GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

ZONING COMMISSION

PUBLIC HEARING

IN THE MATTER OF:                )
) Case No.
COMPREHENSIVE ZONING REGULATIONS ) 08-06-7
) REWRITE: CAMPUS/INSTITUTIONAL
)                                       

Thursday,
December 11, 2008

The Public Hearing of Case No. 08-06-7 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C. 20001, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
GREGORY N. JEFFRIES, Vice Chairperson
MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
PETER G. MAY, Commissioner (NPS)
BOARD OF ZONING ADJUSTMENT MEMBER PRESENT:

RUTHANNE E. MILLER, Chairperson

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
ESTHER BUSHMAN, ESQ., General Counsel

OFFICE OF PLANNING STAFF PRESENT:

TRAVIS PARKER

The transcript constitutes the minutes from the Public Hearing held on December 11, 2008.
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6:37 p.m.

CHAIRPERSON HOOD: Good evening ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, December 11, 2008. My name is Anthony Hood and joining me shortly will be Vice Chairman Jeffries, Commissioner May and Commissioner Turnbull.

We are also joined by the Office of Zoning staff, Ms. Sharon Schellin and Ms. Bushman, also the Office of Planning Staff will join us shortly. And also joined by the BZA Chair Ms. Ruthanne Miller.

This proceeding is being recorded by a court reporter and is also web cast live. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.

The subject of tonight's hearing is Zoning Commission Case No. 08-06-7. This is a request by the Office of Planning for the
Commission to review and comment on proposed concepts for text amendments to the Zoning Regulations.

This is one in a series of hearings on various subjects currently under review as part of a broader review and rewrite of the Zoning Regulations. Tonight's hearings will consider regulations applicable to campus plans and institutions.

Notice of that hearing was published in the D.C. Register on October 24, 2008 and copies of that announcement are available to my left on the wall near the door.

This hearing will be conducted in accordance with the provisions of 11 DCMR 3021 as follows: preliminary matters, presentations by the Office of Planning, reports of other government agencies, reports of the ANCs, organizations and persons in support, organizations and persons in opposition.

The following time constraints
will be maintained in these hearings: ANCs, government agencies and organizations, five minutes; individuals three minutes. The Commission intends to adhere to the time limits as strictly as possible in order to hear the case in a reasonable period of time.

All persons appearing before the Commission are to fill out two witness cards, these cards are located to my left on the table near the door. Upon coming forward to speak to the Commission, please give both cards to the reporter sitting to my right before taking a seat at the table.

When presenting information to the Commission please turn on your microphone and speak into the microphone, first stating your name and home address. When you are finished speaking please turn your microphone off so that your microphone is no longer picking up sound or background noise.

The staff will be available throughout the hearing to discuss procedural
questions. Please turn off all beepers and cell phones at this time so as not to disrupt these proceedings. At this time the Commission will consider any preliminary matters. Ms. Schellin, do we have any preliminary matters?

MS. SCHELLIN: No sir.

CHAIRPERSON HOOD: Okay. We are also joined by the Office of Planning, Mr. Parker, and we will begin with Mr. Parker.

MR. PARKER: Good evening. Thank you Mr. Chairman. I'm Travis Parker with the D.C. Office of Planning.

The campus and institutional subject area began in July of 2008 and a working group met through the month of July. At that point at the end of that group, the Office of Planning made a series of recommendations that were passed through our task force at their September meeting and have been on the public web site for review since September.
There are six recommendations that I want to chat with you about tonight that were in our report and you should have a copy of that in front of you.

The first is very similar to the recommendations you've seen in a lot of our other subject areas and has to do with reducing the list of uses and consolidating into single categories and in this case institutional being the category, and you actually gave us some guidance on Monday night regarding this subject and gave us some preliminary approval to go ahead and categorize our uses, and in this case the institutional uses would be treated similarly.

And I want to talk about the comp plan that gives us some guidance particular to institutional uses in this method. It talks about ensuring that large non-profits, service organizations, private schools, seminaries, colleges and universities and other institutional uses that occupy large sites
within residential areas are planned, designed
and managed in a way that minimizes
objectionable impacts in adjacent communities.

The Zoning Regulations should
ensure that the expansion of these uses is not
permitted if the quality of life of adjacent
residential areas is significantly or
adversely affected.

So the comp plan gives us some
basic guidance to find some rules or some
regulations to proactively plan for
institutional uses, including all of those
mentioned, specifically institutional uses in
residential zones. So that's the fundamental
point in recommendation No. 1 which, as I
mentioned, is a follow up to the general
guidance that you gave us Monday at your
hearing on retail uses.

So to move on to recommendation
No. 2 which has to do with the threshold
between special exceptions and campus plan.
The general theory behind these
recommendations is that above a minimum matter of right for institutional uses in each zone, institutional uses would require a special exception, much like private schools do now. Anything above that GFA threshold or potentially student threshold would require special exception up to a point. Above a threshold of 300,000 square feet, that use would then require a campus plan and I'm going to get in in the subsequent recommendations about the requirements of a campus plan and special exceptions. They are very similar but there are some important differences that I want to talk about.

But in terms of this recommendation I want to chat a little bit about how we reach that threshold and what that would mean.

We did a survey of the institutional uses in our city on large sites in residential areas and specifically universities, private schools, hospitals and
churches. And what we found is that there is a great variety of these uses in the 50,000 to 250,000 square foot range, especially private schools tend into the 100,000 to 200,000 range and there are some significantly large church lots in that range as well.

Then there's a large gap before we get to hospitals and our largest seven or eight universities. And when we had originally come to the task force we had recommended or came out of the working group, we had recommended a threshold of about 150,000 but subsequent data in terms of a lot of private schools between 150,000 and 250,000 showed us that there was a more distinguishable gap between the very large institutions and everybody else above 250,000, around the 300,000 square foot range.

So the idea of this would be that only the very large institutions would be required to submit a campus plan. Institutions below that would have the option.
They would be able to submit a special exception if and when they chose, when they wanted to raise their enrollment or expand their facilities or they could go through a process of just submitting a campus plan every ten years and then having matter of right expansions or construction based on that campus plan throughout the course of that ten years.

So it offers a lot of flexibility for the run of the mill and the normal size institutions and the very large ones that the universities and the largest hospitals would have a requirement to do that planning up front at the beginning of the ten years.

A couple of notes on that from our report. We had mentioned GFA, that measurement would be 300,000 square foot of GFA. Our task force recommended and we would second that that also include cellar space. Our current GFA counts don't include cellar space but clearly non-parking or loading
cellar space also holds classrooms and people
and should definitely be included in that
count.

And another note on that one, one
outstanding issue in terms of this
recommendation has to do with multiple
institutions that sit adjacent to each other
or sit on what could be described as a single
campus. There are private schools or
seminaries around universities that function
under different organizational structures but
could be described as sitting on the same
campus or parcel of ground and we've gone back
and forth about how to define when several
different uses comprise one campus or
different campuses.

We posed the question to OAG but
our preliminary indication is that there's no
real way to require a unified campus plan for
multiple different organizational structures
so our preliminary recommendation on that
specific question would be that each
individual organization would submit their special exception or campus plan and could be requested through that to address the cumulative impact of the different related organizations.

Our third recommendation lays out the requirements of the campus plan. A lot of the work of our working group is determining how to better standardize campus plans and how to better ensure that campus plans or campuses were proactively planned, that the work was done up front to identify buildings and uses and impacts.

And we did a survey of campus planning techniques from around the country and worked with all of our existing campus plans in the city and chatted with the working group and we came up with eight categories of items that need to be addressed in terms of these institutional uses in residential zones.

And very quickly the background history of the institution, the mission and
guiding principles of the institution, the facility's plan, and that would include existing conditions and proposed conditions and I'm going to get a little bit more into that in a second, neighborhood context and that includes everything from employee counts, student counts to the interaction between the community and the institution, the edge conditions of the campus.

Fifth would be accessibility and this can include a traffic plan, a loading plan, a multi-modal transportation study.

Six would be conservation and this deals with historic preservation, sustainability, environmental impacts.

Seventh would be landscaping and open space and eighth would be streetscape treatment, things like signage and sidewalks, etc.

These are intentionally not taken into further detail because of the uniqueness of all of our campuses. There are some
campuses where one of the main considerations is historic impact and others that have no specific historic significance. So the level of detail that each of these would be covered in a particular campus plan would shift from institution to institution, the idea being that each campus plan is organized similarly and at least addresses each of these key issues versus our current practice of we just say there shall be no adverse impact but don't lay out what needs to be addressed in campus plans.

So this was a lot of the work of our working group.

Two additional points that have arisen on this one based on comments that I want to call out; first regarding the student and/or employee counts, in some universities there's caps on students and caps on faculty, others there may not be and we didn't necessarily prescribe that this be a counter or cap, that it just be addressed in terms of
these institutions.

But one comment that was made that we certainly agree with is that we should create a uniform method of making those counts, whether that count is turned into a cap or not, so that institutions follow the same general rules and principles when making those counts.

And the second was the potential for a category for corporate citizenship. We do get into in neighborhood context community benefits of the university but there's the idea of more general contributions of the university and that's certainly an option to put either as a separate requirement or something under one of the existing categories.

So those are two comments that have come up that we certainly consider friendly amendments.

The fourth recommendation has to do with second stage review.
CHAIRPERSON HOOD: Mr. Parker?

MR. PARKER: Yes sir.

CHAIRPERSON HOOD: I think we have six recommendations. Why don't we just split them up. We've heard three, or you want us to continue?

MR. PARKER: If I could. I'm going to tie back between them a little bit.

CHAIRPERSON HOOD: Okay. Well go on with the rest of your presentation. Okay?

MR. TRAVIS: Well, the tie between the fourth and the third is particularly important and I think maybe we can stop after that. In laying out these specific things that need to be addressed in a campus plan, the goal is to do more up front planning and to have these institutions, these private schools, these campuses and hospitals that either choose or are required to go through the campus planning process address up front what their needs are over the next ten years in terms of enrollment, in terms of
building additions and do that planning at the outset in conjunction with the community, in conjunction with the Office of Planning.

So the idea is that unlike today's plans where we identify the max FAR of a campus will be 3.5 and we'll have buildings here, here and here that fit these general categories, this will be a lot like what you saw with the recent GW plan but maybe even more specific, we're going to out our science center here and we expect that we'll need 100,000 square feet, and we'll put X building over here and we expect that we'll need 80,000 square feet and it'll be this high. And actually go through a more specific planning process for each building up front.

And the idea being that then there's less need to come back and review each project again a second time later on down the road in five or seven years.

Now this recommendation has shifted a bit. When we came out of the
working group we had at first recommended that there still be a second stage review for the very large projects, the new buildings of 20,000 square feet or more or use changes of 50,000 square feet or more.

The discussion at the task force actually pulled us back and said, you know, if our up front review is as comprehensive as we intend and if we do get into what the FAR and the height and the impacts of each building will be, then there's less of a need to do that at the second stage.

So in the report that you have now we actually pulled that requirement for second stage review at all if the up front review is as intensive as we had planned it to be. Two things that come from that though, there still needs to be review for unanticipated projects, projects that aren't part of the campus plan need to be reviewed but we've set a threshold of 3,500 square feet for de minimis projects, ADA stairwell, things like this. So projects
under 3,500 square feet that weren't anticipated can continue but anything above that would certainly require a change in review of the campus plan.

And there was a second point to that but it has slipped my mind. So I guess we could certainly stop there before we get into the special exception ancillaries if you'd like.

CHAIRPERSON HOOD: Let's keep going. Let's just keep going. We're almost finished.

MR. PARKER: All right. So the fifth recommendation has to do with special exception review. And our intent is that the special exception review would be strikingly similar. It's got five of the same eight categories that were proposed for campus plan review. We've taken off streetscaping treatments since that's usually less of a concern and we don't deal with the background and history or the mission and guiding
principles.

But for the most part, a special exception in this context deals with the exact same issues as the comp plan and theoretically in some cases the review would go just as deep. These are certainly smaller institutions in most cases and won't have the depth and breadth of issues of the larger institutions so they may not, but certainly we want to cover the facility's plan and the neighborhood context and any conservation that needs to be done.

The main difference between the special exception and the campus plan is the campus plan is done proactively every ten years and is good for ten years. The special exception is done reactively, it's done when an institution knows that they have an impending increase in students or when a hospital knows they need to add beds.

So the main difference is that these are done mainly project specific and
would have to be redone for each new project or each new increase in employees or each new change in the conditions.

So the idea between the special exception is that anything under that 300,000 square feet limit would have the choice. They could do an up front plan under the campus plan requirements or they could do a more reactive special exception when they needed it. But the special exception doesn't carry forward. It needs to be done every time that they plan a new addition that wasn't addressed in the previous one.

And the final recommendation would be ancillary uses. Campuses, especially universities and hospitals, campuses of this size tend to have ancillary uses, things like retail shops. Campuses have restaurants and certainly hospitals have gift shops and offices and similar things.

The idea between No. 6 is that we'd address that where it's not addressed in
the current regulations and allow that only through campus plan reviews. So uses that aren't traditionally allowed in these neighborhoods, in residential neighborhoods specifically, would be allowed only as part of a full campus plan review and only when they are ancillary to the campus itself.

One question that's arisen from this one, because this was designed thinking about offices and gift shops and restaurants and retail, was the idea of actual industrial production in terms of power plants. For example, Georgetown produces power on the site. So the concern would be that there should be maybe some limits on what could be considered ancillary uses.

Our office's preliminary thought on this, and this is a new concept to us that we didn't review as part of the working group or task force, but our preliminary thought on this is that in the future we don't expect necessarily that industrial uses would take
the form of a coal or oil-powered plant but they might take the form of things like geothermal power or maybe solar power production on a university and production in a district energy system, as we're learning in our sustainability working group where a campus of buildings shares power production and shares heat and cooling resources, actually is more efficient and more sustainable than buildings of that size pulling it off the grid.

So we certainly don't want to do anything that would prevent local energy production and local district energy systems so we're hesitant to put limits on industrial uses per se for that reason and we feel like the protection would be through the campus plan review. I certainly suspect that the Zoning Commission would be loath to approve new coal firing power plants in residential zones I hope.

But I wanted to throw that issue
out there that has been raised in terms of this ancillary use.

Three issues not related to ancillary uses but three general issues that have also come up. First, is the interim process for universities. Even if all of these recommendations are approved in concept by you, it's still 2010 before new Zoning Regulations would be adopted and we have several universities that are coming up between now and 2010 in terms of new campus plans.

So one thing that we as OP will have to think of and that you as the Zoning Commission might have to think of is whether these are something that universities will be able to follow in the more near term of whether this is something that only submissions made after 2010 would be applicable.

The second issue that I'm sure you'll hear more about tonight is the
relationship between campus plans and PUDs. This came up certainly with the GW case and this is an issue that we don't think is resolvable right not because we don't know what our PUD system will look like at the end of this Zoning -- that's one of our later working groups, one of later subject areas and we're going to dedicate an entire working group just to the PUD process and what that can and should look like. And we think that that might be the appropriate place to determine what the relationship is between PUDs and campus plans.

But we certainly want to make sure and flag that for you tonight as I'm sure others will as well.

And, thirdly, a final issue that's come up is this idea of special exceptions for institutions. Right now special exceptions for campus plans are heard by the Zoning Commission and special exceptions for other things are heard by BZA and the idea is who
would hear what.

    We think that that's also something that we shouldn't resolve now. We're going to have some of our last working groups will be on, OZ will be working on special exceptions and variances and things and we think that's probably the appropriate time to decide who hears what and at what level, etc.

    So those are the three other general issues that have come up but that concludes my presentation and I'm happy to answer your questions.

