

June 20, 2011

VIA HAND DELIVERY

D.C. Zoning Commission
441 4th Street NW, Suite 210S
Washington, DC 20001

Re: ZC Case No. 11-02/11-02A – Proposed Order

Dear Members of the Commission:

Enclosed please find the proposed Findings of Fact and Conclusions of Law for the University of the District of Columbia's campus plan and further processing application. The enclosed order reflects all of the commitments made by the University through June 13, 2011.

Should you or your staff have any questions, please do not hesitate to contact me.

Sincerely,



Allison C. Prince

Enclosure
DCDOCS\7056762.1

ZONING COMMISSION
District of Columbia
CASE NO. 11-02A
EXHIBIT NO. 39

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2011, copies of the attached letter and enclosures were delivered via messenger to the following:

Paul Goldstien
D.C. Office of Planning
1100 4th Street SW, Suite E650
Washington, DC 20024

Adam Tope
ANC 3F
4319 Reno Road NW
Washington, DC 20008

Jeff Jennings
District Department of Transportation
55 M Street SE, Suite 500
Washington, DC 20003

David Wilson
Van Ness South Tenants' Association
3003 Van Ness Street NW, Unit S1006
Washington, DC 20008

Brenda Viehe-Naess
Van Ness Street Residents Association
3625 Van Ness Street NW
Washington, DC 20008



Allison Prince

Proffered Amenity

1. First Source Agreement
2. Workforce and Affordable Housing
3. Pedestrian Bridge
4. Post Secondary Education

Potential Adverse Effect

1. Loading
2. Parking
3. Traffic

Proposed Condition

1. The Applicant shall enter into a First Source Agreement with the Department of Employment Services prior to the issuance of a building permit for the project.

See Condition Nos. 5 and 6 of Order No. 05-28

See Condition No. 8 of Order No. 05-28A
2. The project shall be used for post-secondary academic / administrative / retail, and parking uses.

Proposed Condition to Mitigate

1. The project shall provide loading consistent with the approved plans and the Loading Management Plan detailed in Exhibit 66 of the Record.
2. The project shall provide parking as shown on the approved plans, provided:
 - The spaces are available for use only by faculty, staff, students or visitors of the building's users.
 - Vehicular parking cannot be free, but be available at market-rate prices;
 - An information kiosk with bus schedules and bike routes is provided.
1. The project shall implement the Transportation Demand Management Plan proffered in Exhibit 53 of the Record.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-02/11-02A
Z.C. Case No. 11-02/11-02A

**Application of the University of the District of Columbia for Special Exception Approval of
a New Campus Plan for the Van Ness Campus and Further Processing of a Campus Plan**

This case is an application by The University of the District of Columbia (the “University” or “UDC” or “Applicant”) requesting special exception approval under the campus plan provisions of the Zoning Regulations at 11 DCMR §§ 3104.1 and 210 for a new campus plan for the University’s Van Ness campus and further processing under the new campus plan to allow the construction and use of a new student center. In accordance with § 210 of the Zoning Regulations, this case was heard and decided by the D.C. Zoning Commission (the “Commission”) using the rules of the D.C. Board of Zoning Adjustment at 11 DCMR §§ 3100 *et seq.* For the reasons stated below, the Commission hereby approves the applications, subject to conditions.

HEARING DATES: May 2 & May 25, 2011

DECISION DATE: June 27, 2011

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

FINDINGS OF FACT

Applications, Parties, and Hearing

1. The Property that is the subject of this application is located at 4200 Connecticut Avenue, NW. It is known as part of Lot 803 in Square 1964 (the “Property” or the “Van Ness Campus”). Jurisdiction over the Property was transferred to the University of the District of Columbia from the federal government.
2. When the UDC campus was first constructed in the 1970s and 1980s, District of Columbia properties were not subject to zoning and accordingly there is no existing campus plan. Once the University received funding from the D.C. Council for a new student center, it embarked on a formal process to develop its campus plan pursuant to Section 210 of the Zoning Regulations as well as to secure further processing approval for the proposed student center.
3. On February 8, 2011, the University submitted an application seeking special exception review and approval of a new campus plan for the Van Ness Campus (the “2011 Plan”). The 2011 Plan was assigned Case No. 11-02 and the public hearing was scheduled for May 2, 2011.
4. On February 28, 2011, the University submitted an application for further processing of a campus plan in order to construct a new student center (the “Student Center”). The Student Center was assigned Case No. 11-02A and the public hearing was also scheduled for May 2, 2011.

5. Notice of the public hearing was published in the *D.C. Register* on _____ and was mailed to Advisory Neighborhood Commission (“ANC”) 3F and to owners of all property within 200 feet of the Property. To be conservative, notice of the public hearing was mailed to owners of all property within 200 feet of Lot 803, even though a portion of Lot 803 is not within the campus boundaries.
6. Notice of the public hearing was also provided by posting of the Property pursuant to § 3113.14 of the Zoning Regulations. By affidavit, the University submitted evidence that its initial posting was made in excess of the minimum number of days required by the Zoning Regulations, but only advertised Case No. 11-02. By further affidavit, the University submitted evidence that the posting was updated to include Case No. 11-02A two days after the posting deadline. As a preliminary matter, the Commission concluded that such notice was adequate given the alternate forms of posting provided and the substantial evidence that actual notice had been provided to nearby property owners and neighbors in advance of the public hearing.
7. The public hearings on the application were conducted on May 2, 2011 and May 25, 2011. The hearings were conducted in accordance with the provisions of 11 DCMR §§ 3022 and 3117.
8. In addition to the Applicant, ANC 3F was automatically a party in this proceeding. The representative for ANC 3F submitted a report requesting postponement and, in the alternative, in opposition to the 2011 Plan. The ANC also provided oral testimony at the public hearing. (Ex. 22, 41¹)
9. On April 18, 2011, the Commission received a request for party status from Brenda Viehe-Naess. On April 25, 2011 the Commission received an amended party status request from Brenda Viehe-Naess on behalf of the Van Ness Street Residents’ Association (“VNRA”) to be the representative of VNRA and residents in the 3600 block of Van Ness Street. The Commission granted party status to the VNRA. (Ex. 15, 20)
10. On April 18, 2011, the Commission received a request for party status from the Van Ness South Tenants’ Association (“VNSTA”). The VNSTA represents tenants of the Van Ness South apartment building. The Commission granted party status to the VNSTA. (Ex. 16)
11. On April 18, 2011 the Commission received a request for party status from Stephanie and Douglas Kinney. The Commission denied party status to the Kinneys and reasoned that their interests could be sufficiently represented by the VNRA. The Commission encouraged the Kinneys to join the VNRA. (Ex. 14)
12. At the May 2 hearing, the University presented evidence and testimony from Barbara Jumper, the University’s Vice President for Facilities and Real Estate; Douglas McCoach, qualified as an expert in planning; Erik Thompson, Capital Project Manager for the University; Michael Marshall, qualified as an expert in architecture; Jeff Lee, qualified as an

¹ Unless otherwise indicated, all exhibit references are to Case No. 11-02.

expert in landscape architecture; and Dan Van Pelt, qualified as an expert in traffic engineering.

