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September 12, 2014

Mr. Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street NW, 2nd Floor
Washington, DC 20001

Re: Supplemental Comments from the Consortium of Universities to Z.C. Case No. 08-06A (Subtitle X)

Dear Chairman Hood and Members of the Commission:

The Consortium of Universities of the Washington Metropolitan Area (“Consortium”) submits the following additional comments to the Zoning Commission on relevant sections of the proposed new text of the Zoning Regulations in Z.C. Case No. 08-06A.

University Uses in Commercial Zones

The Consortium recommends that the Commission amend Subtitle X, Section 102 to permit university use in a commercial zone as a matter of right for administrative uses that are otherwise permitted as a matter of right in the underlying zone. Academic and student life uses, by contrast, would be subject to the special exception review contemplated under Section 102. This recommendation is consistent with Councilmember Cheh’s most recent letter dated December 6, 2013.

As proposed by the Consortium, Section 102 would permit Commission review of the types of uses that were cited by OP and the community as potential uses that should be reviewed, such as classroom buildings and mail sorting facilities. At the same time, it also preserves the rights of universities to use commercial properties in a manner just like any other property owner for uses that are not likely to generate high levels of university traffic (such as offices for lawyers, architects, and accountants, among others). The Consortium’s proposed Section 102 should be relatively easy to implement and enforce because universities already break down their campus uses into academic, administrative, and student life use categories.

Commercial Uses on University Campuses

The Consortium recommends that the Commission revise Section 101.3 to eliminate the homogenous 10% limit on commercial uses on a university campus and instead permit the Commission to determine the appropriate level of commercial use through the campus plan process.

As both OP and the Commission noted at the November 4 public hearing, the initial language proposed for Section 101.3 was too restrictive and did not acknowledge that the appropriate level and location of accessory commercial use should be determined by the urban context in which the campus is located. Given the varying conditions surrounding each campus, the standardized (and arbitrary) 10% limit could unintentionally prohibit appropriate and desirable, community-supported university-related commercial enterprises on some campuses—and permit too much commercial use on other campuses.

Allowing the Commission to determine the right mix of commercial use is a reasonable compromise that will balance the needs of the university's mission with OP's planning objectives and community input. Through the campus plan special exception process, the Commission is well-equipped to evaluate and determine the appropriate amount and location for adjunct commercial uses based on a full consideration of the university's goals and missions, the recommendations of the Office of Planning, and the concerns and desires of the surrounding residential neighborhoods.

Further Processing

The Consortium recommends that the Commission retain the discretion to determine whether further processing of an approved campus plan should be considered in connection with an application for a new campus plan. As the Commission noted at the November 4 public hearing, consolidated review of a campus plan and further processing of a specific building are often an efficient way to review the proposed university use not only for the universities but also for the Commission, city agencies, and community groups. Such consolidated review is also not uncommon in the private development context; developers often seek consolidated review of the first phase of a major planned development at the same time as the overall first-stage PUD is reviewed. In those circumstances where the combination of campus plan and further processing review is too overwhelming, the Commission would retain the right to ask the university to hold off on further processing until campus plan issues are resolved.

FAR Calculation

The Consortium recommends that Section 101.7 be amended to only require the exclusion of rights of way that are made public by dedication or easement. All other campus roadways, which are private, would be permitted to be included in the campus area for purposes of calculating the campus' floor area ratio. This change would be consistent with the underlying legal rationale for Section 101.7 cited by OP, with the treatment of private streets in other development contexts, and with the change already proposed by OP for campuses of private schools.

Conclusion

We appreciate the Commission's consideration of these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Cavanaugh". The signature is fluid and cursive, with the first name "John" being more prominent and the last name "Cavanaugh" following in a similar style.

John C. Cavanaugh, Ph.D.
President & CEO