

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-42A
Z.C. Case No. 06-42A
Trinity Washington University
(Further Processing Application and Modification to an Approved Campus Plan)
March 24, 2014

This case is an application by Trinity Washington University (the “University” or “Trinity” or “Applicant”) requesting special exception approval under the campus plan provisions of the Zoning Regulations at 11 DCMR §§ 3104.1 and 210 for the further processing of its Trinity Academic Center and Modification of the approved 2006 Campus Plan and special exception relief from the requirements of § 2116.4. In accordance with § 3035.4 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 D.C. Board of Zoning Adjustment at 11 DCMR §§ 3100 *et seq.* For the reasons stated below, the Commission hereby approves the application, subject to conditions.

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

FINDINGS OF FACT

Applications, Parties, and Hearing

1. Trinity is located in Northeast Washington, D.C. in Square 3548, Lot 2 and Parcels 120/33 and 120/34. It is approximately 1,171,600 square feet in size (“Property”) and is located in the R-5-A Zone District as well as the Diplomatic Overlay. (Exhibit [“Ex.”] 3.)
2. Trinity previously had a Campus Plan approved in 2006 in Z.C. Order No. 06-42. It was approved for a period of 10 years and is modified pursuant to this Order. (Ex. 3.)
3. The University submitted an application on January 22, 2014, requesting special exception (further processing) approval of its proposed Academic Center and for modifications of the approved campus plan to account for the difference in the density of the Academic Center, to demolish the Science Building, and to incorporate a new circulation pattern on campus. (Ex. 3)
4. Notice of the public hearing was published in the *D.C. Register* on February 7, 2014 and was mailed to Advisory Neighborhood Commission (“ANC”) 5E and to owners of all property within 200 feet of the Property.

5. The public hearing on the application was conducted on March 24, 2014. The hearing was conducted in accordance with the provisions of 11 DCMR §§ 3022 and 3117.
6. In addition to the Applicant, ANC 5E was automatically a party in this proceeding. The ANC submitted a resolution in support of the application. (Ex. 8.)
7. The University was granted 35 minutes to present its application. The University presented evidence and testimony from Patricia McGuire, President of the University, Eric Kern with EYP Architecture & Engineering, and Jami Milanovich with Wells & Associates.
8. The District Department of Transportation (“DDOT”) submitted a report dated March 11, 2014, in support of the application with conditions. (Ex. 9.)
9. The Office of Planning (“OP”) submitted a report dated March 17, 2014, in support of the application with conditions. (Ex. 10.)
10. Both OP and DDOT offered testimony in support of the application at the public hearing.
11. The Commission heard testimony and received evidence in support of the application from Debbie Smith-Steiner, Single Member District Representative for 5E01.
12. The Commission closed the record at the end of the public hearing and took final action to approve the further processing application and Campus Plan modification in Z.C. Case No. 06-42A, subject to conditions.

Trinity Washington University

13. Trinity College was founded in 1897 by the Sisters of Notre Dame de Namur as a liberal arts college for women. In 2004, the school became known as Trinity Washington University. Today, Trinity educates more District residents than any other private university in the world. (Ex. 3.)
14. Trinity is surrounded by residential and institutional uses. To the south of the campus, immediately across Franklin Street from the proposed Academic Center, is Franklin Commons, a residential apartment building. Residential uses are generally located to the west and east of the campus and a religious institutional use is located to the north of the campus. (Ex. 3.)
15. The existing gross floor area of the campus is 574,007 square feet, which equates to a floor area ratio (“FAR”) of 0.49. The Campus Plan approved a maximum FAR of 0.72. The modified Campus Plan will result in a campus gross floor area of 609,232 square feet or 0.52 FAR and the modified maximum FAR will become 0.64. (Ex. 3, 3A, 10.)

