DC Zoning Commission Public Roundtable on the Racial Equity Tool, Case 26RE

October 26, 2026

Testimony of Nancy MacWood

Thank you for scheduling this roundtable which I hope will be the start of an ongoing discussion about how the Zoning Commission can mitigate and work to eliminate racial disparities in DC. I am Nancy MacWood and I have testified before on this subject.

The DC Comprehensive Plan ("the CP") states that the key to mitigating and eventually eliminating racial inequities in transportation, housing, employment, income, asset building, geographical change, and socioeconomic dimensions is through a racial equity lens to discover where disparities exist, how they affect residents, and how District processes can change the status quo.[1] The responsibility to eliminate racial inequities is extended to every agency, board, and commission. The Zoning Commission is not exempt.

The Comprehensive Plan states that zoning "is a tool for implementing the Comprehensive Plan, and its implementation reach is "**broad and is not limited to areas of conflict between the Comprehensive Plan and Zone Map**."[2] That statement applies to everything you do and authorizes you to demonstrate consistency by dealing with racial inequities among other CP policies.

Given the breadth of your role in implementing the CP, the Zoning Commission's Racial Equity tool is frustratingly limited. It lacks goals and purpose. The CP is clear what the goals and purpose should be, and when you don't include those in your racial equity tool it is hard for applicants and the public to know how you intend to lessen racial disparities or if you have any commitment to doing so.

I have the impression that the commission believes only certain actions are relevant to a racial equity analysis and that the commission can only address racial inequities through its Inclusionary Zoning regulations. I hear repeatedly that the Council has tied your hands. That is ludicrous and is not supported by the CP. Those types of comments to rationalize not following the CP on addressing racial equity reveal that you want nothing more than a checklist and no interference with absolving developers and yourselves from deviating from the status quo.

For example, you can use zoning incentives to "advance equitable development and meaningful racial equity outcomes and increased housing and affordable housing supply."[3] Equitable development requires the commission to look holistically at a range of issues from

[1] Framework Element, 213.10, page 2-28.
[2] Implementation Element, 2504.1, page 25-9.
[3] Ibid., Policy IM-1.1.4, 2502.9, page 25-6.

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transportation to employment opportunities. When did you do that? What part of the racial equity tool provides serviceable information on equitable development? Why have you not gone back to zone district regulations and inserted racial equity language into the Purpose and Intent Statements? Why have you not written regulations barring displacement as a consequence of development applications? Your racial equity tool separates you from any responsibility to address racial equity. It is the applicant's responsibility, its OP's task to rise above its inherent conflicts and argue against proposals it supports based on racial equity concerns. That is not how this should work. The Zoning Commission shouldn't have to hear from residents how you should interpret the directives of the CP. You should take leadership in aggressively reforming the zoning code to better reflect the differences in lived experience between Black and white residents that zoning has not sufficiently addressed.

The CP tells you to leverage map amendments and PUDs to convert land value increases into meeting equity needs including requiring deeply affordable housing.[4] So far, the commission has not been willing to do that as you seem to think deeply affordable housing is being addressed by DHCD, and you have the insupportable notion that the Council has to extend subsidies for all deeply affordable housing before you can do that. What part of the CP supports that conclusion? Where did you get this notion? Nowhere in the CP is deeply affordable housing conditioned on public subsidies. You would have to cross swords with OP, but the CP would support your actions as consistent.

Inclusionary Zoning is a mid-income housing program. The CP tells you to require deeply affordable housing for residents at lower incomes. You should do that at a minimum when a racial equity analysis, or when newly written regulations require it. Developers do not need rent subsidies. There is a DHCD rent schedule for the range of household incomes eligible for IZ units. No development benefiting from IZ bonus densities gets subsidies. They have already benefited financially. If they want HPTF or LIHTC financial support then they might get rent voucher commitments, but they don't get bonus densities. You are confusing the role of rent subsidies and the role of bonus densities.

