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March 11, 2004

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SURFACE MAIL RECEIVED

Carol J. Mitten, Chair
Zoning Commission for the
District of Columbia
441 – Fourth Street, N.W.
Suite 225
Washington, D.C. 20001

Re: Zoning Commission Case No. 02-26: The George Washington University Lerner Health and Wellness Center

Dear Ms. Mitten and Members of the Commission:

BACKGROUND

Pending before the Commission is the George Washington University's application for special exception relief, under an existing Campus Plan, to amend the conditions set forth in the D.C. Board of Zoning Adjustment's 1998 Order restricting the classes of users at the Lerner Health and Wellness Center and to allow that same center to remain open until 1:00 a.m. on all days except Saturday.[1] This case was heard by the Commission at a public hearing on December 2, 2002, at which voluminous evidence and expert testimony was entered into the record to support the requested relief. Also, a number of individuals appeared to testify in support of the application including representatives from St. Mary's Court, St. Mary's Church, The Remington Condominiums, various nearby residents and a representative from the School Without Walls.

By memorandum dated November 25, 2002, the D.C. Office of Planning recommended that: a) condition one of the BZA Order No. 16276 be revised to allow the University to offer the use of the Wellness Center to residents of the

[1] It is important to note that the BZA's decision to limit the classes of users to the students, faculty and staff of the University's Foggy Bottom campus, by its terms, was based solely on the board's assessment that additional classes of users would adversely impact the transportation system. Even though that application was opposed, the opponents submitted no evidence to support that conclusion. In this application the University has already submitted substantial expert evidence into this record that expanding the classes of users to those proposed here will have no impact on the transportation system.

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Foggy Bottom West end area and for the Commission to consider allowing the University to extend membership to students, faculty and staff of its Mount Vernon Campus; and b) revise condition 2 of BZA Order No. 16276 to allow the Wellness Center to remain open until 11:30 p.m. on all days of the week; and c) "take note" that the University plans to open the Wellness Center at 6:00 a.m. and to move intercollegiate squash team play (no spectators facility) to the Wellness Center and confirm that these changes fall within the hours and activities allowed under BZA Order No. 16276. The D.C. Department of Transportation submitted a memorandum dated November 26, 2002 in which it agreed with the Office of Planning's recommendations and further suggested that the Center develop a transportation management plan for special events with more than 50 participants and the Center provide additional bicycle storage facilities and establish policies to further encourage transit usage.

Advisory Neighborhood Commission 2A and the Foggy Bottom Association both submitted letters and oral testimony in opposition to the application. A person representing a nearby sports club also appeared at the hearing in opposition to the application.

After the hearing the Commission asked the University to prioritize by classes its request to expand membership. The University complied and submitted its priorities into the record.

Thereafter, the decision in the case was delayed by litigation regarding the Campus Plan. During that period, in September 2003, the University requested the Commission to consider a revised membership plan in lieu of the originally submitted proposal. The Commission declined to entertain that request.

At its meeting of February 19, 2003, the Commission asked the University to update its usage experience at the Center, to submit a statement regarding its compliance with the conditions set forth in the Campus Plan, and to provide information on the projected impacts of the additional categories of users it seeks to accommodate.

CURRENT USAGE

By law the Center can accommodate 1,973 persons at once. Since it opened, users have been restricted to the students, faculty and staff of the University's Foggy Bottom campus.[2] Charts reflecting weekday usages during a week that the University is in session are attached. These users are drawn from a base population of approximately 17,000 students, 2,000 faculty and 8,500[3] staff members on the Foggy Bottom campus. All have membership rights, but as can be seen by the attached charts, only a few have exercised them. Only 1,000 or so of the 10,500 faculty and staff members have purchased memberships. Student memberships are included in mandatory activity fees.[4] Thus, dividing the total of 18,000 people who have current memberships, into the 1,729 average number of patrons that the use the Center during a week reveals that only 9.6% of the current members use the facility on an average day on which school is in session.

The current usage charts reflect that:

- Peak usage is in the early evening hours;
- The Center is busier on Mondays, Tuesdays and Wednesdays than it is on Thursdays and Fridays;
- Usage on Saturday and Sundays is minimal; and
- The maximum number of users at any one time during the survey week is 263, or 13% of the building's capacity and 39% of its practical capacity.

[2] The practical capacity of the Center, measured in terms of available equipment, is about 675.

[3] Some of these "staff" members are also counted among the "student" population.

[4] Being currently ineligible to use the Center, the students at the Mount Vernon campus are not charged a fee for the use of the Center. That, of course, would change if this application is approved.

The average daily usage of 1,729 at the Wellness Center compares with an average daily usage of 25,000 to 30,000 persons a day that enter the Marvin Center which is located in the core of the campus.

The Commission has voted to accept the firm of Gorove/Slade as experts in the field of transportation and parking analysis. That firm has done an analysis of the current usage at the Center which has found that 77% of the Center's users walk to the facility, 9% arrive by public transportation, 4% bike and only 10% use an automobile. Of those that use an automobile to access the Center, only 5% drive to campus primarily to use the Center, the others are already on campus for other reasons.

PROJECTED USAGE

In submitting this update and with the passage of time, the University has further reflected on the most appropriate users of the Center. In so doing, the University has considered the purposes of the building, the capacity of the building, the appropriate community users, the impact, if any, on streets and parking and the usage patterns since the Center opened three years ago. These issues considered, the University's request to expand membership at the Center has evolved to include only the following groupings:

1. The students, faculty and staff of the University's Mount Vernon campus. Currently there are 330 students residing on that campus although it has a capacity of 445 beds. 29 faculty and 56 staff members are employed there.[5]

2. The immediate neighbors to the Center, including owners of the Remington Condominiums, residents of St. Mary's Court, members of St. Mary's Church and members of the Odd Fellows Lodge. The University proposes to limit the number of new memberships to 50 each from the Remington and St. Mary's Court (both groupings are already resident to the area), and to 10 new

[5] At the Commission's request, the University submitted a statement, dated November 19, 2002 that spoke to the means by which the Mount Vernon campus population would access the Center and, inter alia, the parking facilities at the Center.

memberships each from St. Mary's Court and the Odd Fellows Lodge. Members from the latter two categories may or may not reside in the community.

3. Friends and supporters of the University who are members of the President's Club. The University currently operates the President's Club at both the Center (for those eligible) as well as at the Smith Center. If this application is granted, the University would consolidate all President's Club members at the Center. This number is limited to 270 which is the total capacity of the President's Club facility in the Center. There are 25 persons who are currently members of the President's Club at the Center. Thus, the expansion of membership in this category would be limited to 245.

4. Students and faculty of the School Without Walls located at 2130 G Street, N.W., approximately 1 1/2 blocks from the Center. Currently there are 327 students and 42 faculty at the facility. These populations are already in the neighborhood every weekday so the inclusion of this grouping of membership is likely to have a negligible impact on the transportation and parking system. Brailsford & Dunlavey have reported in the record that "community members such as the School Without Walls would utilize the building during the non-peak, late morning/early afternoon period and not during the 5-6 p.m. peak time."

