



Southwest / Navy Yard / Buzzard Point Advisory Neighborhood Commission 6D

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December 3, 2020

Phil Mendelson, Chairman
DC Council
1350 Pennsylvania Avenue, NW
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Via email COW@dccouncil.us

Re: ANC 6D Extended Comments on Bill 23-736, the “Comprehensive Plan Amendment Act of 2020”

Dear Chairman Mendelson:

At a duly noticed public meeting on October 13, 2020 with a quorum present, a quorum being four Commissioners, ANC 6D voted 7-0-0 to authorize Commissioner Fredrica Kramer to provide testimony on behalf of ANC 6D to the Committee of the Whole on the Comprehensive Plan Amendment Act of 2020. Commissioner Kramer, as authorized by ANC 6D, provided oral testimony to the Council at its November 13, 2020 hearing. This is to expand and amplify that testimony, and to provide detailed comments principally on Chapter 19, the Lower Anacostia Waterfront/Near Southwest Area Element, which is of primary concern to ANC 6D.

As we said in our oral testimony, the Office of Planning made important changes to the original draft in response to comments submitted by our ANC and others in February. But we remain concerned around three issues, particularly as they obtain to ANC 6D and Southwest: the emerging demographic profile and its implications for equity as development continues; implementation and enforcement of the proposed amendments; and timing, especially with regard to assumptions about growth.

Equity. As noted in our oral testimony, Southwest has a Small Area Plan (SAP) —a product of extensive community input, and adopted by the Council in 2015; that Plan should be appended to the Amendments in full. The Amendments note that the Southwest SAP should be the guiding framework for new development (Section 1914.5), but current redevelopment reveals a disconnect between key recommendations and a changing Southwest, which will only be abetted by the Plan Amendments.

COMMISSIONERS

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An overarching recommendation in the SAP is that Southwest should remain an “exemplary model of equity and inclusion.” A prerequisite for equity and inclusion is varied and affordable housing. The SAP recommends maintaining Southwest’s 19% of subsidized housing, housing choices that support singles, couples and families, and using our District-owned properties to gain, in the case of Southwest with nearby transit, 30% in affordable housing through redevelopment. On the latter, Southwest has one of the largest concentrations of publicly-owned land in the District, but the Amendments offer little instruction for capturing those parcels for mixed income housing that would maintain diversity.

Instead, Southwest and Navy Yard redevelopment, together the largest redevelopment effort in the City, is dominated by highrises of studios and one BRs, and typically 8% affordable units when dictated by Inclusionary Zoning (IZ). As referenced below, changing IZ as a principal instrument for increasing affordable housing is noticeably absent. Rather, the Amendments rely almost exclusively on increasing density to gain affordable housing. As density increases without expanding IZ requirements, affordable and family-sized units become a smaller and smaller portion of the whole—flying directly in the face of maintaining our iconic social diversity.

Both the SAP and the Amendments recommend only *prioritizing* more affordable units than Inclusionary Zoning requires or more family-sized units in PUD community benefits agreements (Section 1914.14). Why not both? And why not use PUDs aggressively to gain more large units at a range of income levels? Chapter 19 does not offer specific targets for varying unit sizes and income levels, or speak to the tools necessary to support other amenities, such as neighborhood serving businesses, that would serve residents of varied incomes.

Other than plans for Greenleaf, there are no specific guidelines to preserve the public housing that currently provides over 900 units of deeply affordable housing, including for those earning 30% or less of MFI. Maintaining this critical housing stock should include completing essential repairs and restoration of vacant units. With regard to Greenleaf, implementation of a “build first” policy must ensure that current residents are guaranteed only one move from current to new unit, and therefore no displacement temporarily or permanently out of the community. Neither Section 1914.6, which suggests *exploring* the use of District-controlled properties, nor 1914.15, on redevelopment of Greenleaf, commit to these components of Build First.

Having a good temperature check on the effects of redevelopment already in place and as a guide to planning decisions in progress is crucial. Several witnesses have suggested mandating impact assessments, much like environmental impact assessments, to broaden the analysis of the effects of development proposals on the social and economic well-being of a community. Nothing in the Amendments considers an assessment of the aggregate effects of multiple development proposals on the effects on the community as a whole, particularly the aggregate gain or loss of affordable housing. This would greatly help ANCs and the public authorities responsible for reviewing development decisions, and is a missed opportunity.