The commission is also avoiding the potential of PUDs to provide positive outcomes by approving map amendments without racial equity Purpose and Intent statements, and that grant matter of right densities so extreme that they preclude PUDs and eliminate their potential to address a range of racial disparities through conditions. These are missed opportunities to address what the CP highlights as its major theme. Repeatedly you defend what is clearly a rejection of a Council directive in the CP because the commission has been embarrassed by lawsuits. How many? Maybe three 10 years ago? You complain that the lawsuits which are part of a democratic system of government held up housing, including affordable housing. Your response is to embrace a less democratic process of massive matter of right upzonings that preclude the public from ever commenting on development projects that may take decades to

[4] Framework Element, 229.3, page 2-63

build. That seems like punishment for the audacity of residents to challenge one of your decisions.

The commission must ask the right questions to understand the context of racial disparities and to analyze how you can shape a zoning decision to lessen inequities. The scope of your current racial equity evaluation is limited to whether there will be general changes to the environment or public space, infrastructure, housing, healthcare and jobs based on a decision. While those are among the topics important to evaluate, you fail to provide goals so that applicants and the public know your expectations. Perhaps you have no interest in looking back at your regulations or forward at new applications to make a difference in the racial equity disparities. The witnesses in this case keep hoping and trusting that you just don't get it and that these roundtables will finally get through to you. But perhaps we are wrong in not seeing that you are doing as much as you intend to do with respect to racial equity. And ineffectiveness is just fine with you.

A real racial equity tool would highlight how an area suffered from urban renewal and resulting displacement, from concentrations of public housing, from a lack of investment in transportation and services that forces residents to depend on cars to get to jobs, healthcare, and grocery stores.[5] You would know if an area has never benefitted from Low Income Housing Tax Credits or rarely, if ever receives HPTF grants or loans[6] and thus has limited deeply affordable housing. You would know if an area lacked trees and suffers from extreme temperatures not seen in other parts of the city that exacerbate the symptoms of high levels of asthma and other disabilities.[7] And you would do something about it. You would tailor uses to get what is needed to address disparities, you would require deeply affordable housing since that is the only way it will occur, you would demand that trees, not twigs, be planted every 20 feet – that would be a lot more important than requiring commercial entrances every 20 feet. You would reconsider exempting roof decks and balconies from the gross floor area calculation because that reduces the required amount of affordable housing and increases rents. You would review parking regulations affecting areas where decades of transportation inequities make cars essential. In short, you would make structural zoning changes and not just ask case applicants to reassure you that there is nothing to see in their projects from a racial equity perspective.

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[5] 48% of Ward 7 residents drive alone to work, and 47% of Ward 8 residents drive to work alone. DC Health Matters, April 2024.

[6] Ward 3, Rock Creek West, has never received LIHTC and only once received an HPTF grant. It is also misleading to rely on the Mayor's Housing Equity results without context. The areas that exceeded their affordable housing goals receive substantial and consistent HPTF grants or loans; those that did not reach their affordable housing goals do not or rarely receive public investment in affordable housing. Conversely, many of the areas that fell short of the affordable housing goal met or exceeded the total housing goal and those areas that exceeded their affordable housing fell short of their total housing goals.

[7] "The District of Columbia's Extreme Heat Adaptation Strategy." DOEE, 2022. Wards 7 and 8 experience up to 17 degrees higher temperatures in the summer than in other parts of the city.

I once asked a grocery store corporate owner to stop leading the public to believe they would make improvements if they had no intention of doing that. I feel similarly toward the Zoning Commission. You are full of excuses. It's the Council who makes you approve maximum densities when that is not true, it's the administration that should get their departments to fix disparities, it's a zoning applicant who should certify their project has no effect, positive or negative, on inequities. The commission seems more interested in lecturing witnesses that they are naïve or too inexperienced to understand the role of the Zoning Commission. We understand well enough. The commission must understand what residents are experiencing to make a racial equity lens analysis resulting in better outcomes. So far, the commission shows no awareness that you can make a difference if only you would act on it.

Thank you.