

# The Committee of 100

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on the Federal City



March 25, 2026

Chairman Anthony Hood and Members of the Zoning Commission

Re: Case No. 25-09

The Committee of 100 on the Federal City (“C100”) finds entirely inadequate the 2<sup>nd</sup> Supplemental Report (Exhibit 250) filed by the Office of Planning (“OP”) on March 2, 2026 regarding the Proposed Zoning Text and Map Amendments to Create and Map a New Cleveland Park Neighborhood Mixed Use Zone and a New Woodley Park Neighborhood Mixed Use Zone.

**The District's African-American community should be insulted by OP's pretense that racial equity is served by programs (IZ and IZ+) manifestly designed and operated for the convenience of young white professionals.** The structural imbalances between black and white household incomes in Washington, DC assure that most African-American households have little or no chance of benefiting from the IZ programs because the number of black households with incomes of up to 60 percent AMI is smaller than the number of white households competing for the same units. The testimony at the December 1, 2025, hearing where a large number of young white professionals (so-called YIMBY’s) endorsed OP’s proposal supports this assertion. As explained in more detail below, OP's discussion of IZ financing acknowledges that multiple subsidies (tax credits, vouchers, etc.) are needed to make deeply affordable units available, but then points out that such financing likely will not be available. OP in essence told advocates for deeply affordable units on the Connecticut Avenue corridor to pound sand.

Consistent with the request of Councilmember Matthew Frumin, the Councilmember for Cleveland Park and Woodley Park, we ask that our comments be included in the case record and be addressed by the Commission. As shown in the discussion below, OP’s Supplemental Report fails to address the questions asked. On key points, OP merely passes the buck or kicks the can down the road. The Zoning Commission needs to address these critical issues.

**1. The Supplemental Report Fails to Address the Racial Equity Issues Raised by the Commission and Public Witnesses.**

**Unless the Commission lowers IZ+ income eligibility standards to match DC Black median household income, greater racial and income diversity in Cleveland Park and Woodley Park will not be achieved.**

The DC government requires that development proposals for zoning amendments be viewed through a racial equity lens with a goal of facilitating greater racial and income diversity throughout the city. OP's customary approach to IZ+ is not achieving that goal. In its supplemental submission, OP merely perpetuates the status quo using old economic data.

If the goal is to achieve more affordable housing in one of the most expensive areas of the city, the Commission must examine and amend the tools it has been using, including IZ+. DC Black household median family income in 2024 was \$60,591. The HUD DC regional median family income in 2024 was \$154,700. Sixty percent (60%) of the latter number (\$92,820) is the income ceiling for the Inclusionary Zoning program. Allowing higher income households to compete for units reduces the chances of Black households for the affordable housing units produced through IZ or IZ+. To achieve the diversity that OP says is the purpose of the new zones, the income eligibility standard must be lowered. C100 strongly supports including such a provision in the Cleveland Park and Woodley Park new zones. This action is consistent with the Comprehensive Plan Housing Element. Lowering the maximum income eligibility for IZ+ for these proposals is not inconsistent with the IZ regulation, but it would need to be incorporated into the proposal to be enforceable.

An often-heard complaint at zoning proceedings is that the residents from an area of the city are opposed to inclusion and more racial diversity in their neighborhoods. This belies the fact that the IZ program regulations prevent many Black households from benefiting from the program because the income eligibility standards are designed to benefit more mid-income households.

**Chairman Hood and other Commissioners have frequently stated that they would like to see more racial diversity in Ward 3. C100 shares that view. Now is the time to address the issue. Insanity is doing the same thing repeatedly and expecting a different result.**

- 2. OP did not persuasively state that the Zoning Commission could not or should not adopt deeper IZ+ income maximums and a higher percentage IZ+ set aside in these zones.**

Witness testimony urged deeper affordability and a greater proportion of affordable housing units in the customized zones for Cleveland Park and Woodley Park. In its supplemental submission, OP tried to undermine the public request for more diversity and equity in the zones with out-of-date or facially incorrect arguments.