The Southwest Small Area Plan addresses other issues that impact equity and inclusion. It recommends maintaining our “green oasis” by preserving and improving SW’s parks and open spaces. Equally important if more subtle, new high rises have typically moved open and common spaces to their interiors. While the Southwest of the last 60 years has been marked by cross class cross race interaction, a high level of social comity and low level of crime, the emerging redeveloped Southwest is reducing, or worse sealing off, that public interaction across demographics so essential to supporting social diversity and inclusion.

Both the SAP and the Amendments want 4th St. SW to be a “thriving town center”, but with no specifics to make commercial spaces, lease terms or rents appropriate to sustain neighborhood-serving businesses. Our experience is that many commercial spaces are too large or too expensive to attract or sustain small businesses. The Plan is the place to address the variety of tools that can control cost, space and ownership arrangements to make small, neighborhood serving retail possible.

Implementation and Enforcement. As the Chairman repeatedly noted in the November hearings, the Amendments are over 1500 pages, in effect a rewrite rather than a targeted set of amendments in anticipation of a full rewrite several years off.

Based on our review of Chapter 19 dealing with Southwest, and Chapter 5 on the Housing Element, we find internal redundancies, inconsistencies, and a lack clear direction that would come from clear language, explicit targets, and requisite cross references and cross links between Area Element chapters, substantive chapters, and the many other directives that govern a neighborhood and may overlap or even contradict each other. This makes successful implementation of Plan objectives a challenge.

The Plan needs to acknowledge the relationships and resolve the primacy of potentially competing guidance. We have recently seen the effects in Southwest of competing directives in the Capitol Gateway Project and the Small Area Plan, the former focused on a grand entrance along South Capitol Street approaching the Capitol, and the latter on the lower key needs of a residential community. The result has been a major conflict and strong community resistance to the dominance, aesthetics and lack of effective diversity components of a structure that would mark the main entrance to our residential and socially diverse community.

In addition, much has been said by ANC 6D and others about the weakening of language in the Amendments, which compromises the likelihood that the recommendations will be implemented. The Office of Planning responds that this is a document of guidance, not prescription. Surely, the FLUM is a document of intention, and expected to operate as a document of prescription as development continues. Weakened language and timid to absent targets occur throughout Chapter 19 and Chapter 5.

For examples, “Encourage and incentivize build first and one for one...replacement of affordable housing units” (Policy H-1.2.10); the New Communities Initiative should “minimize displacement and resident moves” and “observe Build First principles when feasible” (506.10). Taken literally, the language would surely compromise the Council’s commitment for Greenleaf redevelopment to build replacement units *first* so that no current residents would be displaced temporarily or permanently out of Southwest.

Other examples, dilute intended objectives. “Residents *must* [has been changed to *should*] have a say in the future of the waterfront and.. be protected from displacement.... Affordable housing...*must* [changed to *should*] be part of this equation. Social and economic diversity *must* [changed to *should*] be a goal [rather than *respected*]” (1906.3).

The weakening creates a sort of free for all. The ambiguity of a shift from “shall” to “should”, “respect” rather than “protect” limits an intended standard, removes accountability on the part of oversight authorities or the developers who come before them, and constrains opportunities for litigation, shifting power from the legislature (and the courts) to the Office of Planning and Zoning Commission.

As with weakened language, the Amendments have few meaningful targets to guide development. Chapter 5 offers a stark assessment of housing needs and a rich inventory of strategies that can be used to meet the crisis in affordable housing or assist individuals with special needs. But the ability to apply these strategies depends on making connections to specific development objectives, such as those described in Chapter 19 for Southwest.

The Amendments are timid in directives to expand IZ to increase affordable housing. Thus, “Examine and propose greater IZ requirements when zoning action permits greater density” (Action H-1.2.I). “Consider geographically targeted tax abatements that exceed minimum IZ standards” (506.16). “Support [DCHA’s] planning goals by studying the need for additional units and develop strategies to meet the needs of existing units” (506.17 Action H-1.4E).

