

Testimony of Thomas A. (Tad) DiBiase, ANC Commissioner 3E03  
Zoning Commission Case Number 02-17C

Unlike many of the other speakers before you tonight, I'm not going to concentrate on FARs, building heights, density or square footage. I will leave most of that argument to others better suited to it. ANC 3E, as you know, voted to oppose this project. One of the challenges we faced in examining this proposal, and the area that I want to focus on, is the difficulty of voting up or down on a project that started off as a very large scale project and at the end of the day ended up being a smaller project yet one that was still far in excess of existing zoning. This presents a number of problems both for us as an ANC as well as for you.

All the parties agree that the original project sought a greater upzoning than is sought today and was a larger, more dense project. Stonebridge, to their credit, negotiated with both the neighborhood and the ANC to decrease the size of the project, and also improve it in many ways, for example adding an affordable housing component. And I want to be very clear about one thing: throughout this process both Stonebridge, the ANC and the neighborhood (mostly represented by FhORD) have been willing to and have negotiated in good faith. If I had to look at this project in a vacuum, I and at least 3 of my fellow commissioners would have voted to support this project. But we can't do that. We live in a neighborhood that has a history and has homes. And not just a history in the sense of "George Washington slept here" (which may indeed be true in Tenleytown) but a zoning history and the zoning history in our neighborhood is not always a positive one

At bottom much of zoning law is about expectations and boundaries. It's about expectations because people moving into a neighborhood rightly determine beforehand what

their neighborhood is zoned for. If you were to move to a house with what appeared to be beautiful parkland behind it and then learned that it was permissibly zoned for a smelting plant, your expectations would be set at a certain level and your purchase price would reflect that expectation. Zoning law is also about boundaries because it sets boundaries. What's okay for one side of Massachusetts Avenue may not be okay for the other. What's okay for one end of Wisconsin Avenue may not be at all acceptable at the other end.

So in examining any project, any body passing on the project must keep in mind what are people's expectations and what are the boundaries involved? The biggest problem with this project is that it does not allow us to deal fairly with these two issues because it forecloses consideration of expectations and boundaries. What do I mean by that? From the very beginning of this project, it was a bedrock assumption of the developer that the existing zoning, R-5-B, was inadequate for their project. They started off seeking R-5-D zoning and worked their way down over many months to R-5-C. This enabled them to rightly say, "See, we're reasonable, we came down in size and scale." Yes, they did but when you start off with a full sized Metrobus and come down to a mini-Metro bus, it's still not enough if the parking space was set aside for a taxi. This strategy, one often pursued by developers, is an effective one because it takes one issue off the table: what kind of project could you build in a R-5-B? Throughout our ANC debate, one argument I heard from my fellow commissioners and the few citizens in favor of the project was, "You have to vote up or down on this project not on what someone else could have built there under the existing zoning." Well of course that's true, but that does not mean we can't consider what could be done under current zoning. To approve this project means that every developer will continue to work projects (and neighborhoods) the same way. How big can we go and then

work down from there. Why is it illegitimate to make developers start from what's existing and work their way up, if they can? People who live in our neighborhood, indeed every neighborhood in this wonderful city of ours expect that existing zoning will stay in place. Not that it's a guideline to be broken every time a seemingly attractive proposal comes into play.

People also expect there to be boundaries. The Office of Planning "promises" that this project will be the new boundary line on the Western Avenue/Military corridor and that there will be no more upzoning in that area. As I noted during our ANC debate, that sounds like my 5 year old after Halloween, "Please Daddy, please just one more piece of candy, I **promise** you I won't ask again." We all know what happens five minutes later, after that piece of candy is gobbled up and forgotten. How does OP justify agreeing to assist this developer in this way and not others? Why wouldn't they help the group seeking to develop the WMATA bus garage or 4600 Wisconsin, all projects due to begin this zoning process next year? Why wasn't the zoning that was set forth in 1974 enough of a boundary? A quick glance at a map of the area demonstrates the existing boundary between R-%-b land and R-2 is a reasonable accommodation to increased development near Wisconsin Avenue. Why encroach further into the neighborhood simply because a larger project looks nice? Why can't we ask the developer to show us a nice R-5-B project? The 1975 zoning was fought and negotiated over and is now being cast aside. Sure we need more housing in the District of Columbia and guess what, an R-5-B Planned Unit Development would do just that. One thing we can't do as a city, is just build high-end housing in upper Northwest. We need housing in all parts of the city

You have a chance with this project to shape the debate that's going to continue over the next few years not just in our neighborhood (although it certainly will rage loudly) but all over

the city. Tell a developer that yes we welcome your projects but don't start big and negotiate down. Instead look at what's there, what you could build there and then convince us your ideal project is of such exceptional merit that we should let it be the size you desire.

