COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D.C 20001

Phil Mendelson
Councilmember-At-Large

Office: (202) 724-8064
Fax: (202) 724-8099

April 17, 2000

Rec'd.
SEP 26 2000

Stephen Joel Trachtenberg, President
The George Washington University
2121 Eye Street, N.W.
Washington, D.C. 20052

RE: GWU Campus Plan

Dear Mr. Trachtenberg:

This is a letter I've been intending to write for several months to express disappointment with the proposed campus plan. For starters, we spoke last October and you quickly wrote: "I have passed along your suggestion that we add a section to our Campus Plan on how GWU protects the neighborhood. My guess is that we will have your proposal inform our text." I followed up with a letter dated November 11th. A comparison of the October 29th draft and the December 28th filed plan reveals *zero* change.

I wrote November 11th that the plan should define the neighborhood and then state how it will be protected. Your November 19th letter completely misunderstands the issue. The campus plan can start from the premise: what does the university want to be in 2010; or it can start from the premise: how will the university relate to Foggy Bottom in 2010. Since the University's relations with the community are rather raw, and since the campus plan is a requirement of land use (i.e., zoning) regulations, I suggest the latter premise is more helpful and relevant -- and it does not preclude consideration of the former.

Zoning is not just about the geometric aspects or architecture; it is also about use. Use is about relationship, and campus planning is especially about the relationship of a university with other uses (e.g., residents) around the campus. If it is not GWU's intent to threaten or obliterate the non-university, residential Foggy Bottom, then you need to define a relationship that protects them, and that includes working with the residents to define what is being protected. There is nothing imperious about this if it is done cooperatively.

Instead, the plan is still focussed on bricks and mortar and GWU's programs. Meanwhile, since last fall the neighborhood has gotten all the more agitated over GWU's acquisition of Columbia Plaza and the razing of townhouses. Whether these actions are of-right has nothing to do with the need for the University to improve its relations with Foggy Bottom residents. "*Use as a college or university shall be located so that it is not likely to become objectionable to neighboring property...*" (11 DCMR 210.2). Yes, a campus plan is about much more than just facilities planning.

If I can be of help, please let me know.

Sincerely,

Phil Mendelson

BZA
Case No. 16553
Exhibit No. 213

cc: ANC 2-A
Foggy Bottom Citizens Association

Board of Zoning Adjustment
District of Columbia
CASE NO.16553
EXHIBIT NO.213

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20001

Phil Mendelson
Councilmember At-Large

Office: (202) 724-8064
Fax: (202) 724-8099

November 11, 1999

Stephen Joel Trachtenberg, President
The George Washington University
2121 Eye Street, N.W.
Washington, D.C. 20052

RE: Campus Plan

Dear ~~Mr. Trachtenberg~~ Stephen:

I have given additional thought to our conversation several weeks ago wherein I suggested that GW's campus plan ought to be written from the premise: how can we protect the Foggy Bottom and West End communities? I recognize that this would be a fundamental shift in how such plans have been written to date. But I believe this approach would direct the plan in such a way as to substantially reduce the cycle of distrust undermining virtually every major GW land use action. I feel strongly about this and articulated these views when your revenue bonds came before the Council last week.

Your October 21st letter reveals that my point was misunderstood. I am not suggesting that a section simply be added to the campus plan on how GW protects the neighborhood. Rather, the plan should define the neighborhood and then state how it will be protected. Such a step would, in turn, inform the text as to land use over the next decade.

For instance, the October 29th draft (which I appreciate your providing) states:

> "...the University will maintain its goal of acquiring land within the Campus Plan boundaries, in order to provide needed space and help create a more integrated, unified university campus setting. In addition, the University will continue, as it has historically done, to use property outside the Campus Plan boundaries appropriately, consistent with all applicable zoning regulations..." (p. 23)

Nothing is said as to what the neighborhood will look like; it begs the question. If I turn to the listing of planning principles (p. 21), I find nothing that talks about the residents and the community of Foggy Bottom. Other than a reference to pedestrian safety there is not one planning principle that concerns people; it's entirely about urban design and architecture. If I turn to the section on preserving and protecting Foggy Bottom (p. 8), it's again about architecture and material things.

