



smart growth • vibrant neighborhoods

**TESTIMONY IN SUBSTANTIAL SUPPORT OF THE
2018 COMPREHENSIVE PLAN AMENDMENT
OF THE FRAMEWORK ELEMENT (BILL 22-663)
BEFORE THE COMMITTEE OF THE WHOLE
MARCH 20, 2018**

Chairman Mendelson and Members of the Committee of the Whole:

My name is Susan Kimmel, and I live in Tenleytown. I submit this testimony on behalf of Ward3Vision, a group of residents partnering with the Coalition for Smarter Growth to advocate environmentally responsible and socially equitable growth that brings new vibrancy and new residents to our neighborhoods. We believe a community always benefits from honest dialog and inclusive citizen engagement.

We have joined the group of organizations including the Coalition for Smarter Growth and Greater Greater Washington in proposing amendments to the Comprehensive Plan. We generally support the amendments drafted by the Office of Planning to the Framework Element to clarify the legal significance of the Future Land-Use Map and the Planned Unit Development process.

We also strongly believe that the Framework Element must squarely address three concerns that will shape the future of our city:

1. Provide for population growth by increasing housing supply.
2. Increase the number of affordable units beyond what would be provided by Inclusionary Zoning.
3. Promulgate policies to enable those displaced by development to find affordable units in the city.

The Council's vote on amendments to the Comp Plan comes at a critical decision point. Is DC going to remain a truly inclusive city or are we going to price out all but the wealthiest of residents? Are we going to see the problems now faced by San Francisco where constraints on the supply of housing have inflicted tremendous stress on the entire Bay Area? Can we learn a lesson from their painful experience?

As one analyst, Gabriel Metcalf, the CEO of SPUR, an urban planning and policy think- tank, observed:

No one made San Francisco the most expensive place in the country on purpose. That's the tragedy. It was simply the unintended consequence of so many

*people wanting to live [t]here, coupled with local policies that made it impossible for the amount of housing to grow enough to absorb the demand.*¹

Mr. Metcalf does not attribute the runaway cost of housing to any evil intent, but believes that there is a tragic fatal flaw in the progressive politics, which tried to “*protect their city from unwanted change. It just happened to backfire.*”²

As it stands now, DC is headed down the same path as San Francisco. We have the opportunity to reverse the direction in our Comp Plan revision.

Some who are unconcerned about Smart Growth have taken advantage of the vagueness in the Comp Plan to challenge reasonable and professional judgments of the Zoning Commission in the DC Court of Appeals. This has led to some very sad and wasteful outcomes with more than 3,200 market-rate homes and nearly 500 affordable homes being held up in court. The resulting shortage of housing just drives up rents.

Some projects have been taken off the drawing boards entirely because landowners do not even want to attempt to develop the property in the current state of uncertainty. For example, Georgetown Day School is abandoning its idea for a PUD, which would have provided a mixed-use project with shops and restaurants at ground level, several new public parks and plazas built at private expense, and two residential buildings all within a few blocks of the Tenleytown metro. The proposal had broad community support after an admirable citizen engagement effort, but was derailed by the threat of litigation..

Some developers opt to only build what is allowable as a matter of right rather than risk extended litigation. I recently attended a presentation by Richard Lake of Roadside Development about their plans for the Fannie Mae site on Wisconsin Ave. He said they decided to reduce their proposal by 600,000 square feet -- 300,000 due to historic preservation restrictions, and 300,000 sq. ft. due to the uncertainty of the PUD process given the hostility of a handful of Ward 3 opponents to change, and the likelihood of drawn out litigation such as experienced at the nearby Cathedral Commons which took 12 years to get built. These are lost opportunities to say the least.

The fact is that because there are many roadblocks to development in DC including historic preservation,³ and the Height Act limitations, the Comprehensive Plan

¹ See <https://www.citylab.com/equity/2015/07/whats-the-matter-with-san-francisco/399506/>, Gabriel Metcalf, viewed 3/18/2018.

