Form 120 – Exhibit 1
(Revised 04/29/02)

Case No. 16922

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPLICATION

Notice: See other side of application form for instructions

Pursuant to Sections §3103.2 - Use Variance, §3103.2 - Area Variance and/or §3104.1 - Special Exception of Title 11 DCMR- Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zoning Districts	Relief Being Sought Area Variance · Use Variance Special Exception	Section No(s).
2301 G Street, N.W.	42	847	R-5-D	Special Exception	210

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Present use(s) of Property:	College and University (Health and Wellness Center)
Proposed use(s) of Property:	College and University (Health and Wellness Center)

Owner of Property:	The George Washington University	Telephone No:	202-994-6503
Address of Owner:	2121 Eye Street, N.W., Washington, DC 20052		

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:

Special exception for the review of specific uses of a university building within an approved campus plan to modify conditions 1 and 2 of BZA Order No. 16276 to delete the class usage restriction and to permit the facility to remain open until 1:00 a.m. on all days except Saturday.

Estimated construction cost	$ 0	Advisory Neighborhood Commission Single-Member District(s)	2A05
Date:	June 24, 2002	Signature:	Applicant* Jerry A. Moore

* *The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.*

To be notified of hearing and decision:
(Owner or Authorized Agent*)

Name:	Jerry A. Moore III, Arter & Hadden LLP				
Address:	1801 K Street, N.W., Third Floor, Washington, DC 20006				
Phone No.:	202-775-7101	Fax No.:	202-857-0172	E-Mail:	jerry.moore@arterhadden

ZONING COMMISSION
District of Columbia
Case 02-26
Exhibit 1

ZONING COMMISSION
District of Columbia
CASE NO 02-26
EXHIBIT NO.1

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

INSTRUCTIONS

Any notice of application for action provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted. ***Do not mail this form to the Board of Zoning Adjustment.***

1. All applications shall be made on Form 120. All applications must be completely filled out and be typewritten or printed. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11"x17").

2. Present this form and supporting documents, in person, to the Office of Zoning at 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

3. At the time of filing an application before the Board of Zoning Adjustment, the Petitioner shall pay a filing fee in accordance with the Board of Zoning Adjustment Schedule of Fees (11 DCMR 3180).

4. ***REQUIRED information to be submitted when making an application submission, includes <u>one (1) original and twenty (20) copies</u> of the following (except for labels of which (1) original and (1) copy is required):***

   A. All applicants shall obtain from the Zoning Administrator (DCRA) a memorandum directing the applicant to the Board of Zoning Adjustment prior to filing this application or file through self-certification using Form 135. For self-certification, a licensed architect or attorney must certify the proposed relief requested.

   B. A plat, drawn to scale and certified by a DC licensed survey engineer or the D.C. Office of the Surveyor showing boundaries and dimensions of the existing and proposed buildings and accessory buildings. Also required are architectural plans and elevations in sufficient detail to clearly illustrate any proposed building to be erected or altered, proposed landscaping/screens and building materials. Submittal of plat and plans shall not exceed 11" x 17" in size. (See Form 130 – Plat, Plan and Elevation Specifications for the required information on these drawings.)

   C. A detailed statement of existing and intended use of such building or part of building.

   D. A detailed statement explaining how the application meets the specific tests identified in the Zoning Regulations for variance (area and/or use), special exception or other specific relief being sought. (See Form 121 – Applicant's Burden of Proof for Variance and Special Exception Applications.)

   E. Three color photograph views of appropriate size, not-to-exceed 8½" x 11", showing pertinent features of the building and the property involved (front, rear and sides, if possible).

   F. The names and mailing addresses of the owners of all property within 200 feet, in all directions from all boundaries of the property involved in the application, **<u>and self-stick labels of the names and mailing addresses of the owners of the properties</u>.** (Note: This information is most readily available from the D.C. Department of Tax and Revenue, Tax Assessors, 941 North Capitol Street, N.E., 1st Floor, Washington, D.C. 20002.)

