

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

ZONING COMMISSION ORDER NO. 20-33

The University of the District of Columbia

2020 Campus Plan

(4200 Connecticut Avenue NW; Square 1964, Part of Lot 812)

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on June 21, 2021, to consider an application of The University of the District of Columbia (the “University” or “UDC” or “Applicant”) for review and approval of the University of the District of Columbia Campus Plan 2020-2029 (the “2020 Plan”). The Commission considered the Application pursuant to Chapter 1 of the District of Columbia Zoning Regulations, Title 11-X of the District of Columbia Municipal Regulations (“DCMR”). The public hearing was conducted in accordance with the provisions of 11-Z DCMR, Chapter 4. The Commission APPROVES the Application, subject to the conditions below.

HEARING DATE: JUNE 21, 2021

DECISION DATE: JULY 26, 2021

FINDINGS OF FACT

Notice

1. On December 18, 2019, the University mailed a Notice of Intent to Advisory Neighborhood Commission 3F (“ANC”) and to the owners of all property within 200 feet of the campus plan boundaries, as required by Subtitle Z § 302.6 (Exhibit [“Ex”] 2D). In accordance with Z.C. Order No. 11-02 and Subtitle Z § 302.8, the University hosted a Campus Master Plan kickoff meeting on February 18, 2020 (Ex. 2D).
2. On March 23, 2021, the Office of Zoning (“OZ”) sent notice of the public hearing to:
 - The affected ANC 3F;
 - The affected Single Member District (“SMD”) 3F01;
 - The Office of Planning (“OP”);
 - The District Department of Transportation (“DDOT”);
 - The Department of Consumer and Regulatory Affairs (“DCRA”);
 - The Office of Attorney General (“OAG”);
 - The DC Council; and
 - Property Owners within 200 feet of the Property.
(Ex. 8)

3. OZ also published public notice of the May 6, 2021 hearing date in the *D.C. Register* on March 3, 2021(67 DCR 24), as well as through the calendar on OZ's website. (Ex. 6 and Ex. 7).
4. On April 13, 2021 the Applicant and the ANC jointly requested a postponement of the Applicant's hearing date. This request was approved on April 13, 2021 and the public hearing was rescheduled for June 21, 2021. (Ex. 11).
5. OZ sent notice of the public hearing to the parties listed in paragraph two (2) above, and published notice of the June 21, 2021 hearing in the *D.C. Register* on April 13, 2021, as well as through the calendar on OZ's website. (Ex. 13, Ex. 14 and Ex. 16).
6. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearing. (Ex. 9A). By affidavit, the University submitted evidence that its initial posting was made four (4) days after the posting deadline required by Subtitle Z § 402.4. (Ex. 9). By further affidavit, the University submitted evidence that the posting was updated to reflect the change in the public hearing date. (Ex. 19). On June 17, 2021, by affidavit, the University submitted evidence that the posting was maintained. (Ex. 31B). As a preliminary matter, the Commission concluded that such notice was adequate given the alternate forms of notice provided and the substantial evidence that actual notice had been provided to nearby property owners and neighbors in advance of the public hearing.

Parties

7. The parties to the case were the Applicant and the ANC. There were no requests for party status.

The Site

8. The property that is the subject of this application is located at 4200 Connecticut Avenue, N.W. It is known as part of Lot 812 in Square 1964 (the "Property" or the "Van Ness Campus"). Jurisdiction over the Property was transferred to the University of the District of Columbia from the federal government.
9. The Van Ness Campus is zoned R-1-B. The adjoining portion of the Connecticut Avenue corridor is zoned MU-7, and surrounding residential areas are zoned R-1-B, R-2, and R-5-D. The Van Ness Campus is located in the Local Public Facilities on the Future Land Use Map of the Comprehensive Plan.
10. The Property is located in Northwest Washington, contains an area of approximately 21 acres, and is bounded generally by Yuma Street to the north; Connecticut Avenue to the east; Van Ness Street to the south; and a portion of the international Chancery Complex to the west. (Ex. 3 and Ex. 3D).
11. The core of the Van Ness Campus is located at its southern end, and consists of 10 academic and administrative buildings organized around Dennard Plaza, a large hardscaped plaza

that connects many of these buildings. To the east of the campus core, at the intersection of Connecticut Avenue and Van Ness Street, is the student center, adjacent to the Van Ness Metrorail entrance. North of the campus core are buildings and space devoted to performing arts, including an auditorium, amphitheater, and music, dance, and theater space. Further to the north and west are athletic facilities, which include the athletic center, fields, and tennis courts. (Ex. 3 and Ex. 3D).

12. Immediately to the south of the Van Ness Campus is the prior Intelsat's administrative headquarters, currently being converted to the Whittle School, and immediately to the west is the International Chancery Center, which contains nearly 20 diplomatic buildings. Further to the north and west of Van Ness Campus are low-density single family dwellings. To the east across Connecticut Avenue are medium-density commercial buildings and high-density residential apartment buildings. (Ex. 3).

The Application

13. UDC's existing campus plan and the further processing of its student center were adopted on July 26, 2011 (Z.C. Order Nos. 11-02 and 11-02A; the "2011 Campus Plan"). The 2011 Campus Plan anticipated growth in student population on the Van Ness Campus and proposed physical developments to support on-campus student life and sustainability. The 2011 Campus Plan was approved with conditions largely relating to the 6,500-student enrollment cap, on-campus student housing for up to 600 students, the University's responsibilities associated with student conduct, transportation and parking management, and the design of the student center.
14. On December 21, 2020, the University submitted an application seeking special exception review and approval of a new campus plan for the Van Ness Campus (the "2020 Plan"). The 2020 Plan was assigned Case No. 20-33. (Ex. 3 and Ex. 3A-3Z).
15. On June 4, 2021, the University submitted its draft Comprehensive Transportation Review ("CTR") in support of the 2020 Plan. (Ex. 24A1 and Ex. 24A2). The CTR was previously submitted to DDOT for review on March 22, 2021. On July 1, 2021, the University submitted its Transportation Demand Management ("TDM") plan and Performance Management Plan ("PMP") to accompany the 2020 Plan. (Ex. 40B).

