

Comments and Testimony on Comp Plan Amendment Process since 9/28/10 COW Hearing

Comment #	Amendment Tracking #	Name	Affiliation	Comment/Testimony	Reference	Topic	OP Response	Action/Change
42	115, 228, 229, glossary	Laura Richards	Penn Branch Civic Association	A proposal to change Air Rights measurements was aired and generally dismissed by the 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. 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. Given the range of views and the pending ZC case, the second sentence should be deleted. Council should enact language that does not distort the intent and purpose of height determinations. Penn-Branch wholeheartedly endorses 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 it reflects what many citizens have experienced as a top-down "we know what's best" approach. 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. Problems 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. It is by no means a moderate density development and the nature and scale of the proposed retail are not community-scale or neighborhood serving but regional. The map and the language should be amended to reflect what has in fact been approved. 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. When schools are surplus, priority should be given to other public purposes.	Testimony to Council on 9/28/10	Air Rights+G18, Civic Engagement, Land Use, Neighborhood Revitalization, Educational Facilities/Surplus Schools	The proposed Comp Plan amendment regarding Union Station air rights has been reworded in consultation with NCPC to expressly acknowledge compliance with the 1910 Height Act; the proposed amendment specifically acknowledges the sensitive nature of the adjoining neighborhoods and buildings; and additional language was added to call for public review in the New Action CW-2.8.E. THE REPLACEMENT LANGUAGE AS NOW PROPOSED: "The allowable height of any building constructed in the air rights should be measured consistent with the Height Act and relate positively to the surroundings with special attention to Union Station and other historic buildings, the Federal precincts on Capitol Hill, and existing neighborhoods to the east and west. Development must give special attention to the preservation and enhancement of and views to Union Station and its historic surroundings by ensuring the provision of exemplary architecture and encouraging upper story setbacks and minimized penthouses." Regarding Amendment Tracking #28 for a new policy to ensure consistency between the 1910 Height Act and the District's Zoning Regulations regarding height limits, during the final review process and collaboration with DCRA, it was determined that the amendment proposal was not necessary as the responsible agencies coordinate as part their regular functions. It was determined that the amendment for the Skyland redevelopment was not necessary since the project has been approved per the existing moderate density land use designation. The amendments regarding the adaptive re-use of school facilities reflect the 2007 change in the public education governance and adds language to make the use of terms in various District planning documents consistent for the adaptive reuse of DCPS facilities.	No Change
43	228, 229	Alma Gates	Committee of 100	OP did not give the public an opportunity to review proposed map changes. The elimination of physical barriers such as rail lines and highways may be desirable, however, the proposed Comprehensive Plan amendments suggest accomplishing this goal by altering the city's established height limits rather than adhering to the height constraints applied to city development since 1910. The proposed Land Use amendments represent the Office of Planning's attempt at an end run around the Height Act and the established measuring point for building height for buildings fronting a bridge or viaduct that has been relied upon since 2003.	Testimony to Council on 9/28/10	Air Rights, Public Notice, Process	While the map amendments were inadvertently omitted when the Mayor transmitted Bill 18-867 to the Council, OP's recommendations on the map amendments were released on 9/8/09. These 37 map amendments and three additional map amendments were included in OP's testimony on 9/28/10. The proposed Comp Plan amendment regarding Union Station air rights has been reworded in consultation with NCPC to expressly acknowledge compliance with the 1910 Height Act; the proposed amendment specifically acknowledges the sensitive nature of the adjoining neighborhoods and buildings; and additional language was added to call for public review in the New Action CW-2.8.E. THE REPLACEMENT LANGUAGE AS NOW PROPOSED: "The allowable height of any building constructed in the air rights should be measured consistent with the Height Act and relate positively to the surroundings with special attention to Union Station and other historic buildings, the Federal precincts on Capitol Hill, and existing neighborhoods to the east and west. Development must give special attention to the preservation and enhancement of and views to Union Station and its historic surroundings by ensuring the provision of exemplary architecture and encouraging upper story setbacks and minimized penthouses."	No change
44	n/a	Alma Gates	Committee of 100	The final steps of the Comprehensive Plan Amendment Process has lacked transparency. OP did not advertise the hearing on their website. Surprised the Director submitted the remaining amendments not contained in the bill through her testimony. Council may have failed to meet public notice requirements to ANCs. Also asks if the Council will require OP to place the amendments in the DC register and hold another hearing on the amendments.	e-mail to COW	Process	Admittedly, the final review process of the Amendments and transmittal from the Mayor to the Council was prolonged and included errors. (Bill 18-867 inadvertently omitted the map amendments.) While an initial decision had been made to move the amendments forward in two parts due to the need for further consultation with other District agencies, OP was able to include all amendments recommended for approval in its 9/28/09 testimony. These amendments (detailed in 4 sections) have been posted on OP's website since 9/28/10. The Draft Amendment Report, which included 229 amendments, has been available to the public since 9/8/09. Of these 229 amendments, modifications were made to only 15 of them, and OP introduced 4 additional amendments at the 9/28/10 hearing.	No change

