

**Comments Submitted to the D.C. Zoning Commission
Case No. 08-06-7, Comprehensive Zoning Regulations Rewrite:
Campus/Institutional**

By

**Nancy J. MacWood, ANC 3C09 and Member of the Zoning Regulations
Rewrite Task Force**

The following are comments on the Comprehensive Zoning Regulations Rewrite: Campus/Institutional. Each numbered section relates to the numbered section in the Notice of Public Hearing.

1. While this recommendation seems logical, it does not consider the cumulative impact of non-residential uses on a residential zone. What has consistently been missing from special exception considerations is an evaluation of the totality of impacts on a neighborhood and how a specific application will aggravate, maintain, or improve impacts of existing uses. There is a "tipping point" that these recommendations do not adequately anticipate.
2. If land use goals include carefully monitoring and controlling the impact of institutional uses in residential zones then it is counterproductive to exempt some uses but not others simply based on the amount of structure an institution has. The underlying land use assumption contained in Recommendation 2 is that size of building determines intensity of use. In most land use categories size and use are two separate standards that apply equally when determining whether a new building is authorized as matter of right or by special exception, variance, or planned unit development. Here not only is an institution given a choice of regulatory review and presumably different standards of review, but some institutions would be exempt entirely from review based solely on the size of their building(s). The very important threshold size that would necessitate regulatory review has not been determined by the Office of Planning so it is impossible to know whether most institutional uses would be exempt from review. It is District policy pursuant to the Comprehensive Plan to regulate the amount of residential land dedicated to institutional use and to control the impact of the intensity of institutional use on a residential zone. The exemption urged in this recommendation is inconsistent with that goal.
3. The intent is to provide predictability for institutions required to create Campus Master Plans, but it goes too far in reducing the predictability for neighborhoods. The Office of Planning recommendation that the Zoning Commission could grant flexibility from matter of right standards has the perhaps unintended consequence of removing a land use baseline. It is unclear how the Office of Planning expects this provision to work, but new rules that undermine a neighborhood's ability to inform the Zoning Commission of potential adverse impacts should be rejected.

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4. The recommended exemption of unanticipated construction or change in use up to 3,500 sf could be revised to ensure that structural changes, such as, new stairwells or utility improvements were accommodated without additional regulatory review. The size of the exempted GFA is larger than most residential structures, so it is not inconsequential based on size. Here it is the use that is described as not posing any adverse impacts, so it should be the use rather than the size that triggers the exemption. The Office of Planning should provide a list of exempted uses requiring new construction or changes in use up to 3,500 sf.
5. The intent to detail the areas that should be considered as part of a special exception review should be supported. What is troublesome is that by expanding the areas subject to review the most important potential impacts, such as outside use and parking and traffic, may become diluted aspects of the review. The reality is that schools have not been successful in implementing multi-modal or TDMP plans so these aspects should be subheadings under parking rather than equal to parking considerations. The same is true of special events or the not even mentioned "outside uses." In the Office of Planning recommendation this very contentious item is presented in the same grouping as edge conditions. Also, any new special exception rules should require the BZA to examine and evaluate the incremental impact of expansion or new institutional uses on the residential zone. It does little to protect a residential zone from inappropriate or too intensive institutional uses if an application is considered in isolation. If the BZA is limited to considering whether a particular institution has reached its "tipping point" it seems predictable that the residential area has probably reached that point long ago. It is important that the rules require a comprehensive examination of the multiplicity of non-residential uses and the totality of impacts on a residential zone and how a particular application aggravates, maintains, or improves the existing conditions.
6. With respect to churches, the Zoning Commission should better define the mission of the church for land use purposes. Churches have successfully avoided regulatory review by characterizing many non-religious activities or uses as part of its mission. The land use rules should be clear about what uses are inside and outside a church's mission.