

Save DC Public Land

THE 1617 PROJECT

January 17, 2024

*In re: Additional Testimony Post the
January 8, 2024 Cross Examination Hearing.*

11 DCMR X-500.3 says: "In all cases, the Zoning Commission shall find that the amendment is **not inconsistent with the Comprehensive Plan and with other adopted public policies** and active programs related to the subject site."

The Comp Plan says that rezoning applications like in Case 23-02 are to be put under a "*racial equity lens*" when "*evaluating development decisions.*" 10A DCMR 2501.4.

OP affirms this racial equity requirement in Exhibit #58 at page 19, last paragraph, "The Implementation Element [of the DC Comp Plan] calls for 'the Zoning Commission to evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis' [10A DCMR] 2501.8."

OP's racial equity analysis shows there is an expectation to study and evaluate impacts on the affected surrounding community including "indirect

displacement" and "environmental changes." See OP Exhibit #58 at pp25-26.

The depth of this racial equity analysis and study is undergirded by additional DC Comp Plan policies expecting negative impacts to be assessed during review before land use decisions are made.

- **Policy IM-1.1.3: Relating Development to Infrastructure Capacity** "... *Land use decisions* should balance the need to accommodate growth and development with available transportation capacity, including transit, and other travel modes and the availability of water, sewer, drainage, solid waste, and other public services." 10A DCMR 2502.8

The Comp Plan Implementation Element also wants the development review process used to the greatest extent feasible "to ensure that potential positive impacts are maximized and *potential negative impacts* on neighborhoods, the transportation network, parking, environmental quality, and other issues, including construction impacts, *are assessed and adequately mitigated*, consistent with the guidance in the Comprehensive Plan and applicable requirements." 10A DCMR 2502.6.

These Comp Plan policies "effectively define [the] 'standard operating procedures' (SOPs) for planning administration in Washington, DC." 10A DCMR 2501.1.

And the goal of these SOPs is a "Long Range-Planning" program "essential to implementing and maintaining the Comprehensive Plan, monitoring its effectiveness, and collecting and analyzing data *to guide land use decisions*." 10A DCMR 2505.1.

Moreover, when taken together, all the above policies foster "Transparency in Decision-Making." Comp Plan Policy IM-1.5.5 states: "Strongly encourage transparent decision-making in *all land use and development matters*, making information available and accessible to residents, and maintaining open lines of communication with the public as plans are developed." 10A DCMR 2506.6

For the Rezoning Application in ZC Case 23-02 to be evaluated there must be impact studies on the record whether produced under the racial equity lens and per additional Comp Plan policies as shown above, among others.

It's basic planning 101 and common sense to understand fundamental planning impacts and issues before decisions are made. Concerns about public service capacities, displacement, and mitigating adverse effects on the surrounding area is not an afterthought but prime and center in these policies.

We seek to protect the health and well being of nearby DC residents and on their properties, businesses, and organizations per the expectations of the Comp Plan guidance and directives.

So while OP is supporting DMPED's application to move the zoning needle at this public 2-acre site (17th and U Street) from MU-4 (moderate density) to MU-10 (high-density), OP has admitted they've done no impact study and wrongly suggest none is required. See Jan 8, 2024, DCOZ YouTube video, at 3hrs:21min:27sec, <https://www.youtube.com/live/-Amkrp29BZA?feature=shared&t=12087>

The lack of planning demonstrates that this rezoning application must be denied.

Lastly, there is further evidence that the FLUM change leading us to this moment before zoning also had no planning study or impact analysis. How we got here with the FLUM change at 1617 U Street is spot zoning and wholly unlawful and the Commission ought to deny the application for fundamentally flawed changes to the FLUM for the subject site.

See Attached:

Attachment (1): The 1617 U Street FLUM Origin Story,
here >>

<https://savedcpublicland.org/the1617project/2023/11/16/how-did-we-get-here-recalling-the-2021-comp-plan-amendment-for-1617-u/>

Attachment (2): Letter Signed by Ward One Residents Warning Ms. Nadeau that the FLUM changes in Adams Morgan, including at 1617 U Street is not accompanied by impact study and is thus unlawful.

