

Testimony of Ellen McCarthy
Ward 3 Vision
December 1, 2011

Case No. 11-07B – Further Processing of American University 2011-2020 Campus Plan for the Relocation and Construction of the Washington College of Law at the Tenley Campus

Good evening, Mr. Chairman and Members of the Commission. For the record, my name is Ellen McCarthy, and I am testifying as an expert in land use and zoning.

As the Commission is aware, the primary issue with respect to further processing of the American University Campus Plan for the Tenley Campus is whether the plan meets the requirements set forth in 11 DCMR §§ 3103.2, 3104.1 and 210, for special exception review and approval and the requirements for variance relief from the setback requirement in § 400.9. In particular, the University must demonstrate that there will not be an adverse impact as a result of noise, traffic or number of students.

Not only do I conclude that there will not be an adverse impact from the proposed construction of the American University Law School at the Tenley Campus, this proposal appears to be a very strong positive development for the area. The addition of 2,000 students and 500 faculty and staff along Wisconsin Avenue, in close proximity to the Tenleytown Metro and the commercial area around it will add to street vitality, and provide additional customers for the retail. In addition, the location of the law school so close to Metro will provide easy accessibility to the university legal clinic which is extremely well-regarded and provides important legal services for low-income people.

This is an urban site, on major thoroughfares; it should be vibrant and alive. It is important to understand the context --Wisconsin Avenue and Nebraska Avenue, both major arterials, form two sides of the site. On the north side, across Yuma Street for most of the length of the law school buildings is a large institutional complex, with St. Ann's Church and parish buildings and the building known as Bon Secours. There is only one portion of the campus which is adjacent to a predominately single-family residential area, and the proposed new structures are clustered on the other side of the eight (8) acre campus from the proposed law school.

First of all, with respect to noise, we are talking about law students, faculty and staff, who come for classes during the day and/or evening, and then leave. Noise should be even less than is the case with the current occupants of the Tenley Campus, who live there. Second, as indicated above, there is only one portion of the campus that abuts a single-family residential neighborhood, and the proposed location of the WCL is a considerable distance from those houses, which are themselves generally setback from the street as well.

Second, with respect to traffic, Ward 3 Vision concurs with the report from the District Department of Transportation, which generally supports the AU proposal, with limitations on parking of no more than 250 spaces and some additional conditions. We note that there has been concern expressed by some of the parties that the currently proffered number of 450 spaces is inadequate. We note that current commuting patterns at the Spring Valley law school site, which is considerably less convenient to transit, have only approximately 50% of the commuters

traveling by single-occupant auto. We would expect the number arriving by Metro and other public transit to increase substantially, given this transit-friendly location. To that end, Ward 3 Vision advocated strongly for increased visibility and usefulness of Yuma Street entrance, to make it as convenient and inviting to Metro users as possible, which AU has done. We concur with the DDOT rationale, that the location of the Law School in this location provides such a substantial reduction in travel time, compared with the Spring Valley location, which required taking Metro to the Tenleytown station, then waiting for the shuttle bus, and traveling an additional 10 to 15 minutes to get to the Spring Valley location, that the number choosing to use transit will be hugely increased.

With respect to traffic, it is important to remember, the law school already exists in upper northwest. The auto trips are being made currently, most of them on these very streets. What is being proposed is that the law school will move to a place that, by virtue of being more convenient to transit, there will be fewer trips overall, even though there will be a few more law students than at present.

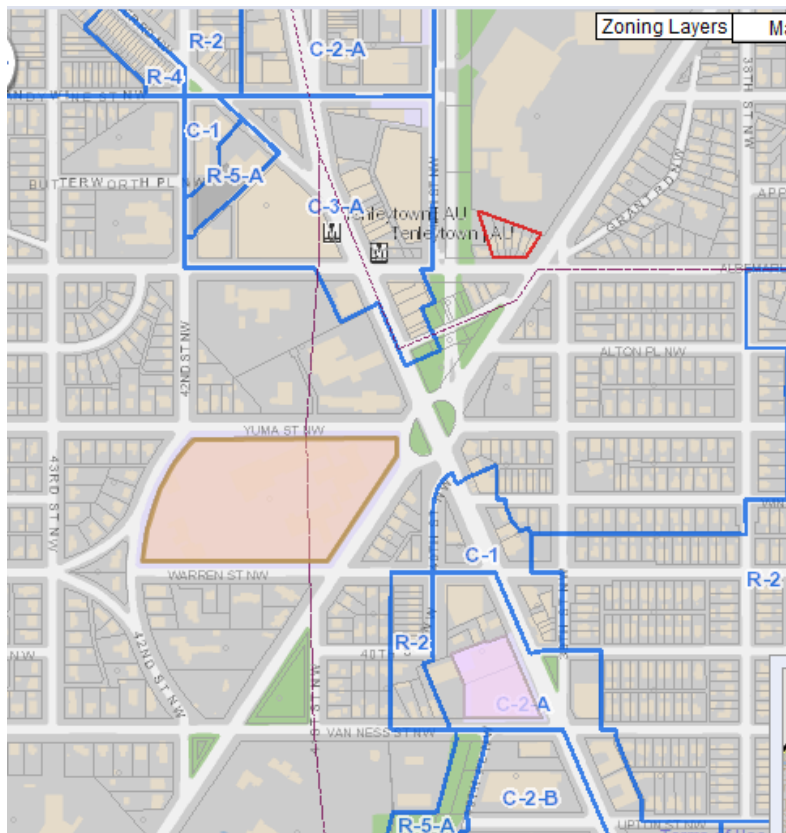
As Tom indicated in his testimony, we generally concur with DDOT's conclusion that the amount of parking proffered could be reduced. That should reduce traffic to the site. We note that the University, in its agreement with Tenley Campus Neighborhood Association, has agreed to utilize its Good Neighbor Parking Enforcement Program in the area. We also note that the overwhelming majority, if not all, of the houses on Warren, Yuma and 42nd Street have their own, off-street parking, so they are not going to be affected by any increase in on-street parking at all.



