

DC for REASONABLE DEVELOPMENT

In re: NCPC TESTIMONY ON THE DC COMP PLAN

July 1, 2021

NCPC COMMISSIONERS: You are authorized to send the Proposed Amendments to the Comprehensive Plan and Planning Maps Back to the District of Columbia Mayor and City Council for Impact Studies and Mitigation Coordination

FACTS

1. The DC Comprehensive Plan, including both the District and Federal Elements, and amendments therein only come before NCPC approximately three times every 15-20 years, and represent significant planning decisions that will affect the environs in and around the District of Columbia permanently.
2. The changes to the Comp Plan now put before the NCPC by the City Council represents more than 1000-pages of changes to nearly all 250+ Plan policies, and most acutely represents substantial changes to the planning maps that will "unlock" more than 200 million square feet of developable land and air rights throughout the District. Many of the planning map changes allow bigger and taller buildings and are in proximity to federal properties and imminently harms central government workforce, activities, and functions.
3. It is undisputed, there are no relevant written planning impact studies accompanying the proposed substantial changes to the Comp Plan and planning maps and no local officials sought to ensure the required environmental reporting and impact analysis was complete before approving the Plan changes now before the NCPC. This was affirmed by the District of Columbia Racial Equity report dated April 19, 2021. [CORE report](#), Appendix at page 26.
4. Many Federal Element policies in the Comp Plan discuss the importance of studying the inter-related planning decisions and coordinating mitigation of the affiliated impacts among local and federal officials. None of these federal interest planning policies are discussed in the [NCPC staff report](#) dated June 25, 2021.
5. There are no walls between DC-jurisdiction and the Federal interests and properties throughout the District of Columbia. Thus, what impacts federal interests, properties, and the federal workforce will also affect DC residents and their communities and vice-versa.

LAW

6. The American Planning Institute ensures all planners are to take an oath to follow ethics and principles in planning that include:
 - We shall have special concern for the long-range consequences of present actions;
 - We shall pay special attention to the interrelatedness of decisions;
 - We shall provide timely, adequate, clear, and accurate information on planning issues to all affected persons and to

governmental decision makers; ● We shall give people the opportunity to have a meaningful impact on the development of plans and programs that may affect them; ● We shall examine the applicability of planning theories, methods, research and practice and standards to the facts and analysis of each particular situation and shall not accept the applicability of a customary solution without first establishing its appropriateness to the situation.

Webpage, AICP Code of Ethics and Professional Conduct, June 2016

link: <https://www.planning.org/media/document/9121296/>

7. Given the importance of the DC Comp Plan and planning maps such as the Future Land Use Map, and how amending it could dramatically affect the capital city, its government operations and functions, and the short and long range well being of its residents and federal workforce, DC laws and regulations expect proper planning in line with the principles found in the basic APA planning ethics and protocols highlighted above.
 - DC Code § 1–306.04 (d) “[Amendments to the DC Comprehensive Plan] shall be accompanied by an environmental assessment of the proposed amendments... .”
 - 10A DCMR 2512.1, .2 “Implementation progress reports . . . [are a] . . . vital part of keeping the planning process open, transparent, and responsive. It can also be a vehicle for review and refinement of implementation priorities, deletion of completed actions, and the addition of new actions or policies . . . [and should be a] . . . highly publicized effort to demonstrate the important role the Comprehensive Plan plays in decisions that affect the change, growth and development of the city.”
 - 10A DCMR 2515.2, .3 “The greater the degree of change [to the DC Comprehensive Plan] proposed, the greater the burden of showing that the change is justified. . . . The following supporting information will be required when an amendment is proposed: . . . e. The anticipated impacts of the change, including the impacts on the geographic area affected and the issues presented. This should include an assessment of net benefits to the city resulting from the change. f. Demonstration that the proposed change would be in conformance with the goals, policies and actions of the Comprehensive Plan. The applicant would be requested to include any data, research or reasoning that supports the proposed amendment.”
8. NCPC staff and Commissioners are to examine the changes to the Comp Plan and planning maps and ultimately make determinations about the negative impacts that may be brought on, perhaps inadvertently, by these proposed Plan amendments.

40 USC §8721 – Comprehensive plan for the National Capital

(a) Preparation and Adoption by Commission.-The National Capital Planning Commission shall prepare and adopt a comprehensive, consistent, and coordinated plan for the National Capital. *The plan shall include the Commission's recommendations or proposals for federal developments or projects in the environs and District elements of the comprehensive plan, or amendments to the elements, adopted by the Council of the District of Columbia and with respect to which the Commission has not determined a negative impact exists.* Those elements or amendments shall be incorporated into the comprehensive plan without change. The Commission may include in its plan any part of a plan adopted by any planning agency in the environs and may make recommendations of collateral interest to the agencies. The Commission may adopt any part of an element. The Commission shall review and may amend or extend the plan so that its recommendations may be kept up to date.