As submitted for the record in ZC Case No. 23-02 by, Save DC Public Land: Working for a Safe and Affordable U Street

**Attachment (1): The 1617 U
Street FLUM Origin Story**

[https://savedcpublicland.org/t
he1617project/2023/11/16/how-
did-we-get-here-recalling-the-
2021-comp-plan-amendment-for-
1617-u/](https://savedcpublicland.org/the1617project/2023/11/16/how-did-we-get-here-recalling-the-2021-comp-plan-amendment-for-1617-u/)

Save DC Public Land **THE 1617 PROJECT**

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JANUARY 18, 2024 — [CLICK FOR INFO ON ZONING HEARING](#)



1617 U Street

Mayor Muriel Bowser

Ward One Councilmember Brianne Nadeau

Zoning

How did we get here? Recalling the 2021 Comp Plan Amendment for 1617 U Street



The DC Comprehensive Plan is DC's central planning document that guides all future redevelopment and affects the entire city. Find out more here >>

<https://planning.dc.gov/comprehensive-plan>

In 2018, and then again in 2020, the DC City Council started taking up changes to the Comprehensive Plan and Planning Maps as submitted by the Mayor to Council members. Ultimately, the latest amendments to the Comp Plan were signed into law at the end of summer 2021.

Find all Comp Plan legislative timeline, documents, and videos here: <https://lims.dccouncil.gov/Legislation/B24-0001>

But how did a proposal to rezone 1617 U Street to allow a high-density building (12 stories) get moved forward?

The Mayor made no mention of any amendments to the 1617 U Street site in the proposed map changes submitted to the City Council in the first quarter of 2020.

After the Mayor delivered her proposed changes, City Council Chair, Phil Mendelson held two Council hearings about the Mayor's Comp Plan changes in November 2020. Again, at the hearings, no mention of 1617 U Street changes.

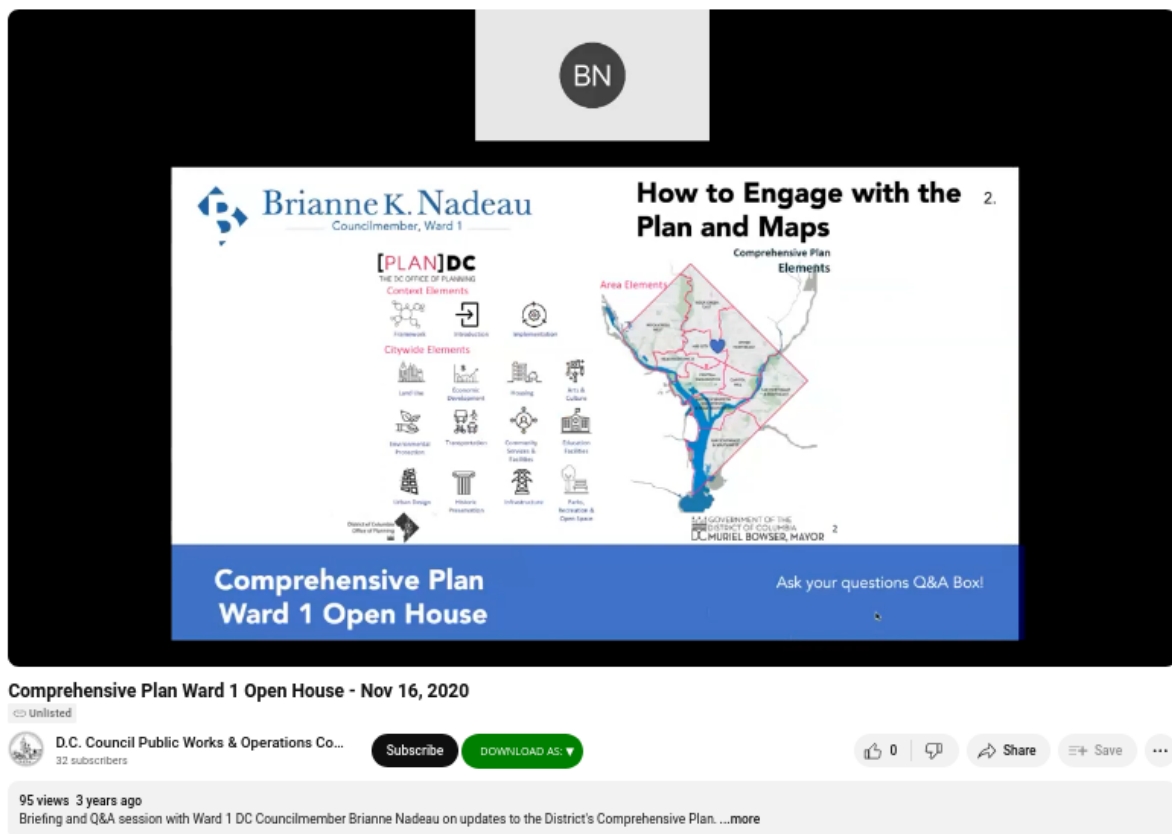
More than 200 people signed up to testify about the Mayor's Comp

