GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 16566 of the President and Directors of Georgetown College, pursuant to 11 DCMR § 3104.1, for a special exception for the review and approval of the University Campus Plan – years 2000-2010 under Section 210 in the R-3 and C-1 Districts at premises bounded by Glover Archbold Parkway to the west, the National Park Service property along the Chesapeake & Ohio Canal and Canal Road to the south, 35th Street, N Street to 36th Street, and 36th Street to P Street to the east and Reservoir Road to the north. (Square 1222, Lots 62, 801-810; Square 1223, Lots 85-86, 807-810, 812, 815, 826, 827, 831, 834, 846-847, 852-853, 855, and 857-858; Square 1226, Lots 91, 94-101, 104-105, 803-804, 806, and 811-815; Square 1248, Lots 122-125, 150-157, 800-802, 804-806, 829-831, and 834-835; Square 1321, Lots 815-817.)

HEARING DATES: June 13, and July 18, 2000
DECISION DATES: September 5, November 8, and December 5, 2000

PRELIMINARY MATTERS:

Advisory Neighborhood Commission (ANC) 2E was a party in this proceeding. The Board received requests for party status from the Burleith Citizens Association (BCA), Citizens Association of Georgetown, Cloisters in Georgetown Homeowner's Association, Foxhall Community Citizens Association, Georgetown Residents Alliance, and Hillandale Homeowners Association. These requests were all granted. The Wormley Neighbors Association also requested to participate as a party, but failed to appear at the hearing. Its request for party status was denied.

1. The President and Directors of Georgetown College (hereinafter "University" or "Applicant") filed an application January 31, 2000 for review and approval of the Georgetown University Campus Plan for Years 2000-2010.

2. The Applicant participated in a mediation process sponsored by the Office of Planning in May 2000. During the mediation process, the Applicant met with representatives of the community groups opposed to the proposed campus plan. The University subsequently amended its proposed plan by (1) reducing the projected increase in enrollment by 111 students, so that the total proposed increase was 389 rather than 500; (2) proposing to delay any increase in enrollment above its current cap until after the Southwest Quadrangle project is occupied or until Fall 2003; (3) strengthening the University's off-campus student affairs program; and (4) providing the Zoning Commission with progress reports in every future application for further processing. Exhibit No. 46.

ZONING COMMISSION
District of Columbia
Case 02-32
Exhibit 52

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CASE NO.02-32
EXHIBIT NO.52

3. The Georgetown University campus, known as premises 3800 Reservoir Road, comprises 104 acres zoned R-3 or C-1 located within the Georgetown Historic District. The campus is bordered on two sides by public parkland and Canal Road. The southern boundary extends east along Prospect Street to 35th Street, excluding the structure on the north side of Prospect Street between 36th and 37th Streets. The campus is bounded on the west by Glover Archbold Park and on the north by Reservoir Road. The eastern boundary runs from Reservoir Road at 37th Street south and east past the Cloisters residential development and the grounds of the Sisters of Visitation High School and Convent to a point just west of 36th and P Streets, then continues south, excluding a row of residences on the west side of 36th Street to O Street, south on 36th Street to N Street, east to 35th Street, and finally south to Prospect Street.

4. The University has been located on its present campus since its founding in 1789. With certain exceptions, the campus boundaries include land owned by the University that has been actively devoted to university use for over 200 years. The proposed campus plan does not seek any change in the previously adopted campus boundaries, and does not propose to move any major new building off campus. Applicant's Statement at 1-2, Exhibit No. 46, 46-A.

5. 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.

6. The proposed campus plan anticipates several new developments on campus, including a science building, a business school, an administrative/academic building, and a physicians' office building at the Medical Center. Other projects set forth in the proposed plan include additions or renovations to several existing buildings as well as the renovations of Harbin Field into a multi-sports facility and McDonough Gym to allow its use as a convocation center.

7. The proposed additional gross footage and existing square footage will result in a floor area ratio (FAR) of 1.41, or 0.39 below the 1.8 FAR permitted by the Zoning Regulations. *See* 11 DCMR §§ 210.3, 402.4.