    CHAIRPERSON HOOD: Okay. Thank you very much Mr. Parker. Ms. Schellin, we're going to start with eight minute rounds and I'm going to go to Commissioner Turnbull first.

    COMMISSIONER TURNBULL: Thank you Mr. Chair. Mr. Parker, you touched on it briefly in your last three items, how do we implement the new campus plan process and you mentioned GW. We've already approved a campus
plan that goes for so many years and there's other universities that have campus plans that have begun. How do you see this being rolled in? On a phased basis?

MR. PARKER: Well, clearly any plan that's been approved, whether it be a special exception for a private school or a campus plan for a university, should still continue for the life that it was approved for.

It seems to me that anything approved after this is implemented, or anything maybe submitted after this is implemented, would be subject to this and plans approved prior to the implementation of this would continue to be subject to the older, the second stage review and the rules that exist today.

But that's a question. I mean if we're requiring more up front, in the interim in 2009 more up front review, is there some give on second stage review for plans that are
approved in that interim period? And that's
an open question right now.

COMMISIONER TURNBULL: Okay. I
guess the other aspect of the campus plan
issue is how do you rule in satellite
facilities?

MR. PARKER: Well satellite
facilities are a separate campus. They have
their impact somewhere else. So a satellite
Mount Vernon for example from GW requires a
separate campus plan. The Foggy Bottom campus
has its plan and Mount Vernon has its plan and
each need to address the impacts on their
local area.

COMMISIONER TURNBULL: What
about just again small one building?

MR. PARKER: Well, there's a
couple of answers to that question. There are
a lot of one building schools in D.C. but the
vast majority of them are in commercial zones
and they're allowed as a matter of right.

COMMISIONER TURNBULL: Okay.
MR. PARKER: Or in our five zones where they tend to be more allowed. We're talking specifically here about in residential areas and specifically low and moderate density residential areas. Again, the one buildings they'd be well below the campus plan threshold, they could generally almost always come in as a special exception should they still be in the neighborhood that requires that.

COMMISSIONER TURNBULL: Okay. I guess the last question is, and I'm glad when we talked about it, you mentioned the ancillary uses and you talked about industrial, whether it's production. I think you are right in looking at the fact that we don't know at this point how we're doing to be picking up energy.

There is a lot of opportunities for things in the future so I'm glad you're leaving that in abeyance.

MR. PARKER: It's something that
did need to be raised but you're right, there
are a lot of issues to be considered.

COMMISSIONER TURNBULL: Okay.

Thank you. Mr. Chair, I'll yield right now.

CHAIRPERSON HOOD: Thank you. Let
me just say it's always good to see the former
chair and member of this commission, Miss
Bennett, good evening. Okay. Who would like
to go next? Vice Chair?

VICE CHAIRPERSON JEFFRIES: Yes.

You can put me but I'm not going to take all
my time. I have a question, Mr. Parker, in
terms of the working groups was there any
discussion around churches in terms of
churches that might become campuses? I mean
I guess we don't see much of that or any of
that or any of that really in the District but
we certainly see it in some of our suburban
neighbors.

Obviously that's a matter of right

but how was that addressed?

MR. PARKER: Well we didn't have
as much discussion in the working group although I have had some discussion and heard some comments since.

The issue is that right now churches are allowed at any size in any neighborhood as a matter of right. And to some extent that should definitely continue, especially for existing churches we don't want this to create new burdens for existing churches to continue their mission.

The thought process behind all of this, and I assume behind the comprehensive plan that sort of gave us our direction in this, is that there comes a size of institutional use in a single family residential neighborhood that has impacts in terms of the number and so the types of new churches that we're seeing today, not necessarily in D.C. but like you say elsewhere, are not neighborhood corner churches. They're mega 10,000 square feet churches.
So should one of those want to open its doors in a residential neighborhood, right now that would be a matter of right.

VICE CHAIRPERSON JEFFRIES:
Right.

MR. PARKER: And the idea under the new system is that institutional uses that are small in neighborhood size are still a matter of right. Above a certain size though they're going to have to start requiring a special exception and above yet a higher size, that 300,000 square foot which by the way is the size of about four National Cathedrals. I think the National Cathedral, even though it's huge interior space it's only one story obviously the footprint's only 75,000 square feet, something in that neighborhood. Ah basement, fair enough.

But then once you cross that 300,000 square feet and have that many people coming in and out of whatever use it is, it requires yet that next stage of review.
So the thought being we certainly
don't want to and I have had discussions about
whether there should be exemptions for small
additions to existing churches and things like
that because we don't want to pull existing
churches into having to do a campus plan for
a small addition or for a change in the types
of things that they do in their building. But
we certainly want to have neighborhood review
for large new uses.

VICE CHAIRPERSON JEFFRIES: Yeah,
I have personal experience with this in
Chicago, I mean my beloved church. But it
would continue to buy buildings in the general
area, buy lots and the next thing you know on
Sundays, and in fact even some week nights it
was probably a huge strain on that community.

So it's just interesting and I'm
sort of surprised there hasn't been more of
that, maybe because there are so many older
churches and it's just so little horizontal
expansion that can happen in the District.
So at this point what's being proposed is that even for a church, after a certain size it would still require a special exception?

MR. PARKER: Right.

VICE CHAIRPERSON JEFFRIES: Okay. Great. The other question I have and I'm going to go to the campus plan, the second stage review. So your question was if its situation during the first stage that is fairly comprehensive, meaning that the university has said four years from now we're going to build 100,000 square foot building at X place and then another location we're going to build a gym and they sent those square footages off and they put the plan in place, they have all the transportation, all the various things to get us comfortable that this is going to make sense and not have any impact on the adjacent communities, what will trigger a review if there is a change in the certain square footage of a building.
Let's say they're telling us during the first stage it will be 100,000. Is there going to be a number that triggers a second review because obviously plans change?

MR. PARKER: Well, I guess that's the question, are you talking about a number more than 100,000?

VICE CHAIRPERSON JEFFRIES: Right.

MR. PARKER: I would say that 103,500 square feet I mean we offered that.

VICE CHAIRPERSON JEFFRIES: The 3,500 would trigger?

MR. PARKER: That would make sense, yes. I guess that had been anticipated for additions to existing buildings that were unanticipated. I hadn't though before you asked the question whether that could be applied. It probably shouldn't. If we go through a planning process and say the maximum this will be is 100,000 then it probably should be the maximum of 100,000 and it could
go down.

VICE CHAIRPERSON JEFFRIES: I mean would it be viewed as almost a minor modification of some sort? I mean I would imagine if we're looking at 100,000 square foot building then it grows 2,000 feet, it shouldn't have to come back through there.

But I mean it's just something to think about in terms of what's the trigger there.

MR. PARKER: And keep in mind that our original recommendation had been, regardless of how thorough the up front review is, that projects of a certain size, 50,000 square feet or something, should still go through a second stage review.

Now we've gone away from that and said you know we expect the first stage to be comprehensive enough that it's not needed, but we're still open to the idea of a threshold of second stage review.

VICE CHAIRPERSON JEFFRIES: And
then my last question is the PUD versus campus plan. Just refresh my memory in terms of the concern, without getting too deep into it, is the question in these campus plans that there should be amenities that enure to the adjacent community in the campus plans that somehow get missed? What's the tension?

MR. PARKER: I think the concern is, and I'll be corrected if I'm wrong, I think the concern is that campus plans lay out a series of rules and we know your campus you have to play by these rules, you can go up to this height and you can apply for these things. Whereas a PUD is more negotiated and less certain up front. And I think the concern is that the PUD allows more discretion and flexibility that isn't necessarily appropriate in the campus plan.

Now the campus plans as it lies here requires campus to address all off these things but it certainly allows flexibility in where buildings are placed and how much total
FAR. So I suspect that there will be less need or less demand ever to combine a PUD with a campus play like we did with GW. That was a function of limitations in our current system. But it remains to be seen what the PUD system ends up looking like.

VICE CHAIRPERSON JEFFRIES: Okay.

Thank you.

CHAIRPERSON HOOD: Okay. Chair Miller, you want to go next?

BZA CHAIR MILLER: Okay. Sitting on the BZA I only see half of this equation basically, that being the special exceptions. And I guess I'm wondering, you're recommending a very basic change to regulate institutions from type to land size, and I'm wondering if you can identify what was wrong with the system that's in place now and why is the new way of doing it better?

MR. PARKER: Well, the thought being that there's more impact on a neighborhood based on the size of institution
than its name, so a private school with 1,000 kids has more impact than a university with 100.

So there's more relationship between a large private school and a large university than there is between -- or a large, you know what I'm saying, the name has less to do with the impact than the number of users. Same for a hospital, same for every-- I mean a church has a matter of right use but a church with 10,000 people coming in and out of it has more impact than a small private school which has to go through a review.

So that's the general concept behind it. It's how it's done in a lot of other places and it's the direction that the comprehensive plan gave us that we need to do more proactive planning in terms of all of these institutional uses.

BZA CHAIR MILLER: Okay. That's a good explanation. I'm wondering have you gotten any feedback from religious
organizations with respect to a greater burden on them to come under special exception?

MR. PARKER: I have and I know there's a concern about you know they are traditionally matter-of-right and everything that they do under their mission is matter of right and there is a concern of existing institutions being required to do a special exception for a minor addition or a minor change and that's certainly something that we're aware of.

The intent of this is for big changes in program, big additions or, even more importantly, big new uses would have to go to this process and we're certainly open to some minor flexibility for existing uses.

The difficulty comes in when we say that we're regulating institutional uses the same and then calling one out for exceptions that we don't call the others out for.

BZA CHAIR MILLER: Okay. And you
did say for instance if there's an independent school that has two separate campuses and each campus falls under the threshold for--

MR. PARKER: Separate geographically?

BZA CHAIR MILLER: Yes, geographically. They're just treated individually because of their impact on the specific neighborhood right?

MR. PARKER: Correct. Correct.

BZA CHAIR MILLER: Okay. I think you also talked about in the master plan if there were like minor changes that were going to be made they wouldn't have to come back for approval, is that right? Like you know to comply with the ADA requirements?

MR. PARKER: Yes. The recommendation is if you complete a campus plan it's good for ten years and you can come in and do anything that's in your campus plan as a matter of right. If it's not in your master plan you have to come back to the
Zoning Commission for review but we've set that threshold at 3,500 square feet so if you have an unanticipated, like you said ADA addition or stairwell that you need or something like that that's under that 3,500 square feet, you know the size of a large house, then you can continue through that as a matter of right.

BZA CHAIR MILLER: Okay. My question is did you consider that for the special exception as well? I mean I ask that because every once in a while we do see somebody come back and it's such a minor thing it doesn't seem like they really should have to come back.

MR. PARKER: That's fair. The difference being that the campus plan has done an up front planning process and said this is what our campus will look like over the next ten years. The special exception might be 15 years old or an existing institutional use without a special exception.
I see your point that if you've had a recent special exception approved and the addition that you requested bumped up slightly, there should be some minor modification allowed to that.

BZA CHAIR MILLER: I mean it's something say a school has a locker room or something, it's clearly minor.

MR. PARKER: Right.

BZA CHAIR MILLER: And I just wanted to see if that was something that you considered or you might want to consider?

MR. PARKER: We're open to that.

BZA CHAIR MILLER: Pkay. That's all I have right now.

CHAIRPERSON HOOD: All right.

Commissioner May?

COMMISSIONER MAY: I'll speak for less than eight minutes. I can't guarantee what Mr. Parker will say though. You never know how long he'll take. No, actually my list is fairly short today.
The first is sort of a minor clarification. I think when you're talking about ancillary uses you mentioned that it would really only be applicable if there was a campus plan.

MR. PARKER: Um-hmm.

COMMISSIONER MAY: So what you're projecting is that there wouldn't be any ancillary use for relatively small private school kind of situation?

MR. PARKER: Any uses not traditionally allowed, any retail stores or power plants.

COMMISSIONER MAY: Right. I'm not imagining power plants but I am remembering that the private school that I once attended had a very small bookstore in it. And I mean it was a room within the building but it was an actual bookstore, you had to pay and buy the book. Go and pay for your books and you could buy sweatshirts and that sort of stuff.
MR. PARKER: I mean we'd be open to some minor.

COMMISSIONER MAY: I think there needs to be, I think that an automatic trigger of having to have a campus plan in order to have ancillary uses, you either have to very carefully tailor the ancillary uses or you have to have some sort of other process for that.

MR. PARKER: That's fair.

COMMISSIONER MAY: Because some of these things I think can be very small but they would still technically fall into those other categories.

MR. PARKER: Fair enough.

COMMISSIONER MAY: The campus plan versus a PUD, this is just a couple of mentions of things that I think are things to keep in mind as you step into the PUD process. I have no specific direction here or thoughts about it, I just want to make a reminder that with GW there have been I don't know how many
PUDs in total, I'm aware of two with GW and one was a joint effort of the School-Without-Walls which had its extenuating circumstances which made it really the only viable means of doing that development. So I would hope that something like that is kept in mind in how this is formulated.

And then of course there was another case where there was I believe a hospital in which the Zoning Commission insisted that it be treated as a PUD in its development.

VICE CHAIRPERSON JEFFRIES: Sibley?

COMMISSIONER MAY: It was Washington Hospital Center. Remember that one?

VICE CHAIRPERSON JEFFRIES: Oh I definitely remember. I was wondering why you were looking this way.

COMMISSIONER MAY: I was looking at you. I don't remember much of the lessons
learned there but I think there probably were
some lessons learned there so it's just
another thing to keep in mind.

And lastly is what about public
schools? I am a big supporter of public
schools and I'm not looking to complicate the
already complicated lives in the development
of public schools.

However, because of the expanding
use of Charter Schools and even the evolution
of the public school system whereas it used to
be exclusively a neighborhood serving
enterprise and more and more there are
locations that are children are driven to
because they're going to school out of
boundaries or what have you.

And of course in the Charter
Schools which are inherently not or usually
not neighborhood serving and so there's a
greater automobile impact, and I'm wondering
if in the process of considering this whether
you're actually going to look at the
definition of public schools and how they
should be either incorporated or addressed
separately to deal with those unique
circumstances.

MR. PARKER: They are
specifically excluded from this and we had
proposed in our report on uses, a separate
category for local government uses including
public schools and Charter schools and we
haven't looked at what the requirements on
those uses would be, but that is on our radar.

COMMISSIONER MAY: I think it is
something that needs to be addressed one way
or another. I think the idea of doing it as
part of local government uses might be
appropriate but you might be dealing with a
completely different set of impacts so you're
dealing with a model that's less closely
aligned. It may be that it actually does fit
better here in certain ways, particularly
since at a certain level of development it
could be treated as a matter of right.
And I think if we're focusing on impacts that's a good way to get to that. And then you get out of the whole question of you know public school, Charter school, private schools. I mean I know we already asked and answered the question of whether a Charter school is a private school but I'm not sure that answer's completely settled with everybody. So thanks.

CHAIRPERSON HOOD:

Congratulations Commissioner May.

COMMISSIONER MAY: Two fifty to go.

CHAIRPERSON HOOD: Thanks to Mr. Parker. Chair Miller had a follow up and then we'll see if we need to do another round.

BZA CHAIR MILLER: I just want to respond to Commissioner May's comment about the bookstore in the school. Under the law now it's treated as an accessory to the school, it's incidental to the school, so it's allowed. If the school's allowed, its
Accessory is basically allowed but there would be a distinction between ancillary and accessory things.

I guess an ancillary thing would be something more separate. If they had a café that other people outside of the campus attended or something or a commercial bookstore or something but not one where they're selling their own supplies.

