

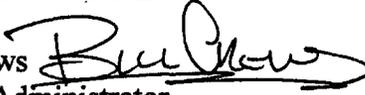
GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR



October 11, 2006

MEMORANDUM

To: Zoning Commission

From: Bill Crews 
Zoning Administrator

Re: Enforceability of Proposed Campus Plan Conditions for a
new Foggy Bottom Campus Plan for the George Washington
University.

You have asked that I review the proposed conditions with respect to my role as the enforcer of the Zoning Regulations of the District of Columbia.

I received 3 different proposed conditions from the following:

The George Washington University (GWU); the West End Citizens Association (WECA); and a joint submission from Advisory Neighborhood Commission 2A and the Foggy Bottom Association (ANC/FBA)

With the assistance of Travis Parker, Office of Planning, as a resource person, I reviewed each proposal. My review distinguished between what I considered a policy issue to be decided by the Zoning Commission and the enforceability of any conditions while suggesting edits that would provide greater clarity for enforcement.

Having ^{an}ambiguous terms and specific performance measurements in each condition is my goal. Where the various proposals had different language for a specific condition which I considered to be policy choices, I provide an enforcement review for each proposal.

I appreciate the opportunity to comment on these proposals in order to minimize later disputes and improve objective review and enforcement of whatever action the Zoning Commission takes.

Due to a previous commitment to another ANC, I must leave today by 6:30 p.m. I am happy to come back at the Commission's invitation to further discuss the enforceability of any proposed conditions.

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ZONING COMMISSION
District of Columbia
ZONING COMMISSION
District of Columbia
CASE NO. 06-12
EXHIBIT NO. 197

Zoning Administrator's Review and Comments regarding Enforceability of proposed conditions for a new Campus Plan for The George Washington University Foggy Bottom Campus (Using GWU proposed conditions as the template)

1. The Applicant's proposed campus plan replaces the George Washington University Foggy Bottom Campus Plan: Years 2000 through 2009. This campus plan is approved until June 30, 2025, subject to the following conditions, or until such time prior to June 30, 2025 as the Zoning Commission determines that conditions warrant submission of a campus plan amendment or an updated campus plan.
2. The Applicant will not initiate litigation challenging Zoning Commission action which approves the Foggy Bottom Campus Plan: 2006 – 2025 as submitted by the University, including these Conditions 1-25, so long as such approval is not contingent on additional conditions to which the Applicant has not specifically agreed.
3. The campus plan boundary for the Foggy Bottom Campus Plan: 2006 – 2025 shall remain consistent with the campus plan boundary established by the Board of Zoning Adjustment with respect to the Foggy Bottom Campus Plan: Years 2000 through 2009 (Order No. 16553-1). The properties included within the Foggy Bottom Campus Plan boundary are depicted in Exhibit I of the proposed Foggy Bottom Campus Plan: 2006 – 2025 and are specifically identified and listed in Appendix A attached hereto.

The only changes recommended to the first three conditions involve the length of the plan. This is a policy issue. Enforcement can occur for any specific time period.

4. New development on campus resulting in additional density or change in use shall ~~substantially~~ conform with the approved campus plan, with the exception of minor renovation projects ~~including these and projects~~ necessary to address building code compliance.

The adverb "substantially" has been removed as superfluous from all sections of these commitments. Inclusion of this word simply creates another potential area of conflict. The word "renovation" is adequate to describe the type of work that is allowed on existing buildings. The definition of this word on DCRA forms specifically excludes additions. Projects necessary to address building code compliance may require a building addition such as the potential necessity to add ingress and egress stairwells. WECA suggests adding references to two sections in the Zoning regulations. Section 3030.2 still contains subjective terms. Section 2409.6 would allow greater flexibility and should be decided by the Zoning Commission. Otherwise this is enforceable.

5. The University shall notify the Office of Planning, ANC 2A, and the Advisory Committee (established pursuant to Condition 9) of its intent to develop a specific site on campus, following approval of the development proposal by appropriate University committees and the University's Board of Trustees, and 30 days prior to submission of a further processing application. ~~preparation of final detailed plans and specifications.~~

The proposed changes offer a measurable date and a specific time limit for determining compliance with this condition.

