

BEFORE THE DISTRICT OF COLUMBIA ZONING COMMISSION

THE GEORGE WASHINGTON UNIVERSITY
FOGGY BOTTOM CAMPUS PLAN: 2006-2025

Z.C. No. 06-11

**OPPOSITION OF THE GEORGE WASHINGTON UNIVERSITY TO MOTION
OF FOGGY BOTTOM ASSOCIATION TO DISMISS FOR
NON-COMPLIANCE WITH BZA ORDER 16553-I**

The George Washington University (the "University"), through its counsel, opposes the request of the Foggy Bottom Association ("FBA") that this Commission dismiss its 2006-2025 Foggy Bottom Campus Plan application on the grounds that the Applicant has allegedly failed to comply with Conditions 8 and 9(a) of Order No. 16553-I, the 2000 Foggy Bottom Campus Plan (the "2000 Campus Plan"). Since the 2000 Campus Plan took effect, the University has continuously remained in substantial compliance with all of the Campus Plan conditions, and none of the grounds cited by the FBA or its expert in support of its motion provide any basis for its motion to dismiss. Moreover, even if the University was not in compliance with any of those conditions, it would not prevent the Zoning Commission from considering this application, which is for a new Campus Plan. Specifically, the University submits that:

1. Compliance with Condition 20 of the 2000 Campus Plan does not apply to a special exception application for approval of a new Campus Plan, and the issue of compliance with Conditions 8 and 9(a) is therefore moot with respect to this application.
2. The University has repeatedly demonstrated compliance with the existing Foggy Bottom Campus Plan conditions in every biannual report and status report filed since Fall 2002.
3. The Zoning Administrator, who is responsible for determinations of noncompliance with the conditions of the 2000 Campus Plan, has submitted a report that provides no basis for a determination of noncompliance.

ZONING COMMISSION
District of Columbia

CASE NO. 06-11

EXHIBIT NO. 54

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4. The Zoning Administrator's conclusion on the issue of compliance with Condition 8 with regard to student enrollment is supported by the report of an independent auditor.
5. The University acknowledges that the conditions regarding compliance can be clarified and it has proposed specific definitions of key terms which should be addressed in the public hearings on the 2006-2025 Foggy Bottom Campus Plan.

Accordingly, we request that this Commission proceed with its consideration of the above-captioned application without delay at the scheduled public hearings.

ARGUMENT

1. **Compliance with Condition 20 of the 2000 Campus Plan is not a prerequisite for the filing of a special exception application for a approval of a new Campus Plan, and the issue of compliance with Conditions 8 and 9(a) is therefore moot with respect to this application.**

In its Motion to Dismiss for Non-Compliance with BZA Order 16553-I ("FBA Motion"), dated August 31, 2006, counsel for the FBA asserts that the Zoning Commission should dismiss the above-captioned application because the University does not comply with Condition 8, which limits student enrollment and faculty members at its Foggy Bottom Campus, and Condition 9(a), which requires that the University house a substantial portion of its Foggy Bottom student population on campus, of the 2000 Campus Plan. *FBA Motion at 1-4*. Under Condition 20 of the 2000 Campus Plan, which is discussed in detailed in Section 4, below, the University may not be granted approval of a special exception for further processing under this Plan unless it has "consistently remained in substantial compliance" with the conditions of the 2000 Campus Plan. Lack of compliance with these conditions is also grounds for denial of building permits or certificates of occupancy under the 2000 Campus Plan.

Due to the alleged non-compliance with Conditions 8 and 9(a), the FBA claims that, under Condition 20 of the 2000 Campus Plan, this application for a new campus plan may not be heard, because “no special exception application filed by the University for further processing under this plan may be granted unless the University proves that it has remained in substantial compliance with Conditions 1 through 19 set forth in this Order.” *FBA Motion at 3 (internal quotations omitted)*. The record with respect to University’s compliance is clear: the University has consistently remained in substantial compliance with Conditions 1 through 19 of the 2000 Campus Plan for the life of that Order. Assuming *arguendo*, however, that the University has not complied with those conditions, Condition 20 would still not preclude the Zoning Commission from hearing the 2006-2025 Foggy Bottom Campus Plan.