16. The new Trinity Academic Center is proposed for the southwest corner of the campus, along Franklin Street and east of Michigan Avenue. (Ex. 3, 3A,)
17. The campus is located in the Institutional land use category on the Future Land Use Map and Generalized Policy Map of the District of Columbia Comprehensive Plan. (Ex. 3.)

Trinity Academic Center

18. The Trinity Academic Center is proposed for the southwest corner of the campus, along Franklin Street and east of Michigan Avenue. It will be an 80,000 square-foot LEED-certified building housing 21 new academic classrooms, eight science laboratories and four laboratories for Nursing and Health Professions. The total project cost is \$40 million including construction and soft costs. (Ex. 3, 3A).
19. The new Trinity Academic Center is a response to growth, diversification of academic programs, and the need for instructional facility modernization consistent with Trinity's strategic plan as detailed in the 2006 Master Plan submission. The new building replaces a 42,000-square-foot science building that will be demolished as part of the project. (Ex. 3.)
20. The new Trinity Academic Center will ensure Trinity's ability to provide high quality academic programs for generations of students to come throughout the 21st Century. Trinity has chosen to build an integrated academic center, meaning it will include laboratories for the sciences and nursing alongside classrooms for all disciplines.
21. Trinity's primary academic facilities at present are:
 - *Main Hall*: 225,000 square feet, constructed from 1898 to 1910, with little modernization since that time save for occasional upgrades in some plumbing and electrical capacity. The building houses 19 classrooms, all faculty and administrative offices, a convent, and some student residential rooms.
 - *Science Building*: 42,000 square feet, constructed from 1939 to 1941, never renovated and now slated for demolition.
 - *Library*: 39,000 square feet, constructed 1961-1963, never renovated. While the Master Plan targets the library for replacement, that will occur in a future building project, not in the present project. (Ex. 3.)
22. Among other things, development of the Trinity Academic Center will provide greater flexibility to address the need for renovations in Main Hall. While Trinity anticipates continuing to use most of the classroom stock in Main Hall, with some modest

refurbishment, over time some of the classrooms can be taken out of service for more serious renovation and repurposing as part of a future building master plan. (Ex. 3.)

23. Facing Main Hall on the south side, the new Trinity Academic Center will echo the grand facade of that important building while incorporating entirely new ideas about teaching and learning in its interior instructional spaces, including:

- *20 Classrooms:* Size, technological capacity, and layout flexibility are the immediately obvious changes in the classrooms in the new academic center. At present, most of Trinity's classrooms can hold only 20-25 students in somewhat rigid arrangements, and the use of technology is often difficult. All of the classroom furniture in the new building will be flexible, and the rooms will have capacities of 24-36-48 depending on the furniture arrangement. Additionally, for the first time Trinity will have two lecture halls with seating for 72 students each, not large by major university standards but appropriately sized for the kinds of presentations and larger collaborative spaces the faculty desire.
- *Eight Science Laboratories:* Two Anatomy and Physiology laboratories to support Trinity's burgeoning health professions enrollments, one general Biology and one general science laboratory, two Chemistry and two Advanced Science laboratories, with enough prep space to support the needs of the faculty and students.
- *Four Nursing and Health Professions Labs:* Two Nursing Skills labs, one Health Assessment Lab and one General Health classroom that can be converted to a lab, with space also designated for a Simulation Lab between the two Nursing Skills labs, and space for clinical simulation for health professions and clinical mental health counseling as well.
- *18 Faculty Offices* to accommodate faculty in the sciences and some of the health professions, and some meeting spaces as well.
- *Student lounge and study spaces* located throughout the building will make the space welcoming and comfortable for students between classes and for informal interaction with faculty and peers. (Ex. 3.)

24. In order to effectuate the new program, the project requires further processing approval for the construction of the Trinity Academic Center, which was approved in concept as a part of the 2006 Campus Plan. The Academic Center will be located to the east of the library along the primary drive on the campus and in the general vicinity of the footprint approved in the 2006 Campus Plan. While the 2006 Campus Plan anticipated a building approximately 180,000 square feet in size, the proposed Center will be approximately 80,000 square feet. (Ex. 3.)