Timing. The current Comprehensive Plan, adopted in 2006, was scheduled for a rewrite in 2026. As ANC 6D and others have noted, the Amendments are a complete rewrite rather than selected amendments, resulting in an unwieldy tome, without cross references, difficult to use, and vague when specificity is called for. The most recent data is typically from 2017 and will be four years out of date by the time the Amendments are enacted, much already needs updating, while we will soon have data from the 2020 Census.

Further, the District will undoubtedly be a different place when we emerge from the pandemic, which will change the ways in which residents live and work. Whether families leave the District for other spaces in the region, or increase demand for larger spaces in the District is not clear, but shifts will likely alter the appropriate allocation of prices and sizes of units in the aftermath of the pandemic. While the District may be properly anxious to correct deficiencies, including the current crisis in affordable housing, this is also a moment in which growth trends are in flux and may be reversing, due both to out-migration for many reasons and the effects of the pandemic.

More targeted amendments could include: aggressive changes to Inclusionary Zoning to increase mandates for affordable housing; guidance on the use and disposition of District-owned parcels, many of which are prime for reuse, and many could also be recommissioned to address the affordable housing crisis; and corrections to conflicts and confusions between SAPs, other land use directives, and the directives in the current Comprehensive Plan. Amendments could focus on narrow fixes, adopt key components of the FLUM, many of which are already guiding development, wait for current Census data on which to base broader change, and apply the bulk of the proposed Amendments to a proper rewrite in 2026.

Finally, the argument has been made that several projects that would provide affordable housing are on hold awaiting adoption of the Plan Amendments. We see no reason why projects cannot use tools such as PUDs to negotiate exceptions.

Please find our detailed comments on Chapter 19 on the next page. **According to law, we ask that our comments be given great weight in the Council's deliberations.** Should you have any questions, please direct them to Commissioner Kramer at 6D05@anc.dc.gov or 202-352-0129.

Sincerely,



Gail Fast
Chair, ANC 6D
Southwest, Navy Yard & Buzzard Point

Attachment: ANC 6D Detailed Comments on Chapter 19.

1900.3: Last sentence should read “Throughout the area is a mix of high-rise and low-rise housing that serve a range of incomes and household types.”

1904.4: SW is served principally by only two bus lines—the 74 and the Circulator; only one section of the Pepco plant is retired, and the rest is expected to remain online for the foreseeable future; the Arthur Capper Carrollsburg public housing... was redeveloped beginning in 2007, former public housing residents began moving back in 2011, and 234 units of the original 707 remain to be completed of the one-for-one replacement commitment. “

1900.8: Section needs updates: 16,000 units expected by 2020 in Navy Yard; “...residential building...currently under construction...”; add Phase 2 of the Wharf to be completed in 2023 with new office, hotel and residential spaces.

1902.2 : The section should include District-owned land as well, which can play a critical role in land use decisions going forward, especially due to increased affordable housing requirements if land is disposed of for redevelopment.

1902.4: “The industrial zones, primarily located at Buzzard Point.....fulfilling the vision of the Anacostia Waterfront Framework *and Buzzard Point Vision Framework.*” Section should reference the percentage of land area to be residential once developed according to the visions in those frameworks, in order to raise the issues that will be addressed later vis density, income ranges and household types.

1903.3: The decrease in population under 18 reflects both “...the increase in working-age population moving into the area... [add, *and the dominance of smaller units in new construction*].

1903.5 “...one of the defining characteristics of the community and one that residents value highly, [add *..as memorialized in the Southwest Small Area Plan.*]

1904.1: “The housing stock is a mix of [a small number of] buildings *built in the early 1900s and the majority* built in the 1960s and 1970s through urban renewal...”

1904.2: Please add: “Although the live-aboard community will be restored to the original 94 spaces, whose renters maintain certain legal and financial advantages, this is a decline from 220 that had existed in 2000. The live-aboards have been an important component of affordable housing in SW, and although the addition of new docks will enable the Wharf to grow the live-aboard community, the number renting at levels that can likely be considered affordable may be a small portion of the whole.”

1904.3: The last sentence needs to remain and be updated, indicating the degree to which the population has changed since 2010 due in large part to redevelopment. The new last sentence needs to show that homeownership rates increased due to the increase in condominium units in new construction.