13. At the public hearing the Commission heard testimony and received a report and supplemental submission from the Office of Planning (“OP”) in support of the application. (Ex. 21, 24)
14. The Commission received a report and supplemental submission from the District Department of Transportation (“DDOT”) conditionally supportive of the application. (Ex. 26, 47)
15. The Commission received a letter of concept approval for the 2011 Plan and Student Center from the U.S. Commission of Fine Arts. (Ex. 30)
16. The Commission heard testimony and received evidence from multiple persons in support of the application, including students and neighbors.
17. On May 25, 2011, the University filed a submission at the request of the Zoning Commission in response to issues raised during the May 2, 2011 public hearing. The University included a revised and updated set of proposed conditions of approval in this submission. (Ex. 39)
18. Following the public hearing, on June 13, 2011, the University filed a post-hearing submission to provide additional information in response to the requests of the Commission. (Ex. ____). In response to the direction of the Commission, the University also filed a post-hearing submission containing revised plans for the Student Center. (Case No. 11-02A, Exhibit ____).
19. At a public meeting on June 27, 2011, the Commission took final action to approve the application in Case No. 11-02/11-02A, subject to conditions, by a vote of _____.

The Van Ness Campus and Surrounding Property

20. The Property is located in Northwest Washington, contains an area of approximately 21 acres, and is bounded generally by Yuma Street to the north; Connecticut Avenue to the east; Van Ness Street to the south; and a portion of the International Chancery Complex to the west. (Ex. 2)
21. The University was created in the mid-1970s when Federal City College, Washington Technical Institute, and District of Columbia Teachers College were consolidated. The University currently offers 75 undergraduate and graduate academic degree programs through the College of Arts and Sciences, School of Business and Public Administration, School of Engineering and Applied Sciences, and the UDC David A. Clarke School of Law. (Ex. 2)
22. The core of the Campus is located at its southern end, and consists of ten academic and administrative buildings organized around Dennard Plaza, a large landscaped plaza that

connects many of these buildings. To the east of the campus core, at the intersection of Connecticut Avenue and Van Ness Street, existing campus development is set back from the main roadway and a large hardscaped plaza sits adjacent to the Van Ness Metrorail entrance. North of the campus core are buildings and space devoted to performing arts, including an auditorium, amphitheater, and music, dance, and theater space. Further to the north and west are athletic facilities, which include the athletic center, fields, and tennis courts. (Ex. 2)

23. The campus site slopes from west to east, dropping over 40 feet from the athletic fields on the west side of campus to the portions near Connecticut Avenue, and the central plaza accommodates the change in grade. Because of the significant natural topography change, there are several bridge components that connect Dennard Plaza with buildings further to the north. (Ex. 2)
24. Dennard Plaza and the surrounding buildings sit above a central underground campus parking garage and loading facility. Parking for the Campus is accessed from Van Ness Street, while loading is accessed from Connecticut Avenue via Veazey Terrace. The Campus is also accessed from Connecticut Avenue via Windom Place. (Ex. 2)
25. Immediately to the south of the Campus is Intelsat's administrative headquarters, and immediately to the west is the International Chancery Center, which contains nearly 20 diplomatic buildings. Further to the north and west of Campus are low-density single family dwellings. To the east across Connecticut Avenue are medium density commercial buildings and high density residential apartment buildings.
26. The Campus is zoned D/R-1-B. The adjoining portion of the Connecticut Avenue corridor is zoned C-3-A, and surrounding residential areas are zoned R-1-B, R-2, and R-5-D. The Campus is located in the Local Public Utilities and Moderate Density Commercial land use category on the Future Land Use Map of the District of Columbia Comprehensive Plan.

Campus Plan Application

27. In its 2011 Plan, the University sets forth its vision to transform the Van Ness Campus into a flagship institution that will be competitive with other top tier academic institutions, while continuing to meet the comprehensive post-secondary education needs of the residents of the District of Columbia. The 2011 Plan calls for establishing the UDC Van Ness Campus as a landmark main campus hub emerging as an important economic engine for the District of Columbia and the region. The goals of the 2011 Plan are as follows: improve campus visibility from Connecticut Avenue, while improving the entry points to the University; create opportunities to enhance the student experience while creating revenue-generating activities; establish campus zones within the campus to provide distinct yet connected areas that improve convenience, enhance orientation and improve operational effectiveness; accommodate for future growth by establishing a commitment to the environment and new technologies; reduce parking need; improve campus open space to effectively maximize the utilization of open space; and strengthen the campus image and character by enhanced public entry to the campus while improving security by establishing a secured campus edge. (Ex. 2)

28. The 2011 Plan incorporates four main changes to the Campus: (1) construct a new Student Center; (2) provide on-campus student housing; (3) improve environmental sustainability; and (4) increase the population of students. Sustainability goals include the first LEED Platinum Student Center in the country and green roof retrofits on existing buildings. Initially, the University proposed to increase enrollment to 8,000 full-time equivalent (“FTE”) or 10,000 headcount students. In response to community concerns about the extent of the increase, the original enrollment projections were later reduced to 5,000 FTE or 6,500 headcount. (Ex. 2)
29. The University presented evidence and testimony that the 2011 Plan was developed through an inclusive and collaborative community-based planning process. The University hosted a series of four open houses, starting in fall 2010. These community forums, which were advertised through community newspapers and websites as well as on the University’s website, allowed direct public input at each stage of the campus plan’s development. Following the filing of the campus plan and further processing applications, the University presented to the community both the filed campus plan and the design for the Student Center at an ANC “town hall” on March 30, 2011. The University provided a draft of the campus plan and certain exhibits to the community on April 13, 2011, to provide additional time for consideration and review prior to the hearing. (Ex. 2, 17)
30. Pursuant to 11 DCMR § 210.1, The University of the District of Columbia is an academic institution of higher learning pursuant to D.C. Law 1-36, which consolidated the Federal City College, Washington Technical Institute, and District of Columbia Teachers College.
31. As required by 11 DCMR § 210.2 and as described in greater detail below, the University demonstrated that the proposed use was located so as not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable impacts. Specifically, the University submitted 27 conditions of approval to avoid the creation of adverse impacts as a result of the location of university uses in a residential zone. (Ex. 39, ___) These conditions of approval were supplemented and refined in response to community and agency comments. The 2011 Plan also incorporated revised Transportation Demand Management commitments to alleviate any traffic impacts. (Ex. 39)
32. The Applicant submitted a plan for developing the campus as a whole, showing the location, height, and bulk of all present and proposed improvements, as required by 11 DCMR § 210.4. (Ex. 2, 17, 39, 52)
- a. Buildings and parking and loading facilities. The 2011 Plan identifies two areas for proposed new construction: a new Student Center at the southeast corner and a new student housing facility containing approximately 600 beds in the western portion of the Campus. (Ex. 2, Tab C) UDC’s architects and planners considered and studied four alternate sites for the on-campus housing, but the designated site presented the fewest challenges. During the course of the public hearings, UDC expanded the originally designated housing zone in response to the concerns of the community. That adjustment will provide an opportunity to address community concerns about setbacks from Van Ness Street. In addition to the Student Center and housing, the 2011 Plan provides for

