COUNCIL OF THE DISTRICT OF COLUMBIA COMMITTEE OF THE WHOLE COMMITTEE REPORT

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson

Committee of the Whole

DATE: November 16, 2021

SUBJECT: Report on PR 24-380, the "Comprehensive Plan Future Land Use Map and

Generalized Policy Map Approval Resolution of 2021"

The Committee of the Whole, to which PR 24-380, the "Comprehensive Plan Future Land Use Map and Generalized Policy Map Approval Resolution of 2021" was referred, reports favorably thereon and recommends approval by the Council.

CONTENTS

I.	Background and Need	1
II.	Legislative Chronology	2
III.	Position of the Executive	3
IV.	Comments of Advisory Neighborhood Commissions	3
	Summary of Testimony	
	Impact on Existing Law	
	Fiscal Impact	
	Section-by-Section Analysis	
	Committee Action	
	Attachments	

I. BACKGROUND AND NEED

On October 1, 2021, PR 24-380, the "Comprehensive Plan Future Land Use Map and Generalized Policy Map Approval Resolution of 2021" was introduced by Chairman Mendelson at the request of the Mayor to approve the updated District of Columbia Future Land Use Map and Generalized Policy Map transmitted by the Mayor pursuant to the Comprehensive Plan Amendment Act of 2021.

On May 18, 2021, the Council adopted Bill 24-1, the Comprehensive Plan Amendment Act of 2021 on final reading. The plan was reviewed by the National Capital Planning Commission on July 1, 2021 and it found that the plan will not have a negative impact on the interests or functions of the federal establishment in the National Capital. The legislation completed its 30-day Congressional Review on September 24, 2021.

The Comprehensive Plan amendments contained in Bill 24-1 updated various policies with regard to land use and planning in the District. In addition to those policies, the plan contains two

maps – a Future Land Use Map and a Generalized Policy Map. The purpose of the Future Land Use Map is to represent the land use policies contained in the proposed Land Use Element using color-coded categories to express public policy for future land uses across the city and is intended to be used in conjunction with the Comprehensive Plan's policies and actions. The purpose of the Generalized Policy Map is to categorize how different parts of the District may change between 2005 and 2025, highlighting areas where more detailed policies are necessary, both within the Comprehensive Plan and in follow-up plans.

Bill 24-1 contained 53 amendments to the Future Land Use map from what was proposed in the introduced version of the plan, and 7 amendments to the Generalized Policy Map. It also had a requirement that the Office of Planning transmit updated versions of the maps reflecting those amendments to the Council by resolution for the Council's approval. Previous comprehensive plan amendment legislation also contained this approval provision, and the last two map amendments were approved by the Council with additional changes contained in the approval resolution. However, the Committee worked closely with the Office of Planning after final passage of the plan to ensure that the maps transmitted would reflect all changes adopted in the legislation. Moreover, the Committee shared the proposed maps to Council offices for their review. The Committee identified no inconsistencies with the amendments contained in the comprehensive plan legislation, thus there are no changes directed in the committee print.

Pursuant to the process laid out in the comprehensive plan legislation, the Committee finds that the maps transmitted by the Office of Planning accurately reflect all of the amendments put forward by the Council and recommends approval of the maps which will be published by the Office of Planning as the official Comprehensive Plan.

II. LEGISLATIVE CHRONOLOGY

October 1, 2021	PR 24-380, the "Comprehensive Plan Future Land Use Map and Generalized Policy Map Approval Resolution of 2021" is introduced by Chairman Mendelson at the request of the Mayor.
October 5, 2021	PR 24-380 is officially read at a regularly scheduled Legislative Meeting and referred to the Committee of the Whole.
October 8, 2021	Notice of Intent to Act on PR 24-380 is published in the DC Register.
October 8, 2021	Notice of a public hearing on PR 24-380 is published in the <i>DC Register</i> .
November 3, 2021	The Committee of the Whole holds a hearing on PR 24-380.
November 16, 2021	The Committee of the Whole marks up PR 24-380.