1905.1: Section needs updating, particularly jobs data. Can also add numbers of jobs to DC residents in redevelopment.

1906.1: Planning and Development Priorities – why does section explicitly *not* reflect “new community priorities or feedback” from prior amendment cycles, including the SW Small Area Plan (SAP), which clearly prioritized diversity in the context of new redevelopment and must be integrated into plans going forward? The point to this section

should be that you are taking the best and most relevant of the 2006 planning and integrating that with the several planning efforts including the SAP since.

1906.2,3,9: There is no mention of the Southwest Small Area Plan in discussing planning and development priorities? Although implementation of the SAP is addressed on p. 39, the document is central to the discussion in Section 1906. It is critical that any revisions of the Comprehensive Plan integrate and ensure compatibility with the dictates of the Small Area Plan.

1906.3 second bullet, "Revitalizing the waterfront must not be done at the expense of the established communities that exist near its shoreline." What communities does that refer to? As detailed later, the "equity and inclusion" that characterizes Southwest is under extreme threat as redevelopment reduces the race, income, and age diversity of the community.

Further, critical language has been weakened: "Residents *must* [not should] have a say in the future of the waterfront and.. be protected from displacement.... Affordable housing...*must* [not should] be part of this equation. Social and economic diversity *must* [not should] be *a goal* [not respected]." "Within new neighborhoods, diverse housing choices should be provided so that a mix of household types and income are accommodated." As above, redevelopment in Southwest, with a preponderance of small and high cost units defies this guidance. Buzzard Point development is nearly entirely devoid of below market rate units, completely defying this guidance.

Last bullet, last sentence, "Planning for large-scale development *must* [not should] be responsive to local concerns about traffic...displacement, community service impacts, and changing neighborhood character." Sentence should add "...and ensure compatibility between local community and larger development needs." If the SW Small Area Plan had been referenced, this would prevent current conflict between, for example, projects that attempt to reflect the parameters of the Capitol Gateway Project but overlap with the guidance in the Small Area Plan, which reflects the needs and desires of the Southwest community.

1907.2: It is unlikely that there are any possible applications of accessory dwelling units in the Chapter 19 planning area.

1907.12: Multi-modal transportation needs to achieve a proper balance between pedestrians, cyclists, transit and automobile users. The sense of balance is not expressed adequately and as a consequence, the understandable fervor for reducing automobile traffic is resulting in unbalanced decisions, particularly around street parking, for those who will continue to depend on car travel.

1907.13: Needs reference to recapture boat slips for live-aboards, an important source of affordable housing, which was lost prior to creation of the Wharf.

1907.14. The meaning of "...mitigate the scale of the area's monolithic buildings" is not clear. The large collection of brutalist architecture from the 1960s redevelopment should be marked and celebrated, not mitigated. The recommendation might be useful if it added examples of mitigation such as maintaining green and open space as density of buildings around the area increased. Further, is this in conflict to FLUM allowances for vastly increased density in Southwest?

1908.1: Add reference to important structures of Old Southwest, such as Sanitary Houses and historic houses on So. Capitol and N Streets, which require not only wayfinding signage and curation, but also strategies for preservation, which have been largely missing in the context of redevelopment. Although they are not all directly waterfront structures, they are directly linked to and part of the history of SW.

1908.4: "...parks should...accommodate the need..of *local residents*..and broader local and regional..."

1908.5 “Recognize and *protect* [not highlight] Lower Anacostia Waterfront neighborhoods...”

1910.1: “...Nearby uses include...office buildings, apartments...*and townhouses...*”

1910.2 first sentence “...Southwest Waterfront...had been *an active and much loved space for local residents, but not the broader civic space that it could potentially be.*”

1910.3 through 14. Except for the Wharf, the details of the 2003 Southwest Waterfront Plan should be largely superceded by the 2014 Small Area Plan (SAP), which was the product of intensive community input and represents the best description of the preferred direction for Southwest redevelopment, should provide the framework for this whole section and be explicitly referenced, but is introduced only in 1914.1, 16 pages later.