8. Currently, approximately 77 percent of the University's traditional undergraduate students live on campus. "Traditional undergraduate students" do not include students of English as a second language, commuters, and other non-traditional students not requiring University housing.

9. A new residence hall project, the Southwest Quadrangle, is scheduled to be completed by Fall 2003, providing 780 new beds on campus.

10. The Applicant testified that at least 84 percent of undergraduates will live on campus by 2010, with the requested increase in enrollment 389 deferred until the Southwest

Quadrangle is completed and then phased in at a rate of no more than 55 students per year. June 13, 2000 Transcript at 61.

11. The Applicant proposed a new Off-Campus Student Affairs Program, outlining proactive measures intended to better ensure that students living off-campus are responsible community citizens. The Off-Campus Student Affairs Program and Implementation Plan includes:

    (a) An acknowledgement by the University that it will address adverse impacts from students living off campus, including noise, drinking, partying, parking, trash, and disrespectful behavior;
    (b) A clear statement that the University will not tolerate behavior that adversely impacts the surrounding community and reflects poorly on the institution;
    (c) Clear-cut procedures for educating students living off-campus as to their community responsibilities, enforcing the University's new Code of Conduct, and implementing stiffer sanctions and penalties for violations of the Code;
    (d) The creation of a new neighborhood council, called the Alliance for Local Living (ALL), that will meet with the University to bring issues to the attention of the University and to identify problems and their solutions, inviting representatives of District government agencies as needed to work toward community-wide solutions;
    (e) Increased coordination with the Metropolitan Police Department to assure an institutionalized and coordinated approach to issues concerning student conduct off campus;
    (f) Increased and enhanced on-campus events, programs, and activities as well as comprehensive alcohol education programs; and
    (g) An implementation plan that outlines immediate, short-term, and long-term actions that can be monitored, tracked, and evaluated, so that statistics can be shared with ALL and reported to the Office of Planning and the Zoning Administrator annually. Exhibit No. 169.

12. The Board finds that the new Off-Campus Student Affairs Program is reasonable as a means to lessen the incidence of serious student misconduct off-campus in the surrounding neighborhoods.

13. The Applicant currently employs 6,727 faculty and staff on campus, but projects that the number will rise to 7,500 over the life of the campus plan. The Applicant's traffic and parking calculations were based on the projected number.

14. The Applicant's proposed Transportation Management Program (TMP) encourages use of public transportation and the Georgetown University Transportation System (GUTS). Components of the TMP include providing additional parking spaces at off-campus locations, operating more GUTS shuttle buses, and other measures to reduce use of single-occupant vehicles for trips to and from the campus, especially during peak hours.

15. The University currently has 1,535 marked parking spaces located on the main academic campus, and 2,4,9,4 marked and stacked spaces located on the north campus, for a total campus inventory of 4,029 parking spaces. The existing campus parking supply is consistent with the cap of 4,080 spaces approved in the University's 1990 campus plan as a means to discourage people from driving to the campus (*see* BZA Order No. 15302). Two new parking facilities are proposed for the Medical Center campus to replace surface parking and an existing valet parking program that includes 400 parking spaces and handles approximately 560 cars per day. A large surface lot at the south end of campus will be replaced with a below-grade parking structure as part of the Southwest Quadrangle, with access directly from Canal Road.

16. The Board finds that the Applicant's proposed Transportation Management Program is reasonable, particularly with respect to its efforts to increase use of public transit and GUTS buses. However, the Board also finds that the supply of off-street parking on campus may be insufficient to ensure that the surrounding neighborhoods are not adversely affected by university-related parking. The Board finds that the University should provide at least 4,080 off-street parking spaces within the campus boundaries.

17. The University has reached an agreement with MedStar to operate the clinical care enterprises of the Georgetown University Medical Center. Pursuant to the agreement, the facility will continue to be used as a university medical center with a university hospital, university medical school, and accessory buildings and uses. The University continues to own the land, and will exercise exclusive control over aspects of the medical center relating to its academic program as a learning facility for medical students and medical residents in furtherance of the academic mission of the University. The Applicant stated that the number of staff, parking spaces, and visitors will stay within the campus plan projections.