¹ See Resolution 19-698, Resolution 14-112.

III. POSITION OF THE EXECUTIVE

Anita Cozart, Deputy Director, Community Planning and Design, Office of Planning testified on behalf of the Executive that the Office of Planning updated the maps to reflect the future land use and policy designations approved by the Council.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from Advisory Neighborhood Commissions.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on PR 24-380 on Wednesday, November 3, 2021. Copies of written testimony are attached to this report.

Chris Williams, DC Grassroots Planning Coalition, testified that the underlying maps exacerbate racial inequity and displacement, and called on the Zoning Commission to implement a racial equity framework.

William Jordan, Public Witness, testified that past development projects have not created enough affordable housing and that the underlying maps exacerbate displacement.

Anita Cozart, Deputy Director, Community Planning and Design, Office of Planning, testified on behalf of the Executive in support of the resolution. Her testimony is attached and also summarized above.

The Committee received no other testimony or comments in opposition to PR 24-380.

VI. IMPACT ON EXISTING LAW

PR 24-380 has no impact on existing law. D.C. Official Code § 1-306.02(f)² requires the Mayor to transmit the Future Land Use Map and the Generalized Policy Map to the Council within 90 days of the effective date of Bill 24-1. The Council is then required to hold a public hearing to determine if the maps conform to the amendments made by the Council. If the Council determines that the maps conform as required, it shall approve the maps by resolution.

VII. FISCAL IMPACT

Funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the provisions of the proposed legislation.

² Comprehensive Plan Act of 1984, effective April 10, 1984 (D.C. Law 5-76).

VIII. RACIAL EQUITY IMPACT

PR 24-038 has a negligible impact on racial equity in the District of Columbia.

IX. SECTION-BY-SECTION ANALYSIS

Section 1	States the short title of PR 24-380.
Section 2	Approves the maps as transmitted by the Mayor.
Section 3	Adopts the Fiscal Impact Statement.
Section 4	Establishes the effective date by stating the standard 30-day congressional review language.

X. COMMITTEE ACTION

XI. ATTACHMENTS

- 1. PR 24-380 as introduced.
- 2. Written Testimony.
- 3. Racial Equity Impact Assessment for PR 24-380.
- 4. Fiscal Impact Statement for PR 24-380.
- 5. Legal Sufficiency Determination for PR 24-380.
- 6. Committee Print for PR 24-380.

COUNCIL OF THE DISTRICT OF COLUMBIA

1350 Pennsylvania Avenue, N.W. Washington D.C. 20004

Memorandum

To: Members of the Council

From: Nyasha Smith, Secretary to the Council

Date: Monday, October 4, 2021

Subject: Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Friday, October 01, 2021. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Comprehensive Plan Future Land Use Map and Generalized Policy Map Approval Resolution of 2021", PR24-0380

INTRODUCED BY: Chairman Mendelson, at the request of Mayor

The Chairman is referring this legislation to Committee of the Whole.

Attachment cc: General Counsel Budget Director

Legislative Services



MURIEL BOWSER MAYOR

October 1, 2021

The Honorable Phil Mendelson, Chairman Council of the District of Columbia John A. Wilson Building 1350 Pennsylvania Avenue, NW Suite 504 Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for the consideration and approval by the Council of the District of Columbia is the proposed Comprehensive Plan Future Land Use Map and Generalized Policy Map Resolution of 2021. This resolution and the accompanying maps are submitted in accordance with Section 2(b) of the Comprehensive Plan Amendment Act of 2021 ("Act"). The purpose of this resolution is to approve the Comprehensive Plan Future Land Use Map and Generalized Policy Map, which the Office of Planning has updated to reflect the changes described in Sections 2(a)(4) and (5) of the Act.

As you know, the approval of the updated maps will culminate the Comprehensive Plan amendment process, which is critical to advancing the District's priorities around housing, equity, and resilience. I urge the Council to promptly approve this resolution.

