

Chris Otten, Expert Testimony Zoning Case 15-28

In re: Request by Mr. Robert Haferd, Esq, representative for Union Market Neighbors

June 20, 2016

The OP reports on the record state that the PUD site is currently zoned C-M-1. And that on the Generalized Policy Map, the PUD site is part of a “Land Use Change” area. The GPM says refers to the Future Land Use Map in guiding how land use will change over the next 20 years. The FLUM identifies the PUD site as striped one-third each Medium-Density Commercial, Medium-Density Residential and Production, Distribution and Repair.

This PUD application is seeking to amend the Zone Map to C-3-C zoning, a “high-bulk” district. The applicant says 10% of the retail space will be considered Production, Distribution and Repair. The FLUM designations do not balance with what is being proffered. There is no mention of hotels being included in any of these FLUM designations or on the GPM or in the Comprehensive Plan policies for this area.

Relevant Comprehensive Plan policies, among others: UD-2.2.1; UD-2.2.2; UD-2.2.4; UD-2.2.8; LU-2.3.2; LU-2.3.3; LU-2.3.4; LU-2.4.8; H-1.3.A

Hotel Impacts

Nothing in the OP reports consider the number of hotels going into the Union Market area and what the cumulative impacts of these hotels on the residential communities nearby.

The Comprehensive Plan, taken as whole as the Commission should know consists of policies that discuss the greater impacts hotels present especially in proximity to residential districts.

There are no plans for where tour buses will park or wait while waiting for hotel guests, and how this may impact the surrounding community.

Quality of Life Impacts

The OP reports how that no studies of noise or air quality have been conducted to determine how this project will affect the surrounding neighborhood. No relevant District agencies have weighed in to determine the waste, emissions, and other issues the hotel and high-density uses at this site will bring onto the surrounding community. *Comprehensive Plan Policy: LU-2.4.11*

Specifically, there are no reports in writing from the DC Department of Environment exploring at least an evaluation of the environmental impacts this PUD will have on the surrounding residential communities. Further, there are no reports from the DC Department of Public Works. Fire and Emergency Management Services, or Metropolitan Police Department.

Jobs and Existing Small Businesses

The PUD application gives no sense of how many jobs will this project create, will they be of a living wage, and there is no sense or reports from any relevant agencies to determine how many local residents in the surrounding communities will be sought after and employed in the jobs created by this project. There are no reports on the record from DC's Department of Employment Services and Department of Small and Local Business Development.

There has been no evaluation of how the project among the others around Union Market will displace the existing small businesses currently serving the surrounding communities.

Relevant Comprehensive Plan policies, among others: E-4.1; E-4.1.3; E-4.2; E-4.3; E-4.3.5; E-4.5.C; E-4.8.2; ED-3.2; ED-3.2.1; ED-3.2.6; ED-3.2.7; ED-3.2.A; ED-3.2.D; ED-4.2.4; ED-4.2.7; ED-4.2.12

Impacts on Public Services

There is no sense from DC Water to get specificity as to the water needs of the proposed project such as how much fresh water this project will require on a daily basis and will the fresh water capacity currently serving the surrounding community be affected by this new stress on the public water systems. It is fair to say that the amount of sewage coming from this proposed project will be far greater than the existing water and sewer needs.

The Office of Planning has not considered the coordination of the municipal public systems that will be impacted by this project, among the others in the area, and hence there is no qualitative understanding of contributions from the public and the applicant to upgrading the municipal water, electric and gas systems that will serve this PUD project.

There are no reports from DC Water, Washington Gas or Pepco on the record.

OP has not determined the capacities of these utilities in serving the PUD site, and the existing community simultaneously. There is no sense of who will pay the repair bill for a catastrophic collapse of any of these public utility systems during construction or after the project is operating.

And OP has not coordinated an evaluation of emergency response capacity with the Fire Department or MPD about this project considering the volume and density of new residents and commercial entities in case of an emergency or in terms of daily safety protections currently serving the community.

