

**BOARD OF TRUSTEES
UNIVERSITY OF THE DISTRICT OF COLUMBIA
UDC RESOLUTION NO. 2019-23**

SUBJECT: Approval of the Memorandum of Understanding among the University of the District of Columbia (“University”), the District of Columbia Public Schools, and the District of Columbia’s Department of General Services, with respect to the use of certain facilities and property on the University’s Van Ness campus as swing space for Eaton Elementary School (“Memorandum of Understanding”)

WHEREAS, pursuant to D.C. Code § 38-1202.01(a), the Board of Trustees (“Board”) possesses all powers necessary or convenient to accomplish its statutorily prescribed objects and duties, including the power to make, deliver, and receive deeds, leases and other instruments; and

WHEREAS, pursuant to 8B DCMR §2100.1, the President of the University, subject to Board approval, is authorized to enter into real estate lease agreements with any person, partnership, corporation, or other entity; and

WHEREAS, pursuant to 8B DCMR §2101.1 the President of the University, subject to the approval of the Board of Trustees, is authorized and empowered to rent any building or land belonging to the University or under jurisdiction of the President, or any available space therein, whenever such building, land or space is not then required for the purpose for which it was acquired; and

WHEREAS, the space proposed to be used as swing space for Eaton Elementary is not required for any other purpose during the proposed term; and

WHEREAS, the University desires to enter into a Memorandum of Understanding with District of Columbia Public Schools and the District of Columbia’s Department of General Services to establish the parameters of the use of designated University property and facilities as swing space for Eaton Elementary School, attached hereto as **Appendix A**.

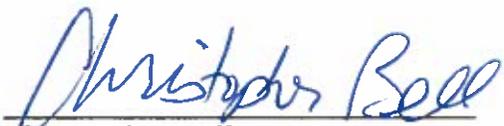
NOW THEREFORE, BE IT RESOLVED, that subject to the required approval of the Council of the District of Columbia, the Memorandum of Understanding, attached hereto as **Appendix A**, is approved by the Board of Trustees in accordance with 8B DCMR §2101.1, and the President is hereby authorized to enter into the Memorandum of Understanding.

Submitted by the Operations Committee:

May 21, 2019

Approved by the Board of Trustees:

June 4, 2019



Christopher Bell
Chairperson of the Board

Appendix A

**MEMORANDUM OF UNDERSTANDING
See Document Attached**

**MEMORANDUM OF UNDERSTANDING
AMONG THE UNIVERSITY OF THE DISTRICT OF COLUMBIA,
THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS, AND THE DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES**

I. INTRODUCTION

This Memorandum of Understanding (“MOU”) is entered into by and among the **UNIVERSITY OF THE DISTRICT OF COLUMBIA** (“UDC”), the **DISTRICT OF COLUMBIA PUBLIC SCHOOLS** (“DCPS”), and the **DISTRICT OF COLUMBIA DEPARTMENT OF GENERAL SERVICES** (“DGS”)(DCPS and DGS shall be collectively referred to as the “District”), individually referred to herein as a “Party” and collectively as the “Parties”, for the District’s use of certain facilities and property on UDC’s Van Ness campus.

II. PROGRAM GOALS AND OBJECTIVES

The purpose of this MOU is to establish the roles, responsibilities, and procedures regarding the District’s use of certain facilities and property on the UDC Van Ness campus, as more specifically described in this MOU (the “District Premises”). The District Premises will be used for “swing space” during the planned Eaton Elementary School renovation project. The District will be occupying trailers currently in place from the previous “swing space” used by Murch Elementary, along with walkways and other constructed facilities (“Facilities”), including a fence surrounding the District Premises, for the use of approximately 500 students, plus staff.

Pursuant to the applicable authorities and in furtherance of the shared goals of the Parties to carry out the purposes of this MOU expeditiously and economically, the Parties do hereby mutually covenant and agree as follows:

III. CONDITIONS PRECEDENT

The Parties agree and understand that the events set forth in this Section III must take place in order for this MOU to remain in effect and enforceable, otherwise the MOU will terminate by its terms as set forth in Section III(A) below.

A. Independent Assessment of Impact on Geothermal Well Field and Vault

Immediately following the execution of this MOU, the District shall obtain a certified independent assessment from a District of Columbia licensed Architectural and Engineering firm (the “Independent Assessment”) which provides the following:

- i. Analysis of the impact, if any, of the prior construction of the Facilities as well as an analysis of the impact of the proposed relocation of Facilities on

the geothermal well field and vault located under or adjacent to the District Premises; and

- ii. Identification of the specifications and a design of the proposed plans to relocate the Facilities within the District Premises in a manner which eliminates risk of damage or eliminates identified damage to the geothermal well field and vault.

The Independent Assessment shall be submitted to UDC for review and approval no later than 30 days from the execution of this MOU. The result of the Independent Assessment will determine the feasibility of the relocation of the Facilities within the District Premises. Within ten (10) business days after receipt of the Independent Assessment, UDC shall evaluate the Independent Assessment, and if it is reasonably determined by UDC that the relocation of Facilities and continued placement of structures within the District Premises poses a risk of adverse impact to the geothermal well field and vault, this MOU shall immediately terminate. The District shall not relocate the Facilities within the District Premises without UDC's approval, following receipt and review of the Independent Assessment.

B. Approval of Construction Documents

"Construction" or "construction activities" shall refer to all work required to erect new or relocate existing facilities within the "District Premises". In addition to UDC's review and approval of the Independent Assessment, prior to the District's commencement of construction, the District shall provide to UDC the design, elevation and specifications for any construction activities on the District Premises and Facilities (including but not limited to the relocation of the multipurpose room "bubble"), and UDC shall review and approve the proposal plans within ten (10) days of receipt, which approval shall not be unreasonably withheld, conditioned or delayed.

C. Approval of Constructed Facilities

Within ten (10) days after UDC has received written notice from the District of the completion of any construction activities on the Facilities and District Premises, UDC shall review and approve the construction of the Facilities and District Premises, in writing, to ensure that construction of the Facilities and District Premises has met the requirements of the Independent Assessment, which approval shall not be unreasonably withheld, conditioned or delayed.

Subsequent to completion of the initial construction activities, District shall not make or permit anyone to make any alterations to the District Premises or the Facilities without the prior written consent of UDC, which consent shall not be unreasonably withheld, conditioned, or delayed. All alterations shall be constructed at District's sole

expense, in compliance with applicable Laws and lien free, and District shall ensure that any activities associated with such improvements or alterations do not materially and unreasonably disturb the normal operations of UDC. UDC shall not be liable for any and all claims, losses, expenses, and damages resulting from or arising out of any alterations in the District Premises or the Facilities by District.

If any alterations or improvements are made without the prior written consent of UDC, UDC shall have the right to require District to restore the District Premises and the Facilities to their condition immediately prior thereto. District shall be liable for the cost of repair for damage and injury to the District Premises and the Facilities caused by such removal.

IV. SCOPE OF SERVICES

A. RESPONSIBILITIES OF UDC

UDC shall be responsible for providing the following:

1. Exclusive use of the District Premises as defined by the existing fence surrounding the modular trailers currently in place and existing playground. See Attachment A.
2. General security for UDC campus areas outside of the District Premises. UDC shall not bear any additional costs or responsibilities as a result of the presence of DCPS students, staff, and visitors on UDC's Van Ness campus. Any additional cost incurred and attributed directly to the District's use of the District Premises shall be reimbursed by the District. The Parties acknowledge and agree that UDC's Police Department, in its sole discretion, will determine the extent of additional security required by the District's use of the District Premises. UDC shall notify the District of the additional security required and the additional costs associated with the additional security at the end of every quarter.
3. To the extent feasible, UDC agrees to allow the District to utilize any utilities infrastructure already existing on the UDC campus in order to tie into and link the Facilities to the utilities set forth in Section IV.B.3 below, as necessary. In the event additional tie-ins are required to support the Eaton construction activities, DCPS is to request in writing permission to make the associated tie-in.

4. Make every reasonable attempt to accommodate the scheduling of Eaton school activities into the University events schedule, as long as Eaton makes a Space Reservation request through the Office of Space Reservations at least thirty (30) days prior to its scheduled activity, requesting the use of UDC facilities. UDC shall identify a primary point of contact for Eaton to coordinate event scheduling by written notice to Eaton.
5. Standard landscaping and grounds maintenance (including snow and ice removal) of the UDC Van Ness campus, including the areas adjacent to and areas providing ingress and egress access to the District Premises, except that when UDC has a weather related or emergency delays or other closings, District shall contact UDC to determine whether conditions permit safe access to the District Premises. If District decides to access the District Premises, even though UDC is closed, then District shall notify UDC, and UDC will provide snow and ice removal to allow access to the District Premises. In this event all costs associated with such snow and ice removal shall be the sole responsibility of District.
6. Provide the District access to the District Premises 24 hours a day, 7 days a week, except when UDC has weather related or emergency delays or other closings.

B. RESPONSIBILITIES OF DGS

DGS shall be responsible for the following:

1. Payment of Rent for use of the District Premises, ("Rent") which shall be payable as more fully described in Section X of this MOU. The total Rent amount for the Term of this MOU is One Million Nine Hundred Fifty Thousand Dollars (\$1,950,000.00). Rent includes the use of the fields, gym, auditorium, and other spaces subject to approval and availability as determined by UDC.
2. Any construction upon the District Premises, approved in advance by UDC, and the sole cost of which shall be borne by the District, including, but not limited to, all modifications of the existing Facilities, relocation of the multipurpose "bubble" to allow for construction of an artificial turf field per Attachment D (UDC Artificial Turf Field), obtaining all licenses, permits, certificates of occupancy, approvals, and other permissions which may be necessary for construction and occupation of the District Premises, the provision of furniture, fixtures and equipment, any moving services, modifications to the existing fence

around the District Premises provided that the fence height shall be the same height as other fencing that is typically used at elementary schools-specifically Lafayette Elementary, and any warranty repairs.

3. All utilities modifications, installation and usage costs associated with the District use of the District Premises, including electricity, water, and sewer.
4. The procurement of all other services necessary to operate the Facilities including, but not limited to, trash disposal (from designated receptacles), and telecommunications services, including telephone and internet services.
5. On or before the last day of the Term of this MOU or earlier termination of this MOU, DGS shall immediately vacate and remove all of the Facilities, utilities, and other personal property from the District Premises.
6. Providing to UDC written quarterly assessments of geothermal well field and vault confirming continued compliance with the specifications and plans included in the Independent Assessment. Assessments are due to UDC the last business day of each quarter.
7. Maintenance and repair of the Facilities within the District Premises. District, at the District's sole cost and expense, shall promptly make all repairs, perform all maintenance, and make all replacements in and to the District Premises that are necessary or desirable to keep the District Premises in good condition and repair; in a clean, safe and tenantable condition; and otherwise in accordance with all Laws and the requirements of this MOU. The District shall suffer no waste or injury to any part of the District Premises.
8. Landscaping and grounds maintenance (including snow and ice removal) within the District Premises except that when UDC has weather related or emergency delays or other closings, the District shall be in contact with UDC to determine whether conditions permit safe access to the District Premises. If the District decides to access the District Premises, even though UDC is closed, then the District shall notify UDC, and UDC will provide snow and ice removal to allow access to the District Premises. All costs associated with such snow and ice removal shall be the sole responsibility of the District.

9. The cost of removal of District Facilities if there is a need to remove said premises to repair the geothermal wells located beneath and the vault located adjacent to the District Premises.
10. All injury, breakage and damage to the District Premises and the Facilities and to any other part of the UDC campus caused solely by the negligence or willful misconduct of the District shall be repaired at District's sole expense.
11. The cost for twenty-five (25) parking permits to be used by DCPS employees in the UDC Van Ness campus underground parking facility ("UDC Parking") at an annual cost of Fifteen Thousand Nine Hundred Thirty-Seven Dollars (\$15, 937.50), which is valued at \$637.50 per permit per year, inclusive in the rent payment. UDC shall provide key cards to DCPS to enable access to UDC Parking.
12. Provide UDC with a list of proposed school activities, including preferred campus location, dates, estimated attendees, start and ending times, and any additional information which will assist UDC with incorporating the proposed events into previously scheduled facility uses.

C. RESPONSIBILITIES OF DCPS

1. DCPS shall not use or occupy the District Premises and/or the Facilities for any other uses without the express written consent of UDC. DCPS shall not use or occupy the District Premises and/or the Facilities for any unlawful purpose or in any manner that will constitute waste, nuisance or unreasonable annoyance to UDC or to adjacent property owners.
2. DCPS shall comply with all applicable Laws concerning the use, occupancy and condition of the District Premises and/or Facilities and all machinery, equipment, furnishing, fixtures and improvements therein, all of which shall be complied with in a timely manner at District's sole expense.
3. DCPS shall not allow, cause or permit any Hazardous Materials to be generated, used, treated, stored, or disposed of in or about the District Premises and/or the Facilities, provided that DCPS may use and store normal and reasonable quantities of standard cleaning and office materials as may be reasonably necessary for DCPS to conduct normal

operations in the District Premises and Facilities, as long as such materials are properly, safely and lawfully stored and used by District and the quantity of same does not equal or exceed a “reportable quantity” as defined in 40 C.F.R. 302 and 305, as amended. At the expiration or earlier termination of this MOU, District shall surrender the District Premises to UDC free of Hazardous Materials introduced by District and in compliance with all Environmental Laws (excluding violations caused by parties other than the District).

4. DCPS shall: (i) give UDC prompt oral and follow-up written notice of any actual or threatened Environmental Default about which DCPS becomes aware. District shall promptly cure an Environmental Default in accordance with all Environmental Laws and only after District has obtained UDC’s prior written consent, which shall not be unreasonably withheld, conditioned or delayed; and (ii) promptly deliver to UDC copies of any notices or other items received from or submitted to any governmental or quasi-governmental agency, or any claim instituted or threatened by any third party concerning the District Premises, the occupancy or use thereof, or the existence or potential existence of Hazardous Materials therein. Upon any Environmental Default, in addition to all other rights available to UDC under this MOU, at law or equity, UDC shall have the right but not the obligation to immediately enter the District Premises, to supervise and approve any actions taken by District to address the Environmental Default, and, if District fails promptly to address same in compliance with applicable Laws, to perform, at District’s sole cost and expense, any lawful action necessary to address such Environmental Default. UDC shall be released from all liability for damage or injury to the District resulting from UDC’s entry on the District Premises to address an Environmental Default, except for any damages or injury arising from the gross negligence or willful misconduct of UDC.
5. DCPS will, and will ensure that its students, staff and visitors, abide by and observe all applicable UDC rules currently contained in Title 8 of the District of Columbia Municipal Regulations, and that UDC may promulgate from time to time, provided that such rules are not inconsistent with the provisions of this MOU. If any provision of this MOU conflicts with a rule later promulgated by UDC, such provision of this MOU shall govern. UDC shall not discriminate against District in the enforcement or promulgation of any rule.

V. ADDITIONAL TERMS

A. DUTY TO MINORS

The Parties acknowledge and agree that DCPS students, staff, and visitors are on the campus solely for the purpose of school related activities and that DCPS shall be responsible for the safety, control, and supervision of all DCPS students, staff, and visitors at all times regardless of their physical location. DCPS agrees that no additional duty of care or custodial relationship is established between UDC and the DCPS students, staff, and visitors as a result of this agreement.

B. ACCESS TO THE DISTRICT PREMISES

The Parties acknowledge and agree that periodically UDC may need access to the field upon which the District Premises sits, including but not limited to for the purposes of inspecting or confirming the condition of the geothermal well vault and other areas. Except in the event of an emergency, UDC agrees to notify DCPS at least twenty-four (24) hours in advance, in writing, and coordinate such access with DCPS when access is needed, and that such access shall not excessively disrupt DCPS's use of the District Premises.

C. CAMPUS MASTER PLAN AND ZONING ORDER

The Parties acknowledge and agree that the District has received a copy of the Campus Master Plan (Attachment B) and Zoning Order 11-02/11-02A (Attachment C) and further agrees that the District will comply with all covenants.

D. EMERGENCY PLAN

DCPS shall develop an Emergency Plan for students, staff, and visitors of the District Premises. DCPS acknowledges that the proximity of the District Premises to various embassies occasionally results in street closures which may disrupt or prevent ingress and egress from the District Premises. The Emergency Plan shall include an alternative dismissal plan in the event of such street closures as well as security, fire, and natural disaster plans. A copy of the Emergency shall be delivered to UDC no later than 30 days after execution of this MOU.

E. LIABILITY

Except as otherwise expressly provided in this MOU, UDC shall not be liable to the District for any: (i) damage, injury, loss or claim based on or arising out of any fire, robbery, theft, vandalism, mysterious disappearance or any other casualty, (ii) actions of any other person or entity, or (iii) failure or inability to furnish any service specified in this MOU, unless such liability arises from the negligence or willful misconduct of UDC. UDC acknowledges that District is a self-insurer and does not maintain policies

of contractual and general liability insurance. Subject to the limitations set forth in Section X(C), District shall be liable for its own negligence or willful misconduct arising from its occupancy and use of the District Premises and the Facilities.

F. SPECIAL EVENTS

DCPS shall provide UDC a list of school events which require use of UDC facilities prior to full execution of this MOU. Should UDC facilities be needed to support additional events or the expansion of events planned to be held within the District Premises, DCPS will submit the space reservation request to UDC no less than thirty (30) days prior to the planned event. The University will make a reasonable attempt to accommodate the event as planned or offer an alternative space and date for the event.

VI. DURATION OF THE MOU

The Term of this MOU shall be from June 15, 2019 through September 1, 2021 (“Term”), unless terminated in writing by the Parties prior to the expiration.

VII. HOLDOVER

If the District does not immediately surrender the District Premises or any portion thereof upon the expiration of the Term, or earlier termination date (as expressly provided in this MOU), as applicable, then subject in all events to the Anti-Deficiency Acts, applicable laws, appropriate authorization from the District, and lawfully appropriated, certified, and available funds, (a) the Rent payable by the District hereunder shall be increased to two hundred fifty percent (250%) of the Rent payable by the District during the month immediately preceding such holdover. Any such holdover shall be deemed to be a tenancy from month to month. Notwithstanding any other provision of this Lease, UDC’s right to recover damages arising from a holdover period shall be limited to the right to (i) collect the increased Rent provided above; or (ii) evict the District. In no event shall any holdover be deemed a permitted extension or renewal of the Term, and nothing contained herein shall be construed to constitute UDC’s consent to any holdover or to give the District any right with respect thereto. Notwithstanding any other provision of this MOU, UDC’s acceptance of Rent during any holdover period shall not in any manner adversely affect UDC’s other rights and remedies under this MOU. The District’s obligations during any such holdover period shall remain subject to the Anti-Deficiency Acts and applicable laws.

VIII. CONDITION OF DISTRICT PREMISES

Upon termination of this MOU, the District agrees to return the District Premises to UDC leveled and graded. So that the condition of the District Premises upon return

to UDC may be properly assessed, the Parties agree to conduct a site visit for the purposes of condition assessment prior to construction, and a site visit for the purposes of condition assessment post MOU termination.

IX. AUTHORITY FOR THIS MOU

D.C. Official Code § 1-301.01(k) (2008).

X. FUNDING PROVISIONS

A. COST OF SERVICES

1. Total and actual cost for Rent during the Term of this MOU shall not exceed One Million Nine Hundred Fifty Thousand Dollars (\$1,950,000.00).
2. In the event of termination of the MOU, payment to UDC shall be held in abeyance until all required fiscal reconciliation, but no longer than September 30 of the fiscal year in which the MOU is terminated.

B. PAYMENT

1. DGS shall pay to UDC, Rent for the District Premises as follows: (a) an initial six (6) month payment within thirty (30) days of execution of this MOU in the amount of Three Hundred Twenty Five Thousand Dollars (\$325,000); (b) one payment of Eight Hundred Twelve Thousand Five Hundred Dollars (\$812,500) on October 31, 2019; and (c) one payment of Eight Hundred Twelve Thousand Five Hundred Dollars (\$812,500) on October 31, 2020. DGS shall pay the Rent to UDC, at UDC's Payment Address, or to such other place or to such other agent as UDC may from time to time designate in writing, by good check or other funds approved by UDC from time to time, without setoff, deduction or demand. UDC's acceptance of Rent after it shall have become due and payable shall not excuse a delay upon any subsequent occasion or constitute a waiver of any of UDC's rights hereunder.
2. All other payments shall be made to UDC within thirty (30) days of demand.

