

11/12/20 Testimony of Barbara Kahlow
on B 23-736, Comprehensive Plan Amendment Act of 2020

I, Barbara Kahlow, live at 800 25th Street, N.W. in the Foggy Bottom-West End part of Ward 2. Today, I am representing the West End Citizens Association (WECA), one of the oldest citizens associations in DC (we began in 1910). The WECA is primarily interested in maintaining the quality of life for the existing residential community in Foggy Bottom-West End.

I am testifying in opposition to B23-736, a proposed bill to amend the DC Comprehensive Plan (Comp Plan). On March 20, 2018, I testified before the Council on behalf of the WECA in opposition to B22-663, which is now the first/Framework Chapter of the proposed new Comp Plan. Today, I will discuss objections to: (a) widespread upzoning to allow out-of-scale development projects which are incompatible with existing low-density residential zoning; (b) 3-fold expansion of the downtown (including into part of Foggy Bottom-West End) at the cost of environmental protection analyses and affordable housing which should be in all parts of DC; and (c) protection of Federal-DC land in Foggy Bottom which was made and then retained as permanent parkland in each past Comp Plan since 1994.

Before I discuss these three objections, I want to note that, on April 23, 2020, the Washington Business Journal reported that only 16% of the community's proposed changes were adopted by the Office of Planning (OP) in its bill submitted that day to the Council. That is astonishing and justifies the Council's not rubber-stamping B23-736 without making very much needed changes.

Widespread Upzoning to Avoid Possible Lawsuits and Change Neighborhood Character

As I testified in March 2018, in late 2010 (i.e., 10 years ago), a **Ward 5** ANC Commissioner asked me to help oppose a proposed clearly out-of-scale Planned Unit Development (PUD) project in Brookland for 901 Monroe Street (the Colonel Brooks site). The 200-Footers filed three DC Court of Appeals cases, resulting in remands and finally a May 2016 full repeal of the Zoning Commission PUD Order. The repeal was largely because the proposed development was clearly inconsistent with the Comp Plan's Future Land Use Map (FLUM).

The Comp Plan bill before you today would use unprofessional spot-zoning to upzone this largely low-density residential site¹ and to upzone many other sites across DC in a revised FLUM. Upzoning would permanently change the residential character of many neighborhoods. In fact, a recent (10/27/20) Bisnow article² admitted for the 901 Monroe Street site, "The developer is now waiting for the new Comprehensive Plan before restarting the process Menkiti Group CEO Bo Menkiti said." Would widespread upzoning be fair to long-term residents in many low-density residential communities across DC?

Expansion of Downtown with Exemption from Key Protections

In the WECA's December 12, 2019 letter commenting on OP's full Draft Comp Plan, the WECA objected (comment #1348) to OP's essentially redefining "Downtown" and "Central Area" into a 3-fold expansion (including into part of Foggy Bottom-West End) of the Federal statutorily-defined Central Employment Area (CEA). The Comp Plan bill before you today

¹ Map Amendment #1866 and Text Amendments #1882 & #1887 for 901 Monroe Street NE (Square 3829).

² https://www.bisnow.com/washington-dc/news/economic-development/thousands-of-dc-housing-units-waiting-for-new-comprehensive-plan-as-council-considers-punting-to-2021-106480?utm_medium=email_share&utm_source=website.

would exclude this larger CEA area from National Environmental Policy Act (NEPA)-required environmental impact analyses (20 DCMR § 7202.1(g)) and we understand it would also exclude the expanded area from the desirable Inclusionary Zoning (IZ) regulatory requirements (11 DCMR § C1000 et seq.). We hope that the Council wants more, not less, affordable housing and to be located everywhere in DC, including downtown. **The WECA recommends that the Council add** an applicability of IZ requirement to the entire area. *[ANC-2A also submitted to OP a 2/14/20 resolution on this.]* In addition, **the WECA recommends that the Council delete** “the CEA may include additional land” in renumbered §305.7, Policy LU-1.2.2.

Threat to Permanent Foggy Bottom Parkland

In the WECA’s December 2019 comment letter, WECA asked (comment #2520) for retaining current law which, since 1994, has defined the publicly-owned Federal and DC land³ between M Street and Virginia Avenue and between 26th and 29th Streets as permanent parkland and which specifies that this land shall not be used for development. The WECA is opposed to OP’s revision to current law in §2115.10 (renumbered as §2115.11), Policy NNW-2.5.4, West End/Foggy Bottom Parkland by removing the protective provision that the parkland “shall be retained as parkland and shall not be used for development or highways.” This is flatly unacceptable!

The WECA also opposes OP’s addition to this subsection that the parkland shall be “part of a larger study on open space accessibility, transportation infrastructure reconfiguration, urban fabric reconnectivity for Foggy Bottom” and also recommends removal in its entirety of OP’s new §2115.12, Policy NNW-2.5.5, Study Potential for Removing Highway Infrastructure in Foggy Bottom,” and new §2115.15, Action NNW-2.5.C, “Foggy Bottom River, Park, and Cultural Access Study.” **The WECA strongly recommends that the Council retain** the current statutory language in its entirety which has protected this Federal and DC parkland since 1994 **and delete all of OP’s proposed drastic and impractical changes** in §§2115.11, 2115.12 and 2115.15. The Foggy Bottom-West End community, especially the surrounding community, is united in its opposition to any new development in this permanent parkland area. Is OP as out-of-touch with the will of other long-established residential communities?

Thank you for your consideration of our views.

³ The permanent parkland area is complicated and includes several Squares. For example, 2 of them are: (a) Square 0001 with 6 lots - 2 federally-owned (Lots 0843 & 0848), 3 DC-owned (Lots 0847, 0849 & 0850), & 1 with unknown ownership (Lot 0840); and (b) Square 0004W which is all federally-owned except 1 DC-owned lot (Lot 0811).