   G. The name and mailing address of any person who has a lease with the owner for all or part of any building located on the property involved in the application.

   H. Documentation or a copy of the Certificate of Occupancy showing the current authorized use. In cases where a change in one conforming use to another non-conforming use is requested, provide a copy of the past authorized uses.

Note: **All applications are referred for review and recommendation to the D.C. Office of Planning (OP) and the Advisory Neighborhood Commission within which the affected property is located. Their reports are given "great weight" in the BZA decision-making process. Applicants are strongly recommended, at the time of filing a Form 120 application, to make contact with these agencies to discuss the merits of their application. OP can be reached at (202) 442-7602.**

The George Washington University
WASHINGTON DC

VICE PRESIDENT AND GENERAL COUNSEL
June 18, 2002

Jerrily Kress, Executive Director
D.C. Office of Zoning
441 4th Street, N.W.
Second Floor
Washington, DC 20001

Re: The George Washington University
Health and Wellness Center
2301 G Street, N.W. (Square 42, Lot 847)

Dear Ms. Kress:

Please be advised that the law firm of Arter & Hadden LLP and its partner, Jerry A. Moore III, are duly authorized to submit an application to the Zoning Commission of the District of Columbia ("Commission") for special exception relief at the above-referenced location, which is owned by The George Washington University (the "University"). This authorization includes the power to bind the University in a case before the Commission as required at 11 DCMR §3303.1.

Sincerely,

C. K. Barber

Charles K. Barber
Senior Counsel

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District of Columbia
Case
Exhibit

2100 PENNSYLVANIA AVE., N.W. • SUITE 250 • WASHINGTON, DC 20052 • (202) 994-6503 • FAX (202) 994-4640

UNITED STATES OF AMERICA
NON-TAXABLE

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FRIENDSHIP LODGE TRUSTEES
POB 6122
WASHINGTON, DC 20044

SAINT MARY'S PROTESTANT EPISCOPAL CHURCH
0728 23RD ST NW
WASHINGTON, DC 20037

GEORGE WASHINGTON UNIVERSITY
C/O RICE HALL
2121 I ST NW
WASHINGTON, DC 20052

WASHINGTON B'NAI BRITH HILLEL
C/O RABBI GERALD SEROTTA
2300 H ST NW
WASHINGTON, DC 20037

SAINT MARY'S PROTESTANT EPISCOPAL CHURCH
0728 23RD ST NW
WASHINGTON, DC 20037

SAINT JOHN'S PARISH - SAINT MARY'S PROTE
0728 23RD ST NW
WASHINGTON, DC 20037

WASHINGTON B'NAI BRITH HILLEL
C/O RABBI GERALD SEROTTA
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C/O DR ISRAEL KOGAN
2405 I ST NW
WASHINGTON, DC 20037

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FIRST AMERICAN BANK NA
C/O REMINGTON INC
0601 24TH ST NW #102
WASHINGTON, DC 20037

REMINGTON ASSOCIATES LTD
C/O REMINGTON INC
0601 24TH ST NW #102
WASHINGTON, DC 20037

MARILYN S MANALO REVOCABLE TRUST
0601 24TH ST NW #201
WASHINGTON, DC 20037

V D FOTOPOULOUS
ET AL
C/O THEODORA D KUNEC
0206 N MONTAGUE ST
ARLINGTON, VA 22203

REMINGTON ASSOCIATES LTD
0601 24TH ST NW #102
WASHINGTON, DC 20037

SAJIDA M ABDULLA
0601 24TH ST #205
WASHINGTON, DC 20037

REMINGTON ASSOCIATES LTD
0601 24TH ST NW #102
WASHINGTON, DC 20037

REMINGTON ASSOCIATES LTD
C/O REMINGTON INC
0601 24TH ST NW #102
WASHINGTON, DC 20037

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C/O REMINGTON INC
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WASHINGTON, DC 20037

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LISA A DELPY
0601 24TH ST NW #502
WASHINGTON, DC 20052

