



The Hellman Company, inc.

12 September 2005

Ms. Carol Mitten, Chairperson and Colleagues
Zoning Commission of the District of Columbia
 441 4th Street, NW, 210-South
 Washington, D.C. 20001

Subject: Inclusionary Zoning: Case No. 04-33

Dear Ms. Mitten and Colleagues:

When I testified on August 1 as an "opponent" to the Inclusionary Zoning you are struggling with, I said how can anyone be opposed to "workforce" housing? The issue in front of the Zoning Commission is not are we all believers in enabling workers to live near where they work, rather it is what is the right thing for the Zoning Commission to do about the problem that is observed in Washington, DC — and without question in our entire region.

As I wrote in extensive detail to the Zoning Commission in November 1989 in a book and two letters addressing a substantially similar issue — namely PUD's and "linkage" — the primary responsibility of the Zoning Commission is to make the built-environment the best that it can be. No one else is minding that store. It is not an easy job. The buck stops with you. If you fail, the price we will all pay is much bigger than IZ.

If the Zoning Commission succeeds, then the District will be healthy and vibrant. In that case, the City Council will have more money and they can productively address the complex social problems of which lack of "workforce" housing is but one symptom.

Start with the overriding fact: every home/apartment/condominium that is built is being lived in by a human being. Since the real reason the price of housing is so high is the imbalance of supply and demand, the Zoning Commission's focus should be on increasing supply. Today's Washington Post reported that our economy generated 74,000 jobs over the past 12 months!

This is a regional Reality Check level task (see ULI's work on this — 2 million more people and 1.6 million more jobs in this region by 2030). Then it is a Vision Plan level task. Then it is a Comprehensive Plan level task which includes an APFO (Adequate Public Facilities Ordinance) task. Zoning is the low man on this totem pole.

This is not a social-justice minutia micro-management task.

If the Zoning Commission does not make the pie bigger, then all they will accomplish is *attempting* to decide who gets a slice. That is worse than a zero-sum game because not only are there no more slices, but the administrative overhead and the aggravation make it a net loss game.

D.C. ZONING COMMISSION
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ZONING COMMISSION
District of Columbia

Case No. 04-33
Exhibit No. 157

This is not at all easy. Do not waste limited resources in counter-productive fashion.

Please, focus everyone's energy at the Reality Check level, then the Vision Plan level, then the Comprehensive Plan level, then the APFO level and increase the housing supply and do it in a high quality carefully thought out way.

I strongly recommend that the Zoning Commission not put the cart before the horse.

This is a problem you cannot solve with IZ. Learn from rent control!

Forget about getting involved in a level of detail for which there is no theoretical justification. Ann Hargrove's comments were very valid. Please read my enclosures below, re-read her testimony, and read carefully my original submission of 1 August.

If the fire department has a crisis needing firemen living near their jurisdiction, let the fire department provide housing just like a university provides dorms. Same with police, teachers, nurses ... If the rationale for emergency and urgency is job specific, make the solution directly relevant. This is not a zoning problem, this is a City Council problem, it is an employer problem. My work in virtual adjacency -- bringing jobs to where people live is a step in the direction of solving the bigger picture problem (read the ULI Telecommunities article in the May 2005 issue of URBAN LAND magazine.)

Respectfully submitted,



Jay John Hellman, Ph.D.

Enclosures:

1) Table of Contents to book prepared for the Zoning Commission of the District of Columbia, 2 Nov 1989:

Zoning and PUD's
The Role of the Zoning Commission
• producing the highest quality *built-environment*

2) letter from Jay Hellman to Ms. Maybelle Bennett, Chairperson, Zoning Commission of the District of Columbia, 2 Nov 1989:

Subject: **The Role of the Zoning Commission to Optimize Land-Use**
Produce the Highest Quality Built-Environment

3) letter from Jay Hellman to Ms. Maybelle Bennett, Chairperson, Zoning Commission of the District of Columbia, 24 Nov 1989 — same subject

Exhibits

1. Height and Density
The Lafayette Centre PUD

These photographs of Lafayette Centre and the surrounding area clearly show that things are not necessarily the way they appear. Square 100 (the Lafayette Centre PUD) with its grand plaza, arcade, and galleria linking 20th and 21st Streets is dramatically more open, hospitable, and functional than the 15 foot alley linking 20th and 19th Streets immediately east. This undesirable land plan is characteristic of Square 117, and is typical in this CBD area. Yet there is more FAR in Lafayette Centre than in the apparently denser, more congested block east!