5. Guests of members of the Center limited to no more than 25 guests on a weekday and no more than 50 guests on weekends.[6]

So, instead of a potential of 3000 new memberships as the University first proposed, the University now urges the Zoning Commission to approve up to 1199 new members, most, if not all, to come from persons who will be on or near the University's Foggy Bottom campus for reasons other than to access the Center. The University cannot, of course, offer any assurance that the current ratio of actual users to potential users will not increase or decrease. It is, however, reasonable to project that the percentage is unlikely to significantly vary one way or the other. Applying that percentage (9.6%) to the expanded groupings requested here would amount to 115 additional neighborhood users.

[6] Brailsford & Dunlavey have opined that the guest of member grouping will represent less than 1% of the total daily building traffic.

Gorove Slade has determined that the addition of these membership groupings and the extension of the Saturday closing hour "... will have no adverse impact on traffic and parking conditions." A copy of it's analysis and conclusions is attached.

The University also wishes to amend its application with respect to the closing hour of the facility. The current application seeks to amend Condition No. 2 of the BZA order to permit the facility to remain open until 1:00 a.m. on all days except Saturday. While considering all of the facts relevant to its update on the proposed membership groupings, the University also evaluated the operating hours of the facility in the context of the Center's purposes and the needs of its students. As a consequence, the University now requests the Commission to extend the closing hour to 1:00 a.m. on all days. Both the University and its expert facilities planner, Brailsford & Dunlavey, have reported in the record that "typically, most schools open at 6:00 a.m. and close at 11:00 p.m. or midnight. A recent trend at some institutions is providing an additional night programming option to their students. This includes expanding recreation center operating hours until 1:00 a.m. or 2:00 a.m. to provide a healthy alternative to students going to bars or drinking alcohol. (Recent surveys conducted at Dartmouth College showed that over 50% of the students were still awake at 3:00 a.m. in the morning.)... The report concluded that "... [the Center]... is the only facility [among 8 surveyed] open less that 100 hours per week. In addition, 7 of the 8 facilities surveyed (88%) open earlier and closed later during the week than the Lerner Health and Wellness Center."

Squash Team at the Wellness Center

By memorandum dated November 25, 2002 the D.C. Office of Planning "... believes that moving intercollegiate squash team matches to the Wellness Center will not result in an adverse impact in the neighborhood because of the limited number of team members involved and the lack of spectators space in the Center. In this regard the Wellness Center is still in accord with finding 6 in BZA Order 16276 that 'There is not spectators space in the design of the facility, nor is the use of the facility intended for spectator events.'"

The University concurs with this conclusion as does its expert facilities consultant who on November 13, 2002 reported into the record that "squash events would not have any noticeable impact on traffic into or around the building. Simply put, squash events do not attract a significant fan base. In fact, there is no central gathering place or seating in the building for fans to even watch the matches. The traffic would simply be the team's players and coaches, estimated at about 30 to 40 people per event. ... These people would account for less than 2% of the average daily traffic into the building."

THE UNIVERSITY'S COMPLIANCE WITH THE CAMPUS PLAN

As shown in the attached statement, the University is in substantial compliance with all applicable conditions of the BZA campus plan order.

CONCLUSION

The University conceived the Lerner Health and Wellness Center with the hope of granting access to it students, faculty and staff, community residents, alumni, guests and friends of the University. As such, the University constructed an exciting state of the art facility that could meet its users' physical fitness needs. As this case has progressed, the University thinking has evolved as well. It now offers a modified usage proposal that can meet the needs of its students, faculty and staff population as well as those of the neighboring community. And, according to the University's expert consultants, who have both testified and submitted evidence into the record, it can do so without either adverse traffic impact or impairing the use and enjoyment of neighboring property. Indeed, many of the owners of neighboring properties have supported this application on the record.

It is for these reasons that the George Washington University submits that it is met its burden of proof under the zoning regulations and is therefore entitled to the requested special exception relief.

Respectfully submitted,

Jerry A. Moore III

JAM/ydl

Attachments

cc: Charles K. Barber, Esq.
ANC 2A
The Foggy Bottom Association
D.C. Office of Planning (John Fondersmith)

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MEMORANDUM

TO: Abdoulaye Bah DDOT

FROM: Robert Schiesel, P.E.
Nicole White, P.E., PTOE
Louis Slade, P.E., PTOE

DATE: March 10, 2004

SUBJECT: GW Health and Wellness Center – Special Exception
Updated Transportation Impact Summary

Introduction

This memorandum provides an updated transportation analysis for The George Washington University (GW) Lerner Health and Wellness Center (LHWC) zoning regulation changes. The zoning regulation changes analyzed in this study include the following elements:

1. The addition of new member types to the LHWC. (Currently, only Foggy Bottom Campus students, faculty, and staff are permitted to use the LHWC.) The new members would include:
   - Mount Vernon Campus residential students, faculty and staff,
   - Immediate neighbors of the LHWC,
   - Members of the President's Club,
   - Students and faculty of the Schools Without Walls, and
   - Guests of members.

2. The extension of LHWC operating hours from 10:00 pm to 1:00 am on Monday through Saturday, and from 8:00 pm to 1:00 am on Sunday; and

3. The LHWC would be available to host intercollegiate squash matches.

(NOTE: The initial LHWC Transportation Impact Summary [submitted as part of the Special Exception Zoning regulation change and dated November 14, 2002] included the zoning regulation changes above plus the addition of University alumni and friends as additional LHWC users.)

Based on the analysis of the elements listed above, the traffic and parking increases due to the rezoning of the LHWC will be negligible, and will have no adverse impact on traffic and parking conditions.

The analysis that supports these conclusions follows.

Existing Conditions

Gorove/Slade Associates conducted a study in 2002 that examined the existing use of the LHWC and the Charles E. Smith Center. The study included an analysis of existing activity data and patron counts, and a mode choice questionnaire survey of existing users.

As part of this updated analysis, we examined 2004 LHWC patronage information and compared it to data previously collected as part of the 2002 study. Table 1 below provides a comparison summary of 2002 versus 2004 LHWC daily activity. The information presented in Table 1 indicates that weekday activity has remained roughly the same from 2002 to 2004. Some days were slightly higher in 2002 and some days were slightly higher in 2004. There is a notable increase in activity from 655 on a Sunday in 2002 compared to 1,205 on a Sunday in 2004. In general, the activity data is consistent and the survey results and other activity data collected in 2002 are still valid for establishing baseline conditions for the LHWC future analysis.