C. ANTI-DEFICIENCY CONSIDERATIONS

The Parties acknowledge and agree that the Parties' obligations to fulfill financial obligations of any kind pursuant to any and all provisions of this MOU, or any subsequent agreement entered into by the Parties pursuant to this MOU, are and shall remain subject to the provisions of (i) the federal Anti-Deficiency Act, 3 U.S.C. §§ 1341, 1342, 1349, 1351, (ii) the District of Columbia Anti-Deficiency Act, D.C. Official Code §§ 47-355.01-355.08 (2001), (iii) D.C. Official Code § 47-105 (2001), and (iv) D.C.

Official Code § 1-204.46 (2006 Supp.), as the foregoing statutes may be amended from time to time, (“**Anti-Deficiency Acts**”) regardless of whether a particular obligation has been expressly so conditioned.

The District agrees to exercise all lawful authority available to it to satisfy the financial obligations of the District that may arise under this MOU. During the term of this MOU, the Mayor of the District of Columbia or other appropriate official shall, for each fiscal period, include in the budget application submitted to the Council of the District of Columbia the amount necessary to fund the District’s known potential financial obligations under this MOU for such fiscal period. In the event that a request for such appropriations is excluded from the budget approved by the Council and submitted to Congress for the applicable fiscal year or if no appropriation is made by Congress to pay Rent, or any component thereof, or any other costs due under this MOU for any period after the fiscal year for which appropriations have been made, and in the event appropriated funds for such purposes are not otherwise lawfully available, the District will not be liable to make any payment under this MOU upon the expiration of any then-existing appropriation, the District shall promptly notify UDC, and this MOU shall immediately terminate upon the expiration of any then-existing appropriation.

XI. TERMINATION

After notice and an opportunity to cure as provided herein, UDC may terminate this MOU for cause if the District materially breaches any term of this MOU. UDC must notify the District in writing six (6) months in advance of the anticipated termination date and such notice shall include a detailed description of the material breach. Upon receiving such notice, the District shall have thirty (30) calendar days to cure the breach or provide an explanation for extending the time to cure. Either Party may terminate this MOU in whole or in part by giving ninety (90) calendar days advance written notice to the other Party.

XII. NOTICE

The following individuals are the primary operational contacts and notice points for each Party under this MOU:

For UDC:

Troy LeMaile- Stovall
Chief Operating Officer
University of the District of Columbia
4200 Connecticut Avenue NW
Washington, DC 20008

With a copy not constituting notice to:

Office of the General Counsel
University of the District of Columbia
4200 Connecticut Ave., Building 39, Suite 301Q
Washington, DC 20008
Attention: General Counsel

For DCPS:

Patrick Davis
Chief Operating Officer
District of Columbia Public Schools
Office of Chief Operating Officer
1200 First St NE
Washington, DC 20002
P 202.365.4746 (Mobile)
E Patrick.Davis@k12.dc.gov

For DGS:

Yohance Fuller
Chief Operating Officer
District of Columbia Department of General Services
2000 14th Street NW, 8th Floor
Washington, DC 20009
Jonathan.kayne@dc.gov
202.724.4109 (Mobile)

XIII. SIGNS

Signage elected to be installed by the District shall be subject to UDC's prior approval, which approval shall not be unreasonably withheld, conditioned or delayed, and shall be purchased and installed at the District's expense.

XIV. RESOLUTION OF DISPUTES

The Parties to this MOU shall use their best efforts to resolve any adjustments and disputes arising from this MOU. In the event that a dispute cannot be resolved by the Parties, the matter shall be referred to the Deputy Mayor for Education for resolution.

XV. MODIFICATIONS AND ASSIGNMENT

The terms and conditions of this MOU may be modified only upon written agreement by the Parties. District shall not assign or transfer this Agreement or any portion thereof without the express written consent of UDC.

XVI. MISCELLANEOUS

The Parties shall comply with all applicable laws, rules and regulations whether now in force or hereafter enacted or promulgated.

UDC's review, approval and consent powers (including the right to review plans and specifications), are for UDC's benefit only. Such review, approval or consent (or conditions imposed in connection therewith) shall be deemed not to constitute a representation concerning legality, safety, or any other matter.

XVII. FORCE MAJEURE

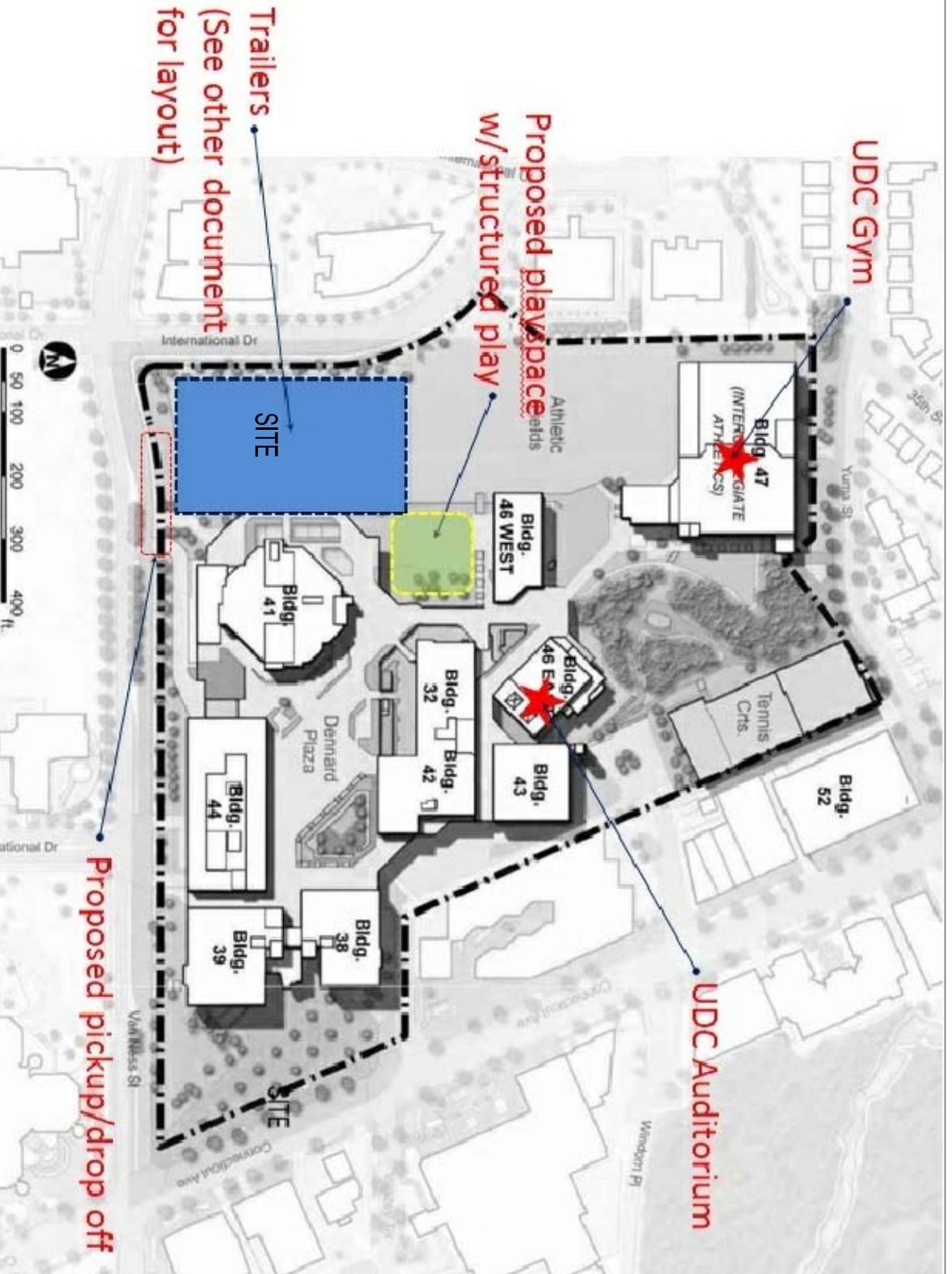
Unless specifically provided otherwise, if UDC or District is in any way delayed or prevented from performing any of its obligations under this MOU (other than payment obligations) due to a Force Majeure Event, then the time for performance of such obligation shall be excused for the period of such delay or prevention and extended for a period equal to the period of such delay, interruption or prevention. The foregoing shall not serve to excuse District's payment of Rent when due under this MOU.

XVIII. ENTIRE AGREEMENT AND SEVERABILITY

The Parties acknowledge that this constitutes the entire agreement among DCPS, DGS and UDC, superseding any and all prior written and oral agreements. If any provision of this Agreement is held to be invalid, the remaining provisions shall remain in full force and effect.

[signatures on following pages]

ATTACHMENT A (District Premises)



Trailers
 (See other document
 for layout)

Proposed play space
 w/ structured play

UDC Gym

UDC Auditorium

Proposed pickup/drop off

KEY PLAN

ATTACHMENT B (Campus Master Plan)

The University of the District of Columbia

Van Ness Campus Plan 2011-2020

Application to the
District of Columbia Zoning Commission for
Review and Approval of a New Campus Plan

February 8, 2011

The University of the District of Columbia
Van Ness Campus Plan 2011 – 2020

**The University of the District of Columbia
Van Ness Campus Plan 2011 – 2020**

The University of the District of Columbia

Van Ness Campus Plan
2011-2020

Application to the
District of Columbia Zoning Commission for
Review and Approval of a New Campus Plan

February 8, 2011

Submitted by
University of District of Columbia
4200 Connecticut Avenue, NW
Washington, DC
20008

Prepared By:
RTKL Associates Inc
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Washington, DC
20037

Goulston & Storrs. PC
1999 K Street, NW, 5th Floor
Washington, DC
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Gorove Slade
1140 Connecticut Avenue
Washington, DC
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Langan Engineering and Environmental Services
River Drive Center 1
Elmwood Park, NJ
07407

The University of the District of Columbia

Van Ness Campus Plan 2011 – 2020

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The University of the District of Columbia

Van Ness Campus Plan 2011 – 2020

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The University of the District of Columbia Van Ness Campus Plan 2011 – 2020

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The University of the District of Columbia
Van Ness Campus Plan 2011 – 2020

The University of the District of Columbia

Van Ness Campus Plan 2011 – 2020

EXECUTIVE SUMMARY

The University of the District of Columbia is devoted to the continued enhancement and improvement of the District's system of public higher education. Building on the successful creation of the Community College of the District of Columbia as an independent open admissions institution at satellite locations throughout the District of Columbia, the University is now in the process of transforming its main campus at Van Ness into a flagship location that will operate as a premier, selective admissions institution.

The 2011-2020 Campus Plan contained herein features four primary changes to the Van Ness campus that are key to this transformation:

- Construction of a new Student Center at the intersection of Connecticut Avenue and Van Ness Streets NW
- Construction of student housing on the southwest corner of the campus
- Renovation and improvements to substantially “green” the campus, including the installation of new green roofs and similar improvements
- Population increases in students, faculty, and staff that support the change to a selective admissions flagship institution.

Under this Plan, the University will capitalize on its mixed-use location in Van Ness and further enhance its relationship with and contributions to surrounding communities. In particular, the University will continue to leverage its strategic location atop the Van Ness Metrorail station and adopt Transportation Demand Management strategies to fully utilize District transit options and minimize traffic and parking impacts.

In addition, the University has sited its proposed new buildings at locations intended to ensure minimal impact on the surrounding residential communities and maximize their contribution to improving the surrounding public realm. The proposed improvements will adhere to high standards of sustainable design, and include renovations to existing buildings as well as the central campus plaza that will represent a marked improvement over the existing concrete structures.

Finally, the planned growth in the number of students at Van Ness will be consistent with recent enrollment levels, and in any event will be well below the historic planned capacity for the campus. And as the University continues to develop its residential undergraduate program, it will provide on-campus beds to accommodate their needs and manage the impacts of students who live off-campus in the surrounding neighborhood.

For all of these reasons, as detailed herein, the University submits that the proposed 2011-2020 Campus Plan satisfies the requirements of Section 210 of the District of Columbia Zoning Regulations.

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SECTION 1: INTRODUCTION

This Campus Development Plan documents the University of District of Columbia's plan to transform the Van Ness Campus into a premier selective admissions university through the construction of needed student facilities that include a student center and on-campus residence halls. These facilities are necessary to attract and retain a diverse and talented student population from the District and beyond, and provide District residents with the highest caliber facilities in support of academic instruction, campus life, and community engagement.

The University of the District of Columbia (UDC) has prepared this Campus Plan in accordance with the District of Columbia Zoning Regulations, which require colleges and universities in residential zone districts submit a plan for developing the campus as a whole.¹

1.1 Statement of the University's Mission, Vision, Goals and History

Exhibit 1.1 Campus Aerial View looking North

Mission, Vision, and Goals

The University of the District of Columbia is an urban land-grant institution of higher education that it offers affordable post-secondary education to District of Columbia residents at the certificate, baccalaureate and graduate levels. These programs prepare students for immediate entry into the workforce, the next level of education, specialized employment opportunities and life-long learning.

The University of the District of Columbia strives to ensure that the institution continues its mandated mission to meet the comprehensive post-secondary education needs of the residents of the District of Columbia. Education, across the continuum, is central to the development of the city, not only in the present, but also in planning and building for the future. It is the foundation for the active participation of all of the citizens of the District of Columbia - economically, socially, morally, culturally and politically.

System wide, the University has established the following goals:

1. Create and nurture a premier community college.
2. Become an outstanding institution for undergraduate education with a global focus.

¹This Campus Plan is being concurrently submitted to the University's Board of Trustees for its review as well, and is pending Board approval.

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3. Offer exceptional, research-driven graduate and professional programs of importance to the District and the nation.
4. Provide an important economic engine for the District of Columbia and region.

The Campus Plan detailed herein supports the transformation of the University's Main Campus at Van Ness into a selective flagship center for undergraduate and graduate education, which advances the University's goals and permits the University to continue to improve educational access and opportunities for all District residents.

History

The University of the District of Columbia is, at once, very old and very new. The seeds of higher education for the District were planted in the 19th century when the Miner Normal School and Washington (later Wilson) Normal School were founded as schools for young women. The two schools became four-year teachers colleges in 1929—the only institutions of public higher education in the District of Columbia. In 1955, the two institutions were integrated and combined to form the District of Columbia Teachers College.

After years of persistent lobbying for comprehensive public higher education, President John F. Kennedy appointed a commission to study the issue, which concluded that there was a demand for affordable public higher education. Pursuant to the commission's recommendation, Congress established two schools: Federal City College, the board of which was appointed by the Mayor of the District of Columbia, and Washington Technical Institute, the board of which was appointed by the President of the United States. The mission of both institutions was to serve the needs of the community by directing the resources and knowledge gained through education toward the solution to urban problems. Both institutions opened their doors in 1968 as land-grant colleges and received accreditation in the early 1970s.

Following the grant of home rule to the District of Columbia, the District reshaped the city's public higher education system, and consolidated the Federal City College, Washington Technical Institute, and District of Columbia Teachers College into the University of the District of Columbia. The University currently offers 75 undergraduate and graduate academic degree programs through the College of Arts and Sciences, School of Business and Public Administration, School of Engineering and Applied Sciences, and the UDC David A. Clarke School of Law.

Most recently, in 2009, the University established the Community College of the District of Columbia (CCDC) to more directly fulfill the need to provide workforce development and professional training to help District residents develop the skills needed by local employers. The CCDC offers a combination of certificate programs in job and professional training and two-year associate degree programs.

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1.2 Campus Location and History

Exhibit 1.2 Existing Conditions Site Diagram

The main campus of the University of the District of Columbia (the “Main Campus” or “Van Ness Campus”) is located at the intersection of Connecticut Avenue NW and Van Ness Street, NW in Ward 3 (4200 Connecticut Avenue, NW (Square 1961, part of Lot 803). It is immediately adjacent to the Van Ness Metrorail Station. Control over the property was granted to the District pursuant to a 1972 Transfer of Jurisdiction by the General Services Administration.

Prior to 1990, the Main Campus, as an instrumentality of the District of Columbia, was not subject to zoning. Today, the Main Campus is located in the R-1-B Zone District, where university use is permitted as a special exception, subject to the approval of a campus plan.

The Main Campus is immediately adjacent to the Connecticut Avenue commercial corridor, which is generally located in the C-3-A Zone District. The University also owns property located at the corner of Connecticut Avenue and Yuma Street NW (4340 Connecticut Avenue, NW) (Square 1965, Lot 4). This property is commercially zoned, and university use is permitted as a matter of right.

With the formation of the Community College in 2009, the University established satellite locations throughout the District of Columbia for these programs. Key locations include the CCDC Center at 801 North Capitol Street, NE and the Bertie Backus School at the southeast corner of South Dakota Avenue and Hamilton Street, near Fort Totten. Other locations where the University offers academic and workforce development courses include the PR Harris Educational Center and the Ferebee-Hope Career Center.

In addition to the above locations, the University has two facilities located outside of the District: the Aerospace Technology Facility at Reagan Washington National Airport and the Agricultural Experiment Station (Muirkirk Research Farm) located in Beltsville, MD.

1.3 Service to the Community

The University seeks to develop a pleasant, safe and vibrant campus where education, research, recreation, social and cultural interests will find a supportive home. This setting is one that welcomes the surrounding communities and offers the opportunity to engage the University in a positive and cooperative partnership. UDC has a long history of service to the District of Columbia residents and to its neighbors.

Popular with residents both in the surrounding community as well as across the District, the campus is host to a Farmers Market on Saturdays in the spring through the fall. The

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University is also home to the Felix E. Grant Jazz Archives, which form the foundation for a full range music-related programs and activities. The University also supports community programs including the District's 4-H program and the Center for Youth Development, the Life Smarts Consumer Education for Teenagers program, and Operation Military Kids. The School of Business offers Employment and Soft Skills Training, Job Readiness Workshops, Family Literacy and Life Management Courses through its PATHS program. And the David A. Clarke School of Law offers numerous clinics for special interest constituents.

The University has provided an affordable education to the maximum number of students possible and provides tuition assistance to students with proven need. In order to provide access to higher education for students who are economically disadvantaged, the UDC Foundation dispensed over \$90,000 in scholarship awards to approximately 70 students, in 2009-2010 academic year, and provided almost \$240,000 in support of University academic programs and events. This funding assists the University in fulfilling its mission of providing quality, affordable, and accessible education to students in Washington, DC and beyond.

1.4 Economic Contributions

UDC is a local employer, consumer of local goods and services and a significant contributor to the District economy. The effect of this spending and of the multiplier effect of the University through its staff, faculty and student spending is an important element of the immediately local economy, and the larger District economy.

The University is an equal opportunity employer. It has a policy of employing local businesses with requirements for ensuring opportunities for Local Business Enterprises, Disadvantaged Business Enterprises, Resident Owned Businesses, Small Business Enterprises, Longtime Resident Businesses and Development Enterprise Zone Businesses to compete for work with the University. The University has special recruitment efforts to hire disadvantaged and unemployed District Residents as well as persons with disabilities. It participates in local job fairs to encourage D.C. residents to apply for employment with the University.

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SECTION 2: CAMPUS PLAN OVERVIEW

2.1 Campus Development Goals

This Campus Plan has been developed to advance the strategic mission of the University to transform the Van Ness campus into a flagship institution that will be competitive with other top tier academic institutions and continues to meet the comprehensive post-secondary education needs of the residents of the District of Columbia.

Through the comprehensive planning approach discussed herein, the University seeks to develop a campus environment that will advance these goals. Accordingly, this Campus Plan considers the form and physical implications of campus growth, with recommendations to guide the location and character of new facilities. In addition, it outlines policy and operational objectives for a wide variety of elements that shape the character and community impact of the campus.

In order to ensure consistency with the overarching development vision for the District, this plan integrates strategic goals outlined by the District of Columbia's Comprehensive Plan and by the District's Department of Transportation. Most importantly, environmental sustainability is recognized as an element that is integral to all elements of the plan and fundamental to the future growth of the campus.

Specific strategies and objectives articulated in this Plan include:

- Optimizing the utilization of technical facilities and learning environments both within the classroom and throughout the 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.

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2.2 Campus Plan Process

Exhibit 2.2 Sequence of Work: Campus Plan Process

Background

In 2005, the University commissioned an internal strategic study to create a preliminary vision for future campus development for the Main Campus at Van Ness. This study examined use, staffing and programs in order to identify options for improving both the undergraduate and graduate experience and resulted in a preliminary master plan for future campus development that articulated important University needs, particularly for the construction of a student center and on-campus housing, as well as for the improvement of the Law School. This study also framed the University's fiscal plan, and resulted in a grant from the D.C. Council of funding to construct the Student Center.