18. The Office of Planning submitted a report on June 12, 2000 ("June 12 Report") recommending approval of the campus plan application, allowing the University the full requested increase in undergraduate enrollment (389) subject to conditions relating to housing and enrollment. OP recommended a formula approach to future increases in undergraduate enrollment designed to provide certainty about enrollment increases while requiring the University to take additional actions to address impacts if the number of off-campus undergraduate students living in the community near the campus (*i.e.*, within Zip code 20007) exceeds a specified threshold percentage. Measures undertaken by the University to mitigate adverse impacts could include: (1) providing more on-campus housing; (2) providing housing elsewhere, outside Zip code 20007 and other areas affected by other universities; and (3) undertaking an increased off-campus student program.

19. OP identified the relationship between enrollment and the percentage of students housed on campus as a "major issue." While 77 percent of students were living on campus as of the Spring 2000 semester, students living in rented houses off-campus have been a significant community problem, especially in Burleith. June 12 Report at 4.

20. In its supplemental report, dated July 17, 2000, OP stated its belief that the opening of the Southwest Quadrangle in Fall 2003 would greatly lessen the impacts of undergraduate students on adjacent neighborhoods, especially Burleith and West Georgetown, because many undergraduates will be removed from the neighborhoods.

21. OP testified that "some upper limit should be set for Georgetown University (traditional) undergraduate students living off campus in Zip Code 20007." Therefore OP proposed that off-campus undergraduates living in Zip Code 20007 should "not be allowed to exceed 700 after the 2003-2004 academic year," because a population of undergraduate students approaching 700 "would be an indication that a problem situation was developing." According to OP, the 700-student limit was a compromise that "allows room for considerable University enrollment growth after 2003" but would also "serve as a protection for the surrounding neighborhoods...." Under OP's recommendation, if the number of undergraduate students living in Zip Code 20007 after Fall 2003 reached 700, the University should be required to provide additional housing on-campus, elsewhere in the District of Columbia (but not in areas with other university impacts), or nearby suburban locations; provide incentives for students to live outside Zip Code 20007; or forego any increase in undergraduate enrollment until the number of undergraduates living in Zip Code 20007 drops below 700. Supplemental report at 6.

22. OP also expressed concern about traffic impacts (traffic flow and parking), especially with respect to traffic on Reservoir Road and the north-south streets that intersect it between 35th and 39th Streets, N.W.

23. The Department of Public Works (DPW) submitted a report dated June 8, 2000 addressing the transportation elements of the proposed campus plan. DPW stated that "one of the best and most effective ways to minimize traffic to and from the campus is to provide on-campus housing for students presently living off-campus." DPW Report at 2. Development of the Southwest Quadrangle project "would have an extremely beneficial improvement on local traffic." *Id.* Another effective way to decrease traffic volume to and from the campus, according to DPW, is to encourage use of the available public transportation and the Georgetown University Transportation Shuttle (GUTS) by the University's faculty and staff, including medical staff.

24. DPW reported that University-related traffic along 38th and 39th Streets adjacent to the campus is not significant to cause adverse traffic impact in the residential area. *Id.* at 3. However, according to DPW, "Reservoir Road suffers from traffic congestion, especially during the morning and evening peak hours, which severely affects local residents' ability to access Reservoir Road." *Id.* DPW has undertaken an investigation, in cooperation with the University, MedStar, and local residents, to consider alternative traffic management strategies designed to reduce overall congestion on Reservoir Road. DPW also expects that some of the traffic currently approaching the campus via Reservoir Road may shift to the Canal Road entrance once the proposed improvements to the south entrance are completed. *Id.* at 3-4.

25. DPW commented on the traffic concerns expressed by the Hillandale Homeowners Association, concluding that differences in traffic analyses conducted by the Applicant and by Hillandale result from traffic monitoring at different times. DPW stated that the differences did not affect the overall findings of the Applicant's traffic report, which generally used the higher (worst case) scenario in its findings. *Id.* at 4.

