



ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA
CATHEDRAL HEIGHTS • CLEVELAND PARK
MASSACHUSETTS AVENUE HEIGHTS • MCLEAN GARDENS
WOODLAND-NORMANSTONE • WOODLEY PARK

Single Member District Commissioners
01-Lee Brian Reba; 02-Gwendolyn Bole; 03-Jessica Wasserman
04- Beau Finley; 05- Emma Hersh; 06-Angela Bradbery
07- Maureen Kinlan Boucher; 08-Malia N. Brink; 09-Nancy MacWood

P.O. Box 4966
Washington, DC 20008
Website <http://www.anc3c.org>
Email all@anc3c.org

ANC 3C Resolution No. 2018-008
**Regarding Amendments to the Framework Element, DC Comprehensive Plan,
Bill 22-663**

WHEREAS, the District of Columbia Council is authorized to review amendments to the DC Comprehensive Plan in periodic cycles, and that process is currently underway; and

WHEREAS, the Mayor sent amendments to the Framework Element of the Comprehensive Plan (Bill 22-633) to the Council of the District of Columbia (Council), which were prepared by the Office of Planning (OP), and will be followed later by legislation that would amend other elements of the Comprehensive Plan; and

WHEREAS, the DC Comprehensive Plan is law and is the pre-eminent planning document that guides all land use decisions and planning, and sets goals for using land use policy to achieve the shared values of all residents; and

WHEREAS, OP did not schedule any public meetings to inform the public and Advisory Neighborhood Commissions (ANCs) about the content of the amendments or the potential effect of the amendments even though the Office of Planning announced at the beginning of the amendment process in 2017 that it would provide a 60-day public comment period on its selection of Comprehensive Plan amendments prior to submitting amendments to the Council; and

WHEREAS, the Framework Element is a foundational element of the Comprehensive Plan and includes the Generalized Policy Map, which forecasts where development will occur and what levels of development are appropriate over the next 20 years, and Future Land Use Map, which presents a hierarchy of types of development (row houses, apartment buildings, commercial buildings) and building densities and where those building types are planned; and

WHEREAS, the Council amends and approves the Comprehensive Plan and its planning maps and the Zoning Commission writes zoning regulations and reviews Planned Unit Developments (PUDs), but its decisions cannot be inconsistent with the Comprehensive Plan, including the maps; and

WHEREAS, the OP amendments, Section 223 through 228, would significantly change the effect of the maps by inserting conditions, disclaimers, exemptions and other qualifying language at key points that render these provisions vague and imprecise and give the Zoning Commission discretion to deviate from them at will.

WHEREAS, examples of such changes include:

-OP inserts a proviso that the Generalized Policy Map does “not dictate” land use decision-making; whereas now the policy map forecasts development patterns that residents and property owners rely on.

-OP adds provisos making the FLUM’s list of zones appropriate for each land-use category “not exclusive” so that the Zoning Commission can add undisclosed other zones at will, or on the basis of such undefined criteria as “consistency with the Comprehensive Plan policies on balance” or “meeting the intent of the identified land use category.” Thus, for example, the Commission

might insert a high-density zone into a lower-density area, or a non-residential zone into a residential area.

-OP downgrades the current “definitions” of most land-use categories to the term “descriptions,” implying less binding effect on the Commission.

-OP inserts language directing that the FLUM’s list of zones appropriate to each land-use category are “not intended to be strictly followed” in determining whether the Zoning Commission’s changes to the zoning map or approvals of PUDs are consistent with the Comprehensive Plan, and that the boundaries of the FLUM’s land use categories are “soft-edged;” and

WHEREAS, OP amendments would remove the certainty about types and levels of development citywide that currently are displayed on the maps and that provide the standard to measure the consistency of Zoning Commission decisions with the Council approved maps. Examples of such changes include:

-OP amends the definition of the “High Density Commercial” category on the FLUM so as to permit extending its scope beyond downtown to as-yet unspecified other areas of the city. This could have a number of impacts, including leading to teardowns of rent controlled buildings and reduction of affordable housing. Almost all the zone districts now designated as High Density Commercial incentivize housing, but do not require Inclusionary Zoning, and even if Inclusionary Zoning were required in these zones, only 8-10% of the residential space would have to be set aside for residents earning up to 60% area median income.

