The Committee of 100
on the Federal City

Testimony of the Committee of 100 before the Zoning Commission
Roundtable to Hear Public Comment Regarding
the Commission's Racial Equity Tool
October 26, 2026

Good afternoon, Chair Hood and Zoning Commissioners. My name is Laura Richards, and I am testifying today on behalf of the Committee of 100 on the Federal City (C100) at the Zoning Commission's public roundtable on its current Racial Equity Tool (the "Equity Tool").

The Comprehensive Plan directs the Zoning Commission (the "Commission") to consider equity "as part of its Comprehensive Plan consistency analysis" in zoning cases. The questions for the Commission to consider as it takes a look at the current Equity Tool are whether the Equity Tool has done anything to reduce disparities in the District in income, housing, opportunity, transportation, and neighborhood amenities and services, and how it can be improved. There is no question that in the District racial disparities – canyons – exist in the circumstances of whites and people of color.

We conclude, based on experience to date, that the answer to whether the Equity Tool has made a positive difference is a resounding "no." Can it be improved? We are pessimistic. Meaningful improvement must begin with the Deputy Mayor for Economic Development (DMPED) and the Office of Planning (OP), and neither of those entities has shown the political will necessary to make the Equity Tool effective. That does not excuse the Zoning Commission from using its lesser power to reduce the District's racial disparities, but the Commission has proved no more willing than DMPED and OP to exercise it.

The Equity Tool is grounded in a finding of consistency with the Comprehensive Plan. We believe the consistency test is self-evidently insufficient and must be replaced with affirmative requirements to meet identified benchmarks, particularly in the areas of housing and displacement.

Affordable Housing

Inclusionary zoning. Of the several areas within the jurisdiction of the Commission where it has fallen short, affordable housing is at the top of the list. While DC has an Inclusionary Zoning (IZ) rule, the maximum income levels are so high that IZ units end up not going to

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low-income racial minorities. As we have said, and will continue saying, 60 percent of MFI – the predominant standard for IZ – is higher than the MFI for African American households in the District. Experience shows that IZ has functioned as a tool for displacement rather than housing opportunity.

The Commission should undertake a study of who have been the recipients of IZ units. The Commission has the authority to revise the IZ rule; it also has the discretion to force developers to lower the income maximums in individual zoning actions even without revising the rule. This is something C100 has urged in two major corridor upzonings currently before the Commission (Cleveland Park/Woodley Park and upper Wisconsin Avenue), though the Commission so far has refused to use its discretion to require deeper levels of affordability. A stronger position in applying the IZ rule will help reduce income and housing disparities.

Also, the Commission has the authority to require developers to include a meaningful number of family-sized units. In walking around the Navy Yard and the Wharf, each subject to relatively recent rezonings, we see mostly younger professionals, not families of color with children.

DC Code 10-801. In addition to IZ, the District has a potentially powerful law, DC Code 10-801, that requires 30 percent of DC-owned land disposed of for private development, to provide 30 percent of housing for low and very low-income levels. In practice, the law has never been given full effect: the number of affordable units and the affordability levels have been watered down, sometimes in the original proceeding before the Commission, sometimes in requests for modification. The Commission could, but has not, insist on greater compliance with the law before approving a project.[1]

Displacement

A second area that needs strengthening is displacement. Displacement is a multi-faceted problem that never receives the nuanced treatment it deserves. While the Equity Tool recognizes direct and indirect displacement, those categories do not capture the breadth of the problem. The varieties of displacement include:

[1] In the 1617 U Street case, for instance (ZC 23-02), OP advised the Commission that "[a]ny disposition/development agreement [for the site] … would require affordable housing subject to the affordability requirements in District Law 10-801." Setdown Report at 8. That would have set aside 30 percent of units for low- and very-low-income residents. The very-low-income residents (one-fourth of the entire set-aside, would have paid no more than 30 percent of their income for housing costs. Instead, OP, "out of an abundance of caution," recommended applying the affordable housing requirements of IZ Plus (18 to 20 percent affordable units at 60 to 80 percent MFI. The Commission adopted OP's recommendations, and quoted the "abundance of caution" language in describing OP's position in its decision. Order at 59.

- the immediate, intentional displacement that occurs through eminent domain, which the District has not been reluctant to use, and which can affect tenants, homeowners and business owners;
- the gradual displacement of tenants living in naturally affordable apartments, whose landlords use rising property values to raise rents incrementally or to convert their properties to luxury dwellings;
- the gradual displacement of small businesses forced out through rising property taxes, or loss of leases, customer parking or a customer base;
- the intentional, large-scale displacement that occurs when public housing is razed to make way for upscale development;[2] and
- most wrenching, the gradual displacement of homeowners forced out by rising taxes, loss of parking and loss of community.