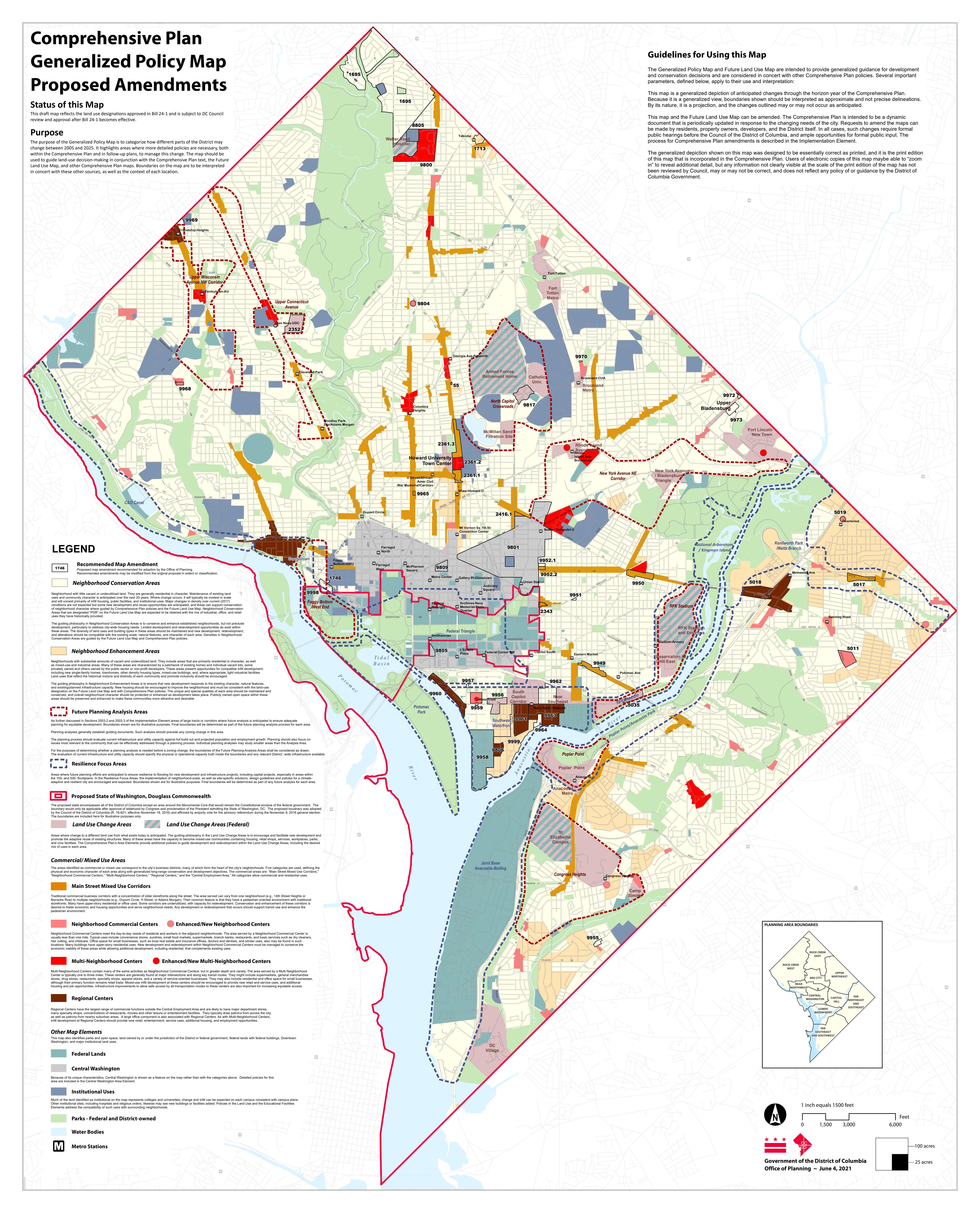
Sincerely,

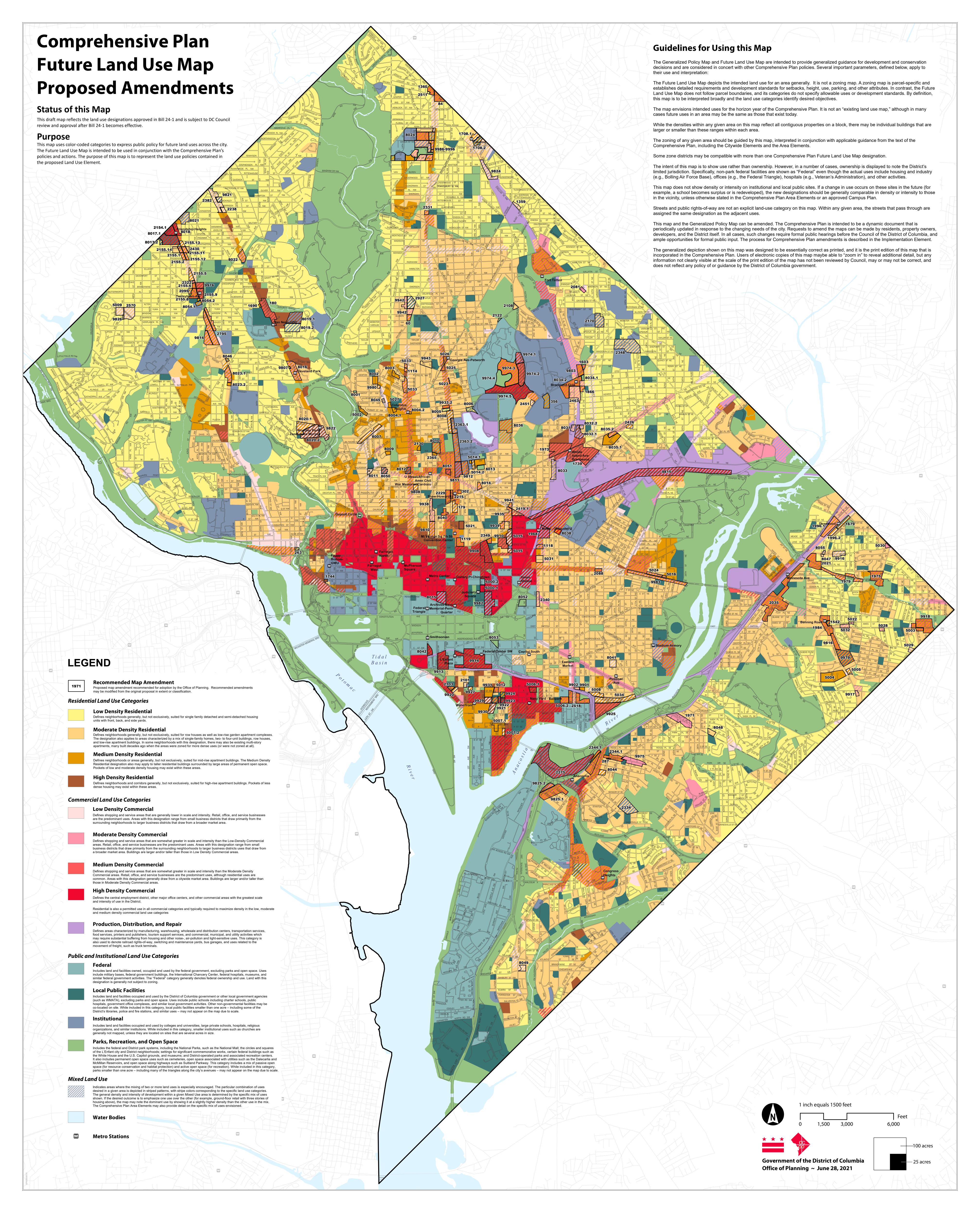
Enclosures

1 Chairman Phil Mendelson 2 3 at the request of the Mayor 4 5 6 A PROPOSED RESOLUTION 7 8 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA 9 10 11 To approve the updated District of Columbia Future Land Use Map and Generalized Policy Map transmitted by the Mayor pursuant to the Comprehensive Plan Amendment Act of 2021. 12 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this 13 resolution may be cited as the "Comprehensive Plan Future Land Use Map and Generalized 14 Policy Map Approval Resolution of 2021". 15 Sec. 2. The Council of the District of Columbia approves the updated District of 16 Columbia Future Land Use Map and Generalized Policy Map, dated XXXX, transmitted by the 17 18 Mayor pursuant to Section 2(b) of the Comprehensive Plan Amendment Act of 2021, effective September XXXX, 2021 (D.C. Law XXXX; D.C. Official Code § 1-306.02(f)) ("Act"). These 19 maps conform to the requirements of the Act. 20 21 Sec. 3. The Council adopts the fiscal impact statement of the Chief Financial Officer as 22 the fiscal impact statement required by Section 602(c)(3) of the District of Columbia Home Rule 23 Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-206.02(c)(3)). Sec. 4. The Secretary to the Council shall transmit a certified copy of this resolution, 24 upon its adoption, each to the Director of the Office of Planning and the Director of the Office of 25 26 Zoning.