I must add that the section on page 8 is also about enriching the Foggy Bottom neighborhood, and I readily agree that the University does that. GW enriches the city as a whole. But that cannot be what defines a land use plan for the next ten years, especially if one of the goals is to reduce community warfare. I hope these comments are useful.

Sincerely,

Phil Mendelson

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20001

September 8, 2000

Mr. Anthony Hood, Chairman
Zoning Commission
441 4th Street, N.W. Suite 220
Washington, D.C. 20001

Case No. 99-09 (Campus Plans)

Dear Mr. Hood:

We are writing to reiterate several points which have been made by others regarding your consideration of text changes to the zoning regulations pertaining to campus plans. We commend the Zoning Commission for considering the urgent need to revise campus planning requirements and, especially, for holding a public roundtable in late July.

The current regulations date to a principle embodied in the 1956 Lewis Plan that educational uses are basically compatible in residential areas. But much has changed since the 1950s. In particular, our universities now have larger enrollments, both students and employees are significantly more auto-dependent, and less of these student bodies are housed on-campus. As a result, several universities have suffered deteriorating "town-gown" relations. The residents of adjacent neighborhoods are being affected adversely -- notwithstanding the requirement in the regulations that university uses shall not be "objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions."

Any changes to the regulations must respect, however, that the colleges and universities located within the District of Columbia are a tremendous asset to our city. They create significant cultural, intellectual, and economic value. They sponsor programs, many of which are generally not well known, that are of especial benefit to District residents. They make the region a more attractive place to live and do business. This, in turn, is doubly beneficial to the District because it enhances the city's role as the urban core of the region.

We agree generally with the three principal recommendations of the D.C. Federation of Citizens Associations. *First*, review of campus plans should be held by the Zoning Commission, not the Board of Zoning Adjustment. The time has come to recognize that campus plans involve land use policy making that is somewhat analogous to the planned unit development process and therefore should be decided by the plenary body responsible for zoning. Moreover, the BZA has shown that its process is unable to deal with the escalation of town-gown problems.

Second, the campus plan regulations must be amended to require that colleges and universities provide a sufficient amount of on-campus student housing. Not only would this significantly miti-

gate town-gown tensions, but the city would economically benefit. Experience has shown that off-campus student housing, whether in houses or dormitories, conflicts with ordinary residential use.

Third, the campus plan process must capture what are now off-campus uses within the review process. Fundamentally at issue is the integrity of the campus plans. The current problem manifests itself in three ways. First, there is no real control over uses. Second, because of this lack of control as well as the distinction between university uses "on campus" and "off campus," the plan fails adequately to control adverse effects on the larger community. This difficulty is greatest when the off-campus use is fairly near the campus. Third, there is no meaningful, timely review of the proposed reuse of a site on campus when its approved use is vacated. The Office of Planning acknowledged this problem in Case 93-12 when it stated:

> "The option of a matter-of-right relocation of a facility from a campus to an off-campus location creates too much uncertainty about the campus plan as a whole. The campus plan involves an arrangement of many facilities, so that when one major facility goes off-campus, the carefully crafted arrangement of on-campus facilities must be rearranged, and the campus plan is no longer meaningful."

Finally, in addition to the Federation's recommendations, the campus plan regulations should be revised to start from a different premise: relationship to the broader neighborhood. Campus planning should no longer start from the premise of bricks and mortar and a university's programs. Rather, first it should define the larger neighborhood, then state how that neighborhood will be protected, and, finally, build the campus (the university) within that framework. A campus plan can start from the premise: what does the university want to be in ten or twenty years, as these plans do now. Or, the plan can start from the premise: how will the university relate to its neighborhood at those points in the future. We strongly believe that this refocussing of the campus plans could have the greatest impact in mitigating objectionable conditions.

The changes you are considering could make a real difference to the communities surounding these universities. We ask that you make these observations part of your official record.