26. In calculating future traffic generation, DPW concluded that "the undergraduate student population would have negligible impact on traffic and parking due to its small increase and limited automobile usage." *Id.* at 4. The largest single increase in anticipated traffic generation would come from graduate students, who could be expected to create approximately 308 new trips per day, parking primarily on the south campus parking lot. While much of the graduate student traffic would likely occur during non-peak hours, DPW encouraged the University to increase mass-transit usage by graduate students. *Id.*

27. DPW noted that the Applicant's traffic report showed very limited university-related traffic on local streets, but remained concerned about local streets with respect to the difficulty residents have in accessing Reservoir Road during peak-hours congestion on Reservoir Road. *Id.*

28. DPW also concluded that the University's parking supply – 4,029 campus parking spaces, including 1,535 marked spaces on the main academic campus and 2,494 marked and stacked spaces on the north campus – is adequate for peak demand requirements. *Id.* at 5.

29. DPW recommends the realignment of Entrance #1 and 38th Street, N.W. to improve traffic and pedestrian safety, with Entrance #1 designed with channelization and signage to require all vehicles using the entrance to turn either left or right, to eliminate cut-through traffic on 38th Street. *Id.* at 6.

30. DPW concluded that the proposed campus plan would result in an increase in traffic generation at both the northern and southern entrances. However, much of the increase would likely be spread throughout the day, and would not significantly affect peak-hour traffic congestion. DPW will work with the University and local residents in assessing overall congestion on Reservoir Road, and will seek to implement traffic management and parking modifications to reduce congestion, especially during peak hours.

31. At a special meeting held June 6, 2000, with all commissioners present, ANC 2E passed a resolution in support of the University's proposed campus plan by a vote of five to three. The resolution notes that the University affirmed that, over the life of the 10-year plan, it would (1) maintain an on-campus undergraduate student population of at least 85 percent after completion of the Southwest Quadrangle in September 2003; (2) phase in an increase the authorized enrollment cap from 5,627 to 6,016 upon completion of the Quadrangle; (3) reduce off-campus housing demands in nearby neighborhoods to approximately 400 undergraduate students, a decrease of 60 percent from current levels; and (4) strengthen its off-campus student affairs program. ANC 2E conditioned its

approval of the campus plan "by urging that measures be taken to strengthen the off-campus student affairs program," such as by suspending students who are cited for repeated disturbances in residential neighborhoods or requiring them to live on campus.

32. In a "position statement" dated October 31, 2000, ANC 2E described the standards of conduct necessary to avoid adverse impacts associated with students living off-campus, addressing issues of trash, loud parties, and late-night street noise. The ANC emphasized that the University bears primary responsibility for educating its students and ensuring that they adhere to community standards and the laws of the District of Columbia. ANC 2E also expressed support for the Applicant's efforts to address issues associated with students living off-campus and to educate students about the appropriate standards of community living. The position statement was adopted by unanimous vote at its regularly scheduled meeting of October 30, 2000, which was duly noticed and at which all members were present. Exhibit No. 220.

33. The community association parties testified collectively about the importance of strong, livable residential neighborhoods to both the city and the University. They expressed support for most of the goals of the proposed campus plan, including planned infrastructure improvements and new academic buildings. However, the community association parties stated that present University operations are objectionable to neighboring property, and the proposed plan failed to address existing impacts. Citing a "large number of unknowns" in the planning process, the community association parties suggested approval of a five-year campus plan instead of committing to the 10-year proposed plan. Exhibit No. 151.

34. The community association parties argued in favor of maintaining the cap on enrollment adopted by the Board in the 1990 campus plan, on grounds that large numbers of students living in the community cause a negative impact because of behavior, housing, and other issues, and that the University's efforts to mitigate the impact have not solved the problem. The community association parties concluded that increasing the cap would increase objectionable conditions in the community because of numbers of students. *Id.*

35. The Burleith Citizens Association (BCA) argued in opposition to any increase in undergraduate enrollment, asserting that the 1990 cap should be maintained to help mitigate the adverse impact of students. According to the BCA, there is a serious community impact from excessive numbers of students living off-campus, citing especially the prevalence of rental properties occupied by undergraduates in Burleith and associated serious behavior problems, overcrowding and inappropriate use of single-family housing, trash problems, and the use of yards for parking. BCA witnesses testified about extensive efforts by Burleith residents to address student-related problems with the University, the Metropolitan Police Department, DPW, and the Department of Consumer and Regulatory Affairs, among others. Exhibit No. 160.