Applicant's Statement

16. In its 2020 Plan, the University sets forth its vision to transform this Van Ness Campus into a flagship institution that will be competitive with other top tier academic institutions, while continuing to meet the comprehensive post-secondary education needs of the residents of the District of Columbia. The 2020 Plan calls for establishing the UDC Van Ness Campus as a landmark main campus hub emerging as an important economic engine for the District of Columbia and the region. (Ex. 3, Ex. 20A, and Ex. 25A).
17. The goals of the 2020 Plan are as follows: optimizing the utilization of technical facilities and learning environments both within the classroom and throughout the Van Ness

Campus; providing an environment for cultural exchange, effectively harnessing technology within campus boundaries as well as across the District of Columbia; enabling an efficient and reliable infrastructure that supports academic and administrative activities; utilizing its physical presence to engage and enliven the surrounding community, in a manner that contributes to the vitality of the surrounding Connecticut Avenue commercial district, but also manages the impact of the University on surrounding residential communities; promoting transportation solutions that take into account the ready access of public transportation to the University and the strategic commitment to sustainable development that stresses use of public transit over private vehicles; integrating a philosophy of environmentally sustainable management into aspects of the University's physical character and operations; and furthering opportunities for community engagement through its academic, fitness, and cultural facilities. (Ex. 3, Ex. 20A, and Ex. 25A).

18. The 2020 Plan incorporates six main changes to the Van Ness Campus: (1) modestly increase population in students, faculty, and staff that support the change to a selective admissions flagship institution; (2) modernize and upgrade existing academic buildings and facilities; (3) create more-efficient academic spaces in existing buildings; (4) identify potential building sites on the Van Ness Campus; (5) propose upgrades and improvements to vehicular access area; and (6) identify and propose upgrades to on-campus public spaces and wayfinding. (Ex. 3, Ex. 20A, and Ex. 25A).

Community Engagement and the Development of the 2020 Plan

19. Beginning in early 2020, the University hosted community meetings to gain external stakeholder feedback, including a community kickoff meeting that was held on February 18, 2020. Unfortunately, several follow-up meetings were canceled due to the COVID-19 health pandemic. However, while in-person direct community engagement was suspended during the COVID-19 health pandemic, the University continued to solicit community feedback through virtual meetings, including hosting a virtual community meeting on August 5, 2020. Presentations were also made to ANC 3F at its September and October meetings. (Ex. 2D and Ex. 3). Subsequent to filing the 2020 Plan, the University continued to work with the ANC, including attending their April, May, and June meetings of 2021.
20. The University also released a publicly available online external stakeholders survey to solicit input from neighbors, which had a total of sixty-five (65) respondents. The University also conducted an internal survey and convened a university advisory group, consisting of students, faculty and staff, the members of which were appointed by the President of the University, to provide their input and recommendations throughout the planning process. (Ex. 3, Ex. 20A, and Ex. 25A).

Student Enrollment

21. The University initially proposed a student enrollment of 6,500 students on a headcount basis. In response to feedback received from the ANC, the University increased this figure to 7,000 students on a headcount basis. As stated in the 2020 Plan, this enrollment increase is needed to adapt to changes in the economy, and workforce demographics and needs, and

would permit the University to develop its programs, and attract and retain talented students and faculty. The proposed enrollment would be easily accommodated within existing campus academic and administrative infrastructure. (Ex. 3, Ex. 20A, and Ex. 25A).

Campus Development

22. The 2020 Plan identifies two possibilities for proposed on-campus housing: (1) to renovate Building 44, which is situated toward the south of the Van Ness Campus along Van Ness Street NW, and convert it into a four-story residence hall; and (2) to construct a new building over the tennis courts, located at the north east corner of the Van Ness Campus. In no event will the proposed on-campus housing provide a total of more than 600 beds. (Ex. 3, Ex. 20A, and Ex. 25A).
23. The 2020 Plan also identified three buildings where vertical enlargements may be feasible: Buildings' 32, 42, and 43. New additions to existing buildings would be used to accommodate academic and/or administrative spaces. (Ex. 3, Ex. 20A, and Ex. 25A).
24. New construction for the entire 2020 Plan would provide approximately 160,000 square feet of gross floor area, of which approximately 120,000 will be for the on-campus housing, and approximately 40,000 square feet will be for the vertical level additions of existing buildings. (Ex. 3, Ex. 3P, Ex. 20A, and Ex. 25A).
25. The 2020 Plan also calls for the modernization and upgrading of existing academic buildings and facilities, which the Applicant noted will create a more vibrant on-campus experience. As described in detail in the 2020 Plan, the 2020 Plan accounts for the allotment of capital funds that would allow for the interior redesign of existing buildings such that the University would be able to provide more efficient academic spaces. (Ex. 3, Ex. 20A, and 25A).