OP takes a sanguine view of displacement, viewing it as inevitable and often desirable. It treats a new affordable rental unit as an adequate substitute for the loss of an owner-occupied home, ignoring the loss of generational wealth accumulated under often challenging circumstances. OP's lackadaisical attitude toward displacement – especially the displacement of homeowners and small businesses – should be resisted.

Homeowners and businesses should receive tax relief against rising property values. Businesses who lease rather than own their spaces should have a right to return at reasonable rents. Renters who are forced out must be adequately rehoused *immediately*. That is a developer's responsibility. A mandate for proof of rehousing is fertile ground to begin improving the Equity Tool.

The developer's responsibility to prevent or ameliorate displacement does not stop at the boundary of the project site. The Equity Tool recognizes that a zone of displacement risk surrounds a site. This zone of displacement risk should be defined and mitigation steps, including rehousing commitments, should be included in the final zoning order. While not yet a zoning case, the impact of the RFK development on Kingman Park and other communities is a case in point. The Office of Planning admits that some families living in these neighborhoods will be displaced, but offers very little redress, saying only that the District has multiple existing policies and programs that aim to offset displacement

[2] The District has at various times promised to remedy such intentional displacement through initiatives such as "build [affordable units] first," "one-to-one replacement," and "right to return" to renovated units. None of these displacement remedies are real. Neither build first nor one-to-one replacement has ever occurred, and right-to-return has resulted only in a handful of returnees. The poster child is the Ellen Wilson project, where only 11 former residents came back. Based on this history, the Commission should not approve any project where the racial equity analysis relies on assertions that intentional displacement of renters will not have negative effects.

pressures and to support residents who want to stay in their current housing. Based on their track records, C100 sees these programs as ineffective.[3]

Other Considerations

In the District, developers use detailed demographic statistical data to describe the neighborhood where a project will be built and are allowed to pick and choose among thousands of Comprehensive Plan policies to identify those that potentially will be furthered by a project. The process is soft-edged and focused on *potential* benefits that *may* accrue if all goes well. As discussed below, things often do not go well – the benefits are not provided, but the developer nevertheless pockets its tax breaks and profits.

The current Tool requires applicants to conduct outreach and to produce an extensive set of data regarding race and ethnicity. C100 wonders whether this data, which commonly consumes pages of each zoning application, is ever used in a zoning order. Beyond these performative steps, the Equity Tool provides no guidance of what can be done to reduce racial disparities.

Also, has the Commission ever evaluated whether the racial equity steps included in zoning orders have achieved their proposed goals? We think not and challenge the Commission to conduct such an inquiry.

Because OP sponsors development proposals, we question whether either the developer or OP should conduct the racial equity analysis. The Commission, which is supposed to be independent, lacks the resources to conduct the analysis. Another witness today suggests that the Commission contract with the D.C. Council's racial equity office to evaluate zoning projects, an idea that merits consideration.

How "Equity" works in practice: Below are examples of cases where intended racial equity benefits went awry as projects unfolded or stalled. A common thread is the negligible attention paid to citizen input, notwithstanding the fact that active citizen participation is a major element of the Equity Tool.

- 1617 U Street - This case is notable for the total disregard of the community living in two-story rowhouses adjacent to the development, including the handful of African American households that had so far survived displacement and gentrification. The proposed 10-story building would have cast its shorter neighbors in shadow for

[3] C100 acknowledges that simply providing a new building for the same impoverished tenants will not result in the amenity rich neighborhoods the District claims it wants to provide for low-income households. Also, projects built exclusively for low-income households are frequently poorly constructed and poorly maintained. Therefore, right-to-return must be balanced against the goal of creating mixed-income neighborhoods. Whether or not everyone returns, everyone is entitled to be rehoused in improved surroundings at a reasonable rent.

much of the day. Only after protracted and contentious hearings did OP and the Commission agree to treat this as a contested case. While the project was scaled back to a limited extent, the neighborhood should not have had to endure this tortuous process. The homeowners remain at risk of displacement as the project goes forward. The OP largely ignored 10-801, providing instead a much smaller percentage of affordable units than the 30 percent required in the law.

