

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3F
North Cleveland Park • Forest Hills • Tenleytown

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Mr. Anthony Hood, Chairperson
Zoning Commission for the District of Columbia
Suite 200-S
441 4th St. NW
Washington, DC 20001

June 20, 2011

RE: Case No. 11-02 (Campus Plan – University of the District of Columbia)
Case No. 11-02A (Further Processing of a Student Center at UDC)

Dear Chairman Hood,

Enclosed please find ANC 3F's proposed conditions and findings of fact for the Campus Plan of the University of the District of Columbia, Zoning Case No. 11-02 and its proposed conditions for the related Further Processing of the Plans to Build a Student Center, Zoning Commission Case No. 11-02A.

We look forward to the Zoning Commission's order with respect to this case.

Thank you.

Sincerely,

Adam Tope
Secretary, ANC 3F

ZONING COMMISSION
District of Columbia

CASE NO. 11-02 A
EXHIBIT NO. 41

Introduction

ANC 3F represents over 14,000 residents of the primarily residential neighborhoods of North Cleveland Park, Tenleytown, and Forest Hills. Since February 2011, ANC 3F has been actively involved in discussions with neighbors, the Office of Planning, the District Department of Transportation (“DDOT”) and the University of the District of Columbia (“UDC”) regarding UDC’s plans to transform the UDC Van Ness campus into a four-year residential campus.

At the first Zoning Commission hearing held on May 2, 2011, Chairman Hood asked ANC 3F to work with UDC to construct conditions that would satisfy the needs of both parties. Following the hearing, ANC 3F met with UDC several times to discuss the Campus Plan and the parties drafted several conditions to the Campus Plan. The Zoning Commission should be pleased to find that ANC 3F has agreed to most of the conditions to the Campus Plan proposed by UDC. We hope that the Zoning Commission will add these mutually agreeable conditions to its approval of the Campus Plan.

At the second Zoning Commission hearing held on May 25, 2011, Chairman Hood once again asked the parties to continue to work together to see if more accommodations and agreements could be made. Unfortunately, ANC 3F is unable to report favorable meetings with UDC since the second hearing because ANC 3F has not had the opportunity to meet with UDC to discuss the additional points raised in the second hearing. UDC declined our requests to meet with them. ANC 3F also requested a meeting with DDOT to discuss its proposed traffic demand management (“TDM”) conditions, but DDOT declined a meeting with ANC 3F to discuss those proposals. This was particularly surprising to ANC 3F given that DDOT needed “some additional time to respond to some of the TDM measures”¹ and had only seen the TDM measures proposed by ANC 3F’s transportation expert at the second zoning hearing.

Nonetheless, ANC 3F has taken seriously its responsibility to the community and has completed a thorough review of the proposed Campus Plan and has made great efforts to meet with its constituents to discuss the Campus Plan and its potential impact on the immediate neighborhood. Through its discussions with hundreds of constituents and many neighborhood groups, ANC 3F has accumulated vast knowledge on the issues and concerns of the community. ANC 3F believes that the reasonable conditions proposed in this document will alleviate most of the concerns of the community, while still allowing UDC to have sufficient flexibility to transform itself into a four-year residential university.

The Zoning Commission has the extremely important task to review UDC’s Campus Plan and has the ability to craft its approval of such plan with conditions that protect existing neighborhoods. We hope that the Zoning Commission gives us great weight for our reasonably crafted conditions and adopts the reasonable conditions described in this document.

¹ Transcript, Zoning Commission Hearing, May 25, 2011, page 47, lines 8-11.

Applicable Regulations

Section 210 of the Zoning Regulations provides guidelines for the Zoning Commission's review of the Campus Plan. In particular, Section 210.2 (11 DCMR 210.2) and Section 210.7 (11 DCMR 210.7) are instructive.

Section 210.2 provides that

"Use of a college or university shall be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions."