Sustainability, Landscape, and Open Space

26. The Applicant noted they are a leader in sustainability, and sustainability is a core value in the 2020 Plan. The 2020 Plan includes proposals for stormwater management, including reducing hardscape by increasing pervious paving and narrowing walkways, as well as proposals to increase energy efficiency, including improving monitoring and measuring building energy performance, and phasing out the Central Power plant. (Ex. 3, Ex. 3S, Ex. 20A, and Ex. 25A).
27. The 2020 Plan also proposes a substantial increase in green spaces. Potential locations for new outdoor spaces that may function as urban gardens/outdoor study areas, informal gathering spaces, and/or meditation spaces were identified. Additionally, the University's goal is to add 70,000 square feet of green roofs. The 2020 Plan also proposes the addition of green walls to the exterior of building walls, and the placement of new trees at Veazey Terrace and on Dennard Plaza. (Ex. 3, Ex. 3S, Ex. 20A, and Ex. 25A).

28. The Applicant noted that the University will comply with District requirements by achieving LEED Silver Certification for all eligible new construction and substantial renovation projects using the appropriate LEED rating system that corresponds to the project's scope of work. Whenever feasible, the University will aspire to achieve LEED Gold or Platinum Certification.
29. The University seeks to express its mission through its physical appearance and establish a positive physical presence in the surrounding community. The 2020 Plan includes proposals that the Applicant notes will strengthen the University's identity and visual appeal and improve the Van Ness Campus' urban design characteristics in future campus development projects through buildings, streetscape, and open spaces. The 2020 Plan contains recommendations to enhance the pedestrian flow through the Van Ness Campus. These recommendations include proposals to improve the pedestrian circulation on campus by improving walkways, adding pedestrian bridges, and incorporating vertical circulation to accommodate changes in grade. (Ex. 3, Ex. 3R, Ex. 3T and Ex. 20A).
30. Improvements to the gateways of the Van Ness Campus are proposed at the intersection of Connecticut Avenue and Veazey Terrace in the 2020 Plan. This proposal includes a recommendation to: close Veazey Terrace to vehicle traffic, and convert this area to a pedestrian-only plaza/entrance, use planting to screen services areas from Connecticut Avenue, incorporate a vertical pedestrian transportation element, and connect gateways at Veazey Terrace and Windon Place with a pedestrian sidewalk. (Ex. 3, Ex. 3Y, Ex. 3Z and Ex. 20A).

Campus Character

31. The Applicant noted that the Van Ness Campus is the primary site of a growing university and should be recognized as a significant resource to the community. The University seeks to improve the physical expression of the Van Ness Campus by improving the appearance of its buildings, providing clear wayfinding, enhancing the streetscape and establishing a cohesive landscaped open space system on the Van Ness Campus and its edges. (Ex. 3 and Ex 20A).
32. Accordingly, the 2020 Plan proposes: to express the flagship identity of the Van Ness Campus via coordinated signage, art, and iconography; by improving the appearance of its buildings, providing clear wayfinding, enhancing the streetscape, and establishing a cohesive landscape open space system; to connect community and the campus population by exploring ways in which physical improvements to the Van Ness Campus can make the overall neighborhood more physically and economically attractive; and by utilizing the Van Ness Campus to activate Connecticut Avenue NW through the incorporation of community oriented retail. (Ex. 3, Ex. 20A, and Ex. 25A).
33. Specifically, the 2020 Plan proposes to design and implement a campus signage plan with effective graphic quality, which would include: street signage, exterior building signage, directional signs, pathway markings, and campus map kiosks. (Ex. 3, Ex. 20A, and Ex. 25A).

Transportation and Parking

34. The CTR consists of the multi-modal evaluation and assessment of current and future transportation operations with a focus on high quality site design, transit accessibility, and effective TDM planning. (Ex. 24A1, Ex. 24A2, and Ex. 24B).
35. The transportation goals of the 2020 Plan are to: enhance pedestrian safety; promote transit use; reduce automobile dependency; reinforce sustainability; improve campus circulation, and enhance pedestrian connectivity, including the introduction of pedestrian bridge connections. Based on these goals, the transportation component of the 2020 Plan is to accommodate current and future population levels on the Van Ness Campus without adding more parking supply or roadway capacity. The University will take advantage of its location within a high quality transportation network served by multiple modes to grow without investment in vehicular-based infrastructure. (Ex. 24A1, and Ex. 24A2).
36. Specifically, the 2020 Plan includes the following proposals: to modify Van Ness Street to reduce curb cuts and reduce crossing distances; to close Veazey Terrace to traffic and convert it to a pedestrian plaza; and to modify Windom Place to realign the southern curb, widen the sidewalk along the northern curb, and to convert a portion of a driveway to a pedestrian path. (Ex. 3, Ex. 24A1, Ex. 24A2, and Ex. 24B).
37. Additionally, as part of the 2020 Plan, one parking space is proposed to be removed, and long-term bicycle parking is proposed to be added. No changes to the amount of loading berths provided are proposed but loading access to the Veazey Terrace service court would be modified. (Ex. 3, Ex. 24A1, Ex. 24A2, and Ex. 24B).
38. Comprehensive TDM planning will remain a priority for the University over the term of the 2020 Plan. Based on the CTR and technical analysis conducted by Grove Slade, the CTR concludes that the 2020 Plan is not expected to generate significant changes to roadway traffic volumes, operations, or geometries and therefore, the traffic impacts will be minimal. (Ex. 24A2, and Ex. 24A2).