One of the refrains you'll hear tonight and at the following meetings is that Stonebridge did negotiate with the community to arrive at a more reasonable project. But their stance has been like a home seller putting his \$500,000 house on the market for \$1,000,000. The fact that the seller lowers his price to \$750,000 is irrelevant if the worth remains \$500,000 or the buyer says he or she can only afford that much. I would suggest that the ZC do the same thing any prudent house buyer would: tell them you're not buying and wait until they come back with a more reasonable offer. One the community can expect and support.

Thank you.

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Washington Smart Growth Alliance

# Smart Growth Recognition Program



For more information and an application packet,  
log on to <http://washington.uli.org/sga>

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# Call For Entries

Applications from developers are now being accepted for the Washington Smart Growth Recognition Program. Sponsored by the Smart Growth Alliance (SGA), a collaborative partnership of business, civic, and environmental interests, the program recognizes development proposals that exemplify smart growth principles.

The goal of the recognition program is to encourage the support and approval of development projects that will foster smart growth. By recognizing outstanding project proposals, the SGA hopes to inform regulators, public officials, citizen groups, developers, and others of the advantages these projects bring to a community and region.

Each quarter, the SGA will recognize private sector smart growth project proposals in the Washington area that currently are being or shortly will be reviewed by local government regulatory agencies. Applications must show that the project meets criteria related to location; density, design, and diversity of uses; transportation, mobility, and accessibility; environmental conservation; and contributions to community assets.

**Mixed-use development incorporates smart growth concepts.**



The SGA invites developers to submit a project proposal for consideration. For more information or to download a program application, go to <http://washington.uli.org/sga>.

## Eligibility

While being considered for recognition, a proposed development project will be carefully evaluated against a series of comprehensive standards, or criteria, established by the SGA. Residential, commercial, or mixed-use projects (both new construction and rehabilitation) that either are currently or soon will be under regulatory review by a local jurisdiction in the Washington, D.C., area are eligible for consideration.

## Recognition by the Smart Growth Alliance

The SGA will send a letter of recognition to every successful applicant, will prepare and distribute regionally press releases announcing successful projects, and will highlight honored proj-

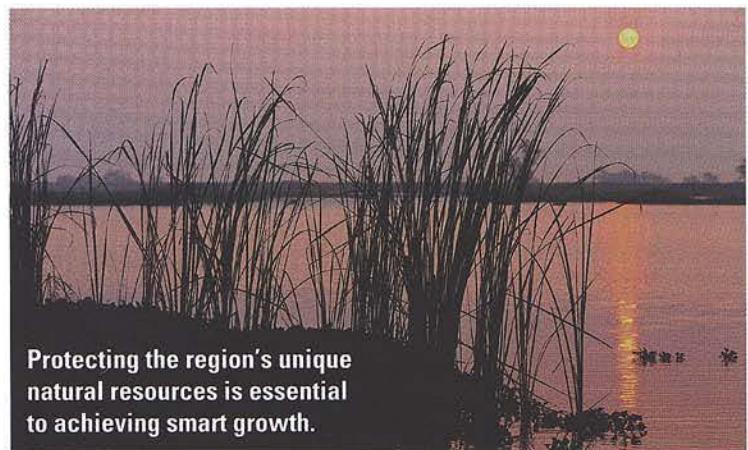
ects during regular SGA events. Recognition means that the project, as designed, will help the region accommodate anticipated growth in a manner that achieves economic, environmental, and quality-of-life objectives. Recognition by the SGA indicates that the project proposal, as submitted to the jury, achieves smart growth objectives.

While many good development projects are in the regional pipeline, this program is designed to recognize the finest examples of smart growth, those that will serve as models of excellence. By recognizing proposed projects that meet smart growth criteria, the program will encourage public officials, citizen groups, regulators, developers, and others to support and strive for high-quality development.

## Jury Evaluation

Each application will go through a prescreening process based on general prequalifying criteria. If an application satisfies these criteria, an independent jury will evaluate and act upon the submission.

Members of the expert SGA jury are selected from throughout the Washington area to achieve geographic balance and represent key facets of land use expertise, including planning and development, design, the environment, civic interests, and the regulatory process. The jury may ask the applicant for points of clarification during its deliberation.



