

12/11/08 Testimony of Barbara Kahlow on ZC Case No. 08-06-7  
Comprehensive Zoning Regulations Rewrite: Campus/Institutional

I, Barbara Kahlow, live at 800-25th Street, N.W. I am testifying on behalf of the West End Citizens Association (WECA), the oldest citizens organization in the Foggy Bottom-West End area. The WECA is primarily interested in maintaining and improving the quality of life for the existing residential community in Foggy Bottom-West End.

I participated in all three (7/1, 7/8 & 7/22/08) “working group” meetings for the “Campus/Institutional” regulations rewrite and submitted 8/26/08 comments, which have largely not been addressed in OP’s proposal for your consideration tonight. In fact, the major outstanding issues needed for your consideration are completely missing. So, we believe that another Zoning Commission hearing on this subject will be necessary.

To begin, I would like to summarize the key existing community protections:

- Regulations - 11 DCMR, Zoning
  - Sec. 210, Colleges and Universities
    - §210.2 – “Use as a college or university shall be located so that it is **not likely to become objectionable to neighboring** property because of noise, traffic, number of students, or other objectionable conditions” (emphasis added).
    - §210.3 – “...the **total bulk** of all buildings and structures on the campus shall **not exceed the gross floor area prescribed for the R-5-D District**” (emphasis added).
  - Sec. 206, Private Schools and Staff Residences
    - §206.2 – “The private school shall be located so that it is **not likely to become objectionable to adjoining or nearby** property because of noise, traffic, number of students, or other objectionable conditions” (emphasis added)
- Law - Comprehensive Plan Amendment Act of 2006 (A16-0637)
  - Policy LU-3.2.3, Non-Profits, Private Schools, and Service Organizations
    - “Ensure that large non-profits, service organizations, private schools, seminaries, colleges and universities, and other institutional uses that occupy large sites within residential areas are planned, designed, and managed in a way that **minimizes objectionable impacts on adjacent communities**. The zoning regulations should ensure that the expansion of these uses is not permitted if the quality of life in adjacent residential areas is significantly adversely affected” (emphasis added).

Next, I would like to identify the major missing issues, corresponding with the above:

1. No impact standard – Sec. 210.2 provides “not likely to become objectionable to neighboring property;” OP’s proposed replacement includes no impact standard.
2. No cumulative maximum floor area ratio (FAR) – Sec. 210.3 provides “the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed for the R-5-D District;” OP’s proposed replacement includes no cumulative FAR restriction.
3. No definition of “minimizes” objectionable impacts – As I stated in my 8/26/08 comments, “The regulatory text should define “minimize” to ensure true protection for the quality of life

in our neighborhoods and because, without a tight definition, the term could be subjectively interpreted. In fact, the goal should be to eliminate adverse impacts.”

4. No provisions (including restrictions) on Campus/Institutional use of Planned Unit Developments (PUDs), especially omnibus PUDs – As I stated in my 8/26 comments, “OP’s draft fails to even mention the 800-pound gorilla in the room, mainly the use of an omnibus PUD (e.g., GWU’s omnibus PUD for 20 city Squares) to avoid the cumulative FAR restrictions and objectionable impact protections of Sec. 210 governing campus plans – during the 3 meetings, OP decided to punt this overarching question to the PUD working group.”

Instead, OP’s proposal essentially provides for a paper process exercise without any defined protections for the community.

We have the following comments on OP’s limited recommendations:

- **Recommendation 2** would not require a second stage review by the Commission or community after more detailed building plans are developed if a site is included more generally in an approved 10-year campus plan. We are worried about the community impact of such a *carte blanche*.
- **Recommendations 3 and 5** would merely “address” possible impacts without establishing any standard and without defining “minimize.” This replacement process would not protect communities:
  - For example, asking institutions to address “Environmental impacts” could lead to a cursory and incomplete analysis. In fact, OP’s limited description of “environmental impacts” on page 9 of its accompanying 15-page document is woefully complete. Instead, please refer to my 8/26/08 comments for a more complete listing. I assume my 8/26 comments are already in the record. If not, may I submit them for the record?
  - The published notice states, “the Commission may consider granting flexibility from matter of right standards based on ... the public benefits that will arise from the use.” The WECA opposes this “flexibility” since it could be directly at the expense of the immediately impacted community.
- **Recommendation 4** is unclear. For example, what is the review and analysis process for (a) additions between 3,500 square feet (s.f.) of gross floor area (GFA) and 20,000 s.f. and (b) changes in use between 3,500 s.f. and 50,000 s.f.?
- **Recommendation 6** is problematic. Allowing “less than half of the total GFA of the campus” for ancillary uses is excessive and unjustified. Wouldn’t a 5% or 10% (vs. 50%) threshold be more appropriate?

Without standards and definitions, there would be no basis for a Zoning Commission decisionmaking process which could be measured and understandable to all affected parties. Instead, decisions would be subjective and challengeable.

Thank you for your consideration of our views. We look forward to another hearing on a more complete replacement proposal for the current rules governing campuses and other institutions.