MR. PARKER: We've definitely struggled with this primary accessory uses when we get into this idea of use categories versus particular uses, and it's something that we're struggling with as far as how to define accessory uses, whether to define accessory uses, because you're right. There are some things that are clearly accessory but there comes a point where the bookstore is big enough to have -- where a Barnes & Noble inner use has an effect.

So again it's getting away from what it's called and trying to get down to the
size and impacts.

CHAIRPERSON HOOD: So just to clarify, accessory uses are going to survive in this process?

MR. PARKER: We're working that out.

CHAIRPERSON HOOD: Or you're trying to address them under the category of ancillary uses in this structure?

MR. PARKER: This was intended to be, or this was addressed at stand alone, at a McDonald's, you know, at a use not within the building or accessory to. But we haven't yet created an adequate definition of accessory. But that's on our agenda.

CHAIRPERSON HOOD: Okay.

COMMISSIONER MAY: All right.

Thanks.

CHAIRPERSON HOOD: Okay. Mr. Parker, in recommendation two and I'll read the first sentence, "Institutional uses in residential zones with 300,000 square feet of
total gross floor area, or more, would be required to submit a campus master plan before they can be established or expanded."

I'm not going to call on any particular college or university but I think that there was an instance where the Office of Planning started talking about reaching the tipping point. I think that was a new word, at least it was new for me, it may not have been new for anyone else.

How will this recommendation relate to when we start looking at the tipping point?

Case in point I've always thought about Jackson, Mississippi when Jackson State got read to expand they just bought the land and kept on moving out. Unfortunately, right now in this city we can't do that. And colleges should have the right to expand to some degree but how are we going to strike that balance and find a balance, especially when I look at this and it says "establish and
expand" 300,000 square feet you know when do we stop? I guess it's a question.

MR. PARKER: If I could answer that question you'd have to pay me a lot more. No, I mean that's something you have to examine with every campus plan. I mean every campus plan has unique issues, has unique neighborhoods and has unique relationships between the two. And the goal of this is to get as much information on the table as possible and have every university and every neighborhood know up front what they're addressing and what's on the table.

Then it comes down to our job and your job to balance between all those things and determine when to put the brakes on.

CHAIRPERSON HOOD: Okay. And I know you asked us not to look at whether the BZA or the Zoning Commission should handle certain things. That was an issue for me, I guess about a year or so ago and that's something that will come later.
But I think, and I would like to hear from others, when it gets to that point it should be basically in one place. That's the way I feel about it.

Now whether it's the BZA, I know the Zoning Commission took some of it back, I just thing this should be predictable as to what the government, or at least this mayor, is trying to do, it needs to be predictable.

MR. PARKER: I agree.

CHAIRPERSON HOOD: And the only other thing I would ask is when you look at best practices start leaving Chicago out because I have two people from Chicago to my left. Okay.

VICE CHAIRPERSON JEFFRIES: Because of the recent things right.

CHAIRPERSON HOOD: By the way Vice Chair, where was that church at?

VICE CHAIRPERSON JEFFRIES: Trinity United Church of Christ, Jeremiah Wright's church.
CHAIRPERSON HOOD: Oh in Chicago?

VICE CHAIRPERSON JEFFRIES: Yes

in Chicago, right.

CHAIRPERSON HOOD: Did the

president-elect go to church for a few years?

VICE CHAIRPERSON JEFFRIES: Yes, he did.

CHAIRPERSON HOOD: Oh okay.

Chicago. Any other questions colleagues?

COMMISSIONER TURNBULL: Mr. Chair,

I just had one more.

CHAIRPERSON HOOD: Sure.

COMMISSIONER TURNBULL: On the 300,000 limit you've listed several universities and colleges that are about that threshold. Without going back, are they well above that?

MR. PARKER: They're in the millions, yes.

COMMISSIONER TURNBULL: Are there any private schools like K through 12 that are bordering that or close to that?
MR. PARKER: I think there are some in the 250,000 range to the best of my knowledge, 250,000, 260,000 range. That 300,000 square foot threshold was meant to be above all of the existing private school and all of the existing conglomeration of uses that are below that level, and it's quite a bit below the uses on the list in that report. So yes, to the best of my knowledge it is larger than any private school we have now.

COMMISSIONER TURNBULL: Okay. I guess I was just looking at the, I think we've had a couple of comments or in letters but possibly a hardship issue for some schools in that range that if they get above that--

MR. PARKER: Only if they do a lot of expanding.

COMMISSIONER TURNBULL: Okay.

Thank you.

CHAIRPERSON HOOD: Okay. Any other questions? Okay. Let's go with our witness list and what I'm going to I'm going
to call Mr. Ron Lewis, ANC-2E up first and he
has a question mark for both. Oh I'm sorry.
Let me ask you this then.

VICE CHAIRPERSON JEFFRIES:

Plagiarism.

CHAIRPERSON HOOD: Are you a
proponent or opponent?

MR. LEWIS: It's fair to say
we're both. There are many things we like a
lot as you'll hear about this, and then we
have to serious questions.

CHAIRPERSON HOOD: Okay. Well
it's only one person down like that so we'll
go ahead Mr. Lewis and you can begin.

MR. LEWIS: Thank you sir. My
name is Ron Lewis. I live at 3400 Reservoir
Road, I've lived there for many years and I'm
an ANC-2E commissioner for the communities of
Georgetown, Burleith and Hillandale.

We have a big stake in these
proposed regulations because Georgetown
University and Georgetown Hospital are in our
community. There's a lot to like about our university and our hospital. We know this and we appreciate this.

At the same time, along with the good they bring very substantial and often adverse impacts on our community. We all know what they can be, student conduct and drinking off campus including late night noise and disruption, crowded group houses, the impact of a university and hospital transportation system that carries over a million and half passengers a year through our neighborhood.

On campus events and facilities that draw large crowds, the heightened effect of all of this on the fragile infrastructure and built environment of one of the nation's only communities to be designated a national historic landmark area.

These and other impacts need to be regulated carefully and we welcome this comprehensive review of the applicable zoning
I have only three points to make this evening. The first is genuine praise and appreciation for the overall job the Office of Planning has done on this, including stakeholder input. We support the focus of the proposed regulations which follow the comp plan's direction to ensure that large universities minimize objectionable impacts on adjacent communities. That's at the heart of it and we strongly support that.

We particularly appreciate the specific inclusion of student and employee counts and the recognition that caps can be appropriate regulatory tools.

Our university, for example, includes a big for profit hospital with significant expansion aspirations, an on campus hotel and a to be proposed convocation center. And these and other such uses can have major community impacts. So employee counts no less than student counts really are
an important tool for these regulations and we're glad OP has included that.

Our second major point is that we urge further work on the issue of second stage review to strike a better balance between too little and too much. And I was pleased that Mr. Parker's comments suggested that that area is still in a state of examination and that this might be possible.

Having everything done up front is maybe theoretically possible but it's a radical change from the regulations that exist now and it puts a lot of pressure on a huge amount of information coming within an already complex plan.

When the inevitable changes are made down the road, because some of the buildings in these plans aren't even built, they don't even go to construction, you know, design development for five, six, seven and eight years, when the inevitable changes come an all up front system invites controversies
over whether the use has changed sufficiently to treat the actual project as one not included in the original plan. And we want to avoid those controversies if we can.

So our suggestion is to look for something in-between that maybe has a safety valve, certainly for projects such as Georgetown's that are going to come up within the next year. I mean they have not been preparing for all up front. They can speak for themselves but I know they're working hard on the plan, we're working very cooperatively with them to the maximum extent possible.

There needs to be some kind of transition arrangement. We've suggested possibly one in our written submission to treat as national historic area as requiring secondary review because they have to come in anyway for historic design review. And it's not a big penalty or inconvenience to come in also for second stage.

There may be other mechanisms. For
example, have second stage review if one of
two things happens. One is the university
asks for it, which could happen, if they're
not prepared to do all the work up front. And
the other is if the ANC asks for it.

CHAIRPERSON HOOD: Let me go
ahead and get your closing thought. Go ahead.

MR. LEWIS: The closing thought
I'll mention very briefly our third point. I
was delighted to hear the discussion about
industrial uses, that Georgetown does have a
big power plant and if they want to make it
bigger it shouldn't be fossil fuels and I was
very happy to hear that discussion.

With that I will conclude the
presentation and be happy to address any
questions you might have.

CHAIRPERSON HOOD: Okay. Any of
my colleagues have any questions of
Commissioner Lewis? Okay. Thank you very
much.

MR. LEWIS: Thank you very much.
CHAIRPERSON HOOD: Okay. We're going to begin with the proponents, Ms. Sally Kram, Elizabeth Downes and I guess we have, okay, let's see, Kate Lindsey and let's see if we can get one more, Kathleen Minardi. Hopefully you can correct me when you get-- We have five? Okay. Five, okay, that's fine. Okay, we'll begin with Ms. Kram and I think this whole panel has five minutes right? Okay. Each. You all have five minutes each. We'll start doing five minutes collectively.

MS. KRAM: Thank you Chairman Hood and it's K-r-a-m just for the record.

CHAIRPERSON HOOD: Thank you very much.

MS. KRAM: Good evening Chairman Hood, Commissioners and staff. My name is Sally Kram and I'm the Director of Government and Public Affairs for the Consortium of Universities of the Washington Metropolitan area, a regional organization representing the 15 major institutions of higher education in
the Greater Washington community.

I'm here this evening to speak on behalf of the District of Columbia members who would be affected by changes to the zoning code as it relates to campus plans and university development. Those members are listed in my written testimony.

I want to thank the Commission for the opportunity to testify tonight as well as the Office of Planning for its good work and inclusion of our organization in this process. And I want to list one by one our comments on the individual recommendations.

On recommendations 1 and 2 we support.

Recommendation 3 we also support but with the following caveats. As Mr. Parker mentioned on the good citizen kind of discussion we support the addition of a 3A citywide benefits. The effect of campuses on their immediate community must be considered always in this process but we believe the
comprehensive plan took a broader view proposing that higher education sector presents an important asset to the District economy and thereby allowing some balance between the specific neighborhood impacts and the broader need for growth.

We therefore think it's only appropriate that the campus plan regulations allow for a specific delineation of how the institution contributes to the District's character, culture and economy, which is language from the comprehensive plan also.

As to the discussion of counts or caps, we recommend that, well we strongly urge that the Zoning Regulations omit any reference to population caps at all, and I distinguish between caps and counts.

We believe caps are inappropriate and unnecessary.

Regulations addressing the size and number of buildings as well as traffic impact studies adequately address the impacts
of the institutional populations on surrounding communities. Caps on employment are particularly problematic since they directly conflict with comprehensive plan language which, as described in my written testimony, condones the growth of universities as employment centers.

Student caps are not specifically discussed in the comprehensive plan but we believe that regulating them would be a mistake and that what the Commission might want to consider is retaining its policy of flexibility towards these caps in order to craft them to reflect the unique circumstances and context of each campus and its community.

Three. Clarify the language in the historic considerations and environmental impact requirements of the conservation section. There is some confusion as to what this language intends beyond what is already required by law, particularly in historic preservation and environment. And we would
ask the Commission to assist in more clearly defining the types of review materials that would be necessary at the campus planning stage as opposed to what's generally required subsequently at the construction stage and permitting stage.

As to point 5, we support this section as well with the caveat we believe that projects consistent with the campus plan, where the detailed information has been provided, should go forward without additional review.

We have concerns about a proposal presented on page 11 of the OP Report calling for review of campus master plan conditions for each building or certificate of occupancy application. We think it would unnecessarily delay C of O considerations. As to permits, we think that it would add another layer of review in already review laden process, even further delaying construction of projects that have already been approved. So we would
suggest that that recommendation be reconsidered.

The Consortium has no position on the 5th recommendation because it doesn't apply to universities.

On the 6th recommendation we had no position when I wrote this testimony but hearing the discussion on ancillary uses we would like to continue the conversation on particularly the energy issue going forward.

Thank you for giving me this opportunity to present the views of the Consortium and I welcome any questions you may have.

CHAIRPERSON HOOD: Okay. Thank you Ms. Kram. Ms. Downes?

MS. DOWNES: Yes. Good evening. Thank you for giving me the opportunity to present to you tonight. My name is Elizabeth Downes, I'm the executive director of the Association of Independent Schools of Greater Washington. AISGW is a non-profit voluntary
organization made up of 84 schools in the District of Columbia, Maryland and Virginia. Twenty-five of these schools are located in the District, 16 of those are in Ward 3.

AISGW provides professional development and information sharing services, encourages high educational standards and monitors the collective interests of the area's independent schools. The Association is not a lobbying organization, nor does it represent the specific interest of any individual member schools.

The Association as well as its member schools participated in the working group process and we're very pleased to be here tonight to support generally OP's recommendations as well as to recommend a few additional ideas.

Given the difficult and unpredictable experiences our member schools have had with the BZA special exception
process, we applaud OP's efforts to provide consistency and predictability in the regulations and hopefully to achieve a more streamlined and less expensive process for our schools.

We also support having all of the institutional uses being heard by the Zoning Commission, whether it's the campus plan or special exception process. AISGW values variety and diversity in its membership. Our schools range in size from 51 to 1,400 students. The average enrollment is 440 students.

These include boarding and day schools, single sex and co-educational schools, elementary, middle and upper schools with various combination in-between, traditional and alternative schools, non-sectarian church and church-related schools. Each school is government by a Board of Trustees, is independent in its governance and finance, has a stated policy of non-
discrimination and admission and employment
and is incorporated on not-for-profit basis.

    All schools are accredited except
those newly established which are undergoing
the process of becoming accredited.

    Let me provide a few quick
statistics. Almost 24 percent of the students
enrolled in D.C. schools attend non-public
schools, a total of over 2,100 students,
11,000 of those are enrolled in AISGW schools.

    AISGW schools actively recruit
students from diverse backgrounds and provide
significant financial aid, 19.6 percent of
students attending our member schools receive
need-based aid, and these are funded by the
schools themselves at a cost of approximately
$28 million dollars annually. 34.5 percent of
the students enrolled in our schools are
students of color. For most of these schools
salaries are well below public schools
salaries, endowments are very modest, staffing
is tight and budgets, especially these days,
are very stretched.

Given the costs associated with the campus plan process we support OP's recommendation No. 2 which gives institutional use the option of either doing a campus plan or a special exception, the current procedure.

Additionally, we would like to clarify that the size threshold of 300,000 applies to GFA and not below grade space.

We'd also like to clarify that if more than one school or institutional use is located on a campus, each is treated as a separate use in terms of determining the size.

And, lastly, we'd like to support the recommendation that once a campus plan is approved all construction and uses approved in the plan may proceed without further commission review.

We also support OP's recommendation No. 4 which allows unanticipated projects to proceed as a matter of right provide they contain fewer than 3,500
square feet of GFA.

    We recommend, however, that the threshold be higher and would like to see 5,000 square feet. We also recommend that the same threshold apply to the special exception process, a point that was made here earlier tonight.

    We support OP's recommendation No. 5 which outlines the information required as part of the special exception application. Our additional comments regarding No. 5 relate to the student and faculty count issue. To the extent that OP is going to come up with a standard definition applicable to all schools, the schools would like to be engaged in that process with OP.

    Also, if any new definition results in a school being raised over its cap, an adjustment would be made to raise the cap in order to ensure compliance with the new definition.

    Discussion of items listed under
conservation, that being historic
sustainability and environmental issues,
should be in a general context and should not
be interpreted to mean the designation of
landmarks or the preparation of an EIS. The
Commission should continue to defer to the
agencies that have authority over historic
preservation and environmental issues.

CHAIRPERSON HOOD: Can you give
us your closing thoughts.

MS. DOWNES: Finally, we support
OP's No. 6 recommendation to permit ancillary
non-residential uses within campuses. However,
we would like this to also extend to the
special exception process. We recommend that
schools be permitted the same flexibility to
serve the needs of their students with non-
residential uses.