- Takoma Metro – In this case, OP and the Commission approved the developer's proposal for a high rise 424-unit apartment building with associated retail and amenities, ignoring input demonstrating that the same density could be achieved with lower heights and different massing. More particularly, the Commission ignored testimony that Takoma is one of the most diverse neighborhoods in the city, one that intentionally fought white flight and has extensive midrise multifamily buildings. If ever built, the high-rise luxury building – with 15 percent affordable units – will likely decrease diversity in this amenity-rich neighborhood because African American residents are at greater risk of displacement through tax increases.
- McMillan Reservoir – The original order was issued before the Equity Tool was established, but a subsequent order issued in 2018 on remand after appeal contained an extensive equity analysis promising affordable units scattered within a market rate building; retail anchored by a full-service grocery store and a million-square foot medical building with 3000 jobs.

  Eight years later, the development consists of market rate townhomes and a small, inward facing recreation center. The developer recently received permission to scale back the supermarket to a boutique grocery and to segregate affordable housing – when and if built – in its own building. This month, the developer filed another modification request, abandoning the job-generating medical building and stating it will continue to search for one or more substitute anchors.

  Before the business plan collapsed, neighbors complained that it includes only six acres of open space on the 25 acre site, fails to meet the legal standard for affordable housing for the redevelopment of public land, proposed very tall speculative office buildings that would block the view of the Capitol from Lincoln's Cottage, failed to provide the library requested by the community, and demolished irreplaceable historic resources. **Neither the Commission in its 2018 order, nor the applicant in its 2026 modification request, identified any adverse racial impact beyond traffic congestion during construction**.

What can we learn from other jurisdictions?

Boston requires a so-called "Article 80 review," under which the developer uses city-provided historical displacement tools, completes an assessment, and chooses mitigation

measures.[4] Two agencies review the proposed mitigations and negotiate any needed changes before the project is approved. C100 believes the Boston model, with its mandate to implement housing mitigation, is promising.

New York City's and Montgomery County's procedures each require an independent data-driven analysis in producing racial equity and social justice impact statements.

In practice, the processes used by the other jurisdictions may yield only cursory results and thin mitigation. Nevertheless, they bear examining to see if elements of their equity tools can help the District build more rigor into its analysis. New York mandates a particular statistical platform to measure racial impact. In Boston, two agencies review a project's impact and mitigating measures are required.

The District's process is like an open-book essay exam: anything can be the right answer. In the view of many, its fundamental weakness is allowing a project to "pass" its racial equity test if it is "not inconsistent" with the Comprehensive Plan. This soft, planning policy methodology, combined with the bottom-up narrative from applicants based on Plan policies found with the aid of OP's "Equity Crosswalk" simply is not rigorous compared to the "top down" quantitative analysis exemplified by the New York City and Montgomery County racial equity analysis programs.

Conclusions

If the Commission sincerely wants its orders to yield equitable outcomes for the District, we suggest:

- A more rigorous, hard-edged Equity Tool grounded in statistical analysis, not merely statistical descriptions.
- Creation of a means by which the Zoning Commission can enforce racial equity outcomes in its decisionmaking (as opposed to the draconian step of denying a project).
- Contracting with a neutral third-party agency or entity to conduct racial analyses.

[4] Boston's permitted forms of mitigation include:
- Exceeding basic Inclusionary Development Policy (IDP) percentages by building
- more affordable units.
- Setting significantly lower Area Median Income (AMI) targets for affordable units.
- Committing a portion of the building to host project-based housing vouchers.
- Structuring unit compositions to add larger multi-bedroom layouts (two or more bedrooms) to accommodate families.
- Implementing localized marketing plans tailored to existing neighborhood.
- residents and non-English speakers to combat displacement.

We recognize that when a case comes before the Commission, it has been fully planned, and it can be difficult to upset settled expectations and send the parties back to the drawing board. Nevertheless, if the Commission were to signal in one or two cases that it takes racial equity and community comments seriously, the expectation of developers and OP that cases will be rubber-stamped will disappear and more serious initiatives at achieving equity should result.

In summary, C100 recommends that the Commission's Racial Equity Tool should rely on measurable standards whose effectiveness can be evaluated after the fact. The Commission should use its discretion to impose deeper levels of affordability in proposed projects. Further, any project that will result in direct or indirect displacement should be subjected to heightened scrutiny with concrete commitments to ameliorate displacement.

Finally, the Council should ensure that the Commission has the resources to independently evaluate proposals using a racial equity lens; and once a project is complete, to evaluate impacts.

Despite high initial hopes, the Racial Equity Tool has resulted in disappointment and frustration. We hope it will be revised to live up to its name.

Thank you.