2. WMATA PUD 4250 Connecticut
a PUD mis-used

This letter to Henry Cord sets forth a real world example of an opportunity lost of major significance. It applies the theory of appropriate urban land use, relationship to infrastructure, and the zoning fine-tuning necessary to maximize the benefits of individual projects.

Unfortunately for the District, its citizens, and visitors, the actual result here fell tragically short of the exceptional potential. The reason for this failure was the gross mis-use of the PUD process. It is a loss which we all bear for the next century

3. Benefits achieved using PUD '78-'89
20 projects using the 1 Step PUD

This exhibit summarizes a broad range of public benefits that derive specifically from the fine-tuning, building-configuration refinements and flexibilities, made possible by the site-specific public review process and related economic incentives characteristic of the PUD. Its efficacy contrasts markedly with the results obtained from the gross, abstract, definitional parameters characteristic of Euclidean zoning,

The first exhibit is a detailed summary of the Public Benefits of the Lafayette Centre PUD; the second exhibit is a table summarizing data relevant to over 20 projects that would never have been public review PUDs had the 1-Step process not been introduced in 1978.

4. Public Benefits achievable using PUD
a *PADC* approach to New Jersey Ave

This neighborhood immediately north of the U.S. Capitol, adjacent to Metro and Union Station, and the Georgetown University Law Center, is dominated by inappropriate land uses. They are functionally, aesthetically, and economically wrong. What is needed is an area plan modeled after *PADC*'s solution to the Pennsylvania Avenue and E Street mish mosh that existed in front of the National Theater and the District Building. That solution resulted in the creation of Western Plaza and Pershing Park.

In addition, PUD fine tuning versatility is necessary to provide the design flexibility required to achieve the optimum building on Square 627. The site is a small triangular parcel of land that is unequalled in visual prominence and surrounding open space by virtue of its free standing location on a major L'Enfant vista of the U.S. Capitol. Its specific dimensions however conflict with the Euclidean parameters that otherwise control project development.

5. Economics of the PUD
Why the 1 step process was necessary

Going through the series of meetings, design reviews and a formal public hearing entails significant cost. Unless the government recognizes these and tailors incentives and a review process properly, it will discourage use of this process to the detriment of the District, its citizens, and visitors. Being the capital of the nation, the District government and the Zoning Commission bear an unusually severe responsibility to see to it that the built environment of our city is second to none.

Long processing delays, excessive hearing fees, and tax-like burdens (such as housing linkage payments) bearing no relevance to the physical attributes of project-specific development plans, will discourage use of PUD.

It will foster expediency, which will not achieve excellence.

Zoning and PUD's
The Role of the Zoning Commission

- producing the highest quality *built-environment*

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24 November 1989

Ms. Mabelle T. Bennett, *Chairperson*
Zoning Commission of the District of Columbia
1350 Pennsylvania Avenue, N.W. Room 11
Washington, D.C. 20004

Subject: **Zoning / PUD's / Quality and Health of the District of Columbia**
the need to Encourage Public / Private Cooperation

The Role of the Zoning Commission to Optimize Land-Use
Produce the Highest Quality Built-Environment

Dear Ms. Bennett:

I am concerned that the PUD process has been experiencing a series of changes and distractions that are destroying its ability to achieve its primary purpose. Long processing delays, excessive hearing fees, and tax-like burdens (such as housing linkage payments) bearing no relevance to the physical attributes of specific project development plans, foster expediency and an environment of conflict and distrust. Co-operation and communication are minimized. Mediocrity will result.