Plan changes. More than half of them opposed the Mayor's amendments to the Comp Plan and Planning maps.

Soon after the City Council hearings were over, Ward One Councilmember Brianne Nadeau held a "Ward One Open House" (later she called it a "town hall") about the Comp Plan changes.

<https://youtu.be/fxiyKAzNCCI>

At this open house town hall, Nadeau made no mention of her intention to increase the allowable density at 1617 U Street.



Youtube Channel for D.C. Council Public Works & Operations Committee, Video Title: Comprehensive Plan Ward 1 Open House – Nov 16, 2020, Video Link: <https://youtu.be/fxiyKAzNCCI>. As of December 19, 2023, the video had about 100 views. Councilmember Nadeau kept the meeting to about 45 minutes. There were 17

questions asked through the public chat feature on Zoom. Many of the same people asked multiple questions. This “open house” (that Nadeau later calls a “town hall”) makes absolutely no mention of 1617 U Street.

THEN WHAT HAPPENED?

Things got quiet over the 2020 holidays and into the new year. But then on March 21, 2021, just about six weeks before the first City Council vote on the massive Comp Plan changes, Ward One Councilmember Brianne Nadeau sprung new Comp Plan changes — substantial ones, including at 1617 U Street — without any notice.

Nadeau sent her key staffer, David Meni, to an ANC- 1C committee meeting to unveil a last minute Comp Plan change to the planning maps for the first time ever. You can see the presentation specific to 1617 U Street here >>

<https://www.youtube.com/live/9HfRKJi2Po0?feature=shared&t=1660>

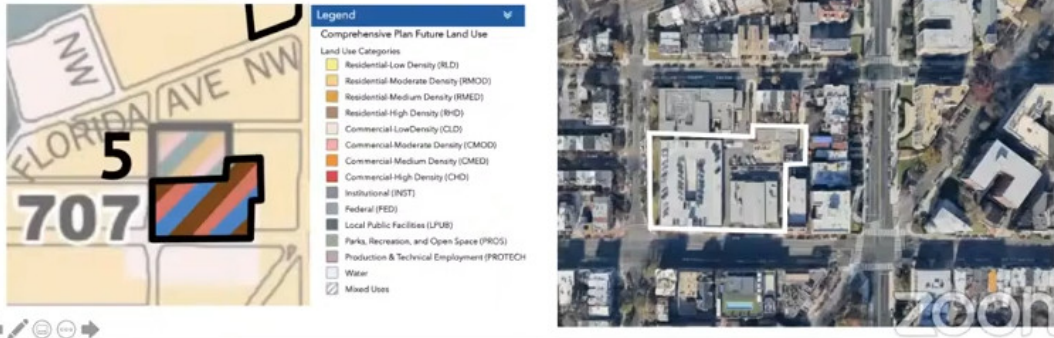
Of the changes to the planning maps, the one dealing with 1617 U Street was most significant, moving the site from moderate density expectations (4 to 5 stories) to a one with the southern half anticipating high-density redevelopment (8+ stories).

There were about 15 people in attendance by Zoom. The ANC was not asked to take a vote on these proposed changes.

