Statement of Barbara Zartman, Chair
Zoning Subcommittee
The Committee of 100 on the Federal City

Public Hearing on Text Amendment Case 02-15
July 1, 2002

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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 sits 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 (l) of the

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Exhibit 28

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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? I 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.