Southeast Citizens for Smart Development, Inc.

Testimony
of
Brian R. Furness
Before the Board of Zoning Adjustment

Rec'd.
2.5.02

BZA Case No. 16791
Appeal of Zoning Administrator's Decision Allowing the Location of
Father Flanagan's Boys Town Phase I

February 5, 2002

BZA
Case No. 16791
Exhibit No. 42

PLANNING CONSIDERATIONS

I. Introduction

A. Personal identification
1. I am Brian Furness, resident at 1367 Massachusetts Avenue, SE
2. Chair of the Community Development Committee of the Capitol Hill Restoration Society, and as such, representative of the Society to the SCSD
3. Immediate Past President of the CHRS, which has since 1955 played an important role in the development of Capitol Hill, and in the development of the Comprehensive Plan

II. Importance of the Comprehensive Plan
A. Legal standing
1. Grounded in the Home Rule Act
a. Especially "Zoning shall not be inconsistent with the Comprehensive Plan"
(1) Further argue that the decisions of the Zoning Administrator should not be inconsistent with the Comprehensive Plan
2. Approved by City Council to guide land use and development
a. District of Columbia Comprehensive Plan; District of Columbia Comprehensive Plan Act of 1984, DC Law 5-76, DC Code Section 1-245, as amended by the Comprehensive Plan Amendment Act of 1998, D.C. Law 12-275
B. Context for zoning decisions
1. Provides a context that should inform the zoning decision (including the decision of the Zoning Administrator)
C. Expression of community concerns, interests & desires
1. Comprehensive Plan reflects substantial community input (public meetings, submissions, testimony, hearings—even apart from the formal legislative process)

Will Hill, Chair
701 14th St., SE
Washington, DC 20003
202 544-3785 ✻ (Email) willonthehill@starpower.net

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D. Underlines both need and requirement that project be subject to review

III. The Comprehensive Plan

A. Organization

1. (To remind) The Comprehensive Plan is organized hierarchically:
   a. General areas (e.g., "Human Services," "Land Use,").
   b. Objectives (e.g., "Ward 6 Objectives for Human Services").
   c. Specific policies or actions in support of the objectives (e.g., "Ward 6 Policies in Support of Human Services Objectives")
2. Upshot
   a. Level is important. Specific recommendations for action or policies are most sharply focused at the "Policies" level, most deserving of respect.

B. Plan elements dealing specifically with CBRF's

1. *Statement of specific policy*

   "[p]revent further concentration of community-based residential facilities (CBRFs) in Ward 6 neighborhoods and require future development of the CBRFs to be in accordance with the District-wide CBRF plan." (Ward 6 Plan, "Ward 6 Policies in Support of Human Services Objectives," Sec. 1731.1(d); also Exhibit 3, 7)

2. As expression of policy, takes precedence over the general statement of the issues:

   "CBRF's are an important element of the human services delivery system. They provide housing for a number of individuals and families in need of various types of public assistance." ((Ward 6 Plan, Ward 6 Human Services, Sec. 1728.5; contained in Exhibit 3, 17-29)

3. and further takes precedence over the general statement of an objective:

   "to continue to provide a comprehensive network of public and private health, social and economic services to meet the need of the residents of Ward 6." (Ward 6 Plan, "Ward 6 Objectives in Support of Human Services," Sec. 1729.1(c))

   Note further in this context the specific conditioning of the Objective "to meet the need of the residents of Ward Six" – the applicant has not provided any assurances that the facility will provide services exclusively, or even predominantly, targeted at the residents of Ward 6.

4. The Comprehensive Plan recognizes the impact that CBRFs can have on Ward 6

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701 14th St., SE
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neighborhoods, and calls for the elaboration of a plan for their dispersal:

> "...the District government needs to plan for the equitable disbursement of its CBRFs so that there is minimal impact on residential neighborhoods, not only of Ward 6, but throughout the District, except that the disbursement shall not violate the Fair Housing Amendments Act, approved March 12, 1989 ..." (Ward 6 Plan, "Ward 6 Public Facilities"; Sec. 1716.2, also Exhibit 3, 7)

a. Plan has not been done – but underlines the need for BZA and other review

C. Comprehensive Plan provisions promoting economic development

1. At the general level:

" development themes in the ward are almost exclusively ... office development and small retail business which will serve both the office and residential communities. (Ward 6 Plan, Ward 6 Economic Development, 1700.1)

"...there is a need to study both the (Pennsylvania) Avenue itself and for a small-area study at the intersection of the Avenue, Potomac Avenue and 14th Street, S.E." (Ward 6 Plan, Ward 6 Economic Development, 1700.5) – Again note that this talks about a process for determining appropriate use.

2. At the objective and policy level:

"Provide a range of commercial facilities and services within commercial corridors in Ward 6" (Ward 6 Plan, Ward 6 Policies in Support of Economic Development Objectives, 1702.1(a));

"Where development opportunities exist, the city and the Ward 6 community should work to ensure that they are consistent with neighborhood and city objectives." (Ward 6 Plan, Ward 6 Polices in Support of Economic Development Objectives, 1702.1(d)) – Note this provision calls for a process.

3. At the Actions level

"Designate area around Potomac Avenue Metro Station as a Special Treatment Area" ... to include development of underutilized commercial sites, (.e.g., Bogan property at 14th and Potomac Avenue, S.E.). ... Special Treatment Area analysis to emphasize economic development potential in balance with predominately residential character of the area." (Ward 6 Actions to Implement the Plan: Economic Development,

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1703.1(c)) - Note that this provides for a process for determining appropriate use.

D. Comprehensive Plan provisions regarding land use:

1. Land use (General provision)

"[f]rom 9th Street on Pennsylvania Avenue, S.E. to Barney Circle, there is an opportunity through careful planning and special streetscape to convert this portion of historic Pennsylvania Avenue into an attractive area which will attract compatible development that will encourage neighborhood revitalization. Unfortunately, much of the land use is now devoted to service stations and fast food restaurants." (Ward 6 Plan, "Ward 6 Land Use," Sec. 1732.6; also Exhibit 3, 9)

a. And established a specific process for determining how development is to be planned for by designating the Potomac Avenue Metro station area as a Special Treatment Area

"to emphasize economic development potential in balance with predominantly residential character of area." (Ward 6 Plan, "Ward 6 Actions to Implement the Plan: Land Use;" Sec. 1735.1(j), also Exhibit 3, 10)

2. Community interest is reinforced very specifically in the provisions on Transportation Policy:

"to ensure that development adjacent to the Ward 6 Metrorail stations enhances ridership." (Ward 6 Plan, "Policies in Support of Transportation Objectives," Sec. 1714.1(b); also Exhibit 3, 10)

IV. Conclusions

A. The Comprehensive Plan is important
1. As law
2. As policy context that must inform the decision of the Zoning Administrator
3. As an expression of the will of public officials–mayor and city council–of the District of Columbia
4. As an indication of the hopes, desires, aspirations, and determination of the residents of Ward 6, who had much to do with its preparation

B. Conclusions to be drawn from a review of the Comprehensive Plan couldn't be clearer:
1. Support mandate and need for a review of all aspects of the Boys Town application

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