Recommendation #5: Engine 9/MPD 3D Site

Medium Density Residential/Moderate Density Commercial/Local Public Facilities
change to >>> High Density Residential/Medium Density Commercial/Local Public Facilities

- District-owned land, must comply with public land disposition law – *at least 30% of housing must be affordable in perpetuity*
 - Affordability required at 30% and 50% MFI levels
- Consistent with District policy of residential density along high-capacity transit corridors (90s)
- Associated text recommends co-location of a DC Public Library facility
- Maintains Medium Density on northern part of the site to allow for step-down in massing close to rowhouse blocks



Screengrab of Slide-deck presented by David Meni on behalf of Brianne Nadeau premiering proposed density changes at 1617 U Street to high-density for the southern-half of the site.

WHAT HAPPENED NEXT?

After Brianne Nadeau's staffer presented their proposed map change for 1617 U Street for the first and last time to the community at the ANC-1C committee meeting in March 2021, the City Council started taking up the Comp Plan amendments for a vote.

There were two Council meetings and votes on the Comp Plan changes in May 2021.

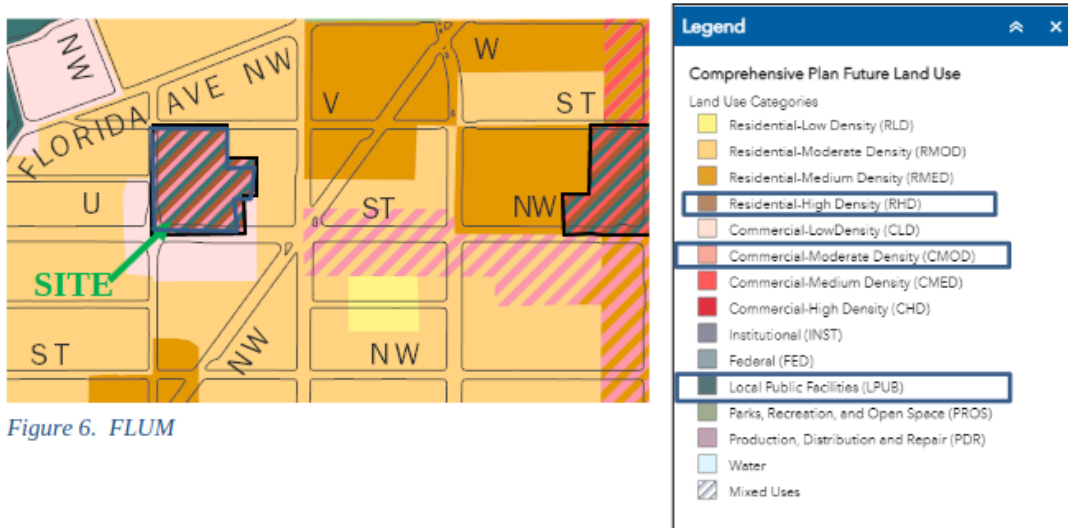
From the council dais, Councilmember Nadeau pushed for even more, moving not only half of the 1617 U Street site to high-density zoning (as was presented to ANC-1C in March 2021), but now she wanted the entire site to allow high-density buildings, including along 17th and V Streets NW.

Meanwhile the surrounding neighborhood context is two- and three-

story low rise rowhomes built in the 1800's.

1. Generalized Future Land Use Map (FLUM)

The District of Columbia Comprehensive Plan (the "Comprehensive Plan") guides the District's development, both broadly and in detail, through maps and policies that establish priorities, key actions, and assumptions about the future of development, 10A DCMR §§ 103.2 and 103.3. The site is designated as High Density Residential, Moderate Density Commercial, and Local Public Facilities on the Future Land Use Map of the Comprehensive Plan.



Screengrab from OP Setdown Report dated January 18, 2023, at page 9, <https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=298458>

Councilmember Nadeau's amendment to the 1617 U Street site on the Future Land Use planning map (from moderate density to high-density) was passed by the Council as proposed from the dais by her. Only Phil Mendelson opposed the amendment.

Then the Mayor signed the changes to the Plan in the summer of 2021 and it became law soon after Congress passively approved the Act.

There are no planning studies associated with any of the map changes including at 1617 U Street NW. It was spot zoned on the map

without any real world impacts considered before making it final.

Now the Office of Planning is implementing the 1617 U Street Comp Plan map change in [Zoning Case No. 23-02](#).