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45	228, 229	Peter Byrne	Georgetown Law School	Measuring maximum heights from bridges over tracks and highways, such as H St., rather than from the ground would permit much taller buildings to be constructed than the District has ever allowed and nullifies the Height Limit Act. Believes the Height Act has helped give the District its distinct urban character. Is generally not against more density but believes such should not happen at the expense of the height limit.	e-mail to COW	Height Act/Air Rights	The proposed Comp Plan amendment regarding Union Station air rights has been reworded in consultation with NCPC to expressly acknowledge compliance with the 1910 Height Act; the proposed amendment specifically acknowledges the sensitive nature of the adjoining neighborhoods and buildings; and additional language was added to call for public review in the New Action CW-2.8.E. THE REPLACEMENT LANGUAGE AS NOW PROPOSED: "The allowable height of any building constructed in the air rights should be measured consistent with the Height Act and relate positively to the surroundings with special attention to Union Station and other historic buildings, the Federal precincts on Capitol Hill, and existing neighborhoods to the east and west. Development must give special attention to the preservation and enhancement of and views to Union Station and its historic surroundings by ensuring the provision of exemplary architecture and encouraging upper story setbacks and minimized penthouses."	No change
46	228	Nancy MacWood	Former Comp Plan TF Member	Air rights amendments would lead to new zoning rules for establishing the maximum height of buildings constructed over railroad tracks and freeways. This new measuring device applied after these areas are up-zoned will result in large areas of very tall buildings that will challenge the prominence of the federal monuments and will permanently alter the iconic horizontal skyline.	e-mail to COW	Air Rights	The proposed Comp Plan amendment regarding Union Station air rights has been reworded in consultation with NCPC to expressly acknowledge compliance with the 1910 Height Act; the proposed amendment specifically acknowledges the sensitive nature of the adjoining neighborhoods and buildings; and additional language was added to call for public review in the New Action CW-2.8.E. THE REPLACEMENT LANGUAGE AS NOW PROPOSED: "The allowable height of any building constructed in the air rights should be measured consistent with the Height Act and relate positively to the surroundings with special attention to Union Station and other historic buildings, the Federal precincts on Capitol Hill, and existing neighborhoods to the east and west. Development must give special attention to the preservation and enhancement of and views to Union Station and its historic surroundings by ensuring the provision of exemplary architecture and encouraging upper story setbacks and minimized penthouses."	No change
47	61-68	Terrance Lynch	The Downtown Cluster of Congregations	Resubmitted comments from 6/29/09. Calls for the proposed amendments recommended for approval by Council. Such amendments can always be further reviewed during the legislative process. The proposed amendments would bring the Comprehensive Plan in full compliance with federal statutes, laws, and regulations recognizing the rights of places of worship. The treatment of religious congregations the same as other institutions would fail to recognize federal statutes.	Email 11/9/09	Institutional Development	OP recognizes the inclusion of places of worship in the community and therefore recommended Amendment proposal #61 for Council approval. The other amendment proposals by Mr. Lynch were not a substantive change in policy. Furthermore, the current regulatory structure accommodates institutional uses based on size and impact rather than type of use.	No change from 9/8/09 recommendation (i.e., Amendment Tracking #61 is recommended for Council approval. Amendment Tracking #62-68 are NOT recommended for Council approval).

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48	228, 229	Alma Gates	Committee of 100	A response to Councilmember Wells suggestion the Committee of 100 clarify its testimony regarding the Height Act of 1910. CM Wells cited a passage in the testimony of the Director that he felt was at odds with our testimony. Mr. Wells' assertion that the Committee of 100's concerns regarding height had been addressed through an agreement on language reached between the Office of Planning and the National Capital Planning Commission is incorrect. The Office of Planning's intention is to eliminate specific restrictive language in the Comprehensive Plan regarding the measuring point for H Street and replace it with more general language that no longer includes: "The allowable height of any building constructed in the air rights should be measured from the existing grade of 1st Street or 2nd Street NE, rather than from the overpass."	e-mail to COW	Air Rights	The proposed Comp Plan amendment regarding Union Station air rights has been reworded in consultation with NCPC to expressly acknowledge compliance with the 1910 Height Act; the proposed amendment specifically acknowledges the sensitive nature of the adjoining neighborhoods and buildings; and additional language was added to call for public review in the New Action CW-2.B.E. THE REPLACEMENT LANGUAGE AS NOW PROPOSED: "The allowable height of any building constructed in the air rights should be measured consistent with the Height Act and relate positively to the surroundings with special attention to Union Station and other historic buildings, the Federal precincts on Capitol Hill, and existing neighborhoods to the east and west. Development must give special attention to the preservation and enhancement of and views to Union Station and its historic surroundings by ensuring the provision of exemplary architecture and encouraging upper story setbacks and minimized penthouses."	No change