This preliminary master plan was updated and revised in 2009. As a part of the 2009 update, the University engaged students, faculty and administration in the planning process and considered a variety of factors, including the immediate surroundings, the physical conditions of the campus, existing parking, vehicular and pedestrian circulation and general organization of the campus in order to identify opportunity areas for the construction of new facilities. The resulting plan incorporated preliminary building programs for a new Student Center and on-campus housing for up to 600 students.

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Pursuant to Section 210 of the Zoning Regulations, all universities in residential zones must submit a plan for the campus as a whole (i.e. a campus plan) prior to seeking approval for any new construction. When the UDC campus was first constructed in the 1970s and 1980s, however, District properties were not subject to zoning and accordingly there is no existing campus plan. Therefore, once the University received funding for the Student Center, it embarked on a formal process to develop its Campus Plan pursuant to Section 210 of the Zoning Regulations.

Recognizing the importance of community input, the University hosted a series of four open houses starting in fall 2010. These community forums, which were advertised through community newspapers and websites as well as on the University's website, allowed direct public input at each stage of the plan's development.

- The initial meeting in October outlined the purpose of the campus plan, provided an overview and analysis of existing campus conditions, and outlined the process for community participation going forward.
- The second meeting in November established planning topics for UDC and solicited community input on the strengths and weaknesses for each.

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- The third meeting in December outlined the structure of the campus plan document and presented how community input would be incorporated into the plan.
- The fourth meeting in January 2011 presented a draft version of the plan for community evaluation

A final community meeting will present the final version of the plan having incorporated community input.

Throughout the process, the University has worked closely with the Office of Planning (OP) and District Department of Transportation (DDOT). Local ANC representatives were also consulted prior to the start of the public outreach process, and have been invited to participate throughout the process. The University intends to continue to work closely with OP, DDOT, and the ANC following filing of the plan in order to solicit additional feedback.

Concurrently with the preparation of the campus plan, and pursuant to the Council's approval, the University selected an architect to identify the location for and design the new Student Center. The University expects to file an application for further processing of its campus plan in order to construct the new Student Center in the near future, and anticipates that the campus plan and further processing application could be heard simultaneously by the Zoning Commission.

2.3 Campus Plan Goals

Through the process detailed above, the following goals were developed to implement the University's vision for the Main Campus:

- Establish 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.
- Improve campus visibility from Connecticut Ave. while improving the entry points to the University.
- Create opportunities to enhance the student experience while creating revenue generating activities.
- Establish campus zones within the campus to provide distinct yet connected areas that improve convenience, enhance orientation and improve operational effectiveness.
- Accommodate for future growth by establishing a commitment to the environment and new technologies.
- Reduce parking need recognizing that the university is an urban setting with direct access to mass transit.

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- Improve campus open space within an urban setting to effectively maximize the utilization of open space; with the aim to provide much needed green space and better pedestrian circulation through the campus.
- Strengthen campus image and character by enhance public entry to the campus while improving security by establishing a secured campus edge.

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SECTION 3: EXISTING CAMPUS CONDITIONS

The Main Campus is located immediately adjacent to the Van Ness Metrorail Station in the Van Ness neighborhood of Ward 3. It is roughly bounded by Connecticut Avenue and commercial development along Connecticut Avenue on the east, Van Ness Street NW on the south, a portion of the International Chancery Complex on the west, and Yuma Street NW on the north. The campus is located entirely within the boundaries of ANC 3F.

The compact, walkable 20.3-acre Main Campus at Van Ness is comprised of ten building predominantly composed of exposed concrete. Much of the campus is dominated by hardscaped plazas and connecting walkways. The Main Campus was originally conceived as a commuter campus and therefore provides little student support space scattered throughout multiple buildings and lacks any housing facilities.

3.1 Community Context and Surrounding Conditions

Exhibit 3.1a Community Context Diagram

Exhibit 3.1b Campus Plan Boundary and Zone Districts

The Main Campus is located immediately adjacent to the Van Ness Metrorail Station in the Van Ness neighborhood of Ward 3. It is roughly bounded by Connecticut Avenue and commercial development along Connecticut Avenue on the east, Van Ness Street NW on the south, a portion of the International Chancery Complex on the west, and Yuma Street NW on the north. The campus is located entirely within the boundaries of ANC 3F.

The campus is sited at the locus of a varied mix of uses and densities that reflect the location's operation as an uptown center atop a Metrorail station. The Connecticut Avenue corridor features a mixture of medium and high-density commercial and residential development, including a supermarket and several national retailers as well as smaller businesses, office development, and multiple mid- and high-rise apartment buildings. Buildings surrounding the commercial district range in heights from two to ten stories, and were predominantly constructed within the last 25 years. With few exceptions, most are privately owned. While the Van Ness area functions as an important community shopping district, it suffers from an unwelcoming street environment, an excessive amount of hardscape surfaces, parking problems, a lack of distinctive facades and storefronts, a limited range of retail goods and services, and a loss of ground floor retail space to institutional and school uses. Opportunities exist to improve the identity of the district to create a welcoming appearance similar to the older commercial districts to the south.

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Also immediately adjacent to the south and west is Intelsat's administrative headquarters and the International Chancery Center which houses nearly twenty diplomatic offices, including the embassies of Israel and the People's Republic of China. Further to the north and west of campus are low-density single-family and duplex houses.

The campus is located in the D/R-1-B Zone District. Property in the adjacent commercial corridor to the east is located in the C-3-A Zone District, and nearby high-rise residential apartments and condominiums properties are located in the R-5-D Zone District. The International Chancery Center and residential neighborhoods to the south, west, and east are located in the R-1-B Zone District. North of Yuma Street NW and to the west of the Embassy District, the neighborhood is primarily composed of single family housing. Residential property further to the west is also located in the R-2 Zone District.

The campus is located in the Local Public Facilities land use category on the Future Land Use map, and the campus is designated as an Institutional Use on the Generalized Policy Map. Surrounding properties are located in a range of use and density categories. The commercial property to the east along Connecticut Avenue is located in the Moderate Density Commercial land use category and the high-rise residences on the other side of Connecticut Avenue are located in the High Density Residential land use category. Property to the south and west is located in the Federal land use category. Property to the north is located in the Low Density Residential land use category. The adjacent Van Ness commercial district is designated as a Multi-Neighborhood Commercial Area on the Generalized Policy Map.

3.2 Buildings, Facilities, and Campus Layout

Exhibit 1.2 Existing Conditions Site Diagram

Exhibit 3.2 Campus Topography Diagram

The core of the campus is located at its southern end, and consists of academic and administrative buildings organized around Dennard Plaza, a large hardscaped plaza that connects many of these key buildings.

To the east of the campus core, at the intersection of Connecticut Avenue and Van Ness Street existing campus development is set back from the main roadway and a large hardscaped plaza sits adjacent to the Van Ness Metrorail entrance.

North of the campus core are buildings and space devoted to performing arts, including an auditorium, amphitheater, and music, dance, and theater space. Further to the north and west are athletic facilities, which include the athletic center, fields, and tennis courts.

Dennard Plaza and the surrounding buildings sit above a central campus parking garage and loading facility. Parking is accessed from Van Ness Street, while loading is accessed

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from Connecticut Avenue via Veazey Terrace. The campus is also accessed from Connecticut Avenue via Windom Place

The campus site slopes from west to east, dropping over forty feet from the athletic fields on the west side of campus to the portions near Connecticut Avenue, and the central plaza accommodates the change in grade. Because of the significant natural topography, there are several bridge components that connect Dennard Plaza with buildings further to the north.

3.3 Campus Perimeter Conditions

Notwithstanding its location near the Connecticut Avenue corridor, the campus is not prominently visible from Connecticut Avenue. At the intersection of Connecticut Avenue and Van Ness Street, existing campus development is set back from the main roadway, and commercial development lies between the campus and Connecticut Avenue further to the north. Two roadways – Veazey Terrace and Windom Place – run east-west from Connecticut Avenue to the campus and provide access from Connecticut Avenue. A WMATA bus terminal is also located between the campus and commercial development, off Veazey Terrace.

The southern end of the campus, along Van Ness Street, has an institutional feel, due largely to the presence of both UDC buildings and government and embassy buildings across the street. Athletic fields and tree cover generally separate the campus from additional embassies to the west of campus. Dense landscaping provides buffering along much of the northern edge of the campus, along Yuma Street.

3.4 Uses & Utilization

Consistent with other District campus plans, building uses on the campus have been identified as either “academic / administrative” or “residential / campus life / athletic” uses. As discussed above, the academic and administrative uses tend to be clustered to the south, around Dennard Plaza, while student life and athletic uses are located to the north and west. There are currently no on-campus residential facilities. The majority of the campus is currently devoted to academic/administrative use.

3.5 Student Enrollment

Over the past four decades, the University's enrollment has modulated in response to changing social, political, and economic trends in the District. Within a decade of its establishment, the University system reached a total enrollment of over 14,000 students by 1980. Today, however, the system enrollment is approximately 5,800.

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Note that with the establishment of the CCDC at satellite locations such as 801 North Capitol and Bertie Backus, the remaining number of students in the University's undergraduate programs has correspondingly changed. In 2010, the University enrolled approximately 3,200 students in its undergraduate, graduate, and professional programs.

CURRENT STUDENT POPULATION (Headcount)

	<u>2006</u>	<u>2010</u>
Undergraduate, Graduate, and Professional Programs	5,772	3,183
Community College	--	2,672

3.6 Building Heights

Exhibit 3.6 Existing Campus Building Heights

All buildings on campus share a common connection to Dennard Plaza. The elevation of the Plaza establishes a common floor level datum for all but the library building. The existing campus buildings vary in height from one story to six stories above the plaza deck.

3.7 Development Summary and Floor Area Ratio (Bulk)

The Main Campus is located in the R-1-B Zone District as consists of approximately 884,336 square feet of land area. The campus was constructed prior to the application of the Zoning Regulations to District-owned properties, and includes approximately 1,113,267 square feet of gross floor area, for a Floor Area Ratio ("FAR") of approximately 1.26. The Zoning Regulations permit a total FAR of 1.8 for campuses in the R-1-B Zone District.

3.8 Open Space

Exhibit 3.8 Open Space Diagram

Current buildings occupy approximately 27% of the underlying land area. As an urban campus built with challenging topography, much of the site is covered by impervious surfaces. These include the buildings, walkways, plaza spaces, tennis courts, and service drives. Furthermore, at the time of the original campus construction, there were no storm-water management devices other than public storm-water catchment in the streets. A wide variety and significant amount of landscaped and pervious areas currently exist

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within the Van Ness Campus. Large contained planted areas are distributed across the campus, and wide planted borders buffer the Van Ness Street and Yuma Street borders. The campus contains significant stand of mature trees which provide a unique setting for the outdoor amphitheater, and playing fields dedicated to athletic uses.

3.9 Circulation Networks & Transportation

Site Location and Major Transportation Features

UDC is served by several principal and minor arterials, including Connecticut Avenue, Reno Road, and Tilden Street. Major collector roadways include Albemarle Street and Van Ness Street. The site is also served by several public transportation sources, including Metrorail and Metrobus. The Van Ness/UDC Metrorail station is adjacent to campus. UDC is also served by a pedestrian network consisting of sidewalks and crosswalks along the local streets surrounding the University. In addition to pedestrian accommodations, the site is also served by the on- and off-street bicycle network, which consists of bike lanes and signed bicycle routes along local roadways. A Capital Bikeshare station is located adjacent to campus.

Transit

Exhibit 3.9a Existing Transit Service Diagram

The Metrorail and Metrobus systems provide high quality public transportation access to campus. The University is located adjacent to the Van Ness/UDC Metrorail station, running approximately every 3 minutes during the morning and afternoon peak periods, every 10 minutes during the noon peak period, and every 15 to 20 minutes during the weekday off-peak periods and on weekends.

Metrobus service is accessible to the University, with stops adjacent to the site on Connecticut Avenue and near UDC on other surrounding roadways. The majority of the Metrobus lines that serve the site converge at the Van Ness/UDC Metrorail station. These routes connect the site with several destinations throughout downtown DC and the surrounding areas. DDOT has also identified an opportunity to add new service on the DC Circulator in the vicinity of the campus, through a potential east-west line that would connect Tenleytown to Brookland.

Pedestrian Facilities

Exhibit 3.9b Pedestrian Circulation Diagrams

The roadways in the immediate vicinity of UDC provide satisfactory pedestrian facilities and connectivity throughout the area. Sidewalks are located along the roadway networks with crosswalks linking segments at intersections within the study area. Adequate crosswalks are provided at the majority of intersections near the University. Controlled

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crosswalks are provided where traffic signals exist to help control the flow of vehicles. Uncontrolled crosswalks are provided at the other intersections, where traffic volumes and speeds do not prohibit safe pedestrian movements.

The amount of traffic on Connecticut Avenue can create an intimidating pedestrian environment, particularly during commuter rush hours when on-street parking is prohibited thereby eliminating a buffer between moving vehicles and pedestrians. The wide width of Connecticut Avenue also presents a deterrent to crossing the street, as the marked crosswalks are long. Due to activity on both sides of the street, jaywalking is common and the wide width of the street exacerbates pedestrian/vehicular conflicts.

The DC Pedestrian Master Plan from April 2009 identifies several recommendations in order to reduce the number of pedestrians killed and injured in crashes with motor vehicles and to increase pedestrian activity by making walking a comfortable and accessible mode of travel throughout all parts of the District. These recommendations include improving pedestrian access and safety at controlled and uncontrolled crossing and intersections, and improving pedestrian access and safety at bus stops while maximizing transit efficiency. Similar recommendations for the immediate area have been made by the Connecticut Avenue Pedestrian Action (CAPA) group, which was formed in 2009 by residents from the surrounding neighborhoods, ANC commissioner, and other interested stakeholders.

Bicycle Facilities

Exhibit 3.9c Existing Bicycle Conditions

Exhibit 3.9d DDOT Bike Masterplan

According to DDOT's March 2010 Bicycle Map, bicycling conditions near UDC range between good, fair, and poor. Some local streets provide adequate cycling conditions, but there are few attractive routes for trips between residential clusters and major destinations. Near campus, bike lanes are only provided along the portion of Tilden Street east of Connecticut Avenue. A signed bike route is provided along 36th Street, Warren Street, and 37th Street west of the University.

The newly formed Capital Bikeshare was launched in late September 2010, replacing the DC SmartBike program. This program includes 110 bicycle-share stations across Washington, DC and Arlington, VA with approximately 1,100 bicycles provided. Near UDC, a Capital Bikeshare station was installed along the UDC side of Connecticut Avenue between Veazey Terrace and Windom Place.

As shown in the DC Bicycle Master Plan from April 2005, DDOT's proposed bicycle infrastructure for the roadways in the vicinity of the proposed development includes several multi-use trails, on-street bike lanes, and signed bicycle routes. The facilities will significantly improve bicycling conditions in the study area and may lead to higher rates of cycling. They also provide additional links between the University and major residential and commercial destination in northwest, DC and beyond.

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3.10 Service

All waste removal and deliveries to the campus occur at a central location at the C level of the parking structure. Service Access to the Campus is primarily provided by an access road between Windom Place and Veazey Street providing at grade access to all campus buildings from the C level of the parking structure. In addition, the Physical Education Building has a service drive entering onto Yuma Street for limited loading and receiving.

3.11 Parking

Exhibit 3.11 Campus Parking Distribution Diagram

Existing Parking Policy

UDC provides parking for students, faculty, and staff members. The majority of parking spaces are located in the Underground Parking Garage, which contains a total of 758 spaces. Other sources of on-campus parking are small groups of surface spaces located between and behind buildings. Parking in the Garage is controlled during the weekday but is free after 9pm and on weekends. The University is currently installing a revenue control system in the Underground Parking Garage, which will consist of ticketed fare gates and a Pay on Foot system. Parking permits are available for students and faculty/staff members, and are required to park in University parking facilities. Permits for faculty and staff are sold for \$150 per semester for the 2010-2011 academic year, and student permits are sold for \$75 per semester. Motorcycle parking is also available for \$40 per semester for faculty, staff, and students. Students, faculty, and staff who do not purchase a seasonal parking permit may pay a \$3.50 discounted daily parking rate; all others must pay the \$8 daily rate. Permits are sold by the Office of Public Safety and Emergency Management. Campus police enforce the parking policy and issue citations to vehicles who do not comply.

As detailed in the traffic study, based on a parking utilization study, the garage operates at or above capacity during the day.

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SECTION 4: CAMPUS DEVELOPMENT ELEMENT

The 2011-2020 Van Ness Campus Plan calls for four primary changes to the Van Ness campus that will further the establishment of the campus as a flagship location:

- Construction of a new Student Center at the intersection of Connecticut Avenue and Van Ness Streets NW
- Construction of student housing on the southwest corner of the campus
- Renovation and improvements to substantially “green” the campus, including the installation of new green roofs and similar improvements
- Increases in enrollment that support the evolution of a selective admissions flagship institution.

As discussed in detail below, proposed new buildings have been sited to ensure minimal impact on the surrounding residential communities and maximize their contribution to improving the surrounding public realm. Both proposed new construction and renovations to existing facilities will adhere to high standards of environmental design and improve the sustainability of the campus.

4.1 University/Goals

The vision for UDC was put forth in 2005: *“The University of the District of Columbia will be nationally recognized as an intellectual community of vibrant, dynamic, socially responsible scholars from diverse backgrounds. Faculty, staff, students and alumni will be engaged in and committed to delivering cutting edge educational programs, research, public service and innovation solutions to urban, national and global issues.”* Planning directions established herein are as valid today as they were in 2005. Of particular relevance to current planning, the 2005 plan:

- a. Affirms the “urban land-grant” teaching, research and public service mission of the University;
- b. States that the residents of the District of Columbia have the right to expect their public land-grant university to be committed to identifying and solving urban problems and to improving the quality of urban life;
- c. Establishes goals and objectives including:
 - Student access
 - Student choice
 - Student achievement
 - Innovation
 - Institutional quality
 - Institutional growth and development
 - Advancement of knowledge

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4.2 Population

Under the 2011 Campus Plan, the University will continue to develop and grow its undergraduate, graduate, and professional programs on the Van Ness campus as a part of its transition to a flagship campus with a selective admissions process and provide District residents with an affordable, quality education here in the District of Columbia.

As a bachelor's degree increasingly becomes a critical baseline requirement for many jobs, the University aims to provide District residents with the opportunity to achieve this education. The University system also aims to provide graduates of the improved public school system with the educational opportunities they will need to find success. The University will supplement the strength of local students with selective regional, national, and international recruiting efforts to attract promising students.

Broadly, the University estimates that the Van Ness campus population will grow from current levels to reach a total population of approximately 10,000 students on a headcount basis in 2020. The additional students can be readily accommodated within the existing academic space on campus, which was constructed to accommodate even larger student populations and has done so in past decades.

This enrollment increase is needed to permit the University to develop its programs and attract and retain talented students and faculty. The proposed enrollment will be easily accommodated within existing campus academic and administrative infrastructure, much of which is currently underutilized. The flexibility to accommodate anticipated student demand for higher education over the life of the Plan is paramount not only to the success of the University itself, but also to the District's economic development as a whole.

4.3 Campus Development

To support the planned evolution of a selective, four-year public undergraduate program at the Main Campus, UDC will create a more vibrant on-campus experience through new construction of student life and on-campus housing facilities.

Student Center. The 2011 Plan calls for the construction of a new on-campus student center on campus. The facility is anticipated to be a hub of student activity yet also provide resources for local communities. The Student Center will contain a mix of uses including space for student government and activity offices, assembly space for university programs, and spaces for student leisure and socializing. It will also include food service operations intended to cater to the planned mix of residential and commuter, undergraduate and graduate students, as well as faculty, staff, and visitors.

The D.C. Council has already allocated funding for the construction of a new on-campus Student Center. The planned center is expected to contain approximately 80,000 square feet of floor area in order to accommodate the planned needs of the University as its

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enrollment continues to grow. The University anticipates filing an application for further processing to seek approval of this facility in the near future.

Housing. The Campus Plan calls for the construction of approximately 600 beds on campus so that the University may compete for students that expect a residential undergraduate program experience. Preliminary analyses suggest that the proposed housing could be constructed in a pair of buildings containing a total of approximately 280,000 square feet of floor area. The proposed housing facilities may also contain space for other student amenities.

Athletic Facilities. The Plan anticipates modest change to the existing range of athletic facilities on campus. The University has completed renovations to the tennis courts and is in the process of renovating the natatorium.