- a. OP refers to a 2020 zoning case (Case #20-02) to show that density increases above 125% shift developments from wood frame buildings to more expensive concrete/steel frame buildings. **This is an unsupportable conclusion in this case.** Under the proposal, the density increase in Cleveland

Park will be 150% and building heights will be 75 feet. The International Building Code states that wood frame buildings can be 85 feet<sup>1</sup> DC's Zoning Regulations themselves assume that buildings of up to 85 feet in height can be wood-frame. (11 DCMR, Chapter 10, §1003.1). In a recent report to the Council, the DC Housing Finance Administration listed the construction type and the number of units for developments receiving Low Income Housing Tax Credits in FY25. The wood frame developments provided 67 to 229 units. HFA does not provide building size, but the range of unit numbers in these wood frame developments suggests that the less costly building type is being used in large scale developments. An arbitrary percentage increase in density does not determine building type or the yield of housing units. Thus, OP's assertion that the percentage density increase is determinative of cost of construction is unsupported. That argument cannot stand as a reason to avoid increasing the affordable housing set aside as density increases.

- b. OP claims that IZ is intended to be paired with other housing programs that subsidize deeper affordability. This is clearly not the intent of the IZ regulation and for good reason. In ZC Case #20-02, OP stated that "OP's approach was Expanded IZ should stand on its own without integration of other affordable housing tools. The two main tools that do not require a competitive process are Tax Exempt Bonds and accompanying 4 percent LIHTC, and the new Tax Abatement for Affordable Housing in High-Cost Areas [HANTA]. OP's review and analysis showed that there are limitations on these tools."<sup>2</sup> It is relevant to Case #25-09 that LIHTC credits have not been issued for Ward 3 developments. OP knows that program is not providing deeper affordability or more affordable housing units in Ward 3. HANTA is restricted to households with incomes at 80%-100% MFI. Similarly, OP's suggestion that the Housing Production Trust Fund (HPTF) is a source for deeper affordable housing is misleading because Ward 3 did not receive support from that fund until FY 22 when a single project, the Lisner Home for Seniors, received a grant. IZ+ is based on the conclusion that an upzoning creating additional density provides a benefit to the developer which should be shared with the public to create more affordable housing. There is no justification to cut off the benefit at a 125% density increase.
- c. OP's statement that density increases above 80-125% exceed the theoretical limits of development is blatantly disingenuous. OP is proposing 150% increase in Cleveland Park and increases in the range of 200-400% on Wisconsin Avenue.

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<sup>1</sup> 2021 International Building Code IBC – Chapter 23 Wood, ICC Digital Codes

<sup>2</sup> The Office of Planning's Supplemental Report in Case Number 20-02, Exhibit 15.

Most remarkable is the city's persistence in perpetuating a program that it knows is ineffective and operates contrarily to its intended purpose.<sup>3</sup> The Zoning Commission should ignore every one of the arguments presented by OP. OP is throwing spaghetti against the wall to see what sticks. Nothing does. IZ and IZ+ are the only programs the Zoning Commission controls that provide affordable housing, and these are the only programs that have been creating affordable housing in Ward 3. Despite OP's assertion that Commission action to change the IZ+ requirements for these zones must follow the Council's Inclusionary Zoning Implementation Amendments Act of 2006 and Chapter 22 of the Housing Code, **there is nothing in statute, including the Inclusionary Zoning Implementation Act of 2006, that prevents the Commission from approving deeper IZ+ income maximums and a higher percentage IZ+ set aside.** Indeed, the Commission enacted IZ+ after the IZ Implementation Act was enacted. The IZ+ regulation clearly sets the AMI requirement as a maximum, which allows the Commission to set lower income maximums. The Commission should utilize this discretion in this case. Furthermore, DHCD income information about IZ already extends to 30% MFI, 50% MFI, and 60% MFI for rentals. Zoning Commission PUD approvals have included deeper income set asides and higher percentages of total unit set aside in compliance with the IZ program. None of this triggered a citywide analysis or a protest from OP that the Commission was exceeding its authority. While OP wants to convince the Commission that what is being requested for the corridor rezonings in Ward 3 is an extraordinary departure from policy, it is not. **Public witnesses expressed a long-held view that the only way to get more affordable housing, given the lack of other reliable public resources, is to adjust the IZ+ program by leveraging unprecedented amounts of additional density for meaningful affordable housing. This is the adjustment needed to create diversity and equity.**

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<sup>3</sup> Earlier this year, the Urban Institute released a major study identifying flaws and proposing reforms.

Yonah Freemark, Thomas Brosy and Teddy Magin, *Housing and Communities: Integrating Affordable Housing in Market-Rate Developments Approaches to Achieving Inclusionary Housing in Washington, DC* (January 2026)

<https://www.urban.org/sites/default/files/2026-01/Integrating%20Affordable%20Housing%20in%20Market-Rate%20Developments.pdf>.