6. The University shall submit a second-stage Planned Unit Development application for each new development the University proposes over the term of the Foggy Bottom Campus Plan: 2006 – 2025. Each application shall include the following:
 - a. Demonstration of compliance with applicable provisions of the Zoning Regulations of the District of Columbia and the contents of the approved Foggy Bottom Campus Plan: 2006-2025;

This uses the official short term for the zoning regulations. The word “elements” is not defined in the Campus plan so it is not used. The Zoning Commission must determine if “applicable provisions” also refers to the campus plan or just the zoning regulations. I would recommend that compliance with the whole campus plan.

- b. A showing that the use, height, bulk, and design (including the location of any means of ingress and egress for both pedestrians and vehicles) of the proposed structure is sensitive to and compatible with adjacent and nearby non-University-owned structures and uses;

The proposed addition adds clarity to the definition.

- c. An indication of any need for, amount of, and proposed locations of interim leased space necessary to accommodate housing, parking, and/or activities displaced by construction and/or activities intended to be located permanently in the completed structure;

This change by WECA adds clarity to include required accommodations.

- d. A report recalculating the University’s total FAR within the campus plan boundaries, which shall also be submitted directly to the Office of Zoning and the Zoning Administrator. Information included in the report shall be broken down by zoning district and include the following: existing FAR, FAR under development pursuant to Commission approval, and FAR upon completion of proposed structure;

The proposed changes to this section are policy issues. All are enforceable

- e. The most recent Foggy Bottom Campus Plan Compliance Report (as set forth in Condition 24) evidencing compliance with the approved Foggy Bottom Campus Plan: 2006 – 2025, including the most recent reported counts of Foggy Bottom student headcount, Foggy Bottom student full-time equivalent, Foggy Bottom faculty and staff headcount, Foggy Bottom faculty and staff full-time equivalent, full-time Foggy Bottom undergraduate students, on-campus beds, and full-time

Foggy Bottom undergraduate students residing in the Foggy Bottom/West End Area outside of the campus plan boundaries;

Based on the difficulty in defining a line between faculty and staff, it is recommended that the counts be combined. In terms of impacts on the community, there does not appear to be a difference in the two groups.

- f. A progress report on and timetable of the implementation of the streetscape plan required by Condition 21;

WECA change adds a timetable that gives a performance measure for the Zoning Commission to consider. WECA's proposal to add 'major element' is not well defined.

- g. The number of off-street parking spaces within the campus plan boundaries as set forth in Condition 22(b) as of 30 days prior to the application date, including documentation and an explanation of the methods and assumptions used in counting the parking spaces;

More information is required on the proposed WECA addition of 'ancillary commercial services' to this section. The uses are not allowed by the current zoning except for university purposes.

- h. A status report on implementation of the Transportation Management Plan Program required by Condition 23; and

The changes provide a clearer basis for enforcement including a performance measure for consideration by the Zoning Commission. Condition 23 requires a transportation plan not program. WECA proposes adding a requirement for updated statistics and metrics, but Condition 23 does not reference any required metrics and statistics.

- i. Demonstration that the project has been presented to the Advisory Committee for consideration.

The proposed changes were omitted because the issue is now addressed in condition 5.

- 7. No 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 Conditions 1-25 set forth herein as demonstrated by the most recently filed Foggy Bottom Campus Plan Compliance Report submitted to the Zoning Administrator. Further, any violation of these Conditions shall be grounds for the denial of any building permit or certificate of occupancy applied for by the University for any University building or use, and may result in the imposition of fines and penalties pursuant to the Civil Enforcement Act, D.C. Code §§ 6-2701 to 6-2723.

The changes suggested in the FBA report appear to be policy decisions. The use of the word 'strict' should be avoided similar to the use of 'substantial.' Compliance is compliance. Otherwise the ANC/FBA suggestions are enforceable.