Section 210.7 provides that

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

The Comprehensive Plan is particularly relevant here. The Comprehensive Plan provides the following policy goal with respect to UDC, one of the few institutions specifically addressed in the plan:

"RCW-2.1.4: Coordination Between Community and UDC - Support greater coordination and communication between UDC officials and the surrounding community on issues such as parking, traffic, property maintenance, and facility development. Establish complementary goals between the University and the community at large, so that the university becomes even more of a community asset and resource than it is today."

It would appear that the drafters of the Comprehensive Plan realize that making UDC a better institution improves the District as a whole but it also shows they realize that these improvements must be balanced to minimize objectionable conditions on the immediate neighborhoods. ANC 3F hopes that the Zoning Commission agrees with the policy goals of the Comprehensive Plan and the guidelines of Section 210.2 and we hope that the Zoning Commission will adopt the reasonable conditions contained herein, which we believe will allow UDC to "become even more of a community asset" while minimizing objectionable conditions on our neighborhood.

The Campus Plan is Likely to be Objectionable because of Noise

ANC 3F is deeply concerned with the potential creation of noise that will result from development of the UDC campus as described in the Campus Plan and believes that noise that will be created will become objectionable to neighboring property. As mentioned in ANC 3F's testimony before the Zoning Commission on May 25, 2011, UDC has caused noise issues in the past that have been found to be objectionable to the community. For instance, in previous years,

UDC has placed an external cooling unit on its campus to provide air conditioning to its buildings. The unit was extremely loud and ran at all hours causing noise complaints in the adjacent community. Similarly, UDC is in the process of renovating its natatorium and construction noise has caused objectionable conditions off of its campus. The noise of the renovations could be heard at a distance of approximately 789 feet from campus, in the heart of the neighboring residential areas.

The unique topography of the neighborhood carries noise into the low-density residential areas surrounding UDC. As the Office of Planning has noted, "the Campus features a substantial grade change with the highest elevations at the southwest quadrant of the site general sloping downward to the northeast."² This topography amplifies noise from the UDC campus into the residential neighborhoods and unfortunately the embassies provide little buffer. As Commissioner Turnbull noted, "I think you're over-stretching it a bit by saying the embassies are going to be your buffer."³

Given that noise problems have occurred in the past, ANC 3F has significant concerns with the Campus Plan, as it does not address issues related to noise. There is little question that the growth of the student population on UDC's campus and the addition of a significant, large student housing project within 500 feet of low-density residential housing will create noise and because of the topography of the neighborhood, which cannot be changed, this noise will be carried into the neighborhood. Accordingly, ANC 3F asks that the Zoning Commission to condition its approval of the Campus Plan as follows:

- The University shall not hold, or allow to be held, any outdoor activities, including, but not limited to, events, rallies and gatherings of any type, that use amplification.
- The University shall not produce any noise from within its campus boundaries that can be heard more than 500 feet from the campus boundaries.
- Prior to filing for the further processing of the dorms under the Campus Plan, the University shall complete a noise impact study to analyze the travel of noise from the University's campus into the neighborhood and to review the potential impact of such noise on the neighborhood. Such study shall include proposals on how the University can minimize noise travel into the neighborhood. The University shall provide a copy of such noise study to the Zoning Commission and ANC 3F at least 60 days prior to the filing for further processing of the dorms.
- The University shall mitigate the noise to be created by the dorm and its residents by including noise-reducing features in all designs for the dorm including, but not limited to, non-opening windows (to the extent possible to comply with applicable law), double doors and locating mechanical machinery within the dorm or underneath the dorm.

² Memorandum from the District of Columbia Office of Planning dated April 25, 2011, pages 1 and 2.

³ Transcript, Zoning Commission Hearing, May 2, 2011, page 23, lines 2-4.