additional improvements and renovations to Dennard Plaza. (Ex. 17) The 2011 Plan does not add any parking spaces or loading facilities to the Campus; the proposed new buildings will use the existing parking and loading. (Ex. 17, Tab H)

- b. Screening, signs, streets, and public utility facilities. The 2011 Plan features several improvements and enhancements both interior to and on the streets immediately surrounding the campus. The 2011 Plan recommends a thorough review of the perimeter conditions for the development of landscape, hardscape, security, and access specific to the various conditions that surround the campus. (Ex. 2) In addition, the 2011 Plan recommends a unified system of signage for the campus and the adjacent commercial area. (Ex. 2) The 2011 Plan also recommends pedestrian improvements to the intersection of Veazey Terrace and Connecticut Avenue. (Ex. 17, Tab K)
- c. Athletic and other recreational facilities. The 2011 Plan anticipates modest changes to the existing range of athletic facilities on campus: the University is in the process of renovating the natatorium. (Ex. 2)
- d. Description of all activities conducted or to be conducted on the campus, and of the capacity of all present and proposed campus development. The 2011 Plan divides the campus into six zones:
 - Academic: includes classrooms, laboratories, libraries, faculty offices, administrative offices, auxiliary services and related support functions.
 - Student Center: includes the new Student Center, which will provide student government/activity offices, assembly/ballroom space, student lounges, and food service.
 - Athletic: includes athletic facilities and related support functions.
 - Campus Infrastructure: includes infrastructure and related facilities necessary to support University operations.
 - Student Housing: includes student residences, auxiliary services and related support functions.
 - Arts/Culture: includes performing arts facilities and related support functions.New construction for the entire 2011 Plan will provide approximately 345,000 square feet of gross floor area, of which approximately 65,000 will be for the new Student Center. (Ex. 17)

- 33. Under § 210.3, the total bulk of all buildings and structures on the Campus shall not exceed 1.8 FAR. As required under § 210.8, the University submitted evidence that the development plan would result in an FAR of 1.54, well within the FAR limit for the campus as a whole. (Ex. 17)
- 34. The proposed 2011 Plan calls for building heights that are complementary to the surrounding residential context. Proposed buildings would range between three and four stories. The new Student Center will have a height of approximately 56 feet, not including the architectural embellishment. (Ex. 17, Tabs A & M; Ex. ____). All buildings will fully comply with the Zoning Regulations.

35. Under the proposed development plan, the University will occupy approximately 36% of the Campus lot. (Ex. 17, Tab M)
36. Pursuant to 11 DCMR § 210.5, the University did not propose an interim use of land.
37. Pursuant to 11 DCMR § 210.7, the University provided evidence that the 2011 Plan was not inconsistent with the Comprehensive Plan, including the designation of the Campus as “Local Public Facility” and “Institutional” and related provisions endorsing change and infill on university campuses consistent with campus plans. The University also provided evidence that the 2011 Plan was not inconsistent with other elements of the Comprehensive Plan, including the Education Element and the Rock Creek West Area Element. In particular, the Van Ness Campus provides an opportunity for new educational opportunities, which is specifically endorsed by the Comprehensive Plan. The Commission finds that the proposed 2011 Plan will further the goals and policies of the Comprehensive Plan. (Ex. 2)
38. Pursuant to § 210.9, the Commission received reports in support from OP and DDOT regarding the campus plan. (Ex. 21, 24, 26)

Section 210 Evaluation

Noise

- Activities within the campus plan boundaries are located to minimize objectionable impacts due to noise. The bulk of the campus to the west, south, and east is surrounded by commercial and institutional uses that are generally not sensitive to noise. Further, these buildings are largely devoted to academic and administrative uses that, by and large, do not generate noise levels that have the potential to become objectionable.
39. As part of the 2011 Plan, the University has incorporated a series of campus perimeter improvements that will improve landscaping, buffering, and wayfinding at the campus edges. (Ex. 17). Specifically, the University proposes to improve upon the sound buffers of mature trees and dense landscaping along the northern and western edges of the Campus through the extension of the sidewalks along Yuma Street and introduction of additional trees along the streetscape to buffer this side of the Campus from the nearby residential uses. Representatives for the University testified that landscaping around the student housing site would be constructed in conjunction with the student housing itself.
 40. The University selected sites for both the Student Center and the new housing that have minimal impact on nearby residential areas. (Ex. 17, Tab G; Ex. 52). At the public hearing and in its post-hearing submission, the University presented evidence that the adjacent property to the west is located at least 30 feet higher than the University due to a significant topographic change. Furthermore, the University presented evidence that the closest residential properties to the west are hundreds of feet away.
 41. The Commission does not credit the ANC’s testimony regarding potential objectionable noise impacts. At the public hearing, representatives for the ANC and parties generally alleged that the campus Plan could generate objectionable impacts due to noise. The ANC and parties did not, however, present evidence that current University operations generated

adverse noise impacts. Instead, the noise complained of was generated by embassy events, which are located (1) closer to the residential neighborhood and (2) at an elevation significantly higher than the University campus. Furthermore, the ANC representative testified that to the extent that the University did generate noise, any concerns were quickly addressed.

42. Service activity generally occurs in the interior of the campus, north of Building 38 where Veazey Terrace meets the Campus. This area is directly accessible from Connecticut Avenue and is behind commercial development and removed from residential areas. (Ex. 17, p. 9)
43. The Student Center is located along a commercial corridor, adjacent to commercial and high-density residential property. On cross-examination, representatives for the University testified that the majority of the mechanical equipment for the Student Center was located in the cellar of the proposed building and would not generate objectionable noise impacts.
44. For the reasons set forth above, the Commission finds that the 2011 Plan and the proposed Student Center is not likely to become objectionable to neighboring property due to noise.

