

The Committee of 100

on the Federal City



D.C. Council Chair Phil Mendelson and
Members of the Council
D.C. City Council
The John Wilson Building
Washington, DC 20004

Re: Draft Comprehensive Plan, B 24-0001

Dear Chairman Mendelson and Members of the Council,

Once more, the Committee of 100 on the Federal City (C100) urges you to address significant flaws in this document that have made it anathema to residents across the District.

Why the Plan is Bad

- Contrary to its stated goal of increasing equity, the draft Comp Plan drives increasing inequity and further displacement of African-American residents.
- The Plan makes no provision for extremely poor families and individuals most in need of housing assistance.
- Small, locally owned businesses and nonprofits could be forced to close or move.
- Low-density neighborhoods and historic resources lose the protection they enjoy under the existing Plan.
- Residents lose the opportunity to have a meaningful say in future development affecting their communities.

Set forth briefly below is how the draft Plan generates these negative outcomes and some proposed fixes.

Arbitrary Density

The Plan amends the Future Land Use Map (FLUM) to add density along most major corridors in the District: New York and Rhode Island avenues in Ward 5, Connecticut and Wisconsin avenues in Ward 3, and Pennsylvania, Minnesota, Nannie Helen Burroughs avenues in Ward 7. In addition to the corridors, the Plan adds other pockets of density elsewhere throughout the city. Most FLUM amendments were requested by developers and their advocates or imposed by the Office of Planning with no evidence that any of the FLUM amendments were supported by community planning.

As the District repeatedly has experienced, density increases invariably lead to higher rents and upscale housing, stores and restaurants, accompanied by displacement of longtime residents, local small businesses and nonprofits. Familiar examples are the loss of Chinese-owned businesses as Gallery Place developed and the loss of African-American businesses on H Street NE and U Street NW. No density increase has resulted in substantial affordable housing, commercial amenities or employment opportunities for the city's residents most in need of these.

The density increases are neither subtle nor incremental; they are jarring. Many FLUM amendments call for increases from Moderate Density to Medium Density commercial, which will allow building heights of 70 to 90 feet plus 20-foot penthouses, plus IZ bonus density.¹

Investors are using the FLUM changes to bank building capacity throughout the city, to be exploited whenever the market conditions suit them. The District faces major land speculation as investors move to lock in this capacity now.

Proposed Fix: Amend the Land Use Element to state that density increases cannot take effect until there are community-led small area plans or other citizen-driven plans that examine in detail the implications of up-zoning (*e.g.*, impacts on traffic, school capacity, infrastructure, environment, etc.) both in the study areas and the surrounding areas. Have the policy state that “a lesser density than the one on the FLUM map may be appropriate.” This simple amendment will preserve the public’s voice in land use decisions without delaying the bill’s passage.

Affordable Housing

The rationale for the Plan’s density increases is to provide affordable housing. However, ample experience shows that the District’s new, high density housing is expensive and replaces older, cheaper housing with no provision for relocation and no meaningful right of return for displaced residents. The onerous standards for households seeking the limited opportunities to return are designed to guarantee that most will fail to qualify. Longtime residents are forced to leave the city or stay and compete for shrinking numbers of affordable units. These circumstances produced the acknowledged displacement of the last two decades (which followed several earlier waves).

¹ The Comp Plan suggests that zones appropriate for Medium Density Commercial are MU-8 and MU-10. Framework Element sec. 227.12. The 2016 Zoning Code provides that MU-8 zone buildings typically may be 70 to 90 feet high, plus a 20-foot penthouse, plus bonus density for IZ set-asides. The MU-10 zone has heights of 90 to 110 feet plus penthouse and IZ bonuses.

New construction yields a negligible number of “affordable” units through Inclusionary Zoning (IZ) set-asides, none of it for those most in need. Although the Mayor’s office insists repeatedly that IZ is one of many elements in its affordable housing toolkit, the Comp Plan addresses affordable housing solely in terms of meager set-asides for the residents who do not face the most severe housing challenges.

In short, the Comp Plan repeats and accelerates the practices that caused prior rounds of gentrification and displacement. The decisionmakers know what they are doing.

Proposed fix: The District first must acknowledge that it cannot build its way out of its affordable housing crisis with more and more market-rate development. The trickle-down theory is bankrupt. Prior development waves in the District never have resulted in lower rents or purchase prices and there is no reason to expect that to begin now. The Plan must reflect these facts, then move to identifying the city’s priority housing needs and articulate policies to address them.