See also a 2019 Georgetown law journal published an article raising the same problems C100 discusses in these comments. Tracey Zhang, *Making Inclusionary Zoning More Inclusive: How D.C. Should Reform Its Inclusionary Zoning Policy to Account for Income, Racial, and Geographic Segregation*, XXVII Georgetown J. on Poverty Law and Policy 171 (Fall 2019).

<https://www.law.georgetown.edu/poverty-journal/in-print/volume-27-issue-i-fall-2019/making-inclusionary-zoning-more-inclusive-how-d-c-should-reform-its-inclusionary-zoning-policy-to-account-for-income-racial-and-geographic-segregation/>>

**3. The Proposed Height Limits for Cleveland Park are Out of Scale to What Exists in Cleveland Park, a Historic District.**

The Supplemental Report states that building heights in Cleveland Park range between 9 feet and 54 feet. Attachment 1 to the Supplemental Report lists the heights of the 59 buildings in the area to be upzoned. Only two of the properties currently exceed 50 feet, while the remaining 57 all have heights less than 36 feet (most do not have penthouses). Nonetheless, OP proposes to upzone this historic district, which would allow as a matter-of-right heights of 75 feet plus a 15-foot penthouse.

OP bases the proposed upzoning on the MU-8 zone. MU-8A is intended for areas with a large component of office-retail development and other non-residential uses, whereas Cleveland Park is designated for minimum office-retail. C100 and others suggested that a lower zone would be more appropriate since the heights allowed under MU-8 would be so much out of scale with the heights existing in the historic district. Given current heights, C100 specifically recommended that the MU-5 zone would be more appropriate. In the Framework Element of the Comprehensive Plan, the Council stated that: “The 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.” Framework Element, p. 2-62.

**The Commission should use the discretion it has to pick a lower zone than MU-8 for Cleveland Park.**

**4. OP wrongly urges the Zoning Commission to abdicate its authority to require transitions and development standards for different adjacent land uses and different adjacent development densities.**

OP is weaving fiction about the distinct roles of the Zoning Commission and Historic Preservation Review Board (HPRB). OP wants the Commission to abandon its authority to establish setbacks, step downs, yards, and other development requirements for a commercial zone that adjoins a residential neighborhood. OP proposes that the Commission hand this authority over to the HPRB, which currently has **no authority** to handle these matters. OP hopes the Commission will believe that setbacks are just a design feature that arises from a subjective design review. That notion conflicts with decades of zoning norms.

The Zoning Commission has the responsibility to protect residential uses from commercial uses by making sure that the different building forms do not impose unreasonable negative impacts. This is a quintessential zoning rubric. Despite OP presenting the public with zoning transition examples in the Connecticut Avenue Development Guidelines (Exhibit 3), which OP titled as illustrations for a zoning process, it now urges the Commission to disregard this and to believe that OP never intended to mislead the public, and, anyhow, it’s fine to require a 500% increase in

the size of existing buildings with no setbacks and 100% lot occupancy. On its face, that is a ludicrous proposal.

The HPRB does not consider uses and how different uses impact areas that may adjoin. In the Cleveland Park and Woodley Park areas the HPRB is limited to judging the compatibility of an addition to a contributing building. It does not look at its compatibility with a structure in the next block or across the street. It does not look at whether loading trucks can access an alley if development covers 100% of a lot. It will look at what the Zoning Commission states is the appropriate height and density with the appropriate yards and setbacks for these zones. That is the starting point and that is what developers will rely on as the predictable development envelope.

**The HPRB can require changes to materials, window changes, more sensitive and compatible design, but it is very reluctant to do Zoning’s job.** It may suggest a deeper penthouse setback or a setback to distinguish an historic structure from the addition above or next to it. But, increasingly, the HPRB has come under pressure to limit decisions that may improve design but reduce the square footage the Zoning Commission has approved. The argument is always presented that zoning allows mass and density and the HPRB should leave those elements alone and concentrate on materials.

The recent attacks on the HPRB equating its use of its toolbox to protect historic districts and contributing buildings as racist and exclusionary and limiting affordable housing production are well known to OP. Their suggestion that the Commission, which has the responsibility to require building form standards, abdicate its role in favor of another agency, especially one that uses a smaller lens and that faces exhaustive opposition, is disappointing.

The Zoning Commission should reject this notion as setting a terrible precedent. The Commission should not apply different zoning standards to historic districts than to other areas of the city. We hope this is the last time OP proposes such a startling repositioning of land development authority, and that the Zoning Commission strongly asserts its full authority and rejects OP’s irrational approach.

