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## The End of an Era

### *Termination of Downtown and Shaw Urban Renewal Plans*

At its December 5, 2019 meeting, the National Capital Planning Commission approved a request submitted by the District of Columbia Office of Planning (DCOP), on behalf of the Mayor, to close out urban renewal plans for downtown and the Shaw neighborhood.

The requested modification would allow the Council of the District of Columbia to enact legislation for mayoral signature terminating the plans eight years prior to their 2028 expiration date. NCPC adopted both the plans in 1969 and approved multiple modifications to them between 1970 and 2001. They are the last such plans in existence in Washington, DC.



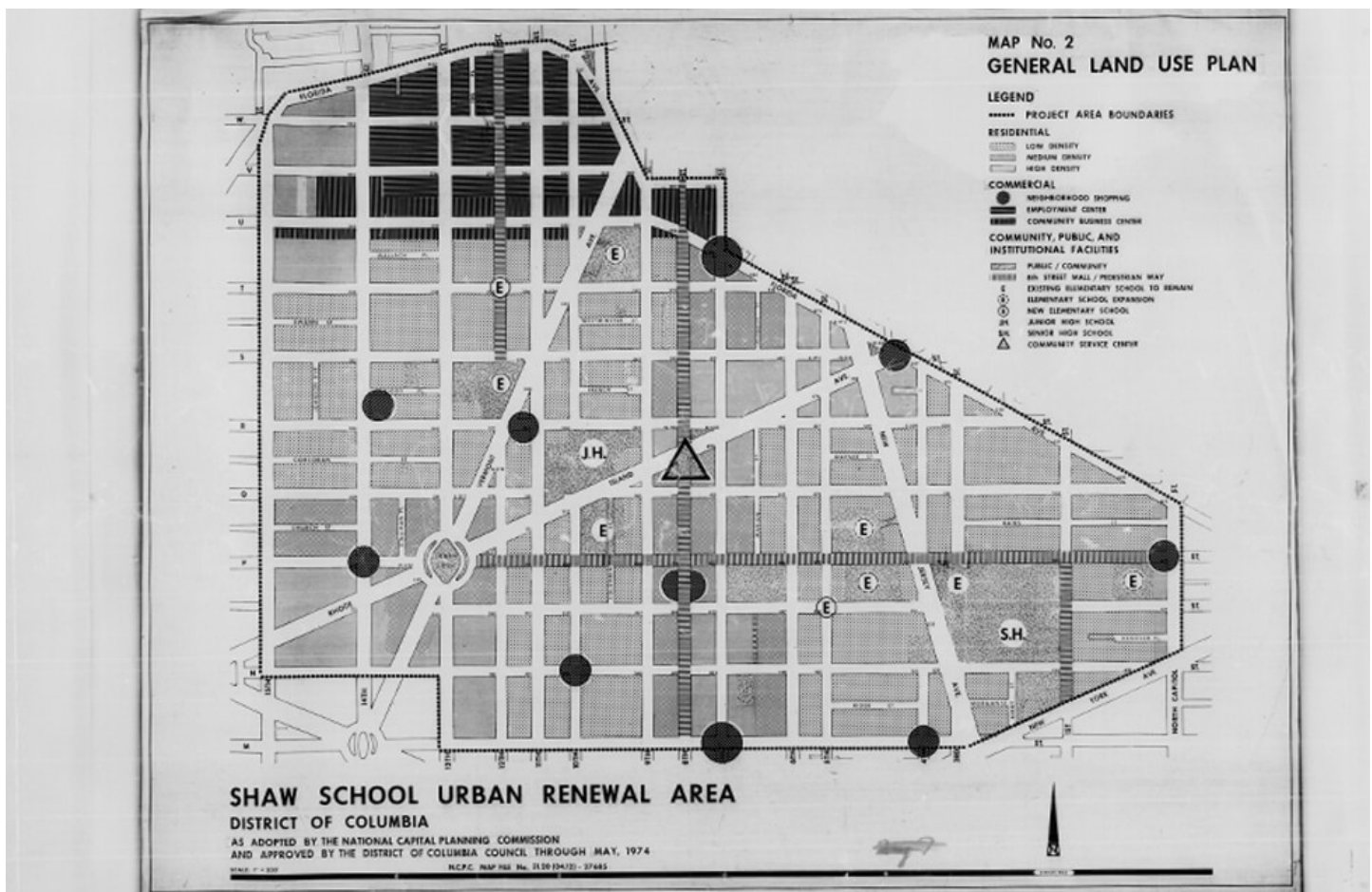
NCPC's urban renewal authority derived from 1945 legislation enacted by Congress. In the years following World War II American cities saw a population and retail exodus to the suburbs and attempted to use redevelopment as a means to maintain residents, increase tax bases, and prevent the deterioration of downtowns and neighborhoods.