8. The University will not purchase additional residentially-zoned properties outside of the Campus Plan boundaries in the Foggy Bottom/West End area (defined as the area bounded by the Potomac River and Rock Creek Park to the west, N Street to the north, 19th Street to the east, and Constitution Avenue to the south) for university use. This commitment would not preclude the purchase of any properties for investment purposes; however, it would restrict the University from purchasing a residentially-zoned property within the above-defined area and changing its use to one limited to the University use population. The University shall not include any such investment property in its undergraduate student housing program or otherwise directly refer undergraduate students to any such property.

The change above merges GWU and WECA language into an overall University Use. The addition by WECA to add SP-Districts is enforceable.

9. The University will work with community representatives to form an Advisory Committee for the purpose of fostering consistent communication between the University and the Foggy Bottom and West End communities, discussing issues of mutual interest and proposing solutions to problems that exist or arise in implementing the approved Foggy Bottom Campus Plan.
 - a. Key functions of the Advisory Committee include:
 - i. reviewing the University's compliance reporting;
 - ii. working with the Office of the Zoning Administrator to monitor compliance with the conditions of the Foggy Bottom Campus Plan; and
 - iii. reviewing new University proposals to develop, redevelop, or renovate sites on the Foggy Bottom Campus.
 - b. Composition, Administrative Procedures & Meeting Format
 - i. The Advisory Committee shall consist of ten members: five representatives of the University to be selected by GW and five representatives of the community to be selected by ANC 2A. The ANC shall select no more than three ANC commissioners and shall select at least one member to represent Foggy Bottom and at least one member to represent the West End.
 - ii. The quorum for Advisory Committee meetings will be five members.
 - iii. The first Advisory Committee meeting shall take place within two months of the adoption of the Campus Plan and include adoption of specific administrative procedures (subject to the terms of this Condition) that govern the operation of the body.
 - iv. The Advisory Committee shall schedule quarterly meetings open to the public, and shall keep minutes of each meeting.
 - v. Upon request and at least on a semiannual basis, the University will report to the Advisory Committee data relevant to campus planning that includes, but is not limited to: report on student enrollment, planned development

projects included in the University's capital program, historic preservation, implementation of the streetscape plan, public space permits, and reports on all conditions and commitments adopted as part of the Campus Plan.

Any changes to the makeup and procedures of the Advisory Committee will not affect enforcement of this condition. However, in light of past difficulty with this commitment, information should be provided on what constitutes breach of this commitment by the University if the Advisory Committee is not successful. WECA's addition of "timely" has been omitted because it is undefined. Remodel has been changed to 'renovate' to reflect building permit terminology

10. For the duration of this Plan, Foggy Bottom student headcount shall not exceed 20,000 students, and Foggy Bottom student full-time equivalent shall not exceed 16,553.
 - a. Definition. For the purposes of these Conditions, "Foggy Bottom student headcount" shall be defined as the number of GW students in the "Foggy Bottom/Mount Vernon Campus Total Student Body"¹, minus: study abroad students, continuous enrollment students, students that reside at the Mount Vernon Campus, students that take all of their courses at the Mount Vernon Campus, and Foggy Bottom faculty and staff accounted for pursuant to Condition 11 herein who are also enrolled in one or more courses at the Foggy Bottom campus.
 - b. Calculation of full-time equivalent. For the purposes of these Conditions, "Foggy Bottom student full-time equivalent" shall be determined by assigning a fraction to part-time students included in the Foggy Bottom student headcount number based on the number of credits they are taking compared to a full-time course load and adding the number of full-time students. Currently, the full-time course load for undergraduates is 12 credits, and the full-time course load for graduate and professional students is 9 credits. Formulas for determining full-time equivalents may change over the term of the proposed Foggy Bottom Campus Plan depending on program requirements or the restructuring of the academic calendar.
 - c. An audit of the Foggy Bottom student headcount and Foggy Bottom student full-time equivalent reported pursuant to Condition 24 herein shall be conducted in a manner and by a firm previously approved by the Zoning Administrator and the Advisory Committee. The audit shall be completed by January 10 of the year following each report submitted pursuant to Condition 24 herein.

