

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

OFFICE OF THE SECRETARY
ODAI
2008 OCT 15 P 2:58

To: Office of Documents and Administrative Issuance
From: Sharon S. Schellin *SS*
Secretary to the Zoning Commission
Date: October 15, 2008
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on October 24, 2008:

1. Notice of Public Hearing (Case No. 08-06-7); and
2. Notice of Public Hearing (Case No. 08-11).

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 08-06-7

EXHIBIT NO. 1

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

ZONING COMMISSION
District of Columbia
CASE NO.08-06-7
EXHIBIT NO.1

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, December 11, 2008, @ 6:30 PM**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220-South
 Washington, D.C. 2001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 08-06-7 (Comprehensive Zoning Regulations Rewrite: Campus/Institutional)

THIS CASE IS OF INTEREST TO ALL ANCs

This Notice of Public Hearing announces the seventh of several proposed subject areas the Zoning Commission for the District of Columbia (the "Commission") will consider under this docket. All recommendations offered by the Office of Planning ("OP") under this docket have been reviewed by a working group and a subject matter task force as part of a process designed to ensure full public participation. Nevertheless, this process cannot replace or limit the public hearing process required in the Zoning Act or the Commission's responsibility to consider the merits of each proposal submitted.

This hearing will consider general recommendations for changes to the zoning regulations in relation to institutional uses. The proposal reflects changes to the way that institutional uses would be regulated in residential zones. It proposes the changes to the requirements for Campus Plans and Special Exceptions for institutional uses. The recommendations also propose standardizing these requirements across all institutional uses.

This hearing, like all others to follow under this case number, is being scheduled without adherence to the set-down requirements stated at 11 DCMR § 3011 because the Commission waived the requirement at its public meeting held April 14, 2008. The Commission also waived the requirement that a pre-hearing statement be submitted before hearing notices can be published.

It is not expected that the Commission will take proposed action with respect to these recommendations, but that it will make determinations at a public meeting that will serve as guidance for drafting revisions to the zoning regulations pertaining to institutional uses and other relevant subject matters.

More detailed information on the recommendations in this notice can be found in the OP recommendation document at <http://www.dczoningupdate.org/campusinstitutional.asp>.

Title 11 DCMR (Zoning) is proposed to be amended as follows:

Recommendations

- 1. All institutional uses in residential zones should be subject to the same regulatory structure, with requirements divided by the size and impact of the use rather than the type of use.**

Reason: The existing regulations provide no consistency in the regulation of large institutional uses in Residential zones. The requirements are based on what a use is called rather than how big it is or the breadth of its impacts. The proposed change would provide a way to better address the range of impacts associated with institutional uses in a uniform way.

Under this scheme, all residentially zoned institutional uses of a similar size would be regulated in a similar way. In addition to universities, this would include uses like private schools, churches, chanceries, and hospitals. The subsequent recommendations provide the details of regulation, but the base concept is an important one. Impacts on residential neighbors are more closely related to the number of users, the number of cars and trips, the size of the building, the noise and visual intrusion, and other physical issues, than they are related to the type of institution involved.

- 2. Institutional uses in residential zones with 300,000 square feet of total gross floor area or more would be required to submit a Campus Master Plan before they can be established or expanded. Campus Master Plans will be valid for a period of ten years, during which time all construction and uses approved in the plan may proceed without further Commission review. Institutional uses below 300,000 square feet of gross floor area and above the matter-of-right threshold for the district would be required to submit *either* a single Campus Master Plan that would govern its development for a ten year period *OR* submit a separate special exception application for every new development project. For this size institutional use, special exceptions would be required for every development project where Campus Master Plans are not in place.**

The matter-of-right threshold for institutional uses in residential zones would be set for each zone. Institutional uses in more than one building located within a contiguous campus-like area would be treating as a single use for the purposes of the determination of size.

Reason: Based on information gathered of all of the institutional uses located in the District, there are distinctions in GFA between those large and complex institutions which naturally entail impacts upon their neighbors and those smaller, less-intensive institutional uses which should be regulated in a similar, if not as detailed and exhaustive, form.

A key component of the Campus Master Plan review will be a complete and thorough review of all proposed buildings and uses as outlined in the next recommendation. This up-front

review will take the place of the current second-stage review and be accompanied by ZA monitoring of campus plan conditions prior to all building permits.

3. **Create Campus Master Plan criteria for large institutional uses that address the full range of possible impacts associated with these uses. The Campus Master Plan would have to identify all new and existing buildings and uses and establish the maximum size and intensity of each. For certain uses, such as universities and hospitals, overall minimums and maximum may need to be established, such as staff caps and minimum or maximum parking requirements. In addition, the Commission may consider granting flexibility from matter of right standards based upon the particulars needs of the institution, or the public benefits that will arise from the use.**

More specifically, OP recommends that Campus Master Plans contain the following items, which large institutional use applicants must address. These requirements are more fully described in the analysis section below.