The Campus Plan is Likely to Be Objectionable because of Traffic and Parking

Based upon the meetings and conversations ANC 3F had with its neighbors, the potential for increases in demand for parking and increases in traffic in ANC 3F as a result of the Campus Plan is of major concern to UDC's neighbors. To address these concerns, ANC 3F allocated up to \$30,000 of taxpayer money to hire Nelson/Nygaard, a nationally recognized multimodal transportation-consulting firm, to review UDC's transportation study and to compare it to numerous other transportation studies that have been prepared to study traffic and parking in the Van Ness neighborhood over the past few years.

Based upon our transportation expert's review, ANC 3F has serious concerns with the Campus Plan in its current form. If approved in its current state, the Campus Plan will be objectionable because of increases to traffic and increased demand for parking that the Campus Plan will cause.

ANC 3F is not alone with its concerns related to increases in demand for parking and traffic. For instance, DDOT shares these concerns and has noted, "The UDC Campus Plan Transportation Report lacks any information for future parking by students and faculty. There is an assumption that all trips to the Van Ness Campus will be made by walking, biking or taking mass transit. DDOT knows better than to assume all future trips will occur by these transportation methods."⁴ Additionally, members of you're the Zoning Commission appear to share these concerns. Commissioner Selfridge noted that, "I think it's reasonable to assume that there will be additional vehicle traffic to this site, and that there will be impacts on parking."⁵ "I think that you're going to double the population, using 95 percent of the garage, and I don't think it's realistic to think that there's not going to be spillover in the surrounding neighborhoods..."⁶ Commissioner Schlater also shared these concerns ("I think in general the concern about traffic and parking is a legitimate one, when you're talking about expanding the number of students, faculty, activity at the site,...")⁷

It would appear that ANC 3F, DDOT, and many members of the Zoning Commission are all in agreement that parking and traffic is an issue and will become more of an issue through the duration of the Campus Plan. UDC has noted that it is not increasing parking capacity on campus and has proposed some TDM measures. ANC 3F is in agreement that additional parking capacity is not the answer. While ANC 3F agrees that the TDM measures proposed by UDC should be added as conditions to the Zoning Commission's approval of the Campus Plan, ANC 3F believes the TDM measures proposed by UDC do not go far enough. While UDC's TDM provide a good foundation of principals to minimize parking in its lots on campus, the TDM measures do not guarantee the community that UDC will not increase traffic or parking on its campus and in the neighborhood.

⁴ Memorandum from the District Department of Transportation, April 20, 2011, page 2.

⁵ Transcript, Zoning Commission Hearing, May 2, 2011, page 166, lines 12-15.

⁶ Id.

⁷ Transcript, Zoning Commission Hearing, May 2, 2011, page 188, lines 5-9.

ANC 3F and its transportation expert believe that the strongest TDM commitment UDC can make to the community to minimize traffic and parking issues associated with the Campus Plan is to implement and commit to a “peak hour trip generation cap” in their Campus Plan. ANC 3F hopes the Zoning Commission strongly considers such a measure. UDC has argued against the “peak hour trip generation cap” with weak arguments one would expect from an institution that lacks confidence in its TDM measures. UDC argues, “No other university in the District of Columbia has been required to track and limit its morning peak hour trips. This is an onerous condition given UDC’s status as the city’s only public university.”⁸ ANC 3F finds it fascinating that on the one hand UDC is willing to condition its new development projects on the onerous, expensive, state-of-the-art LEED Platinum standards, yet on the other hand is not willing to implement a simple, cheap and effective TDM measure. Given that UDC’s entire transportation report is predicated on the assumption that “Over the course of the Campus Plan, it will not generate significant changes to roadway traffic volumes, operations or geometries,”⁹ UDC should have no reason to hesitate backing up their assumption with a committed trip generation cap. UDC cannot have it both ways: either they can assume no additional trips and should be held to it, or they should not be allowed to use the assumption in their analysis. The Comprehensive Plan’s policy goal RCW-2.1.4 asks UDC to work with the community to minimize traffic issues and it seems reasonable for the Zoning Commission to add a condition to its approval of the Campus Plan which will require UDC to implement a peak hour trip generation cap. If UDC is going to be an environmental leader by building one of the nation’s first LEED Platinum buildings on a college campus, it seems reasonable that UDC also lead the country in innovative transportation management policies that will ensure UDC’s growth will not create objectionable conditions on neighborhood traffic and parking demand (and less cars also supports UDC’s “green” goals). This is an opportunity for UDC to not only lead with architecture, but lead with planning and community coordination. ANC 3F’s proposed traffic and parking conditions provide an opportunity for UDC to implement modern approaches to traffic and parking control and to make UDC a leader among District institutions (and the nation). ANC 3F hopes that the Zoning Commission will help support this endeavor. Accordingly, ANC 3F requests that the Zoning Commission condition its approval of the Campus Plan as follows:

