

ANC COMMISSIONER RENEE BOWSER'S TESTIMONY
OFFICE OF PLANNING PERFORMANCE OVERSIGHT HEARING

March 18, 2021

Hello Chairman Mendelson and Councilmembers of the Committee of the Whole. My name is Renee Bowser, Petworth ANC Commissioner and DC Grassroots Planning Coalition Steering Committee member. While I'm testifying as an individual Commissioner, I am attaching ANC 4D's February 17, 2021 "Resolution on Amending the Comprehensive Plan and DCGPC Housing Justice Priorities," unanimously passed and submitted to all Councilmembers.

I call on DC Council to fulfill its oversight and regulatory responsibility by requiring the DC Office of Planning (OP) to implement Comprehensive Plan (Comp Plan) law and regulations (10-A DCMR §§ 2504, 2507, 2511, 2515, 2516 (2020)) that set forth specific requirements for amending the Comp Plan **before** the Council takes up amendments to the legislation for a vote. If OP, in defiance of the law and regulations, continues to refuse to engage in the detailed process designed to justify the amendments it proffers, the Council must reject them, as it cannot, in an informed manner, consider the propriety of OP's changes to the Comp Plan without information the law and regulations require.

Comp Plan regulations provide a detailed process for amending the Plan (10-A DCMR §2515 Amendment Submittal Process) and states, at §2515.2 "[d]emonstration that a change to the Comprehensive Plan is required lies solely with the applicant/proposer. The greater degree of change proposed, the greater the burden of showing that the change is justified." 10-A DCMR §2515.3 goes further to state that **"[t]he following supporting information will be required when an amendment is proposed,"** including:

- ▶ 3a. "[i]f applicable, the location/general area that would be affected by the proposed change;"
- ▶ 3d. "[a]n explanation of why the proposed change is the best means for meeting the identified public need, and what other options exist for meeting this need;"
- ▶ 3e. "[t]he anticipated impacts of the change, including the impacts on the geographic area affected and the issues presented. This should include an assessment of the net benefits to the city resulting from the change;"
- ▶ 3f. "[d]emonstration 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;"
- ▶ 3g. "[d]emonstration of public support for the proposed amendment (as illustrated, for example, by discussion of the proposal at a public meeting, such as an ANC meeting.)."

Regulations for implementing federal law are mandatory, and making sure that the federal government and employers complied with laws and regulations governing workers' rights was fundamentally important in my representation of workers. I continually referenced regulations for such laws as the NLRA, OSHA, FLSA, and INA. As well, federal law set standards for changing regulations. ***So, it is inexplicable to me that OP chooses to ignore the regulations which require the agency to justify each amendment with specific data and explanation and not general conclusions about the impact of its changes before any vote takes place.*** Repeatedly claiming that Comp Plan changes will result in more affordable housing and more "inclusive" and "vibrant" neighborhoods, without any data, boils down to empty rhetoric. Instead of setting forth facts, OP denigrates community groups who sue the Zoning Commission in last-ditch efforts to avoid displacement; in doing so, the agency shows the hollowness of its position.

Even more galling, OP proposes eliminating the very regulations it refuses to follow! See proposed Implementation Element.

Where is OP's explanation and data showing that eliminating the requirement for one-for-one replacement of demolished "public housing" and substituting the term "affordable housing" (that can serve households earning as much as 120% of median family income or \$151,200 annually) and weakening the "build first" requirement to mitigate displacement of public housing residents will be a net benefit for the City when households earning less than \$37,500 (30% MFI) are experiencing a monumental housing crisis? 506.9 Policy H-1.4.4: Public Housing Renovation at p.37.