By its own terms, Condition 20 only applies to special exception applications for further processing under the existing 2000 Foggy Bottom Campus Plan. While the term “further processing” is not formally defined by the Zoning Regulations, it is generally used to describe applications for special exception approval of a specific building under an approved campus plan. Section 3035 of the Regulations, which sets forth the procedures for Zoning Commission approval of college and university issues, provides as follows:

[T]he Zoning Commission shall hear and decide all applications filed under § 3104 for special exception approval . . . of a campus development plan; the amendment of a campus development plan; the further processing of an approved campus development plan to permit the construction and use of a specific building or structure within a campus . . .; and the interim use of land or improved property within a reasonable distance of a campus. 11 DCMR § 3035.1 (emphasis added).

A plain reading of Section 3035.1 shows that the further processing tool is predicated on the existence of an approved campus plan, and further processing applications are

therefore, limited to permitting the approval of individual buildings under a specific, approved campus plan. As a result, Condition 20, which applies itself only to any “special exception application . . . for further processing under this plan,” only operates to restrict applications for further processing under the 2000 Foggy Bottom Campus Plan.¹

Further, based on the structure of 3035.1, applications for campus plans and amendments to campus plans are conceptually distinct from further processing applications. As a result, Condition 20 cannot apply to a special exception application filed by the University for either a new campus plan or for an amendment to a campus plan; rather, it only applies to an application for further processing. Condition 20 does not, therefore, apply to the 2006-2025 Foggy Bottom Campus Plan application before this Commission.

Accordingly, even if the University were in violation of one of the conditions of the 2000 Foggy Bottom Campus Plan—which the evidence summarized below clearly refutes—such “noncompliance” would preclude the University from receiving approval of an application for further processing under this plan but would have no impact on the Commission’s authority to hear the application for a new campus plan. Because the FBA’s grounds for dismissal do not impact an application for a new campus plan, the issue of compliance with Conditions 8 and 9(a) is therefore moot.

2. The University has repeatedly demonstrated compliance with the existing Foggy Bottom Campus Plan conditions in every biannual report and status report filed since Fall 2002.

¹ Indeed, Condition 7 of the proposed 2006-2025 Campus Plan contains a similar structure, carried over to the PUD context. It provides that “[n]o PUD application filed by the University for second-stage review under the Foggy Bottom Campus Plan: 2006-2025 may be granted” unless the University is in substantial compliance with the conditions of the plan. Just as the second-stage PUD review depends on the existence of an approved first-stage PUD, so too does the further processing application depend on the existence of an approved campus plan. In both cases, the condition operates to ensure compliance with the campus plan conditions before any specific building is approved for construction.

To date, neither the Zoning Commission or the Department of Consumer and Regulatory Affairs (“DCRA”) has found evidence of noncompliance. Rather, the Zoning Commission has approved seven zoning applications for projects under the 2000 Campus Plan (including five further processing applications and two planned unit developments), and DCRA has issued building permits and certificates of occupancy for almost all of the approved projects. (One project is still under development.) At no point during either the zoning or permit approval process were appeals filed based on any alleged University noncompliance with these conditions of the 2000 Campus Plan.

The University has and continues to comply with the conditions set forth in the 2000 Campus Plan, including Conditions 8 and 9. Any assertion to the contrary is wrong. The conditions in the 2000 Campus Plan are intended to limit the land use impacts generated by the Foggy Bottom campus, and as detailed below, the University has developed an appropriate methodology for counting the students, faculty, and required beds that are the subject of these conditions.

A. Condition 8: Student Enrollment

The University has clearly articulated a reasonable definition of student enrollment under the 2000 Campus Plan. The 2000 Campus Plan does not define “student enrollment.” Rather, Condition 9(c) of the existing Plan requires the University to provide enrollment and other data and provide an explanation of “methods, assumptions, and sources used to compile” this information. The University has clearly articulated its definition of “student enrollment” under the 2000 Campus Plan and has regularly reported its methods, assumptions and sources.

