



Testimony of the Committee of 100 on the Federal City on B23-0736, the Comprehensive Plan Amendment Act of 2020, virtual hearing on Thursday, November 12, 2020, 10am

I am Kirby Vining, Chair of the Committee of 100, presenting testimony on behalf of the Committee of 100. Today in the three minutes provided me I will point out main points we suggest you change in the Amended Comprehensive Plan, to be followed up by much lengthier comments on many more specific policies and actions in the draft Plan that we will submit later.

We have argued that this amended Plan is so flawed that it should be sent back to the Office of Planning. But we are also aware that if it were sent back, the Office of Planning is under strict instructions to support the Mayor's Housing Initiative and might return a version even worse than this. Thus the importance of Council consideration of the Plan as presented. The Council is, according to law, the ultimate arbiter of this Plan.

We see extensive changes in the proposed amended Plan made to accommodate the Mayor's Housing Initiative and question how much of any Plan should be changed to accommodate the administrative wishes of any one particular administration. We also argue that the amended Plan has been skewed by the use of 2017 census statistics, statistics from a time when our population growth was still relatively robust. Not only is population increase trending downward, it may have gone negative during the current pandemic and it was in any event heading in that direction even before the pandemic. Yet the projections and trends behind proposed changes to the Plan ignore all that entirely.

Below are examples of key points we recommend the Council look at before we submit more extensive comments on policies and actions for Council consideration:

- The Amended Plan is littered with changes that specifically address the Mayor's Housing Initiative call for 36,000 housing units to be created by 2025, at the expense of existing prudent planning language which in most cases should be restored.
- To support the 36,000 unit initiative, demographic figures from 2017 are cited throughout the amended Plan. The Comprehensive Plan process mandates that the Plan be updated periodically to "reflect updated data and analysis of forces driving change and growth projections," among other things. While the Office of the Chief Financial Officer has published information in a 2019 report showing that the District's population growth peaked in 2013 and has been falling since, resulting in net in-migration in 2019 of only 398 persons(!), these numbers are nowhere to be found in the Amended Plan¹. It appears that these current updated figures were avoided because they do not support the alleged need for 36,000 additional housing units. We question the extent to which the basic Plan for our city should be bent to a specific Mayor's specific policy agenda.

¹
https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/DC%20Economic%20and%20Revenue%20Trend%20Report_January%202020.pdf See Migration and Population Appendix, page 23, for figures and charts showing this figure of net in-migration of 398 persons in 2019. No more recent data is available from the OCFO.

- Many specific terms in the Plan have been changed to weaken the protections of both the character of our existing neighborhoods and the image of the city itself. Reference to it is proposed for removal, for example, in Action LU-1.1: “Neighborhood character is no longer to be “protected” but is now to be “respected,” whatever that means, as in Policy LU-2.1.3 and elsewhere, and the term is eliminated entirely in Policy LU-2.3.4 and elsewhere. Is this antecedent to changing the name of one of our boards to the *Historic Respect Review Board*? The imperative “must” has been weakened to “should” five times in the Land Use Element, first at 305.2, and three times in the Housing Element. “Ensure” is likewise changed to “should” several times, including at LU-2.3.3. “Ensure” has a common and defensible meaning, but “should” is arguably not enforceable. In LU-2.3.3 “should” is now accompanied by a new term, “buffer,” whatever that means. If these topics are policy, why weaken the language to unenforceability? How is a citizen to seek implementation of the weaker words such as “respect” and “should”? These assaults on citizen involvement with the planning process follow on several deliberate weakenings of language in the Framework Element, such as the insidious insertion of “and other zones may apply” in the descriptions of all residential and commercial property types. Strong verbs are needed to assert mandatory compliance where relevant, such as extend rent control; require action on maintenance, preservation and redevelopment of public housing; and mandate specific goals for supportive housing. The single mention of the word “viewshed,” in the existing Urban Design Element at 903.7, has been removed. Why?
- Given that our Home Rule Charter explicitly states that the Council is prohibited from making any changes to the Height of Buildings Act of 1910, references in the amended Plan to considering this are out of place and should be eliminated. The Housing Element, Action H.1.1.D, explicitly encourages this and it should have no place here.
- Most useful language concerning the L’Enfant and McMillan Plans and the 1910 Height of Buildings Act has been moved to the Urban Design Element, which is a question in itself, but perhaps more importantly: do the HPRB and HPO staff know to find it there, language that would seem to find a natural home in the Historic Preservation Element?
- Housing figures that guide the Housing Element, paragraphs 500.6 – 500.8, cover only the period up to 2017 and thus do not indicate that in-migration growth is flat or negative. These figures, and policies and actions based on them, must be revised to reflect a very different trend we’re experiencing now. The ‘increase in demand’ so frequently cited is just not the case now.

