

VAN NESS STREET RESIDENTS ASSOCIATION

Dedicated to Preserving the Residential Character of Van Ness Street

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

Proposed Modifications to the Campus Plan of the University of the District of Columbia/ Processing of the Student Union

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held public hearings on May 2 and 25, 2011, to consider an application of The University of the District of Columbia (the "University") for the review and approval of the campus plan for 2011 –2020, and processing of the Student Union. The Commission considered the application pursuant to Section 210, Chapter 24, and Chapter 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearings were conducted in accordance with the provisions of 11 DCMR § 3022. The Commission approves the application, subject to the conditions below.

FINDINGS OF FACT

1. The Van Ness Street Residents Association (the "Association") was granted party status to appear at the hearing and present the objections of residents to the Campus Plan and Student Union. The Association represents the 80 households on the three blocks between Reno Road and Wisconsin Avenue. The Association has consulted with residents of neighboring streets (Veazey, Warren, and 36th) in developing its recommendations.
2. The North Cleveland Park neighborhood, of which Van Ness Street is a part, is a long established, low density, residential neighborhood, composed of single family and duplex homes. Almost all are owner occupied. Houses in the neighborhood were constructed in two trenches: the first in the 1920's and the second in the 1940's after the end of World War II. The area is zoned R-1B.
3. In the mid-1970's, the Van Ness Campus was designated as one of two sites for the University of the District of Columbia. No on-campus housing was contemplated as part of the Campus Plan, according to the Master Plan Update, 24 August, 1977, prepared by Caudill Rowlett and Scott (See April 18 pre-hearing submission by Goulston & Storrs, Tab B). The University was originally created as a commuter college serving District residents.
4. The western area of the campus, along Van Ness Street, is currently devoted to two athletic fields, used by the University and a number of area schools and youth soccer leagues, including the Stoddert Soccer League.
5. The Federal Government has created an International Center as an area for 47 foreign embassies, which extends from Van Ness Street north to Yuma Street, and is bounded on the west by Reno Road and 36th Street NW, and on the east by the University campus.

**ZONING COMMISSION
District of Columbia**

CASE NO. 11-02A

EXHIBIT NO. 42

6. The University plans a major conversion from a commuter college serving District residents to a four year college. The typical student will be younger --- 18 – 22 rather than the current 29 – 35.
7. A few of the residents were provided notice of the hearing, but the vast majority learned of the hearing from a March 21, 2011 article in the *Northwest Current* newspaper, published only a few weeks before the Zoning hearing. Notice provided to residents within 200 feet of the property boundary reached only a handful of residents and did not make clear the extent of the changes contemplated by the University.
8. The Association presented residents' concerns to ANC3F at a hearing on April 25, 2011.

Traffic and Parking

9. Van Ness is a narrow, three lane street, with one lane of parking.
10. Van Ness Street is a residential collector street that provides vehicle and bus access from Connecticut Avenue to Wisconsin Avenue. Van Ness Street is classified as a residential collector street (as are Albemarle, Fessenden, and Macomb). The function of a residential collector street is to connect local streets to arterial roads. However, Van Ness is NOT a cross-town arterial (as are Porter, Nebraska, and Military Road), whose function is to carry traffic from one arterial (Wisconsin) to another (Connecticut).
11. Traffic levels are already high on Van Ness Street, and it is currently the subject of a Traffic Calming Study by the DC Department of Transportation.
12. Residents have complained about overflow parking from the University, and have identified cars parked by students carrying book bags, and individuals who have asked directions to University buildings as cars not parked in University garage.
13. University overflow parking has forced Van Ness residents to park some distance from their homes, and to carry small children and heavy packages long distances. Residents with injuries and disabilities and those with handicap permits for their cars have been forced to park long distances from their homes.
14. Residents testified that there has been a visible reduction in street parking while the University is out of session. Half the parking spaces on the street are now empty.
15. The Gorove/ Slade Transportation Report, provided by the University, stated that the campus parking garage "operates at or above capacity during the day." (p. 15).

