210 COLLEGES AND UNIVERSITIES (R-1)

210.1 Use as a college or university that is an academic institution of higher learning, including college or university hospital, dormitory, fraternity, or sorority house proposed to be located on the campus of a college or university, shall be permitted in an R-1 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

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.

210.3 In R-1, R-2, R-3, R-4, R-5-A, and R-5-B districts, the maximum bulk requirements normally applicable in the districts may be increased for specific buildings or structures; Provided, that the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed for the R-5-B district. In all other residential districts, similar bulk increases may also be permitted; Provided, that 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. Because of permissive increases as applicable to normal bulk requirements in the low-density districts regulated by this title, it is the intent of this subsection to prevent unreasonable campus expansion into improved low-density districts.

210.4 The applicant shall submit to the Board a plan for developing the campus as a whole, showing the location, height, and bulk, where appropriate, of all present and proposed improvements, including but not limited to the following:

(a) Buildings and parking and loading facilities;

(b) Screening, signs, streets, and public utility facilities;

(c) Athletic and other recreational facilities; and

(d) A description of all activities conducted or to be conducted on the campus, and of the capacity of all present and proposed campus development.

210.5 Within a reasonable distance of the college or university campus, and subject to compliance with the provisions of §210.2, the Board may also permit the interim use of land or improved property with any use that the Board may determine is a proper college or university function.

210.6 Before taking final action on an application for use as a college or university, the Board shall submit the application to the D.C. Office of Planning and the D.C. Department of Public Works for review and written reports.

SOURCE: §3101.46 of Regulations effective May 12, 1958; renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); and by Final Rulemaking published at 41 DCR 6623 (September 30, 1994).

ZONING COMMISSION
CASE No. 99-10
EXHIBIT No. 1
ZONING COMMISSION
District of Columbia
CASE NO.99-10
EXHIBIT NO.1

Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 288
CASE NO. 76-9
July 12, 1979

Pursuant to notice, public hearings of the District of Columbia Zoning Commission were held on June 13, and August 1, 1977 at the District Building to consider proposed amendments to the text of the Zoning Regulations of the District of Columbia. The amendments proposed were relative to transferring the review and approval process for college and university campus plans from the Board of Zoning Adjustment (BZA) to the Zoning Commission.

Under the existing Zoning Regulations, Paragraph 3101.46 governs the location of colleges and universities in all residential (R) Districts where they are treated as special exceptions for which approval by the BZA is required. In addition, Paragraphs 4402.37 and 4502.310 require BZA approval of campus plans in waterfront (W) and mixed-use (CR) Districts, respectively. Colleges and universities may locate in SP, C, CM, and M Districts, as a matter-of-right.

The regulations which were the subject of the public hearing proposed to provide a process for the review and approval of campus plans by the Zoning Commission. Such review and approval was proposed to be required for colleges and universities with a minimum area of three acres or a minimum of 500 full time students in R, W, CR and SP Districts. All institutions of higher learning having less than three acres or 500 students would have needed approval from the BZA as a special exception. Colleges and universities of any size in C, C-M and M Districts would have been permitted as a matter-of-right.

The intent of the regulations was to require a greater overall degree of planning by the universities. The Commission notes that the proposal, as compared to the present process, would permit increased flexibility for planning inside the campus, increased attention to the policy implications and external effect of campus plans and would provide a less time-consuming procedure for the review of individual buildings proposed to be constructed on campuses under Commission-approved plans. The Zoning Administrator would administratively review and approve individual

building plans under approved campus plans.

Following the close of the hearing, and the receipt of additional material into the record, the Commission generally discussed the matter at its meeting held on November 11, 1979. The Commission did not take formal action at that time because only two of the Commissioners who heard the case were present. However, the two Commissioners present directed the Municipal Planning Office to prepare a revised proposal which would generally require review by the Zoning Commission of campus plans in all districts, with specific building plans to be approved by the Board of Zoning Adjustment.

Because of constraints on staff resources and attention given to other priorities, the Planning Office took a considerable time to prepare a revised proposal. That proposal was finally presented to the Zoning Commission on July 12, 1979. The Commissio determined that because of the length of time which had elasped and because of the significant changes contained in the revised proposals, new public hearings were required. The Commission further determined that because the proposals were different from the earlier version, to minimize public confusion and distinguish these proposals from the first set, Case No. 76-9 should be dismissed, and a new case instituted for the revised proposals.

The Commission further determined that, to establish continuity between the original and revised proposals, the record of Case No. 76-9 would be incorporated into the record of the new proceeding, which has been assigned Zoning Commission Case No. 79-11. It is therefore ordered that Case No. 76-9 is dismissed, and the record thereof is hereby incorporated into the record of Case No. 79-11.

BY ORDER OF THE DISTRICT OF COLUMBIA ZONING COMMISSION

Steven E. Sher

STEVEN E. SHER
Executive Director
Zoning Secretariat

Vote of the Zoning Commission at the meeting of July 12, 1979: 3-0 (Walter B. Lewis, John G. Parsons, and Ruby B. McZier, to dismiss - George M. White and Theodore F. Mariani not present, not voting).

DISTRICT OF COLUMBIA ZONING COMMISSION

ZONING COMMISSION ORDER NO. 366
CASE NO. 79-11
February 11, 1982

On July 12, 1979 the District of Columbia Zoning Commission initiated action to consider an amendment to the text of the D.C. Zoning Regulations to transfer the review and approval process for college and university campus plans from the Board of Zoning Adjustment (BZA) to the Zoning Commission. At that same time the Zoning Commission authorized the scheduling of a public hearing for this case and dismissed previous case dealing with this issue Z.C. Case No. 76-9 (Campus Plan Review - Text Amendment) and incorporated the record of that case into the exclusive record of Z.C. Case No. 79-11.

The Zoning Commission scheduled the public hearing for October 15, 1979, to consider specific proposed amendments to the Zoning Regulations. Prior to the public hearing, the Consortium of Universities filed a motion requesting that the hearings be cancelled, and the Citizens Planning Coalition requested a ninety-day postponement.

On October 11, 1979 at the regular monthly meeting of the Zoning Commission, the Office of Planning and Development (OPD) requested a postponement of the hearing because the OPD had not been able to adequately prepare because of problems related to the moving of the agency. The Zoning Commission agreed to postpone the hearing. For various reasons, the public hearing was never rescheduled.

The OPD by memorandum dated May 7, 1980 and on several other occasions, recommended that this case be dismissed pending completion of further work on the Comprehensive Plan.

On January 25, 1982, the Zoning Commission requested the Zoning Secretariat to review all pending cases before the Zoning Commission and make recommendations regarding their disposition. The Zoning Secretariat by memorandum dated February 5, 1982 recommended that the case be dismissed because neither the universities themselves, Advisory

Neighborhood Commissions, or citizens groups have requested the Commission to take any current action. Changes in the Regulations are not necessary now and the case presents no current issue that needs to be addressed. The Commission agrees.

The Commission believes, however, that there is an issue raised by the current regulations that should be addressed at some point. The present control of those campus plans where part of the campus is in a residential district and thus requires BZA approval and part of the campus plan is in a zone district where the college is permitted as a matter-of-right, can lead to difficulties. The BZA has been able to deal with a number of recent campus plans that present this issue, including Howard University and Gallaudet College. However, in the long term, this issue should be addressed by the Office of Planning and Development staff as part of its consideration of amendments to the Regulations.

In consideration of the reasons set forth herein, it is therefore hereby ordered that Case No. 79-11 be DISMISSED.

Vote of the Commission taken at the public meeting on February 11, 1982: 4-0(George M. White, Lindsley Williams, Ruby B. McZier, and Walter B. Lewis, to dismiss - John G. Parsons, not present not voting).

WALTER B. LEWIS
Chairman
Zoning Commission

STEVEN E. SHER
Executive Director
Zoning Secretariat

Government of the District of Columbia
ZONING COMMISSION

ZONING COMMISSION ORDER NO. 610
Case No. 86-11
(Text Amendment - Campus Plans)
August 7, 1989

On May 12, 1986, the Zoning Commission for the District of Columbia initiated action to consider whether to amend the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning, regarding the transfer of campus plan review authority from the Board of Zoning Adjustment (BZA) to the Zoning Commission.

