

July 1, 2002

Testimony of Zoning Subcommittee
The Committee of 100 on the Federal City

Public Hearing on Text Amendment Case 02-15

Ladies and Gentlemen:

I speak tonight as the chair of the zoning subcommittee of the Committee of 100 on the Federal City, the oldest citizens advocacy organization in the District, serving to defend planning and preservation goals in the District.

Thank you for the opportunity to speak this evening on a matter of significant import for our city and for the neighborhoods that make it the thriving home to so many people.

Some of you have heard my favorite analogy, that which likens the zoning code to a social contract between a people and their government. I believe this deeply, and believe it is that social contract that encourages families to buy homes, start businesses, select schools, and invest both their energy and their capital. It is what builds stability in changing times, builds community out of houses and stores and land parcels. In this vein, I think it is important to look very carefully at changes to that contract.

When I first saw the advertised proposal to change rules for new construction at parks and recreation centers, my reaction was uncertain. But a little further thought made it clear that these changes are not benign equivalencies between schools and parks. The issues I would ask you to consider are these:

1. Schools are different. They serve a city-wide (indeed, nationwide) purpose of providing for the common education of all citizens and, by and large, do not vary in design for purposes of meeting community needs. Parks, on the other hand, are indeed meant to meet immediate needs of particular communities. The facilities they offer respond to the desires and requirements of often different populations, they vary facilities among different locations, and their sites and sizes range widely.
2. The District must adopt a planful approach. This is not a time for one-size-fits-all/do-it-in-a-hurry approach that Parks and Recreation asks you to sanction. There is a need to address historic preservation standards, from protection of L'Enfant concerns to individually adopted historic districts. There is a need to fit these facilities into other planning efforts for transportation, schools, safety, and the like.
3. The Comprehensive Plan requires a planful approach - and requires that changes such as those proposed be subject to BZA approval. Section 1115.1 (1) of the Land Use Element says that policies established in support of the public and institutional land use objectives include support for modification of the Zoning Regulations to require Board of Zoning Adjustment

approval of any expansion of an existing institution and approval of any change in the type of institutional use within or adjoining a residential district. (Beyond this, Section 1114 makes clear that only changes adopted as part of the capital improvement plan and adopted as part of the Comprehensive Plan can be pursued. It is my understanding that none of the proposed park changes meet this standard.) Of course, the Commission is constrained from adopting rules that are inconsistent with the provisions of the Comprehensive Plan.

4. Fairness requires opportunity for citizen input. Even if the Comprehensive Plan did not constrain the Board from adopting inconsistent rules, fairness to the body politic would require that the citizens most affected by proposed changes be given an opportunity to review them, comment on them, and lobby for changes they believe are necessary. Many parks have been developed with either capital or sweat-equity raised by citizens in the surrounding community. Shall their input be dismissed because of inconvenience? It is they who will have to live with proposed changes. And we are looking at nearly two dozen facilities already, with who knows how many more to come.

For all these reasons, I would ask that the Commission reject the permanent rule currently under consideration, and either suspend or strenuously restrict the emergency rule adopted and extended. Allowing four-story buildings, which could cover 60% of a park, as matter-of-right development would be highly destabilizing. One need only look at the proposal for the Grand Prix race to see the trouble that follows decisions made without public input. The potential for multiple examples of such problems increases with pressure to create Olympic venues and facilities without being inconvenienced by public comment.

Surely these changes are not required for the current recreational season. I would ask the Commission to ignore the request to “cover” for improvidentially executed contracts by taking away the right of communities to comment on their government’s plans for their future - and their children’s future.

And why? There is no indication that the special exception process doesn’t work. Indeed, if these new facilities are going to be so fantastic, why not celebrate their arrival with public hearings?

I would be pleased to answer any questions the Commission might have.

Thank you.

Barbara Zartman, Chair

Zoning Subcommittee Meeting
Committee of 100 on the Federal City

March 22, 2002

1. Introductions as necessary.
2. Consideration of minutes.
3. Update on prior cases: NAS Building
 NCODs
 Antenna regulations
4. Upcoming cases CBRFs – Meet with Pecor “asset”?
 Campus plans – Meet with Lutz Praeger?
5. Participation in Reservation 57 Task Force
6. Future meeting schedule

Zoning Subcommittee Meeting
Committee of 100 on the Federal City

May 3, 2002

1. Consideration of minutes.
2. CBRF's
 - Ms. Richards' update on process
 - Mr. Jack Fletcher* on resources and other assets
3. Campus plans
 - Ms. Zartman's update on various lawsuits
 - Plans to meet with Mr. Praeger
4. Other key cases (Boys Town, others)
5. Administrative actions outside the process (DMV, e.g.)
6. Future meeting date(s)

The Communication Subcommittee began functioning this year to fulfill several roles in support of the Committee's work.

