

Hi -- my name is Sue Hemberger. Since this is my first appearance before the Commission, I'd like to take a minute to introduce myself and to give you a sense of where I'm coming from. I moved to DC 26 years ago -- my husband and I came here right after grad school. He took a job at a law firm downtown and I joined the Political Science faculty at Johns Hopkins, where I taught courses in Law and Society, which is an interdisciplinary field that focuses not only on interpreting laws but on studying how legal rules work out in practice -- so, it's highly relevant to our discussion here tonight. I'm a lifelong non-driver (thus far!) -- a decision I first made as a teen growing up in Southern California. And, with the exception of Princeton (where I got my PhD), I've lived in cities my entire adult life. I'm here tonight because I love DC's downtown and want to see it flourish -- and because I'm a firm believer in rational, fact-based, and transparent decision-making in the service of democratically-established policy objectives.

I've already submitted detailed written comments that I'd be happy to discuss in greater depth. But in the short time allotted for oral testimony tonight, I'd like to step back and make a broader point.

You are being asked to do something really irresponsible here. If a developer came to you with a PUD and said "We want you to let us have another 40 feet in height and as much FAR as we can afford to build," you'd quite naturally ask "Well, what exactly do you want to build and where?" If the answer was "The project will be somewhere downtown-ish and will probably include some residential" you'd have no qualms about saying "This project is not ready for setdown."

Yet here you're being asked to sign a whole book of such blank checks -- to significantly upzone large swathes of the most valuable land in the city and to get nothing in return. You're being asked to loosen restrictions on the redevelopment of historic properties, without even being given an inventory of the parcels being affected. You're being asked to eliminate parking requirements without any prior analysis of existing conditions of supply and demand in various locations. You're being asked to redefine the boundaries of downtown from a compact and cohesive area into a sprawling, skipping, non-contiguous shape that looks like an encyclopedia illustration of gerrymandering. In doing so, you're also being asked to replace the PUD process and limits on FAR with a developer-controlled market for density credits. And to carve out more exceptions to inclusionary zoning requirements. Finally, you're being asked to lay the groundwork for even more upzoning if/when the Height Act changes.

It's outrageous that OP asks you to do all this without providing you with the information you would need to make intelligent and well-informed decisions on such issues. And it would be a dereliction of duty for you to sign off on these regulations based on what's before you today. These are changes that would be difficult and extremely expensive to undo. Once additional height and density are granted, commercial property owners and developers will demand to be compensated for its loss.

OP wants to build and populate a host of new neighborhoods that lack the basics -- parks, schools, garages. Don't let them upzone until they've solved that problem. And recognize that OP is not just leaving the less-than-effective status quo in place -- they're exacerbating the infrastructural issues -- by sending more people to areas that already lack these facilities (and where the land that would be required to provide them is already quite scarce and very expensive); by eliminating requirements to provide new facilities (parking, loading, affordable housing, and, previously, recreational space), and by taking away the city's leverage to extract them.

We have an historic, human-scale, pedestrian-friendly downtown. That's in striking contrast to most other US cities. Our goal in expanding downtown should be to replicate our successes -- not to abandon policies that have made DC distinctive and attractive. Yet OP seems determined to do just that -- they've presented you with a recipe for replicating Rosslyn rather than Penn Quarter. And that's just not in the city's best interest, no matter how much a few developers might stand to profit from these changes.