The District of Columbia Redevelopment Act established the need for and purpose of urban renewal in the city and created the Redevelopment Land Authority (RLA). The Redevelopment Act empowered NCPC, as the planning agency for all of Washington, and its predecessor (the National Capital Park and Planning Commission) to:

- Define the boundaries of, and prepare urban renewal plans, for defined areas of the city.
- Adopt, following DC Council review and a public hearing, urban renewal plans.
- Certify and deliver the plans to the RLA for implementation; and
- Review and adopt amendments to approved plans.

During the 1950s and 60s, many cities including Washington, DC, embraced the concept of urban renewal. The inability of areas selected for renewal to attract private capital investment pointed to a need for government intervention to restore "blighted areas" (defined as areas characterized by the existence of deteriorating, substandard, vacant, and abandoned properties) that posed a danger to the health, safety and welfare of residents and encouraged flight from cities to surrounding suburbs. Using eminent domain to condemn and take properties, cities cleared whole neighborhoods, displacing existing residents and small business who found it impossible to return having been priced out of their long-time neighborhoods.

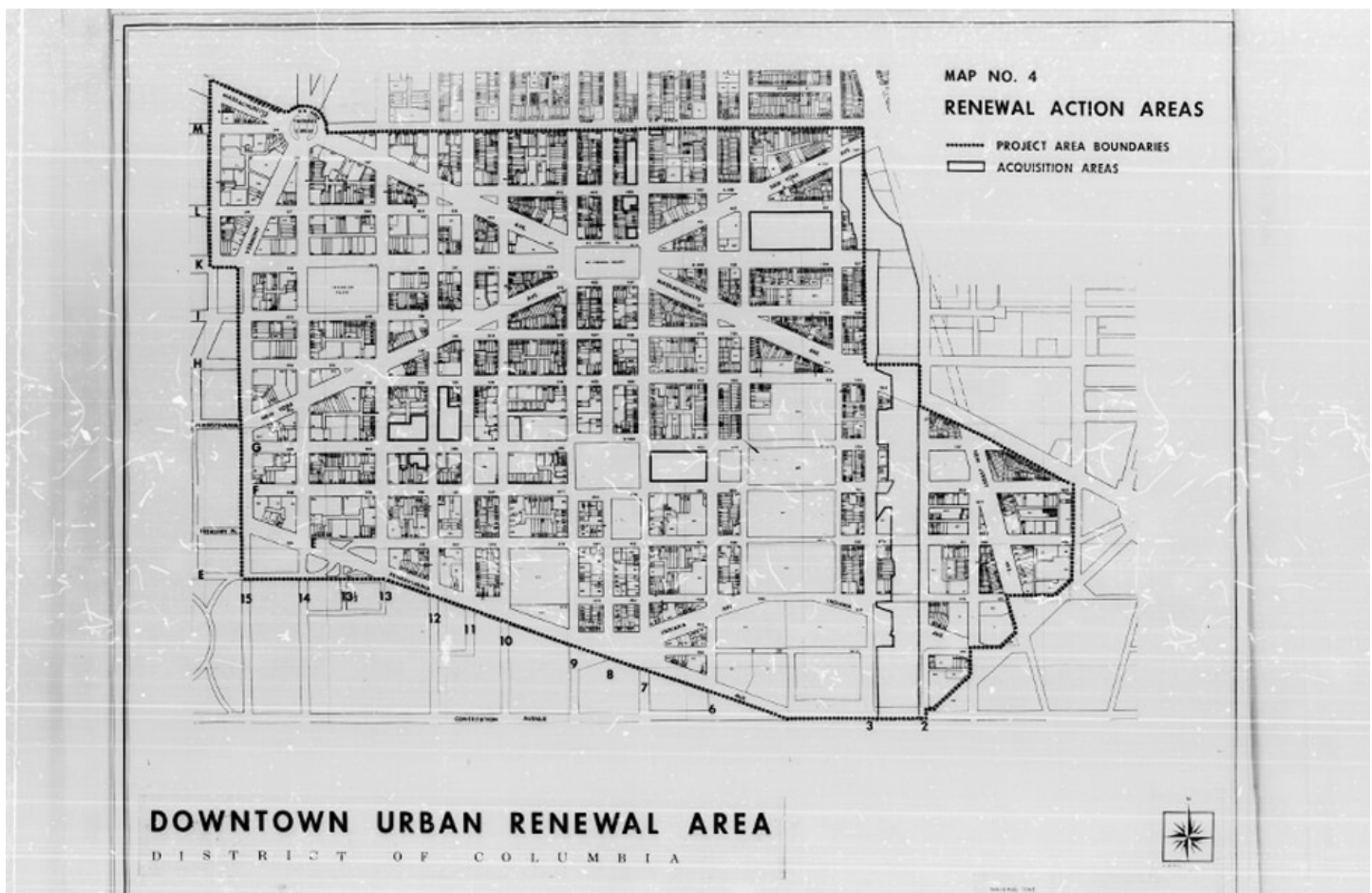
While a great deal of work went into these efforts, and the intention was to improve cities, the burden of urban renewal in Washington, DC fell disproportionately upon African Americans residents, with many established African-American communities uprooted. Often, the displaced residents and businesses were never able to return to their former neighborhoods.