Sec. 5. This resolution shall take effect immediately.

27





GOVERNMENT OF THE DISTRICT OF COLUMBIA Office of Planning



Public Hearing

Proposed Resolution 24-380, the "Comprehensive Plan Future Land Use Map and Generalized Policy Map Approval Resolution of 2021"

Testimony of
Anita Cozart
Deputy Director, Community Planning and Design
DC Office of Planning

Before the Committee of the Whole Chairman Phil Mendelson

Virtual Platform

November 3, 2021 10:00 A.M.

Good morning, Chairman Mendelson and members and staff of the Committee of the Whole. I am Anita Cozart, Deputy Director for Community Planning and Design of the DC Office of Planning. Today, I am pleased to testify on Proposed Resolution 24-380, the "Comprehensive Plan Future Land Use Map and Generalized Policy Map Approval Resolution of 2021," which would approve final maps reflecting changes required under the recently enacted Comprehensive Plan Amendment Act of 2021 ("Act").

As it has done in past Comprehensive Plan amendment cycles, when approving the latest update, the Council directed that certain changes be made to the Future Land Use and Generalized Policy Maps introduced with the Mayor's Comprehensive Plan draft. These changes are specified in Section 2(b) of the Act. The Council further required the Mayor to submit revised maps reflecting these changes for approval by resolution. In fulfillment of this requirement, the maps accompanying the proposed resolution reflect the future land use and policy designations approved by the Council.

As mentioned in the notice for today's hearing, the proposed resolution is not a vehicle for map changes not already approved in the Act. Nevertheless, the resolution is important because it marks the final Council action in the Comprehensive Plan update, and with this approval we can turn our attention fully to the Comprehensive Plan implementation.

I appreciate the speed with which the Committee scheduled this hearing and the opportunity to testify before you today. I urge the resolution's prompt approval and am happy to answer any questions you may have.



PROPOSED RESOLUTION 24-0380

RACIAL EQUITY IMPACT ASSESSMENT

COMPREHENSIVE PLAN FUTURE LAND USE MAP AND GENERALIZED POLICY MAP APPROVAL RESOLUTION OF 2021

TO: The Honorable Phil Mendelson, Chairman, Council of the District of Columbia

FROM: Brian McClure, Director, Council Office of Racial Equity

DATE: November 15, 2021 (1)

COMMITTEE

Committee of the Whole

BILL SUMMARY

Proposed Resolution 24-0380 approves the updated District of Columbia Future Land Use Map (FLUM) and Generalized Policy Map (GLUM).

CONCLUSION

PR 24-0380 has a negligible impact on racial equity in the District of Columbia.