I have submitted a copy of my
testimony and I thank you for this opportunity
and I'm glad to answer any questions.

CHAIRPERSON HOOD: Okay. Thank
you. Ms. Minardi? Hopefully I'm pronouncing it right.

MS. MINARDI: You are pronouncing it right. Good evening, I'm Kathy Minardi from the Aidan Montessori School, a small non-profit board governed school located in the Woodley Park community.

I'm pleased to be here this evening representing the small schools that are a part of the Association of Independent Schools and to present testimony in support of OP's recommendations.

Let me start by telling you a little about our school and our history with the zoning process as it currently exists.

Aidan accommodates toddler, preschool and elementary grades for children between the ages of 18 months and 12 years. Since its founding in 1996, our school has accepted children without regard to race, color or creed. Of the 155 families currently served by our school, 70 percent live in the
District and 32 percent are from our nearby neighborhood.

We provide the community with much needed educational programs, particularly for children under five. This is especially important in the D.C. Public School system since it does not provide pre-kindergarten programs for all families in need of such services and provides no nursery and toddler programs.

In 1991 we were displaced from our location at the Temple Sinai Building at 3100 Military Road because of the success of the Temple's religious school and its desire to develop its own child development center.

We sought special exception approval to relocate at 5501 Utah Avenue, immediately adjacent to St. John's College High School. Our application was filed in 1990, public hearings were held in 1991 and in the fall of 1993 we were turned down despite our many, many efforts to revise our plans to
accommodate the communities and the OP's concerns.

Subsequently we were able to relocate at 2700 27th Street, N.W., our current location. In 2004 we filed an application to make modest changes to our school and again met with community opposition from that neighborhood.

Not willing to undergo another costly and time consuming legal battle, we withdrew that application.

Based on our experience and that of other schools we support OP's recommendations to provide consistency and clarity to the special exception process. Right now the regulations provide only vague guidance as to identifying impacts from institutional uses. The phrase "so that it is not likely to become objectionable" unquote leaves it up to the community and OP to anticipate the impacts and the phrase has even been used to suggest that the sound of
children's voices is an objectionable impact.

We support OP's recommendation No. 5 to create special exception criteria for institutional uses. We also want to recommend, however, that for small schools such as Aiden, which has only 18,000 square feet of GFA and a small student population, that the level of detail required in its submission should be less than what would be required for the larger schools.

Specifically, we offer the following recommendations. A school that is simply coming before the Commission to change its student or faculty caps or for some other minor issue should not be required to address all of the criteria. A simple statement that these are not applicable should suffice.

Further, the level of detail required should also reflect the unique characteristics of the school, particularly pre-schools and schools that have lower GFA and hence lower impacts.
In terms of proposed conditions, future needs, we recommend that this information is only required if the school is proposing new buildings. Otherwise, a simple statement that it is not applicable should suffice.

Finally, community benefits should not mean negotiation of an amenities package similar to a PUD application, and a community benefit should also include recognition of the role that the school has played in the large community. Like other schools, Aidan has a strong commitment to the community and we instill in our students that message.

Every day Aidan students are actively involved in community activities and the celebration of fundamental human values. We respect individual differences, value partnership, seek cooperative approaches in our planning and problem solving, believe in hard work and aiming for one's personal best.

CHAIRPERSON HOOD: Just give us
your closing thought.

MS. MINARDI: Okay. Aidan is fortunate to have developed close partnerships in our neighborhood but aside from being a good neighbor, those partnerships have been formed because our neighborhood would oppose our adding any additional space such as a gym or a meeting room.

We have spent a great deal of time and effort developing strong relationships across the District, including community service to many needy, underprivileged children in the area.

Thank you so much for the opportunity and I'm happy to receive your questions.

CHAIRPERSON HOOD: Okay. Thank you very much. Ms. Lindsey?

MS. LINDSEY: I'm Katie Lindsey, I'm the chief financial officer at the Georgetown Day School. Georgetown Day is a private independent school established in 1945
as the first racially integrated school in the
District of Columbia.

I'm here this evening to support
OP's recommendations and to thank them for
listening to our concerns as we went through
the working group process over the summer.

Let me begin by telling you a
little bit about Georgetown Day. The school
was founded by seven families who wanted to
create a school that was committed not only to
academic excellence but also academic and
educational innovation and a value system
emphasizing appreciation and respect for
others.

Because they wanted the children
of all races to learn together, the founders
established GDS as a school where all would be
welcome. The school strives to maintain a
diverse community of students, teachers and
parents. Approximately 37 percent of students
as well as faculty are of color. Committed to
fostering the intellectual and ethical and
spiritual dimensions of the students, GDS encourages respect for a variety of beliefs represented in the student body.

GDS is based on two separate 5-acre campuses in Northwest D.C., the lower middle school at 4530 MacArthur Boulevard and the high school at 4200 Davenport. The high school was recently completed with a large expansion and renovation. The facility now features a spacious student forum, humanities and science wing, extensive performing arts complex, athletic facilities that include a double gymnasium, indoor track, all weather field, home and visitor locker rooms, fitness and wrestling rooms and a new administrative suite of space, as well as an underground parking garage that accommodates 150 cars.

The lower middle school which was renovated and expanded in 1998 accommodates a variety of needs from pre-K to 8th grade students with a new playground, all weather athletic field, full gym, black box theater,
science labs, library, art studios, technology
and media labs and a student lounge for the
7th and 8th graders.

The lower school's large multi
purpose room serves as a center for after
school activities.

Georgetown Day School was
established, the high school at its present
location in 1985, the school is permitted to
enroll up to 465 students and employ 95 full
time equivalent faculty and staff.

The school's mission, the students
are required to complete a very rigorous
community service and an interdisciplinary
academic program. In 2002 the school applied
for a special exception to increase its
student enrollment. The application was
approved by the BZA order of 16-9-44. The
order approved the student enrollment of the
current 465 and a faculty and staff of 95.

In 2004 the BZA application 17-1-
70 approved the major expansion of the
facility. We have recently filed an
application with the BZA to increase our
student enrollment from 465 to 500 and our
staff from 95 to 100 to incorporate some new
and expanded academic programs including the
use of Arabic and advanced sciences.

I am here today specifically to
support OP's recommendation that each campus
be treated as a separate institutional use and
also to recommend that the community benefits
concept include city wide benefits.

As to the first point, each of our
campuses is unique and is located within a
separate ANC and community association.
Accordingly, it makes the ultimate sense to
treat each as a separate institutional use. OP
has proposed that and we support that
recommendation completely.

We also believe that to the extent
that there's more than one institutional use
on a single campus site, for example the
National Cathedral and St. Alban's, each
should be considered a separate use in terms of calculating whether the use crosses the 300,000 GFA threshold, 300,000 square foot threshold.

With regards to the community benefits we strongly recommend that this concept includes consideration of city wide benefit. Community service is an integral part of our academic program, it provides a link between the classroom and the outside world that brings together greater relevance and meaning to both.

The reinforcing of academic skills, participation in the program enables students to become socially adept in ways that will provide vitally important opportunities throughout their academic careers. The real life situations that students encounter instill decision making skills, improve self reliance and develop the ability to act responsibly. Involvement in community service provides GDS students with an invaluable
education navigating an increasingly multi-
cultural and independent world.

Recent and upcoming community
service projects just this year alone include
the December gift giving. This year our
holiday gift giving will focus on KID Power,
mitten tree, the Thanksgiving pie bake and the
coat drive.

CHAIRPERSON HOOD: Just give us
your closing thoughts.

MS. LINDSEY: Okay. As you can
see from the list that we have submitted as
formal testimony, our community service
addresses the city as a whole and we believe
the regulation should recognize these
important city-wide benefits and I welcome any
questions that you might have.

CHAIRPERSON HOOD: Thank you all
for your testimony. Colleagues, any questions
of this panel?

BZA CHAIR MILLER: I do.

CHAIRPERSON HOOD: Chair Miller
and then we'll go to Commissioner May.

BZA CHAIR MILLER: Is it Ms. Minard?

MS. MINARDI: Minardi.

BZA CHAIR MILLER: Okay. I just want to ask you are you of the opinion that the change in the regulations being proposed by Office of Planning would alleviate legal battles from community opposition?

MS. MINARDI: Well certainly the process includes the give and take between a community and a school but it would create really a greater template that would be followed without variance so that there is an actual process that's used in each and every case. So that would be welcome.

BZA CHAIR MILLER: I mean is your point you think it would be preferable, for instance, if you didn't have general language about objectionable impacts that instead they were specified more clearly so that there was more predictability as to what would be looked
MS. MINARDI: I think that objectionable impacts need to be more deeply clarified, particularly I personally as an educator find it offensive to see children's voices as an impact unless there was some extenuating circumstance because of that. And so I would want the objectionable impacts to be more sensitively detailed as to a private school. Certainly traffic impacts are one that any school would expect to have to deal with.

BZA CHAIR MILLER: And I'm sorry, I've forgot, is it Ms. Dawns? Is that your name?

CHAIRPERSON HOOD: Downes.

BZA CHAIR MILLER: Downes. I can't read my own handwriting. Okay. I guess I also want to follow up with you about you referred to difficult experiences with the BZA special exception process and it's not that I'm looking to advertise the problems that
there have been but I really am looking at what you see in what's been proposed that would redress some of the problems that you might have had?

MS. DOWNES: I think I'd probably echo a lot of what Kathy Minardi just said, that perhaps a higher degree of predictability with stronger boundaries and a sense of where the process was going and what would be involved in it I think would eliminate some of the free-for-all that happens sometimes in anticipation of these issues coming forward.

So I guess being optimists we have great hope that should there be greater clarity about what the expectations were, that would result in easier deliberations back and forth and not have so many open ended questions that would be kind of presented to schools. Sometimes presented prospectively and sometimes during the process and sometimes at the very end.

So I guess it's along the same
lines of maybe some predictability and organization would make it more peaceful to go through.

BZA CHAIR MILLER: Okay. Now that's very useful just for me to hear feedback wise because I've been on the Board for almost five years and when I started out that basically was somewhat of the goal of the Chairman before me and the Board as a whole that our decisions would be more consistent and predictable but it's not necessarily in the language that you might have read in the regulations per se. But that is a goal that I think is a really worthwhile one to try to achieve in different ways.

MS. DOWNES: Yes, and with recognition that the difficulty sometimes is that the applications and the uses and the types of school are so varied and different sometimes that it's not an easy thing. It sounds easy to just have a checklist and go through but it's very distinct uses that are
coming out we understand.

BZA CHAIR MILLER: I have one other question and I forget which of you made it but that there wouldn't be a need for caps or counts at least on employees or students because the impacts could be discerned just based on the size. And I know that the Office of Planning has gone in that direction by saying we don't need to look at the type of institution, we can just look at the size of the land and make these judgments.

So do you have an understanding or are you of the opinion basically that we wouldn't need to know those numbers? Or just that they shouldn't be caps, they should just be basic information that's there as one of the considerations for impact?

MS. KRAM: Thank you. I am suggesting that it should be informational for purposes of the Zoning Commission's deliberations. But I'm suggesting that caps themselves become the fulcrum for a very
significant and fractious discussion that may not necessarily meet the goals of either the city, the community or the campus, from the standpoint that if the goal is to determine precisely what the impact could be and how the plan could mitigate it, you want to know how many cars are on and off. You want to know generally the number of people that might be on and off campus during any given day but fighting over precisely how many students.

As to employment caps, once again, people that walk to their jobs probably have very little impact versus people that drive to their jobs, versus people that bicycle to their jobs. So the actual number of employees is not necessarily helpful per se.

The comprehensive plan has language, and I've cited it in my testimony, that says that the city would like universities to consider becoming employment centers and focusing on preparing D.C. residents for employment potentially on
So to that extent we think that employment caps don't serve the broader goal that the city put before us in the comprehensive plan itself.

BZA CHAIR MILLER: Thank you.

CHAIRPERSON HOOD: Any other questions? Mr. May and then Mr. Turnbull.

COMMISSIONER MAY: I just have one quick one for Ms. Lindsey. You mentioned the number of students in the high school, what is the gross floor area of the school at this point?

MS. LINDSEY: At the high school the gross square feet is approximately 125,000 above grade, 38,000 below grade, so about 170,000 all in.

COMMISSIONER MAY: 170,000.

What's below grade? I mean is that all usable space?

MS. LINDSEY: It's a complex of gymnasio, wrestling room, performing arts...
studio, weight training, the athletic
trainers' space and the changing rooms for
the teams.

COMMISSIONER MAY: And that's for
465 students?

MS. LINDSEY: Yes.

COMMISSIONER MAY: That's 350
square feet per student, or roughly.

MS. LINDSEY: Right.

COMMISSIONER MAY: That's big.
Anyway I'm just curious because I'm trying to
get a gauge on you know how close any of these
schools are to hitting that 300,000 square
foot threshold. But at that size you are
still some distance away.

MS. LINDSEY: Thank heaven.

COMMISSIONER MAY: Anyway,
thanks.

CHAIRPERSON HOOD: Finished?

COMMISSIONER MAY: Yes.

CHAIRPERSON HOOD: Okay. Mr.

Turnbull?
COMMISSIONER TURNBULL: Thank you Mr. Chair. I wonder if we can get back into the caps and count thing and maybe get Mr. Parker. We've run through this a lot of times with different educational institutions that have been trying to get into a neighborhood and a lot of times the neighbors look at the caps and the counts as a way of judging impact or looking at the number of people that are going to be going on.

I wonder, Mr. Parker, it seems like you're sort of saying we'll get away from the caps.

MR. PARKER: Not at all.

COMMISSIONER TURNBULL: Not at all?

MR. PARKER: No. We're saying that an employee and student count should be the part of any submission to the Zoning Commission. I think that there will be often cases where that count or some number just above it is turned into a cap. But we
certainly didn't want to proscribe that every institution has to have a cap. That would be the choice of the Zoning Commission at the hearing.

The discussion of how many users of that institution there are should be a part of the submission but it can be a determination of the community and the Zoning Commission and the institution collectively whether that number needs to be capped or not.

COMMISSIONER TURNBULL: Okay. I'm just looking at institutions wanting growth.

MR. PARKER: Right.

COMMISSIONER TURNBULL: And which is always going upwards, that's the nature of growth. And I'm just trying to resolve, it sounds like they're looking at the freedom to be able to use that and I'm trying to see how this is a manageable balance between looking at the neighborhood who's very concerned about overgrowth and the further impacts on the community and what are we trying to achieve by
this then?

    It looks like it's still kind of mushy.

MR. PARKER: Well, we're trying to achieve -- in the language that we've proposed we're trying to achieve the identification of all possible impacts and initiate the discussion of those impacts. The regulations can't for a series of unique institutions across the city say that every one of them should have a limited number of users. There are cases where that certainly should be the case where any more users of a particular institution will cross that theoretical tipping point of a particular area. But there are smaller institutions or institutions in different parts of the city where that's less of a concern.

So the point of our recommendation is to standardize the list of potential impacts that will be addressed by every application and then it's the subject of
discussion in front of the Zoning Commission whether certain ones of those, including an employee count, should be turned into a cap or a maximum limit.

COMMISSIONER TURNBULL: Okay. So we really don't or we're not losing the fact that when we go to a hearing the neighborhood impact looking at this is still going to be there. And we're still going to have the community coming in looking at these numbers and saying--

MR. PARKER: Absolutely. You can't get away from that.

COMMISSIONER TURNBULL: Okay. I just wanted to clarify that those discussions are still going to be present with us in this, that we're not circumventing any kind of discussion on this point?

MR. PARKER: Correct.