Pedestrian Access to Metro

16. Van Ness is the major pedestrian route from the residential neighborhood to the Van Ness Metro stop, as well as the major pedestrian access between the small commercial areas on two avenues.
17. The Student Union, as currently designed, blocks a "shortcut" used by a large number of neighborhood residents who walk from North Cleveland Park to the Metro. The shortcut runs along the edge of Building 39 and up a short stairway to Van Ness

- Street. (A view of the rain garden, showing the shortcut under Building 39, is found on Page L16 of the Post Hearing Submission 06.03.11).
18. Instead, residents walking from the Metro would be forced to climb a long stairway at the front of the Student Union to walk through Dennard Plaza, or to walk a much greater distance down Connecticut Avenue and around the new Student Union building. Either alternative makes Metro access more difficult, especially for residents with foot and leg injuries and cardio-vascular problems.
 19. Preserving access to the “shortcut” can easily be attained by a minor modification of the Student Union design. Entry from the Metro Plaza would run through the Main Lobby doors, then turn right and cross the open Gallery, and exit by a door opening into the “rain garden.” That space is shown as an open area on the Plan (see Post Hearing Submission – Revised and Updated Plans for Student Center Issue Date 06.03.11, p.A02 (Connecticut Av Street Level)). The change in grade is approximately 2.5 feet and can be addressed by an open stair. The Metro access route should *not* go through the enclosed stairway off the lobby. If the Main Lobby door and Rain Garden door were open during Metro hours, the shortcut would be preserved. Cost of this modification is nominal.

Noise

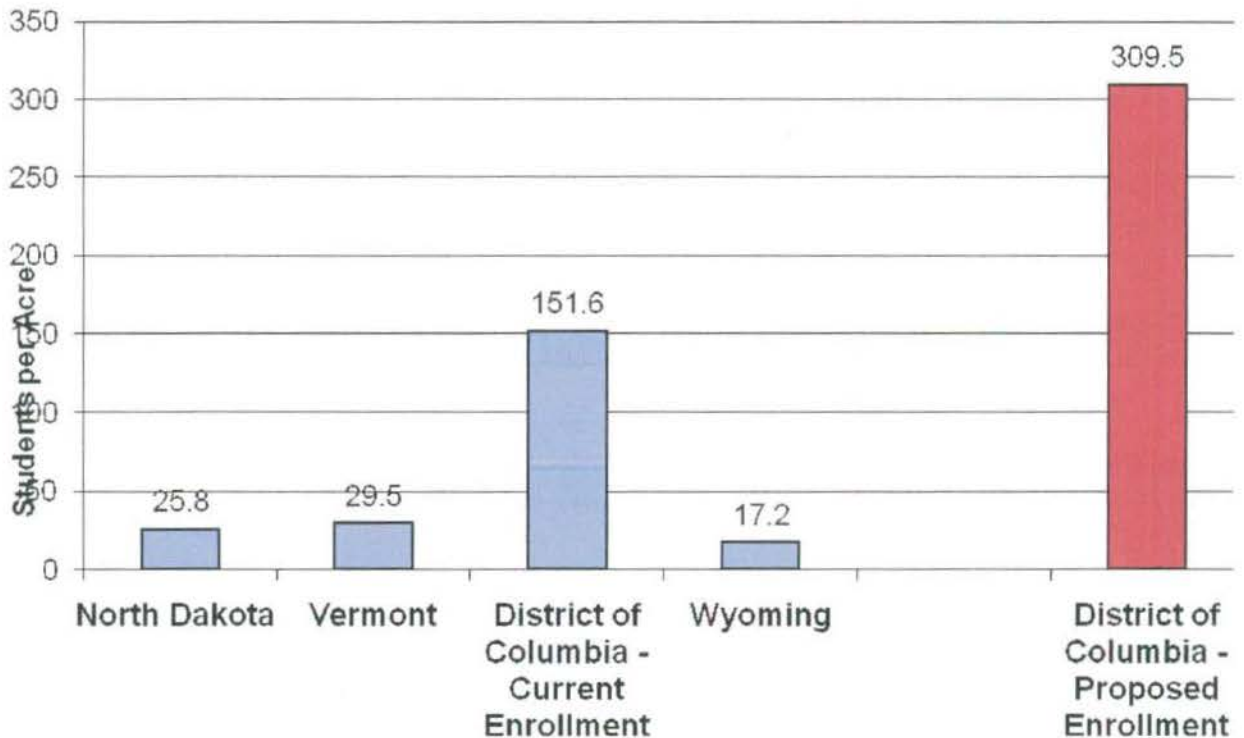
20. The University proposes to convert from a commuter college to a four year college with students predominately in the 18 – 22 year old range, rather than the current 29 – 35 year old range. This younger student body is expected to spend more time on campus, and engage in more campus activities. Typical student activities, such as pep rallies, protests, and sporting events will generate noise that can easily reach the neighborhood. Complaints have already been received by ANC3F representatives about noise that traveled a longer distance than the distance from University facilities to the neighborhood.
21. Students walking from Connecticut to Wisconsin along Van Ness Street are expected to generate more noise. The McDonald’s at the corner of Van Ness and Wisconsin Avenue is the only 24 hour restaurant in the area. Since the houses along Van Ness have master bedrooms in the front of the house, student noise at night is objectionable to residents who leave early in the morning for work.

