

Zoning Commission Case No. 11-02 / 11-02A

Proposed Conditions of Approval – May 25, 2011 [REVISED]

Enrollment

1. For the duration of the 2011-2020 Campus Plan, the maximum enrollment on the Van Ness Campus shall not exceed 6,500 students on a headcount basis, and shall not exceed 5,000 students on a FTE basis.
 - a. For purposes of the above, headcount shall include all students enrolled in a course that is offered at the Van Ness campus.
 - b. For purposes of the above, FTE shall be determined by assigning a fraction to part-time students based on the number of credits they are taking on the Van Ness Campus compared to a full-time course load (currently, 12 credits) and adding the number of full-time students.
 - c. The University shall provide ANC 3F with its Van Ness Campus enrollment by November 1 (for fall semester enrollment), April 15 (for spring semester enrollment), and August 1 (for summer enrollment).

Housing

2. The University shall be permitted to construct the proposed on-campus housing as described in the 2011 Campus Plan, subject to further processing review and approval pursuant to Section 210 of the Zoning Regulations.
 - a. The location shall be within the area identified on Tab B of the University's May 25, 2011 supplemental submission.
 - b. The number of stories, gross floor area, and lot coverage shall be generally consistent with the development summary indicated on Tab M of the University's April 18, 2011 pre-hearing submission.
 - c. As a part of the further processing application, the University shall provide the following documentation:
 - i. Interim report on student enrollment and faculty/staff counts;
 - ii. Interim report on the implementation of the student conduct measures detailed in conditions 7-12;
 - iii. Interim report on transportation issues, including:
 1. Information on implementation of the transportation demand management plan detailed in condition 13, including mode split data;

2. Information regarding utilization of campus parking resources as well as implementation of the parking policy detailed in condition 14.
 - iv. Interim report on perimeter improvements detailed in conditions 18 and 19.
3. The University shall provide the community with notice and an opportunity to review the proposed design of the on-campus housing at least 60 days prior to filing of the application for further processing.
 - a. Notice of the University's intent to file the application ("Notice of Intent") shall be provided by U.S. mail to ANC 3F and all property owners within 200 feet of the campus. In addition, the Notice of Intent shall be provided by U.S. mail to all residents within approximately one block of Lot 803.¹ The Notice of Intent shall state that the University intends to file an application to secure further processing approval to construct dormitories on University property, and shall provide the proposed number of beds, maximum square footage, description of common areas, and planned pedestrian and vehicular access to the dormitories. In addition, the Notice of Intent shall provide a website address (URL) where more information about the proposed dormitories may be found, and the contact information (name, phone, and email) for a University representative that can be contacted for additional information. Finally, the Notice of Intent shall indicate the date, time, and location of the Preliminary Design Review meeting described below.
 - b. At least 45 days prior to the filing of the application for further processing, the University shall hold an open community meeting to review the preliminary design of the housing with interested community members ("Preliminary Design Review"). This meeting shall be specifically noticed in the Notice of Intent, and shall also be noticed in the Northwest Current, on neighborhood listservs, and on the University's website.
4. The proposed on-campus housing shall be limited to no more than 600 beds. The University shall end its off-campus leasing program no more than one semester after the completion and occupancy of the on-campus housing. The University shall be permitted to continue to provide referrals for off-campus living options to students who are interested in living off-campus in privately owned or leased properties.

¹ The "Nearby Residents" shall include all addresses along Upton, Van Ness, Veazey, Windom, and Warren Streets between Reno Road/36th Street and 37th Streets; all residents along 36th Streets and Reno Road between Upton Street and Yuma Street; and all residents along Yuma Street between Connecticut Avenue and 37th Street and all residents of 35th Street between Yuma Street and Alton Place. Notice shall also be provided to the Van Ness South Tenants Association, Van Ness North Condominium Association, and Van Ness East Cooperative Association.

5. Prior to the completion and occupancy of the on-campus housing, the University agrees to take the following measures regarding its off-campus leasing program:
 - a. The University shall lease no more than 31 units in the Archstone Van Ness apartment complex. The University shall continue to monitor and address complaints regarding student behavior and maintain four resident advisors as an administrative presence in the apartment complex.
 - b. The University shall be permitted to lease additional units in other buildings, up to a total of no more than 100 units within a mile of the Van Ness campus. The University shall provide at least one resident advisor for every eight units to serve as an administrative presence.
 - c. The University shall provide to ANC 3F, on an annual basis, an accounting of the number of leased residential units and number of students housed in those units. The University shall also identify the building or buildings in which these units are located.
 - d. In multifamily residential buildings where the University intends to acquire a leasehold interest for use as student housing, the University shall provide notice to the building management and tenant association of such intent at least 60 days prior to the actual occupancy of such units by students.
6. The University shall terminate its leasing of units at Archstone Van Ness in coordination with the completion of the on-campus housing.
 - a. The University shall end its leases prior to the first full semester during which the on-campus housing is in operation.
 - b. If permitted under the terms of its lease, the University shall remove the internal walls that were constructed by University within those units.