COMMISSIONER TURNBULL: Okay.

Thank you.

VICE CHAIRPERSON JEFFRIES: Mr.
Chair, if I could just sort of add to that. So Ms. Kram's concern it sounds as if you're going to have the kind of flexibility you need. I mean that we're not prescribing to an outright cap. I mean certain situations depending on variables within that community the Commission might prescribe a cap but it looks like there's some flexibility there. Is that your understanding? Because I got the impression that you thought we might be looking at clear cap.

MS. KRAM: I wanted to request that the Commission not mandate caps for all campuses as part of the regulations. And I want to echo what Mr. Parker has said which is we understand that counts are going to be part of the discussion because it's part of the impact.

I think with the university which is somewhat unique is there are situations that occur that the public interest might be served -- let me give the example of Katrina.
Several hundred students who were in university in New Orleans were admitted to Washington area universities for the semester where their campuses were closed. And they were able to not lose a semester, in some cases a year, while their campuses were underwater.

Now if we had a hard cap on every single university in the District, that facilitation wouldn't have been possible.

We've heard our University of the District of Columbia is planning to open a community college which could have impacts on how many students go to that campus.

And I see questioning looks but what I'm trying to get across is that counts are an important part of the impact discussion but an inflexible mandate that caps be imposed by statute is problematic because every campus is a different entity and every neighborhood is a different environment.

VICE CHAIRPERSON JEFFRIES: Okay.
So maybe there's some confusion because I guess I'm not hearing from Mr. Parker or from this Commission of a mandate on caps, unless I'm missing something. Am I hearing that? I'm not hearing that.

MS. KRAM: Okay. I'm trying to very proactive.

VICE CHAIRPERSON JEFFRIES: Okay that's fine. Fine. Because I'm hearing some level of--

MS. KRAM: Addressing the potential concern.

VICE CHAIRPERSON JEFFRIES: I mean clearly I think it's a good thing that we have a lot of prescription here and we're setting forth and I think that's a good thing. But clearly there needs to be some areas where there's some flexibility that we can look at the dynamics in a particular community and make some different determinations.

But I was struck by your testimony and then the exchange between Commissioner
Turnbull and Mr. Parker and it sounds like we had you covered.

MS. KRAM: The phrase "staff caps" appears in the announcement which is what raised our concerns as opposed to staff. Well it was "staff caps" is the phrase that actually appears in the proposed regulations. And that was the phrase that got us a little bit concerned.

VICE CHAIRPERSON JEFFRIES: Oh, okay.

MS. KRAM: And that's why that was in my testimony.

VICE CHAIRPERSON JEFFRIES: So Mr. Parker, in terms of staff caps, I mean would the same thing apply? Or would that be something that would be clearly prescribed?

MR. PARKER: No. The intent again for both students in universities or staffs for either universities or other institutional uses would be that the application needs to address the count.
VICE CHAIRPERSON JEFFRIES: Okay.

MR. PARKER: And that the Zoning Commission can or cannot, you know, can choose whether or not to impose caps.

VICE CHAIRPERSON JEFFRIES: Okay.

And the other question I have for Ms. Downes, you mentioned in terms of additional recommendations you clarify that the size threshold only applies to GFA and not below grade space.

Now is the assumption that this below grade space is not useable space?

MS. DOWNES: No, that wasn't the assumption. I think it was just a worry, maybe a little belt and suspenders approach on our part to make sure that definitionally that wouldn't include useable below ground space.

VICE CHAIRPERSON JEFFRIES: Yes, but if it's useable then obviously you know that could have some level of impact. I mean I guess I'm trying to understand why you would carve that out.
MS. DOWNES: It could be that my understanding of GFA definitionally is a little faulty. I thought that that applied to at or above ground level and didn't apply to below.

VICE CHAIRPERSON JEFFRIES: Anyway that's not my understanding. I mean Mr. Parker, do you want to comment on that?

MR. PARKER: Well, our existing definition of GFA doesn't apply to below ground level. And a discussion we had at the task force was that some areas of the regulations include cellar space in a count and some don't. And our original application did not. The task force had mentioned that maybe it should and at the task force meeting we agreed that, yes, useable space below ground could have the same impact as useable space above ground.

That's where our recommendation stands but we're open to that either way.

VICE CHAIRPERSON JEFFRIES: Well
I mean obviously we all have experiences about lots of below grade useable space being very active and being used for a number of things at any institution. I mean it would be interesting to hear some of the other communities sort of speak about that but you can have a significant amount of underground useable space and I would imagine that space could have some impact on the community. But it would be interesting to hear some of the residents speak, other residents speak about it.

And also Ms. Lindsey, I wanted to tell you I have a friend who has a son who just went to Georgetown Day School and he absolutely loves it.

MS. LINDSEY: Very happy to hear that.

VICE CHAIRPERSON JEFFRIES:

Right. He just loves it.

MS. LINDSEY: Is he from Chicago too?
VICE CHAIRPERSON JEFFRIES: No, no, no, he's from here. No, no he's from here. Okay. Let me just ask-- okay, go ahead.

BZA CHAIR MILLER: Mr. Parker, I just wanted to ask you a follow up with respect to counting the GFA for cellars underground. Before, you said there was a correlation with the amount of GFA that you targeted and impact. So I'm just wondering if you were going to, or have, looked at there's some kind of correlation between underground space and impact.

I mean wouldn't that be the basis for deciding whether to keep it in the calculation or not, include it?

MR. PARKER: Theoretically, but it's a lot harder to tell. Our records are not good at distinguishing the two. Yes, in theory that would be good information to have. I don't think it's something that we're going to be able to get enough information on how many of these schools have below ground space
and what that space is versus the above ground space. Ultimately I think it's going to have to be a judgment call.

BZA CHAIR MILLER: Is the record open in case others have information to submit?

MR. PARKER: That's up to you all.

BZA CHAIR MILLER: It's not up to me.

VICE CHAIRPERSON JEFFRIES: And again, I mean I'm just still of the belief that there are certain things that this Commission will need to weigh in you know and that may be one of the things that's not necessarily prescriptive and we'll have to judge on a case by case basis. Or whoever's up here.

CHAIRPERSON HOOD: That's a good lead in to my question. I think I it in Ms. Kram's testimony and also Ms. Downes' testimony about the comprehensive requirements
which was on page 10 I think you mentioned of
the Office of Planning Report. And talks
about environmental impacts. And I'm not sure
who mentioned it.

I'm not sure if you read it. I
read it up here in your testimony where you
said in the past the Commission has always let
other agencies deal with environmental impacts
or assessments. But I can tell you this
Commission has been asked to do an EIS on many
occasions. I think one of the persons who
asked us is actually in the room. I'm not
going to call their name but they're shaking
their head. And since I've been here they've
always asked.

What are you asking Ms. Kram? Are
you asking us to take that element out of a
review process? What exactly are you asking?
I saw it in your testimony and just didn't get
a chance to read all of it.

MS. KRAM: Well not at all. As I
understand it an EIS is a term of art and it's
something that's expected as a part of the project and it's currently under the jurisdiction of the Department of the Environment.

And I think there are some elements the DCRA, I'll probably be corrected as the evening progresses but the part of my testimony that addressed that question was not to remove consideration of environmental elements from the front end of the comprehensive plan, or campus plan I'm sorry. The goal was to get some clarification on precisely what the Commission intended because, as we understand it, the Commission has not taken jurisdiction over those specific investigations, the EIS.

CHAIRPERSON HOOD: And you're exactly correct. Ms. Downes, did you want to respond? I think I've got my answer but if you want to respond I think I saw it in your testimony. Turn your microphone on.

MS. DOWNES: So sorry. I think
just paralleling what Sally has said that basically we're looking at conservation in the general context of things and thought through this process we shouldn't find that at the tail end of it as school that has 200 students now has a landmark building or something.

CHAIRPERSON HOOD: Okay.

MS. DOWNES: And that that kind of, that seems like a redundancy with what other agencies are already charged with. And so that would be part of a general consideration going into it in terms of the level of specificity that would have to be involved to come up with the more detailed decisions that other agencies are doing we think shouldn't be replicated here.

CHAIRPERSON HOOD: Okay. Now I'm going to go to Mr. Parker because I'm trying to understand where we're going here.

Mr. Parker, are we being asked, I don't think we're being asked to look at an EIS, we're being asked to maybe look at an
environmental assessment more or less. It says environmental impacts and I know the former Chair and the Chair before that and I know myself has always said when Ms. Kahlow asked us about environmental impact statement or study.

MR. PARKER: This is not meant to be a replacement of the formal EIS process at the building permit. This is meant to be things that can be addressed or should be addressed in the application including historic considerations, sustainability considerations and environmental impacts. This could be sustainability measures, green building measures; these are meant to be positives that the university can or the private school or whatever institution, can share about what they're doing to make their buildings greener to reduce the environmental or to mitigate environmental challenges on their campus.

This is meant to be a discussion
of these things and not replace any process.

CHAIRPERSON HOOD: All right.

Any other questions of this panel? Chair Miller?

BZA CHAIR MILLER: I'm sorry.

Ms. Lindsey, I just want to follow up on your point about when you have a few institutions sharing one piece of property, why is it that they should be treated individually instead of as a whole?

MS. LINDSEY: Well, I think the Cathedral's perhaps the best example of what we're talking about where you have four individual schools with individual Boards who don't necessarily share space or necessarily have overlapping uses of space where the footprint of the overall campus appears to be one uniform piece of property but, in fact, there are fairly tightly delineated spaces whether it's playing fields, the actual academic classrooms of those individual sites.

So the PECF which is the largest
of the group really represents the best example I can give where these individual schools, mandated with individual missions in some cases, Board of Trustees and academic expectations and elements, feel that they need to be treated individually and looked at individually, that they shouldn't be piggy backed on top of each other for the square footages that each represents on the same footprint.

   It would be like two independent schools that happen to share the same city block being lumped together. It's the same type program. That's exactly what the Cathedral experience would end up being then.

   BZA CHAIR MILLER: Well, let me just ask you though, doesn't the Cathedral or some place like it I guess we're using the Cathedral though, have a master plan for the whole area in any event? And they have an underground garage for the whole area? I mean some of it's integrated.
MS. LINDSEY: I do believe what happens is the individual schools submit their individual plans to the larger whole and that they're reviewed. But they go into the process as individual and distinct schools. They don't go in as each school being dovetailed to the next project. It's not a rolling process. So I would characterize them as very distinctly different plans, but happen to have one kind of oversight managing body at the PECF top. But they go in individually.

BZA CHAIR MILLER: Okay. So when one school wants to take some action and do a little building, it works just to look at that one school. And actually we have looked at the BZA obviously at their schools and then we do look at the cumulative impact in any event of the parking or whatever.

MS. LINDSEY: Right.

BZA CHAIR MILLER: Okay. Thank you.

CHAIRPERSON HOOD: Just so I'm
clear on this though, the property is all owned by a single entity?

    MS. LINDSEY: It's all part of the Foundation. The site is part of the Foundation but the individual schools are individually managed and run by individual Boards.

    CHAIRPERSON HOOD: Okay.

    COMMISSIONER MAY: I have a follow up to Mr. Parker if that's all right. Have you given thought to the cumulative impacts? I mean I was just thinking theoretically if you treat these as individual schools and you have a circumstance where they're all next to each other, is there provision and consideration of a master plan or the special exception process that you actually look at the cumulative impacts of those things?

    MR. PARKER: I think that's the compromise solution. I mean the two choices being require these different organizations to
somehow unite and create one master plan for all four, or to allow them each to do their own. I think the compromise position is to allow each to do their own but each one should at least acknowledge the existence of cumulative impacts and potentially address that if possible.

COMMISSIONER MAY: Okay. Because I mean if you were not doing environmental assessments or environmental impact statements but we were and reviewing that I mean that is one of the big sections that you have to deal with is cumulative impacts and adding up everything else that's going on.

MR. PARKER: True.

CHAIRPERSON HOOD: Okay. Any other questions for this panel? Okay. We want to thank you all for your testimony and coming here provide us your comments.

BZA CHAIR MILLER: Thank you.

CHAIRPERSON HOOD: Okay. Let's see if I can get the rest of the organizations
and persons that are in support to the table.

At least according to my list I don't see Mr. Glasgow. Mr. Sher? He doesn't need but 40 seconds. Commissioner Gates. Mr. Barber and Mr. Williams.

Now is there anyone else representing an organization or a person, oh in support. Mr. Herzstein I have you down. Are you in support? Oh okay. Anyone else, organization or person in support who would like to testify tonight?

MR. WILLIAMS: Mr. Chair, I'm Mr. Williams and I'll submit my card just for the record but I'm not going to say anything. I'm trying to listen again and I will submit to you a written report in lieu of speaking tonight. Thank you.

CHAIRPERSON HOOD: Okay. Thank you. We're actually going to start with Ms. Gates from my left to my right. I'm sorry, from right to left, I'm all confused. You're on my left but start to my right. Ms. Gates?
MS. GATES: Good evening,
Chairman Hood and members of the Commission.
My name is Alma Gates and I am representing
ANC 3D-05.

It is widely acknowledged that
Section 206 of the current Zoning Code does
not provide residential neighborhoods with the
tools of protections when zoning relief is
sought by private schools. Neighborhoods are
asked to balance school needs against their
quality of life.

The proposed changes listed under
the Office of Planning's November 19
memorandum, Section 5 Special Exception
Review, are much broader than the current not
likely to become objectionable criteria. And
the proposed core requirements establish a new
baseline for special exception applications.

For the first time, a substantial
body of information for gauging the depth and
breadth of potential impacts would be
furnished and private schools would be asked
to address sustainability issues.

Also, it would be useful for the
Zoning Commission to require a mission
statement to provide the framework within
which private schools will operate.

One of the issues raised during
discussion in the work group was caps versus
counts. Caps on both numbers of students and
faculty and staff have been critical
components of special exceptions. Each
faculty staff member should be counted as a
whole body rather than allowing full time
equivalent. Caps set a limit on the number of
non-residents moving in and out of a
neighborhood each day.

The addition of a conservation
element is extremely timely. As the
sustainability work group continues to meet
and develop new zoning regulations aimed at
improving and preserving the environment, it
is essential to include environmental
considerations in the private schools special
exception planning process.

Another desired outcome here is to improve school-community relations. The quarterly meetings mandated for some private schools in zoning orders provide an opportunity for dialogue between an institution and the neighborhood, and in my experience have been extremely useful and positive.

The proposed special exception criteria could be strengthened further by the addition of a periodic reporting requirement and establishment of a clean hands threshold. Both of these requirements are found in the recommendations put forth by the Ward 3 private school expansion task force established by Council Member Kathy Patterson.

In conclusion, the proposed changes found under special exception review are a necessary and welcome improvement over the current 206 regulations. Inclusion of the recommendations put forth by the Patterson
task force in the new regulations would provide additional and needed guidance on compliance measures.

CHAIRPERSON HOOD: Give us your closing thought.

MS. GATES: It is useful that OP recognizes that the impacts of smaller institutions are just as wide ranging as those of larger institutional uses and they should be regulated within the same comprehensive framework.

CHAIRPERSON HOOD: Thank you. Mr. Sher -- if you could hold your seat. Mr. Sher?

MR. SHER: Good evening Mr. Chairman and Members of the Commission and Ms. Miller. For the record, my name is Steven E. Sher, the Director of Zoning and Land Use Services with the law firm of Holland & Knight.

I'd like to hit on a bunch of things which have actually come up, a lot of this has already come up in discussion from
Mr. Parker and from some of the other persons who've appeared this evening. But a couple of things have not.