Enrollment Level

22. The University seeks authorization to expand from the current 3,183 enrollment to 5,000 FTE/ 6,500 headcount. Faculty/ staff level is currently 1,691.
23. The University sits on a 21 acre campus. Increasing enrollment to 6,500 means that land use would be far more intense, and constricted, than that at comparable universities. A search of public universities funded by states with comparable population (approximately 600,000) reveals that the University’s student per acre ratio is substantially higher than any comparable Universities. The proposed student

per acre ratio would be 309.5 for the University, more than 10 times that of the next highest --- the University of Vermont with 29.5 students per acre.

Campus Size of State Universities in States with Comparable Population						
<u>Rank</u>	<u>State</u>	<u>Population</u>	<u>Enrollment</u>	<u>Acres</u>	<u>Acres per student</u>	<u>Students per acre</u>
48	North Dakota	672,591	14,191	550	0.0388	25.8
49	Vermont	608,827	13,568	460	0.0339	29.5
	District of Columbia - Current Enrollment	601,723	3,183	21	0.0066	151.6
50	Wyoming	563,626	13,476	785	0.0583	17.2
	District of Columbia - Proposed Enrollment	601,723	6,500	21	0.0032	309.5



24. If enrollment is doubled, it will inevitably increase noise, pedestrian traffic, vehicle and truck traffic, and parking on Van Ness Street and the North Cleveland Park neighborhood.
25. The small size of the site imposes constraints on the uses which may reasonably be undertaken there. The original use as a commuter college meant activities on campus were limited to academic functions, and students spent only limited time on campus. Activities were focused on Connecticut Avenue, and had only a limited impact on the surrounding residential area. Conversion to a 4 year residential college, surrounded by a long established residential area, must be undertaken with sensitivity to the need to preserve the residential character of the surrounding area. The small site does not offer the space for student activities typically provided a 4 year college. Both enrollment and certain activities must be curtailed or assigned to other, more appropriate sites, to protect the character of the residential neighborhood.

Dormitories

26. The University proposes to construct on-campus housing for 600 in the area now used for two athletic fields. The massive 280,000 square foot buildings proposed will consume the entire area of one of the athletic fields.
27. The City has a desperate need for athletic fields. Youth groups, Stoddert Soccer League, and various schools currently use these fields for games and practice.

Sacrificing one of these fields to dormitories will deprive these groups of a playing field. No replacement fields are available. Available land for athletic fields in the District of Columbia is a zero sum game.