25. The program also requires a modification of the 2006 Campus Plan to account for the difference in the density of the Academic Center, to demolish the Science Building and to incorporate a new circulation pattern on campus. (Ex. 3.)
26. The new Trinity Academic Center will replace the existing science building. In the inventory Trinity submitted to the Historic Preservation Office in 2008, as required by Condition No. 10 of Z.C. Order No. 06-42, it stated that demolition was a distinct possibility for the science building. A 2010 evaluation of the possibility of renovating the existing science building revealed such substantial deficiencies that the structure could not be practically renovated for academic or other institutional purposes.
27. Trinity concluded it was more feasible to simply construct a new building rather than outfit an older building to serve the modern educational needs of the University. Razing the Science building also provides Trinity with the flexibility to reorganize its campus circulation and create a more efficient and effective method of navigating the campus. (Ex. 3.)
28. The demolition of the Science building will allow a more direct route to the point of egress on Franklin Street. There is currently no direct link to the eastern gate on Franklin Street; however, the proposed modifications will provide that link. (Ex. 3.)
29. Trinity is proposing a new circulation pattern for the campus in connection with the Academic Center. The loop in front of Main Hall is proposed to be changed from clockwise flow to counterclockwise flow. This will enable direct access to the proposed Academic Center and offer a direct route through campus. This loop will connect with the Franklin Street loop just to the east of the Academic Center. The one-way operation of the roadway will prevent excess cut-through traffic, fostering a safer and more pedestrian-friendly atmosphere. (Ex. 3.)

Special Exception Requirements

30. As required by 11 DCMR § 210.2, the University demonstrated that the proposed uses and developments will be located so as not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable impacts. Specifically, the Academic Center has been designed and located so as to minimize noise and visual impacts on neighboring properties. The building is located along the southern edge of the campus and is set back over 22 feet from Franklin Street. Its entrance is interior to the campus buffering most of the activity associated with the Center from neighboring properties.
31. The building will utilize metal halide pole mounted site lights throughout the landscaping associated with the Academic Center. The lights will be placed so as not to disturb surrounding properties and will be thoughtfully and strategically located around the

Academic Center to illuminate walkways, parking, and plantings and to provide security. (Ex. 3, 3A.)

32. The proposed Academic Center will not have any adverse impacts on traffic circulation or parking on campus or the adjacent community. The Academic Center will relocate the Nursing and Science programs from the Main Hall and Science Building, respectively. Because the Center will house existing programs, there will be little, if any, additional traffic generated by the new building. (Ex. 3, 3G.)
33. Trinity is proposing a new circulation pattern for the campus in connection with the new construction, as noted above. (Ex. 3, 3G).
34. The University's transportation study included with its application and prepared by the University's traffic expert concluded that the Academic Center and related Campus Plan modifications will have negligible adverse impacts on traffic and parking in the area surrounding the University, if any.
35. The University will continue to encourage the use of public transportation through the use of a pre-tax payroll deduction for public transportation costs and it will continue the operation of its shuttle between the Metrorail station and Campus.
36. The University's traffic engineering expert testified that the Academic Center will not generate significant changes to nearby roadway volumes, operations, or geometries, so its impact on traffic will be minimal.
37. The Academic Center will displace 40 parking spaces; however, approximately 31 additional spaces will be dispersed throughout the campus, resulting in a net loss of approximately nine spaces on campus. The Campus Plan requires that a minimum of 376 spaces be located on campus; the University will maintain that minimum on campus by providing approximately 421 spaces. Given that there will be only a modest reduction in on-site parking, the University does not anticipate any adverse parking conditions arising from the new building. (Ex. 3, 3G.)
38. The Academic Center will not create any adverse impacts related to the number of students and staff coming to the site. The project is relocating existing programs and does not create new programs nor enlarge either the student or faculty and staff populations beyond what was anticipated in the 2006 Campus Plan. (*Id.*)
39. The 2006 Campus Plan anticipated a student enrollment of 3,000 students; Trinity currently has an enrollment of approximately 2,500 students. The University is not proposing to increase the anticipated enrollment levels. Similarly, Trinity is not proposing to increase its faculty and staff beyond the levels anticipated in the 2006 Campus Plan. The Campus Plan anticipated 220 full-time faculty and staff members and

approximately 250 part-time faculty members. Despite the new facility space, Trinity does not anticipate a need for additional faculty or staff at this time. (Ex. 3.)