In addition, the Commission must determine whether the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning

Regulations and Zoning Maps, subject in each case to those special conditions I just addressed. The Zoning Regulations and Maps clearly recognize that university use takes place in residential areas – that is why a campus plan is required, and the uses are permitted by special exception. But special exceptions are generally for uses which are pre-deemed compatible with the zones in which they are permitted, and the applicant merely has to show that it either will not cause any objectionable conditions, or that they will be ameliorated.

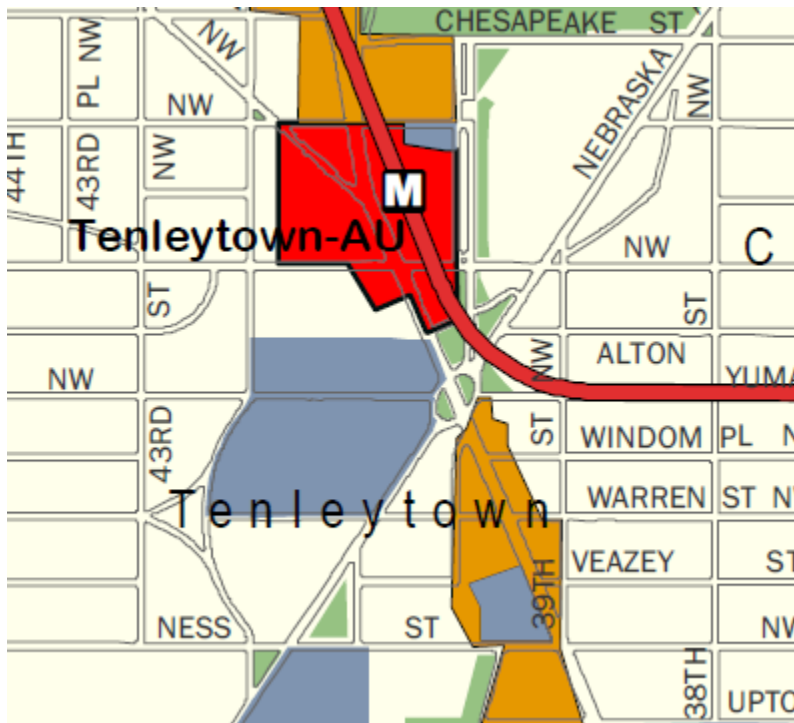
If you look at §210, under which this application is being processed, it notes that, in low density districts, the maximum bulk that can be applied to the campus overall is no more than if it were developed with a density comparable to the R-5-B District, a moderate density zone. As §210.2 notes, “Because of permissive increases as applicable to normal bulk requirements in the low-density districts regulated by this title, it is the intent of this subsection to prevent unreasonable campus expansion into improved low-density districts.” Thus, what AU is proposing here, having been limited in its overall density by the regulations, with which AU is complying, is definitely in harmony with the purpose and intent of the Zoning Regulations and Maps. In addition, let’s recognize, as I noted earlier, this campus may have been zoned R-1-B, but that is somewhat of an anomaly. If you look at the zoning map, you see that along Wisconsin Avenue, this sits in between a relatively high-intensity C-3-A zone on the north, and a C-1 and C-2-A zone on the south.