At that same meeting, the Zoning Commission referred the case to the District of Columbia Office of Planning to study the issue and make a recommendation on the question of whether the Commission should authorize a public hearing on the matter.

Subsequent to the publication of a notice of filing in the D.C. Register, the Zoning Commission received letters from Councilmembers James E. Nathanson, Betty Ann Kane, and Harry L. Thomas, and Council Chairman David A. Clarke in support of scheduling public hearings and proceeding with the transfer of authority. The Commission also received numerous letters in support from various organizations and individuals.

Proponents of transferring the campus plan review authority base their position, in large part, on Section 1116 (11) of the Lane Use Element of the Comprehensive Plan for the National Capital, which reads as follows:

> "Support modification of the Zoning Regulations of the District of Columbia to require Zoning Commission for the District of Columbia approval of college and university master plans and subsequent review and further processing with opportunity for citizens participation, in order to allow for more efficient review of plans and proposals while reducing adverse neighborhood impacts and alleviating uncertainty over future institutional activities; "

It is the position of the proponents that the Comprehensive Plan requires the zoning not be inconsistent with the Plan and that the transfer of campus plan authority is required.

On July 1, 1987, Neighbors for a Livable Community (NLC), Inc. filed a motion for adoption on an expedited bases, or, in the alternative, expedited consideration of proposed text amendments pertaining to college and university master plans. Several letters from organizations and individuals were also received in support of the NLC motion.

On July 13, 1987, at its regular monthly meeting, the Commission considered the NLC motion, a letter dated July 10, 1987 from the law firm of Wilkes, Artis, Hedrick and Lane opposing the NLC motion, a letter dated July 13, 1987 from the law firm of Linowes & Blocher also opposing the NLC motion, and other correspondence opposing and supporting the motion.

At that same meeting, the Commission determined that no emergency existed and that emergency rulemaking was not required or justified in the case. The Commission believed that it should follow a course which would allow it to give the issues in the case the careful consideration which were needed.

The Commission accordingly determined instead to follow a responsible expedited schedule in this case, and requested the Director of the Office of Planning to conduct a workshop with persons interested in Campus Plan regulations, in order to identify the issues and concerns which the Commission will need to respond to in its consideration of the case.

By memorandum dated December 11, 1987, the Office of Planning reported on the status of its involvement with interested organizations, individuals, and representatives of colleges and universities. OP identified the following significant findings:

a. Participants were nearly unanimous in the opinion that better guidelines or standards were necessary to improve the processing of campus plans and campus development;

b. Most college and university representatives expressed the need to maintain some degree of flexibility in official campus plans, or in order to meet changing circumstances over the life of an approved campus plan;

c. Nearly all citizen representatives expressed the concern that impacts which result from college and university activities can have serious detrimental effects on nearby residential communities;

d. Citizens were desirous of being more involved in the campus plan process and of being better informed by colleges and universities about campus development;

e. It was evident to OP staff members that, in general, colleges and universities involved citizens to a greater degree than in the past;

f. A variety of opinions were expressed regarding the appropriate forum for campus plan review, approval, and "further processing" procedures. Overall, the college and university spokespersons felt that the current process was preferable while citizen representatives believed, in general, that the Zoning Commission is the more appropriate forum; and

g. The duration of life of a campus plan also emerged as an important issue. The college and university representatives generally believe that a 10 year or longer span is appropriate. Citizens generally believe that 10 years or less is appropriate.

It appeared evident to OP staff that the desire for improved guidelines and/or standards in the zoning process emerged as a significant issue, although expressed in a variety of ways. The lack of adequate guidelines or standards in the Zoning Regulations has resulted in one very clear area of confusion; that is, the distinction between a long range, generalized campus plan development program and the review of specific development projects. Under present regulations, no distinction is made between these two very different activities. This is not to imply that the Board of Zoning Adjustment does not distinguish between the two, for the Board in hearing campus plan matters clearly does. The Zoning Regulations, however, do not clearly distinguish between a campus plan review and a campus development review in a regulatory fashion.

OP, by memoranda dated October 13 & 17, 1989, reported that the current regulations are adequate and recommended that the jurisdiction for campus plan review and approval remain with the BZA. OP stated the following:

> "It is our view that the Board of Zoning Adjustment has discharged its responsibilities well in both areas. As a practical matter, both the Office of Planning and the Zoning Commission are now involved in the implementation of the Comprehensive Plan. This activity is likely to involve an increasing caseload for the Commission of complex and controversial issues which will occupy an increasing amount of the Commission's time. The Office of Planning, therefore, recommends that the jurisdiction for campus plan review

and approval remain with the Board of Zoning Adjustment."

On January 9, 1989, at its regular monthly meeting, the Zoning Commission considered the issue of whether it would authorized a public hearing for the case. At that same meeting the Commission considered a memorandum dated December 23, 1988 from the OP recommending that the case be dismissed without hearing.

The Director of the Office of Planning informed the Commission that it would, through the Executive Branch, request the Council of the District of Columbia to change Section 1116 (11) of the Land Use Element of the Comprehensive Plan, to provide for the BZA to continue review authority for campus plans.

The Commission concurs with the recommendation of OP, particularly in light of OP's intent to initiate and support a change of the Land Use Element provisions of the Comprehensive Plan.

The Commission is mindful of the current interpretation of Section 1116 (11) and believes that it was not the intent of the City Council to suggest that review authority for campus plans is not adequately being processed by the BZA and that the Zoning Commission should replace the BZA to provide for better review processing.

The Commission is also mindful of its own caseload of area-wide Comprehensive Plan zoning initiatives and believes that the District of Columbia is better served by not changing the existing process.

The Zoning Commission believes that this case is not in the best interest of the District of Columbia, is inconsistent with the intent and purpose of the Zoning Map and Zoning Act, and is not required to fulfill the intent of the Comprehensive Plan for the National Capital.

The Commission concludes that there is insufficient merit to warrant a public hearing for this case.

Upon consideration of the reasons set forth herein, the Zoning Commission hereby orders that Case No. 86-11 be DISMISSED.

Vote of the Zoning Commission taken at the public meeting on January 9, 1989: 5-0 (Lindsley Williams, Lloyd D. Smith, and Maybelle Taylor Bennett, to dismiss, and Elliott Carroll and John G. Parsons, to dismiss by absentee vote).

This order was adopted by the Zoning Commission at the public meeting on August 7, 1989 by a vote of 3-0 (John G. Parsons, Lloyd D. Smith and Maybelle Taylor Bennett, to adopt as amended - George M. White, not present not voting and Tersh Boasberg, not voting not having participated in the case).

In accordance with the provisions of 11 DCMR 3028, thIS order is final and effective upon publication in the D.C. Register; that is, on AUG 18 1989.

MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission

EWARD L. CURRY
Executive Director
Zoning Secretariat

zcorder610/EB52

Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 752
Case No. 93-12
(Text Amendment - Campus Plan Provisions)
February 14, 1994

By letter dated September 30, 1993, District of Columbia Councilmember James Nathanson petitioned the Zoning Commission for the District of Columbia to amend the campus plan provisions of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning.

The letter, more specifically, "requested the Zoning Commission consider an amendment to require that any relocation of a major use within or outside the campus plan, even if to a so-called matter of right use, be subjected to Board of Zoning Adjustment (BZA) review and approval."

Pursuant to 11 DCMR 3011.1 and by memorandum dated October 21, 1993, the Office of Zoning referred the letter to the Office of Planning (OP) for a preliminary report and recommendation about whether the petition had sufficient merit to warrant the authorization of a public hearing.

By memorandum dated January 7, 1994, the Office of Planning (OP) indicated, in part, the following:

> "The preponderance of disadvantages over advantages as indicated in this report suggest that the proposed amendment is not justified. However, because of the strong interest in the issue by some citizens and Advisory Neighborhood Commissions (ANCs) in the vicinity of universities, the Zoning Commission may wish to consider holding a public hearing."

