

Members of the DC City Council, my name is Daniel Schramm, and I am here today on behalf of the Brookland Neighborhood Civic Association, of which I am the current president. We are an all-volunteer, non-profit organization, with a mission to advocate on issues of concern to the Brookland community.

I am here to testify against the enactment of Bill 22-663, the Comprehensive Plan Amendment Act of 2018. Unfortunately, the Mayor and the Office of Planning have chosen to short-circuit the public process for their proposed changes to the Comprehensive Plan and have taken it directly to the Council. I believe the shortcomings in this draft can be traced to this failure to seek the public's input before coming to you. Therefore, we ask that you return this draft to the Office of Planning with directions to conduct a public process and revise the bill.

What are this bill's shortcomings? Most disturbingly, the changes to the Framework Element appear calculated to render the Plan unintelligible as a guiding document, making it easy to circumvent in getting approval for projects that are inconsistent with the Plan. The Bill also:

- minimizes the problems of displacement and quality of life for existing residents;
- ignores the importance of green space, historic preservation, and cultural continuity;
- opens the door to out-of-scale development in modest, low-density areas like Brookland;  
and
- sets the stage for eliminating opportunities for community involvement in development decisions.

Let me be clear: The BNCA is not opposed to all growth in Brookland. We recognize the economic and environmental benefits of dense, mixed-use development where appropriate. However, we also believe in good city planning. The role of the Office of Planning and the Comprehensive Plan ought to be *strengthened*, not weakened. Economic growth is coming to DC; developers do not need to be coddled and enticed. Instead, their energies need to be channeled so that they serve the greater good rather than just their own bottom lines.

What this draft does, however, is reduce the Plan to mush, rendering it ineffective as a guide for agencies and the courts. Anyone familiar with the recent history of development in DC will know why these changes are being proposed. In two cases, the DC Court of Appeals found that the Zoning Commission failed to properly justify its approval of certain projects in light of their inconsistency with elements of the Comprehensive Plan. Regardless of the merits of those particular projects, I believe the Court's holdings in these cases were correct and essential to good urban planning. The Court did not say that every jot and tittle of the Comprehensive Plan must be adhered to in all respects. The Court simply found that the Zoning Commission had not properly explained its approvals in light of their inconsistency with the Plan. As a practicing administrative lawyer in my day job, I can say: this is precisely as it should be. The Plan is a kind of guidance document, not legally binding in itself, but legally impactful in that, for agencies to deviate from it, they ought to explain themselves and have a good reason.

Ever since these decisions, the real estate industry in DC has been looking for a way to rid themselves of the Comprehensive Plan. They claim that this is necessary for "regulatory certainty," but the kind of certainty they are seeking is to be able to make a profit without any pesky public or governmental involvement. That means tremendous *uncertainty* for the rest of

us. For a City like DC that prides itself on being progressive, allowing the Plan to be weakened to clear the way for private developers would betray our shared values.

The Plan is too important as a guiding document for the City, and for Brookland, to let that happen. Ward 5 faces unprecedented development pressure. The Upper Northeast is projected to experience more growth than any other area of the city. Ward 5 saw no less than 61 proposed changes to the planning maps during the amendment-solicitation process - twice as many as any other ward. Most of these came from developers interested in building outside the scales currently contemplated by the existing Plan and zoning. We know from these proposals that cherished spaces like the Brookland Green, the 12th Street corridor, and the woodlands of the Franciscan Monastery and the Howard Divinity campus are all on the chopping block.

Now, granted, we don't know whether the Office of Planning will accept all of these proposed changes to the maps, but if this draft of the Framework Element is accepted, then they won't have to. The Plan will be so indeterminate in its vision, that any kind of development could be approved anywhere. If we go down this road, it begs the question: why have a Plan at all? Let's just end the charade once and for all.

That's not a path we want to go down. We believe in a robust Comprehensive Plan that guides decision makers and guarantees public input. We submitted a letter to the Office of Planning last year outlining our priorities based on our community members' input. We said the Plan should:

- Continue to recognize Brookland as a stable residential and historic neighborhood that should be conserved in existing character
- Preserve economic, racial, and cultural diversity and inclusiveness

- Maintain and preserve affordable housing for all age groups and family sizes
- Preserve and enhance accessible public green space
- Preserve and protect historic sites and properties
- Preserve and protect our environmental health
- Encourage revitalization of Brookland's commercial areas through local businesses and contractors
- Assure a multiplicity of transit options and reduce impacts from through-traffic and heavy trucks

That's what the people of Brookland want. Let's have a Comprehensive Plan that gets us there.

Thank you.

Daniel Schramm  
President, BNCA  
2605 12<sup>th</sup> St. NE  
Washington, DC 20018  
202-749-0127  
daniel.p.schramm@gmail.com