

Re: October 1, 2020 Hearing

My name is Adom M. Cooper and I am a SWDC resident. I previously submitted written testimony ahead of the October 1, 2020 hearing for this case and signed up to testify orally. After listening to the discussion, I have comments to add to the record.

Commissioner Hood said that they were only "recently" given the authority to consider gentrification. This statement is incorrect and inaccurate. He appears to be referring to the court decision with Barry Farm. That decision said the Commission has failed to consider gentrification. It is well within their authority and has been. Further, Hood seemed oblivious to the Commission's statutory authority, "It is empowered to grant relief from the strict application of the Zoning Regulations (variances) (dcoz.dc.gov).” Further, the “Zoning Commission review may impose conditions or restrictions on airspace development in order to ensure: no undue adverse impacts on the surrounding area” (dcoz.dc.gov)

Commissioner Hood intimated at one point that because he is Black, the Commission hasn't engaged in actions that have catalyzed gentrification. Those two things are not mutually exclusive, in any universe or reality. Everything from African tribes selling other Africans into the Transatlantic Slave Trade to Attorney General Daniel Cameron refusing to bring adequate charges in the murder of Breonna Taylor, sharing a skin color with another person never automatically prevents you from causing them harm. Being Black does not preclude harming communities of color.

The Commission acknowledged the incompatibility of the proposal with the amended Comp Plan framework and SW Small Area Plan. But it did not signal that it will expand the scope of the proposal beyond "design review."

Commissioner May's refusal to address a dire and critical social issue because of a perceived rule limitation was not only deeply disappointing, but reminiscent of when decision and policymakers were not willing to challenge racist laws because they didn't want to break the rules. Law and ethics are not always the same. The depth of the housing emergency requires immediate, radical action. To choose now, not to act is simply recreant. For the record, we are in a decades-long affordable housing crisis that has disproportionately harmed Black Washingtonians. There are thousands who are already experiencing homeless, and thousands more are on the verge of eviction. All with the

backdrop of a global pandemic where the President of the United States has tested positive. If now is not the time to potentially run afoul of the law in pursuit of human decency and justice, when is?

The Zoning Commission has not met the affordable housing challenge in any substantive manner. Commissioner May said that “the Zoning Commission is a strong champion for affordable housing,” and that the Commission is, “. . . always fighting for affordable housing” (this case is evidence to the contrary, as the applicant is offering less than 2% “affordable” units). This is inaccurate.

Please consider the chart below, from the [Department of Housing and Community Development’s Inclusionary Zoning Page](#) on October 2, 2020:

IZ Units (by Bedroom Count & Affordability Level)

Income Set Aside	<i>empty</i>	30% AMI	50% AMI	60% AMI	80% AMI	Other MFI	Totals
Bedrooms	Number of Units	Number of Units	Number of Units	Number of Units	Number of Units	Number of Units	Number of Units
<i>(empty)</i>	2	.	.	1	.	.	3
0	3	12	176	206	326	.	723
1	60	10	168	197	458	1	894
2	16	8	151	169	316	.	660
3	1	.	40	12	43	.	96
4	.	.	8	3	11	.	22
Totals (25 groups)	82	30	543	588	1154	1	2398

The Inclusionary Zoning program, which began in 2009, has produced 2,398 total units, which averages to a little over 200 “affordable” units a year. Many are not actually affordable, nor suitable for families. Instead of “affordable” units, non-affluent neighborhoods have been flooded with market-rate units, averaging over \$2,600 a month in rent. If you follow the traditional adage of not spending more than 30% of your take home pay on housing, you would have to make . Spending more than 30% of income on housing puts a person into a cost-burdened situation.

DHCD’s Housing Equity report, released in 2019, found that most new units have been geared towards households earning more than 120% M.F.I. (which equals an annual income of over \$100,000 a year, more than double what the median household income is for Black Washingtonians). Even as recent as the third quarter of 2019, the number of Class A apartment units rose 13%.

The imbalance of market-rate:affordable units is widening, and as it widens, it is making the crisis worse. Please refer to Exhibit 18 for why relying on market-rate units to make housing affordable is flawed logic. The answer is to demand that projects feature one-third deeply affordable, one-third workforce, and one-third market rate. Otherwise, we are simply delaying justice, which equates to denying it.

But that is all in the past. The present brings a new opportunity for change and justice. So let's pursue that.

The SW small area plan specifically states that residents wanted the neighborhood to be "an exemplary model of equity and inclusion." What deserves more weight: the desire of Southwest residents or a self-imposed limitation of power?

Question: is the Zoning Commission committed to be an antiracist institution?

Dr. Ibram X. Kendi, the author of How To Be An Antiracist writes:

A racist policy is any measure that produces or sustains racial inequity between racial groups. An antiracist policy is any measure that produces or sustains racial equity between racial groups. By policy, I mean written and unwritten laws, rules, procedures, processes, regulations, and guidelines that govern people.

Given that market-rate units are priced above what the average Black Washingtonian can afford, and our city has a history of racially discriminatory housing policy and practices, what is the Zoning Commission going to do to correct this injustice right now?

Thank you for your time and consideration.