-The Generalized Policy Map historically has placed the bulk of the District’s residential neighborhoods, including those in ANC 3C, in “Neighborhood Conservation Areas” where little change is anticipated. OP alters the definition of these areas to encourage greater development, including removal of references that such developments should be “small in scale” and “residential.” OP further seeks to deprioritize the FLUM in guiding densities in these areas; and

WHEREAS, OP’s proposed changes would have a profound effect on land-use regulation in the District:

-The proposed changes would severely degrade the authority of the Council’s FLUM and Generalized Policy Map, which have historically served as the fundamental rules of the system in land-use decision making, to such an extent that these maps and their accompanying text become merely one factor for the Zoning Commission to consider in decision-making but a factor that can be disregarded.

-Alternatively, the Zoning Commission could rely on undefined criteria as “consistency with the Comprehensive Plan policies on balance” or “meeting the intent of the identified land use category.”

-Consequently, a prospective homeowner could not safely rely on the FLUM to show what sorts of development might be allowed in his or her neighborhood or be assured of a reasonable degree of stability in the current zoning.

WHEREAS, there is no necessary connection between these changes proposed by OP and any of the policy goals that the Comprehensive Plan should seek to promote, including creating more affordable housing, increasing family housing, including affordable family housing, and maintaining existing affordable housing, like rent controlled units of which there are many in Ward 3; and

WHEREAS, OP still has the opportunity to propose changes to the FLUM and Generalized Policy Map and thus propose specific increases in zoning. These changes will be subject to ANC and citizen comment, as well as the review of Council:

THEREFORE, BE IT RESOLVED that ANC 3C finds that the intended check and balance on the Zoning Commission provided by the Council approved planning maps in the Framework Element and the

requirement that Zoning Commission decisions not be inconsistent with the maps ensures a predictable standard for Zoning Commission decision making.

BE IT RESOLVED that Advisory Neighborhood Commission 3C finds that OP's proposed changes to the Framework Element of the Comprehensive Plan, Sections 223 through 228, would enlarge the discretion of the Zoning Commission in determining appropriate density, height and use, drafting and mapping of regulations, and approving development projects, including Planned Unit Developments (PUDs).

BE IT RESOLVED that ANC 3C finds that these changes would reduce the ability of neighborhoods and ANCs to have a say in the type and nature of development in their neighborhoods, instead giving more influence to the unelected Zoning Commission and could place much, if not all, of the Zoning Commission's decision-making beyond the reach of meaningful review by the D.C. Court of Appeals as to compliance with the Plan, leaving citizens adversely affected by those decisions without remedy, and rendering largely ineffectual that half of the District's land-use regulation system that is controlled by the people's elected representatives. ANC 3C supports public participation in Zoning Commission and Board of Zoning Adjustment cases and urges the Council to ensure that its role and that of ANCs and residents in shaping growth throughout the city be maintained.

BE IT RESOLVED that ANC 3C urges the Council of the District of Columbia to consider strong policies that guide the Zoning Commission to maintain existing affordable housing, including rent-controlled buildings, to incorporate significant family-suited units in new construction, to actively avoid displacement of District residents, and to significantly increase the number of residential units affordable to residents at very low to moderate income levels in new construction in order to rebuild the inventory of affordable housing.

BE IT RESOLVED that ANC 3C urges the Council of the District of Columbia, to comprehensively amend the proposed changes in the Framework Element now pending so as to ensure that the force and authority of the Generalized Policy Map and Future Land Use Map adopted by the Council are maintained and strengthened, thus protecting the capacity of ANCs and the District's citizens to participate effectively in land-use decision making and benefit from a reasonable level of stability and predictability in zoning.

FURTHER, BE IT RESOLVED that the Chair or their designees are authorized to represent the Commission in this matter.

Attested by



Nancy J. MacWood
Chair, on March 19, 2018

This resolution was approved by a roll call vote of 7-0-2 on March 19, 2018, at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.