Where is OP's explanation and data showing that its proposed upzoning of the Future Land Use Map (FLUM) for a full block comprising the Crummell School site and adjoining properties in the low-income African American Ivy City community, in opposition to ANC 5D that represents that community, will benefit rather than displace that community? (***Advisory Neighborhood Commission 5D Resolution Opposing Ivy City FLUM Changes in the Comprehensive Plan, Dec. 8, 2020***) Where is OP's explanation that upfluming to allow market rate apartments, proposed by developers, will benefit Ivy City's African American community more than the community and training center, affordable housing, and playground requested by the community? Particularly, relevant to OP's proposed upfluming without notice to ANC 5D is the regulatory requirement that OP "[i]nclude the Advisory Neighborhood Commissions and area residents in the review of development to assist the District in responding to resident concerns. Why did OP ignore the regulations that require that feedback from ANC 5D be given "great weight" as land use recommendations and decisions are made?" 10-A DCMR §2507.3 Policy IM-1.5.1: Involvement of Advisory Neighborhood Commissions (2020).

Where is OP's explanation and data showing that its proposed Density Bonuses for Housing Affordability, which fails to leverage District incentives to construct housing affordable to low-income households most in need of housing assistance, including

removing the term “low-income” from the provision, is beneficial to low-income households? 504.14 Policy H-1.2.7: Density Bonuses for Affordable Housing at p.26.


Where is OP’s explanation and data for failing to propose construction of housing affordable to extremely low-income, very low-income, and low-income households on sites that shift from federal to private or local use on former federal sites? 305.21 Action LU-1.2.D: Development on Former Federal Sites at pp.18-19.

In summary, I call on the Council to vote against the proposed amendments to the Comp Plan and upfluming of the Future Land Use Map until the Office of Planning has complied with DC law and regulations. Thank you.

Dated: March 18, 2021

Respectfully,

Renee L. Bowser
ANC 4D02 Commissioner
Renee.Bowser@anc.dc.gov
DCGPC Steering Committee
(202) 882-1733

<p>Erik Lindsjo Treasurer 4D01@anc.dc.gov (202) 656-8575</p>	<p style="text-align: center;">ANC 4D 2021-2022</p>  <p style="text-align: center;">P.O. Box 60834 Washington, DC 20039 www.anc4d.org</p>	<p>Zachary Israel 4D04@anc.dc.gov (240) 830-1515</p>
<p>Renee Bowser Chair 4D02@anc.dc.gov (202) 882-1733</p>		<p>Eric Smith 4D05@anc.dc.gov 202-854-9185</p>
<p>Aryan Rodriguez Bocquet Secretary 4D03@anc.dc.gov (202) 930-1106</p>		<p>Jonathan Nobil Vice Chair 4D06@anc.dc.gov (202) 656-8295</p>

**ADVISORY NEIGHBORHOOD COMMISSION 4D
RESOLUTION ON AMENDING THE COMPREHENSIVE PLAN
AND DCGPC HOUSING JUSTICE PRIORITIES**

Whereas, the Comprehensive Plan (Comp Plan) is DC law and a 20-year planning document for the District, DC Code §§1-306.01-1-306.07; §§1-306.31-1-306.45 (2020), whose purposes are to: (1) define the requirements and aspirations of District residents, and accordingly influence social, economic, and physical development; (2) guide executive and legislative decisions on matters affecting the District and its citizens; (3) promote economic growth and jobs for District residents; (4) guide private and public development in order to achieve District and community goals; (5) maintain and enhance the natural and architectural assets of the District; and (6) assist in the conservation, stabilization, and improvement of each neighborhood and community in the District. DC Code §1-306.01(b)(1) - (6) (2020);

Whereas, the Comp Plan contains 10 Area Elements that address issues impacting the entire city (e.g., Housing, Land Use, and Economic Development) and 13 Citywide Elements that address specific geographic areas (e.g., Rock Creek East and Rock Creek West are Ward 4). The Comp Plan also contains the Generalized Policy Map and Future Land Use Map (FLUM). These maps have the leading role in determining future land use, growth, and development across the city as they map out desired land use and density;