Traffic

45. The Campus is located immediately adjacent to the Van Ness Metrorail station, which provides a convenient and reliable alternative transportation mode for students, faculty, and staff alike. Metrobus, Capital Bikeshare and Zipcar serve the Campus as well. The entrance to the parking facility is located on the institutional side of campus off Van Ness Street, which is directly accessed from Connecticut Avenue and avoids the need for cars to enter the surrounding residential neighborhood. (Ex. 17)
46. The University testified at the public hearing that the 2011 Plan's transportation goals are to improve pedestrian safety, to promote transit and reduce auto-dependency, and to reinforce sustainable practices.
47. The University's traffic expert testified, and the Commission finds, that the 2011 Plan will not generate significant changes to nearby roadway volumes, operations, or geometries, so its impact on traffic will be minimal. (Ex. 17, Tab I).
 - a. The University will implement a robust Transportation Demand Management ("TDM") program. This TDM program includes significant commitments and goals that will further improve mode choice, encourage alternatives to driving, and ensure that impacts of university operation will not become objectionable. Key features of the TDM include increasing on-campus parking rates for faculty, staff and students; providing preferred parking for carpools and alternative fuel vehicles; providing an electric vehicle charging station; maximizing the SmartBenefit commitment; charging a student fee for transportation; and increasing the availability of bike parking throughout the campus. (Ex. 17, Tab I)

- b. The Commission agrees with the conclusion of the University's traffic expert and finds that approval of the 2011 Plan is not likely to become objectionable to neighboring properties with respect to traffic because of the TDM program, the campus location among many transit options, and the proposal to provide more on-campus services. The Commission credits the testimony of the University's traffic expert regarding the sufficiency of the proposed TDM program, as detailed in Tab A of the University's June 13, 2011 post-hearing submission, and agrees with the University that tracking and limiting morning peak hour trips would be an onerous and unnecessary condition. The Commission does not credit the testimony of the ANC's traffic consultant that the additional measures proposed by the traffic consultant are necessary to avoid adverse traffic impacts.
 - c. The Commission also credits the testimony of DDOT at the public hearing that the agency was generally supportive of the campus plan and that the University's efforts to enhance its TDM were laudable.
48. The Commission finds that approval of the 2011 Plan will not create conditions objectionable to neighboring property because of parking. The Commission finds that the Campus will provide an adequate number of parking spaces for the proposed uses. The Commission also finds that University operation will not create objectionable impacts on residential neighborhood streets due to parking.
- a. The 2011 Plan includes new parking provisions that will discourage driving to Campus. All students, staff, faculty, and visitors to the Campus who drive are required to park in University or other commercial parking facilities on or near the Campus. In addition, the University shall prohibit, to the extent permitted by law, students from parking on residential streets surrounding the Campus. Furthermore, the University shall encourage all visitors attending special events at the Campus to use transit or park in University facilities or other nearby parking facilities. (Ex. 39)
 - b. The 2011 Plan also includes new parking policies that will optimize the use of the University's parking supply by University students, faculty, and staff, and discourage use of the parking supply for non-University related parking, through adjustments to pricing and the introduction of automated control.
 - c. No additional parking or vehicle infrastructure is proposed as a part of the 2011 Plan, which will minimize the number of vehicle trips to and from the site. Parking is available on the Campus as well as at the Days Inn across Yuma Street. The new Student Center will add services for students and staff, which will reduce the number of daily trips to the site. Existing parking will accommodate events in the ballroom of the new Student Center. Further, the provision of student housing on campus will decrease the number of students commuting to campus for class or other activities. (Ex. 17)

- d. The Commission does not credit the testimony of the VNRA and related parties regarding alleged objectionable impacts due to parking. The Van Ness Street neighborhood is located between two major commercial corridors and adjacent to multiple uses other than the University that generate potential on-street parking impacts, as was acknowledged by representatives for ANC 3F. Furthermore, on questioning by the Commission, most of the residents admitted that their property contained off-street parking. The Commission also credits the testimony of DDOT that the neighborhood's street parking supply is managed through a residential permit parking program that restricts non-residents from parking over two hours without a valid permit. The Commission also credits testimony by DDOT that any spillover parking would be occasional and could be mitigated by the University through measures that addressed special events. Finally, the Commission credits the multiple efforts proposed by the University as likely to minimize the potential impacts of the University due to parking, particularly during special events.

Number of Students

49. Under the 2011 Plan, the University originally proposed a maximum full-time equivalent ("FTE") of 8,000 students or 10,000 headcount students, which is the number the Campus was originally designed to accommodate. (Ex. 17). However, in response to community concerns and based on the University's projections, the University has agreed to limit enrollment to 6,500 students on a headcount basis and 5,000 students on a FTE basis. (Ex. 39)
50. The Commission finds that the approval of the 2011 Plan will not tend to create conditions objectionable to neighboring properties because of the number of students. During the hearing, the University demonstrated that the proposed number of students would not result in objectionable impacts due to the many existing and proposed measures implemented by the University to mitigate noise, lighting, traffic, parking, and other impacts. The Commission finds that this Campus has previously accommodated the requested number of students. The Commission also finds that the University's proposed method of counting headcount and FTE students is adequate.

Other Objectionable Conditions

51. On-Campus Housing. The location for the proposed on-campus housing is in the western portion of the Campus, adjacent to other institutional uses and away from the residential neighborhood. This location is also proximate to the core of the Campus and most student activity, which will direct student activity into the heart of the campus, rather out towards the perimeter of the Campus. The University will further improve buffering from neighboring institutional uses through the re-establishment of a woodland edge condition. Prior to constructing the residence facility, the University will return to the Commission for further processing approval, which will provide agencies and neighbors alike an opportunity to provide further feedback during the planning and design of the housing itself. (Ex. 17, ____)