In the appendix to this testimony please find more specific examples of the above. We will provide much more detailed material to the Council before the close of the record.

Thank you.

(signed)
 Kirby Vining
 Chair
 Committee of 100 on the Federal City

Appendix

Key examples of changes and deletions to the Plan in support of our remarks:

~~309.8~~310.10 ***Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods***
Recognize the importance of balancing goals to increase the housing supply, **including affordable units,** and expand neighborhood commerce with parallel goals to ~~protect~~ **respect** neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create ~~successful~~ **vibrant** neighborhoods” in all parts of the ~~city~~ **District** requires an emphasis on ~~conservation~~ **conserving units and character** in some neighborhoods and revitalization in others, **although all neighborhoods have a role to play in helping to meet broader District-wide needs, such as affordable housing, public facilities, and more.** ~~309.8~~310.10

Comment: *Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods.* The goal to protect neighborhood character should not conflict with providing affordable housing so the replacement of protect with respect, which is a meaningless concept, should be deleted. This section should be premised on balancing goals to increase the supply of affordable housing, which should be the expressed housing priority throughout these amendments. Similarly, the original language using the *General Policy Map designation of conservation to distinguish neighborhoods that don't need revitalization should be restored.* Conservation has a larger meaning and distinguishes neighborhoods that don't need the level of government resources that neighborhoods identified for revitalization need. The amendments make a clear statement at the beginning of the Land Use Element that a major goal is the creation and preservation of affordable housing. It should not be necessary to interject phrases to reiterate the overarching goal.

~~312.10~~313.14 ***Policy LU-2.4.6: Scale and Design of New Commercial Uses***
Develop ~~Ensure that~~ new uses within commercial districts ~~are developed~~ at a height, mass, scale, and design that is appropriate **for a growing, densifying Washington, DC,** ~~and that is compatible~~ with surrounding areas. ~~312.10~~313.14

Comment: *Policy LU-2.4.6: Scale and Design of New Commercial Uses.* This section includes amendments that reframe the intent of the policy from ensuring compatible height, mass, scale, and design to developing at a height, mass, scale and design that reflects a growing, densifying city...and secondarily is compatible with the adjacent neighborhood. The amendment curbs dissent when a neighborhood finds that a development proposal overwhelms the development pattern in a neighborhood. The amendment says clearly that any intensity of development will be acceptable when growth is invoked. This is contrary to decades of Land Use Element policies that promote neighborhood engagement and the goal of compatible development.

~~304.16~~305.20 ***Action LU-1-1.2C: Development of Air Rights***
Analyze the unique characteristics of the air rights development sites within Washington, DC the District. Development sites should address the growing need for housing, and especially affordable housing, reconnect the L’Enfant grid, and enhance mobility. Determine appropriate zoning and means of measuring height for each unique site consistent with the Height Act, taking into consideration the ability to utilize zone densities, the size of the site, and the relationship of the potential development to the existing character of the surrounding areas. ~~304.16~~305.20

Comment: Deleted reference to ‘consistent with the Height Act’ should be reinstated.

~~309.8~~310.10 ***Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods***
Recognize the importance of balancing goals to increase the housing supply, including affordable units, and expand neighborhood commerce with parallel goals to ~~protect~~respect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create ~~successful~~ vibrant neighborhoods” in all parts of the city District requires an emphasis on ~~conservation~~conserving units and character in some neighborhoods and revitalization in others, although all neighborhoods have a role to play in helping to meet broader District-wide needs, such as affordable housing, public facilities, and more. ~~309.8~~310.10

Comment: Protecting neighborhood character should be allowed to stand.
“Respect” has no legal meaning.