Project Impacts

39. The Applicant's 2020 Plan included the following information in satisfaction of the requirements set forth in Subtitle X Section 101:
 - *Subtitle X Section 101.1: Educational Use by a College or University:* The University of the District of Columbia is operated as an academic institution of higher learning pursuant to D.C. Law 1-36, which consolidated the Federal City College, Washington Technical Institute, and District of Columbia Teachers College into the University of the District of Columbia.
 - *Subtitle X Section 101.2: The Uses Shall Be Located So They Are Not Likely to Become Objectionable to Neighboring Property Because of Noise, Traffic, Parking, Number of Students, or Other Objectionable Conditions:* As described in greater

detail below, the University demonstrated that the proposed use was located so as not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable impacts. Specifically, the University submitted eighteen (18) draft conditions of approval to avoid the creation of adverse impacts as a result of the location of university uses in a residential zone. (Ex. 34). These conditions of approval were supplemented and refined in response to community and agency comments. The 2020 Plan also incorporated revised transportation demand management commitments to alleviate any traffic impacts. (Ex. 40B).

- *Noise:* Activities within the campus plan boundaries are located to minimize objectionable impacts due to noise. The bulk of the campus to the west, south, and east is surrounded by commercial and institutional uses that are generally not sensitive to noise. Further, these buildings are largely devoted to academic and administrative uses that, by and large, do not generate noise levels that have the potential to become objectionable. To the north, a combination of landscaping, topography, and building location keeps noise-generating activity generally away from the surrounding residential neighborhood. Service activity generally occurs in the area behind commercial development off Veazey Terrace NW – directly from Connecticut Avenue NW and, again, away from surrounding residential uses. Further, under the 2011 Plan, the University located its Student Center on the southern portion of the Van Ness Campus, away from the residential neighborhood. The University does maintain a small number of off-campus residential units in nearby apartment buildings and carefully monitors and manages student activity to ensure they do not become objectionable due to noise. (Ex. 3, Ex. 20A, and Ex. 25A). For the reasons set forth above, the Commission finds that the 2020 Plan is not likely to become objectionable to neighboring property due to noise.
- *Traffic and Parking:* The Van Ness Campus is located immediately adjacent to the Van Ness Metro station, which provides a convenient and reliable alternative transportation mode for students, faculty, and staff alike. In addition, the location along Connecticut Avenue NW offers additional mode options ranging from Metrobus service to walking and bicycling. Finally, the entrance to the parking facility is located on the institutional side of the Van Ness Campus off of Van Ness Street NW, which is directly accessed from Connecticut Avenue NW and avoids the need for cars to enter the surrounding residential neighborhood. (Ex. 3, Ex. 20A, and Ex. 25A). Based on the CTR and technical analysis conducted by Gorove Slade, the CTR concludes that the 2020 Plan is not expected to generate significant changes to roadway traffic volumes, operations, or geometries and therefore, the traffic impacts will be minimal. (Ex. 24A2, and Ex. 24A2). No additional parking is proposed as a part of the 2020 Plan, which will avoid potential future impacts due to increases in the number of vehicular trips to and from the Van Ness Campus. In addition, the provision of on-campus housing will bring students closer to the Van Ness Campus and eliminate the need to commute to class or activities from elsewhere. (Ex. 3, Ex. 20A, and Ex. 25A).

- *Number of Students:* The 2020 Plan anticipates a modest increase in student population that will still remain well below the original planned capacity of the Van Ness Campus. The University initially proposed a student enrollment of 6,500 students on a headcount basis. In response to feedback received from the ANC, the University increased this figure to 7,000 students on a headcount basis. Given the availability of public transportation to the site, the number of students is not likely to become objectionable. (Ex. 3, Ex. 20A, and Ex. 25A).
- *Other Objectionable Conditions:* The Van Ness Campus is not likely to become objectionable for any other reason. Indeed, the 2020 Plan offers improvements to on-campus sustainability that will significantly improve the campus condition and provide a benefit to the surrounding communities as well. In addition, as the only public institution of higher education in the District, the University offers all District residents with an opportunity for an affordable local education at all stages of adult life. The strengthening of the offerings at the Van Ness Campus will result in benefits to the entire university system. (Ex. 3, Ex. 20A, and Ex. 25A).
- *Subtitle X Sections 101.3 and 101.4: Analysis of Incidental Uses:* The Van Ness Campus includes a number of ancillary uses that actively support the academic, residential, and clinical components of the University. The nature and type of these uses on the Van Ness Campus are expected to evolve over the 10-year term of the 2020 Plan in order to meet the needs and mission of the University. These ancillary uses include a bookstore, and a currently vacant commercial space in the student center. Additionally, food services may provide services to the public. These ancillary uses are located interior to the Van Ness Campus, and as a result their operation does not impose objectionable impacts on non-university residential neighbors. The total floor area of all ancillary uses, including basement and cellar space, currently occupies less than 7% of the total 2020 Plan gross floor area and is projected to occupy less than 10% of the proposed total 2020 Plan gross floor area over the term of the 2020 Plan. (Ex. 3, Ex. 20A, and Ex. 25A).
- *Subtitle X Sections 101.5 through 101.7 and 101.12: Campus Development Standards:* The Van Ness Campus is located in the R-1-B Zone District. The maximum proposed development described in this plan results in a FAR of 1.55, which is less than the 1.8 FAR permitted under the Zoning Regulations. Subtitle D, Section 207.6 permits that an institutional building at this location may rise up to a height of 90 feet. Campus buildings are proposed to a maximum height of 90 feet, consistent with these regulations. (Ex. 3, Ex. 20A, and Ex. 25A).
- *Subtitle X Section 101.8: Plan for Campus as a Whole, Showing the Location, Height, and Bulk, Where Appropriate of All Present and Proposed Improvements.* The 2020 Plan includes a plan for developing the campus as a whole, showing the location, height, and bulk, where appropriate, of all present and proposed improvements. (Ex. 3, Ex. 3A-3Z, Ex. 20A, and Ex. 25A).