52. Off-Campus Housing. Because the proposed new on-campus housing facility will not be constructed immediately, the University will continue to provide a modest amount of off-campus student housing. In the near term, the University will continue to master lease approximately 31 units with beds for approximately 86 students in the nearby Van Ness South apartment building. The University carefully monitors and manages student activity within these units to ensure they do not become objectionable to neighboring residents due to noise or other impacts. Most importantly, the University maintains an administrative presence in the building through Resident Assistants (“RAs”) who reside in the building to monitor behavior and respond to issues. Complaints are also referred to and addressed by University staff, and the Student Code of Conduct applies to off-campus student behavior. At the public hearing, representatives for the University testified that disciplinary actions were taken against students who violated the code. In response to some residents’ objections, the University has agreed to refrain from entering into any new leases at the Van Ness South and to end all of its master leasing activity once the new on-campus residence project is completed. UDC’s leases for any off-campus units will be phased out prior to the first full semester following the completion and occupancy of the new residence project. If necessary before completion of the new on-campus residence facility, the University may lease additional apartment units in buildings other than the Van Ness South within one mile of the Campus and will provide RAs for those buildings. However, the University will not lease more than a total of 100 off-campus apartments within a one-mile radius. (Ex. 17, p. 5-6; Ex. ____)
53. Student Behavior. The 2011 Plan incorporates many new policies relating to student conduct, both on- and off-campus, to address any objectionable impacts that may arise from student misconduct. (Ex. 39)
54. Perimeter. The 2011 Plan incorporates many enhancements to Campus edges over a phased implementation schedule. Enhancements include new trees, ornamental plantings, bio infiltration plantings, evergreen hedges to hide ramp walls, and new woodland plantings. The campus plan incorporates additional landscaping along Connecticut Avenue and Van Ness Street as part of the new Student Center. (Ex. 17, Tab G; Ex. ____)
55. Sustainability. The University incorporates myriad sustainability elements into the 2011 Plan. The proposed campus plan incorporates pervious pavers, rain gardens, bioswales, and 95,000 square feet of green roofs. More than two acres of pervious area will be added to the Campus. In addition, the new Student Center will contain a geothermal well field to reduce energy use for heating and cooling. The campus plan incorporates additional landscaping features as well. (Ex. 17, p. 7)
56. Trash. In its presentation, ANC 3F alleged that the University created objectionable impacts due to trash. The Commission finds, however, that the testimony was not credible, because (1) the evidence was clearly not objectionable and (2) the alleged “objectionable” impacts were shown within University property, not at or adjacent to neighboring property.

57. The Commission finds that approval of the proposed campus plan will not create other conditions objectionable to neighboring property due to multiple features of the 2011 Plan that address the student housing, student behavior, and environmental features of the Campus.

Further Processing for the new Student Center

58. The 2011 Plan includes a further processing application for the construction of a new on-campus Student Center. Located at the corner Connecticut Avenue and Van Ness Street, the facility is anticipated to be a hub of student activity and to provide resources for the local community. The Student Center will contain a mix of uses, including a welcome center, a ballroom, space for student government and activity offices, assembly space for university programs, and spaces for student leisure and socializing. It will also contain restaurants intended to cater to the planned mix of residential and commuter, undergraduate and graduate students, as well as faculty, staff, and visitors. (Ex. 2, 17)
59. The proposed Student Center will contain approximately 65,000 square feet of gross floor area and will attain LEED Platinum standards. (Ex. 17)
60. The proposed new Student Center will be a signature building that will improve the relationship of the campus to the Connecticut Avenue commercial corridor and will be the gateway to the Campus. The building will meet Dennard Plaza via a grand staircase up the 20-foot grade change with a front lawn and an informal amphitheater in the front. Along Connecticut Avenue, the new building will be marked by a clock tower. The all-glass Connecticut Avenue façade will be light to counter the concrete of the other buildings, with transparency to invite people inside. The building will be clad in terra cotta metal panels with some parts in dark grey metal. Clear glass and spandrel glass will complement the metal, and any new brick will match the existing buildings. The building and streetscape design will animate the public realm at ground level through activity related to the Student Center, and it will create a strong visual, functional, and symbolic connection between the campus core and Connecticut Avenue. The proposed location of the Student Center will permit easy interconnection to existing campus parking and loading facilities, resulting in no change in vehicular and truck circulation patterns that use Van Ness Street and Connecticut Avenue. (Ex. 17).
61. The Commission finds that the proposed Student Center is not likely to become objectionable because of noise, traffic, number of students, or other objectionable impacts. The Student Center is located and designed to harmonize with existing campus development and will enhance the Campus.

Office of Planning

62. By report dated April 25, 2011, and by testimony at the public hearing, OP conditionally recommended approval of the University's application for a new campus plan and further processing to permit the construction of the Student Center. OP reviewed the application under the standards for special exception approval for a campus plan and further processing

under § 210, as well as the general standards for special exception approval under § 3104. OP concluded that the University satisfied the burden of proof but recommended that the University satisfy eight additional conditions. Many of OP's conditions recommended clarifications and modifications to the 2011 Plan. (Ex. 21)

63. By supplemental report dated April 29, 2011, the Office of Planning indicated that the University satisfactorily addressed all but the fourth condition in the original report. In addition, OP recommended changes to the 2011 Plan and to the University's proposed conditions of approval. (Ex. 24) By further testimony at the May 25, 2011 public hearing, OP stated that all conditions proposed by OP had been satisfied.

64. The Commission credits OP's report and testimony. The Commission concludes that the University satisfied the additional campus plan modifications recommended by OP in its April 29th report and that the University has included them in their proposed conditions of approval.

District Department of Transportation

65. By report dated April 20, 2011, DDOT conditionally recommended approval of the University's application. DDOT recommended three conditions in its approval: establishments of safeguards to protect neighborhood parking; provision of a transportation performance monitoring study; and an immediate increase in the parking rates for parking on the Campus. (Ex. 26) At the May 25, 2011 public hearing, DDOT testified that it was generally supportive of the campus plan and that the University had proposed laudable action items as a part of its efforts to enhance its TDM.

66. By supplemental report dated May 27, 2011, DDOT submitted data about the number of parking citations for streets near the Campus. (Ex. 47)

67. The Commission credits DDOT's report and testimony. The Commission finds that University's TDM commitments are sufficient to address any possible objectionable traffic and parking conditions.

ANC 3F

68. At a regularly scheduled meeting on April 25, 2011, with a quorum present, ANC 3F voted to request postponement of the University's campus plan public hearing. (Ex. 22) ANC 3F requested postponement to allow: (1) ANC 3F's further review of the 2011 Plan; (2) ANC 3F's hiring of a traffic expert; (3) UDC's amendment the 2011 Plan; and (4) UDC's supplementing of the 2011 Plan with additional information that would meet the expectations of ANC 3F. (Ex. 22)

69. Also at its April 25, 2011 meeting, ANC 3F voted in the alternative to oppose the 2011 Plan. The ANC's opposition was based on the following objections: UDC's alleged non-compliance with zoning procedures by not showing specific locations of proposed buildings,

UDC's alleged inability maintain the grounds of the campus, UDC's alleged inadequate planning for additional parking and traffic, the potential for increased noise, the potential for adverse impacts related to the proposed enrollment cap, and the size of the proposed student residence. In addition, the ANC requested that the campus plan include the commercially-zoned Building 52. (Ex. 22)