The 2000 Foggy Bottom Campus Plan filed by the University fully discloses the existence of a separate campus plan filed for the Mount Vernon Campus. In the subsection entitled “Educational Extensions,” the University stated that a “separate Campus Plan for The George Washington University at Mount Vernon College received unanimous BZA approval on December 15, 1999 (BZA Case No. 160505).” 2000 Foggy Bottom Campus Plan, pp. 4-5. The University explained the relationship between the two campuses in stating that “[w]hile there is communication and programmatic integration between the Foggy Bottom and Mount Vernon campuses, each campus maintains its own separate identity.” *Id.* at 4. Indeed, the Mount Vernon Campus Plan order establishes a separate headcount and FTE student enrollment caps for that campus, and during the 2000 Foggy Campus Plan hearings the University made it clear that Foggy Bottom student enrollment does not include Mount Vernon students. See BZA Application No. 16553 Public Hr’g Tr., 182–86, April 28, 2000. The testimony is attached as Exhibit A.

In August 2001, the University filed its first special exception applications for further processing under the 2000 Campus Plan for new residence halls in Squares 43 and 57. The FBA was a party to those proceedings. During those proceedings, consistent with Condition 20 of the 2000 Campus Plan, the University provided a status report which specifically referenced the exclusions for “students based at other campuses [and] students away from campus on study abroad programs.” These projects were approved by the Zoning Commission, and the Department of Consumer and Regulatory Affairs issued building permits and certificates of occupancy. A copy of the status report is included as Exhibit B.

Additionally, in every biannual report filed by the University since fall 2002, as required by Condition 9(c), the University has described its “methods, assumptions and sources” for the student enrollment data. Every report since that date has referenced the exclusion of students counted under the Mount Vernon Campus Plan and students away for an entire semester on study abroad.² The University has been consistent and forthcoming in its exclusion of those students who are not physically present on the Foggy Bottom campus.

Moreover, the 2000 Campus Plan is a land use document for a specific University campus—the Foggy Bottom Campus—and the University’s exclusion of categories of students not significantly contributing to the day-to-day land use impacts of the Foggy Bottom campus is both reasonable and appropriate. Contrary to the assertion of the FBA, certain categories of students included within the Integrated Postsecondary Education Data System (“IPEDS”) definition of students have no relevance to the land use issues addressed by the 2000 Campus Plan. Those categories of students are, however, relevant for other reporting purposes identified by the FBA’s expert. For reports to the U.S. Department of Education (“DOE”), the University maintains data on the universe of “student enrollment” for the entire university, including other campuses, distance education, and so on, under the DOE definition contained in the IPEDS. This universe is

² Students away on study abroad are not part of a “swap” whereby foreign students come to GW in exchange for the students leaving. If foreign students enroll in GW courses they do so independently of the GW study abroad students, and such foreign students are included in the enrollment count under the IPEDS definition.

the basis of the reports to the DOE (Oberlander Aff. Ex. C) and the Internal Revenue Service (Oberlander Aff. Ex. G).³

B. Condition 8—Faculty Counts

The University has also consistently filed status reports in conjunction with special exception applications for further processing that indicate it is in continued compliance with Condition 8's limitation of the faculty headcount of 2,236 and full-time equivalent ("FTE") faculty count of 1,550. Most recently, in the 2006-2025 Foggy Bottom Campus Plan application dated February 16, 2006, the University reported a faculty headcount of 2,139 and an FTE faculty count of 1,218.

The number of faculty reported includes all full- and part-time paid faculty who teach on the Foggy Bottom campus. Larger numbers of faculty reported on the University's Office of Institutional Research web pages (Oberlander Aff. Ex. J) include:

- faculty not teaching on the Foggy Bottom Campus;
- University staff who hold faculty positions on less than a full time basis and who are considered by the University to be primarily staff employees and thus included in University staff counts;
- physicians who, although affiliated with the Medical Center as "voluntary faculty," are not paid or employed by the University and who are employed by other medical providers, such as Children's Hospital, Washington Hospital Center, Veterans Hospital, and the Medical Faculty Associates, and do not engage in traditional faculty/teaching activities on the Foggy Bottom campus; and

³ Differences among the numbers reported in the DOE and IRS reports is explained by their reporting dates: the DOE report was made as of the University's census date in Fall 2004, and the IRS report was made as of its census date in Fall 2003.