² *Ibid.*

³ If I may digress from the Comp Plan framework elements for a moment, I would like to speak about my pet peeve, historic preservation. According to a study undertaken by Greater Greater Washington, “DC has more historically designated properties than Boston, Chicago, and Philadelphia combined.” [See <https://ggwash.org/view/66597/is-anything-dc-not-historic-preservation->

should not pose an unacceptable additional barrier due to lack of clarity. Opponents of development have plenty of opportunity for dissent under the PUD process, and it is not constructive to suggest to this Council that it should adopt a law that encourages litigation.

The Comp Plan needs to make it easier, not harder, to build smarter.

That's why the current proposed amendments drafted by the Office of Planning are so significant. They provide a solid foundation for statutory interpretation of the Comp Plan. OP has done an excellent job in section 227 of explaining the intent and standard of review for Planned Unit Development. We agree that the ANC's should play the role of mediator and bring the experience of prior negotiations to the process.

PUDs proposing multi-unit residential projects can provide more housing from the private sector in expensive areas like Ward 3, by allowing density bonuses in exchange for a greater number of affordable units than required under the Inclusionary Zoning (IZ) rules. PUDs also provide for community amenities and public input that is wholly absent with matter-of-right projects. OP's proposed amendments clarify that PUDs can include greater height and density than allowed by designated zoning. Furthermore, the related generalized policy map and the FLUM are not hard caps but general depictions of land use to be interpreted in conjunction with the goals and policies of the Comp Plan's text (e.g., section 225, 226.1, 227).

Ward3Vision has been an active participant in several successful PUD developments and large tract reviews including Tenley View (at the site of Babe's Billiards in Tenleytown), the Broadcast (at the site of Krupin's in Tenleytown), Ladybird (in Spring Valley), and Cityline at Tenley (at the historic Sears store).⁴ In every case, the final project – after good faith citizen engagement - was superior to the first proposal, in overall quality (the goal of a PUD as we read sec. 227 on Zoning) and the provision of amenities such as under-grounding of utilities or the increase in the

harrison-street-flats-friendship-heights , David Alpert, viewed 3/18/2018.] That's just crazy! As the seat of federal government and a place with a rich history, there are of course many historic structures, but I'm referring to whole swaths of the city designated as historic districts and other buildings considered landmarks with dubious qualities supporting such designation.

How many decades have the HPRB and the Office of Historic Preservation been around? One would think they would have identified one city's historic resources by now. We think most of the recent nominations (for example, the Western Bus Garage and the Pepco substation both in Friendship Heights) have been thinly veiled efforts to stop development and this needs to stop. We propose an overhaul of the historic preservation process, to refocus it on its important original mission.

⁴ Also, Ward3Vision advocated for missed opportunities -- projects which never were constructed for various reasons: the Akridge project on Wisconsin Ave., the public/private partnership for the co-development of the Tenley library with the Janey School, and the GDS proposal which was withdrawn.

number of IZ units. The PUD is a powerful tool for obtaining these benefits and should be strengthened by the Comp Plan.

Of great importance for us in Ward3Vision are other sections of the Comprehensive Plan stressing that development should be concentrated near transit. (E.g., Framework Element section 217.6; Land Use Element , LU 1.3, 1.3.2). Currently Section 217.6 states that development near metro stations and along corridors “must not compromise the integrity of stable neighborhoods.” We are well aware that this clause has been used to stop projects dead in their tracks. We believe the language is loaded against smart growth and should be reworded to encourage transit-oriented development with language such as, “Development on such sites must be designed in terms of massing and architectural features to respect the context of the surrounding neighborhood.” The Zoning Commission is a body with expertise to apply this standard in particular contexts.

Ward3Vision urges you to vote in support of Bill 22-663 with added language to address the need for more affordable housing and policies to enable those displaced by development to find housing in the city.

Thank you.

Susan Kimmel