

Legislation Introduced to Amend the Framework Element of the Comprehensive Plan

January 31, 2018

Since initiating the process to amend the District of Columbia Comprehensive Plan ("Plan"), the Office of Planning ("OP") has received over 3000 comments from stakeholders. Legislation was recently put forth before the District Council to amend the Framework Element of the Plan in an effort to prioritize and expedite the adoption of certain amendments. The Framework Element is often considered the foundation of the Plan as it establishes guidance, themes, and land use descriptions otherwise found throughout the Plan.

The proposed amendments to the Framework Element are significant in two regards. First, they highlight the policies that OP intends to introduce and prioritize in future Plan amendments as well as in future development, such as resiliency, incorporating PDR uses on sites designated for both industrial and residential uses, and greater emphasis on sustainability measures and infrastructure. Second, the proposed amendments clarify how the Comprehensive Plan and more specifically, the Generalized Policy and Future Land Use Maps, should be interpreted and used to guide development.

The Generalized Policy and Future Land Use Maps ("Maps") have come under scrutiny in the recent spate of appeals before the D.C. Court of Appeals. Certain proposed amendments to the Framework Element clarify issues that have been raised by the Court, most notably through the following changes:

- The Maps are meant to provide general guidance and are not meant to dictate land use policy. The Maps should be considered in conjunction with the text of the Comprehensive Plan, applicable Small Area Plans, and the general context of the property.
- The zone districts associated with the land use designations on the Future Land Use Map ("FLUM") should not be applied strictly but should be afforded greater flexibility. For instance, a certain zone district may still be an appropriate designation, even if not specified, if it is not inconsistent with an applicable Small Area Plan, meets the intent of the land use category, is generally not inconsistent with Comprehensive Plan policies, or is compatible with the character of the neighborhood.
- There are two primary examples of projects that might be permitted to exceed the density or height ranges otherwise provided in the FLUM: (1) a large project in which portions of the project may exceed the designated height or density range but the site overall remains consistent with the FLUM designation; and (2) the Planned Unit Development ("PUD")

process, which may allow greater height or density than specifically provided for on the FLUM if the PUD provides commendable benefits and amenities and protects and advances the public interest.

These amendments not only highlight likely District priorities for the coming years, but they also take a step toward addressing some of the most essential issues raised at the Court of Appeals concerning recent PUD projects.

OP has made the [public comments](#) available for public review. OP noted that the timeline for the overall process has been extended given the response from the public.

A public hearing for the amendments to the Framework Element has been scheduled before the Committee of the Whole on March 20, 2018 at 2 pm. The public hearing notice can be found [here](#); a complete copy of the legislation can be found [here](#); and a redline comparison of the changes against the existing Framework Element can be found [here](#). If you have any questions, please feel free to contact any member of [Goulston's DC land use practice](#).

This advisory should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult your own lawyer concerning your situation and any specific legal questions you may have.

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