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SATTAR A MANSI
5501 SEMINARY RD APT 1609S
FALLS CHURCH, VIRGINIA 22041-3909

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KATSUKO HENRY
5115 LAWTON DR
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MIAMI, FL 33143

ROBIN L MEIGEL
0601 24TH ST NW #902
WASHINGTON, DC 20037

JOAN C CARON
6701 SW 82ND AV
MIAMI, FL 33143

WAN H CHAR
8625 CHATEAU DR
POTOMAC, MD 20854

JOAN C CARON
6701 SW 82ND AV
MIAMI, FL 33143

EDUARDO MELENDEZ
3414 FIDDLERS GREEN
FALLS CHURCH, VA 22044

SHEILA HIEBERT
38091 BEACH ROAD
COLTONS POINT, MARYLAND 20626

J FEISSEE
7600 MANOR HOUSE DR
FAIRFAX, VA 22039

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KAE S YINGLING
0004 GOLDLEAF CT
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GEORGE WASHINGTON UNIVERSITY
C/O RICE HALL
2121 I ST NW
WASHINGTON, DC 20052

MATTHEW D SMYTH
2405 EYE ST NW #8B
WASHINGTON, DC 20037

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CHEUNG C LO
15201 PLANE TREE CT
BOWIE, MD 20721

DONALD C LINKOWSKI
0601 24TH ST NW 901
WASHINGTON, DC 20037

POTOMAC PLAZA TERRACES
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0730 24TH ST NW
WASHINGTON, DC 20037

GEORGE WASHINGTON UNIVERSITY
C/O RICE HALL
2121 I ST NW #701
WASHINGTON, DC 20052

GEORGE WASHINGTON UNIVERSITY
C/O RICE HALL
2121 I ST NW
WASHINGTON, DC 20052

Form 135 - Side 1
(Revised 03/15/02)

Case No. 16922 KA

ZONING SELF-CERTIFICATION FORM

Project Address(es)	Square	Lot(s)	Zone District(s)	ANC(s)/Single Member District(s)
2301 G Street, N.W.	42	847	R-5-D	2A05

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☐ §3103.2 - Use Variance	☐ §3103.2 - Area Variance	☒ §3104.1-Special Exception
Pursuant to Subsections			210

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

(1) the agent is duly licensed to practice law or architecture in the District of Columbia;
(2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
(3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owner's Signature	Owner's Name (Please Print)
	The George Washington University
Agent's Signature	**Agent's Name (Please Print)**
Jerry A. Moore	Jerry A. Moore

Date	6/24/02	D.C. Bar No.	911511	or	Architect Registration No.	

OFFICE OF ZONING DETERMINATION

(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐ Accepted for filing.

☐ Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.

☐ Rejected for failure to comply with the provisions of

- ☐ DCMR Title 11 §3113.2; or
- ☐ DCMR Title 11 Zoning Regulations.

Explanation _____

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Signature		Date	

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

Side 2

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.

2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

NO CHANGE IS PROPOSED TO THE SIZE OF THE BUILDING

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)					
Lot Width (ft. to the tenth)					
Lot Occupancy (building area/lot area)					
Floor Area Ratio (FAR) (floor area/lot area)					
Parking Spaces (number)					
Loading Berths (number and size in ft.)					
Front Yard (ft. to the tenth)					
Rear Yard (ft. to the tenth)					
Side Yard (ft. to the tenth)					
Court, Open (width by depth in ft.)					
Court, Closed (width by depth in ft.)					
Height (ft. to the tenth)					

BEFORE THE ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA

Re: Statement In Support Of Application For Further Processing
Special Exception

I. Nature of Relief Sought

This is an application for special exception relief pursuant to sections 210 and 3104.1 of the Zoning Regulations for further processing under an existing campus plan to amend the Board of Zoning Adjustment's March 31, 1998 Order No. 16276 to delete condition number one with respect to the classes of users of the Lerner Health and Wellness Center ("Center") and to amend condition number two to permit that facility to remain open until 1:00 a.m. on all days except Saturday. The Center is located on the University's campus at 2301 G Street, N.W. (Square 42, Lot 847).

