

# The Committee of 100

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on the Federal City



**Before the Committee of the Whole  
Performance Oversight Hearing for the Office of Zoning and Office of Planning  
Testimony of the Committee of 100 on the Federal City**

February 22, 2024

On behalf of the Committee of 100 on the Federal City (C100), I want to thank you for the opportunity to offer testimony for today's Performance Oversight Hearing on the Office of Planning (OP) and the Office of Zoning. My name is Shelly Repp, and I am Chair of the Committee of 100.

As an initial matter, I should point out that on a number of occasions the Committee of 100 has pointed out how the Office of Planning has endorsed proposals from developers at the expense of neighborhoods. The one-sided result is compounded by the Zoning Commission and Board of Zoning Adjustment's excessive deference to OP's recommendations. This pattern remains and is of concern.

Before addressing some of our specific concerns with OP and the Office of Zoning, I want to first address racial equity developments. In response to a directive from the Mayor, OP announced a Racial Equity Action Plan that states that OP is committed to meaningfully engaging the community in government decision-making processes and strengthening community partnerships. OP states that the meat of its Plan is "ongoing community engagement." This has proven to be more of a "check the boxes" exercise than a meaningful commitment. A good example is the contentious Zoning Commission hearing to upzone 1617 U Street, NW. At a hearing on January 18, 2024, OP acknowledged that U Street is a Black business corridor and admitted that DMPED and OP had not spoken to a single Black business organization about the upzoning, nor to any Black businessmen or businesswomen, or any of the Black churches in the area. This is hardly meaningful engagement.

OPs racial equity analyses follow a uniform template that fails to consider individual neighborhood characteristics and history. OP begins by identifying every Comprehensive Plan policy that might apply to a zoning case, no matter how tangentially or hypothetically. OP then suggests that if a particular Plan policy is implemented, it might provide some benefit leading to greater racial equity. Concrete expectations are missing.

While the Office of Zoning has developed its own equity tool, what is missing are quantifiable standards firmly embedded in regulation, something we had requested and expected. We wonder whether any proposal from OP or any developer has been revised based on application of the racial equity standards.

## **The Office of Planning**

### Blanket Corridor Upzoning.

OP is working to upzone a number of corridors, including Connecticut Ave. in Chevy Chase and Cleveland Park, a 1.5 mile stretch of upper Wisconsin Ave., and New York Avenue. If the mass upzonings were approved by the Zoning Commission, any development consistent with the new zones would be matter of right, which means that neighbors and the Zoning Commission would not be able to question specific projects that might adversely affect the neighborhood. This is an example of how OP is driving zoning action to the detriment of neighborhoods. A brake needs to be applied to this practice.

Wisconsin Avenue Development Framework. OP last week released the final Wisconsin Avenue Development Framework. OP needs to be more proactive in encouraging and creating affordable housing. The Committee of 100 had hoped that the Framework would specifically address the need for more affordable housing, as the area is so ripe for development and people in the community were asking for affordable housing. The earlier draft said that affordable housing was a priority.

Compared to the earlier draft plan, OP has now weakened the affordable housing portions of the Framework. In fact, affordable housing is no longer listed as a priority. This backsliding deserves Council scrutiny. While the Framework presumes IZ+ will apply to create affordable housing, that is not an aggressive tool and in fact can be waived by the BZA. We note that affordable housing advocates in Ward 3, as well as C100, have advocated for greater affordability targets at lower MFI's than would be the case under IZ+. The Council should insist that OP revise the Framework to establish goals for a variety of housing types and sizes, with a priority for family-sized units.

The Need for Interactive Tools for Visual Simulation. At recent hearings C100 has addressed the need for visual presentations that realistically show the impact of project applications, and map and text amendments. We understand that the Office of Planning (OP) has licenses and has trained people to use ArcGIS Urban and CityEngine. This is a powerful visualization and planning tool that can let planners and communities see and analyze what the changes would look like under various scenarios and in the context of the rest of the built environment. We have two suggestions on the use of the visualization tools:

- First, for these tools to be maximally effective, OP needs data from the Office of the Chief Technology Officer (OCTO). OP needs to request the missing data sets (in priority order) from OCTO, and OCTO needs to give priority to responding.

- Second, OP needs to use this capability to work interactively with communities during planning processes. Plans for Chevy Chase, Woodley Park, Cleveland Park, New York Avenue and Wisconsin Avenue could certainly benefit from community collaboration using visual simulation.

Relief from Parking Requirements. The Zoning Code sets minimum parking requirements for residential developments. Recently, OP has proposed to eliminate these requirements for publicly-assisted developments of 40 or less units that are within ½ mile of Metro or near a priority bus line. We do not see how this proposal squares with equitable principles, since no change is proposed for comparable privately financed developments. Don't many individuals in the publicly-assisted units, who presumably have lower income, also need cars for work, particularly if they don't work near Metro?

Historic Preservation. The Historic Preservation Office is part of OP. While the Historic Preservation Review Board (HPRB) is separate, it has chronically lacked four board members, crucially including a professional archaeologist. Full professional review of historic preservation matters by HPO and the HPRB requires a full board. Perhaps the Mayor would respond to pressure from the Council on this point.

## **Office of Zoning**

It is important to look at the Commission's and BZA's track record. The Zoning Commission and the BZA are presumably independent semi-judicial bodies. However, the record shows that both invariably side with OP and developers. The Council should ask how many times the Commission and the BZA turn down an application coming from OP or a developer. We would guess that the answer is hardly ever. This is one reason why we have asked for a truly independent Office of Zoning.

Zoning Commission Discretion. As referenced above, the Zoning Commission will be facing a number of applications to upzone commercial corridors. We expect that the rezoning will respond to the area's new FLUM designations, as is the case at 1617 U Street. However, the Framework Element of the Comprehensive Plan states that "designation of an area with a particular Future Land Use Map category does not necessarily mean that the most intense zoning district described in that category is automatically permitted." The Zoning Commission should balance the need for more density with the need to respect neighborhoods.

Need for Independent Expertise. Due to intervention by the Council, the Office of Zoning now has its own legal staff. This precedent could, and should, open the door for the creation of planning expertise within the Office of Zoning. Right now, the Office of Zoning is forced to rely on OP, which reports to the Executive and is not structured as or intended to be a neutral body. The Committee of 100 has long advocated for a truly independent Zoning Commission. We do not believe that lodging some planners within the Office of Zoning would conflict with the

District of Columbia Code provision requiring zoning authorities to give “great weight” to Office of Planning recommendations.<sup>i</sup>

Thank you.

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<sup>i</sup> According to the D.C. Code: “The Office of Planning shall review and comment upon all zoning cases, and the Zoning Commission and the Board of Zoning Adjustment shall give great weight to the recommendation of the Office of Planning. Upon request of the Zoning Commission or the Board of Zoning Adjustment, the Office of Planning shall provide recommendations, information, or technical assistance in a timely manner.”

D.C. Code § 6–623.04. Office of Zoning — Recommendations, reports, review and comment by Office of Planning.

Planners from OP could be assigned to the Office of Zoning to provide neutral subject matter expertise and OP could continue to advocate for its policy objectives. Such separation of function arrangements are common in administrative agencies. Nothing in the DC Code requires or allows the Zoning Commission to operate as an implementing arm of an incumbent mayor’s economic development initiatives.