By resolutions dated October 19, and 27, 1993, Advisory Neighborhood Commission (ANC) 3F unanimously voted to support the request. ANC-3F indicated that the Zoning Commission and the Office of Planning should expeditiously schedule a public hearing on Councilmember Nathanson's proposed amendment, and adopt the amendments following public hearing.

By resolution dated October 26, 1993, ANC-2A voted to support Councilmember Nathanson's request. ANC-2A is of the opinion that at this point in time, neither zoning regulations nor campus plans are effective in terms of adequate planning, and in minimizing adverse impact upon the neighborhood.

By letter dated December 6, 1993, ANC-3G voted unanimously to support the text amendment change to 11 DCMR 210 proposed by Councilmember James Nathanson. The ANC indicated that a number of institutions lie within its boundaries that require campus plan review for any proposed development change.

By letter dated December 20, 1993, ANC-3C voted unanimously to support Councilmember James Nathanson's proposal to amend the campus plan regulations, and urged the Zoning Commission to set this text case for public hearing at the earliest possible date. ANC-3C stated that as universities have grown and become big business, their special exception status within low density residential districts has generated counter productive tensions.

By letter dated December 20, 1993, ANC-3D unanimously voted to support Councilmember Nathanson's proposal for a clarification to the Zoning Regulations that would require that any relocation of a major use within or outside a Campus Plan, even if to a so-called matter of right zone, be subjected to review and approval by the Board of Zoning Adjustment.

By letter dated December 23, 1993, ANC-3B expressed its support for Councilmember James Nathanson's proposed amendment to Section 210 of the Zoning Regulations regarding campus plans.

By letter dated January 5, 1994, the Glover Park Citizens Association also expressed its support for the amendment.

By letter dated October 20, 1993, John B. Wyss of Wiley, Rein & Fiedling expressed opposition for the proposed amendment. Mr. Wyss indicated that "this proposal represents an unwarranted and short-sighted corruption of the entire zoning process, is grossly unfair to American University, and will severely prejudice all of the neighborhoods surrounding the University campus."

By letter dated January 7, 1994, Monte P. Shepler, President of the Consortium of Universities of the Washington Metropolitan area expressed opposition to Mr. Nathanson's proposal. Mr. Shepler's letter indicated that the proposal is unfortunate and counter productive, and that it singles out universities for treatment not given to any other use.

On January 10, 1994 at its regular monthly meeting, the Zoning Commission considered the petition to determine whether to authorize the scheduling of a public hearing. The Commission also considered the OP preliminary report, the letters and resolutions from the ANCs and the comments in opposition.

The Commission was not persuaded by the reasons advanced by the petitioner for authorizing a public hearing.

The Commission concurs with the OP rationale but does not concur with the position of ANCs 2A, 3B, 3C, 3D, 3F or 3G.

The Zoning Commission believes that the present campus plan review and control process provides strong public controls which mandate participation by neighbors of universities.

The Zoning Commission further believes that the petition, as filed, does not have sufficient merit to warrant the authorization of a public hearing, is not in the best interest of the District of Columbia, and is inconsistent with the intent and purpose of the Zoning Regulations and the Zoning Act.

Upon consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders DENIAL of Z.C. Case No. 93-12 without a public hearing.

Vote of the Zoning Commission taken at its regular monthly meeting on January 10, 1994: 3-1 (William L. Ensign, William B. Johnson and John G. Parsons, to deny without a hearing - Jerrily R. Kress, opposed and Maybelle Taylor Bennett, not voting having recused herself from the case).

This order was adopted by the Zoning Commission at its regular monthly meeting on February 14, 1994 by a vote of: 3-1 (John G. Parsons, William B. Johnson and William L. Ensign to adopt - Jerrily R. Kress, opposed and Maybelle Taylor Bennett, not voting, having recused herself from the case).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on MAR 4 1994.

MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission

MADELIENE H. ROBINSON
Director
Office of Zoning

zco752/SDB/LJP

Government of the District of Columbia
ZONING COMMISSION

ZONING COMMISSION ORDER NO. 828
Case No. 96-4Z
(Text Amendments - Comprehensive Plan Amendments Act of 1994, Consistency Case Part 1)
January 12, 1998

The Zoning Commission for the District of Columbia initiated this case in response to a petition from the District of Columbia Office of Planning to amend the text of the District of Columbia Municipal Regulations (DCMR). Amendments to the text of the Zoning Regulations are authorized pursuant to the Zoning Act [Act of June 20, 1938, 52 Stat. 797, as amended, D.C. Code Ann. Section 5-413 1981].

The Office of Planning (OP) filed on May 3, 1996 requested the a petition requesting Zoning Commission as part of the Zoning Consistency Project to identify zoning actions needed to eliminate inconsistencies between zoning and the Comprehensive Plan. The proposal responds to specific references in the Comprehensive Plan Amendment Act of 1994, which require amending portions of the text of the Zoning Regulations.

The proposed amendments address the zoning of D.C. Government facilities, campus plan regulations, and the central employment area boundary. The amendments are proposed to ensure that zoning is not inconsistent with the Comprehensive Plan for the National Capital.

At its regular public meeting on May 23, 1996, the Commission authorized a public hearing on the petition. At that hearing session, the Commission heard the presentation of OP, the testimony of Advisory Neighborhood Commission (ANC) 6B and organizations in support of and in opposition to the proposed amendments.

The Office of Planning by report dated October 28, 1996 and by testimony presented at the public hearing detailed the rationale for the advertised text amendments. OP submitted a supplemental report, which recommended clarifying language to Section 106.5, as advertised. OP noted that it had been alerted to the ambiguous language expressed by citizens.

OP indicated that the revised text was to make clear that the unzoned status of the District of Columbia facilities that were built or substantially planned before May 23, 1990 would only apply to the expansion of facilities or change in use would be subject to zoning.

The Office of Planning also recommended approval of the advertised definition of "Central Area" as being necessary to implement the special regulatory system for D.C. Government buildings in

the Central Area. OP further supported adoption of the advertised text regarding campus plans, with the exception that the following language be substituted for that advertised as Subsection 210.6:

210.6 When a major new building that has been proposed in a campus plan is instead moved off-campus, the previously designated site shall not be designated for or devoted to a different major new building until and unless the Board of Zoning Adjustment has approved an amendment to the campus plan applicable to the site; Provided, that for this purpose a major new building is defined as one specifically identified in the campus plan.

This modification would place the focus on "new buildings" and designated sites," rather than on of existing facilities.

The Advisory Neighborhood Commissioner (ANC) for ANC 2A-05 testified in opposition to the proposed amendment and stated that a thorough review of the campus plan provision is not only desirable but essential to the economic well being of the District of Columbia and to the social welfare of those who live and pay taxes here.

Advisory Neighborhood Commission (ANC) 3C by resolution dated November 12, 1996 voted to support the proposed text amendments with modifications. The resolution stated, "We appreciate that buildings and uses by the government are, per se, in the public interest. Nevertheless, governmental uses can sometimes be incompatible and adverse to their immediate public setting. The Council chose, after great controversy, to subject public buildings and uses to zoning review. The proposed regulation reneges on the commitment and therefore should not be adopted in its present form."

Testimony in support of the proposed amendment with modifications was presented by the Consortium of Universities, Capitol Hill Restoration Society, Bryant School Neighborhood Association, George Washington University and the Northeastern Presbyterian Church.

The salient issues raised at the hearing and through post hearing submission are as follows:

1. The Consortium's first and major concern was the focus on reuse of buildings in advertised Subsection 210.6. The Consortium concurs with the suggested modification of the text.

2. As to FAR computations, colleges and universities can live with the text as advertised, namely that the school will certify and document that the proposed building or amendment is within the FAR limit for the campus as a whole, updating such computations from the most recently approved campus plan.

The Commission believes with regard to campus plan changes, the amendments would ensure that colleges and universities would be permitted to make changes in their campus plans subject to BZA review and approval.

The Commission finds with regard to District government facilities, the proposed regulations as amended clarify that government facilities established after May 23, 1990 would be subject to Zoning. Pre-existing government uses (including those that were substantially planned as of that date) would remain exempt from zoning. The proposed amendments make it clear that District buildings in the Central area, although exempt from zoning, would continue to be subject to the approval of the National Capital Planning Commission.