Student Conduct

7. All students at the Van Ness campus, whether living on campus, off campus in housing leased directly by the University, or living off-campus in privately owned or leased property, shall be required to comply with the University Code of Conduct. Within three months of approval of the Campus Plan, the University shall evaluate and collect input from the Task Force on revisions to the Code of Conduct that will address the impacts of students living on or near campus.
8. The University shall use disciplinary intervention for acts of misconduct committed by students (i.e. violations of the Code of Conduct) in the surrounding community, regardless of whether the student lives on campus or off campus, and even if the students are not in properties owned or controlled by the University. The University shall act on incident reports by residents, ANC 3F, community

associations, tenant associations, building management, University security officers, and the Metropolitan Police Department.

9. The University shall establish and maintain an outreach program with neighboring apartment buildings occupied by University students (including but not limited to apartment buildings in which the University leases residential units), to educate management companies and tenant associations on the University's disciplinary program and its reporting requirements, to facilitate effective use of its program.
10. The University shall establish and publicize (through appropriate written and/or electronic communications) a hotline to receive calls about student conduct issues and safety and security concerns. The University shall maintain a log of all calls received and all actions taken, including referrals made to the appropriate University departments for their attention. A quarterly report summarizing the hotline efforts shall be provided to ANC 3F.
11. The University shall establish and maintain a mandatory program for all students living on-campus or off-campus within one mile of the Van Ness campus that will address "good neighbor" issues, educating students about appropriate conduct in the off-campus community. This program will especially emphasize objectionable noise both inside and outside of buildings, restricted parking in the surrounding residential neighborhoods, illegal underage drinking, and respect for personal and real property of the residential and private business communities.
12. The University shall establish and maintain an outreach program with the Metropolitan Police Department to secure referrals on all reports of complaints, infractions, or arrests of University students living on-campus or in off-campus housing near the University. The University shall maintain a log of all referrals received and all actions taken.

Transportation and Parking

13. The University shall manage its on-campus parking supply and encourage all students, faculty, staff, and visitors to use transit and other alternatives to single-occupancy vehicles through the implementation of the TDM measures detailed on Tab C of the University's May 25, 2011 pre-hearing statement.
14. The University shall require all students, faculty and staff to park in University or other commercial parking facilities on or near the Van Ness campus.
 - a. The University shall prohibit, to the extent permitted by law, students from parking on the residential streets adjacent to and surrounding the Van Ness campus. To accomplish these purposes, the University shall employ a system of administrative actions, penalties, and fines for violations of this policy.

- b. All students residing on campus shall not be permitted to garage their vehicles to the Van Ness campus. The University shall work with the Department of Motor Vehicles to prohibit students residing on campus from applying for residential permit parking stickers for the residential neighborhoods surrounding the Van Ness campus.
- 15. The University shall encourage all visitors attending special events on campus to use transit or park in University or other area parking facilities. The University shall work with area institutions and commercial parking operators as well as use attendant parking to provide additional parking as needed during these events. Non-University events in the Student Center ballroom shall be subject to the following additional conditions:
 - a. For weekday non-University events that are likely to draw more than 100 persons, the University shall direct potential users to notify event guests that parking will not be available on campus or in the surrounding community and that driving is therefore prohibited. The University shall direct potential users to encourage event guests to travel to the Van Ness campus by transit, bus, walking, or taxi.
 - i. For purposes of this condition, “weekday events” are events that begin between 8:00 am and 4:00 pm, Monday through Friday.
 - b. For weeknight non-University events that are likely to draw more than 100 persons, such events shall not be permitted to begin between the hours of 5:00 pm and 7:00 pm
 - i. For purposes of this condition, “weeknight events” are events that begin after 4:00 pm, Monday through Friday.
- 16. The University shall work with area institutions regarding the scheduling of special events expected to draw more than 100 visitors to the Van Ness campus.
- 17. The University shall direct all construction traffic to avoid routes through the adjacent residential neighborhoods through contract provisions or similar mechanisms.