1. Website. The website is now up and running (Committeef100.net), and the first quarter of 2002 will see the posting of a significant number of C100 studies and policy positions, as well as an enriched history of the Committee's work.
2. Publications. A regular newsletter to members and interested others was begun mid-year, which contain minutes of Trustees' meetings and committee reports. For 2002, we are working to regularize publication and revise format to be responsive to members' needs.
3. Community outreach. At the Board's request, this area was added to our responsibilities, and we have an initial design for workshops for community groups to familiarize them with their rights under District land-use regulations; these workshops can also be integrated into the process for adopting a new Comprehensive Plan over the next two years.
4. Programmatic interface. The subcommittee will work to assure wider understanding of the Committee's work and its policy positions, through speaking opportunities, through guest columnists for the newsletter, and through affiliation with like-minded organizations.

Any member who would like to join in these efforts should feel free to contact the subcommittee.

Barbara Zartman, Chair
Communications Subcommittee

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DRAFT Minutes - Zoning Subcommittee
Committee of 100 on the Federal City
February 22, 2002 - 12 noon

Attending: Ann Hargrove, Ann Loikow, Diane Pecor, Laura Richards, Kirk White, Barbara Zartman

Scope of Work (Immediate): The subcommittee identified urgent cases or issues the subcommittee should follow and consider recommending a public position for the Committee of 100's adoption. The standards for inclusion in this list were: (a) cases with city-wide implications, (b) cases that would set true precedents, and (c) cases that relate to key C100 policy stands (such as downtown housing).

The issues/cases identified for following include:

- campus plans and attendant regulations
- community-based residential facilities and attendant regulations
- comprehensive plan amendments
- text amendment cases
- antenna and electronic tower placement cases and attendant regulations.

Additionally, the subcommittee will review and make recommendations about the zoning "process," including the matter of standing, sequencing of historic preservation and zoning hearings, standards for area vs. use variances, enforcement, and the role of the Mayor's Agent.

Ms. Loikow asked for urgent help in drafting new regulations for antennas and electronic facilities, which are being prepared by the Department of Health. Ms. Richards and Mr. White generously stepped forward to review other jurisdictions' regulations to identify "best practices" that D. C. might adopt.

There was discussion of the resources available to support the Office of Zoning (and Planning), including the merits of independent counsel to support the Office of Zoning. The subcommittee agreed to support such a proposal, consistent with independent counsel for the Board of Elections and Ethics and other independent Boards.

A separate joint task force (with the Planning Subcommittee) will be appointed to review the D. C. General/Reservation 57 issues.

Scope of Work (Long Term): On a longer timeframe, the subcommittee will focus on the rewriting of the Zoning Code, support for enhanced accessibility and transparency of the zoning process, and community education program.

It was decided that Friday noon meetings were convenient for most.

The meeting was adjourned.

Barbara Zartman

Minutes - Zoning Subcommittee
Committee of 100 on the Federal City
March 22, 2002 - 12 noon

Attending: Laura Richards, Cecil Tucker, Kirk White, Barbara Zartman

The subcommittee welcomed Cecil Tucker and his vast reservoir of knowledge and experience.

The draft minutes were approved as distributed.

Updates: Ms. Zartman updated the subcommittee on the National Academy of Science PUD amendment case; we are awaiting publication of the final order and the opportunity to seek reconsideration. Regarding Neighborhood Commercial Overlay Districts, the Trustees supported a strong letter to the Zoning Administrator, seeking a stay of his opinion that he was empowered to “grandfather” wrongly issued permits. In Ms. Loikow’s absence, no update on antenna regulations was presented.

Further work: The subcommittee agreed it would be excellent to meet with Jack Fletcher, a colleague of Ms. Pecor’s, who maintains an excellent resource of information on community-based residential facilities. Ms. Richards offered to take the point on CBRF’s for the subcommittee and agreed as a first step to determine what the Office of Planning and other parts of the Administration were doing on the issue.

The subcommittee agreed it would also be productive to meet with Lutz Praeger, the attorney who is representing the District in the George Washington University campus plan case.

The subcommittee discussed upcoming budget hearings regarding the Office of Zoning and agreed to support independent legal counsel for OZ, to avoid conflicts when Corporation Counsel has to represent other agencies (e.g., the Zoning Administrator). It also agreed to support a requirement that the ZA make his/her opinions publicly available in hard copy (as an immediate step) and ultimately on websites and through publication in the D. C. Register. Less relevant for budget hearings, the subcommittee previously agreed that in cases requiring both BZA and HPRB/CFA approvals, the applicant should seek the land-use decision first, and then the architectural/historic preservation review.

Left unresolved was whether a subcommittee member would take the lead on the joint task force on the D., C. General parcel and the campus plan that will be presented for the site.

The subcommittee agreed to meet on April 26 at noon (subsequently changed to May 3).

The meeting was adjourned.

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Statement of Barbara Zartman, Chair
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