- The University shall conduct a survey as soon as classes resume session (anticipated to be in September 2011) of persons who currently use the University’s parking facilities and neighborhood on-street parking to identify who such persons are (i.e., faculty, staff, employees, residents, others), their specific travel times/days, and their other potential travel modes. The University shall thereafter conduct additional surveys on an annual basis for the duration of the Campus Plan. Copies of all such surveys shall be provided to the Zoning Commission and ANC 3F.
- The University shall not generate any peak hour trips to its Van Ness campus over the current levels that exist on the date of this order. To determine the current peak hour trips

⁸ Letter to Anthony Hood from Goulston and Storrs, June 13, 2011, page 1.

⁹ Transportation Report, University of the District of Columbia Campus Plan, Washington DC, April 6, 2011, Gorove/Slade

to campus, the University shall conduct a survey as soon as classes resume session (anticipated to be in September 2011) to determine the number of peak hour trips that are currently generated. On an annual basis the University shall conduct additional surveys to determine the peak hour trips to campus on such dates. In the event a survey determines that the number of peak hour trips to campus have increased over a prior year, the University shall immediately implement additional traffic demand management measures to reduce such increases in peak hour trips to campus so that they are reduced to the initial levels on the date of this order and the University shall confirm such reductions with survey data following the implementation of such measures. If the measures do not reduce peak hour trips to campus, the University shall implement additional measures and shall conduct additional surveys until the number of peak hour trips is reduced to the number of trips existing on the date of this order. Copies of all such surveys and TDM implementation plans shall be provided to the Zoning Commission and ANC 3F.

- The University shall work with DDOT, using its best efforts, to implement pedestrian safety measures at the intersections of Van Ness St. NW and the UDC Garage and Van Ness St. NW and International Dr. NW, including, but not limited to, "Stop for Pedestrians in Crosswalk" signage and improved pavement markings.
- The University shall provide commuter-counseling services to all faculty, staff and students.
- The University shall provide car sharing membership and bike share membership to all Van Ness Campus faculty, staff and students at no cost.
- The University shall provide preloaded SmartTrip cards to each student. The SmartTrip cars shall be preloaded with an amount of money equal to one month's average Metro rides for the average University student.
- The University will commit to work with the District of Columbia on any "live where you work" program offered by the District of Columbia.
- The University shall eliminate all semester-long parking permits.
- The University shall replace providing free parking for faculty with parking cash-out, to minimize the incentive to drive.
- The University shall only sell daily parking passes to all students, faculty and staff.
- The University shall use work with the Department of Motor Vehicles, using its best efforts, to prohibit students residing on campus from applying for residential permit parking stickers within ANC 3F.
- The University shall develop a contingency plan for the use of off-site parking and identify potential sites, and shall use such plans for unusual situations where modal choices of event attendees are likely to result in excessive parking demand.

Additionally, ANC 3F is in agreement with certain of UDC's proposed conditions as follows:

- 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.

- 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.
- The University shall provide showers and changing rooms at the new student center, available at no additional charge to all UDC students and employees, to facilitate biking to campus.
- The University shall phase in additional bicycle storage based on peak hour demand identified through surveys of students and employees.
- 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.
- All students residing on campus shall not be permitted to garage their vehicles to the Van Ness campus.