28. The University has proposed that the athletic fields be considered as the zone for dormitories, with the final selection of the site for dormitories deferred until the processing of the dormitories in the near future.
29. Placement of dormitories for 600 will generate noise, pedestrian and vehicle traffic, and disruptions in the neighborhood, as a result of student activities. A service road providing emergency access for fire and police has been created from Van Ness Street to Dennard Plaza which will remain part of the Campus if dormitories are located in the Athletic Fields. Service activities for the dormitories will compound existing heavy traffic along Van Ness Street.
30. Alternate sites are available on land held by the University. All three alternatives would preserve the athletic fields and reduce the impact of on-campus housing on the surrounding residential neighborhood. These include:
 - a. Building 52 at the corner of Yuma Street and Connecticut housed Wilson High School's 1,500 students for the academic year 2010 – 2011. It has 100 parking spaces that could be used for student cars, and is very close to the Metro and buses. Building 52 contains 100 parking spaces. Renovation of an existing building is typically less expensive than new construction.
 - b. Site 3 (wooded area between Swimming Pool and Building 52) was considered as a possible site for the Student Union. It sits across from an existing 3 story apartment building on Yuma Street, and is very close to Metro and buses. It is also close to Dennard Plaza.
 - c. Quadrangle site at the end of Dennard Plaza would direct foot traffic toward Connecticut and away from the neighborhood. It offers an opportunity to incorporate the below grade performing arts facilities into a landmark building that will enhance their prominence in campus life.
 - d. Given the massive size of the dormitories, the University should use one or more alternate sites.
31. All three alternatives would preserve green space, reduce carbon dioxide levels in the atmosphere, and make the athletic fields available for continued use by the University and the community. If there were two fields, the University would have both a practice field and a varsity field for conference games. Preserving the two fields would also reduce the objectionable impact of noise, traffic, and the different lifestyles of students upon the surrounding residential neighborhood.

Freeze on Off-Campus Housing

32. In the Campus Plan, Conditions of Approval, No. 5, b the University proposes to “be permitted to lease a total of up to 100 residential units for student housing, and agrees to expand its leasing authority to include properties within one mile of the Van Ness campus.” In testimony, the University has said that the 31 units in

Van Ness South apartments house 108 students. If the same ratio of students to units was applied to the proposed 69 units, it would mean approximately 348 additional students housed within one mile of campus.

33. ANC3F Commissioner Karen Perry testified that students have been involved in objectionable behavior, including incidents in which police have been called to break up a "fight involving guns" and a party in which students jumped down on top of the lobby roof. In testimony before the Zoning Commission, representatives of the Van Ness Tenants Association have complained about student music and noise at late hours that disturbs working professionals who reside in the apartments. Despite the presence of University Resident Associates in the apartments, student behavior has been noisy, inconsiderate, and clearly inconsistent with the lifestyles of other apartment residents.
34. Ward 3 Councilmember Mary Cheh wrote to the Zoning Commission on June 7, 2011, stating, "After further consideration of the Conditions for Approval of the Campus Plan, and hearing from constituents who are concerned and/or have experienced problems created by student tenants, I have decided that these problems should not be spread further into the residential areas surrounding the University." Councilmember Cheh suggested that the Commission should "strike the Condition that authorizes the University to lease additional apartments within one mile of campus, and instead direct the University to refrain from leasing additional units." This would mean that the master leases for 31 units in Archstone Van Ness would be allowed to continue, but no new leases would be permitted in the North Cleveland Park, Forest Hills, or Tenleytown neighborhoods.

LEED Platinum

35. LEED Platinum is not a mandatory condition for construction at other area universities, and should not be a mandatory condition for construction at UDC. City buildings are required to meet LEED Silver standards. No higher standard should be required by the Zoning Commission in this case. In particular, seeking LEED Platinum status should not be used as a device to prevent the construction of much needed additional parking on campus.

CONCLUSIONS OF LAW

1. The University has requested approval of the construction of a Student Union and for its Campus Plan, pursuant to 11 DCM §§210, 3305 and 3104. The Commission is authorized under the aforementioned provisions to grant a special exception which, in the judgment of the Commission, 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 Residence zone 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.”