Academic and Administrative Facilities. Over the next decade, the Van Ness campus for UDC will function as the principal location for core academic and administrative functions associated with the University's undergraduate and graduate programs. Additional program space will be made available through the ongoing transition of programs to off-site locations. As a result, the University does not project a need for additional facilities devoted to academic/administrative use over the life of the Plan, though existing facilities may be renovated to support contemporary instructional requirements.

The University plans to integrate sustainable design practices into new construction and also undertake substantial improvements to improve the operation of its existing facilities. The University currently is reconstructing Dennard Plaza in order to reduce storm water runoff from the campus, and anticipates installing green roofs on several campus buildings during the life of the Plan.

Future construction will seek to soften the predominant use of concrete with the addition of lighter materials like glass and steel to achieve a visual balance in solid, void and transparency as an architectural palette.

Summary. In total, the proposed construction will include approximately 360,000 square feet of gross floor area, and increase the campus FAR to approximately 1.67. The proposed construction will increase the lot occupancy to approximately 35%.

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4.4 Site Evaluation and Selection

Exhibit 4.4.1a Existing Campus Land Use Zones

Exhibit 4.4.1b Proposed Campus Development Plan

Identifying Potential Sites

As a part of the multiple planning efforts that led to the development of the 2011 Campus Plan, existing patterns of use were analyzed to identify the generalized zones of use on the Van Ness Campus.

From this analysis, three sites for potential new construction were identified:

- **Site 1.** The first site is at the intersection of Connecticut Avenue and Van Ness Streets, NW. This site contains a developable area of up to 43,400 square feet of land area. The site is a prominent location at an important public intersection at the “gateway” to the campus, and it also immediately adjacent to the Van Ness Metrorail station. The site is currently developed as a hardscaped plaza, and is immediately adjacent to University buildings that contain a mix of academic and administrative uses. At around one acre, it is the smallest of the three sites.
- **Site 2.** The second site is in the southwest corner of the campus. This site contains a developable area of approximately 211,000 square feet of land area. At nearly five acres, it is the largest of the three sites. It is currently improved with athletic fields. The site is located far away from surrounding commercial and residential uses, near the institutional “heart” of the neighborhood. While it is somewhat removed from the academic heart of the campus, the library, performing arts buildings, and athletic facilities are nearby.
- **Site 3.** The third site is on the northern end of campus, near the point at which Windom Place enters the campus. This site contains a developable area of up to 122,000 square feet or just under three acres of land area. The site located north of the performing arts buildings and west of the athletic center. It is currently improved with an amphitheater, tennis courts, and a mix of paved and landscaped areas. The location offers some direct public access and visibility through Windom Place, but is nevertheless removed from Connecticut Avenue. It is also the closest of the three sites to the low-density residential neighborhood to the north.

Site Evaluation

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As discussed above, the 2011 Campus Plan calls for two new buildings to meet University needs – a new student center and new housing facilities. Alternative campus organizational concepts were evaluated based on the placement of planned facilities in each site. Site evaluations examined the potential for the size and applicable development restrictions on height, bulk, and setbacks to accommodate the program needs for each use. These evaluations also considered the potential for each location to integrate the planned facilities into the existing campus in an organized manner that enhances campus life, character, operations, and community engagement. Finally, the site evaluations carefully considered the impact of the planned facilities on surrounding uses at each location.

Student Center

All three sites were considered for the placement of the Student Center. Specific site selection priorities for the Student Center included the ability to accommodate an iconic structure representative of the new direction for the university, the potential for the site to strengthen physical and social connections between the University and the surrounding community, the ability of the building to activate and reinforce the Connecticut Avenue commercial district and the cost implications of each site alternative. These priorities were informed by University discussions as well as by comments from OP, DDOT, and the community.

- **Site 1.** Here, the Student Center would be located at the corner of Connecticut Avenue and Van Ness Street. This site offers the advantage of high visibility and connectivity to existing campus academic buildings, service and infrastructure. In addition, this location offers the added benefit of re-defining the identity of the campus as it related to the commercial district, and creating a stronger entry condition to the campus through the building.
- **Site 2.** This would place the student center at the southwest corner of the campus, adjacent to the library. This location lacks the visual presence of either of the other alternatives, and does not contribute to the success of the commercial district. In addition, this location forces the University to locate housing on smaller locations closer to the surrounding residential and commercial zone districts.
- **Site 3** proposes to locate the student center in the location of the existing tennis courts. Utilizing the existing access from Windom Street, this location would allow a second entrance to the campus to be developed, and would also allow a programmatic connection to the University Auditorium. However, the visual presence of the Student Center would be compromised by the service areas along

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Windom Place associated with the adjacent commercial buildings along Connecticut Avenue.

Of the three alternatives, the University expressed a strong preference for Site 1 for the reasons set forth above. OP representatives and community members participating in the development of the Campus Plan also expressed support for this location because of its potential to replace the existing hardscaped plaza with a more active, street-oriented structure.

Housing

Again, all three sites were considered for the new on-campus residence halls. Site priorities included the ability of the location, based on land area and applicable height and setback requirements, to accommodate the planned number of new beds as well as and potentially accommodate additional future beds. Proximity to University and non-university uses was also key considerations. The evaluation also considered how the site would connect to Dennard Plaza and other campus buildings.

- **Site 1.** The location at the intersection of Connecticut and Van Ness is too small to accommodate a building that would contain 600 beds and was not considered for housing.
- **Site 2.** Here, the student housing was placed at the southwest corner of the campus. This location is farthest away from the surrounding residential neighborhoods and features low levels of traffic and as a transition to the embassy neighborhood. It is the largest of the three sites, and its location adjacent to the athletic fields would permit future housing expansion to the north (and into the center of campus), if needed in the future.
- **Site 3.** Here, student housing would be sited over the existing amphitheater and tennis courts at the campus' Windom Place entrance. The site would not permit additional expansion in the future, and is located closest to the nearby residential neighborhood. The topography and existing improvements would also need to be addressed in order to develop the site.

Of the three alternatives, the University expressed a strong preference for Site 2 as the future location for student housing. The large site is an optimal location, and gives the University an opportunity to create a new residential zone along the west edge of the campus. The residence halls would be immediately adjacent to the campus' academic core, yet be located away from the residential neighborhood to the north.

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Conclusion

Based on the foregoing reasons, the University developed its proposed campus plan. This plan locates the Student Center—the use most likely to create pedestrian activity and feature ground-level uses that will enliven Connecticut Avenue—at this prominent gateway location. It also locates the housing on a sizeable parcel that is well-sited away from the most sensitive nearby use—the residential community, and places it in a location that would be able to accommodate future growth. And it leaves the remaining site at Windom Place, which is a strategic location offering potential as an important access point into the campus, open for potential future expansion.

4.5 Off-Campus Housing

As a part of the University's efforts to attract and retain talented undergraduate students, the University leases a small number of units in nearby apartment buildings to provide housing near campus for its evolving undergraduate programs. This program started in fall 2010, and the University expects to continue to utilize available off-campus resources for additional student housing over the life of the Plan.

While the occupancy of these units by students is permitted under the Regulations, UDC proactively manages the behavior of students living in these residential facilities in order to ensure that these students will live harmoniously with nearby residents.

- First, the University has placed resident advisors in the apartment building who live in the building and provide a direct liaison between students and neighbors, as well as support the University's educational mission and, when necessary, enforce its code of conduct.
- Second, the University has also worked closely with building management to establish a strong communication pattern for monitoring and responding to UDC student-related complaints. The building management refers complaints to UDC's Office of Residential Life, which documents and follows up on each complaint. The handful of complaints received over the course of the fall 2010 semester typically consisted of noise issues that are common in any apartment complex with wood floors, and the University has worked with its students to ameliorate the situation and ensure a more harmonious living environment for all residents.
- Third, the University has established a Code of Student Conduct and, when necessary, is able to pursue disciplinary action for students found to have violated its provisions.

UDC takes its responsibility to the neighborhood very seriously, and makes sure that student occupants of the apartments are good neighbors and follow all applicable rules.

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SECTION 5: TRANSPORTATION ELEMENT

5.1 Overview

UDC's transportation goals align closely with DDOT's goals, as articulated in its 2010 Action Agenda, as well as the overall goals of the 2011 Campus Plan. They are as follows:

- Enhance Pedestrian Safety
- Promote District Transit Use
- Reduce Automobile Dependency
- Reinforce Sustainability

As set forth below, this Campus Plan seeks to accommodate increased population on 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.

5.2 Impact Evaluation

The campus plan does not include significant changes to traffic or parking demand on or off campus. Traffic models of future conditions with and without the Campus Plan would be extremely similar. Thus, from a traditional impact analysis standpoint, impacts from the Campus Plan will be minimal.

The Campus Plan and related transportation analysis anticipates that increases in growth will be accommodated by alternative modes of transportation. It is expected that student, faculty and staff use of Metrorail, Metrobus, Capital Bikeshare, and walking and bicycling in general will all increase over the life of the Campus Plan.

These following recommendations are included in the Campus Plan:

Endorse the implementation of the recommendations contained within District and local area planning studies

UDC desires to be surrounded by high-quality multi-modal transportation network. Both District and local planning studies include goals and recommendations to increase the safety and quality of alternative modes of travel on roadways connecting the campus to the District. Many of the recommendations contained in these initiatives will help increase the multi-model qualities of the transportation network.

Note: UDC does not support, however, the recommendations proposed by the CAPA study for Connecticut Avenue and Veazey Terrace. The proposed changes would inhibit

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the ability of University-related loading activity, as well as Metrobuses and other vehicles, to continue to use Veazey Terrace as a service/loading access point. UDC will work with the CAPA team, DDOT, and other stakeholders to develop an alternative design that is acceptable.

When able, UDC will encourage the implementation of these initiatives. Although it does not have the purview or resources to implement the recommendations directly, it will cooperate with District agencies as well as local groups to endorse these initiatives and assist where possible in their implementation.

Develop and implement a thorough set of Transportation Demand Management (TDM) programs and policies

The goal of TDM program and policies are not only to reduce the vehicular demand to a campus, but to organize, market, and monitor the different TDM strategies employed to ensure efficiency in their implementation. Currently, UDC does not implement any official TDM program.

The Campus Plan includes the following TDM recommendations:

1. Establish a single point of contact for managing and monitoring TDM programs and policies;
2. Assemble yearly monitoring reports, which collect performance data on the TDM strategies and make recommendations for additions and deletions from the plan based on the relative success of the performance measures;
3. Promote TDM measures through improved marketing activities; and
4. Incorporate new TDM measures to encourage use of non-automobile based services.

Specific new TDM measures for consideration include:

- **Parking Pricing:** Evaluate parking policies to significantly deter driving alone to campus, while not hurting the campus in the marketplace for faculty and staff, or generating a higher amount of off-campus on-street parking. The University should consider incorporating parking policies that allow for dynamic pricing of parking, so that if one semester the parking garage is over 90% full, the rates can be raised, but when the garage is less than 75% full, the rates are lowered.
- **Carpooling:** Investigate implementing a carpooling program for employees that provides a discount on parking for those participating in the carpool. A ride matching and sharing service could be used to allow for students, faculty and staff to offer and accept rides. Employees could also use an online service (such as Zimride) to find potential carpool partners. UDC could explore several measures to encourage participation in its carpool program, including (1) providing preferred parking for participants; (2) widening the pricing discount to carpoolers;

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and (3) the implementation of a Guaranteed Ride Home (GRH) program. UDC should also require all carpoolers to register with Commuter Connections to take advantage of their GRH program.

- **Carsharing:** UDC should maintain Zipcar availability and investigate placing reserved Zipcar spots in the Underground Parking Garage. The University should, in general, provide Zipcar with as many spaces as they request are needed on campus. The use of Zipcar should be monitored by the TDM coordinator, and if usage is high enough, the University should encourage more Zipcars be located on or near campus. Zipcar should be aggressively marketed to students as an alternative to private automobile ownership.
- **Transit Benefits:** UDC should investigate offering enrolment in the SmartBenefits program, which allows for up to \$230 a month of pre-tax salary to be used for transit fares, to University employees.
- **Bicycling:** UDC could provide information about bicycle riding in the District, bike routes between campus and major destinations, and locations on campus for bike parking and storage. Quality bike parking should be incorporated into new buildings, notably the student center (both on street along Connecticut Avenue and within the center), and at all new residence halls. UDC should investigate the addition of bicycle commuter benefits. UDC should market and encourage use of the existing Capital Bikeshare location on campus. UDC could reserve space for an additional future location, possibly along Van Ness Street south of the campus.

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SECTION 6: SUSTAINABILITY ELEMENT

6.1 Overview

The President, Dr. Allen L. Sessoms envisions the campus' role as follows:

“UDC will serve as a sustainability leader among institutions of higher education and as a national model for urban sustainability in both campus operations and educational offerings.”

6.2 University Goals

In October 2010, UDC assembled a Sustainability Task Force charged with developing a long-term vision for university sustainability. The Task Force includes faculty, staff, students, and other key UDC stakeholders. The Task Force is in the final stages of completing a framework for tangible action over the next several years. The final report is scheduled to be completed during the spring of 2011.

The Sustainability Initiative will expand and enhance academic offerings to prepare our students for some of our world's greatest challenges: climate change, biodiversity loss, global urbanization, natural resource scarcity, and energy demand. UDC is dedicated to greening its physical campus, establishing more green and sustainable business practices and operations to reduce our impact on the environment while providing opportunities for students to live and learn in a sustainable manner. UDC will expand its partnerships with local and regional organizations leveraging shared interests and fully utilizing our location in the nation's capital.

6.3 Facilities and Operations

Dennard Plaza Renovation. In addition to providing spaces for social interaction and community building, the plaza renovation will provide much needed vegetated space, using native and adapted plants to enhance our campus ecosystem. The renovation, aided through a partnership with the District Department of the Environment, will increase storm water retention capacity and will reduce the heat island effect generated by our campus. The Dennard Plaza Renovation will serve as a model for low-impact development and urban storm water management in the Washington, D.C. region.

Green Roof Project. UDC has committed to installing green roofs on several campus buildings. In the next several years, the university will add nearly 125,000 square feet of vegetated space on building rooftops on our Van Ness campus.

6.4 Academics & Research

The University has developed programs, such as its College of Agriculture, Urban Sustainability, and Environmental Science (CAUSES), which will prepare students to address complex issues in resource management, food systems, and ecosystem health in an urbanizing world. CAUSES which is the first of its kind in the District, will welcome

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students for the first time this fall in classes such as Environmental Statistics and Sustainable Design.

The University also houses significant environmental and sustainability research centers. For example, the Water Resources Research Institute has, since 1973 provided research and training to its students and the broader community. WRRI at UDC is the only urban-based water research center in the nation, and its focus on water quality testing and storm water control has positioned the Institute to expand its leadership in the sustainable water resource management field.

6.5 Energy, Water & Climate Strategies

The Sustainability Task Force is developing recommendations for energy efficiency, and renewable energy, water and greenhouse gas management; and facilities operations which the University will evaluate and implement.

6.6 Campus Facilities Strategies

The Sustainability Task Force is developing recommendations along these lines which the University will evaluate and implement.

Campus Buildings. As the University constructs new or renovates existing facilities, it is cognizant of the impact such construction has on the environment and commits to minimizing such impact.

District Green Building Regulations. The University will comply with District requirements to meet the US Green Building Council's LEED Silver standard for new construction.

Open Space Policy. The University recognizes the importance of maintaining open space as both a campus and community asset. It looks to minimize disturbance to existing trees and open space.

Tree Canopy Preservation. The Plan will recommend the University adopt the District's goal of a 5% increase in the canopy from 35% to 40% coverage by 2020.

Smart Landscape. The Plan will recommend the University design landscaped areas to minimize the need for irrigation, or utilize non-potable water for irrigation.

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SECTION 7: COMMUNITY RELATIONS ELEMENT

7.1 Overview

This section elaborates on the University's interaction with the neighboring community and residents of the District at large. Discussed below are the various programs and partnerships UDC initiates and maintains, media and tools of communication they use to interact, and cultural events and opportunities they offer to the public.

7.2 Communications

University Community Task Force. UDC will evaluate the creation of a task force comprised of University representatives, neighborhood representatives, local businesses, and other non-university community stakeholders to address a range of physical planning issues relating to university growth and operation.

UDC will also evaluate the creation of a community organization *Friends of UDC* consisting of students, UDC staff, faculty, residential neighbors and commercial stakeholders in the vicinity to enhance communication about campus related issues. This would facilitate a coordinated effort in upgrading community resources and physical conditions on campus and its immediate surroundings.

Intra-University Dialogue/Coordination. UDC is an active member of the Consortium of Universities of the Metropolitan Washington Area. The Consortium serves as the coordinating entity for academic and administrative committees from the university presidents who serve as the Consortium's board of trustees to chief academic officers, registrars, and a host of administrative committees. Through this collaboration, programs such as cross-registration, the Campus Public Safety Institute and the Washington Research Library Consortium, now a separate nonprofit organization, have been possible.

Communication Tools. UDC will continue to use electronic forms of communication as well as evaluate the installation of an event board or electronic marquee to announce public events on the campus and serve as an element of campus identity and a mode of communication to the UDC population and neighboring community. The ideal location will be coordinated with the development of the proposed Student Center. Its placement should be coordinated with an overall campus way-finding program

7.3 Educational Partnerships

Consistent with the University's mission, UDC will evaluate opportunities to provide service learning programs affiliated with the curriculum of its colleges. The Continuing Education (CE) program at CCDC provides residents of the surrounding communities with opportunities for personal, professional and civic growth. Their courses are designed to provide skills training necessary for current and emerging job markets as well as for

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exploring personal interests. Classes are open to all without regard to educational background. UDC will continue to offer these programs at CCDC, which as mentioned elsewhere in this Plan, has migrated from the Van Ness Campus to the Bertie Backus School. CCDC offers online courses through different services tailored to meet specific needs of the community. UDC will continue to offer these programs through CCDC. Summaries of each program of study are listed below with links to the specific classes that make up each program of study.

As a collaborative effort of the CCDC and Workforce Development & Lifelong Learning (WDLL).Ed Café is an online platform for people interested in almost any kind of learning and self-enrichment to find opportunities for growth. It is a virtual and real “third place” where myriad institutions and organizations link to providing the most exciting and cutting-edge lectures, workshops and seminars in the nation’s capital. The organizations they link to and partner with are some of the leading think tanks, research organizations and institutions seeking to provide the information and capacities for transformational learning.

7.4 Opportunities and Programs for University Neighbors

University Programs. UDC will continue to offer programs through its Cooperative Extension Service (CES) – CES is an informal educational service, which extends beneficial research-based information to the community through outreach efforts, including providing free and fee based public programs (seminars, courses, demonstrations and one-on-one technical assistance) and publications (brochures, factsheets, newsletters, pamphlets). CES includes four program units that address key issues found in the urban environment:

- Family and Consumer Sciences & the Center for Nutrition Diet and Health (CNDH)
- Environment and Natural Resources & the Institute for Applied Urban Agriculture
- 4-H and the Center for Youth Development
- Community Resources and Economic Development and the Center for Cooperatives

UDC Cable TV. UDC will continue to operate UDCTV, a 24-hour educational cable program service is operated by the University of the District of Columbia. UDCTV is the District government's non-commercial, adult education program service. The mission of UDCTV is the innovative use of cable television technology and programming, to support the University in carrying out its land-grant function of teaching, research and public service.

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Athletics & Recreation. UDC maintains a number of sports and recreation facilities which are currently utilized or envisioned to be utilized as resources for community use through memberships. These include a natatorium, athletic fields, and tennis courts.

Farmers Market. UDC coordinates farmers markets to provide fresh, healthy, local food options to residents of the District of Columbia. The Van Ness Farmers Market features vegetables, berries, melons, bread, pickled items, flowers, prepared foods, and live music. The market is held each Saturday in the summer months through late fall on the Connecticut Avenue plaza. Additionally, the Farmers Market features food demonstrations, one-on-one consultation and free helpful publications to assist residents with such issues as nutrition, diet and health, youth development, parenting, gardening and financial planning.

Campus Services. Where possible, Campus Support facilities including dining and bookstore should be made accessible to legitimate public use.

Campus Dining. UDC's new dining services provider at the Firebird Inn, Fresh Start, is a social enterprise of the locally-based DC Central Kitchen. Whenever possible, Fresh Start uses local, seasonal and sustainable foods to support farms and families in the Metropolitan Washington region. Fresh Start employs graduates of DC Central Kitchen's Culinary Job Training program, supporting economic development in the District of Columbia. An additional cafeteria is envisioned to be incorporated in the Student Center. In addition to serving the student population on campus, the two cafeterias are open to the public and serve as community resources.