All Foggy Bottom student counts shall be reported biannually as specifically set forth in Conditions 24 and 25.

The GW and WECA versions of this commitment are enforceable as written. The FBA proposal would need further clarification of "persons being educated" and "at any given time."

¹ The "Foggy Bottom/Mount Vernon Campus Total Student Body" is compiled by the GW Office of Institutional Research (OIR) and is currently reported on the OIR online "GW Factbook" available at www.gwu.edu/~ire/.

11. For the duration of this Plan, the Foggy Bottom faculty and staff population shall not exceed a total of 12,529 on a headcount basis, and 10,550 on a full-time equivalent basis.
 - a. For the purposes of these Conditions, “Foggy Bottom faculty and staff headcount” shall include: regular full-time faculty and staff; regular part-time faculty and staff; wage account staff that are not Foggy Bottom students accounted for pursuant to Condition 10; temporary part-time faculty (excluding part-time clinical faculty who are not paid employees of the University); and visiting instructional and research faculty. For the purposes of these Conditions, Foggy Bottom faculty and staff shall not include faculty and staff whose primary office locations are not on the Foggy Bottom campus; employees of non-GW owned or controlled entities which are located on the Foggy Bottom campus; and contractors that provide ancillary campus-related service functions who are not employees of the University². The annual reports shall indicate each company with a contract to provide services in whole or in part within the campus plan boundaries and the number of employees providing services associated with each contractor.
 - b. For the purposes of these Conditions “Foggy Bottom faculty and staff full-time equivalent” shall be determined by assigning a fraction to part-time employees included in the Foggy Bottom faculty and staff headcount number based generally on the number of hours worked as compared to the standard full-time 40 hour work week.

Based on the difficulty in defining a line between faculty and staff, it is recommended that the counts be combined as proposed by GW. In terms of impacts on the community, there does not appear to be a difference in the two groups. If the two are split, there will need to be a much better defined separation. The WECA change was made to the end of Section A rather than the new GW Section C simply because it is more thorough. The GW proposal does not define “core university function.”

12. For the duration of the Plan, the University shall make available on-campus beds for full-time Foggy Bottom undergraduate students equivalent to 70% of the full-time Foggy Bottom undergraduate student population up to an enrollment of 8,000, plus one bed per full-time Foggy Bottom undergraduate student over 8,000. For the purposes of these Conditions, the term “on-campus beds” shall include beds available to full-time Foggy Bottom undergraduate students in any property in which the University has an ownership, leasehold, or contractual interest, or beds otherwise occupied by full-time Foggy Bottom undergraduate students in fraternities, sororities, or other programs recognized by or affiliated with the University and located within the campus plan boundary. Each report shall be accompanied by supporting documentation and full explanations of methods, assumptions, and sources used to compile information in the report. The University’s efforts with respect to this Condition shall be monitored by the Advisory Committee.

² Non-GW employee contractors have historically provided certain campus-related services (including managing and staffing the GW bookstore, mailroom services, and housekeeping management services). This population is currently estimated to include approximately 400 workers. The employment of these individuals is not under the control or management of GW, and thus their numbers cannot be tracked and reported with the level of specificity and accuracy required under these Conditions.

While no changes have been recommended, it is important to note a potential conflict. Under the current proposal by GW, residents of Mount Vernon Campus are not counted in the headcount. If that should change for any reason, they should then be excluded from condition 12. The purpose of this condition is to provide beds for undergraduates and these students would, by definition, already have a bed at Mount Vernon.

13. The University shall require all full-time Foggy Bottom freshmen and sophomore students to reside in housing located within the campus plan boundary. The University may exempt from this requirement students who commute (i.e., students who have established permanent residency off-campus prior to enrollment at GW or students who live off-campus with a parent, guardian, or other family member), are married or have children, or have disabilities or religious beliefs inconsistent with residence hall life. The University's efforts with respect to this Condition shall be monitored by the Advisory Committee.

This is enforceable.