49	n/a	Alex Meeraus	Georgetown resident	Requesting that special restrictions be put on any future commercial uses that seek to open on Potomac Street. Urges the Council to re-designate the properties on the east side of Potomac St. NW, between M and Prospect, as moderate-density residential on the Future Land Use Map. Believes the change would be in line with the majority of the current (residential) uses on this street and more in line with similarly situated blocks between M and Prospect and M and N (east of Wisconsin). Two food establishments opened up in buildings that were formally residential on that block. The food establishments and their customers have changed the character of the block. These businesses are incompatible with the intended and past mix use on Potomac Street N. W. Large numbers of rowdy, noisy and frequently intoxicated patrons frequent these businesses.	e-mail comment form to OP	Commercial uses in residential areas	The land use designations in this area of Georgetown are very fine grain in recognition of the close proximity of the residential and commercial uses. The land use map designates M Street and Wisconsin as low density commercial, which supports a broad range of office, cafes, restaurants and retail establishments. Blocks directly adjacent to M Street and Wisconsin also hold the same designation due to their proximity to these major commercial corridors. The 1200 block of Potomac is at a crossroads of M Street and Wisconsin and as a result, the east side of Potomac Street between Prospect and M streets has historically been designated as low density commercial; the same applies for the west side of 31st Street.	OP does NOT recommend Council approval of a land use designation change

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50	n/a	Anne Alonzo	Georgetown resident	<p>Urges the Council to re-designate the properties on the east side of Potomac St NW, between M and Prospect, as moderate-density residential on the Future Land Use Map. Believes the change would be in line with the majority of the current (residential) uses on this street and more in line with similarly situated blocks between M and Prospect and M and N (east of Wisconsin). Two food establishments opened up in buildings that were formally residential on that block. The food establishments and their customers have changed the character of the block. These businesses are incompatible with the intended and past mix use on Potomac Street N. W. Large numbers of rowdy, noisy and frequently intoxicated patrons frequent these businesses.</p>	e-mail comment form to OP	Commercial uses in residential areas	<p>The land use designations in this area of Georgetown are very fine grain in recognition of the close proximity of the residential and commercial uses. The land use map designates M Street and Wisconsin as low density commercial, which supports a broad range of offices, cafes, restaurants and retail establishments. Blocks directly adjacent to M Street and Wisconsin also hold the same designation due to their proximity to these major commercial corridors. The 1200 block of Potomac is at a crossroads of M Street and Wisconsin and as a result, the east side of Potomac Street between Prospect and M streets has historically been designated as low density commercial, the same applies for the west side of 31st Street.</p>	OP does NOT recommend Council approval of a land use designation change
51	228, 229, 161	George R. Clark	Committee of 100	<p>The current Comp Plan policy allows for air right development that is consistent with the development pattern throughout the city. The revised amendment the Director offered at the hearing is vague and provides a means for OP to go to the Zoning Commission and change how height is measured. Also urges the Council to reject the Comp Plan amendment offered by OP that would allow the Zoning Commission to map transit-oriented development ("TOD") during the zoning rewrite process and prior to OP conducting a public planning process for determining where TOD should apply. The amendment would remove a public planning process and replace it with OP's judgment that TOD should be applied at every metro station and on every transit corridor without public input.</p>	e-mail to COW	Air Rights; TOD	<p>The proposed Comp Plan amendment regarding Union Station air rights has been reworded in consultation with NCPG to expressly acknowledge compliance with the 1910 Height Act; the proposed amendment specifically acknowledges the sensitive nature of the adjoining neighborhoods and buildings; and additional language was added to call for public review in the New Action CW-2.8.E. THE REPLACEMENT LANGUAGE AS NOW PROPOSED: The allowable height of any building constructed in the air rights should be measured consistent with the Height Act and relate positively to the surroundings with special attention to Union Station and other historic buildings, the Federal precincts on Capitol Hill, and existing neighborhoods to the east and west. Development must give special attention to the preservation and enhancement of and views to Union Station and its historic surroundings by ensuring the provision of exemplary architecture and encouraging upper story setbacks and minimized penthouses. The amendment proposal regarding TOD overlay zone deletes the existing Comp Plan language on the creation of an overlay. The amendment seeks to include a broader range of zoning options for addressing this issue, which could include the establishment of one or more overlays, or the establishment of other forms of appropriate zoning. The amendment does not allow the Zoning Commission to "map" TOD during the Zoning Review process.</p>	No change

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52	228, 229	Alma Gates	Committee of 100	<p>The air rights amendments would establish an arbitrary measuring point for sections of the city where air rights are a consideration. The Comprehensive Plan amendment process is being used to supplant the 1910 Height of Buildings Act and the existing measuring point established by the Zoning Commission. The Council should reinstate Policy CH-2.1.7, which maintains the measuring point for buildings in the air rights area between 1st and 2nd Streets, NE.</p> <p>The Office of Planning has handled the amendment cycle poorly. The announcement of the first COW hearing was to introduce only certain amendments; but, the night before the hearing all amendments were submitted to Council for consideration, which raises the question regarding Council's noticing requirements and whether or not they were properly met.