The Campus Plan is Likely to Be Objectionable because of Number of Students

The UDC Van Ness Campus currently has 2,293 FTE students¹⁰ and 1,691 faculty and staff.¹¹ UDC is currently proposing to increase the number of students on campus to 5,000 students on an FTE basis and 6,500 students on a headcount basis.¹² ANC 3F is concerned that such an increase in students on campus will create objectionable impacts on the neighboring community. ANC 3F does not believe that reductions in the proposed campus size cap will adequately remedy potential objectionable impacts. Instead, ANC 3F believes that the best remedy for dealing with objectionable impacts in the future is for the Zoning Commission to reduce the duration of the Campus Plan from 10 years to 5 years. Given that this is UDC's first Campus Plan, this reduction is reasonable. This reduction will provide UDC with the necessary time to develop its student center, build its dorms and increase its student population. This will also provide UDC with the opportunity to implement its TDM policies and the other conditions to its Campus Plan. Similarly, a shorter duration will allow the neighborhood, DDOT, the Office of Planning and ANC 3F to see how UDC ultimately implements the Campus Plan and whether objectionable conditions do result (and whether UDC proactively works to remedy such conditions). ANC 3F respectfully requests that the Zoning Commission take a cautious approach with respect to UDC's first Campus Plan and accordingly reduce its duration to five years. Accordingly, ANC 3F requests that the Zoning Commission condition its approval of the Campus Plan as follows:

- Approval of the UDC campus plan shall be for a period of five years beginning on the effective date of this order.

¹⁰ Pre-Hearing Statement from UDC, April 13, 2011, page 3.

¹¹ UDC Supplemental Submission, May 25, 2011, page 2.

¹² UDC Supplemental Submission, May 25, 2011, Tab A, Condition 1.

- For the duration of the Campus Plan, the maximum number of faculty and staff shall not exceed 1,691 on a headcount basis.
- For the duration of the 2011-2015 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.
 - For purposes of the above, headcount shall include all students enrolled in a course that is offered at the Van Ness campus.
 - 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 (12 credits) and adding the number of full-time students.

Additionally, ANC 3F is in agreement with the following condition proposed by UDC:

- 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).

The Campus Plan is Likely to Be Objectionable because of Other Objectionable Conditions

ANC 3F has concerns with UDC's maintenance of its facilities. UDC has failed to properly maintain its facilities in the past and currently has issues maintaining its existing facilities. For instance, UDC has not maintained the sidewalk along Van Ness St NW between Connecticut Ave. NW and International Dr. NW. Given this lack of maintenance, several residents have been injured and the sidewalk is treacherous at best for handicapped and elderly persons. As noted in our testimony, the UDC campus is littered with trash and has significant graffiti as well. This is unlike any other university in the District. Given the nature of our community and its family friendly, residential feel, we ask that the Zoning Commission consider conditioning its approval of the Campus Plan by requiring UDC to maintain its property.

ANC 3F is also concerned that the proposed changes to the corner of Connecticut Ave. NW and Veazey Terrace NW. The Connecticut Avenue Pedestrian Action ("CAPA") spent significant time and energy to develop a pedestrian friendly design for that intersection. ANC 3F is concerned that UDC's revised plans for the intersection increase the size of the open space in front of the planned student center at the expense of pedestrian safety. UDC should not be allowed to lobby for such "improvements" without community input on the plans.

To alleviate other objectionable conditions that will result from the Campus Plan, ANC 3F requests that the Zoning Commission condition its approval of the Campus Plan as follows:

- The University shall maintain all public space including, for the avoidance of doubt, sidewalks on Van Ness St. NW, Yuma St. NW and Connecticut Ave. NW.
- The University shall removal all graffiti from campus.

