

Testimony by Claudia Barragan

For Friends of McMillan Park and DC for Reasonable Development

*In re: McMillan Park and Proposed Planned Unit Development in
Zoning Commission Case No. 13-14 (Court Vacate)*

April 19, 2017

This testimony adopts and augments the testimony provided by witnesses of Friends of McMillan Park and DC for Reasonable Development.

Amending the District's Zone Map is a different action with its own legal bounds separate and aside from approving the PUD project

- The Commission is authorized to amend the DC Zone Map, but the amendments must not be inconsistent with the FLUM, a key map carrying legal weight by and through the Comprehensive Plan. § 6-641.02 **"Zoning maps . . . , and amendments thereto, shall not be inconsistent with the comprehensive plan..."**
- The Commission cannot amend the FLUM. Amending the FLUM requires a legislative act by the DC City Council and approved by the Mayor. The Commission must recognize that unlimited Zone Map amendment power was not granted to them as the enabling statute states in clear terms.
- The FLUM plays the critical role of setting a predictable 20-year built environment in the District. The Commission cannot arbitrarily remap a parcel to high-density zoning in the face of the FLUM's density designations for McMillan Park as moderate- and medium-density development. The anticipated designations for McMillan Park have not changed since the Comprehensive Plan has been in place.
- Yet, in this case, the Commission first serves the Applicant by arbitrarily remapping the entire PUD site to two different high-density commercial zones and then approves a PUD project that fits the development envelopes of this high-density remapping.
- The Commission has overstepped its authority, not necessarily in approving an actual PUD project (buildings and land use) which the Court discusses can be approved with a balancing of many plan policies. Separate and aside from approving the PUD project, it is the discrete act of the Commission in amending the DC Zone Map in a way that is inconsistent with the FLUM (thus also amending the FLUM) which is against the law. Only the Council can amend the FLUM legislatively.
- If the Commission were to have unlimited power in amending the DC Zone Map away from the legislatively enabled FLUM designations, this fundamental planning map would be rendered unnecessary during development review in that, any site in the District could