Find all Comp Plan legislative timeline, documents, and videos here: <https://lims.dccouncil.gov/Legislation/B24-0001>

Here's how those Comp Plan City Council meetings went down (esp with regards to 1617 U Street) ::

City Council hearing May 4, 2021

First Reading and Vote on the DC Comprehensive Plan

Video link: https://dc.granicus.com/MediaPlayer.php?view_id=3&clip_id=6356

Council meeting video highlights:

- (33min into video) Phil Mendelson starts Comp Plan discussion
- (1hr:4min) Brooke Pinto starts on Comp Plan
- (1hr:21min) Brianne Nadeau introduces her amendment to 1617 U Street (among other U Street locations)
- (1hr:26min) Phil Mendelson dissents to upzoning of U Street:
“They are out of scale” “Let’s do a planning study for the U Street corridor” “The amendment is scattershot”
- (1hr:31min) Brianne defends amendment
- (1hr:39min) Mendelson goes further about density of U Street as it exists now

- (1hr:43min) Nadeau furthers her defense of the amendment to upzone 1617 U Street NW “with widespread support of all the residents”
- (1hr:49min) Mary Cheh dissents to Nadeau amendment & Nadeau responds “that it is an almost entire city block that is city owned and represents one of the greatest opportunities for more affordable housing in the next 10, 15 years” “The model I have in mind is the West End library” “neighbors are excited about the idea”
- (1hr:52min) BROOKE PINTO SPEAKS ON NADEAU AMENDMENT “one of things that makes this most exciting is the idea of a library” “combining resources (housing, library, etc)”
- (1hr53min30sec) Nadeau on High Density: ALL THE FUNDING IS TIED TO HOW MUCH HOUSING WE CAN PUT THERE.

Nadeau Amendment on 1617 U Street (written):

<https://lims.dccouncil.gov/downloads/LIMS/46201/Meeting1/Amendment/B24-0001-Amendment2.pdf?Id=122145>

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City Council hearing

May 18, 2021

Second Vote on the DC Comprehensive Plan

Video link: https://dc.granicus.com/MediaPlayer.php?view_id=3&clip_id=6396

Attachment (2)

Letter Signed by Ward One
Residents Warning Ms. Nadeau
that the FLUM changes in Adams
Morgan, including at 1617 U
Street is not accompanied by
impact study and is thus
unlawful.

April 6, 2021 *[last edit]*

RE: THE PROPOSED AMENDMENTS TO THE DC COMPREHENSIVE PLAN and FUTURE LAND USE MAP (FLUM); RESPONSE FROM WARD 1 RESIDENTS

Dear Councilmember Brianne Nadeau, and our At Large Councilmembers Phil Mendelson, Elissa Silverman, Anita Bonds, Christina Henderson, and Robert White,

The time has come for a trauma-informed approach to politics and policy.

The loss of businesses and homes through absence of tax abatements when property values skyrocket, the separation of families due to lack of family-sized units, and the aggressive economic pressure placed on all residents when the goal is to maximize private property values rather than to eliminate direct harm & maximize public benefit – all of these cause acute, direct trauma to our citizens and community.

However, the proposed amendments to the DC Comprehensive Plan will only induce more harm and trauma because of how it bypasses basic planning expected in any modern city.

The Mayor's amendments have been proposed without the legally required impact studies associated with the desired population growth. Amendments have been done without any efficacy studies or progress reports showing how the existing Comp Plan policies may be working, or not, right now in order to make the proper adjustments. And, the proposed 200 million square feet of Future Land Use map changes represent a hodge-podge approach to developer-driven spot zoning that will largely benefit speculative profit margins without serious and careful consideration for the affected families and communities.