40. The proposed development of the Academic Center will not create any other adverse impacts or other objectionable conditions on nearby properties. The entrance of the building will be located on the interior of the campus, buffering the bulk of building activity (ingress and egress) from neighboring properties. The vehicular traffic accessing the rear of the building is consistent with the existing use of the property, which is a surface parking lot. Finally, Trinity is not proposing to increase its student or employee populations beyond what it anticipated in the 2006 Campus Plan, thus there will be no additional traffic or parking demand generated by this project. (Ex. 3.)
41. Subsection 210.3 requires that the development proposed under a Campus Plan not exceed the gross floor area prescribed for the R-5-B Zone District (1.8 FAR). Z.C. Order No. 06-42 imposes a maximum cap on FAR at 0.72. The proposed modifications to the Campus Plan reduce the maximum FAR from 0.72 to 0.64. Upon completion of the Academic Center, the FAR of the campus will be 0.52, which is well within the permitted FAR. (Ex. 3.)
42. The Commission approved a Campus Plan for Trinity for 2006-2016, which included a site plan for the entire campus, as required by 11 DCMR § 210.4. The University is modifying the approved campus plan to account for the smaller density of the Academic Center, the newly proposed circulation, and the demolition of the Science building. (Ex. 3.)
43. The University is not proposing an interim use of the land (see § 210.5). (Ex. 3.)
44. The University is not proposing to move a major new building off-campus. (See § 210.6.) (Ex. 3.)
45. Pursuant to § 210.7, the proposed development must be in compliance with the policies of the District elements of the Comprehensive Plan. The campus is designated for institutional use on the District of Columbia's Land Use Map. College and University uses are consistent with this designation. Further, further processing application and modifications to the Campus Plan carry out many important policies of the Comprehensive Plan pertaining to institutional growth, use of open space, coordination with the community, and corporate citizenship. (Ex. 3.)
46. The Applicant is also seeking a special exception pursuant to § 2116.5 to permit some of the parking spaces in the parking lot in the area between a building line and a lot line abutting the street, which would otherwise be disallowed by § 2116.4.
47. Pursuant to § 2116.5, the Commission must find that it is not practical to locate the spaces as allowed because of:

- (a) Unusual topography, grades, shape, size, or dimensions of the lot;
- (b) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;
- (c) Traffic hazards caused by unusual street grades; or
- (d) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.

The Commission finds that the location of parking spaces off of the circular drive results in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.

- 48. The 13-space parking lot is located in the front of the library building and is accessed from the south side of the circular drive, which is the point of ingress and egress from Michigan Avenue, N.E. The parking lot is landscaped so that trees line the edge of the lot that is closest to Michigan Avenue.
- 49. The parking lot in this location was proposed in response to the University's need to close nearby Lot 9 in order to construct the new Academic Center. Placing the new lot in this location will allow for the spaces to serve the Library, Main Hall, and Academic Center.
- 50. The proposed circulation plan changes the flow of traffic on the circular drive to a counter-clockwise pattern. Vehicles would access the new parking lot by making a right turn off of the circular drive and would exit the parking lot by making a right on to the circular drive, as well.