36. According to the BCA, the University's Office of Student Affairs has not been successful in eliminating the disruptive effect of student misconduct in the surrounding

rented to students by absentee landlords; vandalism and destructive behavior by students, including causing damage to neighbors' houses, yards, and property; the prevalence of group houses occupied by transient students instead of permanent residents; and the overcrowding of large groups of students into single-family residences. Opponents of the proposed campus plan generally stated that the University should not be permitted to increase its undergraduate enrollment until more on-campus housing was provided.

43. The Board finds that the number of undergraduate students at the University's campus is having an adverse impact on the surrounding neighborhood because of the frequent occurrence of serious student misconduct off-campus and the displacement of permanent, non-student housing as a result of the lack of sufficient on-campus housing. In making this finding, the Board gives great weight to OP's testimony that students living in rented houses off-campus have been a significant community problem, especially in Burleith, and to the premises underlying ANC 2E's resolution in support of the proposed campus plan, especially the postponement of an increase in enrollment until after the Southwest Quadrangle is completed, a reduction in off-campus housing demand, and a stronger off-campus student affairs program.

CONCLUSIONS OF LAW AND OPINION

The Applicant is seeking a special exception, pursuant to sections 210 and 3104 of the Zoning Regulations, for approval of an updated campus plan for a period of 10 years. The Board is authorized to grant a special exception where, in the judgment of the Board 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. D.C. Code § 5-424(g)(2), 11 DCMR § 3104.1.

The Zoning Regulations specify that use as a university in a residential zone 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. 11 DCMR § 210.2. The Board concludes that the Applicant has met its burden of showing that the university use will not be objectionable to neighboring property. However, the Board concludes that it is necessary to condition its order to minimize any impacts from existing conditions and any potential impacts from planned future development.

The Zoning Regulations specify that the number of students is one factor that the Board must take into account when assessing whether a university use in a residential zone is likely to become objectionable to neighboring property. *See* 11 DCMR § 210.2. In this case, the Office of Planning, the affected ANC, and parties in opposition have asserted that the number of undergraduate students at the University's campus has created adverse impacts in the surrounding neighborhoods because of the frequent occurrence of serious student misconduct off-campus and the displacement of permanent, non-student housing as a result of the lack of sufficient on-campus housing. The Board concludes that both factors – the insufficient supply of on-campus housing and the repeated occurrences of off-campus student misconduct – are likely

to exacerbate objectionable impacts on neighboring property unless steps are taken to prevent that outcome. The Board notes especially the concerns of the Office of Planning about the continued viability of Burleith and other neighborhoods close to the campus, as pressures associated with the large numbers of undergraduate students threaten their livability and residential character.

Therefore, the Board concludes that approval of the 2000 campus plan must be conditioned on measures that will allow the University to operate and improve its facilities without creating adverse impacts on neighboring property. The Board is unable to find, based on the evidence in the record, that an increase in undergraduate enrollment above the cap established in the 1990 campus plan would not create an adverse impact on neighboring property. The completion of the Southwest Quadrangle project will likely result in a decrease in the number of undergraduates living off-campus in surrounding neighborhoods, and the new Off-Campus Student Affairs Program is likely to lessen the incidence of serious student misconduct in the surrounding neighborhoods. However, based on the record before it, the Board cannot now find conclusively that the anticipated new dormitory and implementation of the off-campus program will in fact rectify the adverse impacts described by OP, the affected ANC, and neighborhood parties in opposition. Accordingly, the Board concludes that the cap on undergraduate enrollment of 5,627 adopted as part of the 1990 campus plan should be maintained in the approved 2000 campus plan.

The Board heard substantial, persuasive testimony describing adverse impacts on the surrounding neighborhoods resulting from the presence of undergraduate students living in those neighborhoods. Some students living off-campus – albeit a minority of students living off-campus and a small fraction of the University population – have created serious objectionable conditions in the communities surrounding the campus, particularly Burleith. The adverse impact created by students has several causes, especially the frequent incidences of student misconduct as well as the failure of landlords to ensure that their properties are adequately maintained and occupied legally, and other conditions associated with a relatively transient population living in otherwise stable neighborhoods containing primarily of single-family residences.