The Mayor’s target of producing 36,000 units of new housing with 1/3 affordable should be flipped to 2/3 affordable units, which more accurately reflects the balance of need. The Plan also needs to acknowledge the limits of IZ and other bonus density programs and the availability of other vehicles that will produce most of the city’s affordable housing. Under the Mayor’s target, to reach 12,000 affordable units through IZ, the city would have to produce 60,000 new units in 300 new buildings with 200 units each. This will not happen. The Plan should state – as the Mayor has done in other contexts – that affordability includes a range of housing types and financing mechanisms including rent control, public housing, tax abatement, and rent subsidies and permanent affordability tools such as land trusts, limited equity coops, as well as encouragement of homeownership and rehabilitation of existing properties.

The Plan should state the number of affordable units likely to be generated under the proposed amendments and the rate at which they will be produced. With 10 years of IZ experience in an economy that has seen extreme ups and downs, the city should be able to make a reasonable projection. As stated above, IZ’s track record to date is not encouraging, and whether IZ produces housing, people must be sheltered.

Additional housing amendments needed:

Instead of the broad term “affordable,” set clearly defined goals for units targeted to specific income levels: extremely low income, low income, moderate income, etc.²

² Evanston, Ill has an inclusionary zoning mechanism that defines targets for low, moderate and middle-income housing as percentages of Greater Chicago’s AMI.

- Assert as a policy goal that no households should have to pay no more than 30% of their income for housing.
- Make family housing a priority.
- Guarantee that residents will not be displaced through redevelopment.

Restrictions on Citizen Input and Removal of Existing Protections

The Plan resorts to several mechanisms to silence citizen participation. As discussed above, the Plan adds so much density that, absent a requirement for further community-based planning, the further development at almost any scale can happen at any time an investor decides to act. By providing increased density as matter-of-right, the Plan also undermines the PUD process with its opportunity to exchange density for benefits.

Second, the Plan systematically substitutes existing strong verbs with meaningless ones. For example: throughout the Plan, **protect** (a meaningful verb) becomes *respect* (an attitude); **retain** becomes *encourage*; **ensure** becomes *promote*; **must** and **shall** become *should*; **pursue** becomes *consider*. The sum of these weak verbs reduces the Plan from a statement of policies to a list of suggestions that can be ignored.

The most damaging use of weak verbs occurs in Plan provisions regarding low-density and moderate-density residential neighborhoods, and historic neighborhoods and resources. The existing Plan states that these areas play an important role in giving variety to Washington’s built environment and should be protected and buffered from nearby denser areas. All that is gone. The Office of Planning acknowledges making these changes to grant investors additional flexibility.

Suggested fix: Reinstate the strong verbs and neighborhood protections.

As stated, require community planning before implementation of FLUM changes.

Ward Specific Issues

While this letter deals with aspects of the Plan that apply citywide, the Plan is best understood from the bottom up – from the neighborhood level. For instance, how will my community respond to a 110-foot building on a neighborhood bus corridor? To a block of such buildings? What will happen to taxes? To traffic? Will there be new amenities? Will existing residents and businesses have to leave? Will I have to leave?

Change, when it happens, should not be a surprise. This Plan is entirely unpredictable.

Post-pandemic DC and Resilience

The residual impact of the pandemic on DC's population and economy necessarily is unknown. The Plan presumes a city brimming with an outward-facing active street life. The pandemic has driven us into isolation.

Several draft amendments focus on resilience, mostly the District's capacity to recover from floods and other natural disasters. Like an army fighting a current war with the last war's weapons, the draft Plan envisions recovery from a foreseeable disruption, and has nothing to say about where we are now. That is a matter largely beyond the Council's control, other than to observe the truth of the maxim, if you want to see God laugh, make a plan.

The BIG question is whether it is prudent to act on these aggressive and perhaps unfounded amendments in light of the inevitable changes and challenges DC will face as it emerges from the pandemic? We would argue that it is not. However, if the Council decides to proceed, we urge you to alleviate the worst impacts of the flaws we have identified in this deeply inequitable and hypocritical document.

Regards,

Kirby Vining, Chair Laura Richards, Former Chair Nancy MacWood, Former Chair