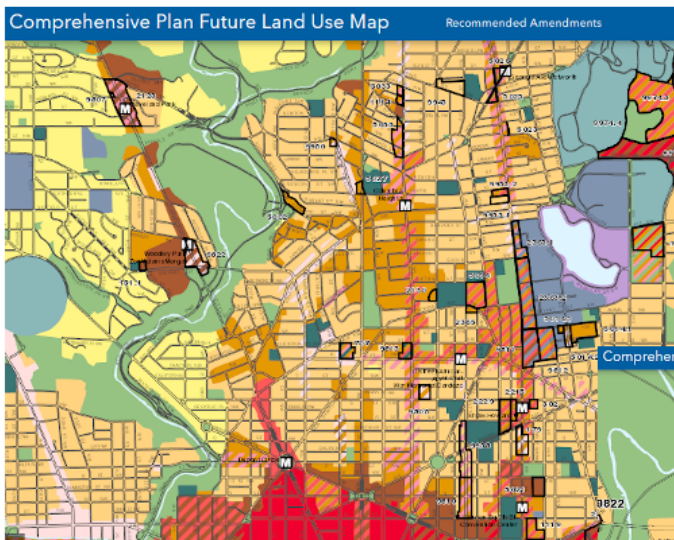
It's up to the DC City Council to get the Mayor's planning apparatus in shape and to follow the laws and basic common-sense principles of planning as we don't see it happening at the DC Office of Planning or at the DC Zoning Commission. The results of these failures and gaps over the past decade has resulted in acute and permanent harm to Black and Brown communities in DC and in Ward One. Families separated, churches in decline, homes and businesses lost, communities scattered, schools overcrowded, infrastructure overtaxed, roads clogged, public spaces privatized, and ultimately, lives shortened and lost.

Specifically, the proposed amendments to Plan policies and Future Land Use Map affecting areas in Ward One demonstrate that the Mayor and Office of Planning:

1. Attempts to work around community input as to the future of our Ward neighborhoods.

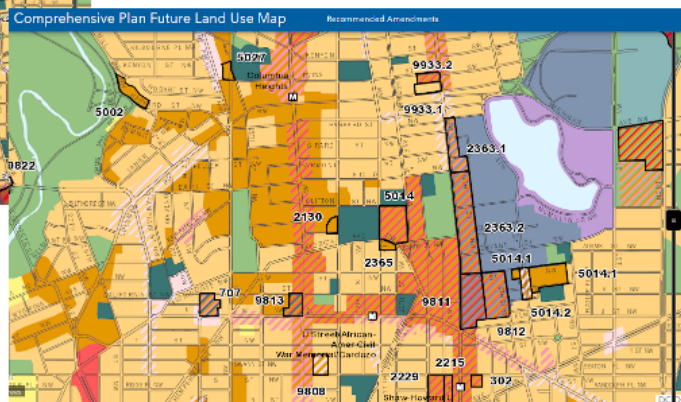
Changes to the FLUM eliminate community-driven planning because they make the areas that are upFLUMed able to be developed as a matter-of-right after a basic proforma map change hearing with no actual parties who can contest. Map amendments post UpFLUMing won't allow for binding community-benefits agreements and the requirements for proper impact planning are sidelined. In fact, there won't be much anyone can say or do to tie the allowed density increases to more truly affordable family sized housing or to help propel existing small business or economic opportunities for local entrepreneurs.

This is the exact opposite direction we want planning to go in our city as the status quo results have been substantial in the large overcrowding effects on existing levels of community services and the simultaneous displacement of working-class families and neighbors.



The proposed FLUM changes are highlighted on the maps

Ward 1



2. Attempts to work around American Institute of Certified Planners protocols & legal directives for the city to actually plan for the impacts that come with any desire for more population growth.

The proposal to increase the FLUM with the swipe of a pen is not planning, it's a work around of the Whole Neighborhood Approach to planning (Comp Plan Policy Policy H-1.4.6), let alone basic common sense planning that we all expect living and working here in DC. When the city encourages new buildings and population growth, such as the magnitude suggested by the Mayor's proposed upFLUMing, accompanying this desire must be consideration of community needs for new schools, expansion of parks, new clinics, libraries, better transportation, better emergency response time, and utility & transportation upgrades and the capital costs associated with them. And, identified impacts must be taken into account when approving upzoning so to commit developers to paying their fair share towards capital improvements the financial burden doesn't fall entirely on DC taxpayers.

