

WHERE THE STREETS HAVE MANY NAMES: ZONING, COMMUNITY POWER, AND THE FUTURE OF SHAW, WASHINGTON D.C.

By Parag Khandhar*

“Prepare to participate!

Prepare to participate and your young men (and women) will get the jobs rebuilding this community.

Prepare to participate and the businesses of the community will not only serve you but sustain you.

Prepare to participate and health, welfare and municipal services will go up.

Prepare to participate!”

-Dr. Martin Luther King, Jr. in a speech delivered in the Shaw district of Washington, D.C. on March 12, 1967

“It’s a shame that I survived the war zone era here but now I’m being forced out.

Changes in this neighborhood are for the better in terms of quality of life, but I feel I should be able to be included in that change.”

-Curtis Mozie, a lifelong Shaw resident who had been displaced from his home.¹

Once plagued with violent crime, poor reputations, and decay from neglect and mismanagement, many major cities in the United States have experienced a significant face-lift over the past 30 years, with the majority of change coming over the past ten to fifteen years.² Residents and outsiders alike have embraced some of these changes, including more comprehensive efforts to rebuild and maintain city infrastructure, open public spaces, rehabilitate historic buildings, and transform the use of residential and commercial districts. However, longtime residents in cities experiencing rapid development have also been concerned about the impact of such development upon their neighborhoods. They worry about the future of the neighborhoods they struggled to preserve and improve and are now fighting to stay in due to skyrocketing rents and other cost of living expenses associated with increased demand by more affluent newcomers. Longtime residents are also concerned about the ease with which the real estate market can erase a neighborhood’s history and transform a once vibrant place into a generic, virtual replica of other “renewed” neighborhoods.

The balance between the old and the new, and the respect that city planners and developers observe for the historical and emotional character of neighborhoods targeted for renewal initiatives are at the core of most conflicts concerning urban development. Municipal governments, private developers, commercial

interests, and community stakeholders such as residents, locally-owned businesses, and advocates are all involved in the process of deciding what happens to a neighborhood in question, each using different tools to push the development towards her own vision.

City zoning and other designations that focus on and stimulate economic development are critical tools in this process. Often, they are considered to be at odds with community stakeholders who engage in inclusive, participatory planning processes that emphasize community development and increasingly “equitable development.” The theory of equitable development expands upon traditional community development definitions, adding principles of economic justice and job development for community members, to the development of physical structures, businesses, and buildings.

What is the ultimate impact of the new wave of development that is sweeping through many of the old neighborhoods in cities throughout the United States? Can private and public stakeholders develop and revitalize old neighborhoods without erasing their histories, or upsetting the balance of local residents and businesses with too great an influx of gentrification³ agents, like wealthy new residents and chain stores, that threaten the very character of the place itself? Will the fast-paced real estate market have the patience or interest in development that prevents the uprooting of communities that embraced their streets long before they became marketable?

This article will explore some of these questions as they relate to Shaw, an historic African-American neighborhood in the District of Columbia that is undergoing a rapid metamorphosis fueled by real estate speculation and historical preservation initiatives. This article will examine how different interests use zoning, land use regulation, and public perception to affect (or deflect) attempts to redevelop urban neighborhoods that are often occupied by low-income communities of color. Using the Shaw neighborhood in Washington, D.C. as an example, it will explore the ability of community groups to stave unchecked development driven by commercial interests, and to imagine and advocate their own vision for their communities.

SHAW, WASHINGTON, D.C.

Washington, D.C. occupies a particular constitutional and jurisdictional limbo in which its local government cannot act without the approval of the United States Congress, in which it has no true representation.⁴ While it is a popular tourist destination for visitors from around the world, its own history and residents are not widely known. With a sizzling real estate market in

recent years,⁵ D.C. is filled with old and embattled neighborhoods that have changed dramatically as the city has evolved.

The D.C. region of Shaw is a crossroads. The Shaw area stretches between Florida Avenue and M Street on the North and South, and North Capitol Street and 7th Street to the East and West⁶ respectively. What is now recognized as Shaw, encompasses a number of historic neighborhoods, including the Greater U Street area, Logan Circle, and Bates Street.⁷ A metropolitan “city within a city,” Shaw’s transition over the decades have been unpredictable.⁸ Shaw’s legacy as an historic African-American neighborhood stems from the creation of a majority African-American district through the dual impact of “White flight” from Shaw at the turn of the 20th century and restrictive housing covenants⁹ that disallowed African-American homeowners and renters from occupying property in much of D.C. During the heyday of the Black Renaissance, from the 1920s through the 1940s, when Duke Ellington, Langston Hughes, and countless others lived and found their inspiration in the neighborhood, Shaw was a self-sustained center for African-American life and culture, featuring buildings designed by African-American architects and more than 300 locally-owned businesses.¹⁰

However, after housing restrictions were lifted and segregation policies abolished in D.C., Shaw underwent a gradual economic and cultural decline. The downturn precipitated from the movement of middle-class African-American families into the newly accessible suburbs, and the closing of African-American owned businesses that could not compete once integration decreased their customer base.¹¹ Riots that decimated U Street and destroyed many of the neighborhood’s businesses immediately after the assassination of Dr. Martin Luther King, Jr. in April 1968 punctuated this period, and delayed further development in the area for nearly two decades.

