

**DC for Reasonable Development
Testimony Zoning Commission Case 16-02
Expert Testimony, Chris Otten
December 14, 2016**

[[corrected version; formatting and spelling modifications]]

DC for Reasonable Development (DC4RD) is an unincorporated non profit association of citizens and groups living, working, and operating around the city who seek to protect their personal and property issues before the zoning and planning officials in the District of Columbia.

DC4RD references and incorporates wholly any testimony given by ANC-6D, Near Buzzard Point Residents Advisory Council and participating members of NeRAC, the testimony of Kari Fulton and Empower DC, the testimony put on the record by Harbour Square Owners, Inc., and expertise and testimony that may be provided by Mrs. Claudia Barragan, and Mr. Mike Ewall, among others. Further, DC4RD's testimony seeks to supplement the thorough testimony of the aforementioned groups and individuals. DC4RD incorporates our November 28 filing as part of this testimony as well.

DC4RD has participating members around the PUD site that will be directly and concretely affected by the PUD application in this manner. DC4RD submitted testimony on November 28, 2016. Based on the information gathered from that hearing, new information garnered through cross-examination and through agency testimony, our participating members request the following be put on the record as contested issues.

Again, as in prior PUD applications, the Office of Planning has woefully let down the public in that they have failed to provide a comprehensive review of the potential adverse impacts the PUD presents to the surrounding community.

Expert testimony incorporated below:

Chris Otten (Former ANC Commissioner; Civic Agent; Community Organizer), Statement from December 8, 2016

Environmental impacts and concerns therein are being raised for all city officials to be alerted and warned of injurious affects, but yet during this development review seems still an afterthought in contravention of the DC Comprehensive Plan.

DCMR 10A-617 Policy E-4 REDUCING ENVIRONMENTAL HAZARDS

617.1 Environmental hazards in the District of Columbia include air and

water pollution, contaminated soils, hazardous materials, noise, disease vectors, flooding, light pollution, and electromagnetic fields. The overall purpose of Comprehensive Plan policies on these topics is to minimize the potential for damage, disease, and injury resulting from these hazards. **Environmental hazards define basic constraints to land use that must be reflected in how and where development takes place.** The severity of these hazards also helps define the priority for future remediation and abatement programs. 617.1

617.2 The presence of environmental hazards in the city also means that up-to-date emergency response planning is essential. **As indicated in the Community Services and Facilities Element, the District's Emergency Management Agency is charged with preparing and implementing these plans, and ensuring that District agencies, residents, and businesses are informed and prepared in the event of a disaster or other emergency.** Other agencies, including the Environmental Health Administration and the District Department of Transportation, also are actively involved in emergency planning and response. 617.2

The Comprehensive Plan sets the stage for the scope of adverse impact review by the Commission when balancing PUD applications.

Yet in this case, we do not see a comprehensive report from the DC Office of Planning, as required by the PUD regulations, that shows this central planning agency as reaching out across city agencies and getting reports in writing to truly determine the total impact from the PUD project. Without this analysis it is impossible for the public or any agency, including the ZC, to seek ways to mitigate the impacts or determine that there are simply too many negative affects for a project to move forward, as in this case, ZC Case No. 16-02.

Noise, air and water impacts have not been studied and analyzed to the degree that affects the balancing or mitigating in this case.

We reference DC Comprehensive Plan policies and directives, among others – Policy E-4.1.3: Evaluating Development Impacts On Air Quality; Policy E-4.1.4: Stationary Sources; Policy E-4.1.5: Improving Air Quality Through Transportation Efficiency; Policy E-4.1.7: Best Available Control Technology; Action E-4.1.D: Air Quality Monitoring; Policy E-4.2.5: Groundwater Protection; Action E-4.2.C: Monitoring and Enforcement; Policy E-4.3.5: Noise and Land Use Compatibility; Action E-4.3.A: Evaluation of Noise Control Measures; Action E-4.3.E: Measuring Noise Impacts.

The Zoning Commission cannot consider the planning review in this case to be one of high enforcement, or transparency, or creatively seeking mitigation conditions in contradiction of the Comprehensive Plan – Policy E-3.4.2: Transparency of Environmental Decision-Making; Policy E-3.4.4: Monitoring of Operational and Construction Impacts; Action E-3.4.C: Environmental Enforcement.

There's also no understanding of how the PUD application will impair the current level of community services as iterated in our November 28, 2016 filing. Community services include that of an emergency nature and when the police and fire departments can adequately serve the new PUD project during and after construction, and still serve at existing levels or better the existing community, residents, businesses and visitors directly affected by this proposal.

The laughable reporting from DDoT's Sam “We'll figure it out later in the future” Zimbabwe is simply unacceptable. The Applicant could barely respond to common sense questions from the Commission about parking, dropoff/pickups, and trip planning for players and fans alike.

Why such poor planning? Well its not the Applicant's fault, as they they weren't told by the Office of Planning that these are fundamental planning issues (traffic, parking, congestion, environmental impacts, displacement, etc.) are important in the Commission's review. This is why the pubic and the Commission is getting a dump truck load of new information the night of the hearing, because of a not-so comprehensive review of the PUD application by OP.

In this instant matter and maybe for future efforts, the Commission is clearly in the position to keep the the Office of Planning accountable in providing good robust inter-related development planning and information that helps with the Commission's so-called balancing of the equities in this private property system and PUD regulatory scheme.

The impacts presented here in this case will certainly adversely affect the residential communities surrounding the PUD site in the surrounding Buzzard Point Area.

For these reasons the PUD application should be denied.

/s/n Chris Otten

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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; 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; 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; 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; inter-alia.