Perimeter Improvements

- 18. Subject to availability of funding and other required approval from or coordination with District agencies, the University shall undertake the improvements detailed on Exhibit G of the University’s April 18, 2011 pre-hearing submission in accordance with the implementation schedule detailed on said exhibit. The University shall have the flexibility to modify the final design and layout of these improvements based on approval from or coordination with District agencies.
- 19. Following the issuance of the Certificate of Occupancy for the Student Center, the University shall use good faith efforts to work with District agencies and other

stakeholders to promote the construction of improvements to the intersection of Veazey Terrace with Connecticut Avenue as shown in concept on Exhibit K of the University's April 18, 2011 pre-hearing submission.

Community Outreach

20. University-Community Task Force: Within one month of approval of the Campus Plan, the University shall establish a Task Force that includes representatives of the University officials, ANC 3F, residents of the surrounding Van Ness and North Cleveland Park neighborhoods (including residents of both the single-family neighborhoods and high-rise buildings near campus).

- a. The Task Force shall meet quarterly in order to encourage dialogue regarding campus planning, student conduct, traffic and parking, construction activity, and similar issues.
- b. The meetings shall be open to the public and shall be noticed at least two weeks prior through advertisements in the *Northwest Current*, on neighborhood listservs, and through the University's website. Notice of such meetings shall also be provided to authorized representatives of neighborhood community associations, tenant associations, or other building associations. Said notice shall identify the preliminary agenda for each meeting, though this preliminary agenda shall not preclude the discussion of additional issues or concerns.
- c. The University shall keep minutes of all Task Force Meetings as well as a log of all attendees.
- d. Within one month of each Task Force meeting, the University shall circulate the minutes of the meeting to ANC 3F, authorized representatives of neighborhood or building associations, and any other participant requesting the minutes at the meeting. The University shall also post the minutes on its website.

21. Notice Regarding Future Zoning Applications:

- a. The University shall provide nearby residents (as defined in footnote one) and ANC 3F with notice of its intent to file any future application for an amendment to the Campus Plan at least 60 days prior to the filing of the application. Such notice shall describe the proposed amendment, including any relevant new construction, alteration, or change in use associated with the amendment. The notice shall also identify the name, phone number, and email of a University representative that may be contacted for further information. Finally, the Notice of Intent shall indicate the date, time, and location of the Preliminary Review meeting described below.

- b. At least 45 days prior to the filing of the application for amendment of the Campus Plan, the University shall hold an open community meeting to review the proposed amendment (“Preliminary Review”). This meeting shall be specifically noticed in the Notice of Intent, and shall also be noticed in the Northwest Current, on neighborhood listservs, and on the University’s website.

22. Notice Regarding Future Campus Plan.

- a. The University shall provide nearby residents (as defined in footnote one) and ANC 3F with its notice of intent to commence the planning process for any future Campus Plan at least 60 days prior to the community kickoff meeting for the planning process.
- b. The community kickoff meeting shall take place at least six months prior to the filing of the future Campus Plan.
- c. The notice shall indicate the date, time, and location of the community kickoff meeting, as well as include a preliminary schedule for future community meetings and an estimated date for filing of the Campus Plan.

Student Center Design

23. The Student Center shall be constructed in accordance with the plans included as Exhibit A of the University’s April 18, 2011 pre-hearing submission, as modified by the plans filed by the University on May 25, 2011, provided that the University shall have flexibility to modify the design as follows:

- a. Modify the design of all interior components of the building;
- b. Vary the final selection of exterior materials within the color ranges and materials types proposed based on availability at the time of construction;
- c. Vary the size, location, and design features of building entrances, including the size, location, and design of windows, doors, awnings, canopies and similar features, to accommodate the needs of specific tenants and uses;
- d. Vary the size, location, and other features of proposed building signage;
- e. Make minor refinements to exterior details and dimensions to comply with Construction Codes or that are otherwise necessary to obtain a final building permit;
- f. Modify the exterior design of the building as required to address field conditions such as the presence of WMATA-related facilities below grade; and

- g. Modify the exterior design as required to address comments from the National Capital Planning Commission (NCPC), the Commission of Fine Arts (CFA), and the State Historic Preservation Officer (SHPO).

Such flexibility may include changes to the building footprint, height, and density, provided that the building design shall remain substantially the same and continue to comply with all relevant provisions of the Zoning Regulations

- 24. The Student Center shall be designed to a minimum of LEED Platinum under the applicable standard.
- 25. The University shall not be permitted to lease space in the Student Center to a tenant seeking to operate such space as a nightclub, lounge, or similar use.