BACKGROUND

By law, the Mayor is required to incorporate all of Council's changes to the Comprehensive Plan (Comp Plan). After the Mayor has incorporated all Council approved changes, each map must be sent back to Council within ninety days of the Comp Plan's effective date (August 21, 2021).

Upon receiving the updated maps, Council is required to hold a public hearing to determine if the maps transmitted by the Mayor:

- 1) conform to requirements of sections 225 through 228 of the Framework Element;³
- 2) were printed at a scale of 1,500 feet to one inch;
- 3) use standardized colors for planning maps;
- 4) indicate generalized land use policies; and
- 5) include a street grid and any changes in format or design to improve the readability and understanding of the adopted policies.⁴

¹ Both the Committee Print and Introduced versions of <u>PR24-0380</u>, the "Comprehensive Plan Future Land Use Map and Generalized <u>Policy Map Approval Resolution of 2021."</u>

² See the <u>legislative history for Bill 24-0001</u>, the "Comprehensive Plan Amendment Act of 2020."

³ Framework Element, Section 225, Generalized Policy Map; Section 226 is the District's Future Land Use Map; Section 227 is the Future Land Use Map and Categories; and Section 228 covers Guidelines for Using the Generalized Policy Map and the Future Land Use Map.

⁴ See the <u>Signed Act</u> of the Comp Plan, page 11.

The Mayor transmitted (meaning submitted the resolution containing the maps) PR24-0380 to the Council on October 1, 2021. On November 3, 2021, the Committee of the Whole held a public hearing to consider the resolution. According to the Committee Print, the maps meet the requirements of the Comprehensive Plan.

For context, the Comprehensive Plan guides the District's long term growth, shaping many aspects of residents' lives. For example, the Plan describes how the District should balance competing demands for land, encourage retail expansion, use schools to meet nonacademic needs in their neighborhoods, and support efficient and environmentally friendly transportation choices.

This sweeping document is written every twenty years and is amended during the years between. The latest Plan was written in 2006 and amended in 2011. In 2016, the Office of Planning (OP) began another amendment process. The agency's amendments—also referred to as the introduced version or Mayor's Proposal—were submitted to the Council of the District of Columbia in April 2020. In the Spring of 2021, the

Council voted on an amended version—the Committee Print from the Committee of the Whole—and that version passed and is now in effect.

RACIAL EQUITY IMPACTS

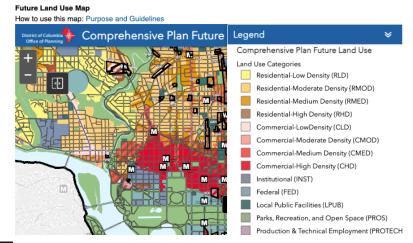
This proposed resolution does not make or propose changes to either the FLUM or the GLUM.⁵ The resolution only evaluates the extent to which the Mayor has accurately incorporated Council approved changes. Therefore, commenting on the racial equity impacts of either map falls outside the scope of our assessment.

In April 2021, the Council Office of Racial Equity conducted an in depth assessment of the Comp Plan.⁶

FURTHER CONSIDERATIONS

It is unclear how the OP's changes to the maps' format or design improves the readability and understanding of the adopted policies. OP's Comp Plan website includes interactive maps and a header that reads, "How to use this map: Purpose and Guidelines" (Figure A). However, the page users are directed to does not provide instructions on how to practically use each map. Instead, the site provides users with

Future Land Use Map and the Generalized Policy Map



Comprehensive Plan Future Land Use Map Context, Purpose, and Guidelines

Context

В

The Comprehensive Plan, which includes a Generalized Policy Map and a Future Land Use Map, provides generalized guidance. The Generalized Policy Map provides guidance on whether areas are designated for conservation, enhancement, or change. The Future Land Use Map shows anticipated future land uses, which may be the same, or different than, the current land uses. Both maps are part of the adopted Comprehensive Plan and the categories used for each map are described in Framework Element and map legends.