- *Section 101.8(a): Buildings, Parking, and Loading:* The 2020 Plan calls for 160,000 square feet of gross floor area. The 2020 Plan and CTR detail the locations of all existing parking and loading facilities. (Ex. 3, Ex. 24A1, Ex. 24A2, Ex. 20A and Ex. 25A).
- *Section 101.8(b): Screening, Signs, Streets and Public Utility Facilities:* The 2020 Plan calls for substantial improvements to the campus roadway network, intended to improve pedestrian and vehicular movement through campus and minimize opportunities for pedestrian-vehicular conflicts. As an integral part of the 2020 Plan, the University will enhance the prominence of open spaces on the Van Ness Campus and the connections between them to maximize their use and enjoyment in keeping with the environmental integrity and historic context of the Van Ness Campus. A common language of paving materials, site furnishings, plantings and supporting details such as lighting and building identification will help unify the campus environment. The University will enhance its visual and graphic communication on the Van Ness Campus through updates to its wayfinding system and related design guidelines as part of the implementation of the 2020 Plan. The University is currently served by a central heating and cooling plant that produces steam and chilled water to meet the needs of the University. This plant is scheduled to be phased out within the timeframe of the 2020 Plan. The modernizations of existing campus buildings are purposefully designed with sustainable features to run independently. The IT infrastructure was recently comprehensively upgraded and future building modernizations will implement these additional capabilities into classroom technologies. Over the 10-year term of the 2020 Plan, the University will continue to evaluate energy and resource conservation measures, and will specifically explore future systems upgrades which could enhance capacity and efficiency without adversely impacting the Van Ness Campus and surrounding neighborhood. (Ex. 3, Ex. 20A, and Ex. 25A).
- *Section 101.8(c): Athletic and Other Recreational Facilities:* The 2020 Plan continues the University's efforts to improve its athletic and recreational facilities for both intercollegiate and recreational uses. The 2020 Plan provides for the development of a new NCAA playing field in the southwestern portion of the Van Ness Campus and provide a long-term solution to the substantial wear-and-tear associated with using the existing single athletic field for multiple sports. (Ex. 3, and Ex. 3A-3Z).
- *Section 101.8(d): Description of All Activities Conducted or to be Conducted on the Campus, and the Capacity of All Present and Proposed Campus Development.* The Van Ness Campus accommodates a wide range of uses and activities that not only fulfill the core mission of the University but also provide substantial opportunities and benefits for neighborhood and District residents. The capacity of all present and proposed campus development is sufficient to meet the needs of these activities for the 10-year term of the 2020 Plan. (Ex. 3, Ex. 3A-3Z, Ex. 20A, and Ex. 25A).

- *Subtitle X Sections 101.9: Further Processing for Specific Buildings, Structures, and Uses.* No further processing of specific buildings, structures, and uses will be submitted at this time. (Ex. 3, Ex. 20A, and Ex. 25A).
- *Subtitle X Section 101.10: No Interim Use of Land or Improved Property Proposed.* The University is not seeking any interim use of residentially-zoned land. (Ex. 3, Ex. 20A, and Ex. 25A).
- *Subtitle X Section 101.11: Compliance with The Comprehensive Plan.* The University provided evidence that the existing and proposed uses detailed in the 2020 Plan are not inconsistent with the Future Land Use Map and Generalized Policy Map designations of the Van Ness Campus as a Local Public Facility and as an Institutional Use, respectively. The Comprehensive Plan calls for “change and infill” on university campuses consistent with their approved campus plans. The University also provided evidence that the 2020 Plan furthers multiple relevant policies of the District Elements of the Comprehensive Plan Policies, including Section EDU-3.1, Section EDU-3.2, Section EDU-3.3, and the Rock Creek West Planning Area Element. Further discussion of how the 2020 Plan furthers the relevant policies of the District Elements of the Comprehensive Plan Policies is set forth in the 2020 Plan. (Ex. 3, Ex. 20A, and Ex. 25A).
- *Subtitle X Section 101.13: Referral to the District of Columbia Office of Planning, Department of Transportation, and Department of Energy and Environment.* The 2020 Plan was discussed with OP and DDOT prior to filing and was referred to OP and DDOT for their review and report. (Ex. 3, Ex. 26, and Ex. 27).
- *Subtitle X Section 101.14: Application is in Harmony with the Zoning Regulations.* The 2020 Plan is in harmony with general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property (Ex. 3).
- *Subtitle X Section 101.15: Small Deviations from Approved Plans:* The provisions of this section are not applicable in this campus plan case.
- *Subtitle X Section 101.16: A Further Processing of a Campus Building Shall Not be Filed Simultaneously with a Full Campus Plan Application.* No further processing applications were filed simultaneously with the 2020 Plan application (Ex. 3).

Responses to Application

Office of Planning (“OP”)

40. The Applicant submitted two (2) supplemental submissions in response to inquiries that the Applicant received from OP. (Ex. 20, Ex. 20A, Ex. 20B, Ex. 25, and Ex. 25A).

41. By report dated June 11, 2021, OP conditionally recommended approval of the University's application for a new campus plan. OP reviewed the application under the standards for special exception approval for a campus plan under Subtitle X Section 101. OP concluded that the University satisfied the burden of proof but recommended that the University satisfy four additional conditions: (1) the maximum student enrollment and faculty shall be accepted at the proposed 7,000 students and 450 faculty; (2) the 2020-2029 Campus Plan shall be valid for a period of 10 years; (3) the hours of operation for the tennis court are restricted to 7:00 am to sunset every day; and (4) the University shall be permitted to lease up to 100 units within 1 mile of campus. (Ex. 28).
42. With respect to the third condition set forth in paragraph forty-one (41), OP agreed that the condition could be modified to: The University shall limit hours of operation for the tennis court to 7:00 am and sunset every day, except in situations where, during a tournament event, there is delay in the tournament activities due to inclement weather, and the tournament is paused during the inclement weather, and then resumes once the inclement weather has passed. During such situations, the tournament activity may continue past sunset but not later than 10:00 pm. (Ex. 34).