14. With respect to the housing of undergraduate students in off-campus properties which the University owns or has an interest in, except as otherwise provided by this Condition:
 - a. Effective August 31, 2006, GW shall not house undergraduate students in The Hall on Virginia Avenue.
 - b. Effective August 31, 2007, GW shall not house undergraduate students in The Aston.
 - c. Effective August 31, 2008, GW shall not house undergraduate students in units in Columbia Plaza for which GW maintains certain designation rights as part of GW's undergraduate student housing program, with the exception that juniors and seniors referred to Columbia Plaza as part of GW's student housing program prior to August 31, 2008, may continue to reside in their respective units, subject to the rules and guidelines associated with the GW student housing program, until they graduate from GW or are no longer officially affiliated with the University.
 - d. Effective July 1, 2016, GW shall not house undergraduate students in City Hall. Notwithstanding the foregoing, the University may offer housing in these off-campus facilities to students who are exempted from living on-campus pursuant to Condition 13 (specifically undergraduate students who are married or have children, or have disabilities or religious beliefs inconsistent with residence hall life). The University's efforts with respect to this Condition shall be monitored by the Advisory Committee.

This is enforceable.

15. The University shall maintain a program to provide its students who are eligible to live off-campus with information about housing opportunities outside the Foggy Bottom/West End Area. The University's efforts with respect to this Condition shall be monitored by the Advisory Committee.

The WECA comment on this commitment is a policy issue. Both are enforceable.

16. The University shall use disciplinary interventions for acts of misconduct by students living off-campus in the Foggy Bottom/West End Area, even if students are not in properties owned or controlled by the University. The University shall act on incident reports by residents, ANC 2A, community associations, building management, building association boards, University security officers, and police. The University shall maintain an outreach program with neighboring apartment buildings to educate management companies and tenant associations on the University's disciplinary program and its reporting requirements to facilitate effective use of its program. The University's efforts with respect to this Condition shall be monitored by the Advisory Committee.

The suggested changes by both FBA and WECA appear to be policy issues and are both enforceable.

17. The University shall maintain and publicize a hotline available 24 hours per day, seven days per week 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 all referrals made. The University shall maintain its Crimes Tips Hotline (presently 994-TIPS), where calls can be made anonymously to a recorded "tip" line. Calls needing a more immediate response shall be directed to the University police (presently 994-6110) 24 hours per day, seven days per week. The University police will aid off-campus complainants in obtaining assistance from the Metropolitan Police Department. Reports of improper off-campus student conduct will also be referred to the appropriate University departments for their attention. This process shall be fully described on the University website, published catalogs, and student handbooks. The University's efforts with respect to this Condition shall be monitored by the Advisory Committee.

The WECA change adds a measurable requirement to this commitment.

18. The University will maintain a mandatory program for its students 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 Foggy Bottom/West End Area, illegal underage drinking, and respect for personal and real property of the residential and private business communities. The University's efforts with respect to this Condition shall be monitored by the Advisory Committee.

The WECA change adds clarity to the intent of the commitment.

19. The University shall gather information about the local addresses of the full-time Foggy Bottom undergraduate population. The University shall compile and report the number of full-time Foggy Bottom undergraduate students residing in (1) Foggy Bottom/West End outside the campus boundaries; (2) the District of Columbia outside both the campus boundaries and the Foggy Bottom/West End Area, organized by postal codes; (3)

Maryland; and (4) Virginia. This information shall be reported as set forth in Condition 24 herein.

This is enforceable.

20. Upon the issuance of a final order from the Zoning Commission approving the *Foggy Bottom Campus Plan 2006-2025* ~~as submitted~~, and the expiration of any appeal period, the University and the Office of Planning will proceed within sixty (60) days to file the appropriate applications with the Historic Preservation Review Board to achieve the designations set forth in the Foggy Bottom Campus Historic Preservation Plan. Specifically, (a) the University shall prepare the applications for the University-owned individual landmarks identified in the Historic Preservation Office to prepare the documentation for the proposed historic district, which shall be filed by the Historic Preservation Office.