# Recognition Program Criteria

For a project proposal to be recognized, it must satisfy five criteria:

**Location.** The project must be located in an area designated and appropriate for growth or revitalization, most particularly infill or sites adjacent or close to developed residential or commercial areas. It should take advantage of existing or short-term planned public water and sewer service, and it should be accessible to public transportation.



Smart growth development can result in vibrant gathering places.

**Density, Design, and Diversity of Uses.** The “three Ds” of smart growth development must be present, either within the proposed project or within its vicinity. There should be sufficient density and scale to support a mix of uses, walkability, and public transit. The project should be designed so that it is integrated effectively into the existing community fabric.

**Transportation, Mobility, and Accessibility.** The project should be designed, located, and programmed to offer alternatives to single-occupancy-vehicle trips, by enabling safe and effective pedestrian and bicycle access to multiple uses and activities and/or by being accessible to public transportation.

**Environment.** The project should protect, conserve, and/or mitigate damage to open space, water and air quality, and important ecosystem components.

**Community Assets.** The project should generate benefits for its surrounding area and/or the host community. These may include positive economic impacts, affordable housing, support for the school system, historic preservation, public access to parks or open space, support for local efforts to encourage alternative transportation, adaptive use of obsolete buildings, and other improvements to quality of life.

## Smart Growth Alliance

In recent years, smart growth has gained national attention as a solution to the challenges associated with growth. Successful smart growth initiatives have relied on a simple but powerful formula based on collaboration. Here in the Washington, D.C., region, five distinct groups who represent developer, civic, and environmental interests, and who often sit on opposing sides of the table when it comes to smart growth issues, have elected to put aside their differences and work together on common goals for smart growth.

Members of this Washington Smart Growth Alliance (SGA)—ULI Washington, the Chesapeake Bay Foundation, the Greater Washington Board of Trade, the Coalition for Smarter Growth, and the Metropolitan Washington Builders’ Council—have formed a distinctive partnership based on mutual interests and goals. By using this collaborative approach, the SGA can make a difference in the region.

The partnership also is supported by an advisory group of representatives from approximately 40 organizations, including universities, local governments, businesses, foundations, and civic groups throughout the region—ensuring a long-term, collaborative effort.

### SGA's Vision

The Washington region is expected to grow by more than 1 million people over the next 20 years. To ensure that the quality of life and economic competitiveness of the region are maintained and improved while it grows, SGA members have agreed that the region’s unique economic, cultural, community, and environmental assets must be protected. This will require all interests—government, business, civic, and environmental—to work collaboratively to develop policies and practices that ensure that every new resident and every new job enhance, rather than detract from, the region’s quality of life.

### Smart Growth Alliance Members

- ULI Washington
- Chesapeake Bay Foundation
- Greater Washington Board of Trade
- Coalition for Smarter Growth
- Metropolitan Washington Builders’ Council

# Application Instructions

Applications for SGA recognition must demonstrate clearly the reasons why the project qualifies as an outstanding example of smart growth in the region. A full description of the program and the application packet can be found at <http://washington.uli.org/sga>.

## Application Materials

Each application is limited to 20 pages of text (not including summary cover sheet and images) that are bound and that fit an 8.5" x 11" format. Printed brochures may be submitted as attachments. Oversized drawings may be submitted as single copies. In addition, applicants must submit 15 copies of the application.

Applications should be mailed to:

Washington Smart Growth Alliance  
c/o Urban Land Institute  
1025 Thomas Jefferson Street, N.W.  
Suite 500 West  
Washington, D.C. 20007-5201

Application questions should be directed to [sga@uli.org](mailto:sga@uli.org).

## Recognition Program Schedule

Applications will be received and reviewed quarterly. An Application Packet must be received by 5:00 p.m. on or before the application review period due date, or, if not a business day, the next business day.

Review Period One—Due date March 15.

Review Period Two—Due date June 15.

Review Period Three—Due date September 15.

Review Period Four—Due date December 15.

## Application Fee

A fee of \$250 must accompany each application, with checks written to the Urban Land Institute.

## Sponsors

The Smart Growth Alliance gratefully acknowledges the financial support of its primary sponsor, PEPCO, and its contributing sponsors—The Morris and Gwendolyn Cafritz Foundation, Prince Charitable Trusts, and the U.S. Environmental Protection Agency—for this and other Smart Growth Alliance projects.



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