Table 1 – 2002 and 2004 Daily LHWC Activity

Date	Day of Week	Total Number of LHWC Users
September 16, 2002	Monday	2,343
September 17, 2002	Tuesday	2,423
September 18, 2002	Wednesday	2,505
September 19, 2002	Thursday	2,227
September 20, 2002	Friday	1,636
September 21, 2002	Saturday	1,108
September 22, 2002	Sunday	655
Typical Weekday (Mon - Thurs)		2,375
February 9, 2004	Monday	2,514
February 10, 2004	Tuesday	2,251
February 11, 2004	Wednesday	2,101
February 12, 2004	Thursday	1,861
February 13, 2004	Friday	1,357
February 14, 2004	Saturday	812
February 8, 2004	Sunday	1,205
Typical Weekday (Mon - Thurs)		2,182

Hours of Operation: Monday through Saturday, 7am to 10pm; Sunday 11am to 8pm

Future Conditions

Background information obtained from the 2002 survey and patron counts, and the 2004 patronage data were used to project future traffic and parking activity associated with the zoning changes. The specific traffic and parking impacts associated with these changes are as follows:

1. *The addition of new member types to the LHWC.*
   To determine the impact of the five new classes of members, each was analyzed separately and patronage and transportation assumptions were made based on the several factors, most importantly the survey results. The new users and their respective activity and traffic assumptions are as follows:

User Type: Mount Vernon Campus Residential Students
Amount: 530 (maximum available for membership: 445 residential students[1], 29 faculty and 56 staff)
Usage Pattern: Similar to current Foggy Bottom campus students. National trends of facilities similar to the LHWC show that an average of 25% of membership will patronize a fitness facility per day. The figure for current LHWC members is approximately 13%. This analysis assumes the conservative estimate of 25%, or that 133 additional visits would be made in a typical weekday.
Traffic Impact: Most students will take the intra-campus shuttle bus. Currently, the shuttle bus runs seven days a week, from 7 am to 2 am (3 am on Fridays and Saturdays). Shuttle bus headways range from 10 to 30 minutes, with 10-minute service provided between 8 am and 7 pm Monday through Friday, coinciding with the peak periods of use of the LHWC. Service every 20 minutes is scheduled the remainder of the week, except for after midnight service, which operates at 30 minute headways. The shuttle bus stops at the intersection of 22nd Street and Eye Street, approximately three blocks from the LHWC. The percentage of students expected to drive specifically to visit the LHWC is 5%, based on survey results for students in the Foggy Bottom Campus.

User Type: Immediate Neighbors (Remington, St. Mary's Court, St. Mary's Church, and the Odd Fellows)
Amount: Limited to 120 members (50 each from Remington and St. Mary's Court, 10 each from St. Mary's Church and the Odd Fellows).
Usage Pattern: Immediate neighbors would patronize the facility at various times throughout the day, more similar to existing President's Club usage than to the LHWC. Most likely these members would follow the general trend of patronizing the LHWC at 25% on a typical weekday. Thus, this new category of membership would attribute 30 new patrons visits a weekday.
Traffic Impact: The vast majority of immediate neighbors would walk. A negligible number may drive.

User Type: President's Club Members
Amount: 270 (maximum based on number of lockers at LHWC)
Usage Pattern: There are currently 25 current users of the President's Club at the LHWC, and 86 at the Smith Center. The Smith Center members would transfer to the LHWC, leaving 159 lockers available. Based on survey results, 37% of President's Club members patronize the facility on a typical weekday. This analysis assumes that

[1] This membership category would be limited to students who reside on the Mount Vernon Campus.

membership operates at capacity, and that current and future President's Club members follow the same usage patterns defined in the survey, which equates to 59 more visits a day.

Traffic Impact: Based upon the survey results of existing President's Club members, approximately 15% of new users will drive to the Foggy Bottom campus solely to use the LHWC, or 9 new vehicle trips per typical weekday.

User Type: Students and Faculty of the Schools Without Walls
Amount: 327 students, 42 faculty
Usage Pattern: Schools Without Walls is located at 2130 G Street NW, one and a half blocks from the LHWC. These new members would use the facility on weekdays, at times reflecting school hours. Assuming that 25% of these new members visit the LHWC on a weekday this new member class would add 92 visits to the LHWC.
Traffic Impact: Members of School Without Walls already travel to the neighborhood every weekday. They would walk to and from the LHWC, generating no traffic impact.

User Type: Guests of Members
Amount: Limited to 25 guests per weekday, 50 per weekend day
Usage Pattern: Guests of members will follow the same visitation patterns as current members. This analysis assumes that the limit on guest activity is reached each day.
Traffic Impact: Guests of members would most likely drive to the Foggy Bottom campus, although usually they are there for other reasons than solely to use the LHWC. For purposes of this analysis, it was assumed that 100% of these guests will drive to campus and use the University Parking Garage.

2. *The extension of LHWC operation hours to 1am*
   Extending the hours of operations would not significantly increase activity at the LHWC. The University projects that most of the demand for late night use of the LHWC consists of intramural student games and competitions. Activity for the extended hours was estimated based on activity at the beginning and end of current operations and the expected intramural use of the facility.

3. *The LHWC would be available to host intercollegiate squash matches.*
   A squash tournament will attract 30 to 40 team members and coaches. GW student athletes and coaches would likely arrive to the LHWC similar to current LHWC patterns. Visiting University athletes and coaches would arrive by team van that would park in a GW parking facility. The use of the LHWC for intercollegiate men and women's squash would have a minimal impact on traffic and parking.

These patronage, traffic and parking impacts of these changes was calculated and summed to generate their projected impact. Figure 1 presents a projected activity profile, displaying the impact of the new user categories on a typical weekday. The percent increase in patronage, based on total accumulation in the LHWC, is 14%.

Figure 2 presents the traffic and parking impacts of the LHWC before and after the zoning changes. These results were generated by applying survey results to the existing and projected activity profiles of the LHWC. Figure 2 shows that the weekday peak hour of LHWC generated traffic (6pm to 7pm) will

increase by 8 vehicles. The peak amount of parked vehicles will increase by 5. The projected traffic and parking demand impact is low due to the mode choice patterns of the new members; the majority of new members will walk or take transit to the LHWC.

Previous GW traffic studies indicate that approximately 8,500 peak hour vehicles occupy the roadways surrounding the LHWC. An additional 8 peak-hour vehicles generated by the LHWC dispersed throughout the roadway network represents about a 0.001% increase in traffic. This change in traffic is significantly less than the daily variance in traffic conditions and any impacts are immeasurable. Based on an on-street parking inventory for the Foggy Bottom campus (conducted during the 2000 Campus Plan Study), there are approximately 450 on-street parking spots within a two to three block walk from the LHWC. The peak on-street parking demand increase is projected to be 5 vehicles, which represents 1% of this nearby parking supply.