The new GW proposal is appropriate and enforceable with the removal of the words "as submitted." The changes made by these comments have already changed the plan from the one submitted. The WECA proposal is also enforceable.

21. Upon the issuance of a final order from the Zoning Commission approving the *Foggy Bottom Campus Plan 2006-2025* ~~as submitted~~, and the expiration of any appeal period, the University and the Office of Planning will proceed within sixty (60) days to initiate the process to obtain necessary approvals of the proposed Streetscape Plan from the District Department of Transportation. The costs and resources associated with the implementation of building identifiers (e.g. flags, awnings, and placards), street furniture elements (e.g. benches, trash receptacles, bike racks and emergency call stations), way-finding elements (e.g. campus maps, directional signage, and location symbols), street banners (e.g. pedestrian, vehicular and thematic banners often mounted on street light posts) and distinctive design elements (e.g. public art, plaques, busts, clocks, paving medallions, mid-block crossing treatments) as set forth in the proposed Streetscape Plan will be the responsibility of the University. Other streetscape elements – including sidewalk paving materials, street lighting fixtures, and certain plantings (particularly street trees) – may be allocated among the University, DDOT, and, as appropriate and available, other outside sources (including organizations or foundations such as Casey Trees for campus street trees). The University will continue to work with DDOT with respect to planning for future District streetscape improvement projects that impact the Foggy Bottom campus, and the specific allocation and contribution of costs associated with such improvements projects will be made on a project by project basis. Streetscape improvements associated with development projects identified in the Campus Plan and first-stage PUD will be funded by GW and will be specifically addressed as part of the second-stage PUD application for each project.

Neither the original version nor the new GW version present enforcement issues. The WECA suggestion of the inclusion of a timetable is appropriate, per condition 6(f) implementation can be evaluated by the Commission at each further processing application.

22. The University shall implement the following measures to minimize adverse impacts associated with parking and traffic:
- a. **Support of Mass Transit:** The University shall maintain the Metrocheck program offered by the Washington Metropolitan Area Transportation Authority (WMATA) to allow employees to pay for public transportation costs on a pre-tax basis. The University shall maintain an introduction to public transportation program for incoming students that includes provision of WMATA's "SmarTrip" cards to incoming students. The University will work with WMATA to schedule SmarTrip "carding events" at various locations around campus to provide additional information about public transportation to the University community. In the event these programs are discontinued over the term of the campus plan, the University will work to identify alternative programs to support the goal of encouraging mass transit ridership.
 - b. **Parking:** The University shall continue to provide at least 2,800 off-street parking spaces, including proposed spaces to be dedicated for university use on Square 54 and all University-owned parking spaces on Square 122 (specifically including the parking lot and garage spaces at Old Main located at 1922 F Street, NW). The number of off-street parking spaces required to be provided may be increased in any subsequent further processing order pursuant to this plan if necessary to mitigate the adverse impact of the approved uses on the University's parking resources. The University shall monitor its utilization of University parking facilities to determine usage patterns and conduct an ongoing assessment of parking needs.
 - c. **Notice:** The University shall notify all affected property owners or occupants in a timely manner of the occurrence of any temporary street closing necessary to accommodate University-related functions.
 - d. **Student Vehicles:** The University, through its Office of Parking Services, shall maintain an accurate record of the license plate numbers of motor vehicles kept by students in University parking facilities, to be updated annually at the beginning of each Fall semester. The University shall direct students to register their vehicles in the District of Columbia, or obtain a reciprocity sticker. Furthermore, the University shall update its "On-Campus Parking Restrictions Policy" as follows: Due to the limited number of parking spaces on the streets in and around the Foggy Bottom Campus and the availability of public transportation, all students are discouraged from bringing vehicles to the Foggy Bottom campus. In particular, freshmen and sophomores who are not exempted from the Foggy Bottom campus housing requirement are prohibited from bringing vehicles to campus, other than in exceptional circumstances. Exceptional circumstances may include, for example, transportation needs related to a disability or health condition of the student or member of his/her family. Requests for a policy exemption due to exceptional circumstances must be

documented by the student and approved by the University. If such an exception is granted, the vehicle must be parked in a University parking facility. Any violation of the policy shall be grounds for discipline under the University's Code of Student Conduct.