- local private physicians engaged in the practice of medicine who are not paid or employed by the University, and engage in very limited teaching of medical residents in private offices or in hospitals as “voluntary faculty” as a service to the profession, rather than as traditional faculty.

These individuals have historically not been included in Campus Plan faculty counts.

The 2000 Campus Plan distinguishes between faculty and staff counts, but the reasons for such distinction are based on past customs and have no relevance for land use purposes. The 2006-2025 Campus Plan proposes to simplify and clarify faculty/staff reporting by providing a combined faculty and staff limitation of 12,529 on a headcount basis and 10,550 on an FTE basis. Further, the proposal includes specific definitions as to who is included in this “employee” cap.

C. Condition 9 – Undergraduate Student Housing Requirement

By its own terms, Condition 9(a) recently took effect on August 31, 2006. In its most recent biannual report dated August 28, 2006 (the “August 2006 Biannual Report”), the University indicated that the Foggy Bottom on-campus bed count is 6,326 (6,381 including beds occupied by University undergraduates who reside on campus in facilities not owned by the University). The August 2006 Biannual Report also indicates the Foggy Bottom campus’ full-time undergraduate enrollment is 8,204, based upon the methodology described above in Section 2.A.⁴ Therefore, the University is in

⁴ The “average enrollment” figures presented in the August 2006 Biannual Report, averaging Fall 2006 and Spring 2005 enrollments, is included only for informational purposes under the 2000 Foggy Bottom Campus Plan. In the 2006-2025 Foggy Bottom Campus Plan, the University proposes to utilize the average count on a going-forward basis for a limited time. This is based upon the proposed change in determining Foggy Bottom student enrollment, and the temporary need to adjust the measuring date for determining the required number of beds until additional planned student housing can be developed.

compliance with Condition 9(a) which requires a minimum of 5,804 beds (5,600 beds plus one bed for every full-time undergraduate over 8,000).

3. **The Zoning Administrator, who is responsible for determinations of noncompliance with the conditions of the 2000 Campus Plan, has submitted a report that provides no basis for a determination of noncompliance.**

In its April 10, 2006 Setdown Report, the Office of Planning requested the Zoning Administrator conduct an audit of the University's student enrollment headcount to resolve the issue of University compliance with Condition 8 of the 2000 Campus Plan. According to the Office of Planning's September 5, 2006 Final Report ("OP Final Report"), "[t]he resulting memo from the Zoning Administrator [the "Audit"] lays out the history of the audit, the audit process, and the results found by the [Zoning Administrator]." OP Final Report at 21. In the Audit, the Zoning Administrator "determines that the University is in compliance with the condition on student enrollment at the Foggy Bottom Campus based on the existing and previously unchallenged methodology." *Id.* As the OP Final Report states, "[t]he authority for determining compliance continues to lie with this Commission and the Zoning Administrator. To date, neither has found that the University has ever been out of compliance with any condition of its 2000 Campus Plan." *Id.* at 22.

4. **The Zoning Administrator's conclusion on the issue of compliance with Condition 8 with regard to student enrollment is supported by the report of an independent auditor.**

The University agreed to an independent audit of its reported Foggy Bottom student enrollment numbers to be conducted under the direction of the Zoning Administrator. This audit, with which the University fully cooperated, was not legally

required but agreed to by the University as an act of good faith.⁵ According to the OP Final Report, this independent audit concludes that the University is in compliance with the student enrollment limitations imposed by Condition 8 of the 2000 Campus Plan. OP Final Report at 21-22.