Figure 1 – Projected Patron Activity Profile, by Component

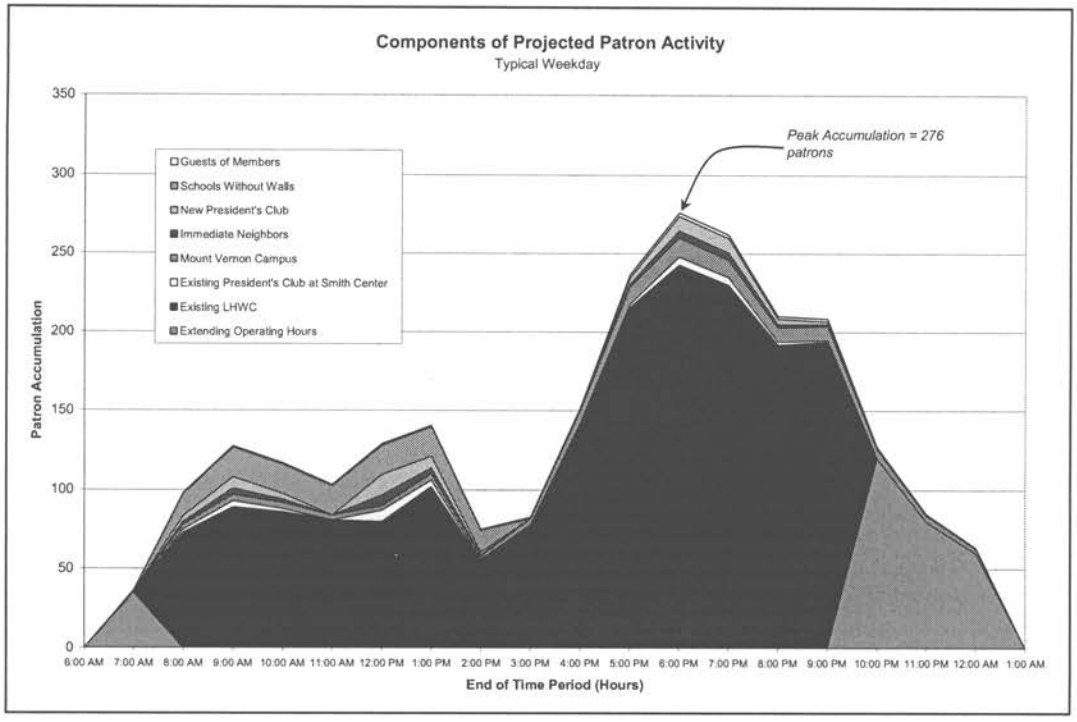
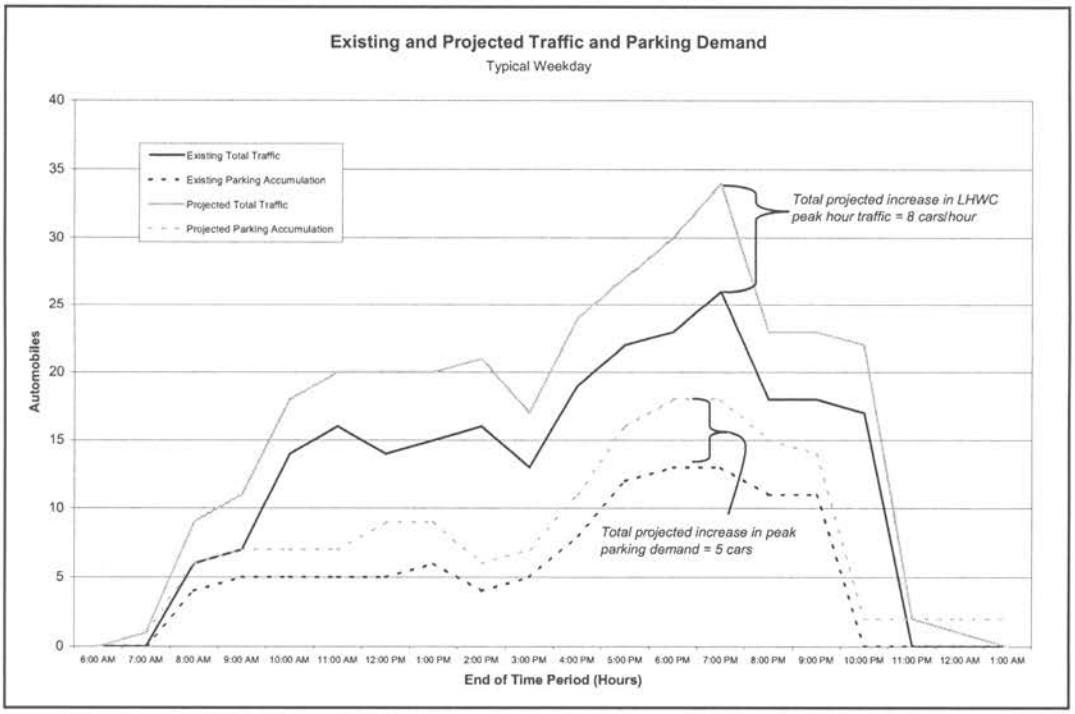
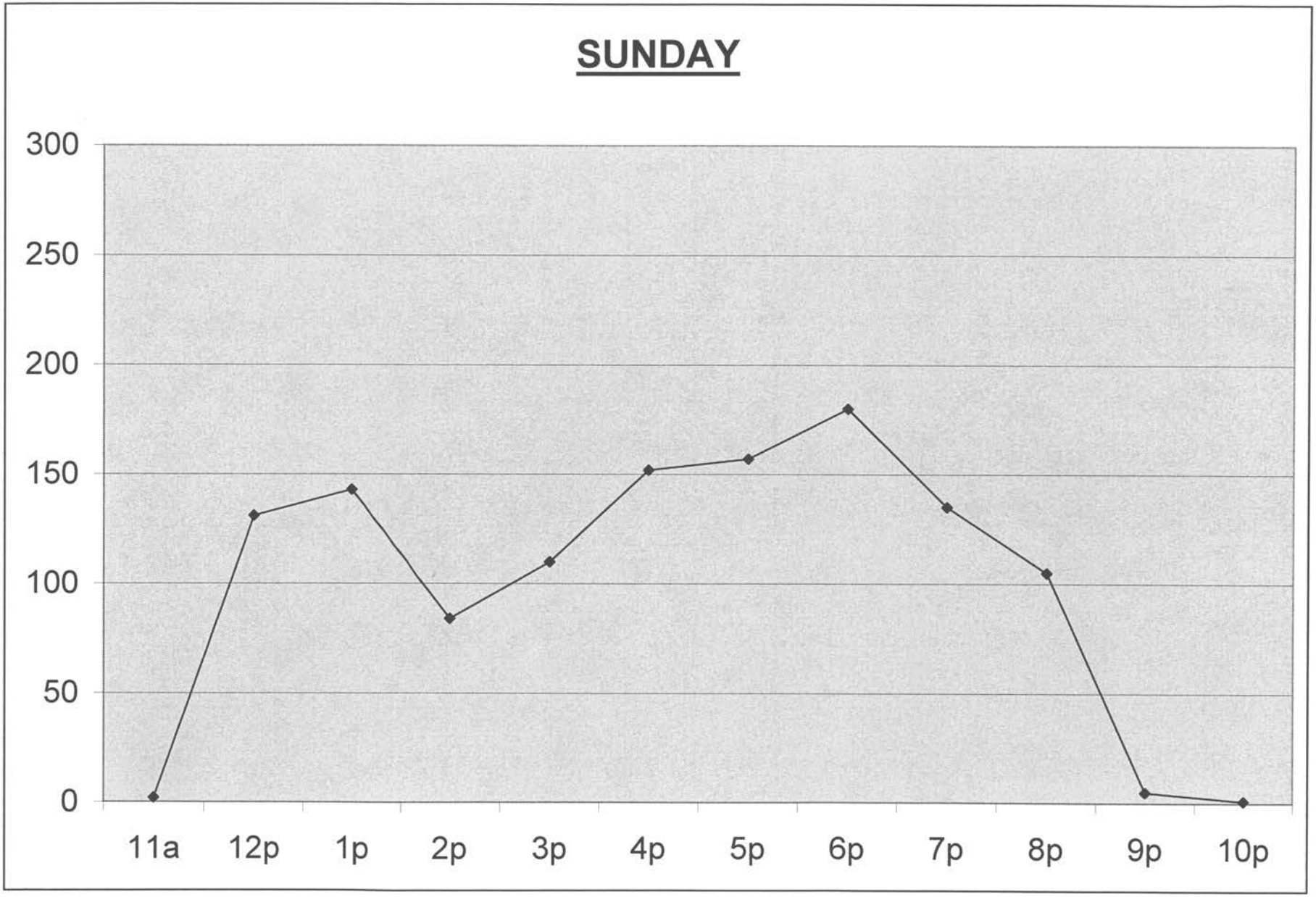