District Department of Transportation

- 51. DDOT submitted a report dated March 11, 2014, in support of the application, with conditions. DDOT noted that while it did not oppose the project, it did have concerns with providing two full-access points along Franklin Street as well as with the University's use of public space. (Ex. 9.)
- 52. The University testified at the hearing that it was not proposing two full-access points along Franklin. Rather, while there are two curbcuts on Franklin Street, both of which will remain, the University was proposing to use the westernmost curbcut for egress during special events and the easternmost curbcut for egress only on a daily basis. (*Id.*)
- 53. DDOT was amenable to the clarification proposed by the University and no longer objected to the points of access along Franklin Street.

54. DDOT also expressed concern that a portion of the proposed drive aisle and several parking spaces were in the public space. DDOT noted that this would be inconsistent with its public space policies and that it expected the Applicant to modify its plans to move these facilities within public space. If the Applicant did not do so, DDOT predicted that a request for a public space permit would be denied.
55. Trinity revised its site plan to eliminate new parking in public space (existing parking in public space would remain) and to reduce the encroachment of the drive aisle to five feet. (Ex. 12.)

Office of Planning

56. By report dated March 18, 2014, and by testimony at the public hearing, OP recommended, with conditions, approval of the further processing application and modification of the Campus Plan. OP reviewed the application under the standards for special exception approval for a campus plan and a further processing application 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 conditioned its recommendation for approval on the following conditions:
- Approval is granted by DDOT for the portion of the roadway and parking areas located within public space, as depicted in the site plan. If approval is denied by DDOT then the applicant would require a modification to the submitted site plan.
 - Further, any approval granted by the Commission would not imply a determination on the historic attributes of the existing science building, which is proposed for demolition by the applicant. (Ex. 10.)
57. As to the first proposed condition, the Applicant revised its plans to eliminate the proposed new parking spaces in public space and reduce the incursion of the drive aisle. Obviously, if the Public Committee rejects the Applicant's request to allow the drive aisle in public space, no building permit can be issued until the Commission approves a modification to the plans. *See* 11 DCMR § 3125.8 ("An applicant shall be required to carry out the construction, renovation, or alteration only in accordance with the plans approved by the [Commission], unless the Commission] orders otherwise."). However, the Commission does grant the Applicant the flexibility to make minor refinements to the plans in response to the recommendation of DDOT.
58. The second condition is an accurate statement, but does not need to be made a condition. The science building is presently not a designated landmark. Should it become so, its demolition would require certain findings be made by the Mayor's Agent for Historic Preservation pursuant to D.C. Official Code § 6-1104. Nothing in this order is intended to influence the Mayor's Agent in making those determinations.

ANC 5E

59. ANC 5E voted at its regularly scheduled, duly publicized meeting on November 19, 2013, and the ANC's report indicated that it unanimously supported the construction of the Academic Center and the modifications to the Campus Plan. (Ex. 8.)
60. Single Member District Commissioner, Debbie Smith-Steiner, testified at the public hearing in support of the project, specifically noting the extensive community outreach undertaken by the University.
61. Commissioner Smith-Steiner also commended the University on the work it did to promote higher education for lower income students.

CONCLUSIONS OF LAW

The Applicant requested special exception approval, pursuant to 11 DCMR §§ 210, 3035, and 3104, of a further processing application and a modification of the 2006 Campus Plan. The Applicant also seeks special exception relief from the requirements of 11 DCMR § 2116.4 to locate parking spaces in the area between the building line and lot line abutting the street. 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. (D.C. Official Code § 6-641.07(g)(2)(2012 Repl.), 11 DCMR § 3104.1. The Commission may make such a determination when it “rationally flows from findings of fact supported by substantial evidence in the record as a whole.” *Georgetown Residents Alliance v. D.C. Bd. of Zoning Adj.*, 802 A.2d 359, 363 (D.C. 2002). 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.)

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 Academic Center and related Campus Plan amendments in accordance with § 210. The Academic Center and the new circulation pattern are not likely to become objectionable because of noise, traffic, number of students, or other objectionable impacts. The application is not inconsistent with the Comprehensive Plan and advances many of the policies of the Comprehensive Plan. The University has made reasonable accommodations in its program to address the concerns of the Historic Preservation Office and DDOT. Nevertheless, in response to agency comments, this approval will include flexibility to continue to work with Public Space and the Historic Preservation Office.