2. Based on the Findings of Fact above, the Commission finds that the University has not satisfied the burden of proof for a special exception in accordance with §210 and orders the following modifications of the Conditions of Approval:
3. **Student Union:** The 65,000 square Student Union is subject to Zoning Regulations requiring 1 parking space for every 2,000 square feet, as well as space for events. The University must add 33 parking spaces to the Student Union to accommodate the facility’s needs, and an additional 67 spaces must be added to reduce the overflow parking on Van Ness Street and surrounding streets, for a total of 100 parking spaces. Entrance to the additional parking shall be from Van Ness Street.
4. The University shall ensure that the number of daily automobile trips to and from the University campus does not increase during the term of the Campus Plan; the University shall immediately conduct a baseline traffic study that determines the number of automobile trips currently destined for and departing from the University daily; during the term of the campus master plan the University shall conduct annual traffic studies to identify the number of daily automobile trips to and from the campus.
5. The Student Union must make possible pedestrian access to the Metro by adding access from the Metro Plaza to the rain garden on Van Ness Street. The “cut through” shall be available to residents at all times that the Student Union is open and all times that the Metro is open.
6. **Off-Campus Housing:** The Condition of Approval authorizing the University to enter into master leases in apartments within one mile of campus shall be deleted, and the University shall be prohibited from leasing additional units, beyond the 31 units currently leased in Archstone Van Ness South.
7. **Term:** The Campus Plan shall be approved for a period of five years, in order to permit a review of the impact of the new activities on the long established residential neighborhood surrounding the campus.
8. **Enrollment:** Enrollment shall be limited to the lesser of 4,000 FTE/ 5,000 headcount. Enrollment may not increase more than 2.5 per cent per year. Staff shall remain at the current level of 1,691.
9. **Student Conduct:** The University shall report to ANC3F at the end of each semester or summer session all security violations by students, on campus and off campus, including those involving guns, drugs, noise violations, robberies and theft, sexual misconduct, parking, and other matters that have required police intervention.
10. **Building 52:** The enrollment levels shall be applied to Building 52, if it is used for student housing, academic activities or administrative purposes.
11. **Community Relations:** Before submitting the dormitories to Zoning for processing, the University must consult regularly and frequently with representatives of ANC3F and the Van Ness Residents Association in order to

minimize the impact of noise, traffic and other objectionable conditions on the surrounding residential area.

12. **Athletic Fields:** The two athletic fields along Van Ness Street and International Drive shall be preserved for use as athletic fields.
13. **Alternate Sites for Dormitory Location:** The University shall consult with the community and ANC3F about the location of the dormitories. Possible sites shall include but are not limited to Building 52, the area between the swimming pool and Building 52, and the area at the end of Dennard Plaza that abuts the athletic fields (the "Quadrangle site"). These sites may be used in combination in order to preserve the athletic fields for use by the University and the community.
14. **On-Campus Housing Limitations:** Construction of dormitories during the 5 year term of the Plan shall be limited to 150 beds for the first building. Dormitories must comply with the Zoning Regulation requirement of 1 parking space for every 5 beds, or 30 parking spaces.
15. Maximum floor area for the first dormitory shall be 70,000 square feet.
16. **Phased Construction of Dormitories:** A second dormitory of similar size may only be constructed after the University can demonstrate to the Zoning Commission the need for additional on-campus housing and a record of good student conduct and the University's responsible management of on-campus housing. In demonstrating the record of good student conduct and responsible management, the University must present records of security violations, complaints about noise and misconduct by neighbors, records that parking levels within the neighborhood have not increased, and police records to ANC3F and the Commission. Processing of any application for a second dormitory shall not begin until there have been a minimum of 3 academic years of occupation of the completed dormitory, which would form the basis for the evaluation of student conduct and the University's responsible management.
17. **Construction Management Plan:** The University shall adopt a construction management plan that requires contractors to avoid using Van Ness Street, Veazey Street, Windom Place, Warren Street, and Yuma Street for access to the campus from Wisconsin or other northern or western streets during construction. All trucks must use cross-town arterial roads to reach Connecticut Avenue, and enter the construction site from Connecticut Avenue or the short extensions of Van Ness or Yuma off Connecticut. Violations of the construction management plan shall result in fines against the contractor of not less than \$1,000 per violation.
18. **LEED Silver:** University buildings must comply with the requirement that city buildings meet the LEED Silver standard.