70. After hearing the concerns of the ANC, the Commission voted to deny the request for postponement of the campus plan hearing. The Commission found that the University repeatedly reached out to the community in drafting the campus plan and that the University provided sufficient and timely information to the ANC to review before the hearing. In denying the postponement request, the Commission decided to provide the ANC's traffic consultant adequate time to review the 2011 Plan.
71. David Fields of Nelson/Nygaard, a traffic consultant, provided oral testimony behalf of ANC 3F. Mr. Fields raised the following traffic and parking issues: students and faculty will park legally in residential areas at parking meters; Metro cannot handle additional capacity for more students; and traffic at intersections around the Campus is already unacceptably busy. Mr. Fields provided suggestions that the University should adopt to address his concerns.
72. In response to ANC 3F's objections and concerns, the University agreed to make significant changes to the 2011 Plan. The University provided a campus map with refined "zones" for proposed uses; provided a plan for landscaping and perimeter improvements; provided additional TDM commitments and conditions for parking and traffic; and reduced the originally-proposed enrollment cap. The University also agreed to implement several measures to engage the community and ANC 3F in further processing and amendments to the 2011 Plan as well as the creation of a University-Community task force. The University did not, however, agree that conditions specifically relating to noise were necessary since the 2011 Plan incorporates numerous measures to limit the impacts of noise on nearby residences. In addition, the University did not agree that Building 52 should be included in the 2011 Plan because it is commercially-zoned and therefore university use is permitted as a matter-of-right. Further, the University enlarged the area for the proposed new student residence to allow for maximum flexibility in addressing potential concerns. (Ex. 39)
73. The Commission finds that the University's responses to ANC 3F's concerns adequately address the issues raised by ANC 3F. The University has provided details on proposed building placement sufficient for a campus plan and has incorporated extensive landscaping plans. Further, the University's revised TDM commitments and reduced enrollment cap incorporate the majority of the suggestions from the ANC's traffic consultant and directly address objections raised by ANC 3F. The University incorporated measures to continue community involvement in the future development of the Campus. The Commission concludes that proposed 2011 Plan and the University's subsequent changes to it are not likely to become objectionable to neighboring property, so no additional restrictions relating to ANC 3F's objections are necessary.

Other Testimony in Support

74. At the hearing, the Commission heard testimony from four students in support of the application. The Commission also heard testimony from a resident of Veazey Terrace in support of the 2011 Plan who stated that the University made efforts to keep the community informed of its intentions and that the campus plan will benefit the community.

Testimony in Opposition

75. The VNRA presented written and oral testimony in opposition to the 2011 Plan. The written testimony's objections included the following: failure to satisfy Section 210, inadequate notice and neighbor engagement was inadequate, inadequate parking, inadequate traffic planning, increased noise, off-campus housing, on-campus housing, issues with access to the Metro, and the University's failure to include data supporting expansion goals. During oral testimony, VNRA stated that it supports the ANC's traffic recommendations and would like a trigger for enrollment increases; further, VNRA requested massing studies for the proposed residences; that it believes the neighborhood cannot support "group houses"; and that noise from athletic events will be an issue. During questioning, members of VNRA admitted that most of them have parking available behind their houses. (Ex. 31)

76. The VNSTA presented written and oral testimony in opposition to the 2011 Plan. The VNSTA's written testimony concerned the following: UDC modified units in Van Ness South to allow four people to live in a one-bedroom unit; the modification proceeded without proper permits, resulting in fines to UDC; units are not contiguous or even on the same floor; students do not lease from the building owner, so different rules apply to students; leasing to UDC takes rent-stabilized units away from low-to-moderate income renters; and the units provided to students benefit students primarily from out of DC; Building 52 should be part of the campus plan; more study is needed regarding traffic planning and management; and UDC has a poor facilities maintenance record. The VNSTA's oral testimony concerned objections based on the following: the apartments were converted to dorms, which removed in-apartment living spaces and resulted in excessive use of the building's common areas; neither Archstone (the building's owner) nor UDC police accepted responsibility for dealing with complaints; and UDC did not have discussions with the tenants before they placed students in the building. VNSTA noted that they support on-campus housing. (Ex. 30)

77. The Commission received written testimony from individuals opposing the 2011 Plan. Much of this written testimony concerned the same issues: inadequate community engagement and notice; concerns about activities at the Student Center; insufficient traffic analysis; parking availability; traffic, noise and quality of life impacts; off-campus student behavior; and expense to the District. Many of those who submitted written testimony in opposition also supported on-campus housing. (Ex. 19, 25, 26, 32, 35, 36, 38)

78. Some individuals provided oral testimony in opposition to the 2011 Plan at the public hearing. They opposed the 2011 Plan based on such issues as lack of notice, lack of community involvement, insufficient parking, and off-campus housing at Van Ness South and other apartment buildings.

79. The Commission finds that the University made reasonable modifications to and adopted reasonable policies and conditions in the 2011 Plan. The University adopted most of the suggestions from ANC 3F's traffic consultant. The University adequately studied VNRA's proposed housing locations on the Campus and found its own expanded housing zone proposal to be the most viable. The University's changes to the 2011 Plan ensure that it is not likely to become objectionable to VNRA or VNSTA or other nearby property owners.
80. No other testimony in opposition was presented at the hearing.

CONCLUSIONS OF LAW

1. The Applicant requested special exception approval, pursuant to 11 DCMR §§ 210, 3035, and 3104, of a new campus plan for a term ending December 31, 2020 and further processing of that campus plan for a new Student Center. The Commission is authorized under the aforementioned provisions to grant a special exception when, in the judgment of the Commission based on a showing through substantial evidence, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. A special exception to allow use as a college or university in a residential zone district may be granted subject to the provisions contained in § 210, including that the university use must be "located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions," and that maximum bulk requirements may be increased for specific buildings, subject to restrictions based on the total bulk of all buildings and structures on the campus. (11 DCMR §§ 210.2 – 210.9.)
2. Based on the above Findings of Fact, the Commission concludes that the University has satisfied the burden of proof for special exception approval of the proposed new campus plan in accordance with § 210. The 2011 Plan will provide limited new development that is not likely to become objectionable because of noise, traffic, number of students, or other objectionable impacts. The 2011 Plan is also consistent with many provisions of the Comprehensive Plan. The University has made reasonable accommodations in the 2011 Plan to address the concerns of parties and persons in opposition. Finally, the 2011 Plan will include conditions of approval to avoid creation of adverse impacts or objectionable conditions and in response to community and agency comments.
3. Based on the above Findings of Fact, the Commission concludes that the University has satisfied the burden of proof for special exception approval of further processing of the 2011 Plan in accordance with § 210. The 2011 Plan is modest in scope and is not likely to become objectionable due to noise, traffic, number of students, or other objectionable conditions. The Student Center is consistent with the 2011 Plan and has been sited and designed to serve as a prominent and functional addition to the Campus. The Commission concludes that the location and design of the project is not likely to become objectionable due to noise, traffic, number of students, or other objectionable conditions.

