



Pillsbury
Winthrop
Shaw
Pittman LLP

2300 N Street NW
Washington, DC 20037-1122

Tel 202.663.8000
Fax 202.663.8007
www.pillsburylaw.com

January 24, 2007

By Hand Delivery

Carol J. Mitten, Chairperson
District of Columbia Zoning Commission
Office of Zoning
441 4th Street, NW, Suite 210
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2007 JAN 24 PM 1:50

**Re: Zoning Commission Case Nos. 06-11 and 06-12
The George Washington University *Foggy Bottom Campus Plan: 2006 – 2025*
and related First-Stage PUD and Map Amendment
Supplemental Submission on PUD Amenities**

Dear Chairperson Mitten and Members of the Commission:

At the Special Public Meeting held on January 17, 2007, the Commission reviewed Z.C. Case No. 06-12, the First-Stage PUD and related map amendment (“PUD”) accompanying The George Washington University’s proposed *Foggy Bottom Campus Plan: 2006 – 2025* (“**Campus Plan**”). This submission is provided in response to the Commission’s requests for additional information regarding certain PUD amenities proffered by the Applicant which are detailed in Exhibit A of the Applicant’s November 15, 2006 supplemental submission and in the Applicant’s proposed Findings of Fact, Conclusions of Law, and Conditions of Approval dated December 29, 2006.

The Campus Plan and PUD, along with the conditions of approval proposed by GW and the Office of Planning, are the result of many months of effort and collaboration informed by community input and feedback. The Campus Plan, PUD and proposed conditions together provide a comprehensive, carefully balanced and closely integrated overall plan for the future of the Foggy Bottom campus which provide shared benefits and an enhanced level of certainty for all stakeholders. Accordingly, the PUD amenities proffered by the Applicant, as further enhanced and detailed below, are conditioned upon approval of the Campus Plan.

1. Sustainable Development Planning and Design Principles

As set forth in previous supplemental filings, the Campus Plan provides an approach to future campus development that is consistent with sustainable development and neighborhood planning standards advanced by the U.S. Green Building Council (USGBC), the Congress for New Urbanism (CNU), and the Natural Resources Defense Council (NRDC). Furthermore, the University has already committed to provide, as part of each second-stage PUD application under the Campus Plan, an overview of specific

ZONING COMMISSION
District of Columbia
CASE NO. 06-12
EXHIBIT NO. 225
ZONING COMMISSION
District of Columbia
CASE NO. 06-12
EXHIBIT NO. 225

environmentally-sensitive features which are to be incorporated into the design and construction of the proposed project as well as those features which may be further explored and considered for implementation.

In response to the Commission's request for a specific standard upon which to measure and enforce this commitment, the University will agree to include the following as a condition of the first-stage PUD:

The University will agree to achieve the equivalent of a minimum LEED (Leadership in Energy and Environmental Design) score of 16 points in accordance with the LEED-NC 2.2 standard for each new building project identified in the proposed Campus Plan. Projects that involve additions to existing buildings, such as the proposed additions to Ross Hall (sites 41A and B), the Marvin Center (site 77C) and Lafayette Hall (site 77D) would not be subject to the LEED-NC standard because of the nature and scope of the projects and therefore would not be subject to this condition. The project architect shall provide appropriate documentation (e.g., the LEED-NC form checklist) demonstrating compliance with this condition as part of the building permit application.

2. Historic Preservation Plan

The Commission noted the far-reaching benefits and lasting impacts associated with the implementation of the Foggy Bottom Campus Preservation Plan which proposes the creation of a historic district on the Foggy Bottom campus as well as the landmark designation of several additional campus buildings.