Sincerely,

Sharon Ambrose
Councilmember, Ward 6

David Catania
Councilmember At-Large

Jack Evans
Councilmember, Ward 2

Phil Mendelson
Councilmember At-Large

Carol Schwartz
Councilmember At-Large

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D.C 20001

Phil Mendelson
Councilmember-At-Large

Office: (202) 724-8064
Fax: (202) 724-8099

TESTIMONY
CAMPUS PLAN ROUNDTABLE
JULY 27, 2000

I am Phil Mendelson, Councilmember At-Large. I am very pleased that the Zoning Commission has proceeded to hold this hearing on whether the zoning regulations pertaining to campus plans should be altered. My experience on this issue dates back seven years to Case 93-12 which unsuccessfully sought to amend the campus plan regulations. My role then was in the Ward 3 Councilmember's office, responding to the intense controversy over the relocation of the American University law school.

The colleges and universities located in the District of Columbia are a tremendous asset to our city. Indeed, in my role as an officer and director at the Council of Governments I know that these institutions are important to the region as well. They create significant cultural, intellectual, and economic value. Yet virtually all of our universities have town-gown problems. Almost all have, in a sense, become "objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions." (11 DCMR 210.2)

I have no interest in wanting these institutions to go elsewhere. I would oppose that. But I also have no interest in seeing the adjacent residential neighborhoods destroyed. The town-gown relationship should be mutually nurturing. Our duty as a government is to find a process that will mitigate the objectionable conditions.

The current regulations have become a failure. The participation at this hearing is proof. Our regulations date to a principle embodied in the Lewis Plan (and perhaps earlier regulations) that educational uses are basically compatible in residential areas -- hence the special exception process. But much has changed since the 1950s. In particular, all of these institutions now have larger enrollments, both students and employees are significantly more auto-dependent, and less of the student body is housed on-campus. The residents of adjacent neighborhoods are genuinely threatened.

The fundamental problem with the current regulations is twofold. First, the Board of Zoning Adjustment has shown over the past 20 years that it cannot control against emerging, objectionable conditions -- probably because the regulations do not say enough about what this means or what the BZA might do. Second, and more critical, the definition of "campus" is arbitrary. Increasingly we are seeing major university activity outside of the defined campuses. Two examples of this are:

- In 1988 the BZA removed Square 43 from within the approved GW campus plan boundaries because "the Board believes the removal of Square 43 to be essential to the

preservation and enhancement of residential uses in the Foggy bottom neighborhood" (BZA Order No. 14455, p. 34). At that time, GWU owned only five town house lots in the Square. Since that time the University has acquired almost all of the remaining houses, and has demolished them with a plan to construct a dormitory.

- In the early 1990s The American University negotiated with its neighbors and, ultimately through the BZA process agreed to construct a new law school on its campus near Ward Circle. Shortly after obtaining campus plan approval, AU unilaterally decided to acquire commercial property off campus, a half-mile to the northwest, and to relocate its law school there. Not only was this inconsistent with the campus plan, but it left unplanned the original site within the campus.

The regulations have to change. I have a list of suggestions.

1. First, I believe the best way to force institutions to deal with town-gown issues is to require that a campus plan define the neighborhood(s) within which it co-exists, and then state how that neighborhood will be protected. A campus plan can start from the premise: what does the university want to be in 2010; or, it can start from the premise, how will the university relate (physically and demographically) to its neighborhood in 2010. Campus plans should deal with people, and not be entirely about urban design and architecture. Campus planning should no longer start from the premise of bricks and mortar and the university's programs. Rather, first it should define the larger neighborhood, then state how that neighborhood will be protected, and, finally, build the campus (the university) within that framework. This, I believe, could have the greatest impact in mitigating objectionable conditions. Attached are two letters addressed to GW president Stephen Trachtenberg that make this point.

2. The regulations should specify other issues to be addressed in the plan -- the types of issues that relate to objectionable conditions. Surprisingly, the current regulations require none of this.