</p>	e-mail to COW	Air Rights, Public Notice, Process	<p>The proposed Comp Plan amendment regarding Union Station air rights has been reworded in consultation with NCPC to expressly acknowledge compliance with the 1910 Height Act; the proposed amendment specifically acknowledges the sensitive nature of the adjoining neighborhoods and buildings; and additional language was added to call for public review in the New Action CW-2.8.E. THE REPLACEMENT LANGUAGE AS NOW PROPOSED: "The allowable height of any building constructed in the air rights should be measured consistent with the Height Act and relate positively to the surroundings with special attention to Union Station and other historic buildings, the Federal precincts on Capitol Hill, and existing neighborhoods to the east and west. Development must give special attention to the preservation and enhancement of and views to Union Station and its historic surroundings by ensuring the provision of exemplary architecture and encouraging upper story setbacks and minimized penthouses." Admittedly, the final review process of the Amendments and transmittal from the Mayor to the Council was prolonged and included errors. (Bill 18-867 inadvertently omitted the map amendments.) While an initial decision had been made to move the amendments forward in two parts due to the need for further consultation with other District agencies, OP was able to include all amendments recommended for approval in its 9/28/09 testimony. These amendments (detailed in 4 sections) have been posted on OP's website since 9/28/10. The Draft Amendment Report, which included 229 amendments, has been available to the public since 9/8/09. Of these 229 amendments, modifications were made to only 15 of them, and OP introduced 4 additional amendments at the 9/28/10 hearing.</p>	No change
53	228, 229, 161	Nancy MacWood	Rezoning Task Force	<p>The current Comp Plan policy allows for air rights development that is consistent with the development pattern throughout the city. The revised amendment the Director offered at the hearing is vague and provides a means for OP to go to the Zoning Commission and change how height is measured.</p> <p>Also urges the Council to reject the Comp Plan amendment offered by OP that would allow the Zoning Commission to map transit-oriented development ("TOD") during the zoning rewrite process and prior to OP conducting a public planning process for determining where TOD should apply. The amendment would remove a public planning process and replace it with OP's judgment that TOD should be applied at every metro station and on every transit corridor without public input.</p>	e-mail to COW	Air Rights, TOD	<p>The proposed Comp Plan amendment regarding Union Station air rights has been reworded in consultation with NCPC to expressly acknowledge compliance with the 1910 Height Act; the proposed amendment specifically acknowledges the sensitive nature of the adjoining neighborhoods and buildings; and additional language was added to call for public review in the New Action CW-2.8.E. THE REPLACEMENT LANGUAGE AS NOW PROPOSED: "The allowable height of any building constructed in the air rights should be measured consistent with the Height Act and relate positively to the surroundings with special attention to Union Station and other historic buildings, the Federal precincts on Capitol Hill, and existing neighborhoods to the east and west. Development must give special attention to the preservation and enhancement of and views to Union Station and its historic surroundings by ensuring the provision of exemplary architecture and encouraging upper story setbacks and minimized penthouses." The amendment proposal regarding TOD overlay zone deletes the existing Comp Plan language on the creation of an overlay. The amendment seeks to include a broader range of zoning options for addressing this issue, which could include the establishment of one or more overlays, or the establishment of other forms of appropriate zoning. The amendment does not allow the Zoning Commission to "map" TOD during the Zoning Review process.</p>	No change

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54	228, 229	Loretta Neuman	Committee of 100	The proposed air rights amendments would lead to new zoning rules for setting the maximum height of buildings constructed over railroad tracks and freeways. OP proposes to measure not from the ground as is required for every other building in the District, but from a much higher point that OP hopes will result in more intense development. The effect of this amendment at Union Station would be to create a wall of tall buildings over the tracks 56 feet taller than the SEC building, towering over the buildings on either side of the tracks. Starting the height measurement from the apex of the bridge is not reasonable, and it violates the Height Act. Council should require OP to provide accurate and impartial views on what this development would look like. Photo simulations should be made from the edge of the Capitol Grounds across from Union Station (not from down the hill on Louisiana Ave.), from H St, looking west, from I St, looking west, from the RRE building etc. These simulations should not be done by the developer but by the city or a private firm so they can be impartial.	e-mail to COW	Air Rights	The proposed Comp Plan amendment regarding Union Station air rights has been reworded in consultation with NCPC to expressly acknowledge compliance with the 1910 Height Act; the proposed amendment specifically acknowledges the sensitive nature of the adjoining neighborhoods and buildings; and additional language was added to call for public review in the New Action CW-2.8.E. THE REPLACEMENT LANGUAGE AS NOW PROPOSED: "The allowable height of any building constructed in the air rights should be measured consistent with the Height Act and relate positively to the surroundings with special attention to Union Station and other historic buildings, the Federal precincts on Capitol Hill, and existing neighborhoods to the east and west. Development must give special attention to the preservation and enhancement of and views to Union Station and its historic surroundings by ensuring the provision of exemplary architecture and encouraging upper story setbacks and minimized penthouses." Design considerations of individual development projects, including views, are subject of PUD applications and will be reviewed by the Zoning Commission with public input.	No change