So we should note that what is being proposed is substantially less-dense than the zones to either side of the campus. To provide additional guidance in this area, Section 210.7 of the Regs points to the Comprehensive Plan:

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

The Comp Plan doesn't give us particularly useful guidance in the Future Land Use Map, because it merely identifies the Tenley Campus as "institutional". However, the Generalized Policy Map indicates that the area just north of the campus, between the campus and the Metro station, is deemed a "Multi-Neighborhood Center", which the Comp Plan explains should encourage mixed-use, job opportunities and a variety of service businesses, and it cites areas such as Hechinger Mall, Brentwood Shopping Center and Skyland Shopping Center as other multi-neighborhood centers. Certainly, the intensity of what is being developed here is no more intense, nor does it generate more traffic, than those projects.



Multi-Neighborhood Centers: Multi-neighborhood centers contain many of the same activities as neighborhood centers but in greater depth and variety. Their service area is typically one to three miles. These centers are generally found at major intersections and along key transit routes. These centers might include supermarkets, general merchandise stores, drug stores, restaurants, specialty shops, apparel stores, and a variety of service-oriented businesses. These centers also may include office space for small businesses, although their primary function remains retail trade. ^{223.17}
Examples of multi-neighborhood business centers include Hechinger Mall, Brentwood Shopping Center, and Skyland Shopping Center. Mixed-use infill development at these centers should be encouraged to provide new retail

and service uses, and additional housing and job opportunities. Transit improvements to these centers are also desirable. ^{223.18}

Additionally, the Comprehensive Plan points out that colleges and universities are “an essential part of the District’s plan to grow its “knowledge-based economy”. It talks about balancing the needs of the university with the character and needs of the community. I have attached representative sections from the Plan as an appendix, but I can definitely say that I would conclude that the plan before you tonight succeeds in achieving that balance.

Guidance from the Comprehensive Plan

20. Colleges and universities make the District an intellectual capital as well as a political capital. They are an essential part of the District’s plans to grow its “knowledge-based” economy, improve access to learning, and broaden economic prosperity for all District residents. Sustaining our colleges and universities is important, as is protecting the integrity of the communities of which they are a part. Encouraging access to higher education for all residents is vitally important, as is locating higher education facilities in neighborhoods currently underserved by such facilities. ^{219.5}

Policy EDU-3.3.2: Balancing University Growth and Neighborhood Needs

Encourage the growth and development of local colleges and universities in a manner that recognizes the role these institutions play in contributing to the District’s character, culture, economy, and is also consistent with and supports community improvement and neighborhood conservation objectives. Discourage university actions that would adversely affect the character or quality of life in surrounding residential areas. ^{1214.6}

LU 3.2

The city’s institutions make an important contribution to the District economy and are an integral part of Washington’s landscape and history. The colleges and universities alone spend over \$1.5 billion dollars annually and employ 21,000 workers. Through partnerships with government and private industry, the city’s museums, higher education, and health care institutions provide services and resources to the community that could not possibly be provided by government alone. ^{315.4}

Policy RCW-1.1.8: Managing Institutional Land Uses

Manage institutional land uses in the Rock Creek West Planning Area in a way that ensures that their operations are harmonious with surrounding uses, that expansion is carefully controlled, and that potential adverse effects on neighboring properties are minimized. Ensure that any redevelopment of institutional land is compatible with the physical character of the community and is consistent with all provisions of the Comprehensive Plan and the underlying zoning rules and regulations. Densities and intensities of any future development on such sites should reflect surrounding land uses as well as infrastructure constraints and input from the local community. ^{2308.9}

Action RCW-2.2.C: Zoning and Design Measures

Continue to work with the community, the Advisory Neighborhood Commissions, and local property owners to address concerns regarding building density and height, planned unit developments and related density bonuses, and architectural design in the Planning Area. Zoning techniques should be considered to break up the auto-oriented commercial appearance of much of Wisconsin Avenue and instead create a more pedestrian-oriented

street, distinct in function and visual character from adjacent residential areas. 2312.15

Looking forward, certain principles should be applied in the management of land around all of the District's neighborhood stations. These include:

A preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses;

A preference for diverse housing types, including both market-rate and affordable units and housing for seniors and others with mobility impairments;

A priority on attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking;

Provision of well-designed, well-programmed, and well-maintained public open spaces;

A "stepping down" of densities with distance away from each station, protecting lower density uses in the vicinity;

Convenient and comfortable connections to the bus system, thereby expanding access to the stations and increasing Metro's ability to serve all parts of the city; and

A high level of pedestrian and bicycle connectivity between the stations and the neighborhoods around them. 306.4

Policy LU-1.3.1: Station Areas as Neighborhood Centers

Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide. This policy should not be interpreted to outweigh other land use policies which call for neighborhood conservation. Each Metro station area is unique and must be treated as such in planning and development decisions. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area. 306.10

Framework Element

9. Many neighborhoods include commercial and institutional uses that contribute to their character. Neighborhood businesses, retail districts, schools, park and recreational facilities, houses of worship and other public facilities all make our communities more livable. These uses provide strong centers that reinforce neighborhood identity and provide destinations and services for residents. They too must be protected and stabilized. 218.2