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**ANC 3/4G Testimony before the
Committee of the Whole on the
Comprehensive Plan Framework
Amendment Act of 2018
March 20, 2018**

Thank you Chairman Mendelson and Councilmembers for this opportunity to address proposed changes to the Framework Element of the District’s Comprehensive Plan. I am Randy Speck, Chair of ANC 3/4G, and I submit this testimony on behalf of our Commission, which approved it by a vote of 4 to 0 on March 16, 2018 (a quorum being 4), after a discussion at its March 12, 2018 public meeting. The Office of the Attorney General recently opined that the Office of Planning (OP) need not consider the ANCs’ views when OP “recommends” changes to the Comprehensive Plan to the Council. By that same logic, however, the Council must give “great weight” to the ANCs’ views before it enacts the “final” Comprehensive Plan. This hearing is the ANCs’ only forum to rectify material deficiencies in the OP’s proposed amendments.

Our ANC has two overriding concerns: (1) the Framework Element relies on vague or inconsistent prediction models and assumptions, resulting in unreliable, biased population growth conclusions; and (2) the Framework Element abandons the certainty that must be the hallmark for an effective Comprehensive Plan and creates unacceptable ambiguity that will harm residents. The Council should make significant changes to the proposed bill to correct these serious flaws.

First, OP has not provided reliable support for its aggressive predictions of population growth. It uses a “supply-side” methodology “which relies on the construction of new square footage of non-residential space and residential units” to forecast the District’s future population (Framework Element Section 215.1). OP assumes that any newly built space will translate into net new demand. Thus, the proposed Plan simply aggregates all new conceivable projects — from those that are “still in the early conceptual stages of pre-development” (Section 215.7a) to those under construction — and then adds maximum development on all available “large sites” and on “the remaining smaller vacant and underutilized sites until the District’s population approaches 990,000” in 2045 (Section 215.8). In other words, OP predicts that if developers build out every available space in the District, new residents will invariably come, without regard for the attraction of living in DC’s varied neighborhoods that provide multiple living style choices.

There is no evidence that OP’s basic supply-driven premise is valid. OP acknowledges countervailing factors that may dampen population increases — e.g., “housing costs, immigration, the cost of daycare, and K-12 school quality” (Section

215.10). Indeed, OP acknowledges that “higher housing costs have caused families to . . . leave the city for less expensive housing” in the suburbs. Federal restrictions on immigration may tamp down population growth. Lack of sound, efficient, robust public transportation, recreation, green space, and school infrastructure or lingering concerns over public school quality may also depress demand. Yet OP has not adjusted its population projections to account for any of these factors.

OP’s rosy population growth forecast and the model on which it’s based risk creating a self-fulfilling prophecy. If the District takes a more measured, nuanced look at population growth, it may conclude that OP’s maximum-growth model is not optimal. As OP has framed the Comprehensive Plan amendments, its population forecasts will drive all-out development because they are premised on an assumption of unconstrained development. Our ANC recommends that the Council not treat full development of all available sites as inevitable but look instead at the levels of population growth that will be most desirable to preserve our diverse neighborhoods and the unique fabric of the District.

Second, perhaps in service of its development-driven population growth model, OP seeks to strip the Comprehensive Plan of any enforceable meaning. For the first time in any Comprehensive Plan, OP claims that a modification in the language between the Act of June 20, 1938 and the 1973 Home Rule Act makes the Comprehensive Plan merely suggestive, not directive. OP cites a change from providing that zoning “regulations shall be made in accordance with a comprehensive plan,” to the 1973 Home Rule Act provision that “Zoning maps, regulations, and amendments thereto, *shall not be*

inconsistent with the comprehensive plan. . .” (Section 227.1, emphasis added). It claims that this “double negative suggests flexibility in applying the Comprehensive Plan.” That leap is not warranted and would, if enacted by the Council, fundamentally change the function of the Comprehensive Plan.

The Comprehensive Plan has always served as a guide for the District’s growth and development. It establishes goals and objectives, but also sets parameters and limits. It steers the District’s progress in accordance with defined objectives, but also protects residents expectations about their neighborhoods and communities. Zoning regulations bend to comply with the Comprehensive Plan, not the other way around. The Comprehensive Plan sets the standards, and zoning regulations “*shall not be inconsistent.*”

OP’s proposed amendments introduce so much ambiguity in the name of “flexibility” that it would make the Comprehensive Plan virtually meaningless and an illusory guide. A few examples illustrate OP’s attempts to strip the Comprehensive Plan of any teeth:

- Section 223.2 would no longer have the Generalize Policy Map “guide” land use decisions, but would emphasize instead that the Map does not “dictate” those decisions;
- Section 223.4 would no longer provide that Neighborhood Conservation areas “have very little vacant or underutilized land,” but instead anticipates “some new

development and reuse opportunities,” predicting that such undefined development will occur;

- Section 223.5 would water down the “guiding philosophy” of Neighborhood Conservation Areas to “conserve and enhance established neighborhoods” by adding that this designation would “not preclude new development, redevelopment, or alteration”;

- Section 225.3 would change the definition of Low Density Residential from “the District’s single family neighborhoods” of “single family detached and semi-detached housing units with front, back, and side yards” as the predominant use to “areas suited generally, *but not exclusively*, for residential neighborhoods . . .”

(emphasis added); and

- Section 226.1 seeks to change the intended role of the Generalized Policy Map and the Future Land Use Map from providing “generalized guidance for development and conservation decisions” to being merely “intended to provide broad guidance, and *not intended to be strictly followed* with respect to determining consistence of a zoning map amendment and/or Planned Unit Development with the Comprehensive Plan”

(emphasis added).

These and OP’s similar efforts to insert “flexibility” will render the Comprehensive Plan no more than one of many possible objectives for the District’s future. Everything will be up for grabs. No proposed zoning modification will be out of bounds since the Comprehensive Plan will be sufficiently malleable to suit almost any

new proposal. Residents will no longer be able to rely on definitive outcomes based on a clearly articulated Plan. The certain consequence of OP's proposed "flexibility" changes will be to give developers greater reign to bulldoze long-established planning expectations.

ANC 3/4G urges the Council to address these two concerns (1) by modifying OP's population growth projections to account for factors that will diminish unbridled growth and to preserve neighborhoods and communities, and (2) by eliminating OP's unnecessary and counterproductive attempts to dilute the Comprehensive Plan with so-called "flexibility." Thank you.