The Board believes that the University must direct and guide the conduct of its students when they are living off campus. The policies established in the new Off-Campus Student Affairs program will allow the University to monitor off-campus student activity in a proactive manner to prevent adverse impacts that off-campus student houses or cars may otherwise have on the community. The Board questions whether the off-campus student housing program, as originally proposed, would have sufficient resources to address the problems created by the minority of students whose behavior has caused an adverse impact on the community. With the addition of several conditions specified in this Order, the Board is persuaded that the off-campus student conduct program is sufficiently comprehensive, that the students will be fully committed to and knowledgeable about the standards of conduct specified in the program, and that the University has committed adequate resources to make the off-campus housing program effective. The Board also concludes that graduate students are not likely to cause adverse impacts due to their

greater level of maturity, and therefore the Board declines to restrict the University's proposed increase in graduate student enrollment.

The Board is not persuaded that OP's proposal to limit the number of undergraduate students living in Zip Code 20007 is necessary. As OP itself notes, completion of the Southwest Quadrangle is likely to greatly lessen the impacts of undergraduate students on adjacent neighborhoods. In addition to concerns about whether OP's recommendation is consistent with the District of Columbia Human Rights Act, D.C. Code § 1-2501, *et seq.*, it is unclear how the proposed limit would be implemented and enforced, other than through a reliance on "monitoring of the housing situation." The Board believes that the conditions adopted as part of this Order, especially the cap on undergraduate enrollment and greater emphasis on off-campus student conduct, address the concerns raised by OP with regard to neighborhoods bordering on the campus and will adequately ensure that the University will not create objectionable impacts in those neighborhoods.

The Board notes that the proposed campus plan continues the same boundaries and many of the same buildings and uses approved in previous plans. No party proposed any modification to the boundaries of the Applicant's campus plan. The Board concludes that the previously approved campus plan boundaries remain reasonable and should be adopted for purposes of the 2000 campus plan.

The Board concludes that the Applicant's proposed Transportation Management Program is reasonable, particularly with respect to its efforts to increase use of public transit and GUTS buses. The Board notes that the supply of off-street parking on-campus has been restricted to a maximum of 4,080 off-street parking spaces, in accordance with the cap approved in the University's 1990 campus plan. Despite measures such as the TMP and restrictions on the use of University facilities to university-related uses, the Board is concerned that the supply of off-street parking on campus may be insufficient to ensure that the surrounding neighborhoods are not adversely affected by university-related parking that may spill over from campus to the neighborhoods. Therefore, the Board concludes that the University should provide at least 4,080 off-street parking spaces within the campus boundaries.

The Board concurs with the Applicant that its agreement with MedStar does not alter the nature of the Georgetown University Medical Center as a university use or affect the campus plan process. The University continues to own the underlying land and the lease arrangement with MedStar has not changed the use of the hospital for zoning purposes. The Board declines to impose limits on the number of helicopter flights to the hospital, because those flights serve a broad regional need and are reasonable if not abused. However, the helicopter flights to the campus must be exclusively for medically required purposes, and the University must provide the Board and the community with periodic reports of credible evidence demonstrating compliance with this condition.

The Board accorded the issues and concerns of ANC 2E the great weight to which they are entitled. In doing so, the Board fully credited the unique vantage point that the ANC holds with respect to the impact of the University and its proposed campus plan on their constituents. The

ANC adopted a resolution in support of the proposed campus plan, subject to conditions designed to minimize the potential adverse impact of the University on surrounding residential neighborhoods.

Accordingly, it is **ORDERED** that the application is **GRANTED SUBJECT** to the following **CONDITIONS:**

1. The Applicant's proposed campus plan is approved until December 31, 2010, subject to the following conditions intended to mitigate any adverse impacts potentially arising from the location of a university use in a residentially zoned district.

