

*Penn Branch Citizens-Civic Association
Legislative Committee*

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D.C. Council Committee of the Whole
Hon. Vincent Gray, Chair
John Wilson Building
1350 Pennsylvania Ave., NW
Washington, DC

Re: *2010 Amendments to 2006 Comprehensive Plan*

Ladies and Gentlemen:

Ward 7's Penn-Branch Citizens/Civic Association thanks you for the opportunity to testify and offers the following comments on the proposed amendments:

Definition of "Station Area." The term now means:

The area within a 1/2-mile radius of a Metro station, including built out areas where no future change is expected and vacant or underutilized properties where additional development could potentially occur.

A proposed amendment would redefine it as:

The area within a 1/2-mile radius of a Metro rail station or other dedicated transit stop which provides opportunities for investment in development that maximizes the use of transit.¹

This amendment would (proposed new section LU-1.3.B) calls for the development of zoning language addressing areas surrounding bus, streetcar and Metro stations and stops that calls for mixed land use, parking maximums and similar features. The 2006 Comp Plan limits these TOD areas to a 1/2-mile radius around Metro stations.

This amendment has the potential to change the face of the District more than any other provision before you. The list of streetcar routes and major bus routes reach penetrates virtually every neighborhood. While this is admirable for mobility purposes, designating the length of these routes as dense, mixed-use TOD areas will destroy the balance struck in the 2006 Plan between higher density and preserving existing stable neighborhoods.

¹ Proposed amendment: LU-3 Pg.3-21, 10 DCMR 306.19, OP Tracking Number: 160

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The amendment creates a presumption in favor of density that applies citywide and threatens to destroy the variety that gives the District its distinct character.

The 2006 Plan does not state that even every Metro is appropriate for TOD development. It provides instead that each station is only potentially appropriate for TOD development and should be dealt with case by case. That negotiated, compromise language was proposed and urged by numerous residents who wanted to retain a mix of neighborhood styles.

By contrast, the amendment assumes the propriety of TOD throughout the city. The test is whether a particular station “has the capacity to accommodate substantial increases in ridership.” That standard captures all of the District’s low-moderate neighborhoods, which by definition are areas with growth capacity and most of which are within a half-mile of a bus route or proposed subway route. Moreover, because bus routes can be changed, any neighborhood is potentially subject to TOD.

We reiterate that the 2006 Plan recognized that the capacity for density does not mean in each case the desirability of it.

This amendment is further flawed because it creates uncertainty, legal and otherwise. Designating Metro stops as potential TOD sites was consistent with their nature as long-term infrastructure at a fixed point. That is a very different prospect from opening up the length of malleable bus routes to development. Bus routes and bus stops can and should be adjusted as needed to meet transportation needs. This amendment allows their flexibility to be applied to drive development goals. The purpose of improved bus service is to discourage driving and reduce traffic congestion. As to streetcars, certain stops – not every stop on the entire route – may well be appropriate TOD sites, akin to some Metro stops. Such stops – not every stop on the route – should be designated as potential TOD sites. Given the nascent state of the streetcar initiative, the identification of potential TOP streetcar stops can be deferred until the next round of Comp Plan amendments.

The amendment should be rejected in its entirety.

Air Rights

The Office of Planning’s proposed new action LU-1.1.C (Development of Air-rights) notes that transportation infrastructure – tracks and highways – have created “scars in the historic urban fabric that have left large areas of the center city divided and difficult to traverse.” OP proposes to reconnect and develop divided neighborhoods and the street grid by using the air rights over the tracks (the Center Leg freeway being the primary target) and to that end states that when development at grade is not physically possible, air rights development should be measured from a point that provides for densities and height relatively commensurate with their zone district – i.e., from the hopscotch bridge.

A similar proposal was aired and generally dismissed at last week's Zoning Commission Height Act hearing and the arguments against this proposal are adequately set forth in the transcript, particularly the testimony of the Committee of 100 on the Federal City. This is an idea that has been raised intermittently and rejected for least twenty years. Just when you think it's dead, it keeps coming back. To the extent Council feels a need to address the issue, Penn-Branch asks this body to please drive a stake through its heart and enact language that does not distort the intent and purpose of height determinations.