Department of Transportation ("DDOT")

43. By report dated June 11, 2021, DDOT conditionally recommended approval of the University's application. DDOT's recommended conditions were: (1) the Applicant will implement the TDM and Performance Monitoring Plans, for the life of the project. The plan will carry forward the TDM commitments from the previous 2011 Campus Plan with the modifications identified by DDOT. The Applicant will continue the shuttle program and will submit detailed annual performance monitoring reports to DDOT that will include additional information such as parking utilization. Prior to approval by the Zoning Commission, DDOT requested the Applicant submit a clean document outlining the final TDM and Performance Monitoring Plans for DDOT to review and concur with to be included in the final Zoning Order; (2) if approved by DDOT during permitting, the Applicant will fund the construction of the proposed access modifications described in their report. If the Veazey Terrace NW closure is approved by DDOT, the Applicant will maintain bicycle and pedestrian access to the Campus in this location; and (3) each existing building to be renovated will install long-term bicycle parking and showers/lockers consistent with the amounts required in ZR16 Subtitle C 802.1, even if the renovations or building expansions would not typically trigger the bicycle parking requirement. DDOT also concurred with the Applicant's analysis that there will not be significant impacts to the roadway network due to the development changes contemplated in the 2020 Plan, assuming the TDM and Performance Monitoring Plans are in effect and there is no increase in parking. (Ex. 28).
44. DDOT also noted that the Applicant is expected to work with DDOT further on the following elements of the 2020 Plan: (1) any proposed public space improvements, including curb and gutter, street trees and landscaping, streetlights, sidewalks, and other features within the public rights of way, are expected to be designed and built to DDOT standards. DDOT noted that careful attention should be paid to pedestrian and bicycle

connections along the site's perimeter and adjacent infrastructure; (2) coordinate with DDOT's Planning and Sustainability Division (PSD) on the ongoing Van Ness Commercial Corridor Project and the Connecticut Avenue NW Reversible Lane Safety and Operations Study; (3) coordinate with PSD on the proposed access modifications; (4) coordinate with PSD and goDCgo regarding the implementation of the TDM plan; and (5) submit future performance monitoring reports to DDOT's TDM team for review and concurrence. (Ex. 28).

45. On June 17, 2021, the Applicant submitted a response to DDOT's recommendations and approval conditions. (Ex. 32A).
46. On July 1, 2021, the Applicant submitted a final TDM plan and PMP, along with correspondence with DDOT indicating that DDOT is in agreement with the Applicant's final TDM Plan and PMP. (Ex 40, Ex. 40A, and Ex. 40B).

ANC 3F

47. The representative for ANC 3F submitted a report that attached the ANC resolution supporting the adoption of the 2020 Plan, on the condition that UDC continue its commitment to a community engagement process involving the ANC and other community stakeholders over the next ten years as the University implements its 2020 Plan. (Ex. 30 and Ex. 30A.)

Public Hearing of June 21, 2021

48. The Commission held a public hearing on the Application pursuant to notice and convened via Videoconference at 4:00 pm on June 21, 2021. At the June 21st hearing, the University presented evidence and testimony from Ronald Mason, Jr., the University's President; David Franklin, the University's Chief Operating Officer; Avis Russell, the University's General Counsel; Daniel Solomon of Gorove Slade, qualified as an expert in traffic engineering; and Shamaly Alexander, of R. McGhee & Associates. (Ex. [REDACTED]; Tr at [REDACTED]).
49. At the public hearing, OP representative Crystal Meyers testified that OP reviewed the University's 2020 Plan and is supportive of the proposal. (Ex. [REDACTED]; Tr at [REDACTED]).
50. At the public hearing, DDOT representative Ted Van Houten testified that DDOT reviewed the University's 2020 Plan and is supportive of the proposal. (Ex. [REDACTED]; Tr at [REDACTED]).
51. At the public hearing, the Commission heard testimony from Mary Beth Tinker, who testified as an individual. Ms. Tinker is a member of a volunteer group called the UDC Garden Club, and Ms. Tinker supports the 2020 Plan for student housing, increasing the student population, adding green roads and promoting sustainability and equity goals of UDC but wants to ensure that the current gardens on the Van Ness Campus are not disrupted that the project includes additional space for the current garden project. (Ex. 25 and Ex. [REDACTED]; Tr at [REDACTED]).