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SECTION 8: CAMPUS CHARACTER ELEMENT

This section addresses how the Van Ness UDC campus seeks to express its mission through its physical appearance, and establishes a positive physical presence in the surrounding community. The University aspires to strengthen its identity and visual appeal; and improve its urban design characteristics in future campus development projects through buildings, streetscape and open spaces.

8.1 University Goals

Express the Flagship Identity of the Van Ness Campus. The UDC Van Ness Campus is the primary site of a growing university and should be recognized as a significant resource to the community. Moreover, with its history as the only urban land-grant public institution of higher education in the nation, as well as one of the Historically Black Colleges and Universities (HBCU), the University will strive to express the importance as a flagship entity through campus improvement measures.

Improve the Overall Appearance and Character of Campus. UDC seeks to improve the physical expression of its campus over time. By improving the appearance of its buildings, enhancing the streetscape and establishing a cohesive landscaped open space system on campus and its edges.

Connect Community & Campus Population. With the aim of activating the campus and commercial district in a cohesive manner, UDC will explore ways in which physical improvements to the campus can facilitate physical integration of campus and community.

Utilize the Campus to Activate Connecticut Avenue. The UDC Campus resources, activities and its growing student population offer a unique opportunity to enliven Connecticut Avenue in the Van Ness area. With improvements to the streetscape and addition of more community oriented retail, the neighborhood can become a safe and thriving mixed-use commercial district to benefit the community.

8.2 Campus Identity

8.2.1 Physical Identity Elements

Exhibit 8.2.1b Campus Perimeter Improvements Diagram

Campus Buildings. The Campus's identity is defined by the style of its buildings. The concrete and tinted glass of the style vernacularly described as "Brutalist" presents a stolid and monolithic appearance. UDC's aspiration to grow its student population and improve the physical characteristics of the Van Ness Campus environment provides an important opportunity to improve the physical expression of the buildings as well.

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Campus Signage. The UDC Campus needs an effective signage system to improve way-finding on campus and at its edges. The Plan recommends establishing a unified system for the campus and the commercial district to establish a neighborhood identity for the campus and Connecticut Avenue, and serve as an important community resource in boosting safety and a sense of pride in the neighborhood.

Campus Spaces. The open space network on campus and its edges is an important element in establishing campus identity and enhancing the student experience. The University campus contains a variety of public open spaces which offer unique settings for educational and cultural experiences, including the grove of mature trees surrounding the amphitheater, Dennard Plaza, sports and recreation facilities and a variety of planters and planting spaces distributed throughout the plaza. The Plan recommends that as the University renovates buildings and public spaces and adds new campus facilities that it undertakes a program to comprehensively evaluate, replace and repair existing hardscaped and landscaped areas.

With UDC's sustainability vision and initiative of forming a Sustainability Task Force, it has also kicked off green projects on campus. Amongst committing to add nearly 125,000 square feet of vegetated space on building rooftops on various campus buildings, it has also kicked off the Dennard Plaza Renovation which will serve as a model for low-impact development and urban storm water management in the Washington, D.C. region.

Similar projects and measures to incorporate green and sustainable design elements, such as low-impact development are highly encouraged where practical. These not only help improving the physical characteristics of the campus, but help conserve natural resources and can serve as a community and regional resource.

As a part of the sustainability initiative of UDC, lighting design is recommended to incorporate solar powered lighting or an appropriate technology. UDC will consider a Lighting Plan for outdoor lighting on campus and its peripheries in context with adjoining activities and uses, and to provide a safe pedestrian environment to the community.

Campus Perimeter. Along each face of its perimeter, UDCs is surrounded by a variety of uses including diplomatic, institutional, commercial, and residential. Each condition suggests a unique response to meeting aesthetic, access, and security requirements. The Plan recommends a thorough review of perimeter conditions and the development of landscape, hardscape, and security and access specific to each condition.

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8.2.2 Connection with Connecticut Avenue

Exhibit 8.2.2 Campus Commercial District Diagram

UDC's Van Ness Campus lays in the heart of an established commercial district in Van Ness, located along one of the city's major thoroughfares; Connecticut Avenue. While the commercial district is mixed-use in nature with stable residential communities, office establishments and a growing retail component, the campus feels physically disconnected from the corridor and opportunities to synergize the relationship between the campus and immediately adjacent commercial district have not been capitalized upon. As UDC is a prime stakeholder in the district, the Plan advocates engaging the Commercial District to achieve its maximum potential.

To activate the campus frontage along Connecticut Avenue, the Plan recommends introducing as much ground floor retail as possible oriented towards offering a range of goods and services to meet the needs of students and local residents. Within the aforesaid context, elements of the proposed Student Center such as the Bookstore, Dining venues, and the primary entrance to the facility should be located at street level with active storefronts and entrances to augment the existing commercial dining and retail establishments as opportunities to enliven this city's major thoroughfare.

UDC should explore for partnerships with DC's Economic Development agencies and work to establish district management that considers cross marketing and promotions for the District.

To enhance pedestrian-life on Connecticut Avenue and the Van Ness neighborhood, the Plan recommends adding streetscape elements to soften the continuous expanse of paving. A unified landscape of street trees and planting beds, attractive hardscape, street furniture, cohesive district lighting solutions, wayfinding signage system, sheltered bus stops, public art and other appropriate features to support pedestrian activities is highly recommended.

8.3 Cultural & Academic Identity Strategies

Historically Black Colleges and Universities. As an HBCU, UDC benefits from Title III, a grant awarded by the U.S. Department of Education to developing institutions (with particular emphasis on Historically Black Colleges and Universities) to assist in the realization of each institution's strategic plan. The 2007-2012 Title III Award to UDC totals upward of \$12 million. These funds will be used to support approved projects across the campus. Title III grants are vital to the development and success of institutions around the nation, and UDC is fortunate to have these resources in order to rebuild, reclaim, and renew the proud legacy of this institution. As UDC prepares to grow its enrollment and curriculum, this Plan recommends that UDC explore ways to reinforce its

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HBCU identity as a physical expression on campus. Opportunities for this exist within the new Student Center as well as distributed across the campus.

Curriculum. As the UDC campus aspires to grow its enrollment, it is actively improvising and offering more courses through degree and non-degree programs. The Plan recommends the University continue to broaden awareness of the unique academic offerings available to District residents.

Athletics. The University of the District of Columbia Athletics Department, is committed to high standards of achievement in both the educational and athletic experiences. The Department offers intercollegiate, intramural and recreational programs that encourage the fullest participation of students whose physical, emotional and social welfare is primary in the educational experience of the University. The plan recommends the University utilize its athletic programs to broaden awareness of the unique academic offerings available to District residents.

8.4 Architectural Expression Strategies

As UDC's Van Ness Campus continues to grow, opportunities exist to develop a more positive architectural expression utilizing contemporary design vocabulary, construction technologies, and material expressions.

Building Appearance. Conceived as a cohesive assembly of buildings unified by floor levels, access ways, materials, and heights, the existing architectural style does provide a comprehensive stylistic framework. The plan recommends that as university buildings undergo periodic maintenance and renovations in the future, the designs incorporate a palette of contemporary building materials like glass and metal that compliment and freshen the underlying building vocabulary. While the buildings maintain a neutral concrete framework, color should be considered an integral part of the design. For any new building construction, it is recommended that the designs reference the campus palette with a mix of concrete, glass and metal to achieve a visually pleasing impact on the viewers.

Service Areas. Currently, the campus service areas are very visible and appear as campus entrances along Connecticut Avenue. The plan recommends more effective identification, enhanced screening and potential reconfiguration of service areas facing Connecticut Avenue service routes.

Urban Design – Connecticut Avenue. The Van Ness area on Connecticut Avenue serves as an important shopping district, however suffers from a harsh street environment and excessive amount of hardscape. UDC will consider ways to enhance the street character along Connecticut Avenue in a unified manner with future campus improvements. For new construction along Connecticut Avenue, the Plan recommends an Urban Design response to basic organizational considerations such as the scale of the

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building, overall building height, and articulated massing, and programming for street level floors to support commercial functions. The street levels of the building should pay close attention to the proportion of glazing to solid materials, minimizing unarticulated facades and the use of materials appropriate for quality commercial districts. The appropriate use of signage and retail graphics, building illumination of interior space as well as entrance ways and building features. As new construction is implemented, streetscape elements appropriate to the commercial district should be incorporated into projects. This includes paving, planting, street furniture, lighting. Special care should be taken to incorporate public transit, pedestrian, and bicycle requirements into the design solution.

Campus Signage and Wayfinding. The Plan recommends the design and implementation of a signage plan with effective graphic quality to improve way-finding on the campus and its peripheries. Besides making it easy for members of the community to find their way around the campus, this is also encouraged to impart a strong identity to the campus as a flagship entity, and the adjoining commercial district.

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SECTION 9: COMPLIANCE WITH SECTION 210 OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS

As set forth below, the 2011 Van Ness Campus Plan specifically complies in the following respects with Section 210 of the District of Columbia Zoning Regulations:

9.1 The use is a college or university that is an academic institution of higher learning (Subsection 210.1)

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.

9.2 The use is located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions (Subsection 210.2)

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 and, in any event, these buildings are 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 – directly from Connecticut Avenue and, again, away from surrounding residential uses.

Under the proposed 2011 Plan, the University has located both its proposed Student Center and future housing on the southern portion of the campus, away from the residential neighborhood as well. The selected location of the Student Center at Van Ness and Connecticut will permit that facility to also bring any service activity in directly from Connecticut Avenue.

As discussed above, 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.

Traffic and Parking

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Traffic consultants from Gorove/Slade Associates have been engaged to provide a detailed traffic and parking study evaluating the impacts of the campus, including the proposed development Plan. This report will be provided prior to the hearing. Generally speaking, for the reasons discussed herein, the campus is not likely to become objectionable due to traffic impacts. The campus is located immediately adjacent to the Van Ness Metrorail station, which provides a convenient and reliable alternative transportation mode for students, faculty, and staff alike. In addition, the location along Connecticut Avenue offers additional mode choice options, ranging from Metrobus service to walking and bicycling. Finally, the entrance to the parking facility is located on the institutional side of campus off of Van Ness Street, which is directly accessed from Connecticut Avenue and avoids the need for cars to enter the surrounding residential neighborhood.

No additional parking is proposed as a part of the Campus Plan, which will avoid potential future impacts due to increases in the number of vehicular trips to and from the campus. In addition, the provision of on- and off-campus beds will bring students closer to the campus and eliminate the need to commute to class or activities.

Number of Students

The 2011 Plan anticipates an increase in student population that will still remain well below the original planned capacity of the campus. Given the availability of public transportation to the site, the number of students is not likely to become objectionable.

Other Objectionable Conditions

The campus is not likely to become objectionable for any other reason. Indeed, the 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.

9.3 Compliance with the Maximum Bulk Requirements (Subsection 210.3)

The campus is located in the R-1-B Zone District. As required under Section 210.3 of the Regulations, all development proposed under the 2011 Plan, when added to all existing buildings and structures to remain on campus, does not exceed the FAR prescribed for the R-5-B Zone District. The maximum proposed development described in this plan results in a FAR of 1.67, which is less than the 1.8 FAR permitted under the Zoning Regulations.

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9.4 Submission of a Plan for Developing the Campus as a Whole (Subsection 210.4)

The University has submitted a plan for developing the campus as a whole, as required under Section 210.4. Specifically, this plan provides the location, height, and bulk, where appropriate, of all present and proposed improvements, including but not limited to the following: (a) buildings and parking and loading facilities; (b) screening, signs, streets, and public utility facilities; (c) athletic and other recreational facilities; and (d) a description of all activities conducted or to be conducted on the campus, and of the capacity of all present and proposed campus development.

9.5 No Interim Use of Land is Proposed (Subsection 210.5)

The University is not seeking any interim use of residentially-zoned land.

9.6 No New Use Sought for Approved Site of Buildings Moved Off-Campus (Subsection 210.6)

The University does not seek approval for any new use of a previously-approved building site to be moved off campus.

9.7 Compliance with the Policies of the District Elements of the Comprehensive Plan. (Subsection 210.7)

The existing and proposed uses detailed herein are not inconsistent with the Future Land Use Map and Generalized Policy Map designations of the Main 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. See 10 DCMR § 223.22.

The Plan furthers multiple relevant policies of the District Elements of the Comprehensive Plan. The following Comprehensive Plan Policies are acknowledged as common goals in each element of the Plan.

Element 4. Campus Development

- i Policy EDU 3.1.1 – Sustaining and Advancing UDC
- ii Policy EDU 3.1.2 – Strengthen Training and Career Programs
- iii Policy EDU 3.2.1 – University Partnerships
- iv Policy EDU 3.2.2 – Corporate Citizenship
- v Policy EDU 3.3.4 – Student Housing
- vi Policy RCW 1.1.3 – Conserving Neighborhood Commercial Centers
- vii Policy RCW 1.1.5 – Preference for Local-Serving Retail
- viii Policy RCW 1.1.6 – Metro Station Areas

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ix Policy RCW-2.1 Connecticut Avenue Corridor

Element 6 Sustainability

- i E-1.1 Conserving and Expanding Our Urban Forest
- ii E-2.1 Water Conservation & E-2.2 Energy Conservation
- iii E-3.2 Promoting Green Building

Element 7 Community Relations

- i EDU 3.3.A University-Community Task Force

Element 8 Campus Character

- i. UD 1.4.1- Avenues / Boulevards & Urban Form
- ii. UD 2.1.4 - Architectural Excellence
- iii. UD 2.2 - Designing for Successful Neighborhoods
- iv. UD 3.0 - Improving the Public Realm
- v. RCW 1.1.3 – Conserving Neighborhood Commercial Centers
- vi. RCW 1.1.5 – Preference for Local-Serving Retail
- vii. RCW 1.1.6 – Metro Station Areas
- viii. RCW 2.1 – Connecticut Avenue Corridor

1. Section EDU-3.1 UDC University of the District of Columbia has two policies and one action; Policy EDU-3.1.1: Sustaining and Advancing UDC, Policy EDU-3.1.2 Strengthen Training and Career Programs, and Action EDU3.1.A Develop a Satellite UDC Campus east of the Anacostia River.

This plan is a key instrument developed by the University to establish strategic direction for programs, to guide its growth, and demonstrate good fiscal management of its physical facilities. The University, by creating the Community College of the District of Columbia has clearly demonstrated its dedication to strengthening the community college function traditionally provided by the University. By this organizational expansion, the University will focus on the baccalaureate and advanced degrees while the CCDC will continue an emphasis on practical career skills and preparation for and enhancement of current and future workplace employment. Through cooperation with the District Council, CCDC has been given use of the former Patricia Roberts Harris Education Center in Ward 8 where it plans to expand its training programs

2. Section EDU-3.2 Educational Partnerships contains two policies; Policy EDU-3.2.1 encourages universities to partner with K-12 schools, and Policy EDU-3.2.2 seeks commitment to high quality architecture and design, incorporation of “green” building practices, low impact development, historic preservation and adaptive reuse.

UDC is an active partner with several K-12 schools and has historically been the extension of the educational opportunities provided to District of Columbia students. UDC has for the academic 2010-2011 year provided space for Wilson Senior High

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School in Building 52, while renovations are being made to Wilson's historic Tenleytown campus. CCDC is partnering with Yu Ying Charter School on the former Bertie Backus Middle School site, providing space in the building for the growing elementary school program.

3. EDU-3.3 Colleges, Universities and Neighborhoods contains five applicable policies; Policy -3.3.1 promotes the development of satellite campuses to accommodate growth and relieve pressure on residential neighborhoods, Policy -3.3.2 encourages college and universities to grow and develop in a manner consistent with community improvement and neighborhood conservation objectives, Policy-3.3.3 requires the campus plans for institutions in residential districts to address community issues and include provisions to avoid objectionable impacts, Policy EDU-3.3.4 encourages provision of on-campus housing, and Policy EDU3-3.3.5 supports efforts by colleges and universities to mitigate their traffic and parking impacts.

UDC and CCDC are both aggressively pursuing a strategy of development that embraces satellite campus locations, not only to minimize the pressure on campus locations in residential districts, but to take their educational programs to the most appropriate locations in the city. Consistent with neighborhood conservation strategies, the University and CCDC are providing stability and positive impacts as the satellite programs instill new life into surplus property and old school buildings. The University and community college have an active outreach program to ensure that neighborhood interests are heard and dialog is provided to protect the character and quality of life in those neighborhoods. This submission is evidence that the University is complying with the requirement for developing a campus plan. Consistent with the student housing policy, the University plans to add student housing to the Van Ness Campus to reduce impacts on housing stock in the neighboring residential areas. It is the University's policy that as an urban institution, it will rely on transit, bicycles and pedestrian connections to the city rather than automobiles. No additional parking is planned in connection with the new building program.

4. The Rock Creek West Planning Area Element, section RCW-2.1 has two relevant policies; Policy RCW-2.1.3 which encourages improvements to the hardscape portion of the UDC campus, and RCE-2.1.4 supporting greater coordination and communication between UDC officials and the surrounding community.

The University is embarked on a major renovation of the central plaza known as Dennard Plaza. This project embraces a variety of "green" practices that will be a major improvement to the campus with beneficial effects on the surrounding neighborhood. It will harvest rainwater, reducing storm water runoff, provide landscaped areas with trees to not only soften and reduce the excessive amount of pavement, but also reduce the "heat island" effects.

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As the University considers the construction of a new student center, its functions, and location are of great interest to surrounding community members. As an example of coordination and communication with surrounding communities, public input has in many ways shaped the program and ultimate site selection for this facility.

9.8 Proposed buildings are Within the Floor Area Limit for the Campus as a Whole (Subsection 210.8).

The maximum Floor Area Ratio permitted for the Main Campus is 1.8. The plan as submitted would not exceed a FAR of 1.67, which is within the above limitation.

9.9 Referral to the District of Columbia Office of Planning and the District of Columbia Department of Public Works. (Subsection 210.9)

The Campus Plan was discussed with OP and DDOT prior to filing and will be referred to OP and DDOT for their review and report.

ATTACHMENT C (Zoning Order)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



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

**Application of the University of the District of Columbia for Special Exception Approval of
a New Campus Plan for the Van Ness Campus and Further Processing of an Approved
Campus Plan**
June 27, 2011

This case is an application by The University of the District of Columbia (the “University” or “UDC” or “Applicant”) requesting special exception approval under the campus plan provisions of the Zoning Regulations at 11 DCMR §§ 3104.1 and 210 for a new campus plan for the University’s Van Ness campus and further processing under the approved new campus plan to allow the construction and use of a new student center. In accordance with § 210 of the Zoning Regulations, this case was heard and decided by the Zoning Commission for the District of Columbia (the “Commission”) using the rules of the Board of Zoning Adjustment at 11 DCMR §§ 3100 *et seq.* The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. For the reasons stated below, the Commission hereby approves the applications, subject to conditions.

FINDINGS OF FACT

Applications, Parties, and Hearing

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

The 2011 Plan was assigned Case No. 11-02 and the public hearing was scheduled for May 2, 2011.

4. On February 28, 2011, the University submitted an application for further processing of an approved campus plan in order to construct a new student center (the “Student Center”). The Student Center was assigned Case No. 11-02A and the public hearing was also scheduled for May 2, 2011.
5. Notice of the public hearing was published in the *D.C. Register* on February 18, 2011 (58 DCR 1467) and March 4, 2011 (58 DCR 1653) and was mailed to Advisory Neighborhood Commission (“ANC”) 3F and to owners of all property within 200 feet of Lot 803, which encompasses the campus boundaries.
6. Notice of the public hearing was also provided by posting of the Property pursuant to § 3113.14 of the Zoning Regulations. By affidavit, the University submitted evidence that its initial posting was made in excess of the minimum number of days required by the Zoning Regulations, but only advertised Case No. 11-02. By further affidavit, the University submitted evidence that the posting was updated to include Case No. 11-02A two days after the posting deadline. As a preliminary matter, the Commission concluded that such notice was adequate given the alternate forms of notice provided and the substantial evidence that actual notice had been provided to nearby property owners and neighbors in advance of the public hearing.
7. The public hearings on the application were conducted on May 2, 2011 and May 25, 2011. The hearings were conducted in accordance with the provisions of 11 DCMR §§ 3022 and 3117.
8. In addition to the Applicant, ANC 3F was automatically a party in this proceeding. The representative for ANC 3F submitted a report requesting postponement and, in the alternative, in opposition to the 2011 Plan. The ANC also provided oral testimony at the public hearing. (Exhibits 22, 41.¹)
9. On April 18, 2011, the Commission received a request for party status from Brenda Viehe-Naess. On April 25, 2011, the Commission received an amended party status request from Brenda Viehe-Naess on behalf of the Van Ness Street Residents’ Association (“VNRA”) to be the representative of VNRA and residents in the 3600 block of Van Ness Street. The Commission granted party status to the VNRA. (Exhibits 15, 20.)