Based on the above Findings of Fact, the Commission concludes that the Academic Center is not likely to become objectionable because of noise. The building is sufficiently buffered from neighboring residential uses and the University it is relocating existing programs so the building will not generate any additional noise. The building faces inward on the campus, and away from neighboring uses, further buffering any noise that may result from use of the building. Nevertheless, the building will not create a significant level of noise so as to affect negatively neighboring properties. Based on the above Findings of Fact, the Commission concludes that the Academic Center and new circulation are not likely to become objectionable because of traffic and parking. The University's Transportation Report complied with both DDOT and industry standards in concluding that the Academic Center and new circulation will not adversely affect the traffic and parking conditions in the vicinity of the Campus. The Transportation Report presented adequate data, made justifiable assumptions and predictions, and examined a sufficient number of streets and intersections to legitimately conclude that the program will not create objectionable impacts from traffic and parking. DDOT's report and testimony corroborated the Transportation Report's conclusions. The Commission credits the testimony of DDOT at the public hearing that the agency is generally supportive of the Academic Center, provided that it works with Public Space in addressing the use of public space for the access drive aisle. The Commission finds that approval of the application will not create conditions objectionable to neighboring property because of parking. The Commission finds that the 2006 Campus Plan required a minimum of 376 spaces be maintained on campus and that Trinity will comply with that condition.

Based on the above Findings of Fact, the Commission concludes that the Academic Center and new campus circulation is not likely to become objectionable because of the number of students. The Commission notes that the University does not have an enrollment cap and its growth has been as the University anticipated in the 2006 Campus Plan.

Based on the above Findings of Fact, the Commission concludes that the Academic Center and related Campus Plan amendments are not likely to become objectionable because of other objectionable impacts, such as the number of faculty/staff, on-campus housing, or off-campus student behavior. The project incorporates designs, policies, and procedures that will create conditions such that potential other objectionable impacts are not likely to occur.

Based on the above Findings of Fact, the Commission concludes that the University engaged and responded to the neighboring community with respect to the Academic Center such that it is not likely to become objectionable due to noise, traffic, number of students or objectionable impacts. This is reflected in the ANC's unanimous support of the application and the fact that there was no opposition reflected in the record.

The Commission recognizes that its responsibility is to determine whether "a reasonable accommodation has been made between the University and the neighbors which does not interfere with the legitimate interests of the latter" or the legally protected interests of the former. *Glenbrook Rd.*, 605 A.2d at 25. In finding that the Academic Center and related Campus Plan

modifications herein are not likely to become objectionable due to noise, traffic, number of students or other objectionable conditions, the Commission followed the standard of review stated above.

For the reasons discussed above, the Commission concludes that that approving the requested relief 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, as required by § 3104.1. Accordingly, the Commission finds that the Applicant has met its burden of proof for a special exception under §§ 210 and 3104.1.

Based on the above Findings of Fact, the Commission concludes that the Applicant has also satisfied the burden of proof for special exception relief from § 2116.4 to locate parking spaces between the building line and the lot line abutting the street. Special exception relief from this requirement is authorized by § 2116.5. In order to grant a special exception pursuant to § 2116.5, the Commission must find that it is not practical to locate the spaces in a non-restricted area of a lot for one the following reasons:

- (a) Unusual topography, grades, shape, size, or dimensions of the lot;
- (b) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;
- (c) Traffic hazards caused by unusual street grades; or
- (d) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.