- In connection with the construction of the student center, the University shall refurbish the sidewalk on Van Ness St. NW between International Drive NW and Connecticut Ave. NW.
- For the duration of the Campus Plan, the University shall clean all snow and ice from its sidewalks and public space.
- The University shall develop a trash management plan, which shall include daily monitoring of all garbage bins on the Van Ness Campus and the removal of trash on a daily basis, as appropriate.
- Existing landscaping shall be maintained in a healthy state.
- The University shall promptly respond to maintenance issues from students, faculty, staff and neighbors.
- The University shall meet with members of CAPA, DDOT, ANC 3F and other neighbors to discuss new designs for the intersection of Connecticut Ave. NW and Veazey Terrace NW and the University shall unequivocally support the results of such discussions.
- The University shall strictly enforce its rules and regulations regarding the conduct of students.

Student Center

UDC is proposing to build a student center at the corner of Van Ness St. NW and Connecticut Ave. NW. The proposed student center is purported to house student organization offices, retail space, a ballroom, a cafeteria, a gym and other facilities for students. ANC 3F generally views the plans for the student center favorably, but has concerns that the use of the facility may give rise to objectionable conditions on the neighborhood. For instance, ANC 3F is concerned that the student center will be used as a conference facility and will be regularly rented to outside groups, which will undoubtedly increase traffic and cause parking issues on the neighborhood. Given the appeal of renting LEED Platinum space and the proximity of the facility to downtown DC by car and metro, we believe this to be a legitimate concern. ANC 3F is also concerned with noise that the student center could create, in particular if late night events are held after the Metro closes. Additionally, ANC 3F is concerned with the significant flexibility that UDC has requested with respect to its building design and uses. The proposed UDC conditions allow UDC to change the plans as it wishes. This provides little comfort to the community about the type of building that will ultimately be built. Accordingly, ANC3F requests that the Zoning Commission condition its approval of the Campus Plan as follows:

- The University shall not increase the size of the ballroom as shown in the modified plans for the student center filed by the University on May 25, 2011.
- The University shall provide ANC 3F with more specific information concerning any intended external signage, including whether any signage will be illuminated or have moving text. The University shall discuss the plans for such signage with ANC 3F to ensure that the signage does not negatively impact the neighborhood.
- The University shall not rent any University-owned space to any non-University parties

Monday through Friday from 9 AM – 5 PM; provided, that the University may hold educational or community service events during such hours.

- The University shall end all events by 11 PM.
- The University shall provide appropriate security at all events.
- The University shall notify, and require all lessors of University space to notify, all guests of any University or non-University event to use public transportation and shall include a reminder that parking is not provided for such events.
- The University shall require all vendors to make deliveries by avoiding routes through the adjacent residential neighborhoods through contract provisions or similar mechanisms.
- The University shall include ANC 3F in all meetings with DDOT regarding construction management plans related to the student center.
- Construction for the student center shall not occur except between the hours of 7 AM and 7 PM, Monday through Friday
- During the construction of the student center, the University shall maintain its sidewalks on Van Ness St. NW and Connecticut Ave. NW so that they are passable by wheelchairs at all times.
- The University shall require all student center construction-related persons to avoid congregating at the construction site prior to 7 AM through contract provisions or other mechanisms.
- The proposed clock tower of the student center shall not make noise.
- The University shall develop a lighting plan for the student center and offer such plan to ANC 3F for its comment.
- The University shall not hold more than 24 events on its campus that are likely to draw more than 100 persons in the course of any calendar year.

Additionally, ANC 3F is in agreement with the following proposed conditions from UDC:

- The Student Center shall be designed to a minimum of LEED Platinum under the applicable standard.
- 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.
- 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:

- 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.
- For purposes of this condition, “weekday events” are events that begin between 8:00 am and 4:00 pm, Monday through Friday.
- 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
- For purposes of this condition, “weeknight events” are events that begin after 4:00 pm, Monday through Friday.
- 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.
- The University shall direct all construction traffic to avoid routes through the adjacent residential neighborhoods through contract provisions or similar mechanisms.