The Commission discussed the desirability of appropriate design guidelines in connection with the Historic Preservation Plan. In fact, the Historic Preservation Plan outlined in Exhibit W of the *Foggy Bottom Campus Plan: 2006 – 2025* (dated July 13, 2006) **already includes** design guidelines (developed with Historic Preservation Office staff) for each of the five campus development sites that are located adjacent or in close proximity to architecturally and/or historically significant buildings within the proposed historic district. These sites include site 77A (which was raised specifically by the Commission at the January 17, 2007 public meeting), as well as sites 55A1/A2, 79A1, 101A and 103A. These design guidelines specify building heights and setbacks and parking and loading locations, as well as an acceptable range of exterior building materials. The design guidelines, along with the other elements of the Historic Preservation Plan, were discussed and reviewed with the Historic Preservation Review Board in June and July 2006.

In addition, the University will continue to work with OP historic preservation staff to establish appropriate building maintenance guidelines for historic landmarks as well as those buildings identified as contributing within the proposed historic district. In fact, over the past several months (during the interim period prior to the completion of the aforementioned

maintenance guidelines and final approval of the historic district) the University has been working directly with Historic Preservation Office staff to review ongoing University renovation and maintenance projects to ensure that these efforts are consistent with the spirit and intent of the proffered Historic Preservation Plan.

3. I Street Retail Corridor

The University is committed to developing a vibrant retail corridor along I Street extending from the Foggy Bottom-GWU Metrorail station to the Shops at 2000 Penn, which will provide a variety of products and services to the GW community as well as residents of the Foggy Bottom and West End neighborhoods. In response to the Commission's discussion regarding the implementation of I Street Retail Corridor, the University has reviewed various District regulations and planning guidelines aimed at developing neighborhood-serving retail opportunities. The Neighborhood Commercial, Capital Gateway and Southeast Federal Center Overlays have provided particular guidance with respect to identifying the appropriate types of retail uses to be included in the proposed I Street Retail Corridor concept.

Through its ability to offer reduced rents, attractive spaces and a diverse population of customers, the University has been successful in delivering the types of retail establishments desired along the I Street Retail Corridor. Current retailers on the Foggy Bottom campus (both as commercial tenants in GW's investment properties and accessory uses in University buildings) provide a variety of goods and services to the University population as well as to the surrounding community. These vendors represent a wide range of retail use categories, including barber shops, clothing stores, shoe repair and shoe shine services, coffee shops, convenience stores, dry cleaners, dry goods stores, financial institutions, florists, jewelry stores, newsstands, reproduction and mail services, optical goods stores and tailors, as well as a variety of food service venues. A majority of these retail tenants are locally owned and operated businesses.

In response to the Commission's request that the Applicant further define the nature of retail uses to be included along I Street, the University proposes that the following I Street Retail Corridor guidelines be adopted in connection with the PUD:

- Retail uses along the I Street Retail Corridor shall include those retail uses permitted in the C-1 and C-2 zone districts, as listed in 11 DCMR §§ 701.1, 701.4, 721.2, and 721.3 (Feb. 2003), with the exception that there shall be no restrictions on fast-food establishments, other than drive-through fast food establishments which shall be prohibited.¹

¹ As the Commission is aware, college campuses customarily provide a variety of casual dining options, many of which meet the Zoning Regulation definition of a "fast food establishment."

- At least 75% of the street frontage redeveloped on I Street under the PUD shall be occupied by retail uses, with the following exceptions:
 - space that is devoted to building entrances or required for fire control or life safety purposes²; and
 - street frontages associated with buildings identified as historic resources under the Foggy Bottom Historic Preservation Plan (specifically, sites 77A and 77D), which may not be suitable for retail use.

4. Off-Campus Commitments

Among the key community benefits associated with the new Campus Plan and proffered as part of the first-stage PUD are the proposed conditions with respect to off-campus properties. In the 2000 Campus Plan, members of the community argued that the conversion of housing units, particularly apartments, to university use was a major cause of depletion of the housing stock. The Board of Zoning Adjustment, in its initial order of March 29, 2001, noted that these concerns were reflected in the Comprehensive Plan, citing 10 DCMR § 1358.1 (“The expansion of the University has resulted in the diminishment of housing . . . The University must be sensitive to the surrounding residential neighborhood.”). BZA Order No. 16553 at 10. Both the ANC and the FBA testified that the 2000 Campus Plan should include as a condition of approval that GW “will not acquire any further property, directly or indirectly, in residentially zoned areas” within the neighborhood for conversion to university use. The BZA did not include this condition in its order since it was beyond its authority to impose.

