

**Testimony of Paul Tummonds
Goulston & Storrs
Zoning Commission Case No. 04-33G**

Good evening Chairman Hood and members of the Commission. For the record, I am Paul Tummonds with the law firm of Goulston & Storrs. I note the substantive comments that our firm filed with the Zoning Commission on March 2, 2016. This evening I will address our concurrence with the analysis provided in OP's February 25, 2016 report regarding the inconsistencies of the Applicant's proposal with the Comprehensive Plan.

ZONING COMMISSION
District of Columbia
CASE NO. 04-33G
EXHIBIT NO. 188

Inconsistency of the Applicant's Proposal with the Comprehensive Plan – Future Land Use Map

OP's February 25, 2016 report noted that its review of the Comprehensive Plan:

[f]ound there is very limited opportunity to increase bonus density to help balance the impact on project revenues from deeper affordability. This is due to the inability to offer additional height in almost any zone without running into potential conflicts with the Comprehensive Plan.

This is very important, as the Inclusionary Zoning program has always been intended to create a series of incentives (through bonus density and additional building height) to help the development community create additional housing units that will also help achieve the District's goals of providing more affordable housing. As noted in the testimony of other members of the development community, the deeper affordability levels proposed in this application, without the possibility of additional height and density, will ultimately result in the reduction of the amount of new housing created.

As this Commission is well aware, consistency with the Comprehensive Plan's Future Land Use Map is an issue of primary importance in all PUD and Zoning Map Amendment applications.

These same issues of consistency with the Future Land Use Map need to be considered in this Zoning Text Amendment application.

You may remember that last year this Commission noted the problems that the initially proposed redevelopment of the Brookland Manor project had with the Comprehensive Plan's Future Land Use Map designation for the existing properties. In that instance, the applicant was required to reduce the height and density of the proposed buildings in the First-Stage PUD application, which ultimately reduced the amount of housing and affordable housing provided in the project. You encouraged the applicant to work with the Office of Planning on creating proper amendments to the Future Land Use Map, through the Comprehensive Plan Amendment process, to allow for additional height and density along Rhode Island Avenue, NE.

We believe that the Applicant in Zoning Commission Case No. 04-33G should also be required to recognize that the existing Future Land Use Map designations for the areas in which additional height and density are proposed are not achievable at this time. They should also be encouraged to seek changes through the Comprehensive Plan Amendment process to allow for greater height and density in certain areas. It is only through those types of changes to the Comprehensive Plan that the changes proposed to the Inclusionary Zoning regulations in this application will be economically feasible to the development community.

Thank you for your time and attention to my testimony this evening.