Between 1955 and 1972, NCPC prepared, adopted, and certified 12 plans for implementation by the RLA for the removal and rehabilitation of blighted, decayed, and deteriorating areas of the city. NCPC approved and adopted modifications to 10 of the 12 approved plans over time. Of these plans, three were for areas within Southwest, one in Northwest, and one in Northeast. The others were for the Shaw School, downtown, Columbia Plaza, Fort Lincoln, Adams Morgan, H Street, NE, and 14th Street, NW. NCPC also defined boundaries for five additional urban renewal areas, including Georgetown and the South Capitol Street/Buzzard Point area, that were never adopted.

In Washington urban renewal of portions of Southwest gave rise to a seminal Supreme Court case, *Berman v. Parker* (1954). The plaintiffs/appellants in the case owned a department store that was not blighted but was scheduled to be taken by eminent domain to clear the larger blighted area within it was located. Following the taking, the RLA proposed to turn the property over to a private developer for redevelopment.

One of the plaintiffs/appellants' major points was that the taking of their land under eminent domain and giving it to private developer for redevelopment did not constitute a public use and violated the Constitution's Fifth Amendment. The Supreme Court rejected this argument, finding the District of Columbia Redevelopment Act of 1945 constitutional as applied to the taking of the appellants' building and land under the power of eminent domain, pursuant to a comprehensive plan prepared by an administrative agency for the redevelopment of a large area of the District of Columbia. This was so even though such property might later be sold or leased to other private interests subject to conditions designed to accomplish elimination and prevention of substandard housing conditions.



The Berman decision remains law today, and urban renewal as a means to eliminate blight and deterioration continues throughout the United States and Washington, albeit under different names and in many forms. The RLA, which began life as a federal agency became a District agency in 1974 after Home Rule and was later abolished. Following the RLA's elimination, the District Council legislatively transferred over time the RLA's authority and responsibilities to several successive agencies. Ultimately, urban renewal authority reverted to the Mayor who in turn delegated it to the Deputy Mayor for Planning and Economic Development.

Since their adoption, the Shaw and Downtown Plans guided the rehabilitation and renewal of the two designated areas. However, the plan's standards are now considered outdated and do not align with current zoning and planning initiatives. DCOP considers that the objectives of the Shaw School and Downtown Urban Renewal Plans—the provision of residential uses and the support of private and public facilities consistent with the special quality of the area—have been met.

In the Shaw School area, much of the housing market is now market driven and consists of housing in the form of renovated rowhomes and newer, larger scale buildings used as single family or condominium dwellings. These residential units are served by commercial and retail uses catering to needs of nearby residents. Consistent with the Downtown Plan's objective, downtown is now a thriving and major employment center. Both the Walter E. Washington Convention Center and the Capital One Arena qualify as accomplishments of these two urban renewal plans. This success, combined with the 2016 zoning update which imposed new zoning on areas subject to the plans, led DCOP to request the modification to terminate the two plans.

The era of urban renewal represents a slice of NCPC's history and the end of an era that lasted 74 years (1945–2019). While significant effort and resources went into these plans, and many plan goals were achieved, the story of urban renewal in Washington also provides a cautionary tale of their widespread, negative impacts to affected communities.