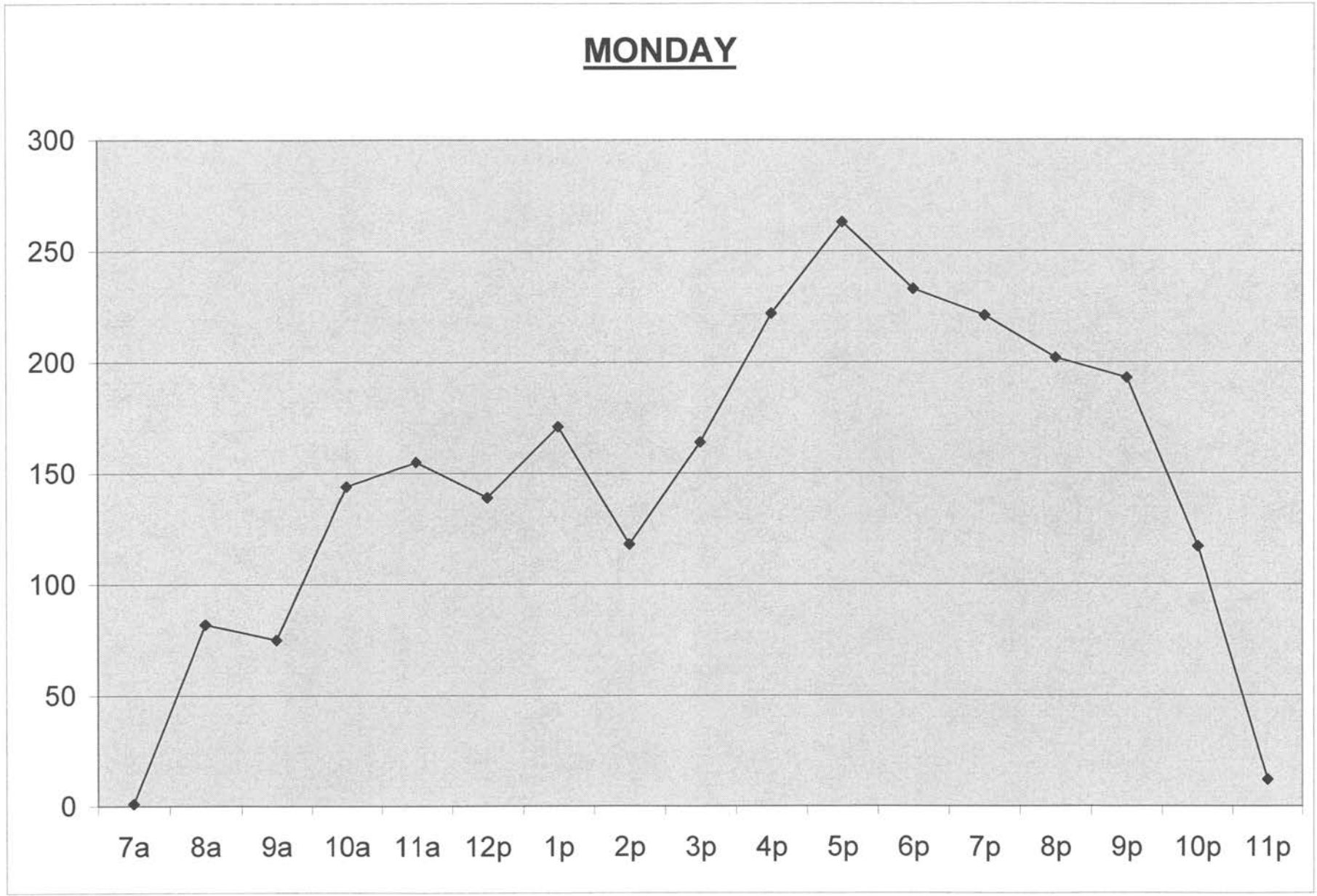
Figure 2 – Existing and Projected Traffic and Parking Demand