CONCLUSIONS OF LAW

1. As directed by Subtitle X §§ 100 and 900, the Commission required the Applicant to satisfy the burden of proving the elements of Subtitle X §§§ 101, 102, and 901, which are necessary to establish the case for a special exception for a college or university in the R-1-B, RA-1, RA-2, MU-3A and MU-4 Zone Districts.
2. The Commission's discretion in granting a special exception is "limited to a determination whether the exception meets the requirements of the regulation." *Glenbrook Road Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 605 A.2d 22, 30 (D.C. 1992). The Applicant has the burden of showing, in this case, that its proposal meets the prerequisites enumerated in §101 as well as satisfying the general standard for special exception approval set forth in § 901. Once the Applicant makes the requisite showing, the Commission "ordinarily must grant [its] application." *Id.* quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973).
3. The Commission uses the following standard to determine whether objectionable impacts are present:

The appropriate test to employ, we have said, is 'whether the proposed use would significantly increase objectionable qualities over their current levels in the area.' In approving a campus plan and its implementation, the Commission may impose reasonable restrictions to minimize any adverse impacts on the neighborhood, having 'due regard for the [u]niversity's needs and prerogatives'. Ultimately, the Commission's task is to achieve a 'reasonable accommodation . . . between the University and the neighbors' – an accommodation that does not substantially 'interfere with the legitimate interests of the later.' *Spring Valley-Wesley Heights Citizens Ass'n v. DC Zoning Commission* (88 A. 3rd 697, 705 (D.C. 2013) (Citing *Glenbrook Road Association v. DC BZA* 605 A. 2d 22 (D.C. 1992) and *Spring Valley-Wesley Heights Citizens Ass'n v. DC Zoning Commission* (856 A. 2d 1174 (D.C. 2004))).

4. Based upon the record before the Commission, the Commission concludes that the Applicant has satisfied all standards set forth in Subtitle X §§ 101 and 102, as well as the general standard for granting a special exception in Subtitle X § 901 that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map; and that the requested relief will not tend to adversely affect the use of neighboring property.
5. Based on the findings of fact, the Commission concludes that the Applicant has satisfied the burden of proving that the university use, as described in the 2020 Plan and subject to the conditions adopted in this Order, will satisfy the §101.2 requirements of a university use that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions.

ISSUES RELATED TO NOISE

6. Based on the Findings of Fact and Conditions of Approval adopted in this Order, the Commission concludes that the 2020 Plan is not likely to create objectionable conditions due to noise. The Commission agrees with the Applicant's arguments that the bulk of the campus to the west, south, and east is surrounded by commercial and institutional uses that are generally not sensitive to noise and that the use of landscaping, and building location generally keeps noise-generating activity away from the surrounding residential neighborhood and, as a result, potential adverse impacts related to noise on neighboring residential properties are mitigated. The Commission concludes that the uses within the Campus boundaries have been located to minimize possible noise impacts.

ISSUES RELATED TO TRAFFIC AND PARKING

7. The Commission concludes that approval of the 2020 Plan is not likely to create objectionable conditions related to traffic. The application was supported by a CTR that was prepared by the Applicant's transportation engineering experts, which used a methodology that was approved by DDOT and the CTR itself was supported by DDOT. The CTR includes recommendations that will continue to enable the University to effectively minimize its impact and support the transportation network surrounding the University, focusing on the implementation of its TDM program to reduce single-occupancy vehicle trips to campus and continuing to work with neighborhood stakeholders to address transportation and parking related issues of the term of the 2020 Plan.

ISSUES RELATED TO NUMBER OF STUDENTS

8. The Commission concludes that the Applicant's proposed student enrollment maximums are not likely to create objectionable conditions.

ISSUES RELATED TO OTHER OBJECTIONABLE IMPACTS

9. In regard to the new development proposed in the 2020 Plan, the Commission concludes that all of the projects are appropriate for Further Processing applications.

“Great Weight” to the Recommendations of OP

10. Pursuant to § 13(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.8, the Commission must give “great weight” to the recommendations of OP. *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086 (D.C. 2016).
11. OP submitted a written report recommending approval of the 2020 Plan, subject to certain conditions. The Commission finds persuasive OP's recommendation that the Commission approve the Application and therefore concurs in that judgment. (Ex. 27).

“Great Weight” to the Written Reports of the ANC 3F

12. Pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) and Subtitle Z §406.2, the Commission must give “great weight” to the issues and concerns raised in the written report of the affected ANC. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. *Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).
13. ANC 3F submitted a written report recommending approval of the 2020 Plan (Ex. 30 and Ex. 30A), subject to one condition. The Commission finds persuasive ANC 3F’s recommendation that the Commission approve the Application and therefore concurs in that judgment.

DECISION

In consideration of the record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the campus plan application, subject to the following guidelines, conditions, and standards:

Campus Plan Term

1. The Campus Plan shall be valid for a period of 10 years.

Enrollment

2. For the duration of the 2020 Plan, the maximum enrollment on the Van Ness Campus shall not exceed 7,000 students and 450 faculty.
3. The University shall provide ANC 3F with its Van Ness Campus enrollment by November 1st (for fall semester enrollment), April 15th (for spring semester enrollment), and August 1st (for summer enrollment).

Housing

4. The University may construct the proposed on-campus housing as described in the 2021 Campus Plan, subject to further processing review and approval pursuant to § 210 of the Zoning Regulations:
 - a. The location shall be within the area identified on Tab P (Ex. 3P) of the University’s December 21, 2020 campus master plan submission;

- b. The number of stories, gross floor area, and lot coverage shall be generally consistent with the development summary indicated in Section 4.2 of the University's December 21, 2020 Campus Master Plan submission, as revised by the University's June 4, 2021 supplemental submission.
- c. As a part of the further processing application, the University shall provide the following documentation:
 - i. Interim report on student enrollment and faculty/staff counts;
 - ii. Interim report on the implementation of the student conduct measures detailed in conditions 7-9;
 - iii. Interim report on transportation issues, including:
 1. Information on implementation of the transportation demand management plan detailed in condition 10, including mode split data;
 2. Information regarding utilization of campus parking resources as well as implementation of the parking policy detailed in condition 10; and
 - iv. Interim report on perimeter improvements detailed in conditions 14 and 15.
5. The University shall provide the community with notice and an opportunity to review the proposed design of the on-campus housing at least 60 days prior to filing of the application for further processing:
 - a. Notice of the University's intent to file the application ("Notice of Intent") shall be provided by U.S. Mail to ANC 3F and all owners of all property 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 812.¹ The Notice of Intent shall state that the University intends to file an application to secure further processing approval to construct dormitories on University property, and shall provide the proposed number of beds, maximum square footage, description of common areas, and planned pedestrian and vehicular access to the dormitories. In addition, the Notice of Intent shall provide a website address (URL) where more information about the proposed dormitories may be found, and the contact information (name, phone, and email) for a University representative that can be contacted for