5. **The University acknowledges that the conditions regarding compliance can be improved and it has proposed specific clarifications which should be addressed in the public hearings on the 2006-2025 Foggy Bottom Campus Plan.**

The University is committed to working with the District and community stakeholders to establish improved mechanisms to monitor and confirm Campus Plan compliance moving forward. It is contemplated that all of the applicable conditions imposed by the Board of Zoning Adjustment in connection with the 2000 Campus Plan will continued to be enforced with respect to the 2006-2025 Campus Plan, including the student enrollment and undergraduate student housing requirements.

The University and the Office of Planning have worked closely together to update the language of the existing conditions to appropriately reflect the changes in the 2006-2025 Campus Plan and to ensure the conditions are clear, well-defined, and reflect the appropriate level of specificity necessary to provide assurance of continued University compliance. Specifically, the University is seeking to establish Campus Plan reporting dates that align with standard University reporting dates (i.e., semester census), so as to ensure that reported data is consistent and can be easily confirmed and monitored by interested parties. Furthermore, additional conditions have been added to address

⁵ The scope of services of the audit, as determined by the Zoning Administrator, was broader than what the University had agreed to in discussions with the Office of Planning. Notwithstanding, the University fully cooperated with the independent auditor, who was selected, managed and paid by the Zoning Administrator.

concerns raised by members of the Foggy Bottom and West End communities. These updated conditions were individually detailed in the Office of Planning's April 10, 2006 Setdown Report as well as its September 5, 2006 Final Report, and were also included as Exhibit Y of the Applicant's pre-hearing submission.

CONCLUSION

In view of the foregoing, we respectfully request that the Zoning Commission continue its consideration of the Foggy Bottom Campus Plan: 2006-2025 without delay at the scheduled public hearings. We look forward to addressing any issues or concerns the Zoning Commission may have about the proposed campus plan, PUD, and zoning map amendment during that hearing.

Respectfully submitted,



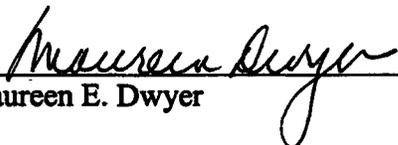
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Attorney for:
The George Washington University

September 11, 2006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this motion was served by e-mail and first-class mail, postage prepaid, upon Cornish F. Hitchcock, 5301 Wisconsin Avenue, NW, Suite 350, Washington, DC 20015.



Maureen E. Dwyer

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

WEDNESDAY

APRIL 26, 2000

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The Public Hearing convened in Room 220 South, 441
4th Street, N.W., Washington, D.C. 20001, pursuant to notice at
9:30 a.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

SHEILA CROSS REID	Chairperson
ROBERT N. SOCKWELL	Vice Chairperson
RODNEY L. MOULDEN	Board Member
ANN RENSCHAW	Board Member

ZONING COMMISSION MEMBER PRESENT:

CAROL J. MITTEN	Commissioner
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OFFICE OF ZONING STAFF PRESENT:

Beverly Bailey	Zoning Specialist
Paul Hart	Zoning Specialist

OTHER AGENCY STAFF PRESENT:

Mary Vogle	Office of Planning
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D.C. OFFICE OF CORPORATION COUNSEL:

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Marie Sansone, Esq.

C-O-N-T-E-N-T-S

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1 impact on the community or on the city street system and the
2 parking system.

3 Thank you.

4 CHAIRPERSON REED: Thank you, Mr. Slade. All
5 right, Mr. Thomas.

6 MEMBER RENSHAW: Excuse me, Madam Chair, I'd like
7 to ask Ms. White if she would submit her power point presentation
8 that we didn't get to see.

9 MS. WHITE: I sure will.

10 MEMBER RENSHAW: Thanks.

11 CHAIRPERSON REED: Okay, Mr. Thomas, did you want
12 to start with these witnesses in the cross examination?

13 MR. THOMAS: I'd like to start with Dr. Linebaugh.

14 (Pause.)