Whereas, the DC Office of Planning (OP) proposes many, mostly developer driven, changes to the maps nearly all of which increase density. If Council approves, OP and developers will propose map amendments to the Zoning Commission (ZC). OP’s Comp Plan changes, if passed, make the language so general that ZC will have little choice but to approve the map amendments, thereby making higher density zoning and

development a matter of right without any required input from Advisory Neighborhood Commissions (ANCs) and other community members and without having to provide amenities such as affordable housing;

Whereas, Comp Plan law and regulations provide that continuous community input into every phase of its development from conception to adoption to implementation is essential to assure that the Plan in all its elements is the valid expression of District residents. DC Code §1-306.04(a) (2020); 10A DCMR 2512.2, 2515.1, 2515.3 f., g (2020);

Whereas, District-led development projects have resulted in displacement of Black, Brown and low-income communities across the City, including the Navy Yard area (Black population dropped 70% between 2000 and 2018) and Southwest, earning the District notoriety as one of the most gentrified cities in the U.S.;

Whereas, community organizations sued ZC for issuing orders that violated the Comp Plan (see, e.g., Barry Farm Tenants and Allies Assn. v. DC Zoning Com., 182 A3d 1214 (DC 2018)). BFTAA sued to force the Zoning Commission to follow the Comp Plan's Far Southeast and Southwest Area Element that required one-for-one replacement of demolished public housing on the development site. BFTAA also sought meaningful home ownership opportunities in accordance with the Plan's Housing Element and first priority in developing small business opportunities in accordance with the Economic Development Element. BFTAA fought for development that retained their green space (yards), provided utility and infrastructure upgrades associated with redevelopment, and fought against development that conveyed public land to private ownership in contravention of the Comp Plan favoring public ownership;

Whereas, in April, 2020, OP submitted more than 1,000 pages of amendments to the Comp Plan to DC Council for passage. These amendments change mandatory language to imprecise and equivocal language, thereby reducing the Plan's ability to protect marginalized neighborhoods. For example, OP weakens current Housing Element language that requires government to "ensure" that construction of housing be accompanied by concurrent programs to improve neighborhood services, schools, job training, child care, parks, and health care facilities by changing the language to say that housing "should" be accompanied by neighborhood building programs. (506.12 Policy H-1.4.6: Whole Neighborhood Approach). OP further weakens current Housing Element language by eliminating provisions requiring one-for-one replacement of any public housing units demolished and instead calls for replacement of public housing with affordable housing which OP defines as subsidized housing for any income group OP chooses to subsidize, including a 4-member household at 120% median family income (MFI) or \$151,200 annual income. (500.5c "affordable housing definition", 504.4a2; 506.4a2 506.9 Policy H-1.4.4: Public Housing Renovation). OP also weakens current Economic Development Element language that requires the government to "avoid displacement" of small and local businesses due to rising real estate costs by changing the language prohibiting displacement to "mitigate the risk of displacement. (714.11 Policy ED-3.3.6: Commercial Displacement);"

Whereas, Comp Plan law and regulations require OP to engage in an exhaustive review process to demonstrate to the public and DC Council that changes proposed will achieve “substantial improvement in the quality of life for District residents” by “explain[ing] why [a] proposed change is the best means for meeting the identified public need.” 10A DCMR 2515.2e; 10A DCMR 2615.3d (2020). OP totally failed to adhere to the law and regulations;

Whereas, DC Grassroots Planning Coalition (DCGPC), a citywide coalition of organizations and individuals, is mobilized to strengthen the Comp Plan by creating a structure to implement community-led development that will build housing affordable for working-class and extremely low-income residents, and provide neighborhood services (e.g., libraries, health facilities, job training centers), and other economic development opportunities to foster wealth growth. DCGPC also seeks to ensure the Comp Plan will prevent displacement of neighborhood residents and preserve rights over public property to ensure its use for public benefit;

Whereas, DCGPC seeks to strengthen Comp Plan language to end the decades-long displacement of Black, Brown and low-income communities across the City (e.g., Capitol Hill, the Navy Yard, and Southwest waterfront) by mandating language to provide impacted communities with needed financing for stable rental and homeownership opportunities, job training and development, and needed public services;

