is also expected to grow by almost 200,000 by 2045. Central Washington and the Anacostia River Waterfront will absorb 57 percent of DC job growth.

The Office of Planning also expanded the narrative in the Forces Driving Change section to include the following:

- Patterns of migration and changes to fertility;
- More detail on the characteristics of the District's African American population;
- Discussion on the growth of the Hispanic population;
- Trends in wage growth and income disparity;
- Revised distribution of land uses;
- The impact of technology on access, mobility, security, and the environment;

OP included Planning for Resilience as a new force in Forces Driving Change. To quote from the narrative, "As the District further refines its approach to resilience, we understand that in the

immediate day-to-day and longer term, there are multiple impacts that affect the lives of vulnerable people and communities. Policies within the Comprehensive Plan will be used to provide guidance to help improve the welfare and resilience of these populations. Community resilience is directly related to the ability of a community to use its assets to improve the physical, behavioral, and social conditions to withstand, adapt to, and recover from adversity.”

### **AMENDMENTS AFTER THE FRAMEWORK ELEMENT**

Since introducing the Framework legislation, OP has received a great deal of feedback. The common theme we have heard is a desire to expand the narrative about affordable housing and displacement. We are acutely aware of and concerned about the threat to affordability in the District and associated pressures that contribute to displacement of residents. We continue to consider important refinements to the Comprehensive Plan that will further address the District’s housing sector and look forward to working with Council and their staff to shape these refinements. Amending the Framework Element first is essential because it defines the conditions influencing affordability and tees up the challenges to which policies in other Elements respond. Moreover, amending the Framework now clarifies ambiguities in the land use categories, which have caused concern for the court and tied up affordable housing units poised for construction. The second phase of Comprehensive Plan legislation, to be transmitted at a later date, will address housing policy in more detail through amendment proposals to the Housing Element and other related sections.

The 2006 Framework Element discussed housing costs in the context of both causing families to ‘double up’ and the threat of displacement due to rising land values. It also made affordable

housing a Guiding Principle, highlighting that “[t]he recent housing boom has triggered a crisis of affordability in the city, creating a hardship for many District residents and changing the character of neighborhoods” and that “[t]he preservation of existing affordable housing and the production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city.” In the 2006 plan, this Guiding Principle was reflected in Housing Element policies intended to promote the creation and preservation of affordable housing. OP’s proposed amendments to the Framework Element significantly expand the narrative surrounding affordable housing and rising costs in several ways:

- Discussing the underlying forces of migration – from the number of higher income households to different rates of wage growth – causing a greater disparity of income;
- Identifying rising housing costs as “perhaps the central challenge toward maintaining and growing an inclusive city;” and
- In the new section titled “Investing for an Inclusive City,” identifying not just the need for affordable housing, but how it is a fundamental part of infrastructure critical to implementing the Comprehensive Plan.

These proposed changes will provide an updated context for interpreting the Housing Element as currently drafted and will inform additional changes to the Housing Element during this amendment cycle.

The existing Housing Element of the Comp Plan contains policies and actions that address concerns we have heard from the community and will be reinforced when the Housing Element is amended. These include:

- Affordable Housing Production as a Civic Priority Policy (**Policy H-1.2.1: Affordable Housing Production as a Civic Priority**);
- Avoiding Displacement in conversion or renovation of affordable rental housing to more costly forms of housing (**Policy H-2.1.3: Avoiding Displacement**);
- Increasing the Deed and Recordation taxes and allocating a portion of that to the Housing Production Trust Fund (**Action H-1.2.C: New Revenue Sources**);
- Instituting an Inclusionary Zoning program of affordable units in most new market rate buildings (**Action H-1.2.A: Inclusionary Zoning**);
- Developing housing on publicly owned land for low and moderate-income households with a substantial share to those earning less than 30 percent of the AMI (**Policy H-1.2.4: Housing Affordability on Publicly Owned Sites**);
- Providing bonus density for affordable housing through the Planned Unit Development (PUD) process (**Policy H-1.2.7: Density Bonuses for Affordable Housing**); and
- Stabilizing rising real estate taxes and offering tax credits for seniors and low-income homeowners who are experiencing rapidly increasing property tax assessments (**Policy H-2.2.3: Tax Relief**).

## **CONCLUSION**

Over the last few weeks, we have heard various concerns regarding our project timeline.

Frankly, the unexpected volume of amendments from the public and District agencies caused the Office of Planning to revise our project timeline to ensure that we conduct the proper due

diligence on proposed amendments from the public, and draft revisions to the narrative and new policies to meet the goals of this amendment cycle.

We believe that the amendments drafted by the public and the Office of Planning strengthen the Framework Element, refining and reinforcing the narrative that reflects the dynamic nature and growth trajectory of the District. The Council's approval of this legislation will establish a common frame and planning baseline for the Office of Planning to complete its review of the 2,900 proposed amendments to the remaining twenty-four chapters.

Before I close my testimony, I would like to thank the public for their contribution to and strong interest in this effort. I would also like to acknowledge and thank the staff at the Office of Planning for their hard work. I am happy to answer any questions that you may have.