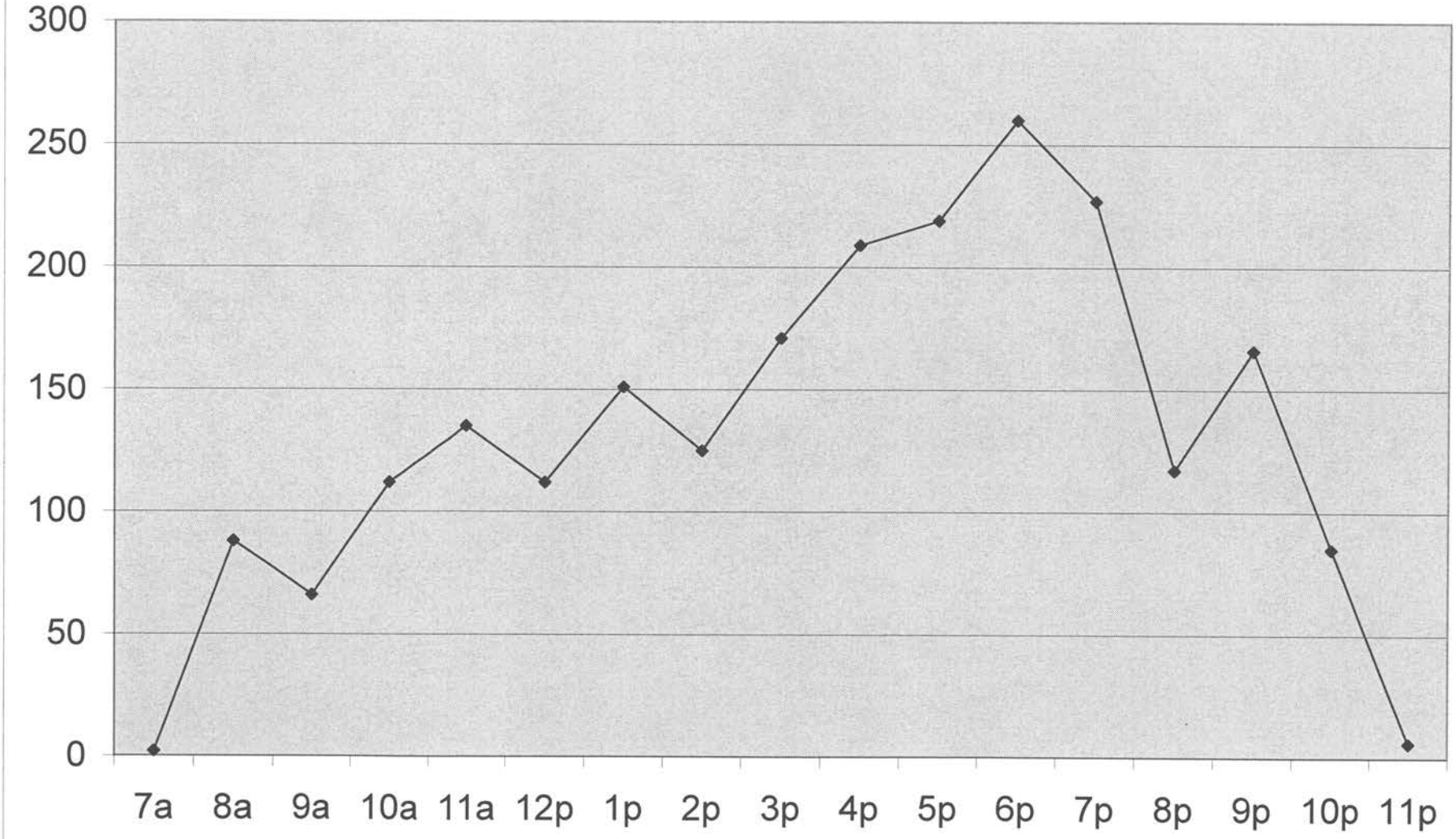
Conclusions

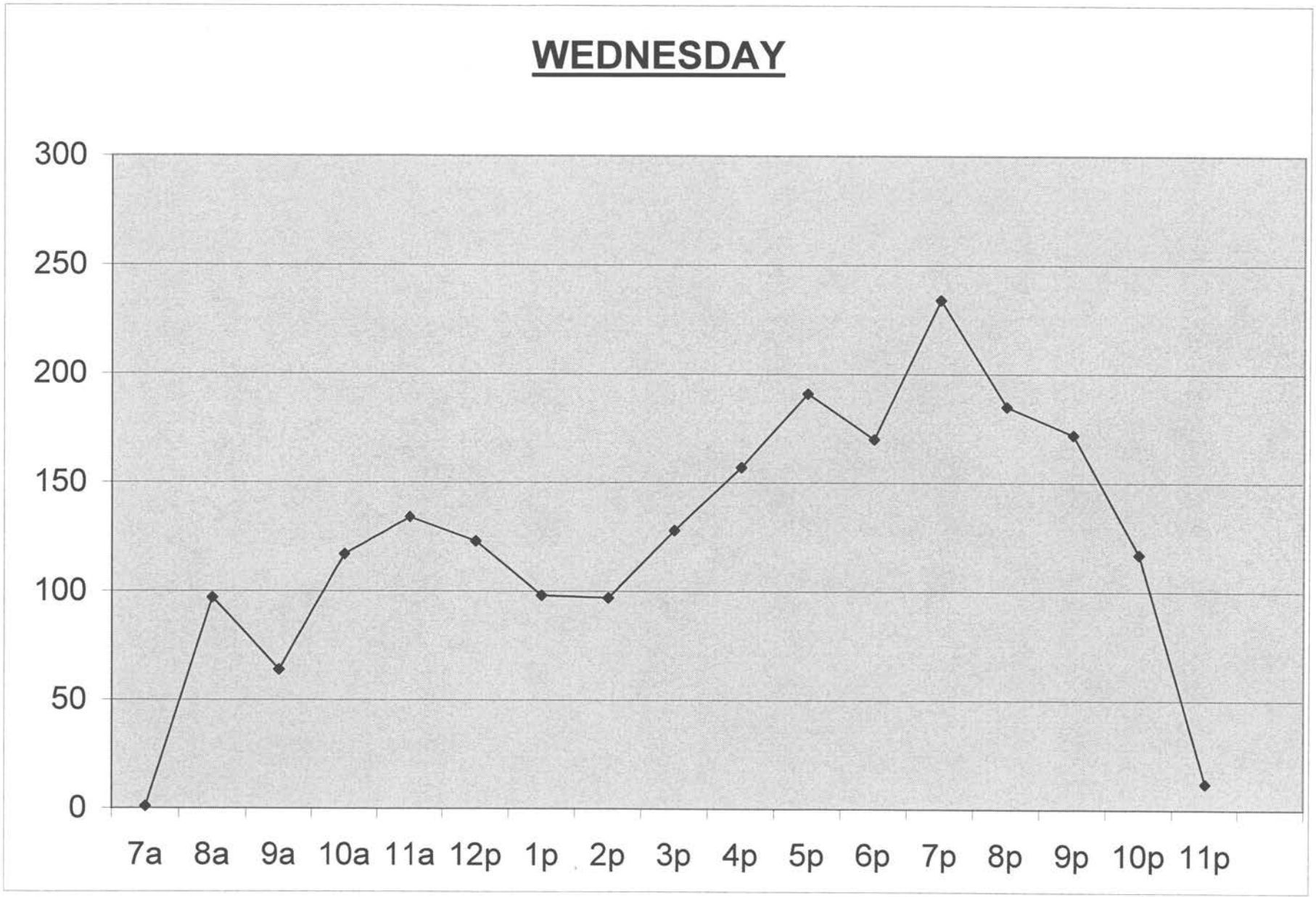
In conclusion, the proposed new user groups and the extended hours of operation will generate 8 peak hour trips and the demand for 5 additional parking spaces. This negligible increase in traffic and parking will have no adverse impact on traffic and parking conditions.

