



CONSORTIUM OF UNIVERSITIES OF THE WASHINGTON METROPOLITAN AREA

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STATEMENT BEFORE THE ZONING COMMISSION

OF THE DISTRICT OF COLUMBIA

ON BEHALF OF THE CONSORTIUM OF UNIVERSITIES OF THE WASHINGTON METROPOLITAN AREA

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

December 11, 2008

Chairman Hood, Commission Members and staff, good evening. My name is Sally Kram and I am the Director of Government and Public Affairs of the Consortium of Universities of the Washington Metropolitan Area, a regional organization representing the fifteen major institutions of higher education in the greater Washington community. I am here this evening to speak on behalf of the District of Columbia members who could be affected by changes to the Zoning Code as it relates to campus plans and university development. Those members include: American University, The Catholic University of America, the Corcoran College of Art + Design, Gallaudet University, The George Washington University, Georgetown University, Howard University, Southeastern University, Trinity University, and the University of the District of Columbia.

I want to thank the Commission for this opportunity to testify at tonight's public hearing and put the position of the Consortium on the record in support, with some caveats, of the Campus/Institutional Recommendations (Proposed Recommendations) contained in the hearing notice and further explained in the Office of Planning (OP) Public Hearing Report for ZC #08-06-07 (the OP Report).

American University • The Catholic University of America • Corcoran College of Art + Design • Gallaudet University
George Mason University • The George Washington University • Georgetown University • Howard University
Marymount University • National Defense Intelligence College • National Defense University • Southeastern University
Trinity (Washington) University • University of the District of Columbia • University of Maryland

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EXHIBIT No. 17

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We present testimony tonight after spending a considerable amount of time reviewing District land use policies and attempting to determine how to address both neighborhood concerns and citywide needs. I personally participated in two taskforces which over the space of four years completely revised the District's Comprehensive Plan. As part of that work, there was a concerted attempt to ensure that the Comprehensive Plan balanced the many interests presented by land use policy in the District of Columbia. While the Consortium is sensitive to the needs of universities, it is also aware that without vibrant neighborhoods surrounding them, community-located universities cannot thrive.

It is from this viewpoint that the Consortium's position on the proposed OP Recommendations has been formed. Pursuant to the hearing notice, the testimony will discuss each Recommendation one by one. Please see the attached notice for the entire text of the proposed regulations.

1. All institutional use 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.

The Consortium supports this recommendation.

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.

The Consortium supports this recommendation.

3. Create Campus Master Plan criteria for large institutional uses that address the full range of possible impacts associated with these uses.

The Consortium supports this recommendation in general with the following caveats:

- a. Expand the list of requirements to include 3A, “Citywide Benefits.”

While the effect of campuses on their immediate neighbors must be considered, the Comprehensive Plan¹ took a broader view proposing that the higher education sector presented an important asset to the District’s economy thereby allowing for some balancing between specific neighborhood impact and the broader need for growth. Several sections of the Plan talked about the need for District policy to “support and grow” (emphasis added) the District’s core industries including education (See Policy ED 2.4.2); leverage its core industries to provide new employment opportunities (See Policy ED-1.1.2; ED 2.4.1); and “encourage the growth” and development of local colleges and universities in a manner that recognizes the role these institutions play in contributing to the District’s character, culture, economy, and is also consistent with, and supports community improvement and neighborhood conservation objectives.” It is only appropriate then, that the Campus Plan regulations delineate precisely how the institution contributes to the District’s character, culture and economy.²

- b. Avoid Imposing “Caps” as a Requirement Under the “Student/Employment Count.”

¹ Some have suggested that the Comprehensive Plan language favorable to universities should not be referenced in the proposed regulations without targeted phrases from other sources that are favorable to the surrounding community. The Consortium disagrees with this approach for two reasons. First, the Comprehensive Plan, as the city’s main land use planning document should provide guidance to the Zoning Commission and be given greater weight than other sources. Secondly, the assumption that university development is always a negative impact on the surrounding community was not an approach endorsed by the Comprehensive Plan and should not be endorsed by the regulations growing out of the plan.