The GW suggestion for this commitment provides clearer and more enforceable language than the WECA proposal. Whether they accomplish the same goals is a policy question.

23. The University shall maintain, and periodically update, its comprehensive transportation management plan addressing traffic and parking associated with events on campus that are attended by a significant number of persons not normally associated with the University and the campus. The transportation management plan shall include the following:
- a. Measures to schedule events at times that reduce conflicts with other traffic and other demands for parking.
 - b. Measures to discourage travel by private automobile and encourage travel by public transportation.
 - c. Measures to encourage persons who drive to park in commercial or University Parking garages.
 - d. Any other specific measures to address parking demand and decrease vehicular traffic in the surrounding Foggy Bottom/West End Area.

The transportation management plan shall be submitted to and reviewed by the Advisory Committee on an annual basis as set forth in Condition 22.

The WECA proposal for this commitment is a policy issue. Both are enforceable. Where in Condition 22 is there an annual review?

24. On November 20 of each year beginning in 2006, the University will file a Foggy Bottom Campus Plan Compliance Report with the Zoning Commission, Zoning Administrator, Office of Planning, ANC 2A, and the Advisory Committee. The Foggy Bottom Campus Plan Compliance Report shall contain the following information, reported as of the University Census Date unless otherwise noted³:
- a. Current fall and previous spring semester Foggy Bottom student headcount and Foggy Bottom student full-time equivalent in accordance with Condition 10.

³ "Census Date" is the date when the University makes its official count of student enrollment. Currently the University Census Date occurs at the end of the sixth week of classes each semester. In the event the University Census Date is modified due to changes in the academic calendar or other necessary administrative policy modifications, upon 60 days notice to the Zoning Commission, Zoning Administrator, Office of Planning, ANC 2A, and the Advisory Committee, the reporting date may be changed accordingly to accommodate the new Census Date.

- b. Current fall and previous spring semester Foggy Bottom faculty & staff headcount and Foggy Bottom faculty & staff full-time equivalent in accordance with Condition 11.
- c. Data in connection with the on-campus undergraduate student housing requirement set forth in Condition 12, specifically:
 - i. Current fall and previous spring full-time Foggy Bottom undergraduate students. For purposes of these Conditions, “full-time Foggy Bottom undergraduate students” shall be defined as the number of students in the “Foggy Bottom/Mount Vernon Campus Total Student Body”¹ minus graduate students, first professionals (JDs and MDs), undergraduates taking fewer than 12 credit hours at the Foggy Bottom campus, non-degree students, full-time undergraduate study abroad students, undergraduate continuous enrollment students, and full-time undergraduate students that reside at the Mount Vernon Campus.
 - ii. The number of on-campus beds available to full-time Foggy Bottom undergraduate students;
 - iii. The number of on-campus beds occupied by full-time Foggy Bottom undergraduate students;
 - iv. The number of off-campus University-supplied beds within the Foggy Bottom/West End Area, defined as the area bounded by the Potomac River and Rock Creek Park to the west, N Street to the north, 19th Street to the east, and Constitution Avenue to the south;
 - v. The number of off-campus University-supplied beds within the Foggy Bottom/West End Area occupied by full-time Foggy Bottom undergraduate students;
 - vi. The number of off-campus University-supplied beds outside the Foggy Bottom/West End Area;
 - vii. The number of off-campus University-supplied beds outside the Foggy Bottom/West End Area occupied by full-time Foggy Bottom undergraduate students.

All data shall be reported for each individual semester and also as an average of the reported fall and spring semesters. Compliance with the on-campus undergraduate student housing requirement set forth in Condition 12 shall be based upon the average of the reported fall and spring semesters until the fall 2010 semester or until the completion and occupancy of the next GW residence hall project proposed in accordance with the Foggy Bottom or Mount Vernon Campus Plans, whichever event first occurs.⁴ After the occurrence of the aforementioned event and for the remainder of the term of this Plan, compliance with the on-campus undergraduate student housing requirement set forth in Condition 12 shall be based upon the data reported for each individual semester.