Whereas, DC families whose annual incomes are between 0% to 30% of MFI (HUD statistics for Washington DC Metropolitan Area) are the segment of the District’s population most in need of housing. These families include public housing residents and the unhoused. In 2020, a one-member household at 30% MFI had \$25,450 income and a 4-member household at 30% MFI had \$37,800 income. The District has 51,000 renter households between 0% and 30% MFI who can afford, at most, just over \$900 in monthly rent and who have suffered substantial displacement due to public housing demolition over three decades. Therefore, the Comp Plan must mandate one-for-one replacement of demolished housing and the building of additional public housing with family-size units for these households in all eight wards;

Whereas, DC families whose annual incomes are between 31% and 50% MFI are next most in need of housing. In 2020, a one-member household at 50% MFI had \$44,100 income and a 4-member household at 50% MFI had \$63,000 income. Therefore, the Comp Plan must focus on creating housing opportunities with family-size units affordable to these families in all eight wards;

Whereas, the Comp Plan must provide the foundation to reach equity for underserved communities through provisions that give working class and poor communities of color the power to decide for themselves how to develop their communities according to their expressed needs. Toward this end, the Comp Plan must expressly endorse community-led and racially equitable development and augment the law titled Racial

Equity Achieves Results Amendment Act of 2020 (REACH) by advancing creation of an office to guide community-led and racially equitable development, defining clear directives for implementing equitable development, and setting forth procedures for monitoring and enforcing desired outcomes;

Whereas, to reach equity, DC Council must retain precise and explicit language to give voice to citywide and neighborhood priorities and oppose OP's imprecise and equivocal amendment language that will allow developers greater discretion to ignore the aspirations of existing communities and allow ZC to rubber stamp displacement development without facing legal challenge; and

Whereas, in summary, DCGPC's Housing Justice Priorities support: (1) expanding rent control to buildings built before 2005 and removing provisions that raise rents faster than tenants' cost of living, (2) preserving, improving, and expanding public housing, and creating equitable outcomes for public housing residents experiencing redevelopment and privatization, (3) meeting Homeward DC goals to house the unhoused; (4) expanding rental subsidies; and (5) promoting community-led, racially equitable development to expand economic opportunities and broaden residents' equity stake in housing to grow wealth.

THEREFORE, BE IT RESOLVED THAT: Advisory Neighborhood Commission 4D endorses and signs onto DC Grassroots Planning Coalition's Housing Justice Priorities, attached hereto.

BE IT ALSO RESOLVED THAT: ANC 4D urges with the Commission's "great weight" that the Office of Planning demonstrate, in accordance with DC Code §1-306.04(d) (2020) (Preserving and ensuring community input) and regulations 10A DCMR §§ 2515.2, 2515.3 (2020), that the agency perform the required environmental assessment of the proposed amendments and demonstrate that the proposed changes are required and justified by providing the supporting information required by the regulations, including for the map changes (of millions of square feet of upzoning citywide). These showings will enable DC Council and the public to assess whether the sweeping changes are justified to improve the quality of life of District residents.

BE IT FURTHER RESOLVED THAT ANC 4D urges DC Council to delay the vote on the Office of Planning's 2020 Comp Plan amendments until the agency has met the foregoing statutory and regulatory requirements and the legislation has undergone a racial equity impact assessment by Council's Office of Racial Equity (CORE) as required by the recently enacted Racial Equity Achieves Results Amendment Act (REACH).

Advisory Neighborhood Commission 4D Resolution on Amending the Comprehensive Plan and DCGPC Housing Justice Priorities was considered on February 17, 2021 before a duly noticed meeting and in the presence of a quorum. The vote of 13-0 in

favor, against, and abstaining with regard to the Resolution. The Resolution is adopted.

Signed by Renee Bowser (Renee Bowser), Chair of ANC 4D on February 18, 2021.