The Federation of Citizens Associations of the District of Columbia, the Columbia Plaza Tenants Association and one citizen presented testimony in opposition of the proposed amendments. The salient issues raised at the hearing and found in the record are summarized as follows:

1. Major changes are needed in the regulations governing college campuses. The present campus plan rules allow colleges and universities too much latitude in development.

2. The proposed "dezoning" of various municipal properties would seem particularly ill-advised at a time when hundreds of District properties are being considered for sale, lease, or other disposition.

On March 10, 1997, at its regular public meeting, the Commission reviewed and discussed the OP summary abstract dated January 9, 1997 and the evidence in the record of the case. At that public meeting the Zoning Commission proposed action to amend the text of the Zoning Regulations, as discussed.

A notice of proposed rulemaking was published in the D.C. Register on April 25, 1997 (44 DCMR 2473). The notice of proposed rulemaking was referred to the Zoning Administrator (ZA) and OP for comments, and to the Office of Corporation Counsel (OCC) for legal sufficiency review. No comments were received into the record as a result of the publication of the proposed rules.

The proposed decision to approve the text amendment was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by report dated May 1, 1997, found that the proposed text amendment would not adversely affect the federal establishment or other federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

The Zoning Commission believes that its decision to approve the text amendments set forth in this order is in the best interest of the District of Columbia, is consistent with intent and purpose of the Zoning Regulations and the Zoning Act and is not inconsistent with the Comprehensive Plan for the National Capital.

The Zoning Commission has accorded "great weight" to the written reports of Advisory Neighborhood Commissions 2A and 3C.

designated for or devoted to a different major new building until and unless the Board of Zoning Adjustment has approved an amendment to the campus plan applicable to the site; Provided, that for this purpose a major new building is defined as one specifically identified in the campus plan.

210.7 In reviewing and deciding a campus plan application or new building construction pursuant to a campus plan, the Board shall consider, to the extent they are relevant, the policies of the District Elements of the Comprehensive Plan.

210.8 As an integral part of the application requesting approval of new building construction pursuant to a campus plan, the university shall certify and document that the proposed building or amendment is within the floor area ratio limit for the campus as a whole, based upon the computation included in the most recently approved campus plan and the FARs of any other buildings constructed or demolished since the campus plan was adopted.

7. Renumber existing Subsection 210.6 to 210.9.

8. Delete the existing definition of "Central Employment Area" in Section 199 and add a new definition as follows:

Central Employment Area (CEA) – the core area of the District of Columbia, where the greatest concentration of employment in the city and region is encouraged. The geographic boundaries of the CEA are detailed in the Comprehensive Plan, 10 DCMR 199.

Vote of the Zoning Commission taken at the March 10, 1997 monthly meeting to approve the text of Zoning Case No. 96-4Z, as revised 3-0: (Herbert M. Franklin, John G. Parsons and Jerrily R. Kress to approve; Maybelle Taylor Bennett, not voting, having recused herself).

This order was adopted by the Zoning Commission at its public meeting on January 12, 1998 by a vote of 3-0: (Jerrily R. Kress, Herbert M. Franklin and John G. Parsons to adopt; Maybelle Taylor Bennett, not voting, having recused herself).

In accordance with 11 DCMR 3028, the order is final and effective upon publication in the D.C. Register; that is on FEB 27 1998.

MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission

MADELIENE H. DOBBINS
Director
Office of Zoning

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D.C. - 44
APRIL 1980

Memorandum ● Government of the District of Columbia

TO: D.C. Zoning Commission

Department, Agency, Office: Planning

FROM: Fred L. Greene, Director

Date: DEC 11 1987

SUBJECT: Status Report: Z.C. Case No. 86-11: Campus Plans

Background

The Zoning Commission reserved Case No. 86-11 to reveiw the Zoning Regulations pertaining to college and university master plans and the processing of campus development. Issues surrounding college and university plans and developments are of longstanding duration.

In recent years several of the city's major universities have revised their campus plans, the latest being the American University. Campus plan approvals and college and university development activities have often involved controversial issues. This is as true in 1987 as it was a decade ago when the Zoning Commission last entertained proposals to modify the Zoning Regulations regarding college and university development activities (Z.C. Case No. 76-9).

As complex, hybrid uses, colleges and universities encompass an extremely broad range of activities and as a result can have profound influences in and upon a community -- whether viewed in a neighborhood context or in a larger urban context. The complex issues involved in college and university activities are neither new to the city nor are they likely to be resolved wholly satisfactorily to all concerned in the near, future or over the long term.

The Office of Planning (OP) has a fairly long history of involvement in campus plan approvals and in individual campus development projects. We are most often engaged in the problems associated with the campus of a specific institution, at a specific point in time, in a particular neighborhood or in the problems associated

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with a specific campus (or off-campus) development project. It is our intent in this case to step back from the specific case to gain a larger view of the nature of the issues involved and to take a more detached, comprehensive look at possible steps to improve the process.

Campus Plan Forum

In an effort to achieve a better understanding of the problems and opportunities which are inherent in the campus plan and campus development issues, the Office of Planning sponsored an informal forum on November 19, 1987. It was the Office's intent to elicit opinions, comments, complaints and ideas from representatives of the city's institutions of higher learning and the citizenry affected by college and university campus activities.

It is our belief that an informal process outside the context of the zoning/public hearing arena is an effective means of gaining a broader perspective and encouraging a freer exchange. The comments we received during the course of the evening, and subsequently, were very positive. All concerned expressed the opinion that the meeting had been successful in clarifying issues, eliciting information and in providing for a free exchange of ideas and opinion -- much more so than is possible in the context of the public hearing process. We anticipate sponsoring additional meetings as specific approaches are developed for revised campus plan regulations.

Meeting Results

Attached to this report is a summary of comments made by meeting participants. From the Office of Planning's perspective, the following items emerged as significant findings.

- Participants were nearly unanimous in the opinion that better guidelines or standards were necessary to improve the processing of campus plans and campus development.

- Most college and university representatives expressed the need to maintain some degree of flexibility in official campus plans, or in

order to meet changing circumstances over the life of an approved campus plan.

- Nearly all citizen representatives expressed the concern that impacts which result from college and university activities can have serious detrimental effects on nearby residential communities.

- Citizens were desirous of being more involved in the campus plan process and of being better informed by colleges and universities about campus development.

- It was evident to OP staff members that, in general, colleges and universities involved citizens to a greater degree than in the past.

- A variety of opinions were expressed regarding the appropriate forum for campus plan review, approval, and "further processing" procedures. Overall, the college and university spokespersons felt that the current process was preferable while citizen representatives believed, in general, that the Zoning Commission is the more appropriate forum.

- The duration or life of a campus plan also emerged as an important issue. The college and university representatives generally believe that a 10 year or longer span is appropriate; citizens generally believe that 10 years or less is appropriate.

There were additional comments which are reflected in the attachment to this status report.

Conclusions

It was evident to OP staff that the desire for improved guidelines and/or standards in the zoning process emerged as a significant issue, although expressed in a variety of ways. The lack of adequate guidelines or standards in the Zoning Regulations has resulted in one very clear area of confusion: The distinction between a long range, generalized campus plan development program and the review of specific development projects. Under present regulations, no distinction is made between these two very different activities. This is not to

imply that the Board of Zoning Adjustment does not distinguish between the two, for the Board in hearing campus plan matters clearly does. The Zoning Regulations, however, do not clearly distinguish between a campus plan review and a campus development review in a regulatory fashion.

Cogent opinions were proffered on both sides concerning the jurisdiction issue - Zoning Commission jurisdiction as opposed to Board of Zoning Adjustment jurisdiction. The Office of Planning will develop a series of approaches to college and university regulation which will be discussed with the community. It is anticipated that at least one more forum will be necessary for this purpose. Subsequently, we will forward our recommendations to the Zoning Commission for consideration.

Attachment

Campus Plan Review Meeting
November 19, 1987
7:00 p.m. - 9:30 p.m.