Relevant Comprehensive Plan policies: CSF-1.1; CSF-1.1.1; CSF-1.1.2; CSF-1.2.2; CSF-1.2.6; CSF-3.2; CSF-4; CSF-4.2; IN-1.2; IN-1.2.2; IN-2.1.1; IN-5; IN-6; IN-6.1.3

Affordable housing

This project does not provide an affordable housing benefit under the PUD regulations as the applicant is proffering a minimum of “affordability” as already prescribed by the law.

The surrounding residential districts to the south and east are considered low-rise family rowhouses and

the like. Many people own their homes in this location and will face rising property taxes due to this project among others at Union Market.

The Office of Planning has not done analysis of how this project may impact the existing community and land values, especially given that the agency supports a remapping to a high-density district. There is no reports in writing from the Dept of Housing and Community Development (DHCD) to weigh in on these affordability issues. DHCD is the agency monitoring and managing affordability, and affordable units around DC, including the the residential areas around Union Market, to inform the Commission about statistics as to current affordability numbers – like the number of units, levels of affordability, what existing affordable family housing is at risk – in the surrounding community?

Is it fair to say, OP has not worked with any relevant city agencies to ensure that there is minimal to no disruption to the surrounding zone districts and land values. One such tool is to seek a freeze on property taxes for the the impacted community over the next 15 years, which can be included as a condition in the Order to mitigate displacement and destabilization of the surrounding districts.

Relevant Comprehensive Plan Policies, among others: H-2.1; H-2.1.3; H-2.1.1; H-2.1.4; H-2.1.A; H-2.1.E; H-2.2.3; H-2.2.E; H-1.1.3; H-1.2; H-1.2.1; H-1.2.7; H-1.2.B (commercial office linkage to housing)

DDOT – TRANSPORTATION

The DDOT report discussed this project in the context of the surrounding public transportation systems. The report say this project will “generate a significant number vehicle, transit, and walk trips.” The report says that the project will “exacerbate” failing Level of Service conditions at all the major intersections closest to the PUD site.

DDOT has determined that some of the bus lines around the site are at capacity now. And all are now aware of how limited and dangerous the Wmata Metro system has been and will be given it is also near or at capacity.

DDOT does not look at how this project to generate less traffic if it was smaller, say 4 stories shorter, 5 stories shorter, 6 stories shorter. So it would be fair to say this proposed high-density project will generate far greater traffic than the most recent use of the site.

DDOT has not determined the capacity of the Metro to simultaneously serve the PUD project and continue to serve the existing community given the new transit trips predicted for this project. Same goes for buses.

Neither DDOT nor OP have coordinated with the developer to determine any contributions for including more public transit services, to offset Wmata safety repair costs, and other public right of way improvements.

When does DDOT say, enough, that the public transport systems and streets can not handle any more

development without system upgrades and expansion, especially given the remapping of the site to high-density districts.

Two or more shared car services and bike services cannot be proven to solve the failing intersections and this area will become a traffic nightmare, beyond what it already is, impacting the surrounding neighbors parking, streets, noise, air, and more, and do so in obvious adverse ways.

Conclusion

For the above reasons, among others, the PUD application is inconsistent with the Comprehensive Plan as a whole. Particularly troublesome is the lack of the government's comprehensive public review to determine adverse affects on the surrounding community pursuant to the PUD regulations and Chapter 25 of the DC Comprehensive Plan, among other policies.

The impacts will certainly adversely affect the residential communities surrounding the PUD site in the Union Market Area.

For these reasons the PUD application should be denied.

As reported by request by Mr. Robert Hafers, Esquire for the Union Market Neighbors. Submitted on June 20, 2016.

/s/n Chris Otten

Chris Otten, Expert
Zoning and Planning in the District of Columbia
202 810 2768
crotten2@gmail.com