15 MR. THOMAS: Thank you, Madam Chair. Dr.
16 Linebaugh, I wanted to ask you a few questions about the
17 enrollment numbers. The 1985 plan set an undifferentiated
18 enrollment tab of 20,000. By undifferentiated, I mean it didn't
19 differentiate between full-time, part-time or graduate or
20 undergraduate. Is that your understanding?

21 DR. LINEBAUGH: That's my understanding, yes.

22 MR. THOMAS: And that was for the University, is
23 that right?

24 DR. LINEBAUGH: The University as it existed in
25 1985, I believe, that is correct.

1 MR. THOMAS: Right, and I understand that the
2 University has added facilities in Loudoun County and Mount Vernon
3 and other places since then, is that right?

4 DR. LINEBAUGH: That's correct, I believe in 1985,
5 the University was essentially the Foggy Bottom campus.

6 MR. THOMAS: Essentially, and so when we're saying
7 that there is no change in the enrollment cap, what we really mean
8 is that now the University wants an enrollment cap for the Foggy
9 Bottom campus only of something like 3340 students more than are
10 currently enrolled there?

11 DR. LINEBAUGH: What we are talking about is the
12 Foggy Bottom campus plan and the head count cap that is contained,
13 that is proposed in the plan is for the same 20,000 student cap
14 that was approved in 1985, that is correct.

15 MR. THOMAS: I'm not saying that there was anything
16 underhanded about it, I just want to be clear on the record that
17 we are now talking about a cap for the Foggy Bottom campus only of
18 20,000?

19 DR. LINEBAUGH: That's correct.

20 MR. THOMAS: And that would allow the University,
21 if there were no other caps in place, to add over 3300 students at
22 the Foggy Bottom campus only whatever they did at Mount Vernon and
23 Loudoun County.

24 DR. LINEBAUGH: By head count
25 that's approximately correct, yes.

MR. THOMAS: And those could be all

1 full-time students? I'm not asking you to predict that they would
2 be, I'm just saying as the cap is constructed --

3 DR. LINEBAUGH: Hypothetically, they could be.

4 MR. THOMAS: Okay. If you know, how many are
5 enrolled at the Mount Vernon campus?

6 DR. LINEBAUGH: There are approximately 230
7 students.

8 MR. THOMAS: And how is it determined that a
9 student is counted against the Mount Vernon campus as opposed to
10 the downtown campus or the Loudoun County campus?

11 DR. LINEBAUGH: The full-time student count at
12 Mount Vernon campus is based on those students who live on the
13 campus.

14 MR. THOMAS: Wherever they take their courses?

15 DR. LINEBAUGH: Wherever they take their courses.

16 MR. THOMAS: So that they could end up taking the
17 bulk of their courses on the Foggy Bottom campus, if they lived at
18 Mount Vernon and they would be counted against Mount Vernon?

19 DR. LINEBAUGH: You could make that argument,
20 however, the data indicates that the programming we've offered at
21 the Mount Vernon campus. That's not what happens. There are --
22 Mount Vernon campus students who live on Mount Vernon, there are
23 943 course enrollments there by the resident students, so that
24 works out to slightly four courses per student. As I'm sure, you
25 know, the average course load is five courses, so the students are

1 overwhelmingly taking their classes out at Mount Vernon. Here,
2 the key point to remember is that the movement of students back
3 and forth between Mount Vernon is accomplished by a shuttle bus,
4 not by individual transportation.

5 MR. THOMAS: All right, the University is not
6 proposing that there be as a condition of the approval of this
7 campus plan any understanding as to how students will be counted
8 against different campuses?

9 DR. LINEBAUGH: Say that again?

10 MR. THOMAS: Well, you've explained how you came up
11 with some rough numbers as to what's been counted against Mount
12 Vernon?

13 DR. LINEBAUGH: Right.

14 MR. THOMAS: The University is not coming forward
15 with a proposal that conditions approval of the campus plan on
16 some understanding as to how student enrollment will be countered
17 against different campuses?

18 DR. LINEBAUGH: I believe that's correct.

19 MR. THOMAS: There have been proposals and I can't
20 -- my memory is not good enough and I don't have everything in
21 front of me, there have been proposals for adding housing at
22 various places, some of them on campus and some of them off
23 campus. Does the University now know how many people are living
24 in Foggy Bottom that have matriculated at George Washington
25 University?