1. Eight persons indicated they wished to present comments.
2. David Parker - ANC Ward One
   A. Howard submitted request for rezoning one of its parcels - felt that Howard should submit a plan for review and not just come before BZA for variances to build 30,000 seat stadium

      - o can you construct an arena not undergoing the compus plan process?
      - o would have preferred that campus bundary be expanded to west of Georgia Avenue
      - o proposal to update campus plan
      - o student & faculty housing within walking distance of campus is good idea therefore not needed to update plan (no traffic congestion, etc.)
      - o comercial and industrial zones can be developed as a matter-of-right in campus plan
      - o concern that Howard can continue to expand into neighborhood as a matter-of-right regardless of submission of a campus plan
      - o would like clarification over when campuses can expand with or without approval (campus plan)

3. Glasglow - Representing Consortium of Universities

   A. BZA should continue to review campus plans
   B. Basically in agreement w/current plans
   C. Process for review works
   D. Further define/refine special exceptions in regulations

3. Robert Dickman
   Assistant Treasurer - GWU
   A. Responsible for citizen involement in campus planning process
   B. On-going formal and informal process in include
   C. Has staff attend meetings of neighborhood association and ANC's

D. Meets w/community groups and to extent practical, includes citizen comments and concerns
E. Bottom line is the university program
F. Met with ANC's and community groups roughly a dozen times the year that campus plan was developed
G. "How much dialogue and input is reasonable?"
H. Dialogue has increased in last ten years with community
I. Budget constraints and internal constraints that effect development of building
J. OP asked citizens and university to meet together and they agreed for their campus plan update-good process

4. Wilton Corbern, V.P. consortium of Univ.
A. Colleges and universities employ about 45,000 employees
B. $4 billion positive impact on economy
C. Present system of review has worked fairly well
D. Only 7 cases of meaningful opposition (out of 13) in terms of campus plan
E. If changed from BZA to ZC, much would not be changed
F. No reason for radical change in regulations

5. Charles Meng
V.P. for Administration and Facilities at Georgetown University
A. Five years ago university prepared a master plan
B. Feels that it is very difficult for autonomous groups to agree on a plan
C. Telecommunications and technological change affect campus needs therefore flexibility is needed in terms of campus plan development due to time involved
D. Has taken 12 years for the opening of campus center
E. "Detail" request in OP proposal would limit necessary flexibility of universities
F. PUD's have a single purpose continuing in time but campus buildings must last and change their purpose
G. Supports a "no change" situation

6. Don Meyers
V.P. for Finance - American University
A. Came before BZA approximately 5 times in last 5 years
B. Had formal support from community groups before American University went to BZA
C. American University's Plan approximately 10 years old

- o Underwent intensive self-evaluation of university academic program
- o Each neighborhood organized (5) and two ANC's sat on Campus Plan Task Force - 15 months
- o While groups feel that a particular facility is needed, they do not want it in their neighborhoods

D. Difficult for a campus plan to come forth with great detail (i.e. building approved, major donor to complete structure, donor may want some changes).
E. Campus plans should at least span a decade if not longer

7. Robert Manson - Special Assistant to Howard University president
   Staff - Edward Pinkert, Charles Barber
   A. Paper difficult to understand
   B. Some points not detailed enough to appreciate distinctions in analyzing options
   C. "Detailed plans" not necessary for campus plans - inappropriate
   D. Would like to submit a letter within 10 working days
   E. "The current process appears to be superior (although not perfect) to other options in the paper".
   F. Most campuses undertake internal changes to provide facilities that are necessary
   G. Barber
      - Has submitted an updated campus plan
   H. Pinkerd
      Existing process has allowed them to move projects along sooner. Thinks that permitting process is slow.
   I. Howard opposed to periodic project review requirements/submissions

8. Andrea Salley: Wilkes, Artis, Hedrick & Lane
   A. Currently universities do more than is required in terms of citizen input
   B. Very good and workable syetem that should not be significantly altered
   C. Flexibility needed for type and duration of plan

9. Cathy Anderson: Neighbors for a Livable Community
   A. Neighbors should not be placed in only advisory role
   B. Needs greater detail and openness to process
   C. Zoning Commission should reveiw plans
      1. Campuses are larger and complex like PUD's. Review process should be more complex.

2. Phasing of campus plans (amount of detail relates to potential neighborhood impact)
3. Professional staffing available and depth of analyses to Zoning Commission and not to BZA

D. Would like to see "use analysis" added to requirements (for more complex projects)- how many people in building when, how will they exit, how will they travel in neighborhood, etc.
E. Specific guidelines of what a plan should be and include standards
   - University develop more toward inward-looking campus
   - Direct growth toward major arterials and not neighborhoods
   - Possible height variances, etc. if campus plans are willing to follow guidelines and standards

10. Ralph Rosenbaum: ANC 2A
   A. University should have good idea of future needs
   B. University should be more willing to share information with community
   C. Approach neighborhoods before plans are solidified.
   D. Wants to see details on campus plans
   E. Recommends periodic updates of plans (5 years or so)
   F. Include affects of new developments on neighborhoods
      - Examine secondary impacts of university functions that will impact neighborhood - (effects beyond univeristy plan area) - current procedures do not require this

11. Phil Feola: Linowes and Blocker
   A. OP needs to educate neighborhood residents about what a plan is supposed to do
   B. Separate out to get campus plan reviewed vs. a building approved (2 different sections) Campus Plan criteria vs. building criteria
   C. Campus plan review should cover all facilities on plan: campus should not have to come before Board each time individual building on plan is constructed
   D. When city, citizens or university feel that plan is outdated, BZA can halt its approval, so no need for regular update
   E. Sometimes buildings will take at least 10 years before they are constructed (after plan is reviewed) : periodic updates must be sufficiently spaced

12. George Boyd: ANC 5B
   - Neighborhood organized a community relations board

with city officials and campus officials to work with growth of Gallaudet

13. Steve Sher
    A. Present process of one body review has 2 virtues
        1. One board basically knows what it has in mind when it approved plan
        2. One body can handle amendments better
    B. What serves the government best?
        1. Flexibility to allow for technological change is important
        2. BZA comfortable enough to tailor conditions to unique campus situations (requiring more detail for this plan, less for that; review this plan in five years the next in ten)

- OP will report to Zoning Commission in December
- January - make report and recommendation to Zoning Commission.
- Participants submit written comments to OP by Dec 21st
- Would provide people present with any reports that we make
- ANC's will recieve a mailing from OP with comments

Campus Plan

Sign-In November 19, 1987

W. William Stemmler - Mount Vernon College
Thomas A. Lillis - Catholic University
Charles Mann - Gallaudet University
Kathe Anderson - Stohlman, Beuchert, Egan and Smith
Phil Feola - Linowes and Blocker
Johnathan Neuberger - ANC 2E Zoning committee
David Parker - ANC 1B - 1922 - Sixth St., N.W.
Roger Lyons - George Washington University
Robert Dickman - George Washington University
Steven Sher - Wilkes, Artis, Hedrick and Lane
Charles Meng - Georgetown University
Donald Myers - American University
Robert G. Casey - The Consortium of Universities
Wilton Corkern - The Consortium of Universities
William D. Green - Georgetown Uiversity
Robert A. Malson - Howard University
Edward Pinkard - Howard University
Charles Barber - Howard University
Andrea Salley - Wilkes, Artis, Hedrick and Lane
Miles Mark Fisler, IV - University of D.C.
Norman Glasgow - Wilkes, Artis, Hedrick and Lane
3 unknown

Discussion Paper

Proposed Campus Plan Amendment to Transfer Authority for the Review and Approval of College and University Campus Plans to the District of Columbia Zoning Commission

The D.C. Zoning Commission is considering the proposal to amend the Zoning Regulations to implement provisions of the Comprehensive Plan that would transfer the authority over the review and approval process for college and university campus plans from the Board of Zoning Adjustment (Board) to the Zoning Commission (Commission). This is in accordance with policy recommendations of the Comprehensive Plan and recent declarations of community concern.

Section 1101(g)(4) declares that "a new college and university master plan designation is applied to the District's major colleges, universities and other large institutional plans users. Within this planning and regulatory framework, new procedures will be required to ensure that adjoining neighborhoods are well protected while recognizing the special needs and opportunities provided by these large land users."