55	160	Laura Richards	Penn Branch Civic Association	Glossary amendment that redefines Transit Station from Metro stations to include all streetcar stations whenever built and all major bus route stops. The amendment assumes the propriety of TOD throughout the city. The standard to assess the propriety of TOD is based on the capacity to accommodate substantial increases in ridership. This standard would mean all low-moderate density neighborhoods would become subject to TOD A half mile circumference around each stop would be presumed appropriate for TOD. Bus routes could be changed at any time and while they should be changed to change transit needs, it should not be done to drive development goals. However, some streetcar stops may be good sites for TOD. The TOD designation should be reserved for Metro Stations, subject to case-by-case review as the plan now provides.	Testimony to Council on 9/28/10, e-mail to COW	TOD	During the final review process, the Office of the Attorney General advised OP that the Glossary section is not part of the legislation approving the original Comp Plan. Therefore, this amendment is not necessary and is NOT recommended for approval. It is noted that TOD is encouraged around a variety of transit services (not just Metrorail). A key goal of the District's transit policies, including its infrastructure investment, is to improve residents' access to transit. No zoning changes of any kind would be made without a site-specific recommendation that considers the appropriateness of both the transit service and the context and neighborhood character of the site.	No change

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56	228, 229	Ann Hargove	Committee of 100	<p>Changes in the measurement of air rights would give OP uncompromised discretion to select some higher measuring point, including, in the case of Union Station, the highest point on the H Street viaduct or new viaducts to be built, or possibly some point on a built platform above the grade at the site of construction or at that of nearby streets. Council must consider the possible effects on the visual profile of this part of the city. The changes sought in the proposed amendments would aid in creating development that would visually dominate and overpower Union Station and other structures in area.</p> <p>Reject these amendments, and retain the current measuring point provided in the Comprehensive Plan for the Union Station area in Policy CH-2.1.7. Council should require the city to provide it additional crucial information before considering any changes that predetermine outcome.</p>	e-mail to COW	Air Rights	<p>It is widely agreed that reconnecting the city over highways, and in the case of Union Station, rail tracks, is an important objective, important to community development as well as economic development. It is also recognized that Union Station is a very sensitive site important to the architectural history of the city's classical development and critical to the image of the city as guests and residents arrive at Union Station. But all air rights within the city are at unique sites with varying levels of topographic and physical constraints. OP submitted general language to recognize the need to reconnect streets and neighborhoods using air right sites and to use existing streets for measuring points whenever possible but also recognizing that a measuring point from one project should not be precedent for a measuring point at a different project. The proposed Comp Plan amendment regarding Union Station air rights has been reworded in consultation with NPCP to expressly acknowledge compliance with the 1910 Height Act; the proposed amendment specifically acknowledges the sensitive nature of the adjoining neighborhoods and buildings; and additional language was added to call for public review in the New Action CW-2.8.E. THE REPLACEMENT LANGUAGE AS NOW PROPOSED: "The allowable height of any building constructed in the air rights should be measured consistent with the Height Act and relate positively to the surroundings with special attention to Union Station and other historic buildings, the Federal precincts on Capitol Hill, and existing neighborhoods to the east and west. Development must give special attention to the preservation and enhancement of and views to Union Station and its historic surroundings by ensuring the provision of exemplary architecture and encouraging upper story setbacks and minimized penthouses."</p>	No change
57	228, 229	W. Kent Cooper	Committee of 100	<p>Supports development in the Union Station Area. With the Mt Vernon Triangle and the NOMA sectors already under active development, the air rights project could serve to unite what is presently a fragmented area in the city. The resolution of building heights considerations is key to the area's development. Changing the starting point of measurement for height at the elevation of east-west streets would produce a virtual wall that would be as disruptive to the skyline of the city as is the present hollowed out zone where no buildings exist. This change which would bridge across the zone, at elevation of approximately fifty-five feet, or a landscaped deck which would cover the zone at the same general elevation. To offset an economic penalty, new air rights zoning for the area should be created, including appropriate height limitations to off-set the height penalty that the air rights produces, and with real estate tax incentives to make the area economically attractive for development, the air rights project could serve to unite what is presently a fragmented area in the city.</p>	e-mail to COW	Air Rights	<p>It is widely agreed that reconnecting the city over highways, and in the case of Union Station, rail tracks, is an important objective, important to community development as well as economic development. It is also recognized that Union Station is a very sensitive site important to the architectural history of the city's classical development and critical to the image of the city as guests and residents arrive at Union Station. But all air rights within the city are at unique sites with varying levels of topographic and physical constraints. OP submitted general language to recognize the need to reconnect streets and neighborhoods using air right sites and to use existing streets for measuring points whenever possible but also recognizing that a measuring point from one project should not be precedent for a measuring point at a different project. The proposed Comp Plan amendment regarding Union Station air rights has been reworded in consultation with NPCP to expressly acknowledge compliance with the 1910 Height Act; the proposed amendment specifically acknowledges the sensitive nature of the adjoining neighborhoods and buildings; and additional language was added to call for public review in the New Action CW-2.8.E. THE REPLACEMENT LANGUAGE AS NOW PROPOSED: "The allowable height of any building constructed in the air rights should be measured consistent with the Height Act and relate positively to the surroundings with special attention to Union Station and other historic buildings, the Federal precincts on Capitol Hill, and existing neighborhoods to the east and west. Development must give special attention to the preservation and enhancement of and views to Union Station and its historic surroundings by ensuring the provision of exemplary architecture and encouraging upper story setbacks and minimized penthouses."</p>	No change