Accordingly, the Commission finds that the location of parking spaces off of the circular drive meets the requirements of paragraph (d), as it results in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties. The parking lot, located in the front of the library building, is accessed from the south side of the circular drive, which is the point of ingress and egress from Michigan Avenue, N.E. The proposed circulation plan changes the flow of traffic on the circular drive to a counter-clockwise pattern. Vehicles would access the new parking lot by making a right turn off of the circular drive and would exit the parking lot by making a right turn on to the circular drive, as well. Based on the new circulation pattern, the location of the parking lot on the south of the circular drive allows for less traffic congestion on the drive and allows for safer ingress and egress from Michigan Avenue. Further, the parking lot in this location was proposed in response to the University's need to close nearby Lot 9 in order to construct the new Academic Center. Placing the new lot in this location will allow for the spaces to serve the Library, Main Hall, and Academic Center. Therefore, the location of parking spaces in this area will prevent students and visitors seeking to park near these buildings from using street parking in the neighborhood. By

providing additional parking in this location, the Applicant will cause less adverse impacts on neighboring properties. The Commission concludes that the Applicant has satisfied the criteria of § 2116.5.

Pursuant to § 3104.1, the Commission also concludes that the Applicant has demonstrated that the location of the proposed parking spaces is in harmony with the general purpose and intent of the Zoning Regulations. Further, the Commission finds that the location of these parking spaces will not adversely affect the surrounding neighborhood, as the project has been designed and located so as to minimize noise and visual impacts on neighboring properties.

The Commission accorded the recommendation of OP the “great weight” to which it was entitled pursuant to D.C. Official Code § 6-623.04 (2012 Repl.). In this case, OP recommended approval of the requested relief, subject to two conditions. First, approval must be granted by DDOT for the portion of the roadway and parking areas located within public space, as depicted in the site plan. If approval is denied by DDOT then the Applicant would require a modification to the submitted site plan. Second, any approval granted by the Commission would not imply a determination on the historic attributes of the existing science building, which is proposed for demolition by the Applicant. As discussed in this Order, the Commission concurred with the recommendation of OP to grant the University’s application. However, for the reasons stated in findings of fact 57 and 58, the Commission determined that that first condition should be modified to account for the flexibility granted the Applicant to make minor refinements in response to DDOT recommendations and that the second condition, though accurate, need not be stated as a condition.

The Commission accorded the letter in support from ANC 5E the “great weight” to which it is entitled pursuant to D.C. Official Code § 1-309.10(d) (2012 Repl.). In doing so, the Commission fully credited the unique vantage point that the ANC holds with respect to the impact of the proposed project on the ANCs’ constituents. The Commission further concludes that the University has taken strides to engage the community and gather its feedback.

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 Z.C. Case No. 06-42A, and Orders that Conditions Numbers 2 through 34 of Z.C. Order No. 06-42 be modified as follows with deleted text show in strikethrough and new text shown in bold and underlined font:

2. The total existing and proposed gross floor area for the campus shall be no more than ~~1,171,600~~ **609,232 .64** square feet.
3. The total floor area ratio for the campus shall be a maximum of ~~72.~~ **0.64.**
4. There shall be a minimum of ~~376~~ **421** parking spaces located on the campus.

The approval of this application is subject to the following conditions:

1. The Applicant shall have the flexibility to refine the site plan as it continues to work with the District Department of Transportation with respect to its use of public space along Franklin Street. Such flexibility shall include removal of parking spaces from public space and the narrowing and shifting of the drive aisle in response to conversations with DDOT and the Public Space Committee. If the Public Space Committee denies the application or if the process results in changes to the site plan that are more substantial than minor refinements, the Applicant is required to seek a modification to its proposed site plan.
2. The Applicant shall continue discussions with the Historic Preservation Office regarding the demolition of the Science building.

VOTE: 4-0-1 (Robert E. Miller, Marcie I. Cohen, Anthony J. Hood, and Michael G Turnbull to approve; Peter G. May not present, not voting).

BY ORDER OF THE D.C. ZONING COMMISSION

Each concurring member approved the issuance of this Order.

ATTESTED BY: _____


SARA A. BARDIN
DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: June 5, 2014