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

10. On April 18, 2011, the Commission received a request for party status from the Van Ness South Tenants' Association ("VNSTA"). The VNSTA represents tenants of the Van Ness South apartment building. The Commission granted party status to the VNSTA. (Exhibit 16.)
11. On April 18, 2011, the Commission received a request for party status from Stephanie and Douglas Kinney. The Commission denied party status to the Kinneys and reasoned that their interests could be sufficiently represented by the VNRA. The Commission encouraged the Kinneys to join the VNRA. (Exhibit 14.)
12. At the May 2 hearing, the University presented evidence and testimony from Barbara Jumper, the University's Vice President for Facilities and Real Estate; Douglas McCoach, qualified as an expert in planning; Erik Thompson, Capital Project Manager for the University; Michael Marshall, qualified as an expert in architecture; Jeff Lee, qualified as an expert in landscape architecture; and Dan Van Pelt, qualified as an expert in traffic engineering.
13. At the public hearing the Commission heard testimony and received a report and supplemental submission from the Office of Planning ("OP") in support of the application. (Exhibits 21, 24.)
14. The Commission received a report and supplemental submission from the District Department of Transportation ("DDOT") conditionally supportive of the application. (Exhibits 26, 47.)
15. The Commission received a letter of concept approval for the 2011 Plan and Student Center from the U.S. Commission of Fine Arts. (Exhibit 30.)
16. The Commission heard testimony and received evidence from persons in support of the application, including students and neighbors.
17. On May 25, 2011, the University filed a submission at the request of the Commission in response to issues raised during the May 2, 2011 public hearing. The University included a revised and updated set of proposed conditions of approval in this submission. (Exhibit 39.)
18. Following the public hearing, on June 13, 2011, the University filed a post-hearing submission to provide additional information in response to the requests of the Commission. (Exhibit 52.) In response to the direction of the Commission, the University also filed a post-hearing submission containing revised plans for the Student Center. (Case No. 11-02A, Exhibit 37).

19. At a public meeting on June 27, 2011, the Commission approved the applications in Case Nos. 11-02 and 11-02A, subject to conditions.

The Van Ness Campus and Surrounding Property

20. The Property is located in Northwest Washington, contains an area of approximately 21 acres, and is bounded generally by Yuma Street to the north; Connecticut Avenue to the east; Van Ness Street to the south; and a portion of the International Chancery Complex to the west. (Exhibit 7.)
21. The University was created in the mid-1970s when Federal City College, Washington Technical Institute, and District of Columbia Teachers College were consolidated. The University currently offers 75 undergraduate and graduate academic degree programs through the College of Arts and Sciences, School of Business and Public Administration, School of Engineering and Applied Sciences, and the UDC David A. Clarke School of Law. (Exhibit 7.)
22. 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, existing campus development is set back from the main roadway and a large hardscaped plaza sits adjacent to the Van Ness Metrorail entrance. North of the campus core are buildings and space devoted to performing arts, including an auditorium, amphitheater, and music, dance, and theater space. Further to the north and west are athletic facilities, which include the athletic center, fields, and tennis courts. (Exhibit 7.)
23. The campus site slopes from west to east, dropping over 40 feet from the athletic fields on the west side of campus to the portions near Connecticut Avenue, and the central plaza accommodates the change in grade. Because of the significant natural topography change, there are several bridge components that connect Dennard Plaza with buildings further to the north. (Exhibit 7.)
24. Dennard Plaza and the surrounding buildings sit above a central underground campus parking garage and loading facility. Parking for the Campus is accessed from Van Ness Street, while loading is accessed from Connecticut Avenue via Veazey Terrace. The Van Ness Campus is also accessed from Connecticut Avenue via Windom Place. (Exhibit 7.)
25. Immediately to the south of the Van Ness Campus is Intelsat's administrative headquarters, and immediately to the west is the International Chancery Center, which contains nearly 20 diplomatic buildings. Further to the north and west of 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.

26. The Van Ness Campus is zoned D/R-1-B. The adjoining portion of the Connecticut Avenue corridor is zoned C-3-A, and surrounding residential areas are zoned R-1-B, R-2, and R-5-D. The Van Ness Campus is located in the Local Public Facilities and Moderate Density Commercial land use category on the Future Land Use Map of the Comprehensive Plan.

Campus Plan Application

27. In its 2011 Plan, the University sets forth its vision to transform the Van Ness Campus into a flagship institution that will be competitive with other top tier academic institutions, while continuing to meet the comprehensive post-secondary education needs of the residents of the District of Columbia. The 2011 Plan calls for establishing the UDC Van Ness Campus as a landmark main campus hub emerging as an important economic engine for the District of Columbia and the region. The goals of the 2011 Plan are as follows: improve campus visibility from Connecticut Avenue, while improving the entry points to the University; create opportunities to enhance the student experience while creating revenue-generating activities; establish campus zones within the campus to provide distinct yet connected areas that improve convenience, enhance orientation and improve operational effectiveness; accommodate future growth by establishing a commitment to the environment and new technologies; reduce parking need; improve campus open space to effectively maximize the utilization of open space; and strengthen the campus image and character by enhanced public entry to the campus while improving security by establishing a secured campus edge. (Exhibit 7.)
28. The 2011 Plan incorporates four main changes to the Van Ness Campus: (1) construct a new Student Center; (2) provide on-campus student housing; (3) improve environmental sustainability; and (4) increase the population of students. Sustainability goals include the first LEED Platinum Student Center in the country and green roof retrofits on existing buildings. Initially, the University proposed to increase enrollment to 8,000 full-time equivalent ("FTE") or 10,000 headcount students. In response to community concerns about the extent of the increase, the original enrollment projections were later reduced to 5,000 FTE or 6,500 headcount. (Exhibit 7.)
29. The University presented evidence and testimony that the 2011 Plan was developed through a community-based planning process. The University hosted a series of four open houses, starting in fall 2010. These community forums, which were advertised through community newspapers and websites as well as on the University's website, allowed direct public input at each stage of the campus plan's development. Following the filing of the campus plan and further processing applications, the University

presented to the community both the filed campus plan and the design for the Student Center at an ANC “town hall” on March 30, 2011. The University provided a draft of the campus plan and certain exhibits to the community on April 13, 2011, to provide additional time for consideration and review prior to the hearing. (Exhibits 7, 17.)

30. Pursuant to 11 DCMR § 210.1, The University of the District of Columbia is an academic institution of higher learning pursuant to D.C. Law 1-36, which consolidated the Federal City College, Washington Technical Institute, and District of Columbia Teachers College.
31. As required by 11 DCMR § 210.2 and as described in greater detail below, the University demonstrated that the proposed use was located so as not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable impacts. Specifically, the University submitted 25 conditions of approval to avoid the creation of adverse impacts as a result of the location of university uses in a residential zone. (Exhibit 39, Tab A.) These conditions of approval were supplemented and refined in response to community and agency comments. The 2011 Plan also incorporated revised transportation demand management commitments to alleviate any traffic impacts. (Exhibit 39.)
32. The Applicant submitted a plan for developing the campus as a whole, showing the location, height, and bulk of all present and proposed improvements, as required by 11 DCMR § 210.4. (Exhibits 7, 17, 39, 52.)
 - a. Buildings and parking and loading facilities. The 2011 Plan identifies two areas for proposed new construction: a new Student Center at the southeast corner and a new student housing facility containing approximately 600 beds in the western portion of the Van Ness Campus. (Exhibit 7.) UDC’s architects and planners considered and studied four alternate sites for the on-campus housing, but the designated site presented the fewest challenges. During the course of the public hearings, UDC expanded the originally designated housing zone in response to the concerns of the community. That adjustment will provide an opportunity to address community concerns about setbacks from Van Ness Street. In addition to the Student Center and housing, the 2011 Plan provides for additional improvements and renovations to Dennard Plaza. (Exhibit 17.) The 2011 Plan does not add any parking spaces or loading facilities to the Van Ness Campus; the proposed new buildings will use the existing parking and loading. (Exhibit 17, Tab H.)
 - b. Screening, signs, streets, and public utility facilities. The 2011 Plan features several improvements and enhancements both interior to and on the streets immediately surrounding the campus. The 2011 Plan recommends a thorough

review of the perimeter conditions for the development of landscape, hardscape, security, and access specific to the various conditions that surround the campus. (Exhibit 7.) In addition, the 2011 Plan recommends a unified system of signage for the campus and the adjacent commercial area. (Exhibit 7.) The 2011 Plan also recommends pedestrian improvements to the intersection of Veazey Terrace and Connecticut Avenue. (Exhibit 17, Tab K.)

- c. Athletic and other recreational facilities. The 2011 Plan anticipates modest changes to the existing range of athletic facilities on campus: the University is in the process of renovating the natatorium. (Exhibit 7.)
- d. Description of all activities conducted or to be conducted on the campus, and of the capacity of all present and proposed campus development. The 2011 Plan divides the campus into six zones:
 - Academic: includes classrooms, laboratories, libraries, faculty offices, administrative offices, auxiliary services and related support functions.
 - Student Center: includes the new Student Center, which will provide student government/activity offices, assembly/ballroom space, student lounges, and food service.
 - Athletic: includes athletic facilities and related support functions.
 - Campus Infrastructure: includes infrastructure and related facilities necessary to support University operations.
 - Student Housing: includes student residences, auxiliary services and related support functions.
 - Arts/Culture: includes performing arts facilities and related support functions.

New construction for the entire 2011 Plan will provide approximately 345,000 square feet of gross floor area, of which approximately 65,000 will be for the new Student Center. (Exhibit 17.)

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

35. Under the proposed development plan, the University will occupy approximately 36% of the Campus lot. (Exhibit 17, Tab M.)
36. Pursuant to 11 DCMR § 210.5, the University did not propose an interim use of land.
37. Pursuant to 11 DCMR § 210.7, the University provided evidence that the 2011 Plan was not inconsistent with the Comprehensive Plan, including the designation of the Van Ness Campus as “Local Public Facility” and “Institutional” and related provisions endorsing change and infill on university campuses consistent with campus plans. The University also provided evidence that the 2011 Plan was not inconsistent with other elements of the Comprehensive Plan, including the Education Element and the Rock Creek West Area Element. In particular, the Van Ness Campus provides an opportunity for new educational opportunities, which is specifically endorsed by the Comprehensive Plan. The Commission finds that the proposed 2011 Plan will further the goals and policies of the Comprehensive Plan. (Exhibit 7.)
38. Pursuant to § 210.9, the Commission received reports in support from OP and DDOT regarding the campus plan. (Exhibits 21, 24, 26.)

Section 210 Evaluation

Noise

39. 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.
40. As part of the 2011 Plan, the University has incorporated a series of campus perimeter improvements that will improve landscaping, buffering, and wayfinding at the campus edges. (Exhibit 17.) Specifically, the University proposes to improve upon the sound buffers of mature trees and dense landscaping along the northern and western edges of the Van Ness Campus through the extension of the sidewalks along Yuma Street and introduction of additional trees along the streetscape to buffer this side of the Van Ness Campus from the nearby residential uses. Representatives for the University testified that landscaping around the student housing site would be constructed in conjunction with the student housing itself.
41. The University selected sites for both the Student Center and the new housing that have minimal impact on nearby residential areas. (Exhibit 17, Tab E; Exhibit 52.) At the public hearing and in its post-hearing submission, the University presented evidence that

the adjacent property to the west is located at least 30 feet higher than the University due to a significant topographic change. Furthermore, the University presented evidence that the closest residential properties to the west are hundreds of feet away.

42. The Commission does not credit the ANC's testimony regarding potential objectionable noise impacts. At the public hearing, representatives for the ANC and parties generally alleged that the campus plan could generate objectionable impacts due to noise. The ANC and parties did not, however, present evidence that current University operations generated adverse noise impacts. Instead, the noise complained of was generated by embassy events, which are located (1) closer to the residential neighborhood and (2) at an elevation significantly higher than the University campus. Furthermore, the ANC representative testified that to the extent that the University did generate noise, any concerns were quickly addressed.
43. Service activity generally occurs in the interior of the campus, north of Building 38 where Veazey Terrace meets the Van Ness Campus. This area is directly accessible from Connecticut Avenue and is behind commercial development and removed from residential areas. (Exhibit 17, p. 9.)
44. The Student Center will be located along a commercial corridor, adjacent to commercial and high-density residential property. The majority of the mechanical equipment for the Student Center will be located in the cellar of the proposed building and will not generate objectionable noise impacts.
45. For the reasons set forth above, the Commission finds that the 2011 Plan and the proposed Student Center are not likely to become objectionable to neighboring property due to noise.

Traffic

46. The Campus is located immediately adjacent to the Van Ness Metrorail station, which provides an alternative transportation mode for students, faculty, and staff. Metrobus, Capital Bikeshare and Zipcar serve the Van Ness Campus as well. The entrance to the parking facility is located on the institutional side of campus off Van Ness Street, which is directly accessed from Connecticut Avenue. (Exhibit 17.)
47. The University testified at the public hearing that the 2011 Plan's transportation goals are to improve pedestrian safety, to promote transit and reduce auto-dependency, and to reinforce sustainable practices.

48. The University's traffic expert testified, and the Commission finds, that the 2011 Plan will not generate significant changes to nearby roadway volumes and operations, so its impact on traffic will be minimal. (Exhibit 17, Tab I.)
- a. The University will implement a transportation demand management ("TDM") program, which includes commitments and goals intended to improve mode choice, encourage alternatives to driving, and ensure that impacts of university operation will not become objectionable. Key features of the TDM program include increasing on-campus parking rates for faculty, staff and students; providing preferred parking for carpools and alternative fuel vehicles; providing an electric vehicle charging station; maximizing the SmartBenefit commitment; charging a student fee for transportation; and increasing the availability of bike parking throughout the campus. (Exhibit. 17, Tab I.)
 - b. The Commission agrees with the conclusion of the University's traffic expert and finds that approval of the 2011 Plan is not likely to become objectionable to neighboring properties with respect to traffic because of the TDM program, the campus location among many transit options, and the proposal to provide more on-campus services. The Commission credits the testimony of the University's traffic expert regarding the sufficiency of the proposed TDM program, as detailed in Tab A of the University's June 13, 2011 post-hearing submission.
 - c. The Commission also credits the testimony of DDOT at the public hearing that the agency was generally supportive of the campus plan and that the University's efforts to enhance its TDM were laudable.
49. The Commission finds that approval of the 2011 Plan will not create conditions objectionable to neighboring property because of parking. The Commission finds that the Van Ness Campus will provide an adequate number of parking spaces for the proposed uses. The Commission also finds that University operation will not create objectionable impacts on residential neighborhood streets due to parking.
- a. The 2011 Plan includes new parking provisions that will discourage driving to Campus. All students, staff, faculty, and visitors to the Van Ness Campus who drive are required to park in University or other commercial parking facilities on or near the Van Ness Campus. In addition, the University will prohibit, to the extent permitted by law, students from parking on residential streets surrounding the Van Ness Campus, and will encourage all visitors attending special events at the Van Ness Campus to use transit or park in University facilities or other nearby parking facilities. (Exhibit 39.)

- b. The 2011 Plan also includes new parking policies that will optimize the use of the University's parking supply by University students, faculty, and staff, and discourage use of the parking supply for non-University related parking, through adjustments to pricing and the introduction of automated control.
- c. No additional parking or vehicle infrastructure is proposed as a part of the 2011 Plan, in light of its provisions intended to minimize the number of vehicle trips to and from the site. Parking is available on the Van Ness Campus as well as at a University facility across Yuma Street. The new Student Center will add services for students and staff, which will reduce the number of daily trips to the site. Existing parking will accommodate events in the ballroom of the new Student Center. Further, the provision of student housing on campus will decrease the number of students commuting to campus for class or other activities. (Exhibit 17.)
- d. The Commission does not credit the testimony of the ANC and parties in opposition regarding alleged objectionable impacts due to parking. The Van Ness Street neighborhood is located between two major commercial corridors and adjacent to multiple uses other than the University that generate potential on-street parking impacts. Some neighborhood residents testified that their property contained off-street parking. The neighborhood's street parking supply is managed through a residential permit parking program that restricts non-residents from parking for over two hours without a valid permit. The Commission credits testimony by DDOT that any spillover parking would be occasional and could be mitigated by the University through measures that addressed special events. Finally, the Commission credits the multiple efforts proposed by the University as likely to minimize the potential impacts of the University due to parking, particularly during special events.

Number of Students

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

requested number of students. The Commission also finds that the University's proposed method of counting headcount and FTE students is adequate.

Other Objectionable Conditions

52. On-Campus Housing. The location for the proposed on-campus housing is in the western portion of the Campus, adjacent to other institutional uses and away from the residential neighborhood. This location is also proximate to the core of the Campus and most student activity, which will direct student activity into the heart of the campus, rather out towards the perimeter of the Campus. The University will improve buffering from neighboring institutional uses through the re-establishment of a woodland edge condition. Prior to constructing the residence facility, the University will return to the Commission for further processing approval, which will provide agencies and neighbors an opportunity to provide further feedback during the planning and design of the housing itself. (Exhibit 17, pp. 4, 5.)
53. Off-Campus Housing. Because the proposed new on-campus housing facility will not be constructed immediately, the University will continue to provide some off-campus student housing. In the near term, the University will continue to master lease approximately 31 units with beds for approximately 86 students in the nearby Van Ness South apartment building. The University monitors student activity within these units to ensure they do not become objectionable to neighboring residents due to noise or other impacts, and maintains an administrative presence in the building through resident assistants ("RAs") who reside in the building to monitor behavior and respond to issues. Complaints are referred to and addressed by University staff, and the Student Code of Conduct applies to off-campus student behavior. At the public hearing, representatives for the University testified that disciplinary actions were taken against students who violated the code. In response to some residents' objections, the University has agreed to refrain from entering into any new leases at the Van Ness South and to end all of its master leasing activity once the new on-campus residence project is completed. UDC's leases for any off-campus units will be phased out prior to the first full semester following the completion and occupancy of the new residence project. If necessary before completion of the new on-campus residence facility, the University may lease additional apartment units in buildings other than the Van Ness South within one mile of the Campus and will provide RAs for those buildings. However, the University will not lease more than a total of 100 off-campus apartments within a one-mile radius. (Exhibit 39.)
54. Student Behavior. The 2011 Plan incorporates many new policies relating to student conduct, both on- and off-campus, to address any objectionable impacts that may arise from student misconduct. (Exhibit 39.)

55. Perimeter. The 2011 Plan incorporates many enhancements to Van Ness Campus edges over a phased implementation schedule. Enhancements include new trees, ornamental plantings, bioinfiltration plantings, evergreen hedges to hide ramp walls, and new woodland plantings. The campus plan incorporates additional landscaping along Connecticut Avenue and Van Ness Street as part of the new Student Center. (Exhibit 17, Tab G.)
56. Sustainability. The University incorporates sustainability elements into the 2011 Plan, including pervious pavers, rain gardens, bioswales, and 95,000 square feet of green roofs. More than two acres of pervious area will be added to the Campus. In addition, the new Student Center will contain a geothermal well field to reduce energy use for heating and cooling. The campus plan incorporates additional landscaping features as well. (Exhibit 17, p. 7.)
57. Trash. In its presentation, ANC 3F alleged that the University created objectionable impacts due to trash. However, the Commission was not persuaded by the ANC's testimony, in part because the alleged "objectionable" impacts were not large and did not affect neighboring property.
58. The Commission finds that approval of the proposed campus plan will not create other conditions objectionable to neighboring property due to multiple features of the 2011 Plan that address the student housing, student behavior, and environmental features of the Campus.