1 DR. LINEBAUGH: I'll refer to any housing questions
2 to Mr. Barber. I'm the academic planning.

3 MR. THOMAS: Well, let me just ask a general
4 question, the University is planning to move the Eliot School, as
5 I understand it, off campus?

6 DR. LINEBAUGH: It will move to the PUD on E
7 Street, that's correct.

8 MR. THOMAS: So it moves to a point which is not
9 within the campus boundary?

10 DR. LINEBAUGH: That's correct.

11 MR. THOMAS: And it is a core academic building?

12 DR. LINEBAUGH: The Eliot School is an interesting
13 -- I would almost anomaly within the University. The Eliot School
14 is a free standing school at the University. However, it has a
15 very small number of faculty that are unique to the Eliot School.
16 It draws its faculty and its coursework primarily from the
17 Columbia School of Arts and Sciences, the Departments of History,
18 Economics, Political Science, Geography and so forth. So locating
19 that small, relatively small administrative and some research
20 centers slightly outside the boundary, as you know, it's what
21 about 20 yards, should have no real impact.

22 MR. THOMAS: Right, I mean it will operate just
23 like any other academic building within the walking campus, right?

24 DR. LINEBAUGH: Essentially.

25 MR. THOMAS: And so from an academic's point of

**THE GEORGE WASHINGTON UNIVERSITY'S
STATEMENT OF COMPLIANCE WITH CONDITION 19
OF THE BZA'S ORDER OF MARCH 29, 2001
IN APPLICATION NO. 16553**

- a. A showing that the use, height, bulk and design (including the location of any means of approach and egress) of the proposed structure is sensitive to and compatible with adjacent and nearby non-University owned structures and uses: the University has submitted a statement of reasons in support of the application that addresses each of these features of the proposed buildings. In addition, the University's architects, who were approved by the Commission as an expert in their field, submitted oral testimony at the hearing which concluded that the proposed dormitory buildings are, in fact, compatible with adjacent and nearby non-University owned structures and uses. A report of the Office of Planning is consistent with the architects' testimony and the University's statement of support in this regard.
- b. An indication of any need for, amount of, and proposed locations of interim lease space necessary to accommodate housing and/or activities displaced by construction, and/or activities intended to be located permanently in the completed structure: There is no displacement associated with these applications.
- c. A recomputation of the University's total FAR, copies of which shall be submitted to the Office of Zoning and the Zoning Administrator. Such information shall be broken down by zone district and include the following: existing and occupied FAR; FAR under construction pursuant to Board approval; and FAR upon completion of the proposed structure:

Current FAR

Zoning District	Land Area	Gross Floor Area (GFA)	District Floor Area Ratio (FAR)
Residential Districts (R-5-D/E)	1,519,056	3,946,074	2.59

Current FAR with New Residential on Squares 43 and 57

Residential Districts (R-5-D/E)	Land Area	Gross Floor Area (GFA)	District Floor Area Ratio (FAR)
Existing	1,519,056	3,946,074	2.59
Residential on 43	<i>included in current</i>	236,840	
Residential on 57	<i>included in current</i>	53,487	
Total	1,519,056	4,236,401	2.79

- d. An updated student enrollment headcount indicating actual enrollment of full-time undergraduate students, as of 30 days prior to the application date, and the number and percentage of full-time undergraduate students housed on campus, including documentation and an explanation of the methods and assumptions used in the calculations: The total student enrollment for the Foggy Bottom Campus for the Fall 2001 on the basis of headcount is 17,386. Consistent with the student population counts under the 1985 Campus Plan, this number counts full and part time students on the Foggy Bottom campus only. This number does not include students based at other campuses nor students away from campus on study abroad programs. The student enrollment is counted under University policy at the close of the sixth week of classes.

Included within the student headcount is the total number of full time undergraduates. For Fall 2001, this number is 8,058. As defined by the University, an undergraduate is considered full time if he or she is registered for a t least 12 credit hours.