² A majority of the City Council and the current Mayor hold degrees from the District’s colleges and universities. More than 60,000 District residents, one tenth of its current population received a degree from a DC university.

As currently drafted, the proposed revision would require each campus plan to address student and employment counts. Some community groups have suggested that the Zoning Regulations go further and impose mandatory student caps. The Proposed Regulations and the OP Report only reference staff caps. See page 011159 of the Proposed Regulations and page 8 of the OP Report. We strongly urge that the zoning regulations omit any reference to population caps at all. As a policy matter, the Consortium maintains that caps are inappropriate, and unnecessary. Regulations addressing the number and size of buildings, as well as traffic impacts, adequately address the impacts of the institutional populations on the surrounding communities. Caps on employment are particularly inappropriate since they directly conflict with the Comprehensive Plan which, as described above, condones the growth of universities as employment centers. Student caps are not referenced in the Comprehensive Plan. However, from its long practice in crafting student caps, the Zoning Commission would be wise to continue its policy of retaining flexibility toward these caps and crafting them to reflect the unique circumstances and context of each campus and its community.

c. Clarify the “Historic Considerations” and “Environmental Impacts” requirements of the Conservation section.

It is well known that the construction of projects in the District of Columbia is governed by an array of laws relating to both historical preservation and environmental protection. It is therefore important that language in the Conservation section of the Proposed Regulations clarify how the requirements

contained differ from what is already mandated by other DC laws. Moreover, the regulations should recognize what information is available at which stages of the process. During the development stage, as would be the case of a Campus Plan, the university would not have specific information about specific design elements required if the project is in an historic district, or specific environmental impacts as required by subsequent Department of Environment and DCRA regulations.

It is for this reason that the Consortium finds the OP Report's reference in the environmental Impacts section to "air quality, water quality, soil quality, energy use, conservation, sustainability measures, etc." alarming. (See OP Report, page 10) Such a directive could be interpreted to inappropriately require environmental impact statements at a time in the process when they would be incomplete or would not otherwise be required by law. The Commission has repeatedly ruled that an EIS review is not appropriate at the campus plan/zoning review stage of development.

Accordingly, the Commission should more clearly define what types of historic and environmental review materials it would like at the Campus Plan stage, taking care to avoid duplication of requirements posed by other District laws.

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

The Consortium supports the proposed regulations' modest revisions of the

second stage review process. Projects generally consistent with the Campus Plan, where the detailed information required by the new Campus Plan regulations have been submitted, should go forward without additional review, as in the case of virtually every other jurisdiction in the country, including Boston, whose regulations served as the model for this proposal.

The Consortium also supports the proposed regulations' clarity about projects of less than 3,500 square feet. Such projects need not undergo further review since their eventual impact will be extremely limited.

We have a concern about the proposal presented on page 11 of the OP Report, calling for a review of campus master plan conditions "for each building permit or certificate of occupancy application."³ Seeking such a review at the time of the Certificate of Occupancy process is particularly problematic since usually the C of O process is very time sensitive.

Even if the review was tied only to the permitting process, the volume of new Campus Plan reviews facing OP or the Zoning Administrator would substantially increase. The Consortium has been informed that a campus in the District of Columbia may apply on average for ten building permits each year, some for very minor projects. Assuming only three campuses in the District submit that volume of permits, it would still present OP or the Zoning Administrator with upward of 30 additional Campus Plan compliance reviews. It would thereby add yet another layer of review to an already review laden process delaying even further the

³ This is one of the few places where the OP Report differs substantially from the Proposed Regulations.

construction of projects already approved under the campus plan, and if necessary, reviewed through second-stage review.

The Consortium would instead recommend that the regulations mandate a review of campus master plan conditions only when a university is seeking a permit for a substantial project with significant impact to its campus.

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

The Consortium has no position on this recommendation as it would probably not apply to any college or university in the District.

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.

The Consortium supports this regulation.

I want to thank the Commission for giving me this opportunity to present the views of the Consortium of Universities. I welcome any questions you may have about this testimony.