

TESTIMONY ON WOODMONT TRIANGLE SECTOR PLAN AMENDMENT

Ben Ross
President
Action Committee for Transit

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The basic reason for the proposed Woodmont Triangle Sector Plan revision is to maintain the momentum of pedestrian- and transit-oriented development in downtown Bethesda. This is an objective of vital importance for the county's future. It is simply impossible to deal with the dual problems of intolerable traffic jams and unlivable communities without a strong emphasis on creating mixed-use communities that provide conditions for a healthy urban lifestyle. Over the last three decades, Bethesda has made great progress toward becoming such a community, and it is essential for that progress to continue without interruption. ACT therefore believes that the proposed changes in the zoning ordinance and Master Plan should be enacted.

Our support for the Planning Board's recommendations is, however, somewhat reluctant. There are deep-seated defects in the county's zoning and planning rules, which were particularly salient in the Woodmont Triangle planning process and which resulted in a flawed outcome. Downtown Bethesda's development is too important to wait until we fundamentally rethink our land-use planning, and so we urge the County Council to approve the Planning Board recommendations. But the time has come for the Council, the Planning Board, and the county as a whole to address the basic issues. For too long, we have been papering them over by continual tinkering with the zoning ordinance.

Three basic concepts of the zoning ordinance are segregated land uses, buildings set back from the street, and landowner-subsidized parking. From these principles, suburban sprawl inevitably follows. With neighborhoods hard to walk in and transit hard to reach, we must travel by automobile whether we want to or not. Misconceived planning leads directly to the horrific traffic jams we live with today.

The county recognized years ago that a more urban style of development would be needed around Metro stations. But instead of recognizing that what doesn't work needs to be changed, it left the basic structure of the zoning ordinance in place and overlaid it with a system of additional rules and exceptions. In essence, the function of the Sector Plans for central business districts is to try to undo the damage done by the zoning ordinance.

This hybrid system, with the urban goals of the master plans clashing with the suburban spirit of the zoning ordinance, has led to development patterns that succeed only in part. We are starting to achieve urban densities around Metro stations. But while some parts of downtown Bethesda and Silver Spring have become centers of activity, other sections still have much of the feel of sterile suburban office parks.

How the suburban mindset of the zoning ordinance undercuts sound planning can be seen clearly in the Woodmont Triangle planning process. One objective that everyone agreed on was to preserve the variegated streetscape now created by a multiplicity of small separately owned buildings. Yet the recommendations would keep in place a ban on mixed-use redevelopment of small parcels, merely reducing the minimum size from 22,000 to 18,000 square feet. Why? Because it's impractical for smaller parcels to satisfy another rule that requires each parcel to devote 20% of its land area to "amenities" — even though the "amenities" often fail to contribute to the quality cityscape which is the ostensible goal of this burdensome regulation. While urban areas benefit greatly from carefully designed public spaces that provide a focus for the surrounding areas — such as the areas around the fountains at the Silver Plaza in downtown Silver Spring and at Barnes & Noble in Bethesda — a separate plaza in front of each building is a recipe for dead spaces that damage the streetscape. This is the failed vision of the 1950s — suburban lawns must go everywhere, in a bastardized version if necessary, so that we can pretend we've moved to a suburb where nobody rides the streetcar any more.

The system's inbuilt bias against small-scale urban development is seen again in the debate over Battery Lane. This densely populated apartment district is full of surface parking lots that are utterly incompatible with the setting of downtown Bethesda. The current zoning of this area not only allows these ugly scars on our urban environment, it almost requires them. But the only alternatives under discussion are large-scale redevelopment projects that would knock down existing apartment buildings. Why not promote infill development on the parking lots, creating variety instead of monotony, while preserving the affordable housing that is in such short supply in Bethesda?

Merely repealing the specific rules that now forbid small-scale mixed use development would not be enough to make it practical. The process must change too. Our land use regulation system has created a procedural maze that creates a systematic disincentive to urban redevelopment, and makes mixed-use construction on small parcels prohibitively expensive:

- The landowner near a transit station who wants to build what public policy has determined is desirable often goes through an expensive and time-consuming rezoning process.
- Unwanted sprawl-type development does not face this hurdle. When we adopt a master

plan, we do not rezone the land to conform to the plan, but leave in place zoning that we have agreed is wrong. The law requires what we don't want — and we call that "planning"!

- Urban-style development requires extra reviews and approvals, with developer-provided amenities. These extra requirements are a disincentive to development. If the zoning ordinance conformed to the goals we proclaim, transit-oriented projects would be developed "of right," while strip malls and tract housing would be an optional method of development that requires special permission and expensive amenities.

The complexity of the zoning ordinance has itself become an enemy of good land use — in Bethesda where it prevents small-scale redevelopment, in Clarksburg where it facilitates non-enforcement of the rules, and on our highways where sprawl development creates ever-worsening traffic congestion. We cannot go on endlessly elaborating the present system of patchwork fixes. It is time to face up to the fundamental conceptual flaws in our zoning ordinance. We must recognize that the land use theories of the 1950s have failed.