In recent years, Shaw has enjoyed another “renaissance,” with unique independent and immigrant-owned small businesses gradually opening along the U Street corridor, new art spaces and galleries, and community groups and government agencies working to rehabilitate and make affordable housing units available. With the opening of a large convention center to the south, and the recent addition of a Shaw/U Street station on the local subway system, Shaw has suddenly become one of the most sought after neighborhoods for developers in D.C. A number of premium condominium buildings have already been built in the area, and more are planned.

Dubbed the “U-Street Corridor,” the main strip of new activity remains around the intersection of 14th and U Streets, just minutes away from a number of African-American Heritage Trail stops. The Heritage Trail makes note of the history of “Black Broadway”¹² and such landmarks as the Lincoln Theater and the African-American Civil War Memorial and Museum. The rejuvenated area includes an assortment of new sit-down restaurants and a number of eclectic and independent businesses selling everything from modern furniture to stationary and other goods.¹³ Additionally, the area is quickly becoming a visual arts destination point for non-Shaw residents, featuring many small

galleries that are almost hidden amidst the mixed storefronts and residences. As a result of many of these changes, the street life around the main U Street Corridor has steadily increased, both in volume and diversity.¹⁴ However, while the initial developments suggested positive change and rebirth for the neighborhood, longtime local residents and advocates have been wary. They fear that the new establishments, renewed attention in local media, and even the demographic composition of the businesses’ new patrons - the majority of who are White and more affluent than the majority African-American residents - herald a new era of displacement for longtime residents.

While development and diversity have been welcomed as indicators that the neighborhood is once again becoming economically viable, questions still remain about the long-term implications of the growth. While appreciating many of the quality of life changes that accompany urban development, longtime community residents and activists are worried that the character of the neighborhood will be lost, and that the face of Shaw may be changing forever.¹⁵ Shaw has been losing its African-American residents, while gaining residents with much higher incomes and who are predominantly White American.¹⁶ One resident wonders poignantly what he would see if he drove through Shaw in five to ten years: “Would only Whites come out of those front doors?”¹⁷

This quote underscores the sentiment of many African-American residents who worry private developers and other interests would rather memorialize the historic African-American community than work to develop the neighborhood responsibly to preserve the current community that lives there. Unresponsive development can cause irreparable harm by displacing residents with deep roots in the neighborhood. While the recent changes in Shaw, bringing life and new commerce back to D.C.’s streets, seem positive at first, these changes are also raising property values and rents. As a result, longtime residents in low-income jobs or with fixed incomes are fearful that they will be unable to stay in the neighborhood. As they move out, property owners anxious to reap the benefits of the development are renting their apartments out at much higher rates, or converting and selling them at market price, both of which slowly change the composition of the neighborhood. If this process continues unchecked, the vital core of Shaw - its people - will no longer remain in the neighborhood.

ZONING, LAND USE, AND LOW-INCOME COMMUNITIES OF COLOR

Shaw’s experience with urban redevelopment is not a unique phenomenon in major American cities. Traditionally, municipal governments, as well as private developers, used laws regarding zoning, eminent domain, and public land use to control and manage the composition of designated areas, at times dramatically changing the character of neighborhoods forever.¹⁸ Municipalities also use various designations to revitalize or preserve neighborhoods. The United States Supreme Court declared zoning to be a constitutional practice for local governments in

1916.¹⁹ Since that time, city zoning has often been used to make wholesale changes to large swathes of city land. While the American and European “urban renewal” movement of the 1940s through 1970s sought to elevate cities from their run-down conditions, many of its architects had little regard for the existing neighborhoods, no matter how vibrant. As a result, “urban renewal” was sometimes called “urban removal” because of the ultimate displacement of low-income and minority residents from the communities undergoing “renewal.” While this period was responsible for a number of beautiful buildings and many new roadways, it was also the era that wiped out many good neighborhoods in cities across the United States.