The first sort of comment/question we had was how are we going to define what is an institutional use? The notice has talked about private schools, churches, chanceries and hospitals, chanceries have been sort of left out at the moment. But what about other uses permitted in residential zones? We had some discussion about public schools and other public and government uses, and then you have things like museums, clinics, job enrollment centers. Is anything that's not a residential use in a residential zone going to wind up being an institutional use and subject to whatever comes out of this? Just a thought and a question and I'm not sure I have an answer.

Second question is what about other zones that currently have discretionary review facilities uses but aren't residential
zones? A college or university has to go to BZA and SP and CR, a hospital or clinic has to go to BZA and CR. But we're not talking about that I don't think so I don't know where that fits into the whole institutional use situation.

I had wanted to suggest that we were going to ask you to confirm our assumption that campus planning cases would go to the Zoning Commission and special exceptions would go to the BZA but apparently that may not be the case so I don't know that anybody can confirm that yet because that hadn't been decided. But we thought that was the logical distinction and that may not be the case.

Going back though to what is an institutional use, the second half of that question is what is the minimum threshold, the minimum threshold to be subject to review. We know the 300,000 above and below says you go left or you go right, but if you're a church,
if you're a clinic, if you're a child
development center, where do you have to come
in at all?

If a church right now is a matter
of right use in every zone district, what
level are we going to establish that says a
church is no longer a matter of right use,
it's got to come in for whatever review it is
that it's got to come in for. And I don't see
any of that in here to have any idea of where
the minimum threshold kicks in.

We raise the question what about
uses that are previously or are now subject to
a campus plan review where the plan is going
to expire because it had some time limit on it
but where the institution is not proposing to
change anything, not proposing to build a new
building, not proposing to change the
enrollment or any of the other things that
were factors. Do they have to come in for some
kind of approval or are they just able to
continue until they want to change something
I don't know how that's dealt with here and it doesn't seem to be and there was some discussion about it but I don't know whether it quite got to that point.

We think the special exception process for private schools has worked well, that it's got the same sort of citizen participation level that the campus plan has and you get to the same kind of review process so we think that should be left as is.

When you talk about the criteria for what goes into a campus plan or a special exception application, you've got the whole list of things that Office of Planning proposed. What I don't read this to say is what is the criteria that the Commission of the Board apply to evaluate that information. You've got a whole long list of things that people have to give you but then what do you do with it? How do you make a judgment about whether that information is adequate or the
proposed is proper?

I think what's missing here are the standards, and there was some comment that the sort of generic standard of not likely to be objectionable is too generic and too objectionable, but if it is what do you replace it with? And that's not here.

We've also suggested, and I think Office of Planning is basically in agreement, that there be some flexibility in terms of the level of response. If you don't have any historic preservation considerations you ought to just be able to say not applicable and go on to the next one. If you don't have multi modal transportation plans you ought to be able to say we don't have any and not be forced to go through the whole process of preparing something that you don't need to do.

I'd like to go to the last point which was this discussion of ancillary versus accessory. Accessory isn't used anywhere in here but there's all kinds of things that have
accessory uses. Every hospital has a gift shop, regardless of size, every hospital has a flower shop where you can go buy flowers, every hospital's got an ATM machine. Most churches have places where they sell religious articles or whatever.

Are we saying that because they fall below the threshold but because they want to do these things they've got to do a campus plan as opposed to going to BZA? We think the BZA can deal with those impacts, it's been doing it all these years and we don't see any reason why that can't continue.

CHAIRPERSON HOOD: Give us your closing thought?

MR. SHER: I'm done. I'm closed. Thank you very much.

CHAIRPERSON HOOD: Okay. Thank you. Mr. Barber?

MR. BARBER: Good evening Chairman Hood and members of the Commission. My name is Charles Barber, I'm deputy general
counsel at George Washington University.

I've been working on campus plans for about 20 years now. My first campus plan was at Howard University, the 1988 campus plan. I worked on the Howard University 1989 west campus plan and since I've been at GW I've worked on three campus plans, the 1999 Mount Vernon campus plan, the 2000 Foggy Bottom campus plan and, most recently, the 2007 Foggy Bottom campus plan where many of us had so much fun over those months.

And I appreciate this opportunity, this opportunity for us all to reexamine some rules that have been in place for a mighty long time. And in that kind of macro context I don't find what's proposed here to be a radical change. I think there are some significant changes and on the whole positive ones, but not radical in the sense we're still talking about large institutions that are in residential zones having to come in periodically and address a standard of
objectionable impacts.

And that remains consistent and I think that's generally appropriate.

I do think it addresses an issue that for many years someone who wants to get their hands on what a campus plan process is about can't really get that from reading the current zoning regulations. You can interpret it, and it has been interpreted, but it's a matter of practice that has been developed or as the lawyers call it, case law, it's not in the Code, it's in cases. And I think one of the positive things this does -- it's a good thing.

And I also understand and support that one of the thrusts of these changes with respect to colleges and universities is that in exchange for a well defined robust campus plan then there will be in many cases no need to do a further processing second stage review. And I think that's good. I think far too much time, expense and money quite frankly
is spent on campus development, and that is
more consistent with how campus development is
approached around the country. This two-stage
review process is pretty unusual here in the
District of Columbia. And so I think that's
a good thing to where you can truncate that
into a one process, singular process.

I will say at the outset I do have
three concerns which I will try to be brief
and touch upon. I will say at the outset that
I recognize that if this is enacted as
proposed, most of this probably won't have a
big impact on the Foggy Bottom campus plan,
most of you or several of you recall that that
include not only a campus plan but a first
stage PUD. So we will have to go back for a
second stage review on every project on that
campus even if the second stage campus plan
review is done away with.

So I have more than an academic
interest, I do have an academic interest but
my other interest is that the Mount Vernon
The three issues that I have, how much detail should be required in a campus plan, I'm not sure this is a matter for the text but I think it's something just to think about. There needs to be a balance, there needs to be sufficient detail for you to make a decision whether there's an objectionable impact, knowing that these buildings that are being proposed for the campus plan won't have been fully designed at the campus plan stage. So there will have to be some balancing around that and maybe some general language about that balance needs to be in the text.

Is the value an institution provides to the city as a whole a relevant factor in reviewing campus plans and determining appropriate conditions? I think it is but if it is it's not in the current campus plan regulations and it's not in the
proposed campus plan regulations.

And this, quite frankly, has always baffled me. I understand that the central issue for a campus plan is objectionable impacts on a surrounding community. And that's as it should be. I have worked with community people long enough to recognize that there are challenges living next to a large institution, I appreciate that, benefits and challenges.

But I never thought it was right that that would be the only question where making major decisions on how a university that is about education and good things is to operate. Universities educate thousands of students, they employ thousands of people. They are engines of economic growth. We've calculated GW generates about $1 billion dollars of economic growth, economic impact in the District of Columbia, 70 percent of our budget is spent in the District, we employ District residents but there's nothing in the
current regulation or in the proposed regulation that says that you take that into consideration when fashioning conditions. And I just think there needs to be a balance there.

There is some mention in the proposed regulations about community benefits but not city-wide benefits.

My last point--

CHAIRPERSON HOOD: Your closing thought.

MR. BARBER: Yes. Environmental sustainability issues, should they be addressed? Yes, to a degree. I think we've touched upon this. There are certain things that can be done at the campus plan level not an environmental impact review statement, leads for neighborhoods have these kind of planned concepts for environmental considerations which are appropriate but only to a degree. Thank you.

CHAIRPERSON HOOD: Thank you. I
thank this panel. Let me see if we have any
questions for this panel.

VICE CHAIRPERSON JEFFRIES: I
have a quick question. So Mr. Barber, so this
understanding that there should be more
balance, that it shouldn't just be a
discussion around objectionable impacts to
adjacent neighborhood but you know city-wide
as well as community benefits.

And you're saying that should be
part of the prescribed things that would be
included and evaluated. Would you tie that
then to Mr. Sher's comment about standards,
how we would actually judge what's the
appropriate? I mean the standards tied to
something like that?

MR. BARBER: My initial idea was
that among the issues that a university is to
address there should be an added one that
would speak to city-wide benefits.

VICE CHAIRPERSON JEFFRIES: Okay.

MR. BARBER: And so that the
Commission would have that information in fashioning conditions. And these cases are almost always are all about the conditions. And I think that piece of information though is missing so when you're considering should there be an employment cap let's talk about whether employment is a good thing for the city.

It doesn't mean that dictates the decision one way or the other. I think it's just a relevant factor.

The question about the standards, that's a tougher one. I'm not sure I have a better standard than likely to be objectionable to surrounding community but I would add, you know, given the positive roles that universities play in the city as a whole, that concept, whether it's articulated that way, I think should be in there.

VICE CHAIRPERSON JEFFRIES: But I mean you do realize that a lot of the residents in the adjacent neighborhoods are
saying when you get into this discussion about city-wide benefits, the adjacent communities are feeling like they are effectively, are really sort of accommodating for the overall city.

I mean we just had a discussion around the Convention Center hotel and while that hotel's going to provide lots of benefits to the city as a whole, it's the Shaw residents who are going to get the brunt of that impact.

MR. BARBER: I appreciate that.

VICE CHAIRPERSON JEFFRIES: And so I just wanted to put that on the record in terms of this concern about city-wide versus the community.

MR. BARBER: It's always going to be a balance and you won't be able to get away from the need to balance. I think my point is there's nothing in the existing Code or the proposed Code that says part of that balance you should consider as city-wide benefits.
I think it's still going to be a tough call but I think on its face it's too myopic. I think the end of the day, even I think if you accepted my suggestion, you would have some element there that says consider city-wide benefits, but you as Commissioners would still have to wrestle with that balance in terms of what kind of impacts are there on the community and at what point does that become too big even though it does generate city-wide benefits.

VICE CHAIRPERSON JEFFRIES: Okay. And Mr. Sher, so this whole business about standards, I understand what you're saying, I mean how prescriptive do you want this Code to be? At some point you know some of these things are going to be tailored based on the context of the application or the plan we're looking at. So I mean do you want the Code to be so prescriptive? I mean I'm trying to understand just what exactly are you looking for in terms of standards.
MR. SHER: I'm not one who thinks narrowly about these things so to the extent that the Commission or the Board takes into account all the things that are relevant to a decision, as Charles was just saying, the relevance of how much employment a particular institution provides is something I think you need to know.

Now it may not over weigh the fact that there's going to be gridlock around the campus 24 hours a day seven days a week. But if you can tolerate the impacts and at the same time you get some benefits that the city as a whole gets, isn't it worth weighing that?

And so the question is how do you establish the standard that says what are the things you're going to take into account?

VICE CHAIRPERSON JEFFRIES: But how do we know that ahead of time?

MR. SHER: Well, again, in general terms I think you can set some criteria and I thought that was part of what
this was about. It was trying to say not only
are we going to be a little more explicit
about what institutions need to you tell you,
you're going to be a little more explicit
about what you're telling those of us sitting
on this side of the table, institutions,
community groups and observers, that here are
the things we're going to take into account.

VICE CHAIRPERSON JEFFRIES: Such
as affordable-

MR. SHER: In a PUD for example
you say we balance. Benefits and amenities on
one side, development incentives and impacts
on the other side. In special exceptions it's
not quite like that. It's here are some
requirements you have to meet. You have to
show that you have X number of square feet per
student, you have to show that you know there
are certain of those standards that are
reasonably quantifiable and they don't need to
be debated a whole lot.

And I'm just going to think
without citing a specific case of theoretical building site special exceptions. There are a lot of specific standards that are out there. You have to show this, you have to show that. Your roadways have to be at least 25 feet wide and all the rest of that stuff.

But in the final analysis there's a judgment call and the judgment call is, is this likely to have an adverse impact, is it likely to be objectionable?

I don't know whether you can make that standard any tighter. But listening to some of the comments that were up here before, people seem to be looking for that. People seem to be looking for a greater degree of, confidence isn't the right word, a greater degree of reliability, specificity.

VICE CHAIRPERSON JEFFRIES:

Predictability.

MR. SHER: Predictability. If I come in and show you all these things this is what you're going to judge that against and I
have a better idea where I'm going to come out on that.

VICE CHAIRPERSON JEFFRIES:
There's something about that just strikes as being overly clinical. I mean I understand predictability and I think that's a great thing, but I think there's some texture you know that you want to keep part of the process. I mean if the thing is so incredibly prescribed and you know it's just a checklist, I mean I just--

MR. SHER: You can have a checklist.

VICE CHAIRPERSON JEFFRIES: We don't need to be here and then, yes, you can just fill out the checklist.

MR. SHER: Fill out the checklist and you add up the points at the bottom and you know where you are.

VICE CHAIRPERSON JEFFRIES: Absolutely.

MR. SHER: Obviously there's
judgment that has to be imparted here.

VICE CHAIRPERSON JEFFRIES: Okay.

Well I mean Mr. Parker, I mean what are your thoughts about these standards that he's speaking of because when we look at PUDs, you know, normally I'll look at a PUD application and I'll look at sort of the level of relief that's being requested and I'll somehow sort of tie that to what I think it an appropriate amenities package based on that.

But I don't have a clear road map so what are you thoughts about this business of standards?

MR. PARKER: Well, I guess Mr. Sher's right, we've laid out the universe of consideration. We have laid out the things that are on the table for them to submit and for you to review. We haven't been able to come up with a more expressive term than objectionable impact as to what weighs on this side versus what weighs on this side.

I mean in terms of what the
standards are, when a project is good enough or when it's not, there's no better way that we've come across than how to define that than a no objectionable impact or some similar language.

Our recommendation is simply saying we need to define what the universe of considerations are. But Mr. Sher is right, there still ultimately has to be what's the standard on which these are judged.

VICE CHAIRPERSON JEFFRIES: So that's coming?

MR. PARKER: I guess right now we don't have any recommended improvement for each of these, this is not objectionable to the neighborhood.

VICE CHAIRPERSON JEFFRIES: Mr. Parker, I'm asking you a question. I mean you're saying that Mr. Sher is right.

MR. PARKER: Right.

VICE CHAIRPERSON JEFFRIES: Do you think that we should have standards and,
if so, are you going to be recommending those?

MR. PARKER: There is no way to create a standard for all the unique cases.

VICE CHAIRPERSON JEFFRIES: Okay.

I'm done. I think that the time is up.

CHAIRPERSON HOOD: Okay.

Commissioner Turnbull?

COMMISSIONER TURNBULL: Thank you, Mr. Chair. Getting back to Mr. Sher's epistle that he's getting a barrage of comments, Mr. Parker, this I'd like some input. I mean the basic question he had is the definition of an institutional use and he mentioned a few zones where we haven't really addressed. Is this something you're still going to be working on?

MR. PARKER: Well, yes, there's two questions there and the first is the definition of institutional use. We've got a preliminary definition that was in our discussion of uses that culminated in Monday night's decision and I don't have that
definition in front of me but I think it's educational or religious or a few other types of institutions.

Obviously there are other things that are allowed, you know, retail, office, other types of uses that don't fit into that but the types of uses that fit into this would be clearly defined and examples given of what those uses are. So basically things that are dedicated to education or religious or diplomatic means with the question still open on the diplomatic of course. But not final. I mean we're still working on holes in those definitions that we proposed as part of that report.

The second part of your question, the CR and SP districts are not districts that we've tackled yet and we will get to looking at medium and high density mixed use districts including those two districts. And at that time we'll decide whether the campus plan requirements should be carried forward, in
which case they'll have to meet these
requirements, or whether they should be
allowed as a matter of right in those
districts. So yes, that's ahead of us.

COMMISSIONER TURNBULL: Okay.
The other and it occurred to me but I didn't
ask it before but Mr. Sher brought it up, we
talked about the 300,000 GFA limit. He
mentioned the minimum threshold. Any thoughts
on the minimum threshold?