Section 1116(11) of the Comprehensive Plan declares that it is District of Columbia policy to "support modification of the Zoning Regulations of the District of Columbia to require Zoning Commission for the District of Columbia approval of college and university master plans and subsequent review and further processing with opportunity for citizen participation, in order to allow for more efficient review of plans and proposals while reducing adverse neighborhood impacts and alleviating uncertainty over future institutional activities...."

Current Zoning Process

Currently, Section 210 DCMR 11 (Zoning Regulations) governs the location of colleges and universities in residential districts (R-1, R-2, R-3, R-4, and R-5), waterfront districts (W-1, W-2, and W-3), and the mixed use district (CR) where they are treated as special exceptions for which approval of the Board is required. Colleges and universities may locate in all other zone districts (C, M, CM, and SP) as a matter-of-right. Subsection 210.4 of the regulations requires the applicant to submit to the Board "a plan for developing the campus as a whole, showing the location, height, and bulk, where appropriate, of all

present and proposed improvements, including but not limited to the following: (a) buildings and parking and loading facilities; (b) screening, signs, streets, and public utility facilities; (c) athletic and other recreational facilities; and (d) a description of all activities conducted or to be conducted on the campus, and of the capacity of all present and proposed campus development..."

Background for Proposed Transfer

In Spring 1976, the Zoning Commission suggested that it, rather than the Board, review and approve campus plans because such plans involve major land use decisions of a magnitude comparable to planned unit developments and (at that time) sectional development plans. The objective of the proposed amendments was to impose a greater overall planning requirement, expanding coverage to all zone districts and requiring attention to external effects of campus activities on surrounding areas. At the same time, the new amendment would permit increased flexibility for planning inside the campus and would provide a less time consuming procedure for the review of individual buildings proposed to be constructed on campuses covered by Commission approved plans. The Zoning Administrator would administratively review and approve individual building plans provided by the approved campus plans.

The amendment would have applied to colleges and universities having campuses of three or more acres and enrollments of 500 full time or full time equivalent students. Colleges and universities not meeting those criteria would have continued to have had their plans reviewed by the Board. The proposed amendment would have also provided for periodic review and updating of campus plans and for consultation between institutions of higher learning, government, and citizens. The Commission held public hearings in June and August 1977 (Zoning Commission No. 76-9).

In July 1979, the Commission initiated a new or revised action to consider an amendment to transfer the review and approval process for college and university campus plans from the Board to the Commission. At that same time, the Commission authorized the scheduling of a public hearing for the case and dismissed the previously noted case (Z.C. 76-9) and incorporated the record of that case into the exclusive record of the new Zoning Commission Case No. 79-11). The Commission scheduled a public hearing for the new case for October, 1979.

Prior to the hearing, the Consortium of Universities filed a motion requesting that the hearing be cancelled, and the Citizens Planning Coalition requested a ninety-day postponement. The Office of Planning (then the Office of Planning and Development -- OPD) also requested a postponement of the hearing because it was not prepared because of the need to physically relocate the agency. The Commission agreed to postpone the hearing and, for various reasons, the hearing was never rescheduled. In October 1979, and on several subsequent occasions, OPD recommended that the case be dismissed for further work on the Comprehensive Plan. On February 11, 1982, the Commission ordered that Case No. 79-11 be dismissed.

At the time the Zoning Commission discussed the case, it noted its belief that the present control of those campus plans where part of the campus is in a residential zone district, and thus requiring Board approval, and part of the campus is in a zone district where the institution is permitted as a matter-of-right can lead to difficulties. It indicated that this issue should be addressed in the future.

Current Proposal to Transfer Authority to Review and Approve Campus Plans to the Zoning Commission

The current situation has been brought about by renewed citizen concern over the impacts and potential impacts from campus development, especially on neighboring residential communities. This concern is reflected, as previously noted, in provisions of the Comprehensive Plan, in testimony given at recent Board of Zoning Adjustment hearings on various proposed amendments to campus plans of a number of colleges and universities, and in recent community correspondence to the Office of Planning.

Equally important, the Office of Planning has initiated an enhanced program to implement those provisions of the Comprehensive Plan dealing with land use, including necessary amendment of the Zoning Regulations. Among the provisions being addressed is that dealing with the review and approval process for college and university campus plans. The Zoning Commission has recognized this effort and assigned it Case No. 86-11.

The Office of Planning will study the current campus plan review and approval process to determine how it might best

be improved to be more responsive to both community and academic desires and wants. The study will address the concerns, issues, problems and solutions that have been raised and, based upon findings, recommend appropriate changes in the process.

Concerns, Issues, Problems, and Solutions

Among the areas of concern warranting further study are the following:

Concerns, Issues, and Problems

- Impacts of campus development on adjoining neighborhoods, including parking, traffic, unused land holdings, sale and/or purchase of property, off-campus activities and operations, scale of development, compatibility of physical development with adjacent development, etc.

- Need for campus plans to be updated at set intervals to minimize plan obsolescence and unanticipated development.

- More comprehensive campus plan components, criteria, and requirements including: land use plan, proposed floor area ratio and height, circulation and parking plan, student/faculty transportation plan (particularly if a campus is not fully self contained and has off-campus facilities and activities), satellite campuses and/or off-campus facilities (if any), urban design plan, student/faculty staff projections and facility needs, environmental assessment of proposed campus plan development, etc.

- Problems associated with development where part of a campus is in a residential zone district and subject to Board approval and where part of the campus is in a zone district where campus development can occur as a matter-of-right.

- Recent trends in enrollment, campus development, college and university property acquisition/sale, etc.

- Citizen and community participation in the review of proposed campus plans to help ensure that approved plans consider neighborhood concerns and are coordinated with community objectives and development goals.

- **Flexibility** in campus planning that recognizes institutional needs and the opportunities that institutional of higher learning provide to the community at large.

Alternative Solutions

- Transfer the current authority for the review and approval of college and university campus plans to the D.C. Zoning Commission from the Board of Zoning Adjustment.

- Transfer an amended authority for the review and approval of college and university campus plans to the D.C. Zoning Commission that would give the Zoning Administrator administrative review and approval of individual building plans while giving colleges and universities increased flexibility to plan inside their campuses. The Board would continue to review and approve applications for campus building and use variances (This would be similar to that previously proposed in Zoning Case No. 76-9/79-11).

- Transfer an amended authority for the review and approval of college and university campus plans to the D.C. Zoning Commission that would require a comprehensive and detailed campus master plan. The Zoning Administrator would have administrative review approval authority over individual building plans that fully conform to the specifications of a campus master plan approved by the Commission; colleges and universities would not have the flexibility indicated in the foregoing alternative. The Board would continue to review and approve applications for campus building and use variances.

- Retain an amended Board of Zoning Adjustment authority to review and approve college and university campus plans, but with an amended process that requires a comprehensive and detailed campus master plan. The Zoning Administrator would have administrative review and approval authority over individual building plans that fully conform to the specification of an approved campus master plan. Colleges and universities would have little or no flexibility to modify building plans inside their campus without referral to the Board for a variance or plan amendment.

- Retain an amended Board of Zoning Adjustment authority to review and approve college and university campus

plans, but with an amended process that would give the Zoning Administrator administrative review and approval of individual building plans while giving colleges and universities increased flexibility to plan inside their campus. Development proposals involving significant change from that approved in the campus plan would be referred to the Board for review and appropriate action.

- Retain the existing Board of Zoning Adjustment authority to review and approve college and universities campus plans.

- Other solutions(s) as may be identified or proposed during the course of the study.

Summary

This discussion has been prepared as part of the Office of Planning initiative to evaluate the current review and approval process government campus plans with the view toward determining how the process can be improved to make it more responsive to both community and college and university concerns and wants.