3. I agree with the Federation of Citizens Associations that the campus plan regulations must require that colleges and universities provide more student housing. Not only would this significantly mitigate town-gown tensions, but the city would economically benefit. Take Burleith: it has struggled as a stable residential neighborhood. Property values have suffered (as they always do) because single-family homes are being used as apartments and group homes. Some of this is illegal, and any enforcement costs the city. Police and fire protection is also a cost -- there have been fires (with loss of life) and plenty of public disturbances. There is no benefit to the city in any of this.

4. The other major change which must be made to the regulations is to capture what are now off-campus uses within the review process. The key issue here is the integrity of the campus plan process. This manifests in three ways. First, there is no real control over uses -- the how and where of locating a law school for example. Second, because of this lack of control as well as the distinction between university uses "on campus" and "off campus," the plan fails adequately to control adverse effects on the larger community. Third, there is no meaningful, timely review of the proposed reuse of a site on campus when its approved use is vacated (e.g.,

the AU law School; the GW Hospital). I elaborate on this in the attached letter to Charles Ruttenberg.

In 1993 I suggested that the regulations be amended to require that any substantial change to an approved campus plan, including relocation of buildings or activities off-campus, be submitted to the BZA for approval together with revisions to the campus plan. The Federation of Citizens Associations suggests that all property owned or controlled by a college or university outside the campus boundary and used for college or university purposes should be subject to zoning approval. Another proposal I've heard would simply classify colleges and universities as a distinct use within the zoning regulations subject to special exception approval in all but the highest density CBD zones. This might be easiest to draft, but it would allow little matter-of-right activity which these institutions should have. Ideally, the regulations should recognize that the greatest difficulty with off-campus use is when it is fairly near the campus -- e.g., the AU Law School, the GW acquisition of Columbia Plaza, etc.

5. I have three final suggestions. First, the time has come to recognize that campus plans involve land use policymaking that is somewhat analogous to the planned unit development process and therefore should be decided by the Zoning Commission rather than the Board of Zoning Adjustment.

6. Second, in order to allow this roundtable to result in meaningful rulemaking, the campus plans currently pending before the BZA should be approved for only a three-year period -- time enough for new regulations to take effect.

7. Finally, as a former ANC commissioner I often thought that the campus plan process should apply to non-university campuses as well -- any large area with multiple buildings. This was my testimony in BZA cases involving the Sidwell Friends School and Maret School.

I appreciate the opportunity to testify. This is a difficult issue. But I would suggest that well-crafted reforms will benefit both residents and institutions. No one benefits from the current tensions. Residents need protection. The universities need a less contentious process -- one with greater certainty and speed. I hope these comments are helpful.

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20001

Phil Mendelson
Councilmember At-Large

Office: (202) 724-8064
Fax: (202) 724-8099

May 15, 2000

Charles B. Ruttenberg, Esq.
Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Ave., N.W.
Washington, D.C. 20036-5339

RE: Campus Plans

Dear Mr. Ruttenberg:

I am writing in reply to your recent letters. Since we spoke several weeks ago you should have received copies of my two letters to Stephen Trachtenberg, president of George Washington University. Those letters address in part your concern about university campus plans.

Campus planning is a valuable tool for ensuring orderly development. However, much has changed since the zoning regulations were written in the mid-1950s. Universities are technically considered permitted uses in residential zones, but these large institutions have grown substantially over the years, their campuses are no longer discrete, and modes of travel have changed. As a result, these institutions can have devastating effect on the residential communities surrounding them. The regulations must change.

In September 1993 I proposed with then-Councilmember Jim Nathanson a zoning text amendment to add the following to 11 DCMR 210:

> "Any substantial change to an approved campus plan, including but not limited to the re-location of a college, building, or major activity from on campus to off campus, shall be submitted to the Board of Zoning Adjustment together with revisions to the campus plan. Such relocation shall not be permitted until the Board has approved the revised campus plan, even though the relocation may be to a district other than a residence district."