- d. Information evidencing compliance with Condition 15.

⁴ It is contemplated that the next GW residence hall to be completed and occupied will be the project proposed pursuant to the joint DCPS/GW School Without Walls (Square 80) PUD which was filed on April 3, 2006 and is targeted for occupancy in fall 2009.

- e. Information evidencing compliance with Condition 16.
- f. Information evidencing compliance with Condition 17.
- g. Information evidencing compliance with Condition 18.
- h. Updated address information in accordance with Condition 19.
- i. Current inventory of University-owned parking spaces and other evidence of compliance with Condition 22(b).
- j. Information evidencing compliance with Condition 23.

Each report shall be accompanied by supporting documentation and full explanations of methods, assumptions, and sources used to compile information in the report.

The deletions suggested by WECA are policy issues that do not affect enforcement.

- 25. On April 15 of each year beginning in 2007, the University will file an Interim Foggy Bottom Campus Plan Compliance Report with the Zoning Administrator and the Advisory Committee. The Interim Foggy Bottom Campus Plan Compliance Report shall contain the following information, reported as of the University Census date unless otherwise noted:
 - a. Current spring and previous fall semester Foggy Bottom student headcount and Foggy Bottom student full-time equivalent in accordance with Condition 10.
 - b. A copy of the audit report of the previous fall semester Foggy Bottom student headcount and Foggy Bottom student full-time equivalent conducted pursuant to condition 10(c) herein.
 - c. Current spring and previous fall semester Foggy Bottom faculty and staff headcount and Foggy Bottom faculty and staff full-time equivalent in accordance with Condition 11.
 - d. Data in connection with the on-campus undergraduate student housing requirement set forth in Condition 12, specifically:
 - i. Current spring and previous fall full-time Foggy Bottom undergraduate students. For purposes of these Conditions, "full-time Foggy Bottom undergraduate students" shall be defined as the number of students in the Foggy Bottom/Mount Vernon campus total student body minus all graduate students, all first professionals (JDs and MDs), all undergraduates taking fewer than 12 credit hours at the Foggy Bottom campus, non-degree students, full-time undergraduate study abroad

- students, undergraduate continuous enrollment students, and full-time undergraduate students that reside at the Mount Vernon Campus..
- ii. The number of on-campus beds available to full-time Foggy Bottom undergraduate students;
 - iii. The number of on-campus beds occupied by full-time Foggy Bottom undergraduate students;
 - iv. The number of off-campus University-supplied beds within the Foggy Bottom/West End Area, defined as the area bounded by the Potomac River and Rock Creek Park to the west, N Street to the north, 19th Street to the east, and Constitution Avenue to the south;
 - v. The number of off-campus University-supplied beds within the Foggy Bottom/West End Area occupied by full-time Foggy Bottom undergraduate students;
 - vi. The number of off-campus University-supplied beds outside the Foggy Bottom/West End Area;
 - vii. The number of off-campus University-supplied beds outside the Foggy Bottom/West End Area occupied by full-time Foggy Bottom undergraduate students.

All data shall be reported for each individual semester and also as an average of the spring and fall reported semesters. Compliance with the on-campus undergraduate student housing requirement set forth in Condition 12 shall be based upon the average of the reported spring and fall semesters until the fall 2010 semester or until the completion and occupancy of the next GW residence hall project proposed in accordance with the Foggy Bottom or Mount Vernon Campus Plans, whichever event first occurs.⁴ After the occurrence of the aforementioned event and for the remainder of the term of this Plan, compliance with the on-campus undergraduate student housing requirement set forth in Condition 12 shall be based upon the data reported for each individual semester.

Each report shall be accompanied by supporting documentation and full explanations of methods, assumptions, and sources used to compile information in the report.

The definition located under 25(d)(i) might be more appropriately located in Condition 12 which has the bed requirement. Otherwise, this is enforceable.

Conditions 26 and 27 proposed by WECA are policy issues and do not create an enforcement problem.