4. The Commission accorded the recommendation of OP the “great weight” to which it was entitled pursuant to D.C. Official Code § 6-623.04 (2001). As discussed in this Order, the Commission generally concurred with the recommendation of OP to grant the University’s applications, subject to conditions. However, the University has satisfactorily addressed all of OP’s conditions.
5. The Commission accorded the issues and concerns raised by ANC 3F the “great weight” to which they are entitled pursuant to D.C. Official Code § 1-309.10(d) (2001). In doing so, the Commission fully credited the unique vantage point that ANC 3F holds with respect to the impact of the proposed campus plan on the ANC’s constituents. However, the Commission concludes that the University has taken great strides and has made significant changes to the 2011 Plan to address the ANC’s issues and concerns. The ANC has not offered persuasive evidence that would cause the Commission to find that the University’s revised 2011 Plan does not adequately address ANC 3F’s objections. Under the 2011 Plan, the University’s planned landscaping/perimeter improvements, student enrollment maximum, plan for community involvement, locations of planned buildings, plans for on- and off-campus student housing, student conduct measures, and TDM commitments result in a campus plan that is not likely to become objectionable due to noise, traffic, number of students, or other objectionable impacts. Furthermore, the Commission recognizes the instruction of the D.C. Court of Appeals that enrollment caps approach, if do not cross, “the line between the exercise of legitimate zoning and land use authority and an *ultra vires* intrusion upon the University’s educational mission.” *President and Dirs. of Georgetown College v. D.C. Board of Zoning Adjustment*, 837 A.2d 58, 74 (D.C. 2003).
6. The Commission concludes that Section 2106 of the Zoning Regulations permits parking for college or university uses approved by the Commission pursuant to Section 210 to be established by the university as a part of its campus plan. This conclusion is based on a plain reading of the text of Section 2106 and decades of prior precedent in prior campus plans before the Zoning Commission and the D.C. Board of Zoning Adjustment. Additional parking is not required for specific buildings pursuant to the schedule set forth in Section 2101.
7. The Commission finds that the D.C. Board of Zoning Adjustment has affirmed the University’s existing use of apartment units in Van Ness South for student housing as permitted under the Zoning Regulations, and concludes that such practice is consistent with the text and intent of the Zoning Regulations. The Commission concludes that there is extensive precedent establishing that the Zoning Regulations only require a special exception for college and university uses on residentially-zoned land within the boundaries of the campus plan. University uses outside of the campus plan are not proscribed under Section 210 of the Zoning Regulations, so long as they otherwise comply with the provisions of the Zoning Regulations. The University’s use of high-density residential property as apartments for student housing and use of commercially-zoned property for university use are both permitted under the Zoning Regulations and are supported by extensive precedent and case law. *See Glenbrook Rd. Ass’n v. D.C. Bd. of Zoning Adjustment*, 605 A.2d 22 (D.C. 1992); *Watergate West, Inc. v. D.C. Bd. of Zoning Adjustment*, 815 A.2d 762 (D.C. 2003).

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia orders **APPROVAL** of the 2011 University of the District of Columbia Campus Plan for the Van Ness Campus (the "2011 Plan") and the level of University operation it describes until December 31, 2020 and further processing of the new Student Center, subject to the following conditions:

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 C of the University's June 13, 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 14, 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 803.² 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.

² 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 not lease any additional units at Archstone Van Ness South beyond what it is currently leasing for off-campus student housing.
7. The University shall terminate its leasing of units at Archstone Van Ness South 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

8. 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.
9. 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.

10. 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.
11. 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.
12. 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.
13. 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

14. 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 in Exhibit A (attached hereto), which reflects all of the commitments made by the University through June 13, 2011.
15. 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.
- 16. 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 5:00 pm, Monday through Friday.
- 17. 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.
- 18. The University shall direct all construction traffic to avoid routes through the adjacent residential neighborhoods through contract provisions or similar mechanisms.

Perimeter Improvements

- 19. 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, and as modified by the University’s June 13, 2011 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.
- 20. 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

21. 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.

22. 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.

23. 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.
24. The University will offer an hourly rate for the use of tennis courts and the natatorium for non-University users who do not want to purchase an annual membership for use of these facilities.

Student Center Design

25. 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, and as further modified by the plans filed by the University on June 13, 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

- 26. The Student Center shall be designed to the LEED Platinum standard.
- 27. 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.

EXHIBIT A



MEMORANDUM

To: UDC Campus Plan Team

Daniel VanPelt, P.E., PTOE

Robert Schiesel, P.E.

Date: June 17, 2011

Subject: Transportation Demand Management (TDM) Commitments for UDC Campus Plan – **SECOND REVISION**

After review of the Nelson\Nygaard report dated June 6, 2011 performed on behalf of ANC 3F, the Transportation Demand Management commitments have been revised a second time to reflect further enhancements of the plan. Specificity with regards to the TDM monitoring elements is given along with the addition of commuter counseling and a commitment to have shower facilities available for bike commuters.

TDM Commitments

- UDC will designate a TDM Coordinator, who will be responsible for implementing, monitoring and marketing the TDM programs. The TDM Coordinator is Shauna Brew, Auxiliary Services Business Manager – Facilities & Real Estate; UDC will update DDOT if this position changes in the future. The TDM Coordinator will provide personalized commuter counseling to help members of the UDC population understand their options.
- UDC will dedicate at least \$25 of the Sustainability Fee paid by students each semester to be used toward any of the following transportation options:
 - SmarTrip card with at least \$20 preloaded
 - Annual Zipcar carsharing membership (or other appropriate carsharing provider)
 - Annual Capital Bikeshare membership
- UDC will adjust parking rates in its main parking garage to help deter single-occupant driver parking, and raise revenue for TDM programs. The student, faculty and staff rates will be adjusted yearly over the next 3 to 5 years to maintain a peak occupancy level within the parking garage of 80-90% on a typical weekday. This adjustment will begin no later than the fall 2011 semester.
- UDC parking rate structure will be adjusted to market rates to prevent non-University patrons (public) parking within the UDC garage at lesser rates than public garages in the Van Ness neighborhood. Additionally, UDC will no longer offer free parking at any time. (Currently due to the limits of the garage management controls, parking is free nights and weekends.) This change will begin no later than the fall 2011 semester with the implementation of a new automated revenue control system.
- UDC will provide preferred parking for carpools in the parking garage, at a discounted rate; the carpool parking rate will be at least half the typical parking rate. UDC will begin and market a ride-matching service, possibly through Zimride.com, and will require all carpool participants to register with Commuter Connections.

