



January 8, 2024

**BEFORE THE ZONING COMMISSION  
OF THE DISTRICT OF COLUMBIA**

**CASE NO. 23-02**

**TESTIMONY OF SHELLY REPP ON BEHALF OF THE  
COMMITTEE OF 100 ON THE FEDERAL CITY**

Good afternoon. My name is Shelly Repp. I am Chair of the Committee of 100 on the Federal City. The Committee of 100 appears in opposition to this application submitted by the Office of Planning (OP). The upzoning would be inconsistent with the Comprehensive Plan's Mid-City Area Element and the site's designation as a Neighborhood Conservation Area. The proposed upzoning would deal a serious blow to the principle of adapting infill development to the surrounding neighborhood. Moreover, since any transformation of low-moderate density neighborhoods to high density development such as proposed will result in displacements, the proposal does not satisfy the Commission's racial equity criteria.

The site lies within the Comprehensive Plan's Mid-City Area Element. That Element of the Comprehensive Plan sets general policies and actions to guide growth and neighborhood conservation decisions in the Mid-City Planning Area, including that:

- The historic character of Mid-City neighborhoods, particularly its row houses, older apartment houses, historic districts, and walkable neighborhood shopping districts, be retained and reinforced; and
- “Infill development should be compatible in scale and character with adjacent uses.”

A 12-story building on the subject site would be inconsistent with these directives.<sup>1</sup> The Office of Planning is abdicating its responsibilities by even proposing a structure so completely out of harmony with the character of its surroundings.

C100 recognizes that the rezoning responds to the site’s new FLUM designation. However, we point out that 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.”<sup>2</sup> Given the slope of the site and with a penthouse, the upzoning will permit a matter-of-right structure of at least 125 feet,<sup>3</sup> which approaches the height of almost any building downtown.

However, the northern half of the site is designated on the General Policy Map as a Neighborhood Conservation Area. The Comprehensive Plan provides that in such areas any change be modest in scale and that “[m]ajor changes in density over current

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<sup>1</sup> The Mid-City Area Element provisions have counterparts in a number of the Comprehensive Plan’s Citywide Elements.

<sup>2</sup> Framework Element, Sect 228(e).

<sup>3</sup> The OP Setdown report states that “Lot 827 slopes approximately 5 feet downward from north to south.” Exhibit 2, p. 4. Lot 826 presumably does so also. In fact, the slope may be even greater there, as Lot 826 extends further north. Since a developer can choose where to measure the height of a building for compliance with height limitations, we must assume that the maximum height could be at least 125 feet along U Street, inclusive of a penthouse and given the IZ bonus.

conditions are not expected.”<sup>4</sup> Apparently in recognition of this designation and community opposition, OP now says it will introduce a text amendment to provide a 40 foot setback in part of the NCA along the northern edge of the property, with a 60 foot maximum height. That text amendment has not yet been introduced. However, the permitted height would still be out of proportion to the surrounding row houses since the rowhouses on V Street on the northern edge are 2-stories of 25 feet or so in height. This is clearly shown in OP’s rendering set forth in its Supplemental Report #2.<sup>5</sup> We challenge the Commission to recognize the Neighborhood Conservation Area and rule that the setback include the full area of the NCA and that the allowed height be more in line with the 2-story townhomes along V Street. By doing so, the Commission will reconcile the two Comp Plan maps.

The site is surrounded on three sides by rowhouse neighborhoods with a significant Black population. A racial equity analysis needs to take into consideration the displacement of those living in a defined surrounding zone. This impact is likely to occur here and should be reviewed more carefully through the Commission’s racial equity lens.

Further, the Setdown report states that under DC Law any disposition/development of a public site would require affordable housing that exceeds the requirements of IZ Plus.<sup>6</sup> Under District Law 10-801, the affordable housing requirements for any residential development on the property would exceed the requirements of IZ Plus. For this District property, at least 30% of any residential units would have to be affordable, since the subject property is within a

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<sup>4</sup> Framework Element, Section 225.4.

<sup>5</sup> Image 2 on p. 4 of OP’s Supplemental Report #2. Exhibit 358.

<sup>6</sup> OP’s January 18, 2023 Setdown Report, p. 1. Exhibit 2.

half-mile of the U Street/African American Civil War Memorial and within a quarter mile of a WMATA Priority Network Metrobus Route (“S” Routes on 16th Street). The DC Law also provides for deeper affordability levels than are applicable under IZ Plus. Nonetheless, OP later states that out of an abundance of caution OP recommends that the rezoning is appropriate for IZ Plus.<sup>7</sup> This application should be revised to fully comply with the directive of DC Law.<sup>8</sup> We also add that we are surprised that the OAG is giving OP a pass at compliance with DC Law 10-801.

In summary, any structure that would utilize the full potential of the MU-10 zoning would stick out like an unwanted pop-up and would deal a serious blow to the principle of adapting infill development to the surrounding neighborhood. While the proposed action is a map amendment, any subsequent building permit application in compliance with MU-10 would be matter-of-right, which means the Zoning Commission would be powerless to consider the adverse impacts. We respectfully request that this up-zoning application be denied.

Thank you,



Shelly Repp

Chair of the Committee of 100

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<sup>7</sup> *Id.*, p.8.

<sup>8</sup> We point out that the affordability requirements applicable to the sale and disposition of public would be tightened under legislation pending before the Council. Bill 25-39 (the Common Ground Amendment Act of 2023).