Planning is supposed to be based on data, so we expect the Council to require analysis of real housing needs (existing low-income housing needs vs perceived future Class A needs), reporting of current and projected vacancy rates, discerning discrepancies in population growth projections, understanding real displacement impacts & numbers, and effects on health & environmental considerations. The proposed changes have not included written evaluations about the above data in any discernible way meaning the proposed changes are largely capricious and will likely continue the harm against vulnerable residents and communities.

3. Weakens the Plan language and thus reduces or eliminates the community's ability to mitigate impacts and hurts our preparations for growth.

The Mayor weakens language in the Comprehensive Plan -- for example where directives that 'ensure that' or 'must' have been turned to 'should.' This is the exact opposite direction planning and accountability needs to go in this city. Moreover, we want to see language that reflects the Housing Justice Priorities of the DC Grassroots Planning Coalition - including preserving and improving public housing, expanding rent control and housing subsidies, providing housing for the homeless, and promoting community-led equitable development. The full Housing Justice Priorities document is on the record can be found here: <http://www.dcgrassrootsplanning.org/priorities>

WHAT DO WE WANT WITH REGARDS TO THE DC COMPREHENSIVE PLAN

- **We want the law followed regarding any changes to the Plan**

Developers and city officials are simply not above the law. We are all owed *equal* protection of the law. The proposed changes to the DC Comprehensive Plan must be accompanied with actual planning per the law:

DC Code § 1-306.04 (d) “[Amendments to the DC Comprehensive Plan] shall be accompanied by an environmental assessment of the proposed amendments... .”

10A 2515.2, .3 “The greater the degree of change [to the DC Comprehensive Plan] proposed, the greater the burden of showing that the change is justified. ... The following supporting information will be required when an amendment is proposed: ... e. The anticipated impacts of the change, including the impacts on the geographic area affected and the issues presented. This should include an assessment of net benefits to the city resulting from the change. f. Demonstration 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.”

- **We want Racial equity to be more than words and limited-English speaking residents are supposed to be part of planning in the city**

The DC Comprehensive Plan affects all DC communities and neighbors. Ward One represents part of the city with more than 3% of the population speaking languages other than English. Our neighbors who don't speak English have been left completely out of this process as OP never provided translation of the outreach materials or any publications that explain the Comprehensive Plan and the changes proposed. OP's lack of engagement with these communities breaks with the Language Access Act and Human Rights laws.

And, to bring justice into this amendment process, the recent Racial Equity law ('REACH Act') must be applied to the Comp Plan. The average black family in the city has one-tenth the net worth of the average white family largely because developer-led planning policy choices make home ownership unattainable for so many. It is time for DC's families to attain. To do that, we must build that not just into the rhetoric, but into the actual land use map and directives of the Plan. If there are racial equity deficiencies in the Comp Plan policies as we expect, we want the Comp Plan vote deferred until the DC Office of Planning acknowledges these planning issues and properly addresses them in narrative and policy.

- **We ask Councilmember Brianne Nadeau to rescind her last minute changes to the Plan maps**

In the last weeks leading up to the Comp Plan markup at the Council, Ward One Councilmember Brianne Nadeau is proposing late-changes to Plan maps that will permanently alter many Ward One communities affecting tens of thousands of Ward One residents and families. These proposed changes are a complete surprise in their late announcement and are not accompanied by any efficacy reporting or planning impact studies. Most of the affected communities aren't aware of her suggestions, and the changes are substantial in that they push the density of major corridors up and significantly so.

We want any proposed upFLUMing (aka upzoning) to have a much deeper dive through "contested case" review in evaluating how these proposed changes may affect our entire Ward before they become legally binding.

We especially want to see and participate in updated small area planning to examine any harms the additional population growth may have on existing neighborhood services like our schools, libraries, clinics, our existing transportation systems, the environment, and to see how we can eliminate, or at least mitigate, the obvious displacement pressures that come with development.

Every single change in to upFLUM the Future Land Use Map has the potential for deeply inequitable and possibly traumatic impacts on nearby residents, homeowners, and businesses, along with benefitting landowners who may not care for the best interests of our city beyond speculation and profit.

We must do our homework before we put our people and communities through such a test.

CONCLUSION

Councilmembers, upon consideration of the foregoing reasons and the law, we, the undersigned Ward One residents ask you to reject the Mayor's proposed Comprehensive Plan changes as they are proposed and without impact study.