Government of the District of Columbia

Office of the
Director

Office of Planning
415 12th Street, N.W.,
Washington, D.C. 20004

M E M O R A N D U M

DEC 23 1988

TO: D.C. Zoning Commission

FROM: Fred L. Greene, Director
Office of Planning

SUBJECT: Application 86-11: Campus Plan Regulations

Application

Application 86-11 concerns the review and approval of college and university uses and review and approval of college and university campus plans, (11 DCMR 210). Section 1116(11) of the Land Use Element of the Comprehensive Plan states:

> "Support modification of the Zoning Regulations of the District of Columbia to require Zoning Commission for the District of Columbia approval of college and university master plans and subsequent review and further processing with opportunity for citizen participation, in order to allow for more efficient review of plans and proposals while reducing adverse neighborhood impacts and alleviating uncertainty over future institutional activities;"

As noted in the Office of Planning's October 17, 1988 "Status Report" (attached) the major issue in this case is the transfer of jurisdiction for college and university uses from the Board of Zoning Adjustment to the Zoning Commission. Other related issues concern campus plan standards and time limitations for approved campus plans. These issues were discussed in several status reports and the Campus Plan "brown-bag" luncheon on November 14, 1988.

ZONING SECRETARIAT
DISTRICT OF COLUMBIA
1988 DEC 23 AM 10:25

12/23

Disposition of Application

In its October 17, 1988 "Status Report", the Office of Planning concluded that a change in jurisdiction from the Board to the Commission was not warrented. This conclusion was based on several factors including the Board's judicious handling of campus plan cases in recent years, the loss of continuity a transfer of jurisdiction would entail and the present and anticipated caseload of the Commission. The Office of Planning will continue to evaluate the need for changes to the campus plan regulations. At this time, however, the Office of Planning recommends that Application 86-11 be dismissed.

Attachment

Report Prepared By:
SPDS/ZS
SS:mas

Government of the District of Columbia

Deputy Mayor for
Economic Development

Office of Planning
415 12th Street, N.W.,
Washington, D.C. 20004

M E M O R A N D U M

OCT 17 1988

TO: D.C. Zoning Commission

FROM: Fred L. Greene, Director
Office of Planning

RECEIVED BY D.C. OFFICE OF PLANNING
88 OCT 17 AM 9 18

SUBJECT: Campus Plan Regulation (86-11): Status Report

Background

The impetus for review of the regulation of college and university campuses, arises from Section 1116 (11) of the Land Use Element of the Comprehensive Plan. It states:

> "Support modification of the Zoning Regulations of the District of Columbia to require Zoning Commission for the District of Columbia approval of college and university master plans and subsequent review and further processing with opportunity for citizen participation, in order to allow for more efficient review of plans and proposals while reducing adverse neighborhood impacts and alleviating uncertainty over future institutional activities;"

The premise of transferring jurisdiction from the Board of Zoning Adjustment to the Zoning Commission is not new. A 1977 proposal to shift responsibility for campus plan review to the Commission (Case No's. 76-9 and 79-11) was heard by the Commission. Order No. 288 states that it was the intent of the then-proposed regulations to permit increased flexibility for planning within campus boundaries, greater attention to policy and external impact implications of campus plans, and to provide for a less-time consuming process. The proposed

regulations provided for administrative review and approval of individual buildings subsequent to Commission adoption of a campus plan.

Public hearings were held on the proposed amendments (which included transfer of authority to the Zoning Commission) but the Commission dismissed both Cases 76-9 and 79-11. The final decision on Application 79-11, Order No. 366, was made on February 11, 1982. Both cases were dismissed with no changes to the campus plan regulations having been made.

The 1976-79 case was largely prompted by contentious campus plan public hearings (particularly Howard University and George Washing University) and several individual campus building projects. The text proposed at the time, would have meant a major overhaul for the regulation of college and university uses. The following items were the principle aspects of the proposed regulations:

1. Creation of a new, consolidated chapter for campus plan regulations: A new Article 77 would have been created to consolidate regulation of college and university uses. This approach was similar to the then-existing Sectional Development regulations and Planned Unit Developments.

2. Shift of authority to the Zoning Commission: A major revision to the process would have shifted responsibility for campus plan review and approval from the Board of Zoning Adjustment to the Zoning Commission. Individual uses, buildings and facilities approval would also have been lodged with the Commission.

3. Administrative approval of individual buildings: The Zoning Administrator would have had the authority to permit the construction of individual buildings. This approval was predicated on the approval of sufficiently detailed building plans by the Zoning Commission during campus plan review and approval hearings. At work in this provision was the idea that detailed plans for individual campus buildings could be approved by the Zoning Commission during campus plan proceedings and then be constructed more or less as a matter-of-right so long as the Zoning Administrator certified that the plans were not different than those approved by the Commission. This provision was designed to allow for more efficient "further processing" of individual buildings and uses.

4. Height and bulk standards: The proposed height and

bulk restrictions were not proposed for modification with the exception that commercial properties were to be included in campus plans. This was done to avoid conflicts between the campus plan regulations and the then-extant Sectional Development plan section of the Zoning Regulations. (The Sectional Development regulations were removed by the Zoning Commission in Case No. 86-11). Commercially-zoned property is now included in campus plans as a matter of course.

5. Campus Plan standards: More detailed building plans and impact assessments were proposed as a part of the revised campus plan procedures.

As noted before, following public hearings on these proposals, the Commission took no action.

Current Status

During the past year, the Office of Planning has been evaluating the campus plan regulations from two main aspects. The first is the transfer of jurisdiction from the Board of Zoning Adjustment to the Zoning Commission. The second is the improvement of the process itself as reflected in the regulations regarding campus plans.

As the author of the Comprehensive Plan policy regarding campus regulation, the Office of Planning sponsored a public workshop in November of last year. The main issues of discussion were: 1) the transfer of jurisdiction issue; 2) split jurisdiction with the Commission vested with campus plan review and approval and Board retention of "further processing" for individual campus facilities; 3) the imposition of time limits for approved campus plans; and 4) the level of detail required for campus plan submission.

The results of the workshop were largely inconclusive. OP mailed notices to all ANCs, civic and citizens' associations, colleges and universities as well as individuals known to be interested in the process. Approximately 30 people were present. Most of the city's major universities, including American, George Washington, Georgetown and Howard were represented and comments presented. Three Advisory Neighborhood Commissioners presented comments and one neighborhood organization, Neighbors for a Livable Community. Comments were also presented on behalf of the Consortium of Universities. Representatives of Catholic University, Gallaudet University, Mt. Vernon College and the University of the District of Columbia were in attendance as were other citizens.

The Office of Planning has solicited comments and discussed the campus plan regulations with university representatives and community representatives over the past two years.

In the context of Application 86-11 and in the context of recent campus plan cases before the BZA, a great deal of information has been garnered. Recent campus plan approval cased include American University, George Washington University, Howard University, Georgetown University and Mount Vernon College. The Office of Planning has been involved with each of these applications for campus plans and with "further processing" for individual college and university uses and facilities. Thus, recent experience from OP's perspective, has been both at the large scale campus plan level and the smaller scale use and facility cases heard by the Board.

Comments on Issues Raised by Application 86-11

Transfer of Jurisdiction

Of singular importance to the campus plan regulation process is the oft-repeated comment that the process works "far better than it used to". This sentiment has been voiced from all sides. While everyone agrees that campus plan applications and "further processing" applications can be (and often are) contentious, complicated and time consuming, it is apparent that many of the issues raised in the 1977 and 1979 have been ameliorated, if not absolutely resolved. Citizens are in agreement that colleges and universities, today, do a far better job in keeping them informed and involved in the process: most often long before a campus plan application is filed with the Board. Colleges and universities are generally much more responsive to the needs and desires of citizenry and are much more active in soliciting input from residents. It is not uncommon for colleges and universities to establish a committee of citizens or some other formalized means to ensure that citizen concerns are at least well known, if not fully accommodated, in the preparation of a campus plan.

This is not to suggest that differences do not exist. There are, at times, irreconcilable differences which cannot be resolved. It is to the Board's credit that it has become increasingly vigorous in its handling of both campus plan and individual facilities cases. In approving George Washington University's latest campus plan, the Board eliminated an entire square from the campus boundaries proposed by the University.

Recently, the Board requested that American University submit a revised campus plan as a condition of approval for a campus facility. These two cases proved to be contentious. On the

other hand, Georgetown University's and Mt. Vernon College's most recent approvals were relatively smooth.