By Order dated March 31, 1998 the D.C. Board of Zoning Adjustment approved for a special exception for the construction and use of the Center. In so doing, the Board concluded that the Center will be in harmony with the general purpose and intent of the zone plan and would not adversely affect the use of neighboring properties. Despite this finding, the Board chose to condition its approval by limiting the use of the facility to ". . . the students, faculty and staff of the Foggy Bottom campus only" and mandating that the facility shall close at 10:00 p.m. Monday through Saturday and at 8:00 p.m. on Sundays.

The Center was constructed and opened in August of 2001. The University has since observed the use patterns of the facility by hours, days and users, has received numerous requests from students to expand the hours of operation and from persons other than students, faculty and staff of the Foggy Bottom campus for permission to use the facility. These requests include those made by (non-university) neighborhood residents, alumni, parents of students, and even members of the Board of Trustees.

In its order, the Board indicated that it imposed the aforementioned conditions to avoid an adverse traffic impact that may result from persons other than the approved class of users being allowed to use the facility. After reviewing the usage patterns over the past year, the University can now show that no adverse traffic impacts will result from the proposed modification of the conditions that are in effect. The usage and demand patterns also suggest that the condition imposing a limitation on the hours of operation may reasonably be amended to allow the facility to operate until 1:00 a.m. on all nights except Saturday, when 10:00 p.m., as now is the case, remains appropriate.

The University seeks the deletion of the restriction on the classes of users so that it may permit the following persons to use the facility:

1. University students, faculty and staff (without the existing campus restriction).
2. Persons who live and work in the Foggy Bottom/West End area.
3. University alumni.
4. Guests of the above members.
5. Friends and supporters of the University.

The University plans to manage the hours of availability according to the class of user with University students, faculty and staff being favored. The purpose is to regulate the number of people in the building. The maximum number of persons who can use the center at any one time is approximately 1,970. The University will show how it projects usage of the building on a hourly and daily basis and will provide an expert traffic and parking analysis.

II. Jurisdiction of the Commission

The Zoning Commission (the "Commission") has jurisdiction to grant the relief requested pursuant to subsection 210 of the Zoning Regulations

III. Description of Surrounding Area

The site of the Lerner Health and Wellness Center is located along the western edge of the University's campus, an area designated in the Campus Plan for support with residential and identified as a potential location for athletic and ancillary services.

The University owns property surrounding the site. Directly across 23rd Street to the East is Funger Hall, a seven-story classroom building with faculty offices. The Tompkins Engineering Building, also owned by the University, is across 23rd Street from the subject site. The Smith Center, the University's multipurpose sports facility, is diagonally across 23rd Street from the proposed building. The University has received zoning approval to construct a 700 bed dormitory on Square 43 to the south of the site and a student residence facility on Square 57 to the south and east of the site adjacent to the Smith Center. To the north, along 23rd Street, is Saint Mary's Church, an individually designated landmark listed in the National Register of Historic Places. To the west of Lot 847, at the northeast corner of 24th and G Streets, N.W., is a two-story brick structure built in 1981. Also west of the subject site, separated by a 30-foot alley, is St. Mary's Court, a nine-story building used as housing for the elderly.

IV. Compliance with Approved Campus Plan

The University will prove during this proceeding that it has consistently remained in substantial compliance with the applicable provisions and conditions of BZA Order No. 16553, as modified by the Order of the U.S. District Court for the District of Columbia (dated April 12, 2002 in Civil Action No. 01-0895-CFO).



G Street



23rd + G Streets



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24th + G Streets

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D. C., 6-11, 1997

Plat for Building Permit of SQ. 42 LOTS 847, 823

ATTACHED

Scale: 1 inch = 30 feet Recorded in Book Survey page PAPER

Receipt No. 8347

Furnished to AYERS/SAINT/GROSS

Surveyor, D. C.