Above all, we must ensure no harm is done in the attempt to bring about good. The concept that any of our children or neighbors' well-being should be sacrificed as collateral damage to a growth-at-all-costs mindset represents a total

failure to ensure politics and policy actually work for this city.

Thus, we ask that you require the DC Office of Planning to provide impact studies accompanying the changes to allow for transparent public evaluation before any amendments are enacted. This will ensure real planning is happening in the city so “growth” doesn’t further harm our neighbors and neighborhoods and benefits all of us appropriately not just the developer-class exorbitantly.

Please contend especially with the missing impact studies per DC Code 1-306.4(d) and 10A DCMR 2515.2, .3, a central planning issue also put on the record by some Ward One ANC’s and never responded to as of yet.

Respectfully Signed,

- Zachari Curtis Columbia Heights
- Jessica Neagle Adams Morgan
- William H Jordan Columbia Heights
- Lyndi Borne Columbia Heights
- George Ripley Columbia Heights
- Ms. Shonta' High Parkview Community
- Cosette Audi Columbia Heights
- Tara Vassefi Kalorama Triangle
- Vick Baker Park View
- Geoff Gilbert Columbia Heights
- Alex Vidales Mount Pleasant
- Peter Stebbins Mount Pleasant
- Megan Waziri Columbia Heights
- Chuck Moran Park View
- Amanda Kleinman Mount Pleasant
- Samantha Lee Park View
- Abigail Stahl Adams Morgan
- Tyler Benjamin Mt. Pleasant
- Beverly Stroud Petworth
- Zach Schauffler Adams Morgan
- Elizabeth Lovinger Park View
- Katy Lang Columbia Heights
- Eric Blodnikar Adam Morgan
- Armand Cuevas Columbia Heights
- Linda Golden Mount Pleasant

**Cont RE: COMPREHENSIVE PLAN and FUTURE LAND USE MAP (FLUM)
AMENDMENTS WARD 1 RESPONSE**

7

- Glenda Richmond U Street
- Vikram Surya Chiruvolu, Adams Morgan
- Bob Schlehuber Columbia Heights
- Abigail Stahl Adams Morgan
- Tiana Trutna Ward 1
- Amanda Liaw Columbia Heights
- Ann Hoffman Columbia Heights
- Leonardo Flores Columbia Heights
- Scotty Brown Park View
- Nida Chaudhary Columbia Heights/Park View
- Ryan Cummins Columbia Heights/Park View
- Marc Poe Columbia Heights/Park View
- Bob Schlehuber Columbia Heights
- Emmelia Talarico Bloomingdale
- Vikram Chiruvolu Adams Morgan
- Cesar Maxit Adams Morgan
- Jair Carrasco Columbus heights
- Sarah Cox Mount Pleasant
- Tereguebode Goungou Columbia Heights
- Shani Shih Adams Morgan
- Chris Otten Adams Morgan
- Marvin Sloan Ward 1
- Gary Zottoli Park View
- Rev. Inryū Bobbi Ponce-Barger Ward 1
- Scott Thompson Kalorama Triangle
- Sierra Ramirez Mt Pleasant/Columbia Heights
- Sandra Reischel Adams Morgan
- Amelia Gannon Adams Morgan
- Anjan Chaudhry Lanier Heights
- Laura Gubisch Kalorama triangle
- Camryn Peterson Park View
- Natalie Leach Park View
- Margaret Staines Lanier Heights
- Joshua Schmidt Columbia Heights
- Jazmin Rumbaut Columbia Heights
- David Poms Columbia Heights
- Erin Riordan Mt Pleasant
- Amanda Kleinman Mount Pleasant

**Cont RE: COMPREHENSIVE PLAN and FUTURE LAND USE MAP (FLUM)
AMENDMENTS WARD 1 RESPONSE**

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- Rob Leardo (TENAC) Mt. Pleasant
- Nick Van Duse Park View
- Betzabe Rosad Adams Morgan
- Caroline Bovair Park View
- Kimberly Krhounek Meridian Park
- Laura Narayani Gubisch Kalorama Triangle
- Myra Woods Adams Morgan