Dorms

UDCs conversion to a residential college will bring about drastic change to the neighborhood by interjecting 600 college students into a quiet, primarily low-density residential neighborhood. This raises concerns with noise, as discussed above, but also brings about potential objectionable conditions such as increased trash, increased traffic from students, and increased demand for parking. Additionally, as explained during our testimony to the Zoning Commission, we are greatly concerned with the size of the proposed dorms. As explained in our testimony, we believe that a dorm built with a 70,000 sq ft footprint will be too large for the campus and will not fit with the general scale of the current buildings on campus and in the surrounding chancery complex. A building of this size would tower over neighboring buildings and would be larger than them. For instance, the proposed dorm would be over 50% larger than the next largest building on campus, building 47.¹³ ANC 3F notes that dormitories housing 600 students at other District universities are among the largest structures on those campuses. To the best of our knowledge, a 600 person dorm would be the largest dorm in the entire District. Given that the Van Ness campus is one of the smallest campuses in the District, this is concerning. UDC’s plans to fit a dorm with a 70,000 sq. ft. footprint into a small area of its campus will leave little green space for those residents. ANC 3F is concerned that this will force students into the neighborhood and limit their college experience, given that much of the residential experience is spent playing sports and lounging in open green space near dorms.

¹³ Pre-Hearing Statement from UDC, April 13, 2011, Tab M.

During the hearing on May 25th, it came to light that UDC plans to build a regulation soccer field next to the dorm.¹⁴ The size of regulation soccer field is approximately 72,450 sq ft.¹⁵ ANC 3F's calculation of the area of the Student Housing and Athletic Zone as described in the campus plan is approximately 140,000 sq ft. Thus, it does not appear that the Campus Plan as currently drafted, with a proposed 70,000 sq ft dorm and the regulation soccer field at 72,450 sq. ft., will fit in the current area of the proposed Student Housing and Athletic Zone. Given this discrepancy, ANC 3F is of the belief that the size of the dorm should be decreased. A decrease in the size of the dorm will allow the dorm to fit with the character of the neighborhood, allow UDC to build their regulation soccer field and will also allow UDC to provide its residents with adequate green space so they can have an appropriate college experience. Additionally, given the plans for a soccer field, ANC 3F should learn more about UDC's intercollegiate, intramural and recreation athletic programs, facilities, and staffing as these could have an impact on the use of the available land on campus and athletic events could draw significant persons to campus.

ANC3F requests that the Zoning Commission condition its approval of the Campus Plan as follows:

- The dorm size shall be limited so that it fits with the scale of the rest of the University's campus (i.e., its footprint is not larger than other buildings on campus and its height is similar to other buildings on campus).
- The dorm shall comply with all R-1-B zoning regulations and restrictions.
- The University shall only provide housing for full-time students.
- For the duration of the Campus Plan, until construction of the dorms begins, the University shall provide ANC 3F with monthly updates on the dorm development.
- The University shall provide at least three car sharing spaces in the dorm.
- The University shall include a bike sharing station near the dorm, in addition to any others on or near the campus.
- The University shall disclose all intercollegiate, intramural and recreation athletic programs, facilities, and staffing and plans for their growth during the duration of the Campus Plan.
- All fraternities and sororities shall be housed on campus.
- The University shall not recognize any fraternities or sororities that are housed outside the boundaries of the Van Ness campus.
- The University shall immediately cease any additional off-campus master leasing programs in Ward 3.¹⁶

¹⁴ Transcript, Zoning Commission Hearing, May 25, 2011, page 126.

¹⁵ Letter to Anthony Hood from Goulston and Storrs, June 13, 2011, Tab C.

¹⁶ ANC 3F supports the letter from Mary Cheh to the zoning commission on this matter.

Additionally, ANC 3F is in agreement with the following proposed conditions from UDC:

- 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.
- 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. 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.
- 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.
- 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.