The PUD is the most versatile, valuable and powerful tool in the Zoning Commission's arsenal. It is a "fine-tuning" tool, whose flexibility and responsiveness to resolve site-specific details in a complex, urban context is without equal. A broad range of public benefits derive specifically from the PUD. Its efficacy contrasts markedly with the results obtained from the gross, abstract, definitional parameters characteristic of Euclidean zoning.

The Zoning Commission's challenge is to assure meaningful incentives to encourage private sector performance; the corollary: no dis-incentives to discourage reaching the primary goal. If the Commission fails, the PUD tool will be unused. The District will neither collect the payments it was imposing, nor will it enjoy as healthy an urban system. The District will lose on both counts.

Burdening the PUD process with "taxes", and presiding over it with the mentality of an accountant will destroy it. The irony is that this "bean-counting" is not just counterproductive, it is totally unnecessary. The production of larger buildings is worth more to the District than it is to the initiating private sector.

The more capably you execute your responsibility, the more alive and efficient the District will be. As a result of your success, the District's economic base for addressing a myriad of other social objectives and concerns will have been strengthened. Let the *legislative process* then deliberate over their issues: namely, taxation and spending.

The Zoning Commission should aggressively stick to its knitting. It is no simple challenge.

Please accept the booklet I have prepared as a contribution to aid you in addressing the difficult challenges facing the Commission.

Sincerely,

Jay John Hellman

encl: **Zoning and PUD's — The Role of the Zoning Commission**, 2 Nov 89,
booklet prepared by Jay John Hellman, The Hellman Company, inc.

cc **Mr. David Clarke, Chairman, City Council of the District of Columbia**
Mr. Fred Greene, Director, Office of Planning



The Hellman Company, inc.

2 November 1989

Ms. Mabelle T. Bennett, *Chairperson*
Zoning Commission of the District of Columbia
1350 Pennsylvania Avenue, N.W. Room 11
Washington, D.C. 20004

Subject: **Zoning / PUD's / Quality and Health of the District of Columbia**
the need to Encourage Public / Private Cooperation

The Role of the Zoning Commission to Optimize Land-Use
Produce the Highest Quality Built-Environment

Dear Ms. Bennett:

I write to you as a concerned co-passenger on Spaceship Earth. I have had the good fortune of extensive academic training as an engineer / businessman / planner. Professionally, since 1974, I have been actively involved as a developer in the evolution of Washington, trying to creatively apply a more enlightened understanding of complex urban social-systems to "real-world" challenges.

My most significant contribution in this sense was the creation of the **1-Step PUD** in 1978 — itself a textbook example of public/private cooperation. The project that motivated this zoning refinement was *Lafayette Centre* in Square 100. Phase 1, 1120 20th Street, N.W. was the first 1-Step PUD in the District. We were faced with a difficult dilemma, one which it is critical you and your colleagues re-focus attention on now before you kill the success you have been enjoying for the past decade.

In particular, prior to the 1-Step PUD there was the 3-Step PUD. The reality of this 3 hearing process was such that 2 calendar years were required for approvals. The cost of this unnecessary delay was overwhelming, and as a result, developers with commercial ground (Eg. C3C) could not afford to seek the refinements and improvements that the PUD process offered. By streamlining the administrative process you reduced the 2 years to 6 months, thereby *making it feasible for the private sector to seriously consider use of this tool of incomparable flexibility*.

Please recognize this tool as the most valuable and powerful one in the Zoning Commission's arsenal. Effective use requires art, science and finesse. Its preferred forum is *cooperative*, not *adversarial*.

Please accept this booklet as a contribution to aid you in addressing the difficult challenges facing the Commission.

Sincerely,

Jay John Hellman

cc: Mr. Fred Greene, *Director, Office of Planning*