In the late 1970's one of the driving forces behind the move to shift authority from the Board to the Commission (which OP supported) concerned the amount of time necessary to review and approve a campus plan through the Board.

At that time, it was assumed that the Zoning Commission could process a campus plan case in less time than the Board. With the adoption of the Comprehensive Plan, the nature of the Commission's caseload has changed. Area-wide text and map changes to implement the Comprehensive Plan are an increasing proportion of the Commission's work. Generally, these cases require much more time to hear and to dispose of than do map amendment and PUD cases which made up the bulk of the Commission's work in the mid-to-late Seventies. This efficiency of processing which may have existed in the past, is no longer apparent.

It has been argued that the Zoning Commission is the more appropriate body to resolve the large scale land use issues inherent in most of the city's campus plans. But rarely do campus plan applications involve zoning changes. In any case, it is the Commission who must hear and decide zoning changes within a college or university plan boundary. College and university uses can, and do, have major impacts on a neighborhood. The Board is empowered to hear and decide other types of cases which can also have major impacts on neighborhoods-including R-5-A reviews, SP office and hotel uses, community based residential facilities, hospitals, chanceries, parking lots and even manufacturing uses in waterfront districts.

The Board's authority to grant special exceptions and variances suggests that the Board must deal with the more mundane, day-to-day problems and opportunities presented by the city's residents, neighborhoods, institutions and interest groups. It is from this base of information and experience that the Board also hears and decides its larger cases, including campus plans. This blending of different types of cases provides the Board with an intimate working relationship with neighborhoods and institutions.

This relationship establishes a continuity for college and university uses from the standpoint of both the temporal and the spatial. Over time the Board builds a history of the changing nature and dynamics of institutions of higher learning and their neighbors. Involvement, not only in the overall, generalized campus plan procedings, but in the implementation

of these plans as realized in facilities and buildings on a day-to-day basis, creates a repository of historical, geographical and functional relationships and information which is carried from case to case.

Spliting the campus plan review and approval functions from the facilities and buildings review and approval functions breaks the continuity the process now possesses.

Other Issues

Time Limits for Campus Plans

Most campus plans approved by the Board cover a 15 to 20 year period. The Board has used its authority to require universities to submit revised campus plans within a given time period. This has generally ocurred during proceedings for a specific building or facility. Most recently, the Board requested that American University submit a new campus plan.

Long range planning by colleges and universities is a complex undertaking. Five years to prepare a new campus plan is generally the time most colleges and unversities need, according to the Consortium. The hearing process itself normally requires several sessions spread over a period of months and it is often a year or more from the submission of a new campus plan to the issuance of the Board's final Order.

Given the lead and preparation time required for the preparation of campus plans and the time required for review and approval during the formalized BZA process - the time span for campus plans must necessarily be fairly long. With a six year preparation and review time, a ten year timeframe for campus plans is probably too short. Twenty years, on the other hand, may not provide sufficient guidance and control of campus development.

As a practical matter the Board has, over the years, become increasingly vigilant in requesting up-dated campus plans when it believes this action is warrented. This flexibility could be jeopardized if inflexible time limits were place on campus plans.

Campus Plan Standards

Campus plans approved in recent years are much more detailed than those approved even a decade ago. They represent the most complex set of cases the Board hears. The Board itself, over the years, has (through its deliberations and its orders) required increasingly sophisiticated and detailed information

in campus plan submissions. Although the existing regulations are relatively simple statements, they are also broad statements which permit the Board a fairly wide latitude of specificity with which it conditions its orders.

It is only through the Planned Unit Development process that the Zoning Commission exercises a similar degree of specificty. Chapter 24 (Plan Review Procedures) is much more detailed than the various regulations controlling campus plans but it also provides for variations in yards, courts, parking spaces, loading berths and other aspects of development which the BZA is not empowered to alter under the provisions of the campus plan regulations. All aspects of individual facilities and buildings under the campus plan regulations must also comply with the area requirements of the underlying zone or seek relief from the Board.

The nature of Planned Unit Developments and campus developments are also quite different. Normally, PUD's are approved for specific uses at specific densities which are not expected to change over the life of a project or building. College and university development is less amenable to long term consistency. Functions, programs and activities change frequently. As a college or university develops a program the space needs to accommodate the program may change. Often program consolidation occurs bringing together formerly disparate functions or parts of a program requiring a new physical siting.

The financial aspects of colleges and universities are also very different from those encountered in the private sector. A gift or endowment to a college or university for a specific purpose often results in a programmatic change or a change in a building program which was not forseen.

Thus, a certain amount of flexibility in terms of standards is essential in the campus plans process. This flexibility, however, is tempered by the broad nature of the regulations applicable to colleges and universities giving the Board wide latitude as it considers campus plans. Additionally, the review requirements for all campus construction do not relax the standards of the Zoning Regulations as is the case with PUD's.

Conclusions and Recommendations

In examining the issues associated with college and university uses, the Office of Planning observes that they are essentially no different than they were a decade ago when last examined by OP and the Commission. Campus plan approvals are complex and

often contentious cases which can trigger highly charged debates on every side. These cases generally involve long, time consuming proceses which rarely conclude with unanimous consensus on all -- or even most -- issues. Deciding campus plan cases (and often cases involving individual buildings or facilities subsequent to plan approval) is not easy.

OP's work on this issue has revealed the near unanimous belief that the Board of Zoning Adjustment continues to improve its handling of campus plan cases. Over the years, the Board has demanded more information from applicants, has encouraged colleges and universities to better account for and respond to neighborhood needs, and has generally used its authority well as situations require. The Board's orders for campus plan cases reflect this situation. They are far more detailed, broader in scope and more stringent than similar orders in decades past.

Shifting jurisdiction for campus plan review and approval will not change the nature of campus plan cases. They will continue to be complex and contentious. Such a move could reduce citizen involvement in the hearing process since the Commission's rules on parties and standing are more rigorous than the Board's.

One aspect of campus plan cases which favors a shift in jurisdiction is the large land area reasonably involved in campus plans. Campus plan cases do resemble the area-wide map amendment cases that are familiar to the Commission. Most college and university campuses in the city are located on residentially-zoned land where such uses are permitted as special exceptions. It is the very hybrid nature of academic uses and academic facilities which render them difficult to define in zoning terms. The combination of classroom space, laboratories, lecture halls, studios, office space, dormitories - as well as the fluid dynamics of the use of space over time for all these uses - renders zoning problematical. To zone campuses in accord with the uses housed in specific buildings and facilities (even if the uses could be categorized in zoning terms) would result in a hodge-podge of zone districts which could require frequent amendments to accommodate changing uses. This is the fundamental basis for allowing college and university uses as special exceptions.

It is, however, the concern for continuity which OP believes, argues against Zoning Commission approval of campus plans. It is our view that the history retained from campus plan approvals brought to bear on building and facility approvals is a key element in what is a two-part process. College and

unviersity campuses are fundamentally different from Planned Unit Developments. In the recent past the Board of Zoning Adjustment provided "further processing" for Planned Unit Developments. One reason for the elimination of this stage in the PUD process was the break in continuity between the Zoning Commission's process and the Board's process.

The campus plan process is, of necessity, a multi-step process. Unlike PUD's, where the expectation is one of continuation of the approved uses and buildings indefinitely, there is the expectation that enrollments, courses of instruction, space needs, etc. will change over time for colleges and universities.

While an overall concept or plan of development serves both the user and the city by establishing parameters, the character of a campus is defined more by the steps taken on an individual basis. And this is where the concept of continutiy becomes paramount. One body, in our view, should control both the larger, general guiding framework and the "filling-in" of that framework with the details.

It is our view that the Board of Zoning Adjustment has discharged its responsibilities well in both areas. As a practical matter, both the Office of Planning and the Zoning Commission are now involved in the implementation of the Comprehensive Plan. This activity is likely to involve an increasing caseload for the Commission of complex and controversial issues which will occupy an increasing amount of the Commission's time. The Office of Planning, therefore, recommends that the jurisdiction for campus plan review and approval remain with the Board of Zoning Adjustment.

It is our opinion that the current regulations are adequate in most respects. We will continue to evaluate this aspect of campus plan regulation to determine areas which could be improved.

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