Further Processing for the New Student Center

59. Along with the 2011 Plan, the University submitted a further processing application for the construction of a new on-campus Student Center. Located at the corner Connecticut Avenue and Van Ness Street, the facility is anticipated to be a hub of student activity and to provide resources for the local community. The Student Center will contain a mix of uses, including a welcome center, a ballroom, space for student government and activity offices, assembly space for university programs, and spaces for student leisure and socializing. It will also contain restaurants intended to cater to a planned mix of residential and commuter customers, undergraduate and graduate students, as well as faculty, staff, and visitors. (Exhibits 7, 17.)
60. The proposed Student Center will contain approximately 65,000 square feet of gross floor area and will attain LEED Platinum standards. (Exhibit 17.)
61. The proposed new Student Center will be a signature building that will improve the relationship of the campus to the Connecticut Avenue commercial corridor and will be the gateway to the Van Ness Campus. The building will meet Dennard Plaza via a grand

staircase up the 20-foot grade change with a front lawn and an informal amphitheater in the front. Along Connecticut Avenue, the new building will be marked by a clock tower. The all-glass Connecticut Avenue façade will be light to counter the concrete of the other buildings, with transparency to invite people inside. The building will be clad in terra cotta metal panels with some parts in dark grey metal. Clear glass and spandrel glass will complement the metal, and any new brick will match the existing buildings. The building and streetscape design will animate the public realm at ground level through activity related to the Student Center, and it will create a strong visual, functional, and symbolic connection between the campus core and Connecticut Avenue. The proposed location of the Student Center will permit easy interconnection to existing campus parking and loading facilities, resulting in no change in vehicular and truck circulation patterns that use Van Ness Street and Connecticut Avenue. (Exhibit 17.)

62. The Commission finds that the proposed Student Center is not likely to become objectionable because of noise, traffic, number of students, or other objectionable impacts. The Student Center will be located and designed to harmonize with existing campus development and will enhance the Van Ness Campus.

Office of Planning

63. By report dated April 25, 2011, and by testimony at the public hearing, OP conditionally recommended approval of the University's application for a new campus plan and further processing to permit the construction of the Student Center. OP reviewed the application under the standards for special exception approval for a campus plan and further processing under § 210, as well as the general standards for special exception approval under § 3104. OP concluded that the University satisfied the burden of proof but recommended that the University satisfy eight additional conditions. Many of OP's conditions recommended clarifications and modifications to the 2011 Plan. (Exhibit 21.)
64. By supplemental report dated April 29, 2011, OP indicated that the University satisfactorily addressed all but the fourth condition in the original report. In addition, OP recommended changes to the 2011 Plan and to the University's proposed conditions of approval. (Exhibit 24.) By further testimony at the May 25, 2011 public hearing, OP stated that all conditions proposed by OP had been satisfied.
65. The Commission credits OP's report and testimony. The Commission concludes that the University satisfied the additional campus plan modifications recommended by OP in its April 29th report and that the University has included them in their proposed conditions of approval.

District Department of Transportation

66. By report dated April 20, 2011, DDOT conditionally recommended approval of the University's application. DDOT recommended three conditions in its approval: establishments of safeguards to protect neighborhood parking; provision of a transportation performance monitoring study; and an immediate increase in the rates for parking on the Campus. (Exhibit 26.) At the May 25, 2011 public hearing, DDOT testified that it was generally supportive of the campus plan and that the University had proposed laudable action items as a part of its efforts to enhance its TDM.
67. By supplemental report dated May 27, 2011, DDOT submitted data about the number of parking citations for streets near the Van Ness Campus. (Exhibit 47.)
68. The Commission credits DDOT's report and testimony. The Commission finds that University's TDM commitments are sufficient to address any possible objectionable traffic and parking conditions.

ANC 3F

69. At a regularly scheduled meeting on April 25, 2011, with a quorum present, ANC 3F voted to request postponement of the University's campus plan public hearing. (Exhibit 22.) ANC 3F requested postponement to allow: (1) ANC 3F's further review of the 2011 Plan; (2) ANC 3F's hiring of a traffic expert; (3) UDC's amendment the 2011 Plan; and (4) UDC's supplementing of the 2011 Plan with additional information that would meet the expectations of ANC 3F. (Exhibit 22.)
70. Also at its April 25, 2011 meeting, ANC 3F voted in the alternative to oppose the 2011 Plan. The ANC's opposition was based on the following objections: UDC's alleged non-compliance with zoning procedures by not showing specific locations of proposed buildings, UDC's alleged inability to maintain the grounds of the campus, UDC's alleged inadequate planning for additional parking and traffic, the potential for increased noise, the potential for adverse impacts related to the proposed enrollment cap, and the size of the proposed student residence. In addition, the ANC requested that the campus plan include the commercially zoned Building 52. (Exhibit 22.)
71. After hearing the concerns of the ANC, the Commission voted to deny the request for postponement of the campus plan hearing. The Commission found that the University reached out to the community in drafting the campus plan and provided sufficient and timely information to the ANC to review before the hearing. In denying the postponement request, the Commission decided to provide the ANC's traffic consultant adequate time to review the 2011 Plan.

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

Other Testimony in Support

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

Testimony in Opposition

76. The VNRA presented written and oral testimony in opposition to the 2011 Plan. In its written testimony VNRA objected to the University's alleged failure to satisfy § 210, inadequate notice and neighbor engagement, inadequate parking, inadequate traffic planning, increased noise, off-campus housing, on-campus housing, issues with access to the Metro, and the University's failure to include data supporting expansion goals. During oral testimony, VNRA stated that it supports the ANC's traffic recommendations and would like a trigger for enrollment increases. VNRA also requested massing studies for the proposed residences, stated that the neighborhood cannot support "group houses," and testified that noise from athletic events will be an issue.
77. The VNSTA presented written and oral testimony in opposition to the 2011 Plan. The VNSTA's written testimony concerned the following: UDC modified units in Van Ness South to allow four people to live in one-bedroom units; the modification proceeded without proper permits, resulting in fines to UDC; units are not contiguous or even on the same floor; students do not lease from the building owner, so different rules apply to students; leasing to UDC takes rent-stabilized units away from low-to-moderate income renters; and the units provided to students benefit students primarily from outside the District; Building 52 should be part of the campus plan; more study is needed regarding traffic planning and management; and UDC has a poor facilities maintenance record. The VNSTA's oral testimony concerned objections based on the following: the apartments were converted to dorms, which removed in-apartment living spaces and resulted in excessive use of the building's common areas; neither Archstone (the building's owner) nor UDC police accepted responsibility for dealing with complaints; and UDC did not have discussions with the tenants before they placed students in the building. VNSTA noted that they support on-campus housing.
78. The Commission received written testimony from individuals opposing the 2011 Plan. Much of this written testimony concerned the same issues: inadequate community engagement and notice; concerns about activities at the Student Center; insufficient traffic analysis; parking availability; traffic, noise and quality of life impacts; off-campus student behavior; and expense to the District. Many of those who submitted written testimony in opposition also supported on-campus housing. (Exhibits 19, 25, 35, 36, 37, 38.)
79. Some individuals provided oral testimony in opposition to the 2011 Plan at the public hearing. They opposed the 2011 Plan based on such issues as lack of notice, lack of community involvement, insufficient parking, and off-campus housing at Van Ness South and other apartment buildings.

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

CONCLUSIONS OF LAW

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

to become objectionable due to noise, traffic, number of students, or other objectionable conditions. The Student Center is consistent with the 2011 Plan and has been sited and designed to serve as a prominent and functional addition to the Campus. The Commission concludes that the location and design of the project is not likely to become objectionable due to noise, traffic, number of students, or other objectionable conditions.

4. The Commission accorded the recommendation of OP the “great weight” to which it was entitled pursuant to D.C. Official Code § 6-623.04 (2001). As discussed in this Order, the Commission generally concurred with the recommendation of OP to grant the University’s applications, subject to conditions. The University has satisfactorily addressed all of OP’s conditions.
5. The Commission accorded the issues and concerns raised by ANC 3F the “great weight” to which they are entitled pursuant to D.C. Official Code § 1-309.10(d) (2001). In doing so, the Commission fully credited the unique vantage point that ANC 3F holds with respect to the impact of the proposed campus plan on the ANC’s constituents. However, the Commission concludes that the University has made significant changes to the originally proposed 2011 Plan to address the ANC’s issues and concerns. The ANC has not offered persuasive evidence that would cause the Commission to find that the University’s revised 2011 Plan does not adequately address ANC 3F’s objections. Under the 2011 Plan, the University’s planned landscaping/perimeter improvements, student enrollment maximum, plan for community involvement, locations of planned buildings, plans for on- and off-campus student housing, student conduct measures, and TDM commitments result in a campus plan that is not likely to become objectionable due to noise, traffic, number of students, or other objectionable impacts.
6. The Commission concludes that § 2106 of the Zoning Regulations permits parking for college or university uses approved by the Commission pursuant to § 210 to be established by the university as a part of its campus plan. Additional parking is not required for specific buildings.
7. The Commission notes that § 210 applies to university uses in a Residence zone, and does not apply to commercially zoned property or preclude a university’s use of property, consistent with the Zoning Regulations, outside the boundaries of a campus plan. *See Glenbrook Rd. Ass’n v. D.C. Bd. of Zoning Adjustment*, 605 A.2d 22 (D.C. 1992); *Watergate West, Inc. v. D.C. Bd. of Zoning Adjustment*, 815 A.2d 762 (D.C. 2003). The Commission also notes that the Board of Zoning Adjustment has voted to deny an appeal alleging that the University’s use of apartment units in Van Ness South for student housing turned those units into a dormitory. *See Appeal No. 18151* (vote taken April 5, 2011).

DECISION

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

Enrollment

1. For the duration of the 2011 Campus Plan, the maximum enrollment on the Van Ness Campus shall not exceed 6,500 students on a headcount basis, and shall not exceed 5,000 students on a FTE basis:
 - a. For purposes of the above, headcount shall include all students enrolled in a course that is offered at the Van Ness Campus;
 - b. For purposes of the above, FTE shall be determined by assigning a fraction to part-time students based on the number of credits they are taking on the Van Ness Campus compared to a full-time course load (currently, 12 credits) and adding the number of full-time students; and
 - c. 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

2. The University may construct the proposed on-campus housing as described in the 2011 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 B of the University's May 25, 2011 supplemental submission;
 - b. The number of stories, gross floor area, and lot coverage shall be generally consistent with the development summary indicated on Tab C of the University's June 13, 2011 post-hearing submission; and
 - c. As a part of the further processing application, the University shall provide the following documentation:

- i. Interim report on student enrollment and faculty/staff counts;
 - ii. Interim report on the implementation of the student conduct measures detailed in conditions 7-12;
 - iii. Interim report on transportation issues, including:
 1. Information on implementation of the transportation demand management plan detailed in condition 14, including mode split data;
 2. Information regarding utilization of campus parking resources as well as implementation of the parking policy detailed in condition 14; and
 - iv. Interim report on perimeter improvements detailed in conditions 19 and 20.
3. The University shall provide the community with notice and an opportunity to review the proposed design of the on-campus housing at least 60 days prior to filing of the application for further processing:
 - a. Notice of the University's intent to file the application ("Notice of Intent") shall be provided by U.S. Mail to ANC 3F and all 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 803.² The Notice of Intent shall state that the University intends to file an application to secure further processing approval to construct dormitories on University property, and shall provide the proposed number of beds, maximum square footage, description of common areas, and planned pedestrian and vehicular access to the dormitories. In addition, the Notice of Intent shall provide a website address (URL) where more information about the proposed dormitories may be found, and the contact information (name, phone, and email) for a University representative that can be contacted for additional information. Finally, the Notice of Intent shall indicate the date, time, and location of the Preliminary Design Review meeting described below; 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 *Northwest Current*, on neighborhood listservs, and on the University's website.

² 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.

4. The proposed on-campus housing shall be limited to no more than 600 beds. The University shall end its off-campus leasing program no more than one semester after the completion and occupancy of the on-campus housing. The University shall be permitted to continue to provide referrals for off-campus living options to students who are interested in living off-campus in privately owned or leased properties.
5. Prior to the completion and occupancy of the on-campus housing, the University agrees to take the following measures regarding its off-campus leasing program:
 - a. The University shall lease no more than 31 units in the Archstone Van Ness apartment complex. The University shall continue to monitor and address complaints regarding student behavior and maintain at least four resident advisors as an administrative presence in the apartment complex;
 - b. The University shall be permitted to lease additional units in other buildings, up to a total of no more than 100 units within a mile of the Van Ness Campus. The University shall provide at least one resident advisor for every eight units to serve as an administrative presence;
 - c. The University shall provide to ANC 3F, on an annual basis, an accounting of the number of leased residential units and number of students housed in those units. The University shall also identify the building or buildings in which these units are located; and
 - d. In multifamily residential buildings where the University intends to acquire a leasehold interest for use as student housing, the University shall provide notice to the building management and tenant association of such intent at least 60 days prior to the actual occupancy of such units by students.
6. The University shall not lease any additional units at Van Ness South beyond what it is currently leasing for off-campus student housing.
7. The University shall terminate its leasing of units at Van Ness South in coordination with the completion of the on-campus housing:
 - a. The University shall end its leases prior to the first full semester during which the on-campus housing is in operation; and
 - b. If permitted under the terms of its lease, the University shall remove the internal walls that were constructed by the University within those units.

Student Conduct

8. All students at the Van Ness Campus, whether living on campus, off campus in housing leased directly by the University, or off campus in privately owned or leased property, shall be required to comply with the University Code of Conduct. Within three months of approval of the campus plan, the University shall evaluate and collect input from the Task Force on revisions to the Code of Conduct that will address the impacts of students living on or near campus.
9. The University shall use disciplinary intervention for acts of misconduct committed by students (i.e., violations of the Code of Conduct) in the surrounding community, regardless of whether the student lives on campus or off campus, and even if the students are not in properties owned or controlled by the University. The University shall act on incident reports submitted by persons including residents, ANC 3F, community associations, tenant associations, building management, University security officers, and the Metropolitan Police Department.
10. The University shall establish and maintain an outreach program with neighboring apartment buildings occupied by University students (including but not limited to apartment buildings in which the University leases residential units), to educate management companies and tenant associations on the University's disciplinary program and its reporting requirements, to facilitate effective use of its program.
11. The University shall establish and publicize (through appropriate written and/or electronic communications) a hotline to receive calls about student conduct issues and safety and security concerns. The University shall maintain a log of all calls received and all actions taken, including referrals made to the appropriate University departments for their attention. A quarterly report summarizing the hotline efforts shall be provided to ANC 3F.
12. The University shall establish and maintain a mandatory program for all students living on-campus or off-campus within one mile of the Van Ness campus that will address "good neighbor" issues, educating students about appropriate conduct in the off-campus community. This program will especially emphasize objectionable noise both inside and outside of buildings, restricted parking in the surrounding residential neighborhoods, illegal underage drinking, and respect for personal and real property of the residential and private business communities.
13. The University shall establish and maintain an outreach program with the Metropolitan Police Department to secure referrals on all reports of complaints, infractions, or arrests of University students living on-campus or in off-campus housing near the University. The University shall maintain a log of all referrals received and all actions taken.

Transportation and Parking

14. The University shall manage its on-campus parking supply and encourage all students, faculty, staff, and visitors to use transit and other alternatives to single-occupancy vehicles through the implementation of the TDM measures detailed in Finding of Fact No. 48 and in Tab A of the Applicant's June 13, 2011 Post-Hearing Submission (Exhibit 52), which reflects all of the commitments made by the University.
15. The University shall require all students, faculty and staff to park in University or other commercial parking facilities on or near the Van Ness Campus:
 - a. The University shall prohibit, to the extent permitted by law, students from parking on the residential streets adjacent to and surrounding the Van Ness campus. To accomplish these purposes, the University shall employ a system of administrative actions, penalties, and fines for violations of this policy; and
 - b. All students residing on campus shall not be permitted to garage their vehicles on the Van Ness campus. The University shall work with the Department of Motor Vehicles to prohibit students residing on campus from applying for residential permit parking stickers for the residential neighborhoods surrounding the Van Ness Campus.
16. The University shall encourage all visitors attending special events on campus to use transit or park in University or other area parking facilities. The University shall work with area institutions and commercial parking operators as well as use attendant parking to provide additional parking as needed during these events. Non-University events in the Student Center ballroom shall be subject to the following additional conditions:
 - a. For weekday non-University events that are likely to draw more than 100 persons, the University shall direct potential users to notify event guests that parking will not be available on campus or in the surrounding community and that driving is therefore 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 p.m. and 7:00 p.m.

- i. For purposes of this condition, “weeknight events” are events that begin after 5:00 pm, Monday through Friday.
17. The University shall work with area institutions regarding the scheduling of special events expected to draw more than 100 visitors to the Van Ness Campus.
18. The University shall direct all construction traffic to avoid routes through the adjacent residential neighborhoods through contract provisions or similar mechanisms.

Perimeter Improvements

19. Subject to availability of funding and other required approval from or coordination with District agencies, the University shall undertake the improvements detailed on Exhibit G of the University’s April 18, 2011 pre-hearing submission, and as modified by the University’s June 13, 2011 submission, in accordance with the implementation schedule detailed on said exhibit. The University shall have the flexibility to modify the final design and layout of these improvements based on approval from or coordination with District agencies.
20. Following the issuance of a Certificate of Occupancy for the Student Center, the University shall use good faith efforts to work with District agencies and other stakeholders to promote the construction of improvements to the intersection of Veazey Terrace with Connecticut Avenue as shown in concept on Exhibit K of the University’s April 18, 2011 pre-hearing submission.

Community Outreach

21. University-Community Task Force: Within one month of approval of the campus plan, the University shall establish a Task Force that includes representatives of the University officials, ANC 3F, residents of the surrounding Van Ness and North Cleveland Park neighborhoods (including residents of both the single-family neighborhoods and high-rise buildings near campus):
 - a. The Task Force shall meet quarterly in order to encourage dialogue regarding campus planning, student conduct, traffic and parking, construction activity, and similar issues;
 - b. The meetings shall be open to the public and shall be noticed at least two weeks prior through advertisements in the *Northwest Current*, on neighborhood listservs, and through the University’s website. Notice of such meetings shall also be provided to authorized representatives of neighborhood community associations, tenant associations, or other building associations. Said notice shall identify the

preliminary agenda for each meeting, though this preliminary agenda shall not preclude the discussion of additional issues or concerns;

- c. The University shall keep minutes of all Task Force Meetings as well as a log of all attendees; 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.

22. Notice Regarding Future Zoning Applications:

- a. The University shall provide Nearby Residents (as defined in footnote 2) and ANC 3F with notice of its intent to file any future application for an amendment to the campus plan at least 60 days prior to the filing of the application. Such notice shall describe the proposed amendment, including any relevant new construction, alteration, or change in use associated with the amendment. The notice shall also identify the name, phone number, and email of a University representative that may be contacted for further information. Finally, the Notice of Intent shall indicate the date, time, and location of the Preliminary Review meeting described below; and
- b. At least 45 days prior to the filing of the application for amendment of the campus plan, the University shall hold an open community meeting to review the proposed amendment (“Preliminary Review”). This meeting shall be specifically noticed in the Notice of Intent, and shall also be noticed in the *Northwest Current*, on neighborhood listservs, and on the University’s website.

23. Notice Regarding Future Campus Plan:

- a. The University shall provide Nearby Residents (as defined in footnote 2) and ANC 3F with its notice of intent to commence the planning process for any future campus plan at least 60 days prior to the community kickoff meeting for the planning process;
- b. The community kickoff meeting shall take place at least six months prior to the filing of the future campus plan; and
- c. The notice shall indicate the date, time, and location of the community kickoff meeting, as well as include a preliminary schedule for future community meetings and an estimated date for filing of the campus plan.

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

Student Center Design

25. The Student Center shall be constructed in accordance with the plans included as Exhibit A of the University's April 18, 2011 pre-hearing submission, as modified by the plans filed by the University on May 25, 2011, and as further modified by the plans filed by the University on June 13, 2011, provided that the University shall have flexibility to modify the design as follows:
- a. Modify the design of all interior components of the building;
 - b. Vary the final selection of exterior materials within the color ranges and materials types proposed based on availability at the time of construction;
 - c. Vary the size, location, and design features of building entrances, including the size, location, and design of windows, doors, awnings, canopies and similar features, to accommodate the needs of specific tenants and uses;
 - d. Vary the size, location, and other features of proposed building signage;
 - e. Make minor refinements to exterior details and dimensions to comply with Construction Codes or that are otherwise necessary to obtain a final building permit;
 - f. Modify the exterior design of the building as required to address field conditions such as the presence of WMATA-related facilities below grade; and
 - g. Modify the exterior design as required to address comments from the National Capital Planning Commission ("NCPC"), the Commission of Fine Arts ("CFA"), and the Historic Preservation Review Board ("HPRB").

Such flexibility may include changes to the building footprint, height, and density, provided that the building design shall remain substantially the same and continue to comply with all relevant provisions of the Zoning Regulations

26. The Student Center shall be designed to the LEED Platinum standard.
27. The University shall not be permitted to lease space in the Student Center to a tenant seeking to operate such space as a nightclub, lounge, or similar use.

28. 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.