## **5. The Infrastructure Report Provided By OP Is Entirely Inadequate.**

In the Supplemental Report, OP provides an infrastructure report for the first time by providing the following link: [INFRASTRUCTURE ASSESSMENT](#). The assessment was not previously in the record. It is embarrassingly skimpy. The Zoning Commission is mandated to take this report into consideration in making its decisions. OP, in the Supplemental Report, states: “At this time, OP does not believe a second infrastructure study is necessary as it would result (sic) recommendations that are not different from those at the time of the CADG.” OP gives no assurance that DC Water, for example, is equipped to handle a large increase in demand called for in the rezoning. Here are the Water-relevant portions of the infrastructure report:

*Capacity Assessment:*

**DC Water (sewer and water capacity):** DC Water is unsure if the sewer and water systems have the capacity for the Theoretical Full Buildout and FLUM Build Out scenarios. This area's existing local sanitary sewer systems are running at full capacity. Wastewater generated by future developments may impact some local sanitary sewers. Additionally, the existing water system in this area is running at full capacity. For adequate future demand, DC Water recommends developers consider upgrading existing water mains, local sewers, and water lines in affected areas.

**Table 1:** Infrastructure demand by scenario. All estimates are rounded to the nearest hundreds place.

<b>Scenario</b>	<b>Households</b>	<b>Population</b>	<b>Water (gal/day)</b>
<b>Baseline</b>	5,600	7,600	1.53 M
<b>Theoretical Full Buildout</b>	9,100	12,000	2.42 M
<b>% Change from Baseline</b>	61%	58%	58%
<b>FLUM Buildout</b>	7,400	9,900	2.03 M
<b>% Change from Baseline</b>	31%	30%	32%

OP has presented two very different impact projections. Given the intensity of the zoning proposal, the Theoretical Full Build Out Scenario is the one that the Zoning Commission should consider. The 2021 FLUM Build Out Scenario is colored by OP's projections. No further information is provided to explain the basis for this scenario. It seems on its face to be unreliable and non-transparent. OP should provide more information on the estimates of the facts and assumptions in both scenarios, such as what sites would be developed to what density (FAR and number of households) in each scenario, and what was included in the baseline estimate, so that the Commission can better evaluate the analysis.

What we do know from the utilities consulted is that water supply in the area is already at capacity and the sewer services are also at capacity. The latter has been well studied by DOEE because of flooding on Connecticut Avenue affecting the metro station and neighborhood residences. OP has neglected to state the significance of water issues affecting this area. Further, the skimpy infrastructure report does not even mention the impact of the additional 4,400 residents, a portion of whom will be children and youths, on the overcrowded schools in Ward 3.

The Zoning Commission must consider the impact of density increases on infrastructure. DC Council created Future Planning Analysis Areas on the Generalized Policy Map. Cleveland Park and Woodley Park were included in these areas where equitable development was the goal. The Council was specific that any guiding documents for development frameworks and future zoning proposals should evaluate current infrastructure and utility capacity against full build-out and projected population growth, and that this information should be reflected in rezoning proposals.<sup>4</sup>

**The required infrastructure study produced by OP is wholly inadequate in providing guidance to the Zoning Commission about how the proposed new development standards will impact existing infrastructure.** OP has failed to complete the task directed by the Council that OP incorporate the infrastructure capacity report as a reason for its selection of a proposed zone.

## 6. Conclusion

**In summary, the Committee of 100 asserts that:**

- **The Supplemental Report Fails to Address the Racial Equity Issues Raised by the Commission and Public Witnesses;**
- **OP Has Not Persuasively Stated that the Zoning Commission Could Not or Should Not Adopt Deeper IZ+ Income Maximums and a Higher Percentage IZ+ Set Aside in these Zones;**
- **The Height Limits Proposed for Cleveland Park Are Out of Scale to What Exists in Cleveland Park, a Historic District;**
- **OP Wrongly Urges the Zoning Commission to Abdicate Its Authority to Require Transitions and Development Standards for Different Adjacent Land Uses and Different Adjacent Development Densities; and**
- **The Infrastructure Report Provided By OP Is Entirely Inadequate.**

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<sup>4</sup> Policy IM-1.1.3: Relating Development to Infrastructure Capacity

Align development with infrastructure capacity, with the intent of not exceeding 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. 2502.8

**The Committee of 100 asks that each of these issues be fully addressed by the Commission before the Commission takes any action to advance the flawed upzoning for Cleveland Park/Woodley Park.**

Respectfully,

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