The petition was denied without hearing in large part because it was perceived as requiring review of matter of right uses -- e.g., a university relocates its administrative offices to an existing K Street office building, a clearly permitted use. In a request for reconsideration, we emphasized (unsuccessfully) that "the issue is not where the facility is going *to*, but where it is coming *from*, that warrants concern." (see Zoning Case 93-12)

That notwithstanding, the issue also can be where the facility is going to. When a university locates a use outside of but near its campus, that has the *de facto* effect of expanding the campus and expanding its impacts -- the location of student housing, traffic, etc. That was your concern re-

garding the relocation of AU's Law School ½ mile northwest of the campus. Another example is found at George Washington University:

> In 1988, the BZA removed Square 43 from within the approved campus plan boundaries because "the Board believes the removal of Square 43 to be essential to the preservation and enhancement of residential uses in the Foggy Bottom neighborhood" (BZA Order No. 14455, p. 34). At that time, GWU owned only five town house lots in Square 43. Since that time the University has acquired almost all of the remaining houses, and has demolished them with a plan to construct a dormitory on the Square.

Not only is this GW example another illustration of *de facto* expansion but it highlights the inability of the current campus planning process to capture or control university uses. In both the AU & GWU examples, careful negotiation -- between neighbors and the university (AU), or between the government (BZA) and the university (GW) -- was undone unilaterally by "matter-of-right" relocation off-campus. The universities went around the plan, even though the point of both the AU negotiation and the BZA/GWU order was to control the impacts of the university on the community.[1]

Whether it is Square 43 or the AU Law School, the plan is undercut; the plan is rendered unreliable. The Office of Planning acknowledged this in Case No. 93-12:

> "The option of a matter-of-right relocation of a facility from a campus to an off-campus location creates too much uncertainty about the campus plan as a whole. The campus plan involves an arrangement of many facilities, so that when one major facility goes off-campus, the carefully crafted arrangement of on-campus facilities must be rearranged, and the campus plan is no longer meaningful."

The key issue, then, is the integrity of the campus plan process. This manifests in three different ways. First, there is no real control over uses -- the how and where of locating a law school, for example. Second, because of this lack of control as well as the distinction between university uses "on campus" and "off campus," the plan fails adequately to control adverse effects on the larger community.[2] Third, there is no meaningful, timely review of the proposed reuse of a site on campus when its approved use is vacated (e.g., the AU Law School; the GW Hospital).

The Council has tried to deal with this problem through the Comprehensive Plan -- requiring the Zoning Commission to consider text amendments in order to provide integrity to the campus planning process. In my view, the Zoning Commission is overdue in considering the following:

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[1] Personally, I think the AU Law School went out of its way to mitigate the impacts when it moved off campus, and has been largely successful in doing so, but the example remains instructive.

[2] Even though the Zoning Regulations require: "*Use as a college or university shall be located so that it is not likely to become objectionable to neighboring property.*" (11 DCMR 210.2)

"...require the development of detailed master plans ... that incorporate *all land and facilities* currently in use or currently owned by the institution and anticipated for future use." (10 DCMR 115.1(j))

"Support modification of the Zoning Regulations ... in order to allow for more efficient review of plans and proposals while reducing adverse neighborhood impacts and *alleviating uncertainty over future institutional activities*" (11 DCMR 1115.1(k))

"Support 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." (10 DCMR 1115.1(l)) (emphasis added in each excerpt)

Finally, as my letters to GWU President Trachtenberg stress, the focus of campus planning has to change. It should no longer start from the premise of bricks and mortar and the university's programs. Rather, first it should define the larger neighborhood, then state how that neighborhood will be protected, and, finally, build the campus (the university) within that framework. In this way town-gown tensions are addressed while the university gets its plan for growth.

I have gone through this lengthy exposition in large part because it is time for the Office of Planning to revisit this matter and to reconsider the need for a text amendment. I hope, also, that this is responsive to your request for my views.

Sincerely,

Phil Mendelson
Councilmember At-Large

cc: Councilmember Jack Evans
Andrew Altman, D.C. Office of Planning
Guy Gwynne, D.C. Federation of Citizens Associations
ANCs 2-A, 3-D, & 3-E