1910.7 Stet “Southwest is a strong urban community which [sic] benefits from the wide, social, economic, and ethnic diversity of its residents, as well as a diverse mix of housing types and affordability levels.” Add, *Those attributes, memorialized in the Southwest Small Area Plan, should be recognized and supported as the area continues redevelopment.*

1910.11. What does future development of the north side of Maine Avenue refer to? That has already been developed.

1910.12 Supporting cruise ship activities is too broad to be promoted without clear parameters.

1910.13. Without explicit crosswalks between the SW Waterfront Plan and SW Small Area Plan, the relationship between the two and any inconsistencies or conflicts are unresolved.

1911.2,3 Needs rewrite since South Capitol Street Corridor Project [now referred to as Capitol Gateway Project?] is well underway or near completion (e.g., Fredrick Douglass Bridge, multiple HR residences and office buildings).

1911.9 Good idea for expanding civic and cultural facilities along So Capitol, but without explicit examples and sites, is has little meaning.

1911.11 Similarly, “...new waterfront parks and plazas along the Anacostia shoreline” has already been overtaken by Buzzard Point redevelopment, which has left little space beyond the narrow Anacostia River Trail for public use.

1911.12 Good statement on protecting public housing developments and avoiding displacement, but language needs strengthening: “...housing developments and adjacent residential areas *must* [not should] be buffered from adverse impacts...” and “*Protect these communities from displacement ...because they are an important part of Washington DC’s fabric and provide essential affordable housing resource for the Southwest community.*”

1912.4 Why have references to historic preservation of Blue Castle trolley barn and Latrobe Gate been removed?

1912.5 Future of Florida Rock needs specification since it should be removed within the near future as Buzzard Point redevelopment is completed and potentially polluting industrial uses are incompatible.

1912.9 Statement about housing mix in Near Southeast/Capitol Riverfront should reference rapid completion of of 1 for 1 replacement for former Arthur Capper/Carrollsborg households, and other strategies to ensure mixed income and household types in new development.

1912.13 Should Blue Castle trolley barn and Latrobe Gate be referenced here?

1912.14 Specify parameters of additional building heights in lower 8th St SE to ensure that future PUDs do not violate general height limits that preserve character of Capitol Hill.

1912.15,17, 1913 There needs to be strong statement about the protection of existing greenspaces ringing the Anacostia and Potomac and then very careful scrutiny, and parameters, around the development of this greenspace.

What is the justification for major development of Boathouse Row, which is a rare quiet greenspace, includes bike and pedestrian use, and the historic African American yacht club? Have current community members endorsed redevelopment?

Why should Poplar Point be developed as a mixed-use neighborhood, with medium to high density housing instead of predominantly protected greenspace that can be part of the ring of parks around the rivers? There is flood risk as well (1913.4).

1914 The section properly uses the Southwest Small Area Plan as the foundation for the future development—and preservation—of SW’s existing assets, with policy recommendations intended to “ensure that Southwest retains social, economic, and racial diversity” (1914.3). But specific reference to the SAP occurs only in 1914.5, and simply says implement the policies. The SAP should be formally appended in full, with appropriate detail and strengthened wording to ensure implementation of key provisions, as described below.

1914.4 4th Street is to be a “thriving town center,” and retail anchor for the Southwest community, but there are no specifics to make commercial spaces, lease terms or rents appropriate to sustain neighborhood-serving businesses. Our experience is that many commercial spaces are too large or too expensive for small businesses to use. The Plan is the place to address the variety of tools that control cost, space and ownership arrangements that make small, neighborhood serving retail possible.

1914.6 Needs explicit commitment to implementing the Build First model for the redevelopment of Greenleaf. The Build First commitment requires both a one-for-one replacement and a commitment to only one move for each household, from current unit to the new unit within SW. A one-for-one replacement alone implies no timetable and a potential repeat of the redevelopment of Capper-Carrollsborg, which still awaits the delivery of the final 234 units of the original 707, planned beginning in 2000, groundbreaking in 2007, and first residents returned in 2011. It also needs a commitment to maintain senior households, and others who rely on coordinated and direct access to services, to be relocated to housing that will guarantee those services.

“Explore the potential for District-controlled properties in the vicinity...” for Build First is a weak commitment unless these properties are committed elsewhere for mixed income, including 30% affordable, housing. That alternative should be explicit in 1914.12.

