

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF LIMITED PUBLIC HEARING**  
**September 8, 2014**

**CASE NO. 08 06A (Alternative Language to Certain Advertised Text –  
Title 11, Zoning Regulations – Comprehensive Text Revisions**

**Testimony of Suzette M. Hemberger**

**My name is Sue Hemberger. I've lived in the city since the mid-1980s. I'm not a native Washingtonian but this my adopted city – the city I chose.**

**I'm here today to talk about Subtitle I. I was extremely disappointed to see that OP has done almost nothing to improve the proposals for downtown.**

**Among the issues I identified were:**

- **Undermining of historic preservation protections downtown. We still haven't seen an inventory listing potentially affected buildings.**
- **Significant upzoning with no quid pro quos – 40 additional feet and the elimination of restrictions on FAR doubles the buildable density on many lots in the new downtown. What do we get in return? Absolutely nothing. And as we're already seeing with communal recreational space, the things you give away now are things you end up trying to buy back later. In general, getting rid of limits on FAR (in places where there is no lot occupancy requirement) is a really bad idea if you want public space and/or good design.**
- **Replacement of the PUD process with a developer-controlled market in density credits. So instead of providing public amenities, one developer cuts a check to another.**
- **Expansion of downtown exemptions from inclusionary zoning – both in the area south of the National Mall (D8) and in a few squares on the west side of South Capitol street that managed not only to get in on the upzoning from C-3-C but apparently to extricate themselves from IZ as well. My written testimony submitted last October tells that story through a series of OP mappings.**

**In addition to my own testimony, I heard eloquent appeals from residents in both the West End and Penn Quarter on the importance of quality of life issues. Downtown neighborhoods face real challenges in balancing the needs of residents with those of businesses and visitors. Light, noise, parking, the provision of schools, parks, and grocery stores, stormwater management, and affordability are all significant issues that must be addressed if we want to build sustainable, diverse, attractive neighborhoods downtown. You're being asked to do significant upzoning without even the most basic infrastructure studies in front of you.**

After all this public testimony, about the only thing OP found that needed to be fixed in Subtitle I was the three year time limit on converting TDRs and CLDs to density credits. Apparently the speculative market in density won't be truly free unless developers are given the right to choose indefinitely between what they originally bargained for and whatever other new incentive scheme OP might develop over time. Clearly the desires of Real Estate lawyers and their clients command more attention than those of DC residents.

We've got a beautiful downtown, that wastes almost no land on parking, that showcases our historic buildings, that is a delightful place to walk. Why are we putting that at risk?

Why is our goal to build up every scrap of land in already thriving areas – and then to make even more room, by upzoning, adding penthouses, raising Height Act limits – when many parts of the city suffer from chronic disinvestment? To put this another way, why are we incentivizing development in the places where it would happen anyway? Do we really want to adopt a code that endlessly defers the promise of reinvestment in neglected neighborhoods? Is our goal to widen the chasms between DC neighborhoods?

Is this what you want your legacy to be? Because the buck stops here. Harriet Tregoning has left the building. Mayor Gray has never been eager to claim ownership of this project. Do you want to be the Commission that abandoned two centuries' worth of planning excellence to turn the nation's capital over to developers and speculators? Because that's what you'll be doing if you adopt this code.

There's no urgency here. Nothing in the existing code is inhibiting development and nothing in the proposed code would raise our development standards. We've got time to get this right – and the stakes are too high not to.