2. The Applicant shall not increase undergraduate enrollment above the cap of 5,627. This cap shall apply to traditional full-time undergraduate students; that is, undergraduate students who require housing.[1]

3. The Off-Campus Student Affairs Program implemented and enforced by the Applicant shall specify that off-campus housing is a privilege that can be revoked due to student misconduct, whether a violation occurs on- or off-campus.

    a) The Applicant shall ensure that the Off-Campus Student Affairs Program is fully funded and staffed, and shall obtain the endorsement of the University's Board of Directors for the program and its implementation.

    b) The Off-Campus Student Affairs Program shall specify the measures that University personnel shall undertake, immediately upon receiving a complaint regarding student misconduct, to resolve any objectionable behavior pending the University's investigation of a complaint.

    c) The Off-Campus Student Affairs Program shall conduct at least annually a community education workshop that is mandatory for all students living off-campus.

4. The Off-Campus Student Affairs Program shall adopt and enforce a Code of Student Conduct.

    a) The Code of Student Conduct shall clearly describe appropriate standards of behavior, delineate misconduct that constitutes a violation of the Code, and specify the sanctions that will be imposed for violations, particularly with respect to the consequences of repeated violations.

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[1] **At its public meeting held December 5, 2000, Board members Robert Sockwell, Sheila Cross Reid, and Anne Renshaw voted to approve a condition that would have permitted the University to increase enrollment once the Southwest Quadrangle was completed. At the Board's executive session held March 27, 2001, those members and Commissioner Herbert Franklin, who had heard all the testimony, voted to modify Condition No. 2 of this Order to clarify its intent with respect to alleviating adverse impacts on surrounding neighborhoods associated with the number of students living off-campus.**

b) The Applicant shall distribute copies of the Code of Student Conduct to students at least annually, and shall require students to certify in writing that they agree to adhere to the Code.

5. The Code of Student Conduct shall provide that, once a complaint is received concerning a student's off-campus conduct, a University officer (*e.g.* the Vice President for Student Affairs or Assistant Dean for Off-Campus Student Affairs) shall determine whether probable cause exists to bring the complaint before a Hearing Board, thereby relieving the original complainant of the obligation to pursue the matter.

6. The Applicant shall maintain a telephone hotline to receive complaints regarding student misconduct. The hotline shall be staffed 24 hours per day, seven days per week, by University personnel who shall keep a detailed record of each complaint received and shall forward each complaint to the appropriate authorities for immediate response.

7. When the Applicant, upon investigation of a complaint or by any other means, receives evidence of a violation of sanitation or housing regulations involving or affecting students living in an off-campus residence, the Applicant shall report the violation to the housing provider, the Department of Consumer and Regulatory Affairs, Department of Public Works, or other agency as appropriate. The Applicant shall monitor enforcement of reported violations to determine whether necessary inspections have occurred and whether fines have been issued and paid, and shall keep detailed records of reported complaints and responses.

8. The Applicant shall ensure that complaints are heard by a Hearing Board comprising two students and two faculty members, reflecting the University's recognition of the seriousness of complaints about student misconduct.

9. The Applicant shall make publicly available data indicating the number and types of complaints received concerning student misconduct, and the outcome of each complaint, including whether sanctions were imposed and whether any fines paid. The Applicant shall also report this information quarterly to the Office of Planning, the Zoning Administrator, ANC 2E, and the Alliance for Local Living, and to other interested community organizations that may request the information.

10. The Applicant shall report a violation of the Code of Conduct to the parents or guardians of the violator to the extent permitted by law.

11. The Applicant shall avoid scheduling events that attract large numbers of visitors to the campus during the peak traffic times of 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m. The Applicant shall employ campus personnel as necessary to direct visitors to campus parking areas and to ensure smooth flow of traffic into and out of the campus.
    a) All weekday evening performances at the Performing Arts Center expected to draw more than 100 visitors shall begin no earlier than 7:00 p.m.

b) Athletic events at Harbin Field expected to draw over 100 visitors shall begin before 4:00 p.m. or after 7:00 p.m.

12. The Performing Arts Center, Harbin Field, and McDonough Arena shall be used for purposes related to the University or the community, and not for non-University events whose primary purpose is revenue generation.

13. The helipad shall be used only for medically necessary purposes. The Applicant shall provide monthly reports regarding use of the helipad, including credible evidence of medical necessity associated with its use, to ANC 2E, the Alliance for Local Living, and other community organizations that request the information.