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58	228, 229	Alma Gates	Committee of 100	Attached supporting documentation from NCPC regarding agreement with OP on language for air rights amendment. Amendments to the Comprehensive Plan should not be used as a means to do an end run around the Height of Buildings Act of 1910 or zoning regulations that have been relied upon since 2003; specifically citing Zoning Commission Order 02-35. The Committee of 100 asks Council not to endorse the following proposed Comprehensive Plan amendments: Policy LU-1.1.5 (7); Policy LU-1.1.8; LU-1.1.C; and, Action Item CW-2.8.E; and, the Committee of 100 asks Council to keep Policy CH-2.1.7 in the Comprehensive Plan to maintain the measuring point for buildings in the air rights between 1st and 2nd Streets, NE.	e-mail to COW	Air Rights	The proposed Comp Plan amendment regarding Union Station air rights has been reworded in consultation with NCPC to expressly acknowledge compliance with the 1910 Height Act; the proposed amendment specifically acknowledges the sensitive nature of the adjoining neighborhoods and buildings; and additional language was added to call for public review in the New Action CW-2.8.E. THE REPLACEMENT LANGUAGE AS NOW PROPOSED: "The allowable height of any building constructed in the air rights should be measured consistent with the Height Act and relate positively to the surroundings with special attention to Union Station and other historic buildings, the Federal precincts on Capitol Hill, and existing neighborhoods to the east and west. Development must give special attention to the preservation and enhancement of and views to Union Station and its historic surroundings by ensuring the provision of exemplary architecture and encouraging upper story setbacks and minimized penthouses." NCPC testimony is part of the public hearing record. NCPC written testimony is posted to the OP website.	No change
59	n/a	Bill Dowd	NCPC	The Comprehensive Plan should include language that would enhance the livability of federally dominated precincts if and when federal lands may be disposed of, and continue to coordinate those efforts with NCPC. The Comprehensive Plan should encourage planning and zoning approaches that provide for the reconstruction of historic rights-of-way and reservations, encourage and require residential and cultural uses to ensure mixed-use neighborhoods that increase livability and are compatible with remaining federal properties and enhance special characteristics or opportunities that may be unique to these sites. The Comprehensive Plan will encourage the construction of the unbuilt sections of Maryland Avenue SW, and enhance the livability of this area by requiring a mix of uses, including residential and cultural uses. This could be achieved through the use of innovative zoning such as linking development potential to identified infrastructure improvements.	Testimony to Council on 9/28/10	Land Use, Redevelopment of former federal lands	The four amendment proposals submitted by NCPC support the creation of land use policy and livability standards for former federal lands to encourage mixed use development on these sites. Provides guidance on establishing land use and zoning policy for Maryland Ave SW to allow mix of uses including residential and livability standards. Also provides support for reconstruction of Maryland Ave SW.	OP recommends Council approval of the 4 amendments.
60	228	Anne Phelps	ANC 6C	The ANC voted 7-1-1 to support the removal of the existing exception that required allowable height to be measured from existing grade at 1 st or 2nd Street NE. The current language has no relation to the actual frontage of the building - the project is planned to front on H Street and that should be the measuring point. The current language unnecessarily restricts the potential development of this site and is a departure from standard height measurement. The Center Leg Freeway and Union Station projects - have for our community. These projects have the potential to be wholly transformative for the neighborhoods. The Hopscotch Bridge as it is now is a forbidding and unwelcoming overpass that offers nothing between 3rd street and North Capitol. Amendments 228 and 229 will help our community achieve this vision, allowing development to bridge gaps created by transportation infrastructure, build with height and density commensurate with surrounding growth, while still meshing with the existing buildings that are so clearly part of our community.	Testimony to Council on 9/28/10	Air Rights	It is widely agreed that reconnecting the city over highways, and in the case of Union Station, rail tracks, is an important objective, important to community development as well as economic development. It is also recognized that Union Station is a very sensitive site important to the architectural history of the city's classical development and critical to the image of the city as guests and residents arrive at Union Station. But all air rights within the city are at unique sites with varying levels of topographic and physical constraints. OP submitted general language to recognize the need to reconnect streets and neighborhoods using air right sites and to use existing streets for measuring points whenever possible but also recognizing that a measuring point from one project should not be precedent for a measuring point at a different project. The proposed Comp Plan amendment regarding Union Station air rights has been reworded in consultation with NCPC to expressly acknowledge compliance with the 1910 Height Act; the proposed amendment specifically acknowledges the sensitive nature of the adjoining neighborhoods and buildings; and additional language was added to call for public review in the New Action CW-2.8.E. THE REPLACEMENT LANGUAGE AS NOW PROPOSED: "The allowable height of any building constructed in the air rights should be measured consistent with the Height Act and relate positively to the surroundings with special attention to Union Station and other historic buildings, the Federal precincts on Capitol Hill, and existing neighborhoods to the east and west. Development must give special attention to the preservation and enhancement of and views to Union Station and its historic surroundings by ensuring the provision of exemplary architecture and encouraging upper story setbacks and minimized penthouses."	No change

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Comment #	Amendment Tracking #	Name	Affiliation	Comment/Testimony	Reference	Topic	OP Response	Action/Change
61	91-101, 224	Joe Bender	Kilmurry Properties	<p>Brookland/CUA Small Area Plan includes a policy that requires any changes to current zoning in the planning area to be considered only through the PUD process. While that policy may be appropriate for larger tracts - such as the South Campus sites at Catholic University (where a PUD was just adopted), the WMATA site and perhaps others along the railroad tracks - it is both inappropriate and unworkable for the 12th Street corridor. A considerable portion of the corridor from Lawrence Street to Michigan Avenue, Brookland's traditional retail core, is now zoned C-1, there are less than a handful of property holdings along 12th Street that meet the size requirements to even apply for a PUD. Most of the properties are single lots of a few thousand feet or less - and where a landowner has assembled a few abutting properties, they still are far below the PUD application threshold of 15,000 square feet of lot area. And the guidelines that would allow the Zoning Commission to consider a waiver to accept a PUD application for a smaller sized lot are still way too large and inapplicable. PUDs add considerable process costs, through a matter-of-right approach, policies supporting 12th Street Main Street could be advanced as the rezoning is being considered - with full participation of the community in that process.</p>	Testimony to Council on 9/28/10	Neighborhood revitalization, Land Use, Preservation	<p>While OP's recommendations on the original amendments remain the same (not recommended for Council approval), Council Member Thomas has submitted two new amendments to address redevelopment along the 12th Street corridor: 1) UNE-2.6.4, 12th Street Corridor. In consultation with property owners, community groups, and residents, use zoning, incentives, and other tools to facilitate mixed-use projects with retail and service uses at street level, and with residential and commercial uses on upper stories. Create productive synergies between 12th Street and planned adjacent economic development projects; assist with connectivity and parking policies; ensure quality project designs; and encourage voluntary preservation of buildings on 12th Street most emblematic of Brookland's history and character. 2) LU-2.1.14, Planned Unit Developments in Neighborhood Commercial Corridors. Consider modifying minimum lot size and other standards for Planned Unit Developments (PUDs) for neighborhood commercial areas to allow small property owners to participate in such projects that encourage high quality developments that provide public benefits. OP recommends Council approval of the 2 amendments. The proposed amendments are not inconsistent with the approved Brookland/CUA Metro Station Area Plan which provides guidance for the redevelopment of 12th Street. Any proposed development that calls for a change in zoning or waivers to the PUD lot size requirements would be reviewed and approved by the Zoning Commission and include public input.</p>	OP recommends Council approval of the two new amendments
62	8-18, 225	Lavinia Wohlfarth	Brookland CDC	<p>Believes current land use policy per the Brookland SAP prevents small business and property owners from redeveloping their land. Small Area Plan treats the 12th Street corridor the same as the big tracts of land around the Metro Station when it comes to revising antiquated zoning. It includes a policy requiring any update of that zoning is done through a Planned Unit Development (PUD). That just doesn't work for the small property holdings along 12th Street but is fine for the bigger tracts and larger developers. The CDC also requests the Council to adopt a policy for 12th Street that encourages and incentivizes property owners to voluntarily preserve properties in the corridor that are emblematic of Brookland's history. Preservation is a proven approach to spurring revitalization and creating neighborhood identity and support. But, it is missing from the Small Area Plan. That Plan does not say anything about a policy for preservation of buildings in the 12th Street corridor.</p>	Testimony to Council on 9/28/10	Neighborhood revitalization, Land Use, Preservation	<p>While OP's recommendations on the original amendments remain the same (not recommended for Council approval), Council Member Thomas has submitted two new amendments to address redevelopment along the 12th Street corridor: 1) UNE-2.6.4, 12th Street Corridor. In consultation with property owners, community groups, and residents, use zoning, incentives, and other tools to facilitate mixed-use projects with retail and service uses at street level, and with residential and commercial uses on upper stories. Create productive synergies between 12th Street and planned adjacent economic development projects; assist with connectivity and parking policies; ensure quality project designs; and encourage voluntary preservation of buildings on 12th Street most emblematic of Brookland's history and character. 2) LU-2.1.14, Planned Unit Developments in Neighborhood Commercial Corridors. Consider modifying minimum lot size and other standards for Planned Unit Developments (PUDs) for neighborhood commercial areas to allow small property owners to participate in such projects that encourage high quality developments that provide public benefits. OP recommends Council approval of the 2 amendments. The proposed amendments are not inconsistent with the approved Brookland/CUA Metro Station Area Plan which provides guidance for the redevelopment of 12th Street. Any proposed development that calls for a change in zoning or waivers to the PUD lot size requirements would be reviewed and approved by the Zoning Commission and include public input.</p>	OP recommends Council approval of the two new amendments

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63	8-18, 225	Caroline Petti	Brookland NCA	Does not support the up-zoning of properties along 12th Street NE from C-1 (Neighborhood shopping and low-density development) to C-2-A (Higher density development, including office, retail, and mixed-use development). Believes such a move would eliminate the Planned Unit Development (PUD) process for new development within this new zone and allow new development within this new higher-density zone to occur as a "matter-of right". If the small lot sizes are a barrier to the PUD process, the Zoning Commission has the authority to grant waivers to the minimum lot size requirements if they determine that the project is of exceptional merit and in the best interest of the city.	Testimony to Council on 9/28/10	Neighborhood revitalization, Land Use	Council Member Thomas has submitted two amendments to address redevelopment along the 12th Street corridor: 1) UNE-2.6.4, 12th Street Corridor. In consultation with property owners, community groups, and residents, use zoning, incentives, and other tools to facilitate mixed-use projects with retail and service uses at street level, and with residential and commercial uses on upper stories. Create productive synergies between 12th Street and planned adjacent economic development projects; assist with connectivity and parking policies; ensure quality project designs; and encourage voluntary preservation of buildings on 12th Street most emblematic of Brookland's history and character. 2) LU-2.1.14, Planned Unit Developments in Neighborhood Commercial Corridors. Consider modifying minimum lot size and other standards for Planned Unit Developments (PUDs) for neighborhood commercial areas to allow small property owners to participate in such projects that encourage high quality developments that provide public benefits. OP recommends Council approval of the 2 amendments. The proposed amendments are not inconsistent with the approved Brookland/CUA Metro Station Area Plan which provides guidance for the redevelopment of 12th Street. Any proposed development that calls for a change in zoning or waivers to the PUD lot size requirements would be reviewed and approved by the Zoning Commission and include public input.	OP recommends Council approval of the two new amendments
64	228, 229	David Tuchmann	Akridge	Supports the amendment proposals to encourage the development of air rights parcels for the opportunities they present for housing, retail and commercial buildings and for their ability to re-connect neighborhoods. This technically difficult project will be to deliver because of the exceptional challenges inherent in building atop active intercity and commuter rail lines. Akridge also strongly supports the modification to allow Burnham Place building heights to be measured consistent with the 1910 Height Act, with special focus on the context of important adjacent areas. The change to the current language provides the opportunity for full public analysis of the design impacts of our project while also requiring important neighborhood protections.	Testimony to Council on 9/28/10	Air Rights	It is widely agreed that reconnecting the city over highways, and in the case of Union Station, rail tracks, is an important objective, important to community development as well as economic development. It is also recognized that Union Station is a very sensitive site important to the architectural history of the city's classical development and critical to the image of the city as guests and residents arrive at Union Station. The proposed Comp Plan amendment regarding Union Station air rights has been reworded in consultation with NPCP to expressly acknowledge compliance with the 1910 Height Act; the proposed amendment specifically acknowledges the sensitive nature of the adjoining neighborhoods and buildings; and additional language was added to call for public review in the New Action CW-2.8.E. THE REPLACEMENT LANGUAGE AS NOW PROPOSED: "The allowable height of any building constructed in the air rights should be measured consistent with the Height Act and relate positively to the surroundings with special attention to Union Station and other historic buildings, the Federal precincts on Capitol Hill, and existing neighborhoods to the east and west. Development must give special attention to the preservation and enhancement of and views to Union Station and its historic surroundings by ensuring the provision of exemplary architecture and encouraging upper story setbacks and minimized penthouses."	No change
65	3	Dave Garrison	Comisioner, ANC 6B01 Chair ANC 6B	"The amendment proposal addresses a new policy initiative, adaptive reuse of District-owned facilities [sic]. The new policy should read as follows: "New Policy CH-2.2.7: Hine Junior High School Site - Promote continued investment and redevelopment of Hine Junior High School, an important community public facility, which was closed in Summer 2008. Adaptive re-use of this facility and redevelopment of the site should complement the adjacent neighborhood." We are puzzled by the decision to describe the Hine project as an "adaptive reuse" opportunity since the plan the city (DMPED) and the community have been pursuing for the past several years (and the basis upon which the Stanton Development team was selected) is the demolition of the school facility and the redevelopment of the block. We think what you really meant to say as regards Hine is something along these lines: "New Policy CH-2.2.7: Hine Junior High School Site - Promote redevelopment of Hine Junior High School, which was closed in Summer 2008. Redevelopment of the site should complement the adjacent neighborhood."	email dated 10/22/10 to OP	Hine Junior High School Redevelopment	OP agrees with the correction noted by ANC 6B. The new policy should read as follows: "New Policy CH-2.2.7: Hine Junior High School Site - Promote continued investment and redevelopment of Hine Junior High School, an important community public facility, which was closed in Summer 2008. Redevelopment of the site should complement the adjacent neighborhood."	OP recommends Council approve the correction to the amendment on Hine Junior School (amendment tracking #3)

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66	208	OP	n/a	Change the proposed land use designation to medium density residential/medium density commercial to reflect recommendation from the St. Elizabeths East Campus Small Area Plan.	Internal review	Land Use	OP discovered an error within amendment tracking number 208. When originally submitted, the amendment proposed changing the land use designation at and around the Congress Heights Metro Station from medium density residential/moderate density commercial/institutional to medium density residential/moderate density commercial. The correct amended land use designation should be medium density residential/medium density commercial, which is consistent with recommendations from the St. Elizabeths' East Campus Small Area Plan approved by Council in December 2008.	Change in proposed land use designation. No change in recommendation