MR. PARKER: It's not a universal
number, it's different for every district. In
the R-1 district it's obviously lower than in
the R-4 or in the R-5-D and that's another
standard that we'll eventually have to have a
discussion on but that's not, I mean these are
universal rules for institutional uses and
that is not one of them.

COMMISSIONER TURNBULL: Okay.
The other thing I just want to kind of
question here, I think Mr. Sher was the second
person, I don't know if it was Ms. Downes who
mentioned it before about the 3,500 square foot number, and that maybe that ought to be raised? I think Ms. Downes said 5,000. I forget. Do you have a comment on that?

I mean I guess the question is you singled out 3,500.

MR. PARKER: Sure.

COMMISSIONER TURNBULL: And why was that?

MR. PARKER: And we did have some discussion on that in the task force as well. The comment in Mr. Sher's document is that that's less than one percent of the entire university or institutional use and that's true. The question we had in the task force is whether that is cumulative or individual project. And the intent was that that was individual project. And a building on a campus could do a 3,000 square foot addition as a matter of right and a couple of years later another one that needed a similar addition could do that. So that it wasn't
necessarily a cumulative limit and so therefore it's not necessarily less than one percent of the whole use.

But it was a number that we based on our research. No other municipality had that exact number but it was based on the maximum size that we thought could reasonably be assumed to have minimal impact is the best I can say based on our looking around at other institutional guidelines.

COMMISSIONER TURNBULL: So it's not etched in stone yet?

MR. PARKER: No, no.

COMMISSIONER TURNBULL: You're still working on it. Okay. Thank you.

CHAIRPERSON HOOD: Any other questions for this panel? Chair Miller?

BZA CHAIR MILLER: Well I guess I'm going to address it to Mr. Parker but it goes to I guess one of the points Mr. Sher raised and you have already addressed it somewhat.
But I'm just focusing now on the part that I think the previous panel was talking about that it would be better in the new regulations than the old ones with respect to the specific criteria you say here, "create special exception criteria for institutional uses that address the full range of possible impacts associated with these uses."

But did you say to Commissioner Jeffries that, no, you really can't do that? What does that really mean?

MR. PARKER: No, no. We're saying that we have tried to describe the full range of possible impacts. So all of these things, and a plan that addresses all of these things, will address the full range of impacts. The question for the Zoning Commission and/or the BZA is to determine whether those impacts are too great for the neighborhood, whether the impacts that result from the proposed facilities and the student count and all these other things are too much
So it's the standard under which those impact. So we've identified the impacts that need to be addressed, it's up to the Zoning Commission to determine what that standard is and when those impacts reach objectionable limits.

BZA CHAIR MILLER: I guess I'm just trying to understand how it will be different. For instance, if the Board is looking at a special exception case for a private school and we're thinking about impacts, we're looking at traffic, we're looking at noise, we're looking at trash, we're looking at parking and we're looking at counts of perhaps employees and visitors and students. How is it going to be different? Is it just going to be identifying things like they'll have to give the Board information with respect to traffic counts?

MR. PARKER: That's part of it and part of it it's standardized and it's
codified what has to be addressed, so that the
community knows what's on the table, the
university or school knows what's on the
table, so that it's clear to all parties what
needs to be addressed in that submission and
by the Zoning Commission.

BZA CHAIR MILLER: Okay. Well
it's not written yet but it doesn't
necessarily have to be limited just to that in
the event that there's some other
objectionable condition that is not
anticipated or something.

MR. PARKER: Theoretically not.
I mean, yes, the Zoning Commission or BZA can
always put conditions on or require more
information, these are the things that would
be required in any submission, even if it says
not applicable.

BZA CHAIR MILLER: I see what
you're saying but it's kind of like what Mr.
Sher was saying, you're telling the
participants what they need to provide but
you're not saying what the Board will be considering but there should be a correlation right?

MR. PARKER: Yes, the Board will be considering these things but whether you weigh on whether it's too much or just right is something that you can't codify.

BZA CHAIR MILLER: Thank you.
CHAIRPERSON HOOD: Any other questions? Okay. I want to thank this panel and we appreciate you coming out.

MR. BARBER: Mr. Hood, in addition to handing in my testimony I've been asked to deliver six letters in support from Foggy Bottom residents and I'll hand that into the record as well.

CHAIRPERSON HOOD: Oh okay.

MR. BARBER: Thank you.

CHAIRPERSON HOOD: Thank you all for you testimony.

VICE CHAIRPERSON JEFFRIES: Support letters from Foggy Bottom? Wow.
CHAIRPERSON HOOD: And you delivered them.

COMMISSIONER MAY: Didn't you already see the ones we already have?

VICE CHAIRPERSON JEFFRIES: Yeah, this is crazy.

CHAIRPERSON HOOD: Okay. We're going to go to opposition. I'm going to ask Ms. Barbara Kahlow, Ms. Barbara Zartman and Mr. Herzstein.

MS. KAHLOW: Are you ready Mr. Hood?

CHAIRPERSON HOOD: Give me a few seconds.

MS. KAHLOW: Sure.

CHAIRPERSON HOOD: Thank you. You may begin.

MS. KAHLOW: Thank you. Is this on? Yes. I, Barbara Kahlow, live at 800 25th Street, N.W. I am testifying on behalf on the West End Citizens Association, the oldest citizens organization in the Foggy Bottom-West
End area.

The organization is primarily interested in maintaining and improving the quality of life of the existing residential community in Foggy Bottom-West End.

I participated in the working group meetings and I submitted detailed comments which have largely not been addressed in the proposal before you tonight. In fact, the major outstanding issues are still completely missing so we believe another Zoning Commission hearing on this subject will be necessary.

To begin, I would like to summarize the key community protections and I will try to fold in during my discussion all the different questions or at least refer to the different questions members have asked.

First, existing Regulation Section 210 for college and universities and I quote the section "not likely to become objectionable to neighboring property."
Another part of Section 210 "the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed in a particular district."

So there's the cumulative FAR impact.

And then for private schools, those are not likely to become objectionable to adjoining or nearby property.

For current law there is a new provision in the most recently enacted comp plan and it talks about minimizing objectionable impacts on adjacent communities.

So next I'd like to turn to how the proposal does or doesn't correspond to that. First, as Mr. Sher said, there is no impact standard. Currently it says not likely to become objectionable to neighboring property. OP doesn't have an impact standard.

There are many ways to do this. I'm a statistician and the way we do this in the government for measurable performance
measures is that we take a percentage increase, for example, is there an X percent, 5 percent increase over existing conditions, 10 percent increase. You can easily write standards. I'd be willing to sit down and help people learn how to do that if that's necessary.

Two, there's no cumulative FAR floor area ratio standard as there is in the current regs. This is very important to communities, and there's no standard to replace it.

Three, there's no definition of minimize objectionable impacts, and I stated in my comments that I submitted that were not unfortunately shared with the task force or anyone else, the regulatory text should define minimize to ensure true protection of the quality of life in our neighborhoods and because without a tight definition the term would be subjectively interpreted. In fact, the goal should be to eliminate adverse
impacts.

And, lastly, the 800 pound gorilla
in the room, there are no provisions,
including restrictions on campus use of PUDs
and most importantly omnibus PUDs. In the GW
case they went for an omnibus PUD affecting 20
city squares over a 20 year period. And the
reason they used that was to avoid the
cumulative FAR restrictions and to avoid the
objectionable impact provisions that govern
campus plans.

Instead, OP's paper is
establishing basically a paper process where
they're defining different things. I want to
say with respect with PUDs if you will let me
afterwards I'll answer precisely Mr. Jeffries
and Mr. May's questions about what the
problems are.

Recommendation 2 would not require
a second stage review. Mr. Barber clearly
said we won't be fully designed yet. Well if
it's not going to be fully designed yet, we
need them to come back because we don't want a carte blanche for something that we don't know what we're going to be getting, a pig in a poke and a 10 year and in our case 20 year campus plan.

Recommendations 3 and 5 would be addressing impacts and, for example, I talk about environmental impacts. The answer to Mr. Hood's question was incorrect when OP said we only want to define positive, The entire process was to define everything, to show the full range of impacts.

The difference between an EA and EIS is in those National Environmental Policy Act requirements they require you to define alternatives for consideration and a whole bunch of other stuff. But just defining the possible impacts is important for the Zoning Commission to see what's possible, not to debate it but to define them.

Another example is the published notice states "the Commission may consider
granting flexibility for matter of right
standards based on the public benefits that
will arise from the use." We oppose this
flexibility, it could directly be at our
expense.

Recommendation 4 is unclear.
Recommendation 6 is incredibly problematic,
allowing less than half of the total GFA for
the campus for ancillary uses is excessive and
unjustified, one to 5 or 10 percent standard
would be better.

And then I close with the same
points that Mr. Sher made, without standards
and definitions there would be no basis for
Zoning Commission decision making process
which could be measured and understandable to
all affected parties. Instead, decisions will
be subjective and challengeable.

I look forward to having a
subsequent hearing and if you would let me
I'll answer your questions precisely about
PUDs. Thank you.
CHAIRPERSON HOOD: Okay, thank you very much. Let's go to Ms. Zartman.

MS. ZARTMAN: Thank you, Mr. Chairman and Members. My name is Barbara Zartman and I'm speaking for the Committee of 100 on the Federal City tonight.

We have different reactions to the different recommendations from Office of Planning and I start by saying we agree with Recommendation No. 1's goal of a common regulatory structure for all institutions. But not with the recommendation that the type of use be left out of the regulatory scheme using just GFA and impacts in their recommendation.

A hospital is different from a college campus which is different from a secondary school which is different from a charity's office or a research institution. Vastly different provisions need to reflect these different uses.

From what I read of the OP report
and the public hearing notice, all institutional uses are to be considered and there are thousands of institutions in the District of Columbia, presumably they will all be subject to these provisions and I think that amounts to an unmanageable reality.

Another change that's suggested in Recommendation 2 is the establishment of matter of right institutional uses in residential zones. A rezoning in R zones up to some as yet unspecified level of size you would be able to as a matter of right locate an institutional use in a R-1 through R-4 zone.

That is unacceptable. That is a use variance, a standard that normally is the highest you have to deal with. It's included in recommendation No. 2 though not called out specifically. I think this would be a very big mistake and we would encourage you to strike that out of your direction to the Office of Planning. We also believe that--
CHAIRPERSON HOOD: Excuse me, Ms. Zartman. Do we have Ms. Zartman's--

MS. ZARTMAN: No, you don't have the statement. I'll be happy to provide that to you.

CHAIRPERSON HOOD: Oh okay. All right.

MS. ZARTMAN: We believe that the 300,000 GFA trigger for campus plans is too high. In the working group the Office of Planning itself recommended 100,000 and found that there were too many institutions in the middle range between 1 and 3 and so moved the threshold to 300,000 which is a very high standard. As was mentioned, the National Cathedral is 75,000 square feet. If that comes in the block next to your home you're going to be impacted by it.

And the other reality is that these institutions always grow. They do not become smaller over time. And I think the need to have a plan for them is incredibly
important for the welfare of neighborhoods.

   Also having those who filed campus
plans be relieved of second stage review for
the duration of the plan is unfair to the
community. There can be unforeseen
consequences for some of the originally
planned activities that the community will
want to ask someone to redress and without
second stage review they are without recourse.

   There is a suggestion of
substituting a zoning administrator process
for second stage review which I think would be
very inadequate for meeting community needs
and protections. And quite honestly it would
require setting up a new bureaucracy because
in order for the zoning administrator to
become knowledgeable about late night parties
or carousing in Burleith he's going to have to
hear it from someone other than the clerk
processing the building permit.

   Recommendation No. 3 deals with an
alternative to this present system of review.
It may not cure many of the problems that we now see with the review process for campus plans. We believe that there are things that could be very helpful in structuring a new system of regulation.

I agree with Mr. Sher, we need standards, we need definitions. Part of the problem we have is the not likely to become, not be but become objectionable is so subjective, there was a time when I thought it was never going to be arrived at, that no one would ever find anything objectionable or likely to become objectionable.

In the 2000 Georgetown University campus plan we believed we provided handcarts full of documentation of objectionable circumstances, traffic, parking, trash, numbers of students, and it was not deemed to be objectionable. Some conditions were put in the record.

But I mean when you reach that standard, something more than a small
condition is what has to be done.

It would be very helpful if the Office of Planning worked with the attorney general to identify how you perfect conditions so that they are not likely to be tossed by DCCA, so that they are clearly understood, using the record of case law will help us come to better definitions and standards.

CHAIRPERSON HOOD: Just give us your closing thought.

MS. ZARTMAN: My closing is that I'd be happy to provide a full statement to you along with an article in the New York Times that talked about the impact of student housing in Georgetown. Actually in the Georgetown district because it was so horrible. This is off campus student housing.

CHAIRPERSON HOOD: Can you give us that article?

MS. ZARTMAN: Uh-hmm.

CHAIRPERSON HOOD: Oh great. I'd like to request that. Someone asked what year
was it?

    MS. ZARTMAN: Oh it was this
year. It was within the last month.

CHAIRPERSON HOOD: Okay. So we
may have some additional questions. Mr.
Herzstein?

MR. HERZSTEIN: Thank you Mr.
Hood. I'm Robert Herzstein president of
Neighbors for a Livable Community. For more
than 20 years our organization has served the
residents of Spring Valley concerned about the
impacts of American University on our quiet
residential community.

    We've gained a great deal of
experience with the problems created by this
large institution crowded into a relatively
small parcel of land abutting, literally
abutting our homes. And we have also learned
a lot about the processes of the D.C.
government that are supposed to safeguard the
interests of residents who rely on zoning to
protect the enjoyment and value of their homes
from non-residential uses.

I think, Mr. Hood, you probably will recall the pleasure of our last campus plan proceeding about seven or eight years ago. Are we a proponent-

CHAIRPERSON HOOD: They say I'm getting old, that's what they say.

MR. HERZSTEIN: Are we a proponent or an opponent of these new regulations? Well I had trouble checking one or the other of those boxes because in general we think the recommendations are a step forward but we have very serious concerns about a few of the recommendations and we urge you to give attention to those.

First, we believe the Commission should make clear what may be already assumed but it would be good to make it explicit in the guidance to the Office of Planning that there should be no weakening of the basic standard regulating university uses that is contained in the existing regulation, that is
the not likely to become objectionable standard.

That standard is fully mandated we feel by the comprehensive plan itself which says that the planners should ensure that colleges and universities that occupy large sites within residential areas are planned, designed and managed in a way that minimizes objectionable impacts, and that the expansion of these uses is not permitted, not permitted if the quality of life in adjacent residential areas is significantly adversely affected.

If you look at that standard then you look at these recommendations, there's a certain erosion taking place there. They're not really living up to that fundamental standard.

OP's recommendation No. 3 would codify campus plan criteria as has been pointed out and that's probably a good idea. However, we have three concerns about that. First, the new regulation should make clear
that the burden of establishing that the
criteria have been met falls upon the
university, that the standard has been
observed, the standard of objectionable impact
has been observed, falls upon the university
that is seeking approval of its plan.

In our past experience it's been
very unclear who has the burden of proof in
these proceedings, and the general assumption
has been that if the university proposes
something it's going to be accepted unless the
neighbors come in and show that it's going to
be objectionable.

This puts a very heavy burden on
neighborhood groups. They don't have
resources, they don't have existing staffs and
general counsels and planners and so forth.
I think it should be made clear that the
university, which is seeking an exception to
a rule that protects neighbors should have the
burden of showing that that exception will not
be likely to have an adverse impact on the
neighbors.

This burden of proof issue would do a great deal to clarify your proceedings I think and give you a better basis for making decisions. You can say well there's a lot of evidence on that, there's evidence here, who had the burden, there's stuff on both sides. Well who had the burden of proof? And did he meet it? And if he met it, did the other side successfully defeat it? I think it would clarify the decision making.