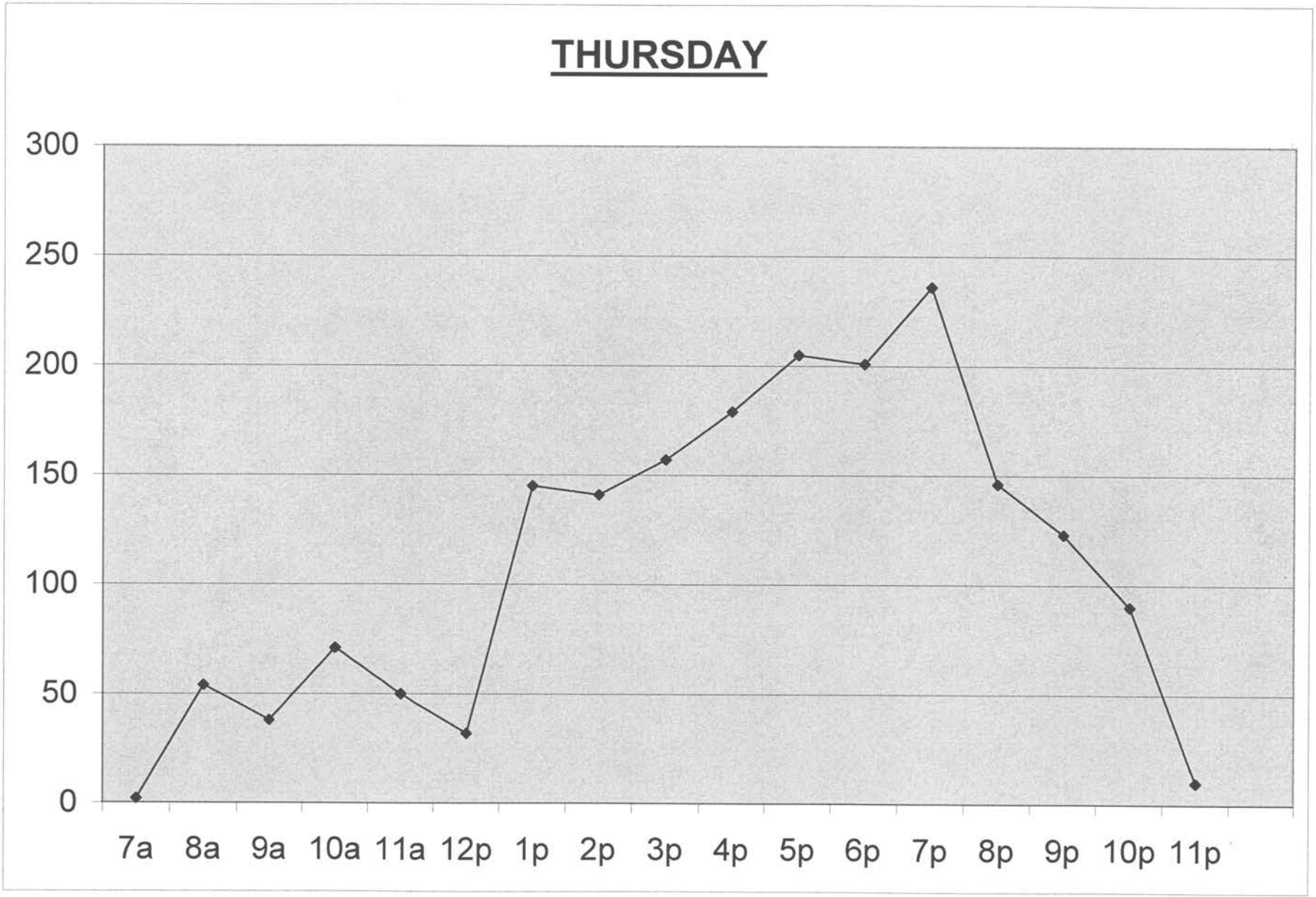

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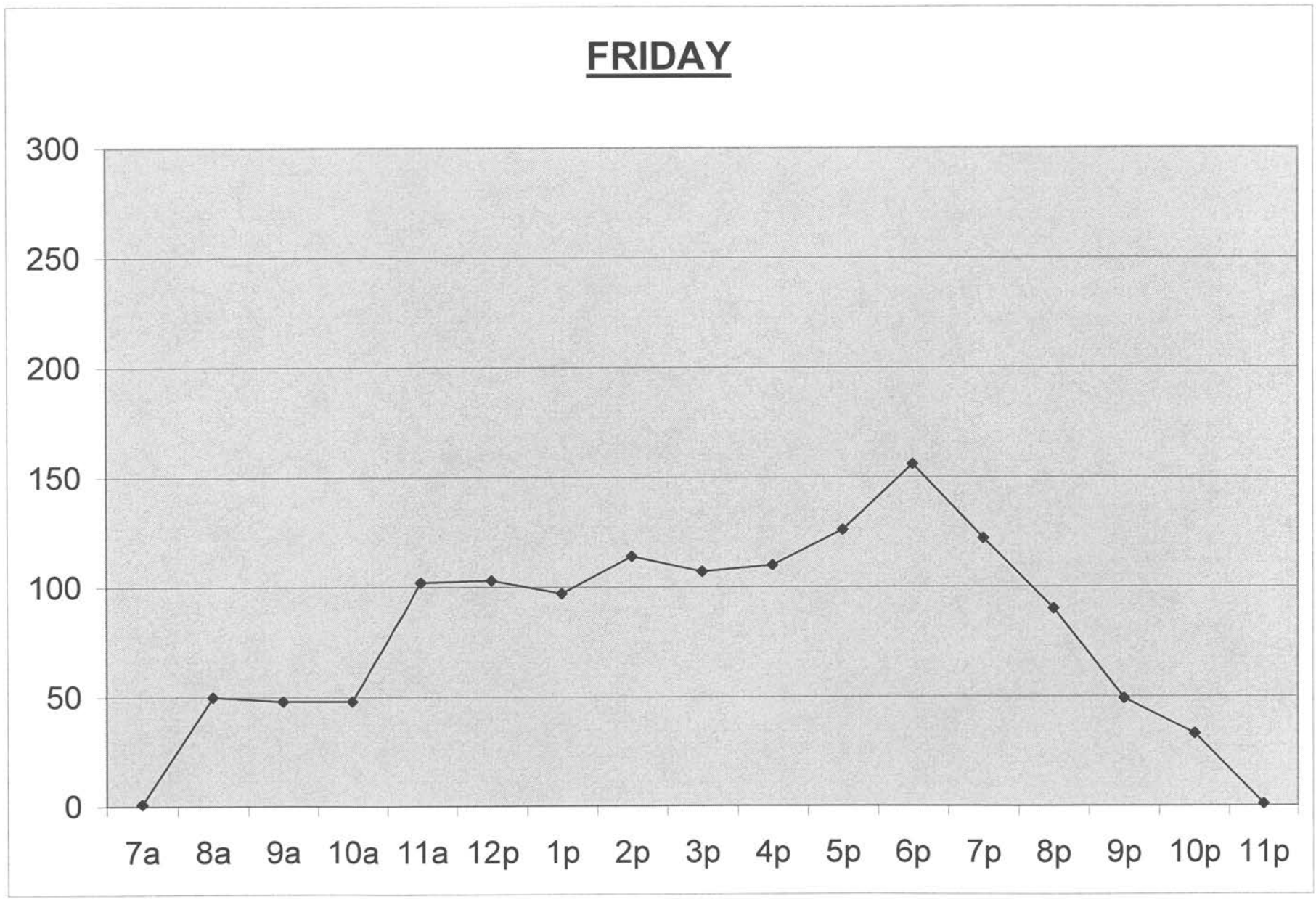