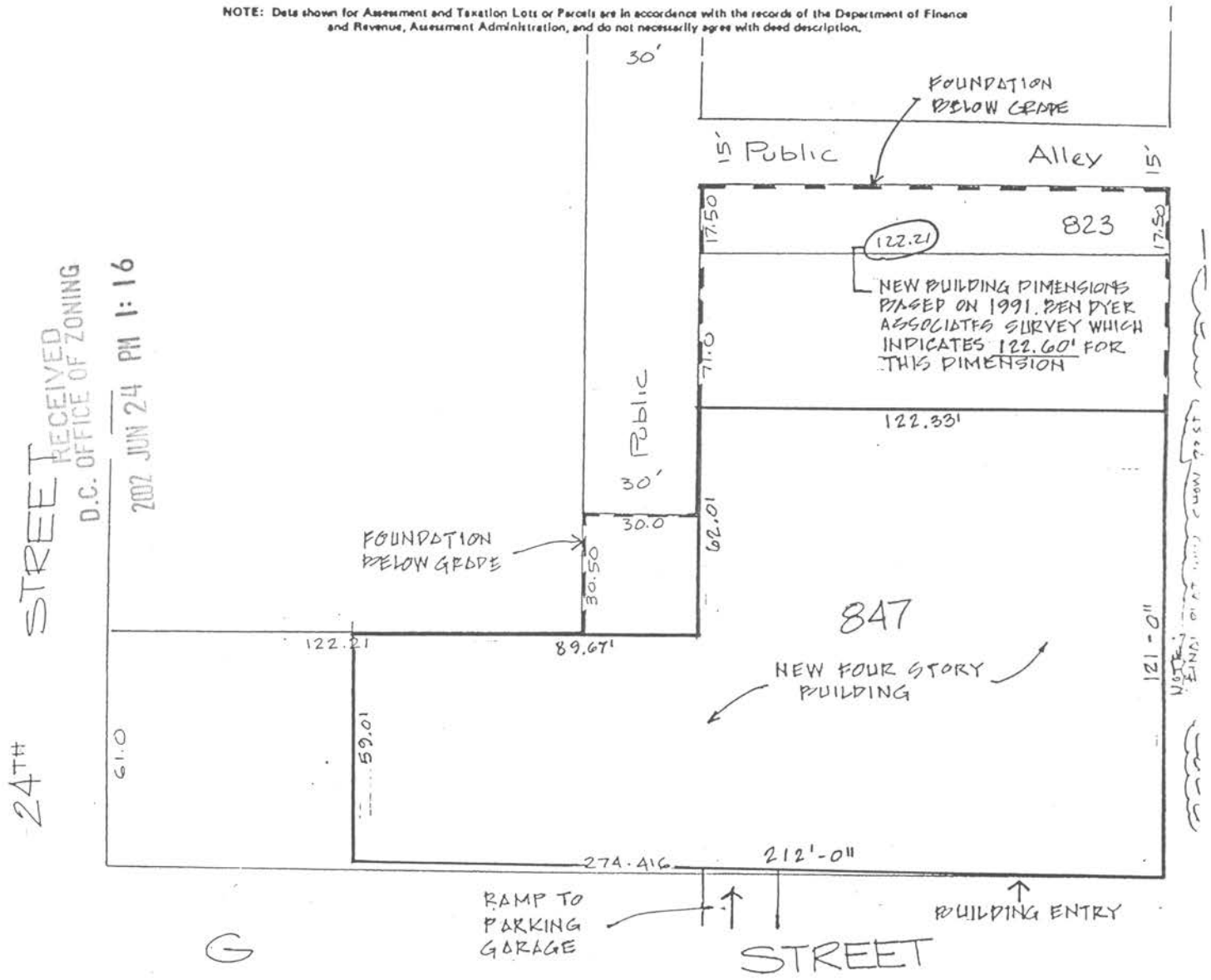
By: BN

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plan as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb or alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property).

Date .....

.....
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



J-88270

S. O. Form 12.0