9. NCPC Commissioners have the authority to send the Comp Plan amendments back to the the Council if not satisfied with the efforts.

40 USC §8721 (a)(2) No negative impact. -If the Commission takes no action in the 60-day period, the

element or amendment is deemed to have no negative impact and shall be incorporated into the comprehensive plan for the National Capital and implemented.

40 USC §8721 (a)(3) Negative impact.- (A) Certification to council.-If the Commission finds a negative impact, it shall certify its findings and recommendations to the Council.

10. There are a great many Plan policies within the Federal Element that seek and require meaningful study and coordination between DC and Federal planning officials when analyzing planning impacts from major proposed changes to DC's built environment. See these Federal Element policies: UD.B.2.4(2); T.C.6; T.G.7; T.H.2; FE.A.8; FE.A.10; FE.A.11; FE.C.1; FE.C.7; FE.C.10; FE.A.11; FE.D.1; FE.D.2; FE.D.3; FE.E.4; FE.F.2; FE.G.5; HP.D.2, among many others. See link to Federal Elements of the DC Comprehensive Plan :: https://www.ncpc.gov/docs/Comprehensive_Plan_Full_2016.pdf

POINTS OF CONTENTION

11. The proposed Comp Plan amendments sent by the City Council to NCPC includes the "unlocking" of more than 200 million square feet of upzoning -- allowing bigger denser buildings to be built around DC, including in the Anacostia flood plain, along the boundaries of the Federal core, adjacent to foreign missions, and nearby numerous federal properties.
12. The desire of officials to induce population growth in the capital city especially in areas around federal properties will obviously increase congestion and pollution and impair adjacent federal activities and workforce. Policy choices inducing additional population growth also certainly requires more planning, coordination, and funding for more reliable infrastructure, utilities, transit, emergency services, etc. to ensure the maintenance of central government functions and activities. This is explained in the Federal Elements: UD.B.2.4(2); T.C.6; T.G.7; T.H.2; FE.A.8; FE.A.10; FE.A.11; FE.C.1; FE.C.7; FE.C.10; FE.A.11; FE.D.1; FE.D.2; FE.D.3; FE.E.4; FE.F.2; FE.G.5; HP.D.2, among many others.
13. Bigger denser buildings around the federal core and adjacent to federal properties such as the Joint Base-Anacostia & Bolling bring on more security issues, such as the opening of sight-lines by the general public down to federal buildings, agencies, and government activities and workers. Security issues are clearly heightened by the city's changes to the built environment.
14. Emergency response time will also be reduced or perhaps catastrophically eliminated with more and more congestion in the streets and in the denser communities in the new bigger buildings to be sited newly around the federal interests and properties. Emergency egress routes such as up North Capitol past the Armed Forces Retirement Home or heading down South Capitol past Fort McNair will become less available as more and more people move into the city making streets more congested and less passable in times of crisis. Same goes for East Capitol Street out over the Anacostia river.
15. Federal interests and our central government relies on DC's infrastructure which is already now struggling, if not crumbling. Sewer lines are nearly 100-years old, water main failures that lead to flooding Metro stations, sinkholes, persistent flooding problems – all vulnerabilities only becomes more brittle with climate change. Utilities in many areas of the city are already at capacity. And, if not but for a pandemic, DC's transit ways are already clogged. Inducing more

population growth without planning studies puts these already fragile utilities, water and sewer lines, and transportation systems on the brink threatening the ability and capacity for the central government to function adequately, especially in times of emergency.

16. Again, the numerous Federal Element policies expressing the desire for close analysis and coordination between local and federal planning officials to mitigate impacts have been discarded without explanation. See UD.B.2.4(2); T.C.6; T.G.7; T.H.2; FE.A.8; FE.A.10; FE.A.11; FE.C.1; FE.C.7; FE.C.10; FE.A.11; FE.D.1; FE.D.2; FE.D.3; FE.E.4; FE.F.2; FE.G.5; HP.D.2, among many others.

CONCLUSION

17. There are no walls between DC and the federal interests and properties and workforce that ensure our central government continues to operate as efficiently and safely as possible. The significant changes made by local officials we see in the voluminous amendments to the Comp Plan and planning maps were required to be studied, but were not.
18. The NCPC staff report and its conclusion that there will be no negative effect on the federal interests by and from the substantial changes to the Comp Plan and planning maps has no basis without the planning studies and coordinated mitigation planning.
19. NCPC Commissioners have the authority to send the Comp Plan changes back to the Council to conduct the impacts studies and coordinate with Federal officials as to truly identifying and mitigating impacts brought on by substantial population growth in DC. We ask you do so.

**TESTIMONY ON THE DC COMPREHENSIVE PLAN
BY DC FOR REASONABLE DEVELOPMENT
JULY 2021**