Height Act Regulations

Proposed Action LU-1.1.C (Height Act of 1910 and Zoning Regulations) calls for "new regulations ... to ensure consistency between the Height Act of 1910 and the District's Zoning Regulations regarding height limits. DCRA, OAG, and OP will be responsible for implementing the new action." At the Zoning Commission's Height Act hearing, varying views were advanced regarding the appropriate sources of authority to interpret the Height Act. Given the range of views and the pending ZC case, the second sentence should be deleted.

Skyland Shopping Center – Does "Moderate" mean "Medium"?²

OP rejected for Council consideration a proposal to change the language regarding the revitalization of Skyland Shopping Center. The 2006 Plan states: "revitalize Skyland Shopping Center as an essential, dynamic *community-scale* retail center" that should function as the primary shopping destination for the adjacent neighborhoods. The proposed new language would have called for Skyland's redevelopment as a "mixed use" shopping destination without the neighborhood/community limitation. OP feels that the amendment is unnecessary because the Future Land Use Map designates Skyland as Moderate Density, which allows zoning that permits mixed use.

The problem, however, is with the designations "moderate" and "community scale." The existing language and map designation reflected an earlier vision for Skyland as a neighborhood retail center. Subsequent plans – which have gone before the Zoning Commission with extensive community involvement – call for a something very different – a mixed use town center. Whatever its merits, it is by no means a moderate density development at this point and the nature and scale of the proposed retail are not community-scale or neighborhood serving. They are regional. The map and the language should be amended to reflect what has in fact been approved. Continuing to call Skyland moderate and community-scale unacceptably stretches the meanings of those terms and creates a bad precedent for future development of other sites that have been mapped as moderate or low-moderate. If the Skyland designation remains unchanged, those other sites have little hope of being developed as intended.

² See OP Tracking No. 60.

Citizen Input

Another proposal to OP, offered by the Citizens Planning Coalition, called for the creation of a new citywide Plan element on Civic Engagement and Empowerment to “put the citizen at the heart of agency, land use, and citywide planning in the District of Columbia,” and notes that “too often citizens are seen as customers, not the owners of the democratic process.” Without necessarily endorsing the mechanics of the approach, Penn-Branch wholeheartedly endorses its spirit and note that it reflects what many citizens have experienced as a top-down “we know what’s best” approach.

Planning Commission

Another proposal to OP called for further action on the 2006 Plan’s provision for a study on the need/desirability of a Planning Commission. OP noted that the roundtable on the Zucker Report was not favorable to the idea. Penn-Branch believes that the Planning Commission concept has yet to receive the fair and balanced consideration that the idea deserves and hopes that it not be considered as settled.

Schools and Surplus Property

Penn-Branch noted the following adaptive reuses of closed public schools:

- Congress Heights – Moderate density mixed use commercial/residential
- Grimke – Mixed Use Moderate Density Residential/Moderate Density Commercial
- Hine Junior High – Mixed Use Moderate Density Residential/Moderate Density Commercial
- Langston – Mixed Use Moderate Density Residential/Moderate Density Commercial
- MM Washington – Mixed Use Moderate Density Residential/Moderate Density Commercial
- Rudolph – Possible Moderate Density Residential/Moderate Density Commercial mixed-use the school
- Slater – Mixed Use Moderate Density Residential/Moderate Density Commercial

Penn-Branch found the list to be of interest for several reasons. First, we seek assurances that District surplus property statutes are being fully complied with. To our understanding, the schools' reorganization and governance law did not wholly supersede relevant portions of D.C. Code Title 10 regarding how excess public property is surplus. Second, given the public outcry and legislative activity of a year ago surrounding the People's Property Campaign, we hope that when schools are surplus, priority is given to other public purposes. Also, we note that low-density development seems to have dropped out of the planning toolkit with regard to these schools. Finally, to return to our original point, the schools' conversion, in conjunction with the designation of two additional mixed-used Great Streets, demonstrate that city planning and economic development officials have ample means of spurring development without the need to convert bus and streetcar routes to TOD zones.

Respectfully submitted,

Laura Richards, Legislative Co-chair