Comprehensive requirements:

1. **Background/History**
2. **Mission/Guiding Principles**
3. **Facilities Plan:**
 - **Existing conditions:**
 - **Form (FAR, height, bulk, etc.)**
 - **Building use**
 - **Proposed conditions:**
 - **Future needs/capital improvements (10 yrs.)**
 - **Form (FAR, height, bulk, etc.)**
 - **Building use**
4. **Neighborhood Context**
 - **Student/Employee count**
 - **Edge conditions/Border transitions, Economic implications**
 - **Community relations**
 - **Community benefits**
 - **Identification/Mitigation of impacts**
 - **Noise, lighting, special events, etc.**
5. **Comprehensive Accessibility**
 - **Transportation demand management plan**
 - **Multi-modal transportation plan**
 - **Parking, loading study**
6. **Conservation**
 - **Historic considerations**
 - **Sustainability considerations**
 - **Environmental impacts**

- 7. Landscape/Open Space**
- 8. Streetscape Treatment**
 - Signage/Wayfinding**

Reason: The Campus Master Plan as proposed would allow for predictable, comprehensive, and consistent discussion of impacts. Institutions preparing a Campus Master Plan would have to address a series of subjects which could potentially impact to the surrounding community. The depth with which the applicant would be expected to address these subjects would be dependent upon several factors, including the degree to which the applicant proposed changes to the existing conditions. Presumably, every campus master plan would not require the same length and depth of explanation for each subject area, but would be based upon the unique characteristics of the applicant's proposal. However, the campus master plan process, in necessitating consideration of each of the proposed subject areas, ensures that a base level of consideration is made by the applicant for the review of the community, OP, and the Zoning Commission.

More detail on the categories above can be found in the full OP recommendation document located at <http://www.dczoningupdate.org/campusinstitutional.asp>.

- 5. Campus Master Plan requirements should contain a threshold structure for when unanticipated projects require a review or update of the campus plans.**

Additions or use changes not anticipated in the plan would require an update to the plan unless they contain less than 3,500 square feet of GFA.

Reason: By allowing for minor flexibility from the approved plan in small cases, the recommendations recognize the reality of the unpredictability of running large institutions. A new stairwell, new locker rooms, ADA compliance, required medical improvements, utility changes, and countless other small projects can add insignificant amounts of GFA to an existing building but be impossible to plan for over a ten year period. The proposed campus master plan process would allow for the unanticipated construction or change of use for up to 3,500 GFA to account for these situations. Therefore, large institutions can plan their development 10 years into the future with the flexibility to handle the unpredictable without a complete revision of the plan. The 3,500 maximum GFA figure gives large institutions flexibility while ensuring the surrounding community that larger unanticipated additions or use changes would still require a change to the plan and public review.

- 6. Create special exception criteria for institutional uses that address the full range of possible impacts associated with these uses.**

OP recommends that applicants be required to address the following components; many of the comprehensive requirements included below are typically provided (but

not required) under the current regulations, with the notable inclusion of a facilities plan and compulsory conservation and landscape description:

Core requirements:

- 1. Facilities Plan:**
 - **Existing conditions:**
 - **Form (FAR, Height, Bulk, etc.)**
 - **Building use**
 - **Proposed conditions:**
 - **Future needs/capital improvements**
 - **Form (FAR, Height, Bulk, etc.)**
 - **Building use**
- 2. Neighborhood Context**
 - **Student/Faculty count**
 - **Edge conditions/Border transitions, Economic implications**
 - **Community relations**
 - **Community benefits**
 - **Identification/Mitigation of impacts**
 - **Noise, lighting, special events, etc.**
- 3. Comprehensive Accessibility**
 - **Transportation demand management plan**
 - **Multi-modal transportation plan**
 - **Parking, loading study**
- 4. Conservation**
 - **Historic considerations**
 - **Sustainability considerations**
 - **Environmental impacts**
- 5. Landscape/Open Space**

Reason: In many instances, the impacts of smaller institutions are just as wide-ranging, if not as pervasive, as those of other larger institutional uses. Therefore, in the interest of consistency and predictability OP recommends that they be regulated within the same comprehensive framework of regulations.

Special exception review would closely resemble campus master plan requirements so as to promote consistent impact mitigation and prevent administrative loopholes. There are a few notable exceptions to the above core requirements, as opposed to the more comprehensive requirements required for Campus Master Plans. The 'Background' and 'Mission' sections would not be required, as these subjects are not as relevant as for larger institutions. Additionally, there is no prescribed timeframe associated with the special exception; it would be established with each application. The 'Streetscape Treatment' section would also not be required.

6. Allow ancillary non-residential uses for institutional uses as a part of an approved campus plan, but not as part of a special exception.

Reason: Large hospital complexes often contain medical offices, gift shops, restaurants, and other uses otherwise not allowed in residential zones. Universities are packed with student serving businesses and university related office buildings. Even large churches can have book stores. The intent of the campus plan process is to allow for these uses as a part of a campus while ensuring adequate public review of the potential impacts.

This recommendation would retain the existing allowance for these uses within an approved Campus Master Plan. Such uses would not be allowed through the special exception provisions without an approved Campus Master Plan.

PROCEDURES

The public hearing on this part of Case No. 08-06 will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. The Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of the particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, CURTIS L. ETHERLY, JR., GREGORY N. JEFFRIES, PETER G. MAY, AND MICHAEL G. TURNBULL ——— ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.