The new regulation should also make clear that the economic development, or city wide benefits, should not trump the interests of individual homeowners. In our view the zoning regulation when it sets forth a standard strikes that balance. It's saying that in a residential neighborhood residences take priority. If a university wants to be in a residential neighborhood it has to observe the standard of no impact. If it wants to do something else, with great city wide benefit,
it can go to another neighborhood where there's no zoning restriction or it can go seek to go through the takings process, take over neighborhood homes and pay for them under some kind of city mandate.

But the point is that that balance has been struck. I don't think that should be up to this Commission to make the balance.

CHAIRPERSON HOOD: Let's get your closing thought, Mr. Herzstein.

MR. HERZSTEIN: Our statement makes the final point that the second stage review process should not contain an exception. We believe that's a very important protection also. Thank you very much.

CHAIRPERSON HOOD: Okay. Thank you all. Let's see if we have any questions. Mr. Turnbull?

COMMISSIONER TURNBULL: Thank you, Mr. Chair. I guess I want to pick up on something that Mr. Herzstein has brought up and that is this burden of proof. And I guess
I'm looking back on what Mr. Parker was looking for on the campus plan and in No. 4, neighborhood context, you go down and list about five items: identification, mitigation of impacts, noise, lighting, special events.

Mr. Herzstein puts a little twist on it saying that the burden of proof be on the applicant or in this case the educational institution. Do you see that as something worthwhile in this section?

MR. HERZSTEIN: I'm not sure how to answer that.

COMMISSIONER TURNBULL: I know. It's kind of difficult but it has an interesting aspect to it because we've had any number of cases, hearings where we've gone back and forth and neither institution will present why it's great and then the community comes in and I'm just wondering if on different projects that are going forward.

MR. PARKER: I think I always see it as the applicant's place to, the burden of
proof is generally on the applicant to provide
that they meet the standard and if the
standard is not likely to become objectionable
then I just assumed that it's the applicant's
burden to meet that test.

Are you asking should it be more
explicit?

COMMISSIONER TURNBULL: Well, I
don't know. I mean do you feel comfortable
with the way you're going on it?

MR. PARKER: I'm happy to take
guidance. I guess I had thought that that was
an assumed part of setting a standard but I'm
happy to take guidance.

COMMISSIONER TURNBULL: Okay.
No, Mr. Herzstein brought it up and I'm just
wondering then if there is a point here that
it may not be clear on who has to do this.

MR. PARKER: Okay.

COMMISSIONER TURNBULL: Thank
you.

CHAIRPERSON HOOD: Okay. Any
other questions?

    MS. SCHELLIN: Popcorn.

CHAIRPERSON HOOD: This has gotten to be very distracting with popcorn.

Oh it's burned?

VICE CHAIRPERSON JEFFRIES: I actually Mr. Chair just a quick question. I think Ms. Zartman, and I really do apologize I got a little distracted up here, but you brought up a point and I believe it was around the type of uses and I think you were referring to Mr. Sher's comments about being clear-

BZA CHAIR MILLER: Define institutional.

VICE CHAIRPERSON JEFFRIES: Right. Define institutional. I mean would you just expound on that. I mean are you concerned sort of with what Mr. Sher had had that there might be certain institutions that are in residential zones, like museums and so forth, that might have impact and they need to
be in the same special exception.

MS. ZARTMAN: Well, from what one reads in the public hearing notice and the OP report, it is intended to apply to all institutions. And that covers an awful lot of non-profit organizations. We all know about the think tanks and the study centers, some of which are very sizeable institutions.

And if the small ones can come in of right and the big ones can come in as long as they're under 300,000 square feet, that's a change in the neighborhood.

VICE CHAIRPERSON JEFFRIES: Yes. I mean obviously I know what we're trying to do in this rewrite. We're trying to consolidate and simplify and I'm still remembering the 607 uses of commercial which was downgraded from 1,200. I mean is there a way in which we can consolidate or how does that handle?

MR. PARKER: Well, I mean our definition of institutional will be somewhat
concerted. I mean again we're talking not just about anything that's non-profit, we're talking about educational and religious and hospitals, things like that. We're not talking about non-profits that are offices because those would fall into an office category.

VICE CHAIRPERSON JEFFRIES:
Right.

MR. PARKER: So it is the things that are traditionally accessory to or located in residential neighborhoods; schools and churches and hospitals and universities. Sorry, in my train of thought I've sort of lost your question.

VICE CHAIRPERSON JEFFRIES: Well no, I'm really just responding to Ms. Zartman in terms of making certain that we can define institution. And if we're going to throw in a number of things that are institution I mean how do you go about consolidating that in such a way that we're not having long lists of things that are in the--
MR. PARKER: Well, I think it's a definition that encapsulates these things.

VICE CHAIRPERSON JEFFRIES: Okay.

MR. PARKER: And we threw a crack at it and I wish I had it with me, we had our original proposal of it in our retail and use report that laid out our proposal for the 20 categories.


MR. PARKER: And talked about institutional and what the proposed definition of that was. And I apologize for not having that with me.

VICE CHAIRPERSON JEFFRIES: Okay.

Well thank you.

CHAIRPERSON HOOD: Okay. Any other questions?

MS. KAHLOW: May I answer the question?

CHAIRPERSON HOOD: We'll start with you Mr. Herzstein.
MS. KAHLOW: May I answer the questions asked about the difference between the PUDs and the campus plans? Do you want an answer to the questions you posed?

VICE CHAIRPERSON JEFFRIES: Actually yes, Ms. Zartman. Sorry, Ms. Kahlow. I'm sorry, it's the Barbaras.

MS. KAHLOW: Well I want to give a simple answer and I couldn't fit it in my five minutes. The major difference was that the university in our instance was using a PUD as a way to avoid the protective provisions in the campus plan rules.

One, an omnibus PUD for a whole campus which was unheard of but the three different standards were one, an objectionable impact standard didn't apply; two, a cumulative FAR cap didn't apply, there was a 3.5 FAR cap they increased to 5.0 if you remember; three, they get in the PUDs more height, more density, all kinds of additional things. They can have more lot occupancy,
etc.

So this was a way to avoid all the protections we had before. And we wanted to have whatever there were in the existing regs an honest discussion about the campus plan. And I was trying to make a shorthand so I could say we had nothing to do with amenities. And you asked was it amenities, and that wasn't the issue.

VICE CHAIRPERSON JEFFRIES: Okay.

So really you're saying that George Washington somehow circumvented--

MS. KAHLOW: The entire purpose of Section 210. That's exactly right. And what I think is so important in our testimony is for you to consider university regs you have to decide are single PUDs okay? Are omnibus PUDs okay? If they can have an omnibus PUD then there's no reason whatsoever to have the campus plan process. And that was the fundamental core issue, the 800-pound gorilla, that you need to think about. Having
a discussion put off till later, you can't
really talk about universities until we can
work on that.

We never anticipated, nor did you
anticipate, nor did the zoning rules
anticipate that they were going to use PUDs.
Yes, for individual sites like the School
Without Walls but not combining all of the
different things.

And besides the School Without
Walls, before that there was one other
dormitory use. So there had been two examples
on the campus. We didn't object to those
because they were specific institutional type
of situations that were different and we
thought they were okay but this is a very
different situation.

CHAIRPERSON HOOD: Okay. I was
about to ask Mr. Barber to come back up but
let's not try that case again.

MS. KAHLOW: We weren't thinking
it was amenities. Does that help at least?
VICE CHAIRPERSON JEFFRIES: Yes.

Yes.

CHAIRPERSON HOOD: Okay. Mr. Herzstein?

MR. HERZSTEIN: Mr. Chairman, if you could indulge me just for a second to call attention to the scoreboard example on the bottom of page 3 of our testimony as a particularly dramatic example of why the minimum square foot exemption to second stage review undermines the protections for neighborhoods.

The American University built a large lighted scoreboard which has a sound siren built into it on its playing field within clear view of neighbors. Now that clearly would fall under the second stage exception and yet it's a major imposition on the neighborhoods.

We feel they should have come in for an amendment to the campus plan. They didn't do so and we will, of course, call that
to the Commission's attention the next opportunity we have. But that's just an example of why this square foot exemption is not effective.

VICE CHAIRPERSON JEFFRIES: I mean I would certainly, obviously this looks somewhat egregious here. I would imagine that we're going to have in the Code, I mean in the provisions to address not just buildings but all kinds of elements that could trigger a secondary review. I mean I appreciate your point here.

CHAIRPERSON HOOD: Let me ask. Mr. Herzstein I remember the discussion about the bleachers, but was the scoreboard, was that ever discussed with American U's campus plan, the scoreboard?

MR. HERZSTEIN: I'm sorry?

CHAIRPERSON HOOD: Was the scoreboard ever discussed? I remember the issue about the bleachers but I'm just trying to remember the scoreboard. Was the
scoreboard ever discussed?

MR. HERZSTEIN: The scoreboard was never mentioned in the campus plan. In fact, since the campus plan discussion at that time there was discussion of bleachers on the main playing field.

CHAIRPERSON HOOD: I remember the bleachers. I remember that, that's the only thing I remember was the bleachers. I don't remember the scoreboard.

MR. HERZSTEIN: And that was approved. They've also though taken what was the old intramural field which was just what they called a patch of grass, and turned that into a large intercollegiate playing field with artificial turf on it which now hosts intercollegiate games which create a lot more noise than the old intramural games, and they put the scoreboard there.

We've called that to the attention of the zoning administrator two or three years ago and gotten zero response from them, which
is another reason why we need second stage review here because there's no enforcement on the other part of the D.C. government or maybe there's 10 percent enforcement. But we haven't been able to get any relief there.

CHAIRPERSON HOOD: Okay. Not putting anybody on the spot but they have a new ZA and you might want to try it again. You have a new zoning administrator and you might want to try it again.

MR. HERZSTEIN: Okay. Thank you.

CHAIRPERSON HOOD: Okay.

Anything else.

VICE CHAIRPERSON JEFFRIES: I mean Mr. Parker in terms of our exchange here, I mean do you have any comments as it relates to caps so it's not just GFA but there could be other aspects too.

MR. PARKER: Right. And those things are addressed, I mean noise, lighting and special events are things that are addressed in the list of items that have to be
addressed.

VICE CHAIRPERSON JEFFRIES: Okay.

MR. PARKER: And, yes, I think that limits could be set on all of those things.

VICE CHAIRPERSON JEFFRIES: Okay.

I mean Mr. Turnbull here is really focused on lighting and I mean that's how it sits now but he usually catches those types of objectionable things and so forth. And so that's why I'm like this had to have happened.

COMMISSIONER TURNBULL: Well so does--

VICE CHAIRPERSON JEFFRIES: Let me just in defense of my colleagues who were here previously, so does Mr. Parsons. If anybody remembers Mr. Parsons he was the signage guru and lighting and all that. So again it goes back to what Mr. Herzstein said, enforcement. And I think even with the Office of Planning, regardless of what you put down we're going to have to have some enforcement
because we spend many nights down here doing
that and it's kind of appalling to me to now
find out that all that negotiating, even
though it might not have been a win-win for
everybody but to try to find that balance and
then to find out this went on. Anyway I can
harp on that all night.

CHAIRPERSON HOOD: Okay. Do we
have anything else? Well I want to thank
this panel. We appreciate it.

MS. KAHLOW: The record's going
to be open because I know our ANC wants to
submit something.

CHAIRPERSON HOOD: What I was
going to do is I think it was two items that
we were asked. I know Ms. Zartman's testimony
was one and there was somebody else who was
giving us a newspaper article. Okay. You
know what, give us some dates. Let's leave
the record open. Let's do that. I was trying
to help us with some reading but anyway let's
leave the record open.
MS. SCHELLIN: Two weeks?
CHAIRPERSON HOOD: Two weeks?
Let's do two weeks.
MS. SCHELLIN: That would put us at oh Christmas Day.
CHAIRPERSON HOOD: Let's do three weeks then.
MS. SCHELLIN: How about till December 29th?
CHAIRPERSON HOOD: Yes, that's good.
MS. SCHELLIN: That's better,
CHAIRPERSON HOOD: Is that good for everyone. Okay.
VICE CHAIRPERSON JEFFRIES: I'm so used to getting Ms. Zartman's written testimony and going through it as she speaks and so I was somewhat at a loss up here. So anyway, I mean there are certain people we pay close attention to. In the future--
CHAIRPERSON HOOD: We pay close attention to everyone.
VICE CHAIRPERSON JEFFRIES:

Everyone. But there are certain people that keep us honest.

MS. ZARTMAN: I do have written testimony but I think the discussion tonight suggested to me there were some other things that needed to be added.

CHAIRPERSON HOOD: Okay.

MS. SCHELLIN: Chairman Hood, could we find out from Mr. Parker, I mean are you guys expecting something else back from him so we can anticipate when we might put this on an agenda?

MR. PARKER: I didn't take any notes of anything that you had asked me for.

MS. SCHELLIN: Yes, and I didn't either.

CHAIRPERSON HOOD: But let me ask this. We're going to leave it open till the 29th. But Mr. Parker, for the sake of the task force, let's walk through this one. What's going to happen now?
MR. PARKER: Well, people had asked for the opportunity to respond to any supplemental that OP submits but if we don't have an OP supplemental then we should be fine.

CHAIRPERSON HOOD: So in this case we're not going to have an OP submittal so it won't be a problem. Okay. I just wanted to make sure. I'm probably going to ask that after we do a few of these again so we can make sure we're all on the same page.

MS. SCHELLIN: And how long do you think, Mr. Parker, before you might have a worksheet for the Commission?

MR. PARKER: I'll have to talk to Mr. Bergstein. When did you set the--

MS. SCHELLIN: I haven't. I'm waiting on you to tell me how much time you think you guys need.

MR. PARKER: I'd have to talk to him. I'm sure that we could do it in January some time. When's your next available date?
MS. SCHELLIN: January 12th.

MR. PARKER: Oh.

MS. SCHELLIN: See that's the problem.

CHAIRPERSON HOOD: Do we have a second meeting?

MS. SCHELLIN: We do have a second meeting. It's getting pretty full.

CHAIRPERSON HOOD: Well Commissioner Keating, our new Commissioner is going to need to probably read the record.

MS. SCHELLIN: Read the record. Then we may have to shoot for the February 9th. Is that going to be okay?

MR. PARKER: No, we can definitely do that.

MS. SCHELLIN: Okay. So we'll take it up at the February 9th meeting.

MS. KRAM: Mr. Chairman?

CHAIRPERSON HOOD: Yes, Ms. Kram?

MS. KRAM: May I just ask a point of clarification?
CHAIRPERSON HOOD: Sure.

MS. KRAM: As to the record being open it's open for all submissions not merely the two you identified?

CHAIRPERSON HOOD: Oh no, no. We're going to open it up for all submissions.

MS. KRAM: Thank you.

CHAIRPERSON HOOD: Okay.

BZA CHAIR MILLER: Chairman Hood, just on that point. I have raised the issue that there were people concerned about whether underground GFA should be counted. And I believe Mr. Parker said that was really difficult to determine and that he couldn't say that Office of Planning could address that.

So I would think that the record's open though in the event that any of the public might want to try to address that right?

MS. SCHELLIN: It's open for anything that relates to the regulations.
BZA CHAIR MILLER: Okay. Thank you.

CHAIRPERSON HOOD: Okay. So we're all on the same page. With that I want to thank everyone for their participation tonight. We appreciate your very thoughtful and thought out comments and with that this hearing is adjourned.

(Whereupon, the Public Hearing in the above-entitled matter went off the record at 9:38 p.m.)