As shown in the following chart, 50% of the full time undergraduates are housed on campus. This number is derived by dividing the number of beds for undergraduates, 4056, by the number of full time undergraduates.

**The George Washington University
Zoning Commission Cases #01-20 and 01-21**

Fall 2001 Foggy Bottom Housing

Number of beds on campus:	4,058
Percentage of full time undergraduate population for fall 2001 of 8055:	50%
Number of beds off campus in University owned or controlled facilities:	1,395
Proposed additions on campus	
Elliott School (Pending Zoning Commission decision):	193
Square 43:	700
Square 57:	<u>204</u>
Subtotal:	<u>1,097</u>
Total on campus housing with additions:	5,153
Percentage of full time undergraduate population for fall 2001 of 8055:	64%

- e. **The most recent audited count of full-time undergraduate students residing in the Foggy Bottom/West End area outside of the campus plan boundaries:**

Pursuant to Condition 17 of the BZA Order of March 29, 2001, the University is in the process of collecting data on the local student addresses of full time undergraduate students which would identify the number of students living in the Foggy Bottom/West End area outside of campus. The University has instituted a system tied to this fall's registration for classes in Spring 2002. As students register for classes, they are being required to verify their local addresses. Once this information is collected, the University will audit the results. The data from this process should be available by February 2002 and will be shared with the Advisory Committee.

- f. **A progress report on the implementation of the streetscape plan required by Condition number 7: Pursuant to Condition 7 of the BZA Order of March 21, 2001, the University has begun the preparation of a campus streetscape plan. In summer of 2001, the University established parameters of the streetscape plan and assigned appropriate staff to begin the process. A draft of the plan is in preparation. Estimated date to submit to Advisory Committee is March 1, 2002.**
- g. **The number of off-street parking spaces within campus boundaries, as of thirty days prior to the application date, including documentation and an explanation of the methods and assumptions used in the calculations: The current number off-street parking spaces within campus boundaries is 3,049. See the following chart showing the location of these spaces. The total number of spaces is well above the 2,800 minimum set forth in the BZA Order of March 29, 2001. As shown in the chart, the calculation is based upon a combination of self park spaces in each University parking facility, plus spaces accessed through valet parking in selected facilities.**

George Washington University On-Campus Parking Space Inventory				
Lot#	Lot Name	Self Park	Valet Parking	Total Spaces
1	2116 G Street	35	0	35
2	Kennedy Onasis	19	0	19
3	20th and H Lot	22	45	67
4	Academic Center	230	60	290
6	New Hall Garage	59	0	59
7	ACC Garage	110	0	110
9	MPA Garage	65	0	65
10	Warwick Lot	24	0	24
12	730 22nd Street	74	35	109
14	Ross Hall	139	48	187
16	Funger Hall	139	20	159
18	Smith Center	47	0	47
20	The Dakota	21	9	30
21	H&W Garage	109	0	109
UPG	University Garage	1256	0	1256
MC	Marvin Center	170	133	312
Lot A	Support Building	85	77	162
Lisner	Rear of Lisner	1	0	1
	Riverside Lot	5	0	5
EE	Rear of Rice	3	0	3
Total Current Inventory		2622	427	3049

h. A status report on the transportation management program:

Pursuant to Condition 15 of the BZA Order of March 29, 2001, the University has implemented the following measure to support mass transit. A pre-tax Metrochek program was implemented effective as of March 1, 2001. Beginning on January 1, 2002, the University will increase the pre-tax benefit to \$100 per month allowing faculty and staff to use more pre-tax dollars for Metrocheks and StartTrip cards.

For example, the University held several events for the purpose of encouraging student use of public transportation. During orientation, "carding" events were held which provided information on bus and subway routes in the metropolitan area.

Information continues to be provided regularly to the students via the Off Campus Housing Web Site at www.gwired.gwu.edu/och/, and for staff members at www.gwu.edu/~hrs/. Additionally, information is available at the Marvin Center Information Desk and at each University residence hall.