- UDC will interact with ZipCar to seek the placement of carsharing spaces on the Van Ness Campus and additional vehicles in the vicinity of campus.
- UDC will provide preferred parking for alternative fuel vehicles.
- UDC is seeking to provide at least one (and possibly more) electric vehicle charging station and intends to do so subject to infrastructure or other constraints that are presently under review.
- UDC will promote transit commuting benefits for faculty and staff via the SmartBenefits program. Currently the maximum pre-tax allowed amount is \$230 a month.
- UDC will enhance its bicycle parking inventory on campus. The current inventory contains two bicycle racks, located at Building 44 and Building 39. Over the course of the Campus Plan, UDC will add short and long-term spaces to enhance supply for a total number of at least 150 bicycle parking spaces. The bicycle parking recommendations are shown on Figure 1. The utilization of bicycle parking will be evaluated with the TDM monitoring and additional parking will be added when the bike parking is consistently occupied and there is a demonstrated need.
- UDC will make shower and changing facilities available to faculty, staff and students that wish to commute by bicycle.
- UDC will implement commuting benefits for bicycle riders by participating in the tax-free \$20 per month bicycle commuting benefit.
- UDC will market these programs, as well as MetroRail, MetroBus, ZipCar, Capital Bikeshare and any other transportation programs via a detailed website, an information kiosk on campus (possibly located in the new Student Center), and other targeted events such as the Sustainability Transportation Campaign slated for Fall 2011. UDC will reach out to WMATA to investigate adding a SmarTrip kiosk on campus. The website will contain sections oriented to different users, including faculty/staff, students, and visitors. Any students living on-campus will be provided with a packet of information upon or prior to moving-in. New faculty/staff hires will be provided with a similar packet of information.
- UDC will perform annual monitoring to understand student, faculty and staff mode choice in relation to TDM practices, parking pricing and University transportation policies. The monitoring will be used to inform future TDM and parking related decisions to further incentivize non-auto modes and minimize impact by the University on the surrounding community. The monitoring will include the following:
 - 1) Mode split surveys of the campus population, broken down by students and employees
 - 2) Current parking inventory and occupancy on a typical weekday
 - 3) Number of permits sold per year
 - 4) Parking availability on surrounding neighborhood streets
 - 5) Statistics on the Good Neighbor Program
 - 6) Number of registered carpools
 - 7) Zipcar and Capital Bikeshare usage data
 - 8) Number of people signed up for SmartBenefits
 - 9) Inventory and occupancy of bicycle racks
 - 10) AM and PM peak hour trip counts

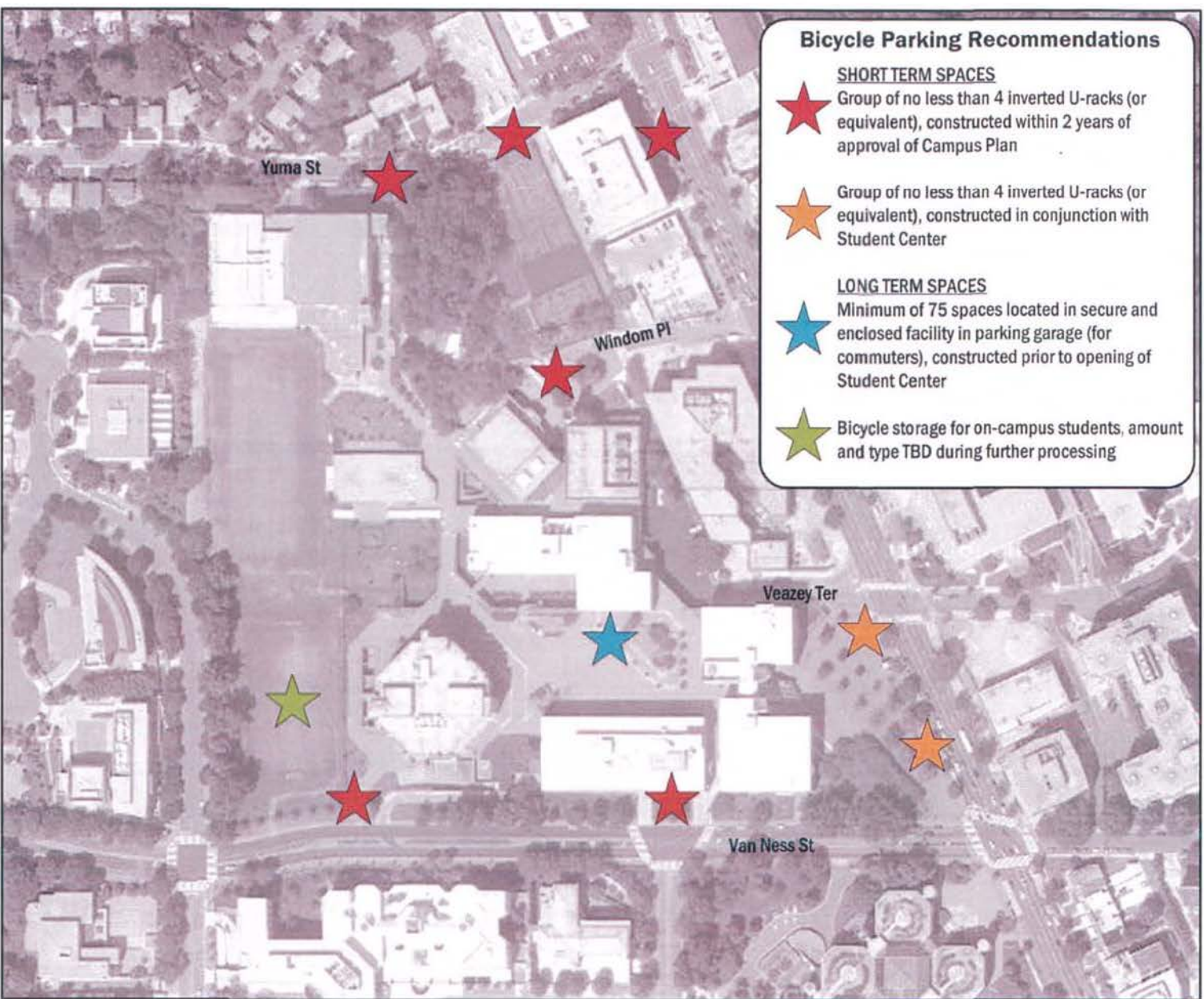


Figure 1: Bicycle Parking Recommendations