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

additional information. Finally, the Notice of Intent shall indicate the date, time, and location of the Preliminary Design Review meeting described below; and

- b. At least 45 days prior to the filing of the application for further processing, the University shall hold an open community meeting to review the preliminary design of the housing with interested community members (“Preliminary Design Review”). This meeting shall be specifically noticed in the Notice of Intent, and shall also be noticed in the *Forest Hills Connection*, on neighborhood listservs, and on the University’s website.
6. The proposed on-campus housing shall be limited to no more than 600 beds. The University shall maintain its existing off-campus leasing program but shall be limited to no more than 100 units within 1 mile of the University.

Student Conduct

7. All students at the Van Ness Campus, whether living on campus, off campus in housing leased directly by the University, shall be required to comply with the University Code of Conduct.
8. The University shall use disciplinary intervention for acts of misconduct committed by students (i.e., ‘violations of the Code of Conduct) in the surrounding community (which shall mean within one mile of the University), 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 submitted by persons including residents, ANC 3F, community associations, tenant associations, building management, the University’s Office of Public Safety and Emergency Management, and the Metropolitan Police Department.
9. The University shall establish and maintain a relationship 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 University housing. The University shall maintain a log of all referrals received and all actions taken.

Transportation and Parking

10. 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 vehicle through the implementation of the TDM and PMP measures detailed in Exhibit 40B which reflects all of the commitments made by the University.
11. The University shall encourage all visitors attending special events on campus to use transit or park in University or other area parking facilities. The University shall work with area institutions and commercial parking operators as well as use attendant parking to provide additional parking as needed during these events. Non-University events in the Student Center ballroom shall be subject to the following additional conditions:

- a. For weekday non-University events that are likely to draw more than 100 persons, the University shall direct potential users to notify event guests that parking will not be available on campus or in the surrounding community and that driving is therefore discouraged. The University shall direct potential users to encourage event guests to travel to the Van Ness Campus by other means such as transit, bus, walking, or taxi:
 - i. For purposes of this condition, “weekday events” are events that begin between 8:00 am and 4:00 pm, Monday through Friday; and
 - b. For weeknight non-University events that are likely to draw more than 100 persons, such events shall not be permitted to begin between the hours of 5:00 pm and 7:00 pm.
 - i. For purposes of this condition, “weeknight events” are events that begin after 5:00 pm, Monday through Friday.
12. 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.
 13. The University shall direct all construction traffic to avoid routes through the adjacent residential neighborhoods through contract provisions or similar mechanisms.

Veazey / Windom Improvements

14. Subject to availability of funding and other required approval from or coordination with District agencies, the University shall undertake the improvements detailed on Tab Y and Tab Z of the 2020 Plan (Ex. 3Y and Ex. 3Z). The University shall have the flexibility to modify the final design and layout of these improvements based on approval from or coordination with District agencies.
15. Following the issuance of a building permit and public space permit, the University shall use good faith efforts to work with District agencies and other stakeholders to promote the construction of improvements to the intersection of Veazey Terrace with Connecticut Avenue as shown in concept on Tab 3Y (Ex. 3Y) of the 2020 Plan.

Community Outreach

16. University-Community Task Force: The University shall continue 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), and one member of the UDC Garden Club:
 - a. The Task Force shall meet quarterly in order to encourage dialogue regarding campus planning, student conduct, traffic and parking, construction activity, and similar issues;

- b. The meetings shall be open to the public and shall be noticed at least two weeks prior through advertisements in the *Forest Hills Connection*, on neighborhood listservs, and through the University's website. Notice of such meetings shall also be provided to authorized representatives of neighborhood community associations, tenant associations, or other building associations. Said notice shall identify the preliminary agenda for each meeting, though this preliminary agenda shall not preclude the discussion of additional issues or concerns;
 - c. The University shall keep minutes of all Task Force Meetings as well as a log of all attendees; and
 - d. Within one month of each Task Force meeting, the University shall circulate the minutes of the meeting to ANC 3F, authorized representatives of neighborhood or building associations, and any other participant requesting the minutes at the meeting. The University shall also post the minutes on its website.
17. The University shall offer a membership rate for the use of tennis courts and a daily rate for during open swim at the natatorium for non-University users who desire use of these facilities. The University shall limit hours of operation for the tennis court to 7:00am and sunset every day, except in situations where, during a tournament event, there is delay in the tournament activities due to inclement weather, and the tournament is paused during the inclement weather, and then resumes once the inclement weather has passed. During such situations, the tournament activity may continue past sunset but not later than 10:00 pm.

Student Center

18. 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.

VOTE FINAL ACTION: _____ (Chairman Anthony J. Hood, Vice Chairman Robert E. Miller, Peter A. Shapiro, Michael G. Turnbull and Peter G. May to _____).

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In accordance with the provisions of 11-Z DCMR § 604.9 of the Zoning Regulations, this Order 20-31 shall become final and effective upon publication in the D.C. Register; that is, on _____.

ANTHONY J. HOOD
Chairman, Zoning Commission

SARA B. BARDIN
Director, Office of Zoning

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.