“Urban renewal” today is often referred to as “community development.” Unlike the earlier movement, community development tries to integrate renovation and renewal of existing neighborhoods with the new development. Planners and community developers solicit community perspectives and input, and strive to simultaneously preserve the historical character of older neighborhoods while promoting new development. However, even good intentions can be subverted by other circumstances, including an open-market economy that tilts the power to control land use decidedly in the developers’ favor. In some people’s eyes, while the new wave of urban development is not brazenly plowing through communities, it is pushing out disadvantaged renters as wealthier residents and businesses begin to move in through the process of gentrification.²⁰

Gentrification carries different connotations for different people. Generally, the conditions necessary for gentrification include when run-down or neglected neighborhoods become attractive to middle-class and affluent outsiders because of the solid housing stock, proximity to the center of the city, and relatively inexpensive rents and purchase prices.²⁰ In addition, real estate agents and local media have a role in promoting the potential of these neighborhoods as reasonable alternatives to overpriced and overexposed popular areas in the city. As the new residents gradually move into the neighborhood, the impact upon current residents is not always immediate. However, eventually, while city services (like police presence and garbage pick-up) improve, rents also begin to escalate and longtime residents are often forced to move. Many factors converge to keep individuals from working together to resist unresponsive development and preserve their communities, including political disenfranchisement, estrangement or unfamiliarity with legal rights and processes, the challenges of survival with limited income, complicated immigration and familial status, and language barriers. As a result of these barriers, disadvantaged communities with limited access to power, including those comprised of racial and ethnic minorities and working class residents, may have the most at stake in planning initiatives and renewal programs that affect their neighborhoods, yet the hardest time making their voices heard.

There are many examples of low-income neighborhoods that have been lost or destroyed in the process of urban renewal and unresponsive community development. One of the most poignant local examples of a neighborhood effectively lost to gentrification is the case of D.C.’s Chinatown. In the recent past, D.C.’s Chinatown was a lively, boisterous hub for the region’s growing Chinese American population. Now, Chinatown is home to less than 700 Chinese residents (100 less than it had in 1930) and the population continues to dwindle.²² While the buildings maintain some of the Asian flourishes added by commercial tenants and owners over the years, the residents have largely moved away, and businesses held within families for generations are closing down one by one.²³ The neighborhood is now overrun by national retail chain stores like Starbucks, TGIF, Anne Taylor, and Hooters.²⁴ While the physical preservation of select characteristics of the D.C.’s Chinatown, such as the 90-foot tall “Friendship Arch” and the translation of signs, regardless of function or audience, into written Chinese, is provided for in the city code, buildings alone do not make up a neighborhood.²⁵

While a thorough analysis of what has happened to D.C.’s Chinatown has not yet been completed, it is not difficult to imagine the impact of the new development in the immediate area, from the convention center in the 1970s to the MCI (now Verizon) Sports Center and shopping and retail areas near the Metro Station. The development likely renewed strong interest in the area by outsiders seeking a neighborhood with amenities and proximity to the principal corridors in the City, including downtown and Capitol Hill. While the D.C. area Chinese-American population has grown significantly in the past ten years, much of the growth has occurred outside of D.C. – where the small resident population of Chinese Americans in Chinatown is still getting smaller. With the general decline of community businesses and venues for cultural commerce like restaurants and grocers, Chinese Americans in the area have fewer reasons to go into Chinatown.²⁶ The prospect of living in Chinatown after the development was best summed up by the chairman of the Chinese Consolidated Benevolent Association when asked last year: “A one-bedroom costs \$450,000, and not too many young Chinese can afford it.”²⁷

D.C.’s zoning regulations recognize the historic character and importance of Chinatown, with the language emphasizing an interest in protecting and preserving “Chinatown as Downtown’s only ethnic cultural area,” and preserving the “area’s economic viability by encouraging mixed use development, including substantial housing, cultural and community facilities, offices, retail and wholesale businesses, and hotels.”²⁸ However, the focus of subsequent development projects has been on increasing the economic viability of the district, with less emphasis on the importance of managing growth so that it does not result in the displacement of the resident community. The primary discourse around development revolved around maintain-

ing the diversity of buildings and the aesthetic “charm” of Chinatown (with Asian-inspired architectural design and translated signs) without much emphasis on the people of Chinatown.²⁹ In some ways, developers’ statements highlighting the historic nature of D.C. Chinatown – that “preserving historic structures and neighborhoods is a physical reminder of our cultural history,” – can be deceptive.³⁰ The historic nature of a neighborhood can detract attention from the current struggles to establish community stakeholder control of development programs by suggesting that the community’s interest in an area is only historical in nature. Especially in D.C., the urge to “monumentalize” and relegate events and traditions to the past, including community presence in a neighborhood, can lead to the dilution of present and future community control of the rapid changes in their neighborhoods.

Though there are many examples of neighborhoods that have been destroyed by unresponsive urban renewal programs, through a combination of public education, community organizing, and innovative legal strategies, diverse communities have found ways to work together to fight the tide of commercial gentrification, empowering themselves while advancing the cause of equitable development in their neighborhoods. In rare occasions, the residents have also been able to use zoning and other regulatory designations to preserve the character of neighborhoods and enhance the prospect for community and equitable development.

The Shaw area in D.C. provides a timely example of how development plans advanced by the District of Columbia could affect African-American residents and immigrant commercial populations, and how the responses of local communities may yet impact the future of the area.

THE SHAW PLAN

In D.C., various governmental agencies handle issues related to zoning, land use, and neighborhood development.³¹ Some of the zoning regulations and ordinances enacted and implemented by these agencies have been challenged for their discriminatory impact over the years. For example, in 2003, a federal judge found that a D.C. ordinance classifying a permanent home for five homeless men as a social services facility that required extensive certifications discriminated against people with disabilities.³² The settlement in this case included a stipulation that the officials of the Office of Zoning take a training course on fair housing. In 2004, the United States Department of Justice settled a lawsuit against the District of Columbia for discrimination on the basis of disability by imposing unlawful conditions on a building permit application submitted by Girls and Boys Town which sought to build housing for neglected and abused children near Capitol Hill.³³

Clearly, in D.C. and in municipalities around the country, residents and advocates must vigilantly monitor the impact of zoning ordinances and other land use regulations on all communities. With low-income communities of color and immigrants, this need is even more urgent. As local governments are given greater latitude in their definition of revitalization projects,³⁴ it is

important to take a closer look at cultural and historic preservation designations to assess their positive and negative effects on residents.

Specifically, with respect to the Shaw area, D.C. has taken an ambitious stance on its revitalization. The municipal government has framed the revitalization as an effort to preserve the area as a “cultural destination district”³⁵ to highlight its historic significance as a vital, central, and independent African-American cultural community.

In its draft planning document, “DUKE: Draft Development Framework for a Cultural Destination District within Washington, D.C.’s Greater Shaw/U Street,” the government presents information collected through a community planning process involving 500 community, business and institutional stakeholders.³⁶ The plan sets forth the range of development initiatives and uses to be undertaken in the Shaw area.

The plan also emphasizes the importance of the neighborhood as a symbol of the entrepreneurial, cultural, and economic independence of African Americans in the nation’s capital, and evokes the spirit of a community that struggled against racially restrictive covenants and segregation in public and private services. The plan focuses on the redevelopment of landmark buildings and underutilized public land, such as Howard Theater and Grimke School on Vermont Avenue. Finally, the plan recognizes the work of community groups to garner recognition of the area as a National Register Historic District and push for further development and rejuvenation of the district.³⁷

Once finalized, the plan will be submitted to the D.C. City Council, and upon approval by council members, the document will guide future decisions concerning the ongoing development in the district. The process is expected to take between five to seven years from inception to conclusion.³⁸

The municipal plan’s emphasis on the district as a “cultural destination district” may have positive and also potentially negative results. On one hand, a comprehensive approach that gives credence to local community interests in preserving the commercial and residential character of the neighborhood could benefit many of the residents who have been in the area for a long time. For example, it could be beneficial to longtime residents if the city commits to preserving housing stock at affordable levels through mechanisms like inclusionary zoning, while integrating limited new development that increases the economic heterogeneity of the area.

On the other hand, the plan suffers from a tendency to emphasize features like the African-American Heritage Trail over substantial development decisions that affect affordable housing and small businesses. Widespread displacement may result if the city focuses on the “cultural destination” and economic revitalization of the district without taking steps to address the economic inequity between disadvantaged longtime residents and the more affluent residents who are moving into Shaw. If longtime residents are forced out of the area because the redevelopment of Shaw courts wealthy tenants, owners, and businesses, the process could destroy the very character of the area that the

plan seems to promote. If managed poorly, the area's growth could replicate the result in D.C. Chinatown, where community-based tourism and urban renewal have pushed the development of certain features of neighborhoods to make the districts more appealing to outsiders at the expense and distress of longtime residents. Although the draft plan mentions affordable housing and emphasizes the preservation of the "community's people as well as its housing and structures," the extent to which the municipal government and private developers can keep the best interests of the longtime residents at the forefront of the development agenda is unknown.³⁹

Meanwhile, the demand for market value, high-density housing (such as condominiums) in Shaw continues to grow. The development of a number of large condominium projects in the neighborhood may indicate that the transformation of the Shaw area from a historically African-American neighborhood to a new destination for the young and affluent is already well under way.

PEOPLE-BASED, EQUITABLE DEVELOPMENT

While the D.C. comprehensive plan for the Shaw area focuses primarily on commercial redevelopment and the renovation of the physical streetscape through the lens of historical and cultural preservation, some of the community-based efforts taking place have focused on the residents and other stakeholders. Arguing that development should not emphasize place over people, some community organizations have challenged the traditional community development model that better buildings and businesses will result in better opportunities for the longtime residents of a targeted district.⁴⁰

One such organization, Organizing Neighborhood Equity D.C. ("ONE DC")⁴¹, located in Shaw, has distinguished itself from traditional community development groups. ONE DC focuses on equitable development and instead of identifying as a community development corporation, considers itself a non-profit community organizing corporation. ONE DC states that it is not interested solely in place-based development. The organization emphasizes that simply creating new small businesses, new housing, and new jobs will not change things for the people who live in the community.⁴² While ONE DC is not opposed to all development, its mission to preserve and protect economic and racial equity may not easily comport with developers' tendency to rely on the market economy to resolve conflicting interests resulting from the wealth disparity between longtime and new residents in the area.

ONE DC's Shaw Housing Initiative works, "to preserve and build housing that Shaw people can actually afford given the neighborhood's lower average income, and that will remain affordable for future generations... [A]ll of this work requires building resident capacity to control and own a significant share of future development in Shaw."⁴³ By working with and enabling community residents to identify and advocate their goals for the redevelopment, ONE DC is creating alternative development options that value community control and preservation of

the local community. ONE DC's Executive Director, Dominic Moulden, noted in a recent interview, "[T]he only way that things change for the people who live here is if the longtime residents shape the jobs policy, the economic policy, and the housing policy. We're concerned with community-controlled development, and community organizing is the tool that gets us there."⁴⁴

To achieve its mission of economic and racial equity in Shaw, ONE DC employs a number of community organizing strategies to mobilize longtime Shaw residents. First, ONE DC organizers conduct tenant-based organizing, during which they speak with residents in the Shaw neighborhood to get a sense of what the residents are seeing, and to incorporate the residents themselves into a broader community development context. Additionally, by reaching out to the disadvantaged renter community in Shaw, ONE DC organizers find tenants facing the conversion of their apartment building into condominiums. In those instances, the organizers ensure that the tenants know about the "first right of purchase" law in D.C., which allows them the opportunity to pool their resources and buy the building before the landlord sells it to a third party.⁴⁵

The second strategy engages residents and members in popular education and direct training to familiarize them with the issues and empower them to take action through existing initiatives. Popular education is used because it enables community residents to believe that they can collectively overcome the challenges ahead of them.

Institutionally, ONE DC is working in collaboration with agencies like the National Capital Revitalization Corporation ("NCRC"), the District of Columbia's Department of Housing and Community Development ("DHCD"), and other local stakeholders to identify equitable development solutions. One example of such a partnership is a recent collaboration with 35 community stakeholders, including individuals, renters, homeowners, churches, and non-profits to establish the Broadcast Center One development on Seventh and S Streets.⁴⁶ The Center represented a mixed-use project containing commercial, retail, and residential space, with more than 200 new residential units, and underground parking. The development was reported to be the first deal in the city in which the development process was resident-led and community-controlled.⁴⁷ Together, they created a community-benefits agreement that will provide for jobs, housing, and retail opportunities for local residents in the development. Three residents, an ANC Commissioner, and the government agency that controls the land signed the document.

ONE DC is also working with the NCRC on two developments that will bring affordable housing and neighborhood-based retail to the community. One of these sites could be the first time in 40 years that truly affordable rental housing would be built on Seventh Street.⁴⁸ The building may include up to 96 units, and if the organizers are successful in bringing in a grant from DHCD, they plan to make the units extremely affordable, targeting the price for a one bedroom at \$500 or less.⁴⁹ Additionally, the organizers are hoping to support "super-local" ⁵⁰

retail businesses on the ground level with rent subsidies for the first five years. Though the principle of community control guides these and other projects, they are initiated and implemented with the express goals of, “creating real jobs, creating real housing opportunities, and creating real business opportunities.”⁵¹ The future of Shaw depends on the ability of groups like ONE DC, working with community stakeholders and city agencies, to create innovative, responsive development projects that integrate community-control and identify opportunities to retain longtime residents

THE ONGOING STRUGGLE OF DEVELOPMENT IN SHAW

As community-organizing efforts continue, and the government’s redevelopment plan is implemented, several factors are emerging which warrant special consideration when pondering the future of the Shaw/U Street Corridor. Firstly, because the threat of displacement includes small local businesses in Shaw, the increasing numbers of African immigrants who are populating the Eastern U Street Shaw area with restaurants and small businesses must be consulted as stakeholders with an interest in the area’s future.⁵² In recent decades, the largest Ethiopian community outside of Ethiopia has settled in the D.C. area, and the Shaw district has become a cultural crossroads for that community. Ethiopian immigrants have opened nearly two dozen restaurants, grocery stores, and other service-oriented businesses.⁵³ While the size of the resident Ethiopian immigrant population in Washington is nominal compared to the local African-American population, the commercial nexus is important enough to warrant a campaign for city recognition of the local “Little Ethiopia” designation for the strip of 9th Street between U and T Streets.⁵⁴ There is still an opportunity for dialogue around common issues between the resident African-American community and the Ethiopian business owners in the area.

Secondly, even in Shaw, where community organizing has been strong since the neighborhood’s inception, longtime residents face the challenges of determined developers with deep pockets and an upcoming city mayoral election that could impact the future of the area tremendously. The current mayor will leave a legacy of economic development (including the D.C. Chinatown “renewal” and some of the first steps in Shaw)

that is viewed in some circles as a vast improvement and a step in the right direction for D.C. While this development has had a positive impact on some aspects of city life, it has also resulted in the rocketing real estate market and escalating rent for longtime residents. Before a new mayor is lured by the appeal of this growth, longtime residents must establish the importance of equitable development to preserve the character of these neighborhoods.

The residents in the community must be given the opportunity to stay in the area, so that they can preserve the historical and cultural aspects of Shaw. If the redevelopment efforts, including zoning and land use decisions, fail to provide a meaningful opportunity for Shaw residents to stay in the community, it is likely that the historical and cultural character of the Shaw/U Street corridor will change completely.

Community-based initiatives continue to organize tenants whose landlords have announced their intention to sell their properties and cash in while the market is still active. The goal of this organizing is to preserve the community by keeping longtime residents in the area. Organizers can use a variety of tools – from legal responses to issue campaigns – to achieve these goals. Moreover, local stakeholders must remember the lessons of Chinatown and other ethnic neighborhoods that lost their fundamental character due to urban renewal and development projects.

Meaningful partnerships with local organizations such as Shaw Main Streets, ONE DC, tenants associations and other groups will be important to ensure that the comprehensive plan for the development of Shaw is not removed from the local communities. Additionally, increased opportunities for local longtime residents to actively inform and influence the ongoing planning and implementation could tip the scale in the favor of the resident community’s interests in the area.

While a new heterogeneous generation of Washingtonians is now learning about and visiting the neighborhood regularly, it still remains to be seen whether this phase of mixed enjoyment and use is only an intermediary and fleeting stage; a stage between the neighborhood’s historic past as a self-determined, independent hub of African-American culture and experience, and a possible future as a gentrified, affluent, and detached district that is only a hollow monument to what it once was.

ENDNOTES

¹ Parag Khandhar studied at the State University of New York, at Albany, and is currently a second-year law student at the American University Washington College of Law. My love and thanks to Deepa Iyer for her support and critical insight during the different stages of this article. Special thanks also to Mr. Dominic Moulden of ONE DC for his time. Many thanks to LeeAnn O’Neill, Jennifer E. Jones, Emily Nugent, Shannon Leary, and the rest of *The Modern American* staff for their encouragement and support.

² Manna Community Development Corporation, *The Changing Face of Shaw: Stories from the Frontline*, 2003, at 10, available at <http://www.onedconline.org/pdf/The%20Changing%20Face%20of%20Shaw%202003.pdf> (hereinafter *The Changing Face of Shaw*). Mr. Mozie is known for his street video documentation project that has collected hundreds of hours of video of life and death in Shaw over the past

two decades. See Transcript, *Profile: Neighborhood Of Shaw In Washington, D.C., As Seen Through The Eyes Of An Amateur Filmmaker*, Morning Edition, NATIONAL PUBLIC RADIO, (Washington, D.C., Dec 26, 2002).

³ Some mayors focused on hiding and sometimes criminalizing the most visible populations, targeting the symptoms of systemic failure like homelessness, panhandling, and prostitution. Others worked to upgrade police presence, and effectively control common quality of life complaints like potholes, litter, and car horns to quite literally “clean up” their cities and encourage tourism and new residents. Coupled with the economic upturn in the Eighties and Nineties that brought new money into the cities, the demand for upscale housing by people with higher salaries drove real estate speculation, and therefore prices, through the roof.

⁴ See Chris McChesney, *Cultural Displacement: Is The GLBT Community Gentrifying African American Neighborhoods In Washington, D.C.?* 1 MODERN AM. 24

ENDNOTES CONTINUED

(Spring 2005) (discussing gentrification in Washington, D.C., and analyzing the prevalence of Starbucks Coffee retail outlets in the District).

⁴ D.C. Vote, *D.C. Fair and Equal House Voting Rights Act: One-Pager*, 2006, available at <http://www.dcvote.org/pdfs/congress/D.C.vrafactonepager.pdf>. At the time of writing, Washington, D.C. residents have only one non-voting delegate in the House of Representatives, and no representation in the U.S. Senate.

⁵ Paul Schwartzman, *A Bittersweet Renaissance: Longtime Shaw Residents Ponder: Cash Out or Stay*, WASH. POST, Feb. 23, 2006, A01 [hereinafter *Cash Out or Stay*].

⁶ *Id.* These original boundaries are based on when the designation was first given to the neighborhood, in 1966. The boundaries are now regarded as U Street and M Street to the North and South, respectively, and 13th Street and New Jersey Avenue to the West and East, respectively (see map in original article).

⁷ Marcia M. Greenlee, *Shaw: Heart of Black Washington*, in WASHINGTON AT HOME: AN ILLUSTRATED HISTORY OF NEIGHBORHOODS IN THE NATIONS CAPITAL 119, 119 (Kathryn Scheider Smith, ed., 1988). According to Greenlee, the “Shaw” designation itself is rather new, assigned in 1966 when the National Capital Planning Commission and city government established an urban renewal area with boundaries that were coterminous with the attendance boundaries of Shaw Junior High School.

⁸ See *A History of Shaw*, WASHINGTONPOST.COM, Feb. 23, 2006, available at <http://www.washingtonpost.com/wp-dyn/content/graphic/2006/02/23/GR2006022300137.html> (summarizing key milestones in Shaw’s history).

⁹ Greenlee, *supra* note 7, at 121-2. In 1948, the Supreme Court ruled that restrictive housing covenants were unconstitutional in the local case of *Hurd v. Hodge*, finally opening the gates of many communities that had been off-limits for African American homeowners. Some scholars have written that the restrictive covenants allowed Shaw to remain a mixed-income community, self-sufficient community because the growing middle class of African Americans were still compelled to stay in the neighborhood where they could buy houses and remain close to the cultural hub of the community.

¹⁰ Theresa Wiltz, *U Turn: The Fabled D.C. Street That Played Host To Duke Ellington And Pearl Bailey Reinvents Itself Once More*, WASH. POST, March 5, 2006, at W24.

¹¹ HARRY S. JAFFE & TOM SHERWOOD, *DREAM CITY: RACE, POWER, AND THE DECLINE OF WASHINGTON, D.C.*, 31-32 (Simon & Schuster, 1994) (explaining that when the neighborhood lost class heterogeneity, the Washington decision-makers neglected the needs of the neighborhood residents, and the community fell upon hard times).

¹² The U Street corridor was known as “Black Broadway” for its history of drawing African-American artists and cultural institutions from around the nation. See Joe Kovacs, *Renaissance Continues Along Capital’s “Black Broadway.”* MIAMI HERALD, Feb. 5, 2006, Travel & Vacations Section, available at <http://www.miami.com/mld/miamiherald/living/travel/13767821.htm> (Last visited July 21, 2006).

¹³ Teresa Wiltz, *U Turn: The Fabled D.C. Street That Played Host To Duke Ellington And Pearl Bailey Reinvents Itself Once More*, WASH. POST, March 5, 2006, at W24.

¹⁴ *Id.*

¹⁵ Schwartzman, *Cash Out or Stay*, *supra* note 5.

¹⁶ *The Changing Face of Shaw*, *supra* note 1, at 3 (citing Census data between 1990 and 2000, which suggests that while the African-American population decreased in Shaw by more than 17%, the White population increased by nearly 25%, for a total “share” of the Shaw population of 61.8% and 14.4%, respectively. However, the more telling statistic may be that the median income for African-American households in Shaw was significantly less than half the \$54,520 for White households in Shaw).

¹⁷ Schwartzman, *Cash Out or Stay*, *supra* note 5.

¹⁸ See generally, JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* (Randomhouse 1961).

¹⁹ *The Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1916) (holding that a comprehensive zoning ordinance was a valid exercise of authority, and that before a zoning ordinance can be declared unconstitutional, it must be said that its provisions are clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals, or general welfare).

²⁰ See Kathie Newman and Elvin Wyly, *Gentrification and Resistance in New York City*, Shelterforce Online, National Housing Institute (Issue 142, July/August 2005), available at <http://www.nhi.org/online/issues/142/gentrification.html>.

²¹ Rick Hampson, *Gentrification a Boost for Everyone*, USA TODAY, April 19, 2005. This piece, which cited three recent studies on the effect of gentrification upon resident populations, was answered by Newman and Wyly, *supra* note 20.

²² Steven Knipp, *Lost in Transformation: Can a Tiny American Chinatown Survive its Success?*, PACIFIC NEWS SERVICE, May 12, 2005, available at http://www.imdiversity.com/villages/asian/business_finance/pns_chinatown_development_0505.asp (last visited July 5, 2006) (citing data from Census 2000).

²³ Audrey Edwards, *Chinatown Loses A Fixture on H Street: Restaurant May Give Way to Development*, WASH. POST, June 24, 2006, at B03.

²⁴ Knipp, *supra* note 23.

²⁵ Knipp, *supra* note 23.

²⁶ See Marc Fisher, *A Decade Later, Still the Last Days of Chinatown*, THE WASHINGTONPOST.COM, June 30, 2006 http://blog.washingtonpost.com/rawfisher/2006/06/a_decade_later_still_the_last.html. One commenter noted: “My grandparents before they passed away, lived in Wah-Luck house [Chinese Senior housing] since the beginning, nearly twenty-five years ago. There are a lot of emotional ties to that building and to Chinatown from the Chinese community. Unfortunately, that is it; most of us Chinese live in the suburbs, and are within miles to Chinese grocery stores or restaurants. Very seldom do I go to D.C. to shop in Chinatown. And it brings sorrow to see what was a great Chinatown diminished to half of block of restaurants and convenience stores.”

²⁷ Eric M. Weiss, *Chiseling Away at Chinatown: Traditional Businesses Pulling Out as the D.C. Neighborhood Booms*, WASH. POST, Feb. 14, 2005, at B01.

²⁸ CDCR 11-1705 (2006).

²⁹ Melissa Cohen, *D.C. Chinatown Restoration*, ARCHITECTURE WEEK, 14 April 2001, at B1.1. The author, an architect that was part of the redesign and restoration of the face of D.C. Chinatown, emphasizes the diversity of building stock and working with cultural elements to evoke the area’s history, but there is little, if any, concern about the residents and communities tied to Chinatown. Her claim that “the aspiration of any commercial redevelopment is that the property will generate long-term revenue, provide local employment opportunities, and turn an abandoned area back into a vibrant, growing neighborhood” underlines the dismissal of the local community’s stake in the development.

³⁰ *Id.*

³¹ These include the Zoning Commission, the Board of Zoning Adjustment, the Office of Zoning, and the Department of Consumer and Regulatory Affairs.

³² *Community Housing Trust v. Dept. of Consumer and Regulatory Affairs*, 2003 U.S. Dist. LEXIS 6197, (D.C. April 16, 2003).

³³ The National Low Income Housing Coalition, *THE NIMBY REPORT* (May 2004), available at <http://www.nlihc.org/nimby/052004.htm>. Complaint available at http://www.usdoj.gov/crt/housing/documents/g_b_towncomp.htm (requiring (1) developers to secure special exceptions or to request reasonable accommodation to build housing for people with disabilities; (2) that certain classes of housing for people with disabilities be separated from similar uses by 500 feet; and (3) a cap on the number of people with disabilities who may live in such housing).

³⁴ *Kelo v. City of New London*, 125 S.Ct. 2655 (2005) (holding that the City of New London could rightfully use its power of eminent domain in transferring land from private owners to a private entity in order to further economic development in the area).

³⁵ DUKE: DRAFT DEVELOPMENT FRAMEWORK FOR A CULTURAL DESTINATION DISTRICT WITHIN WASHINGTON D.C.’S GREATER SHAW/U STREET, D.C. Office of Planning, September 2004, available at <http://www.planning.dc.gov/planning/cwp/view,a,1285,q,619223,planningNav,{32341}.asp>.

³⁶ *Id.*

³⁷ *Id.* at 7 (mentioning the work of the Cardozo Shaw Neighborhood Association).

³⁸ *Id.*

³⁹ *Id.* at 9.

⁴⁰ Interview with Mr. Dominic Moulden, Executive Director, ONE DC (June 30, 2006) [hereinafter Moulden].

⁴¹ Formerly Manna Community Development Corporation.

⁴² Moulden, *supra* note 40.

⁴³ ONE DC, <http://www.oneDCOnline.org/ShawHousingInitiatives.htm> (last visited July 21, 2006).

⁴⁴ Moulden, *supra* note 41.

⁴⁵ *The Changing Face of Shaw*, *supra* note 1, at 11.

⁴⁶ Moulden, *supra* note 40.

⁴⁷ Moulden, *supra* note 40.

⁴⁸ Moulden, *supra* note 40.

⁴⁹ Moulden, *supra* note 40.

⁵⁰ “Super-local” businesses are defined by ONE DC as those that are owned and operated by local residents, and do not encompass national or even regional chains like Starbucks or Ben & Jerry’s. See ONE DC, *supra* note 43.

⁵¹ *Id.*

⁵² Paul Schwartzman, *Shaw Shuns ‘Little Ethiopia’: Black Leaders Note Immigrants’ Pride but Resist Designation*, WASH. POST, JULY 25, 2005, at B01 [hereinafter *Shaw Shuns*].

⁵³ Walter Nicholls, *Washington’s Little Ethiopia: A New Cluster of Restaurants Brings Exotic (Yet Inexpensive) Appeal to Ninth and U Streets*, WASHINGTON POST, MAY 18, 2005, at F01 (noting that the restaurants alone are more than twice the number in Adams Morgan, another central neighborhood for Ethiopian food).

⁵⁴ Schwartzman, *Shaw Shuns*, *supra* note 52 (noting that the resident population of people reporting Ethiopian ancestry in Census 2000 was just over 15,000 individuals).