14. The Applicant, through its Office of the Registrar, shall maintain an accurate record of the license plate numbers of motor vehicles kept by all University students. The Applicant shall direct the students to register their vehicles in the District of Columbia, or obtain a reciprocity sticker, and shall consult with the D.C. Department of Motor Vehicles to determine whether such registration is completed or such stickers are obtained. The Applicant shall withhold parking privileges to students who do not comply with D.C. registration or reciprocity requirements. Failure to register student vehicles in the District or to obtain reciprocity stickers shall constitute a violation of the Code of Student Conduct.

15. The Applicant shall maintain at least 4,080 off-street parking spaces within the campus boundary to avoid encouraging additional cars off campus.

16. The Applicant shall enhance its Transportation Management Program:
    a) to promote greater transit usage, including increased ridership of the GUTS bus service;
    b) to provide additional parking in satellite locations linked to the campus by shuttle bus;
    c) to work with the community, MedStar, and the Department of Public Works as part of a cooperative team effort to look at mitigation strategies for Reservoir Road.

17. The Applicant shall include, in all future applications for further processing of the campus plan, the following information:

    a) actual enrollment of traditional undergraduate students, as of 30 days prior to the hearing date, including documentation and an explanation of the methods and assumptions used in the calculation;
    b) whether the Southwest Quadrangle project has been completed, and, if so, the date it began use as an undergraduate dormitory;
    c) a progress report on the implementation and operation of the Off-Campus Student Affairs Program, including information on number of complaints received concerning student misconduct, reported violations, and outcomes, including what

sanctions were imposed and the fines paid, if any;

d) the number of off-street parking spaces within campus boundaries, as of 30 days prior to the hearing date, including documentation and an explanation of the methods and assumptions used in the calculation; and

e) a status report on the Transportation Management Program.

18. The Applicant shall prepare a revised campus plan that is consistent with this Order and shall submit an original and 10 copies of the revised plan to the Board no later than 90 days from the effective date of this Order. The revised plan shall be accompanied by a table of changes that lists each page on which a change appears, and describes each change. The Board shall certify the revised copy as the approved campus plan. Copies of the approved plan shall be maintained in the Office of Zoning and the Office of the Zoning Administrator.

19. No special exception application filed by the University for further processing under this plan may be granted unless the University proves that it has consistently remained in substantial compliance with Conditions 1 through 18 set forth in this Order. Further, any violation of a condition of this Order shall be grounds for the denial or revocation of any building permit or certificate of occupancy applied for by, or issued to, the University for any University building or use within the campus boundary, and may result in the imposition of fines and penalties pursuant to the Civil Enforcement Act, D.C. Code §§ 6-2701 to 6-2723.

VOTE: **4-0-1** (Robert N. Sockwell, Sheila Cross Reid, Anne M. Renshaw, and Herbert Franklin to grant; NCPC member not present, not voting.)[2]

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

Final Date of Order: MAR 2 9 2001

[2] See footnote 1.

PURSUANT TO 11 DCMR §3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR §3125.9, THIS ORDER WILL BECOME EFFECTIVE 10 DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

MN

GOVER IENT OF THE DISTRICT OF CO MBIA
Board of Zoning Adjustment

BZA APPLICATION NO. 16566

As Director of the Office of Zoning, I hereby certify and attest that on MAR 2 9 2001 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Maureen E. Dwyer, Esquire
Shaw Pittman
2300 N Street, N.W.
Washington, D.C. 20037-1128

Peter Pulsifer, Chairperson
Advisory Neighborhood Commission 2E
Saint John's Episcopal Church
3265 S Street, N.W.
Washington, DC 20007

Scott Anderson, General Manager
Hillandale Homeowners Association
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Washington, D.C. 20007

Charles R. Braum
Hillandale Homeowners Association
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Washington, D.C. 20007-2144

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Washington, DC 20007

Patricia Scolaro, President
Burleith Citizens Association
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Washington, D.C. 20007

BZA APPLICATION NO. 16566

Georgetown Residents Alliance
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Foxhall Community Citizens Association
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Stephen A. Hopkins, President
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Kenneth G. Laden, Administrator
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Department of Public Works
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Ellen McCarthy
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Washington, DC 20002

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning