

Statement of JayEtta Z. Hecker

Before D.C. Zoning Commission, PUD Case #08-15

May 6, 2009

Transportation Economist

25 year Homeowner and Resident: 3635 Ordway St. N.W.

Washington, D.C. 20016

Good evening Commissioner Hood and other Commission members,

My name is JayEtta Hecker. I come before you as a resident concerned about the absence of rigorous or complete review of the proposed PUD 08-15 and failure to identify appropriate mitigation measures to balance the commercial interests of the applicant with interests of the community.

While I come as a local resident likely to experience direct adverse affects from the proposed PUD, including the multiple waivers of existing zoning requirements, I also speak as a professional transportation economist, most recently having served as a Senior Director with the U.S. Government Accountability Office advising Congress and the Administration on the full range of national transportation policies, programs, priorities and processes. After 40 years as a government economist, I am currently serving as a senior fellow on transportation matters with the RAND Corporation and the Bipartisan Policy Center. (For the Commission's information, I am attaching a brief summary of my professional qualifications.)

Because of the direct relevance of my professional experience, I will first briefly summarize two of the well established findings of the investigative and analytical work I have directed on the failures and challenges of transportation policies - both of which apply to the case under review here:

- (1) There is an absence of a transportation and urban development policy, which has contributed to the degradation of transportation mobility in urban centers.
- (2) Metropolitan planning efforts have failed to developing coherent transportation policies to ensure the economic vitality and livability of our cities.

Due to the limited time, I will not expand on these critical observations, but have attached a bibliography of GAO reports and others presenting the analysis behind these observations – and the importance of a coherent federal, state, and metropolitan transportation and urban

ZONING COMMISSION
CASE No. 08-15
EXHIBIT No. 230

policies - AS WELL AS GENUINE COMMUNICATION WITH AND RESPONSIVENESS TO LOCAL AFFECTED COMMUNITIES - to ensure the sustainability and livability of our communities.

SUBSTANTIAL DESIGN ISSUES REMAIN

First, I'd like to assure the Commission understands that the community has had little opportunity to consider details of design, exterior finishes, and storefront standards. Design features were presented to community through pretty, but not really accurate, watercolor renderings - and design details were described for the first time in the Applicant's January 30 submission. With an important historic district containing many landmark properties across the street from the development, design and marketing standards are a critical concern.

A. The North Block design is not compatible with the neighborhood:

1. Its massiveness is unlike any multi-residential building in the area.¹
2. The building has no setback. Every residential building in the area is set back somewhat.² Most have landscaped space bordering the front façades.
3. The building's façades are busy and complicated:
 - Multiple window style and sizes are inconsistent; typical Washington apartments have one or two styles repeated on every floor. The variety in the plans looks as though they couldn't decide which they prefer.
 - Slab balconies and metal railings conflict with the quieter architecture of older neighborhoods like ours and look more like Arlington or redeveloped Massachusetts Avenue downtown.³

¹ Alban Towers, just south of the area, is huge, occupying most of the block (with houses on the west side). But its stately presence is shared by Massachusetts Avenue and Wisconsin Avenue, both wide streets making a very spacious intersection; and there is no commercial activity there.

² Vaughn Place apartments across Idaho from the project is deeply setback from Wisconsin.

³ I understand that the Historic Preservation Review Board in recent years rejected such a canopy at Stanford House in Woodley Park because it was a downtown element not appropriate for a neighborhood, even though that building was on Connecticut Ave.

- Steel and glass canopies projecting at Newark at Wisconsin and at Idaho are odd, and not characteristic of a neighborhood shopping center.
4. Granite as a wall base at ground level is a downtown element that should be used sparingly here, if at all; generally the main building material extends to the ground on buildings in the area.
 5. Streetfront heights need to be uniform and reduced. From elevations, it appears that the North Block building's ground floor heights vary from 14 feet at Wisconsin & Idaho to more than 20 feet at Newark & Idaho. This downtown look is in stark contrast to existing retail buildings, and suggests the project is designed for a busy entertainment district and large retail.
 6. Bay windows at ground level should be features here, as they are on the South Block, to link the two blocks and break up the long Wisconsin Avenue wall.
 7. Roof structures are alarmingly prominent; without required setbacks, they are more visible than necessary. The metal casing proposed is unlike any other roof structure in the area.

B. The South Block architecture is more successful, but still needs refinement:

1. The tower element remains awkward despite redesign.
2. The pop-up staircases, though not shown in elevations, and seem on principle to be incompatible across from the Historic District.
3. The "Giant" roof sign facing Wisconsin Ave. is nearly a story tall – like a sign in a suburban shopping center designed to be visible across a great distance. The historic "Giant" sign at the corner -- also huge and lit -- should suffice.
4. Mandated storefront standards should respect the existing commercial area and the

neighborhood setting. For example,

- canopies should be fabric, not glass and metal, and not illuminated;
- large storefront windows should be divided with cornices at the level of existing storefronts' windows. This will allow daylight in while still creating a street appearance compatible with neighboring structures;
- banners, flags, and wall mounted vertical signs should be prohibited, and horizontal blade signs should be modest in size;
- lighting should be turned off at night after closing times, or its intensity reduced if lighting is needed for safety so as not to disturb residents across the street;
- sidewalk cafes should not extend beyond the width of the restaurant, and must not interrupt the sidewalk or impede pedestrians.

UNRELIABLE TRANSPORTATION PLANNING AND REVIEW

I now want to make three critical observations regarding fundamental limitations of both the PUD proposal for multiple exceptions from the current D.C. Comprehensive Plan and zoning laws as well as the required independent review and evaluation by the Department of Planning, Department of Transportation, and – with all due respect – this Commission.

A. Wholesale elimination of plans and zoning protections are being proposed

The PUD applicant seeks a **wholesale elimination of zoning, overlay, and comprehensive plan protections**, DC'S framework for rational development policies. At the same time, it requests substantial relief from existing density and commercial restrictions, but reductions of existing parking, loading and traffic requirements.

B. Excessively optimistic traffic and parking projections have not been scrutinized

While it is clear that the applicant has “low-balled” projected parking, traffic, and loading impacts on the neighborhood, the testimony of the departments of planning and transportation have provided little if any independent review or exploration of appropriate modifications needed to protect the community. Nor has this Commission demonstrated the needed objectivity, independence or follow-through in probing outstanding issues and competing views presented by the applicant, proponents, and community witnesses.

- While the independent PSI traffic study projects far greater impacts than Giant’s study, DDOT has not critically evaluated the Giant study in light of current, evolving or future traffic and parking demand. In effect our own government – by law charged with protecting the broader public interest, accepts without any scrutiny the likely transfer of the costs of increased commercial and residential demand associated with the permissive and open-ended PUD proposal, from the applicant to the community.
- There has been no evaluation of the sufficiency or accessibility of parking for customers of the north block - merely assuming customers in private vehicles will prefer the more distant underground parking to closer on-street parking – on Ordway, Idaho, and Norton Streets. DDOT has dismissively suggested few customers would bypass the dozens of on street parking spaces on our historically protected community for “fear” of crossing the street – despite the presence of a light and crosswalk.
- There has been no objective evaluation of the assumption that a greatly expanded and ultra-modern mega-supermarket and as many as 7 or 8 restaurants will survive by drawing customers from an area of less than a mile, and that a large percentage of customers will arrive by foot, bicycle, and bus.

C. DDOT and Planning Encourage Adversely Affected Parties to Depend on EX POST FACTO “fixes

The local residents most likely to be most adversely affected by the PUD proposal are asked by Giant and DDOT to **have faith that traffic and parking spillover problems can be fixed, after the project is set in concrete.** Assuring adequate mitigation measures are built into the PUD review process – is not even on the table. Instead, residents highly likely to economic, inconvenience, and quality of life effects – are supposed to be

assuaged by vague promises and speed bumps – to be considered after the project is approved, overbuilt and disrupt the community.

D. Giant's is Holding the Community Hostage with its Intentional Degradation of the Property and Unwillingness to negotiate on any substantive issues

The active frustration of the community – and the call by many for a swift approval of the project – reflects the disingenuous actions of Giant to let both the overall property and even store deteriorate. As poignantly observed to this Commission by our community's former ANC3C Chair, who worked first hand with the community and the Giant, the applicant has virtually refused to negotiate in good faith in response to valid and reasonable community input – in effect “**holding the community hostage**” to an “all or nothing” posture on the expansive proposals driven by measures to optimize private returns.

This concludes my prepared remarks.

I genuinely hope this Commission will fulfill its public obligation to provide an independent and objective evaluation of the expansive PUD proposal and minimize the transfer of the costs of the requested relief from existing zoning standards to local homeowners.

JayEtta Hecker

Ms Hecker is an Adjunct Fellow with RAND as well as a Senior Fellow with the Bipartisan Policy Council's Transportation Project. Until mid 2008, she served as Director of Physical Infrastructure Issues at GAO where she was the senior partner overseeing GAO work on the economic impacts and policy options of diverse surface, aviation, and maritime transportation programs, as well as emergency management and telecommunications issues. Ms. Hecker directed GAO work for 25 years and before that served as a policy economist in various executive branch agencies, including coverage of regulatory issues in the Carter White House.

Hecker is recognized for her strong direction of hundreds of GAO reports and incisive and constructive testimony before over 100 Congressional hearings. She directed a major body of work focusing on the performance failure and need for a comprehensive restructuring of federal surface transportation policies and programs. Her work included high profile reviews of the role and protection of the public interest in emerging public-private partnerships, the weaknesses of the federal bridge program, and the condition and performance of the airline industry. She also led detailed critiques of the management and performance of Amtrak, which led to Member-based legislative study committees.

Ms Hecker is a nationally recognized expert on needed national transportation policy reforms having addressed hundreds groups in the U.S. and abroad. She recently participated in a nationally televised discussion on infrastructure before the NGA, debating Governors Rendell and Schwarzenegger. She participated in a U.K. sponsored visit exploring the role and performance of various road pricing strategies with U.K. national, regional and urban officials. She is a recipient of GAO's Distinguished Service Award for excellence and foresight in supporting the work of the Congress.

Selective Reports on Transportation Failures

GAO Reports

Urban Partnership Agreements: Congestion Relief Initiative Holds Promise; Some Improvements Needed in Selection Process

GAO-09-154 March 25, 2009

Summary (HTML) Highlights Page (PDF) Full Report
(PDF, 99 pages) Accessible Text

High Speed Passenger Rail: Future Development Will Depend on Addressing Financial and Other Challenges and Establishing a Clear Federal Role

Surface Transportation: Clear Federal Role and Criteria-Based Selection Process Could Improve Three National and Regional Infrastructure Programs

GAO-09-219 February 6, 2009

Summary (HTML) Highlights Page (PDF) Full Report
(PDF, 53 pages) Accessible Text

Federal-Aid Highways: Federal Requirements for Highways May Influence Funding Decisions and Create Challenges, but Benefits and Costs Are Not Tracked

GAO-09-36 December 12, 2008

Summary (HTML) Highlights Page (PDF) Full Report
(PDF, 62 pages) Accessible Text

Highway Safety Improvement Program: Further Efforts Needed to Address Data Limitations and Better Align Funding with States' Top Safety Priorities

GAO-09-35 November 21, 2008

Summary (HTML) Highlights Page (PDF) Full Report
(PDF, 63 pages) Accessible Text

Highway Bridge Program: Clearer Goals and Performance Measures Needed for a More Focused and Sustainable Program

GAO-08-1043 September 10, 2008

Summary (HTML) Highlights Page (PDF) Full Report
(PDF, 58 pages) Accessible Text

Highway Public-Private Partnerships: More Rigorous Up-Front Analysis Could Better Secure Potential Benefits and Protect the Public Interest

GAO-08-1149R September 8, 2008

Summary (HTML) Full Report (PDF, 12 pages) Accessible
Text

Surface Transportation Programs: Proposals Highlight Key Issues and Challenges in Restructuring the Programs

GAO-08-843R July 29, 2008

Summary (HTML) Full Report (PDF, 28 pages) Accessible
Text

Surface Transportation: Restructured Federal Approach Needed for More Focused, Performance-Based, and Sustainable Programs

GAO-08-400 March 6, 2008

Summary (HTML) Highlights Page (PDF) Full Report
(PDF, 91 pages) Accessible Text

Freight Transportation: National Policy and Strategies Can Help Improve Freight Mobility

GAO-08-287 January 7, 2008

Summary (HTML) Highlights Page (PDF) Full Report
(PDF, 59 pages) Accessible Text

Intercity Passenger Rail: National Policy and Strategies Needed to Maximize Public Benefits from Federal Expenditures

GAO-07-15 November 13, 2006

Summary (HTML) Highlights Page (PDF) Full Report
(PDF, 192 pages) Accessible Text
Highway Finance: States' Expanding Use of Tolling Illustrates Diverse Challenges and Strategies
GAO-06-554 June 28, 2006
Summary (HTML) Highlights Page (PDF) Full Report
(PDF, 70 pages) Accessible Text

General Reports

"A Bridge to Somewhere", Brookings Institution, 2008

"Moving Los Angeles – Short Term Options for Improving Transportation", Paul Sorenson et al, RAND Corporation, 2008

"Mobility 2030: Meeting the challenges to sustainability", World Business Council for Sustainable Development, July 2004

"2007 Urban Mobility Report", Texas Transportation Institute, 2007 ?other TTI reports

"Mobility First – A New Vision for Transportation in a Globally Competitive Twenty-First Century", Sam Staley and Adrian Moore, 2009

"The Urban Transportation System: Politics and Policy Innovation", Alan Altshuier with James Womack and John R. Pucher, 1979

"Two Billion Cars – Driving Toward Sustainability", Dan Sperling and Deborah Gordon, 2009

"21st Century Highways – Innovative Solutions to America's Transportation Needs", Edited by Wendell Cox, Alan Pisarski and Ronald Utt, Heritage Foundation, 2005

Transportation Research Board Reports

"Fuel Tax and Alternatives ", TRB Special Report 285, 2006 www.TRB.org/publ/sr/sr285.pdf ;'

"Freight Capacity for the 21st Century", TRB Special Report 271, 2002 -

<http://onlinepubs.trb.org/Onlinepubs/sr/sr271.pdf>

"Policy Options for Intermodal Freight Transportation", Special Report 252,

<http://onlinepubs.trb.org/Onlinepubs/sr/sr252.pdf>

"Toward a Sustainable Future – Addressing the Long Term Effects of Motor Vehicle Transportation on Climate And Ecology", Special Report 251, 1997

"Cost-Effective Performance Measures for Travel Time Delay, Variation, and Reliability",

NCHRP Report 618, TRB, 2008

"Guidebook for Integrating Freight into Transportation Planning and Project Selection Processes", NCHRP Report 594, TRB, 2007

[a very useful guide and reference for the complexity of planning for freight projects; could add as cite to either our planning discussion or freight issues]

"Rail Freight Solutions to Roadway Congestion_ Final Report and Guidebook", NCHRP Report 586, 2007

Reports of Key Traditional Stakeholders

NGA - "An Infrastructure Vision for the 21st Century – Strengthening Our Infrastructure for a Sustainable Future", National Governors Association, NGA Center for Best Practices, Darren Springer and Greg Dierkers, 2008

AASHTO - <http://www.transportation1.org/tif3report/sitemap>

ATA-

[http://transportationfortomorrow.org/pdfs/commission_meetings/0307 field hearing washington/031907 fh ata testimony1.pdf](http://transportationfortomorrow.org/pdfs/commission_meetings/0307_field_hearing_washington/031907_fh_ata_testimony1.pdf)

ARTBA - "A New Vision & Mission for AMERICA'S Federal Surface Transportation Program" ARTBA www.artba.org " <http://www.artba.org/mediafiles/currentissuessaftetelurecommendationspdf.pdf>;

CHAMBER - The Transportation Challenge (U.S. Chamber of Commerce, 2008)

Chamber of Commerce/coalition Advancing Trans Mobility, 2008

<http://www.uschamber.com/NR/rdonlyres/e7u65qzefourhg3cfhipb4zogohb3o4tozaqcp2wymr7ifuruthglb7wpw2aylehaqk5ifazi47yqh5ykxuivglvgb/13958FullStudyWeb.pdf>

Chamber, 2005 study

<http://www.uschamber.com/NR/rdonlyres/ehezkyo2b7sm5xv33grprwecajd44h3xuwzliwbddy64725l5q3gfmdc7ycypwsvbbhxdagf5swmoj7gz3b4r3xkqsb/ExecSummary.pdf>

APTA – “Counting Transit So That Transit Counts”, May, 2004

http://www.apta.com/research/info/online/counting_transit.cfm

T4America – Platform for the National Transportation Program Authorization”

<http://t4america.org/platform>

Building America’s Future Agenda - <http://www.investininfrastructure.org/agenda>

“A 2040 Vision for the I-95 Coalition Region – Supporting Economic Growth in a Carbon-Constrained Environment”, I-95 Corridor Coalition, 2008.

CBO Reports

“Freight Rail Transportation, Long Term Issues”, 2006, <http://cbo.gov/ftpdocs/70xx/doc7021/01-17-Rail.pdf>

“Issues and Options in Infrastructure investment, May, 2008,

<http://www.epi.org/publications/entry/pm132/>

“Using Pricing to Reduce Congestion”, 2009, <http://cbo.gov/doc.cfm?index=9750>

“Tax-Credit Bonds and the Federal Cost of Financing Public Expenditures “ 2004 [pdf](#)

[The Past and Future of U.S. Passenger Rail Service](#) , 2003 [pdf](#)

[The Economic Effects of Federal Spending on Infrastructure and Other Investments](http://cbo.gov/doc.cfm?index=601&type=1)”, 1998, <http://cbo.gov/doc.cfm?index=601&type=1>