1914.7 Ensuring “...that Southwest remains an exemplary model of equity and inclusion for all races, ages, abilities, and income levels...” requires a stronger and more explicit set of guidelines than “Support and encourage affordable and equitable access to housing with a range of housing types...” More explicit guidelines would include a increased percentage of IZ units in new construction to maintain SW’s current income and household diversity, explicit ranges of FMI, protections of existing rent control, and other measures to maintain age diversity in housing complexes.

1914.8 Historic preservation must include both preservation and reinforcement of mid-c modernist architecture and brutalist aesthetic of public buildings, which also marked Southwest’s distinctive character, as well as remnants of Old Southwest, including Sanitary houses and other working class housing that marked the history of African

American households of the late 19th and early 20th centuries. Without explicit examples and guidance, current redevelopment proposals have generally lacked requisite understanding and homage to SW's distinctive aesthetic.

1914.9 Balancing "...nature and the built environment...and [retaining] the green character of Southwest" will require more specificity beyond capital investment in our five existing parks. This would include specific guidelines for green, open and public space requirements in new construction, including minimizing moving common spaces to the interior of large projects, which reduces opportunities for social interaction that has nurtured Southwest's social diversity. While the Southwest of the last 60 years has been marked by cross class cross race interaction, a high level of social comity and low level of crime, the now emerging Southwest is reducing, or at worst sealing off, that public interaction across demographics so essential to supporting social diversity and inclusion.

1914.10 "New developments in Southwest that are vulnerable to flooding and future sea level rise" [change should to *must*] "incorporate flood protection in building and site designs."

1914.11 Add to SW arts and culture institutions, Rubell contemporary arts museum, and use existing community spaces, such as Randall community center and King/Greenleaf rec center, for arts programming to reinforce I St and SW as a cultural corridor.

1914.12 Future development of District-owned parcels, whether through public-private joint development or otherwise, should reinforce the guidelines in the Small Area Plan . But rules for continued ownership or divestment of publicly-owned parcels must be more specific, in order to protect public assets, to ensure their use in the service of public objectives, and to realize the full value of these properties in any divestment. The section states only "...future development of these sites should consider public-private opportunities ...". Whether for mixed-use or otherwise, these properties should be redeveloped to gain 30% affordable housing.

1914.13 The objective of providing multimodal transportation modes is extremely important, but this section needs a statement about proper balance between the needs of different population groups, which has not characterized recent transportation changes in Southwest. District policy has properly tried to reverse the dominance of automobile use and facilitated increased accessibility of bikes, scooters and mass transit. However, rather than properly balance the needs of residents, we are losing street parking at an alarming rate, which is necessary for many who commute out of the City, older and disabled residents and visitors, with inadequate attention to balance.

1914.14 Preserving existing and increasing affordable housing is critical to maintaining Southwest's equity and inclusion. "Promote a mix of affordable and market rate...", "Prioritize...a greater number of affordable units [than IZ]...or more family-sized units as part of a community benefits agreement..." is weak and inadequate. The section should include specific targets for increasing affordable units. Without connecting these general objectives to the profile of diversity articulated in the Small Area Plan, it is difficult to understand how the Comp Plan will make these objectives achievable.

1914.15 Redevelopment of Greenleaf must include the explicit components of Build First (see 1914.6), which this section does not.

1915 The section is much improved but needs explicit discussion of protections of the residential communities of James Creek, Syphax and Syphax Village to the north as traffic into Buzzard Point will pass through these communities. These residences have also borne the brunt of environmental pollution resulting from new construction and those protections need to be addressed. The section also does not address the mix of housing prices and types to support the social diversity desired for the overall Southwest community, particularly as each of the parcels in Buzzard Point is developed as a matter of right and Inclusionary Zoning has either not applied or is at a bare minimum. Finally, the section needs to address the emergency, public safety, health and other services that will be needed to serve the over 6,000 new residents as the community is transformed from industrial uses to new

residences. Similarly, it has not yet and will need to develop basic retail and other commercial services for these new households. Guidance on developing appropriate spaces (size and costs) has not accompanied new development, which has so far been dominated by restaurant and visitor activities.

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