Building 52

As described in our testimony, Building 52 (the commercially zoned building currently housing Wilson High School) plays an important role on UDC's campus. The building has 100 parking spaces and currently houses approximately 1,500 students. It is connected to the campus and in all UDC materials is listed as part of the campus. We note, interestingly, that Building 52 is listed as institutional land in the District of Columbia Comprehensive Plan Generalized Policy Map, showing further proof that most people believe Building 52 to be part of the Van Ness campus. ANC3F requests that the Zoning Commission condition its approval of the Campus Plan as follows:

- Building 52 shall be incorporated as part of the Campus Plan and accordingly be subject to all conditions that the campus is also subject to.

Joint Use of Facilities

Since the beginning of the Campus Plan process, ANC 3F has been seeking adequate and reasonable access to UDC's facilities for the public. As the District's public institution, and an institution that receives significant taxpayer assistance, UDC should offer open access to its facilities. For instance, for over 10 years, UDC has provided free and open access to its tennis courts located off of Yuma St. NW. These tennis courts have long been considered a free community amenity, attracting hundreds of users. In the past year, UDC has closed public access to the tennis courts and now only allows access on a membership basis.¹⁷ UDC explained to ANC 3F that the courts were closed so that UDC could protect the courts (which UDC recently refurbished a few months ago). As a result of the implementation of this new membership policy, the courts have seen near zero usage. They sit empty and interestingly, on a recent visit to the tennis courts, the courts are already showing significant wear – the court surface is eroding, the courts are showing water damage and blistering and the courts are full of dead leaves and large weeds. All of this damage has occurred with no play on the tennis courts. Given the recent refurbishment of the courts at great cost, ANC 3F wonders about the quality of UDC's facilities oversight. (We also note, as another example of issues with maintenance, that five medium-sized oak trees planted on Van Ness St. NW and the athletic fields recently have all died under the watch of the current administration.) Given that UDC has closed amenities, such as the tennis courts, which have been previously open and available to the community for over 10 years, ANC 3F and members of the community are concerned that the development of the student center and dorm will cause UDC to close community access to even more of its facilities. To alleviate these concerns, ANC 3F requests that the Zoning Commission condition its approval of the Campus Plan as follows:

- The University shall immediately meet with ANC 3F to create a joint-use agreement for the use of the Van Ness Campus's facilities and the University shall use its best efforts to develop and shall act in good faith when developing such agreement. Such joint use agreement shall be implemented prior to the completion of the construction of the student center.
- The University shall, for the duration of the campus plan, continue to provide ANC 3F with its office space.
- The University shall, for the duration of the campus plan, provide ANC 3F with space to hold its ANC meetings.

Human Rights Compliance

ANC 3F has brought to UDC's attention issues regarding its compliance with posting requirements under the D.C. Human Rights Act. Given that ANC 3F has asked UDC to comply with the Act on numerous occasions, and that it has not, ANC 3F requests that the Zoning Commission condition its approval of the Campus Plan as follows (as it has done with many campus plans before):

¹⁷ Letter to Anthony Hood from Goulston and Storrs, June 13, 2011, page 3.

- The University is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. The failure or refusal of the University to comply shall furnish grounds for the denial, or if issues, revocation of the approval of the Campus Plan or any building permits or certificates of occupancy issues pursuant to this order.

Miscellaneous Conditions

In addition to the conditions proposed above, ANC 3F is in agreement with certain of the additional conditions proposed by UDC:

- 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).
 - The Task Force shall meet quarterly in order to encourage dialogue regarding campus planning, student conduct, traffic and parking, construction activity, and similar issues.
 - 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.
 - The University shall keep minutes of all Task Force Meetings as well as a log of all attendees.
 - 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.
- Notice Regarding Future Zoning Applications:
 - 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.

- 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.
- Notice Regarding Future Campus Plan.
 - 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.
 - The community kickoff meeting shall take place at least six months prior to the filing of the future Campus Plan.
 - 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.