~~903.10~~ ***Policy UD-1.1.4: Height Act of 1910***
~~Protect the civic and historical character of the city, particularly the “horizontal” urban quality of Central Washington, by limiting building heights in accordance with the Height Act of 1910. Basic principles of the Height Act are shown in Figure 9.4.~~ ~~903.10~~

Comment: Restore reference to limiting building heights in accordance with the Height Act.

921.4 ***Policy UD-4.3.1: Recognize the Legacy of the Height Act***
Utilize the basic principles for regulating building height by street width in the Height of Buildings Act of 1910 to guide the redevelopment of corridors and new large site developments, continuing Washington, DC’s historic design tradition of well-proportioned streets and consistent building height (see Figure 9.22). Examine opportunities where enabling buildings to exceed zoning height restrictions can encourage better site massing and architectural design. 921.4

Comment: “Examining opportunities” to circumvent the Height Act has no place here.

311.5312.5

Policy LU-2.3.3: Buffering Requirements

Buffer ~~Ensure that~~ new commercial development adjacent to lower-density residential areas ~~provides effective physical buffers~~ to avoid adverse effects. Buffers may include ~~larger~~ setbacks, landscaping, fencing, screening, height ~~step-downs~~ ~~step-downs~~, and other architectural and site-planning measures that avoid potential conflicts. 311.5312.5

Comment: Replacing “Ensure” that neighborhoods avoid adverse impacts of commercial development should be left intact. What does “buffer” mean?

503.13

Action H.1.1.D: Research New Ways to Expand Housing

Continue research to expand market rate and affordable housing opportunities in Washington, DC, such as expanding existing zoning tools and requirements. Consider a broad range of options to address housing constraints, which could include updating the Height Act of 1910 (a federal law) outside of the L’Enfant Plan area, if it can promote housing production.
503.13

Comment: Explicit challenge to the Height Act is out of place here in the Housing Element.

504.67

Policy H-1.2.1: Affordable Housing Production as a Civic Priority

Establish the production **and preservation of affordable housing** ~~for low and moderate income households~~ as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation

Comment: Unless the words “for low and moderate income households” are restored, Our housing program approvals will continue to produce housing primarily at the 80% AMI level. Absolutely must restore this language.

504.14

Policy H-1.2.7: Density Bonuses for Affordable Housing

Provide zoning incentives, **such as through the PUD process**, to developers proposing to build ~~low-and-moderate-income~~ **a substantial amount of affordable housing**. ~~Affordable housing above and beyond any underlying requirement. The affordable housing proffered~~ shall be considered a **high priority** public benefit for the purposes of granting density bonuses ~~when new development is proposed, especially when the proposal expands the inclusiveness of high-cost areas by adding affordable housing. When density bonuses are granted, flexibility in development standards should be considered to minimize impacts on contributing features and the character of the neighborhood~~ ~~Density bonuses should be granted in historic districts only when the effect of such increased density does not significantly undermine the character of the neighborhood.~~ 504.14

Comment: Same as above: unless the original language is restored, this language Will be used to encourage more 80% AMI housing in government programs.

Policy H-1.1.6: Housing in ~~the~~ Central City Washington

Absorb a substantial component of the demand for new high-density housing in ~~the~~ Ccentral-Central Washington, ~~DC~~ Planning Area and along the Anacostia River. Absorbing the demand for higher-density housing within these areas is an effective way to meet housing demands, maximize infrastructure and proximity to jobs, create mixed-use areas, and ~~conserve~~ minimize the cost pressure on existing ~~single-family~~ residential neighborhoods throughout the ~~city~~ District. Market rate and affordable ~~Mixed~~ mixed-income, higher-density downtown housing also provides the opportunity to create vibrant street life, and to support the restaurants, retail, entertainment, and other amenities ~~that are~~ desired and needed in the heart of ~~the city~~ Washington, DC. 503.78

Comment: The Central Planning Area has miraculously crept into Anacostia and this policy would have a huge accelerating impact on displacement and gentrification in an area that is already having a very difficult time absorbing it. The developments at St. Elizabeth's, east and west, are already threatening to overheat an already precarious neighborhood in the Barry Farm area.