The University addressed this issue directly in the proposed conditions of approval submitted as part of the *Foggy Bottom Campus Plan: 2006 – 2025*. Specifically, pursuant to proposed Condition 8, the University has voluntarily agreed to limit its rights with respect to the acquisition and use of residentially-zoned properties outside of the Campus Plan boundaries in the Foggy Bottom/West End area. Furthermore, pursuant to proposed Condition 14, the University has voluntarily agreed to a specific schedule for transitioning the use of off-campus properties to uses other than undergraduate student housing. Both of these conditions address the issues raised in the 2000 Campus Plan and are responsive to concerns raised throughout the community-based planning process. Furthermore, the application of these conditions to residentially-zoned property is consistent with the scope of the Section 210 regulations themselves. The University does not believe that the expansion

² WMATA’s October 27, 2006 Second Entrance Demand Analysis for the Foggy Bottom-GWU Metro station identifies the southeast corner of the intersection of 22nd and I Streets, NW (the northwest corner of site 77A) as the preferred site for a second Foggy Bottom-GWU Metro station entrance. Should a second entrance ultimately be accommodated on this site, such space shall be considered a “building entrance” for the purpose of meeting the street frontage requirement.

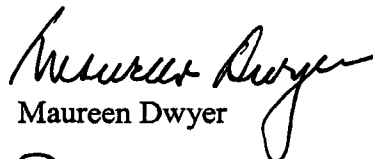
of Condition 8 to include non-residential zones is necessary or responsive to issues concerning the protection of residential neighborhoods.³

However, in response to questions raised by the Commission at the January 17, 2007 public meeting, the University will agree to clarify its commitment by expanding the scope of Condition 8 to include master lease agreements or other similar transactions. As a result, revised Condition 8 reads as follows:

The University will not purchase directly or as a contract-purchaser, or enter into a master lease agreement or similar transaction for, 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 or lease of any properties for investment purposes; however, it would restrict the University from purchasing or entering into a master lease or a similar transaction for residentially-zoned property within the above-defined area and changing its use to one limited to the University 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 Applicant believes that this submission addresses the concerns raised by the Commission at the January 17, 2007 Special Public Meeting and looks forward to the Commission's decision on this case at the February 5, 2007 Special Public Meeting.

Very truly yours,


Maureen Dwyer


David Avitabile

³ Indeed, the University notes that when the Commission gave the opposition parties the opportunity to comment on the University's proposed conditions in September 2006, *none of the opposition parties proposed extending this condition to commercial zones*. WECA did propose extending the scope of the condition to SP-zoned property, which it believed encompassed residential properties south of the campus (including the York Apartments and the Empire Apartments); however, the University clarified for the record that the noted properties are zoned R-5-E and, accordingly, fall within the class of properties subject to the restrictions of proposed Condition 8.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this letter was delivered by hand delivery on
January 24, 2007.

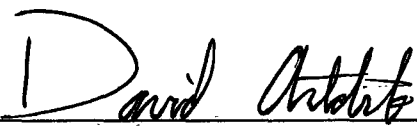
Travis Parker
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, DC 20001

ANC 2A
St. Mary's Court
725 24th Street, N.W.
Washington, DC 20037

Barbara Kahlow
West End Citizens Association
800 25th Street, NW #704
Washington, D.C. 20037

David Maloney
Historic Preservation Office
801 North Capitol Street, N.E.
3rd Floor
Washington, DC 20001

Cornish F. Hitchcock
Attorney at Law
5301 Wisconsin Avenue, N.W., Suite
350
Washington, D.C. 20015-2022



David M. Avitabile