On June 27, 2011, upon motion of Chairman Hood, as seconded by Commissioner Selfridge, the Zoning Commission **ADOPTED** the Order in Case No. 11-02 at its public meeting by a vote of 4-1-0 (Anthony J. Hood, Peter G. May, Greg M. Selfridge, and Michael G. Turnbull to adopt; Konrad W. Schlater to oppose by absentee ballot).

On June 27, 2011, upon motion of Commissioner Turnbull, as seconded by Commissioner Selfridge, the Zoning Commission **ADOPTED** the Order in Case No. 11-02A at its public meeting by a vote of 5-0-0 (Anthony J. Hood, Peter G. May, Greg M. Selfridge, and Michael G. Turnbull to adopt; Konrad W. Schlater to adopt by absentee ballot).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become effective upon publication in the *D.C. Register*; that is on July 29, 2011.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



JAMISON L. WEINBAUM
DIRECTOR
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 11-02/11-02A

JUL 26 2011

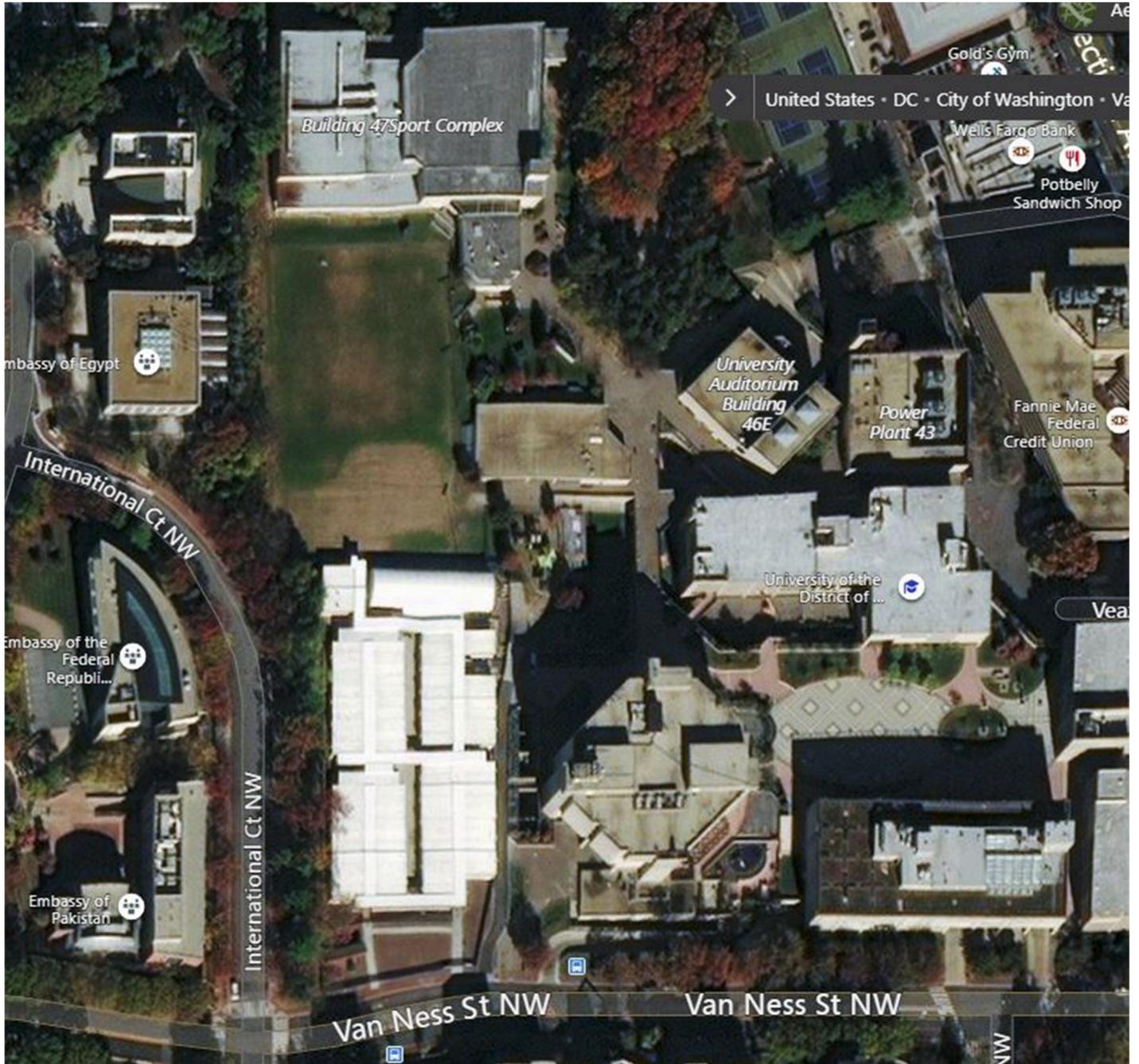
As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Order No. 11-02/11-02A were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*
2. Dave Avitable, Esq.
Allison Prince, Esq.
Goulston Storrs
1999 K Street, N.W. Suite 500
Washington, D.C. 20006
3. ANC 3F
4401-A Connecticut Avenue, N.W.
Box 244
Washington, DC 20008
4. Commissioner Adam Torpe
ANC/SMD 3F01
3F01@anc.dc.gov
5. Commissioner Karen Lee Perry
ANC/SMD 3F02
3003 Van Ness Street, N.W. #W-118
Washington, D.C. 20008
6. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
7. Councilmember Mary M. Cheh
8. DDOT (Martin Parker)
9. Melinda Bolling, Acting General Counsel
DCRA
1100 4th Street, S.W.
Washington, DC 20024
10. Office of the Attorney General (Alan Bergstein)
11. Van Ness Street Resident's Association
c/o Brenda Viehe-Naess
3625 Van Ness Street, N.W.
Washington, D.C. 20008
12. Van Ness South Tenant's Association
c/o David Wilson
3003 Van Ness Street N.W.
Washington, D.C. 20008

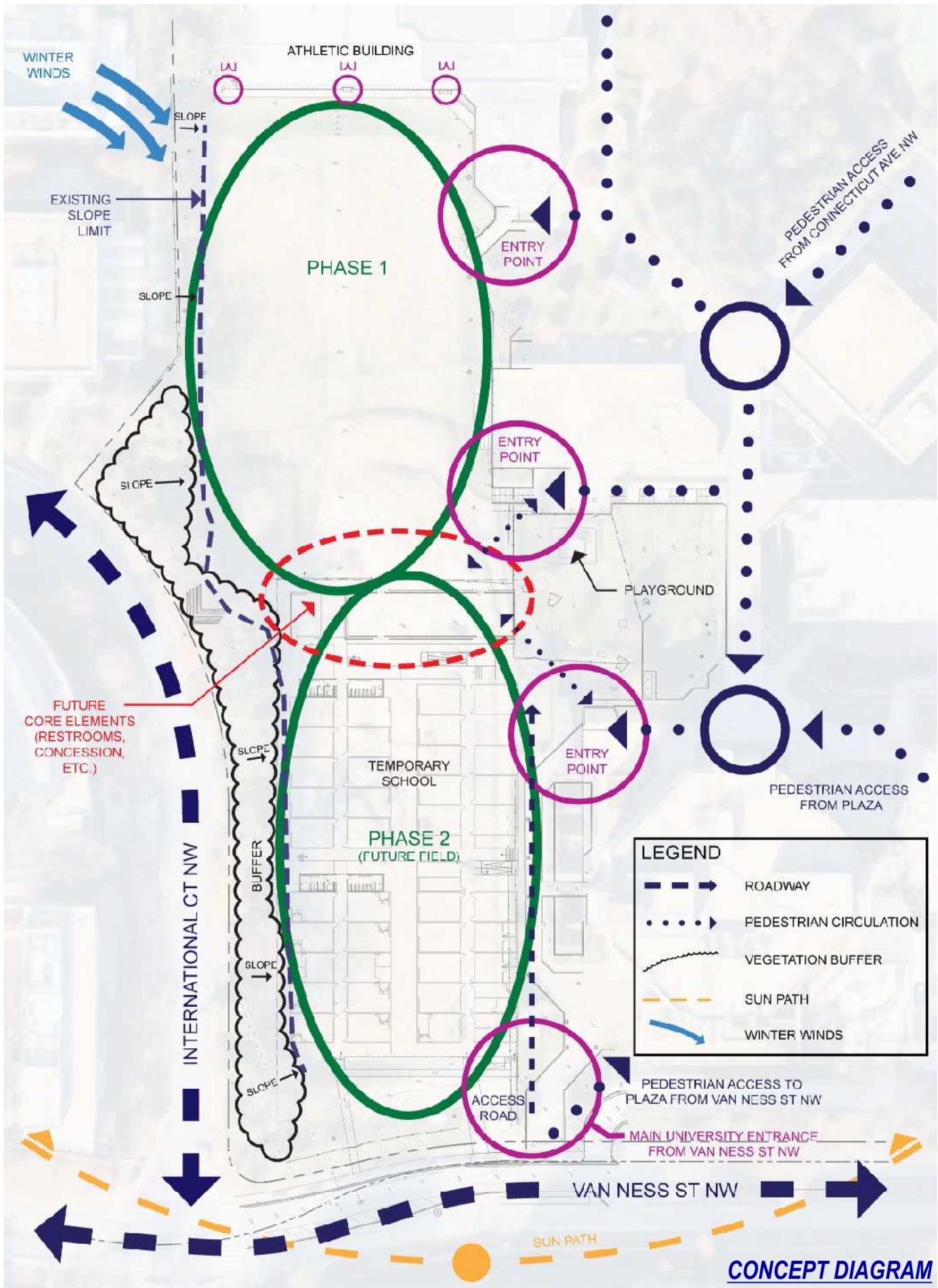
ATTESTED BY:

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

ATTACHMENT D (UDC Artificial Turf Field)

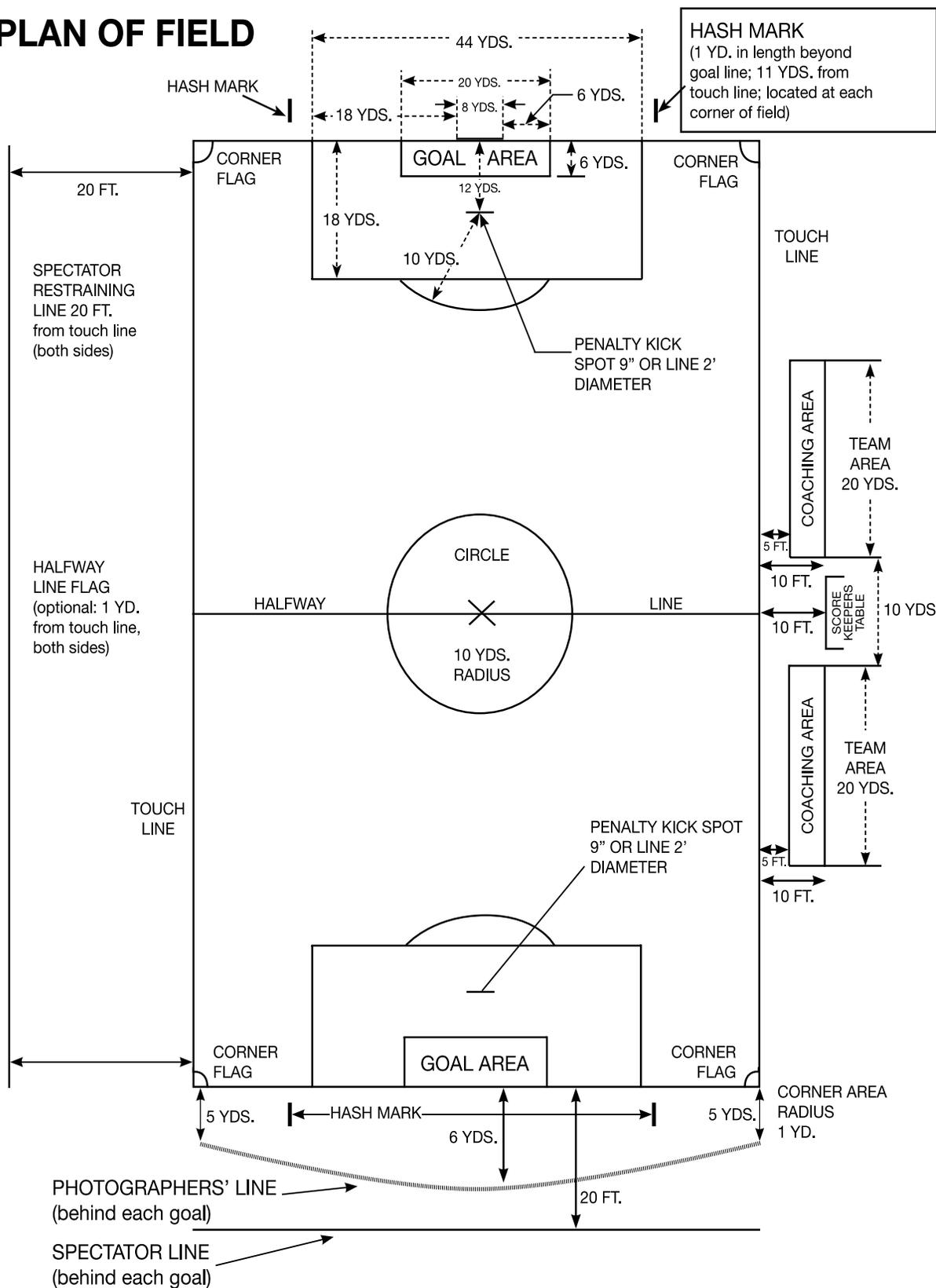


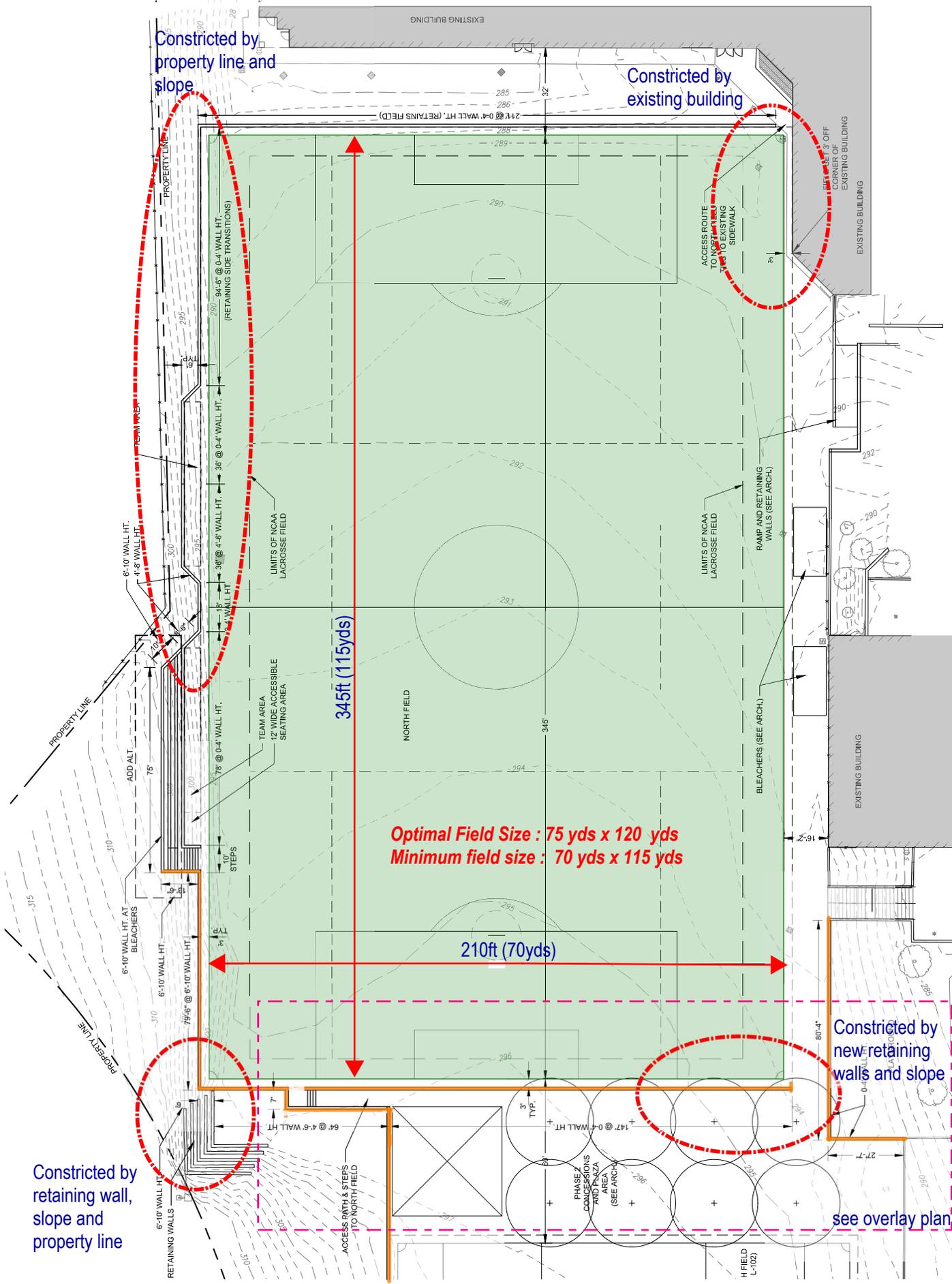
EXISTING CONDITIONS



CONCEPT DIAGRAM

PLAN OF FIELD





345ft (115yds)

Optimal Field Size : 75 yds x 120 yds
 Minimum field size : 70 yds x 115 yds

210ft (70yds)

NORTH FIELD PLAN
 dimensions and limitations

MEMORANDUM

TO: Troy A LeMaile-Stovall, Chief Operating Officer

FROM: Erik Thompson, VP, Capital Assets & Real Estate Services 

DATE: May 17, 2019

SUBJECT: Memorandum of Understanding for Use of the University's Athletic Fields by Eaton Elementary School

This correspondence serves as a request to the University's Board of Trustees to approve the Memorandum of Understanding ("MOU") between the University of the District of Columbia ("UDC"), the District of Columbia Public Schools ("DCPS"), and the District of Columbia Department of General Services ("DGS") (DCPS and DGS shall be collectively referred to as the "District"). This agreement allows the District extended use of one of the University's athletic fields to provide swing space during the renovation of Eaton Elementary School. The District will use trailers placed on the field to accommodate classrooms, offices and other academic support spaces and be responsible for all increased utility costs associated with using the field.

Business Terms

Financial Impact:

The District will pay rent to the University in the amount of One Million Nine Hundred and Fifty Thousand (\$1,950,000) dollars. All utilities usage costs (electrical, water, sewer, trash removal, etc.) identified as attributable to the swing space effort will be funded by the District. The procurement of all other services and maintenance necessary to operate the Facilities including, but not limited to, trash disposal and telecommunications services (telephone and internet services) will be funded by the District.

Space: The swing space will continue to cover one field, which is approximately sixty-two thousand (62,000) square feet and located nearest Van Ness St. NW.

Duration: Twenty-seven (27) months, effective June 15, 2019 through September 1, 2021.

My office is prepared to respond to questions from the Board regarding negotiations and our ability to achieve terms favorable to the University. Thank you in advance for taking the time to review this request.

TO: The Board of Trustees
FROM: Managing Director of Finance *David A. Franklin*
DATE: May 17, 2019
SUBJECT: Memorandum of Understanding for Use of the University's Athletic Fields
by Eaton Elementary School

Conclusion

It is concluded there is no negative fiscal impact associated with the Memorandum of Understanding (MOU) between the UDC, DCPS, and DGS. The MOU covers the period between June 15, 2019 and September 1, 2021.

Background

A MOU shall be entered into by and between UDC, DCPS, and DGS on June 15, 2019. The MOU calls for DCPS to use designated facilities and property operated by UDC at the Van Ness campus. The facilities and properties will be used as swing space during the time renovations are taking place for Eaton Elementary School. It is anticipated UDC will be paid \$1,950,000 over the duration of this MOU. The MOU calls for an initial six month payment and two payments for one half of the remainder owed by the end of the 2020 and 2021 fiscal years.

The MOU also calls for the use of twenty five (25) unreserved parking spaces to be allocated for use by DCPS employees in the University's underground parking facility. The cost of any construction upon the District Premises, approved in advance by UDC, shall be borne entirely by the District. The District shall be responsible for utility usage cost associated with their use of the District Premises, including electricity, water, sewer, and gas.

Fiscal Impact

It is instructive to note the University will assume the responsibility of monitoring requests for use of additional space, as specified in the agreement, to ensure the total cost of space use does not exceed the contract amount.

There are no risks anticipated at this time.