Purpose:

This map uses color-coded categories to express public policy for future land uses across the city. The Future Land Use Map is intended to be used in conjunction with the Comprehensive Plan's policies and actions. The purpose of this map is to represent the land use policies contained in the proposed Land Use Element.

Guidelines

The Generalized Policy Map and Future Land Use Map are intended to provide generalized guidance for development and conservation decisions and are considered in concert with other Comprehensive Plan policies. Several important parameters, defined below, apply to their use and interpretation:

The Future Land Use Map depicts the intended land use for an area generally. It is not a zoning map. A zoning map is parcel-specific and establishes detailed requirements and development standards for setbacks, height, use, parking, and other attributes. In contrast, the Future Land Use Map does not follow parcel boundaries, and its categories do not specify allowable uses or development standards. By definition, this map is to be interpreted broadly and the land use categories identify desired objectives.

The map envisions intended uses for the horizon year of the Comprehensive Plan. It is not an "existing land use map," although in many cases future uses in an area may be the same as those that exist today

While the densities within any given area on this map reflect all contiguous properties on a block, there may be individual buildings that are larger or smaller than these ranges within each area.

⁶ CORE, <u>Racial Equity Impact Assessment</u> for Bill 24-0001.



⁵ The Office of Planning created an <u>interactive site</u> containing both maps.

generalized guidance on how to interpret the maps, context for what the maps are, and context for what they are not (Figure B).

In the Comp Plan REIA, CORE noted that many of the Plan's existing processes "maintain an existing community input process that is both exclusionary and inaccessible." This critique is also true of the transmitted maps. The REIA recommended OP "clarify how existing land use and zoning processes work and intersect with the Future Land Use Map." Currently, it does not appear that any clarity has been added to ensure the public, and particularly residents that have been most marginalized, can actually use the maps and hold government accountable.

In addition, the website OP links to takes you to the unapproved Comp Plan from 2020, not the final signed Act. Clarification should be added to help users better understand the version of maps they are viewing, how they have changed, and to provide users with clear and detailed instructions for how to actually use each map not just to know about their purpose. During the public hearing, concerns regarding the size of the maps were raised by public witnesses. In response to those concerns, a full size PDF version of both maps were added to the Council's legislative information management system (LIMs). This is a system that allows members, staff, and the public to follow legislation as it moves throughout the legislative process. 9

OP should take steps to fully implement provisions of the Comp Plan that call for a racial equity lens. Since the Comp Plan went into effect in August 2021, it is unclear how the Office of Zoning, OP, and the Zoning Commission have worked with the Mayor's Office of Racial Equity to implement these provisions. Council should consider ways to ensure the Executive and the Zoning Commission prioritize implementation and are held accountable through timed check ins, comprehensive progress reports, and public hearings.¹⁰

ASSESSMENT LIMITATIONS

Alongside the analysis provided above, the Council Office of Racial Equity encourages readers to keep the following limitations in mind:

Assessing legislation's potential racial equity impacts is a rigorous, analytical, and uncertain undertaking. Assessing policy for racial equity is a rigorous and organized exercise but also one with constraints. It is impossible for anyone to predict the future, implementation does not always match the intent of the law, critical data may be unavailable, and today's circumstances may change tomorrow. Our assessment is our most educated and critical hypothesis of the bill's racial equity impacts.

This assessment intends to inform the public, Councilmembers, and Council staff about the legislation through a racial equity lens. As a reminder, a REIA is not binding. Regardless of the Council Office of Racial Equity's final assessment, the legislation can still pass.

This assessment aims to be accurate and useful, but omissions may exist. Given the density of racial equity issues, it is unlikely that we will raise *all* relevant racial equity issues present in a bill. In addition, an

¹⁰ The <u>approved Comp Plan</u> included a number of provisions that required developing and implementing a racial equity lens. For example, these provisions include: policies related to equitable transportation access, Policy T-1.1.7; development of a racial equity toolkit to review small business and workforce development programs through a racial equity lens, Action ED-1.3.J; requiring the Zoning Commission to develop and use a racial equity lens to evaluate *all* actions, Action IM-1.B; and requiring that all Small Area Plans be conducted using a racial equity lens, Policy IM-1.2.1.



⁷ Ibid, page 18.

⁸ See testimony from William Jordan, November 3, 2021 before the Committee of the Whole.

⁹ To view these maps, see LIMS under PR24-0380.

omission from our assessment should not: 1) be interpreted as a provision having no racial equity impact or 2) invalidate another party's racial equity concern.		

Government of the District of Columbia Office of the Chief Financial Officer



Fitzroy Lee

Interim Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson

Chairman, Council of the District of Columbia

FROM: Fitzroy Lee

Interim Chief Financial Officer

DATE: August 23, 2021

SUBJECT: Fiscal Impact Statement - Comprehensive Plan Future Land Use Map

and Generalized Policy Map Approval Resolution of 2021

REFERENCE: Draft Resolution provided to the Office of Revenue Analysis on July 23,

2021

Conclusion

Funds are sufficient in the fiscal year 2021 budget and proposed fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the resolution.

Background

The resolution approves an updated Future Land Use Map and Generalized Policy Map of the Comprehensive Plan.¹ The updated maps incorporate changes made by the Council-approved amendments to the Comprehensive Plan.²

Financial Plan Impact

Funds are sufficient in the fiscal year 2021 budget and proposed fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the resolution. Updating the maps is part of the regular Comprehensive Plan amendment process and the Office of Planning can make the updates within current resources. The bill that amended the Comprehensive Plan was approved with a

¹ The current maps can be viewed here: https://planning.dc.gov/page/comprehensive-plan-generalized-policy-maps.

² Comprehensive Plan Amendment Act of 2020, projected law date of September 23, 2021 (D.C. Act 24-110; 68 DCR 6918).

The Honorable Phil Mendelson

FIS: "Comprehensive Plan Future Land Use Map and Generalized Policy Map Approval Resolution of 2021," Draft resolution provided to the Office of Revenue Analysis on July 23, 2021.

partial subject to appropriations clause but is currently fully funded in the Council-approved fiscal year 2022 budget.³

-

³ Subtitle VII(I), Fiscal Year 2022 Budget Support Act of 2021 (Bill 24-285, passed final reading of Council, but is awaiting transmittal to the Mayor.)

1	Committee of the Whole
2 3	Committee of the Whole November 16, 2021
4	November 10, 2021
5	A PROPOSED RESOLUTION
6	
7	24.290
8 9	<u>24-380</u>
10	
11	IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
12	
13	
14	To appears the analytical District of Columbia Entrancia and Head Man and Consulting d Delicer Man
15 16 17	To approve the updated District of Columbia Future Land Use Map and Generalized Policy Map transmitted by the Mayor pursuant to the Comprehensive Plan Amendment Act of 2021.
18	RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
19	resolution may be cited as the "Comprehensive Plan Future Land Use Map and Generalized
20	Policy Map Approval Resolution of 2021".
21	Sec. 2. The Council of the District of Columbia approves the updated District of
22	Columbia Future Land Use Map and the updated Generalized Policy Map, transmitted by the
23	Mayor to the Council on October 1, 2021, pursuant to Section 2(b) of the Comprehensive Plan
24	Amendment Act of 2021, effective August 21, 2021 (D.C. Law 24-20; 68 DCR 10052). These
25	maps conform to the requirements of that Act.
26	Sec. 3. Transmittal.
27	The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and
28	the African American Civil War Museum.
29	Sec. 4. Fiscal impact statement.
30	The Council adopts the fiscal impact statement in the committee report as the fiscal
31	impact statement required by section 4a of the General Legislative Procedures Act of 1975,
32	approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).
33	Sec. 5. Effective date.
34	This resolution shall take effect immediately.