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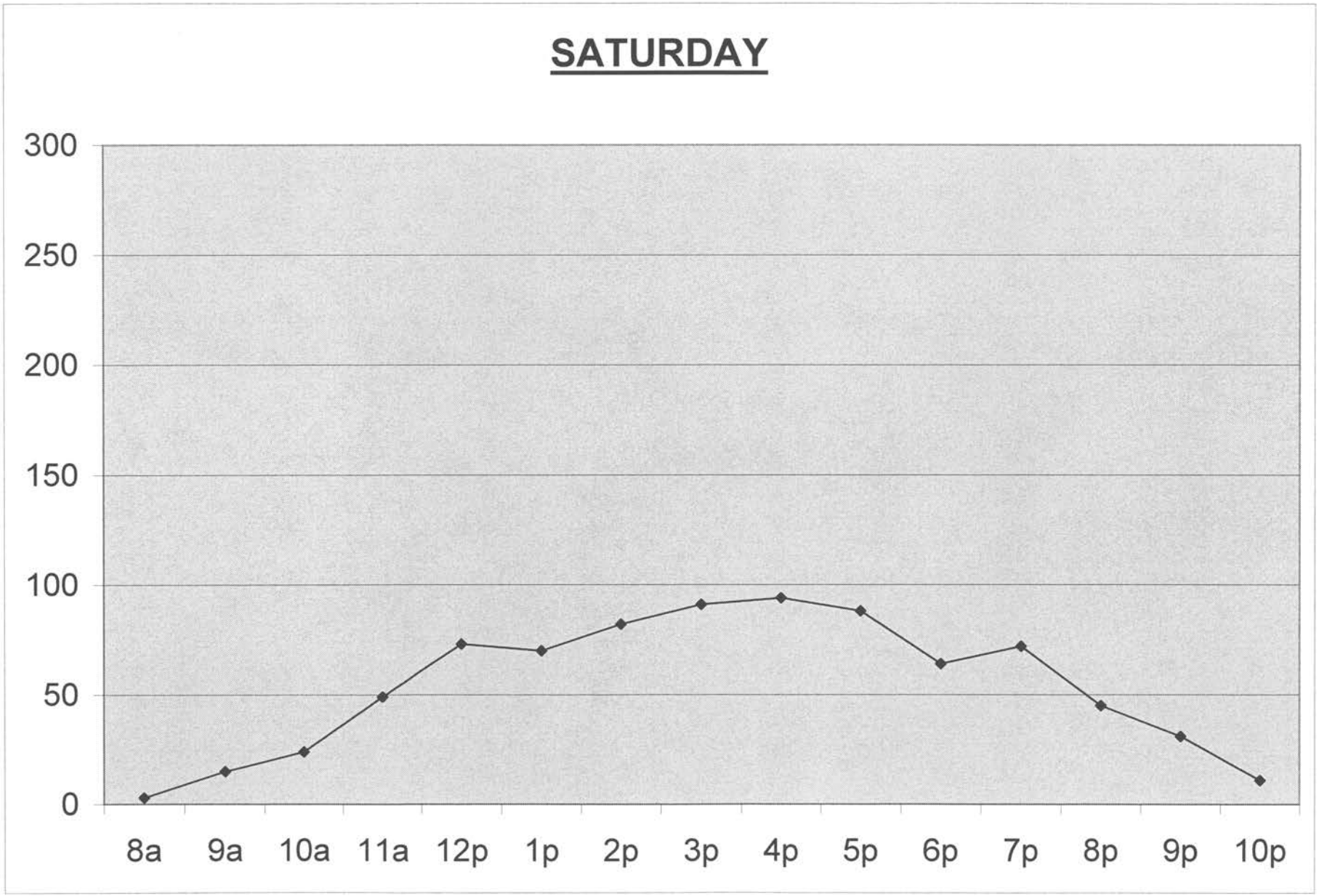
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March 11, 2004

STATUS OF COMPLIANCE OF THE GEORGE WASHINGTON UNIVERSITY WITH BZA CAMPUS PLAN CONDITIONS 1 - 19

Condition 1

The Applicant's proposed campus plan is approved until June 30, 2009, subject to the following conditions intended to mitigate those adverse impacts identified in this Order and adverse impacts potentially arising from the location of a university use in a residentially zoned district, or until such time prior to June 30, 2009 as the Zoning Commission determines that conditions warrant submission of an updated campus plan.

Status: No action required.

Condition 2 (Revised per BZA Remand Order of January 23, 2002)

The campus boundary as depicted in the plan offered by the Applicant is modified and expanded to encompass certain University-owned properties located outside of and adjacent to the southern boundary as previously drawn. The campus plan boundary shall be redrawn to include within it the Dakota at 2100 F Street in Square 81; 2201 Virginia Avenue (Riverside Towers), addressed 518 through 526 22nd Street in Square 58; addresses 2206 and 2208 F Street in Square 58; and the University-owned property in Square 43. In addition, in the event that the Zoning Commission approves the University's application for modification of the approved PUD for Square 122, the campus boundary shall be redrawn to include the PUD property in Square 122 once at least 193 beds for undergraduates are made available there.

Status: The map showing the campus plan boundary has been redrawn and submitted, initially on May 3, 2002 and corrected on August 26, 2002. Pursuant to the last sentence of the condition, the map was resubmitted on November 12, 2002 to show the addition of 1957 E Street, approved as a PUD modification in Zoning Commission Order 746-C.

Condition 3

The University shall work with community representatives to form an Advisory Committee for the purpose of fostering consistent communication between the University and the Foggy Bottom/West End community, discussing issues of mutual interest and proposing solutions to problems that exist or arise in implementing the approved campus plan. It is recommended that the Advisory Committee consist of 10 members: five

members to be selected by the University and five members chosen by ANC 2A, the Foggy Bottom Association, and the West End Citizens Association. The Advisory Committee should schedule quarterly meetings open to the public, and should keep minutes of each meeting. Upon request, the University will provide timely data relevant to campus plan issues to the Advisory Committee, provided that the data is not confidential or overly burdensome to produce. Decisions regarding the operation of the Committee should be made jointly by the University and the community.

Status: The University has repeatedly written to community representatives stating that the University has selected its members and is ready to convene the Advisory Committee. Most recently, the University sent a letter on August 14, 2003, and is in the process of sending yet another letter to renew its request. To date, community representatives have declined to meet.

Condition 4

The University shall notify the Office of Planning, ANC 2A, and the Advisory Committee of its development plans for a specific site on campus following the approval of the proposal by appropriate University committees and the University's Board of Trustees and prior to preparation of final, detailed plans and specifications.

Status: The University as a matter of course notifies the named parties (with the exception of the Advisory Committee, see response to Condition 3) of its development plans for all projects on the Foggy Bottom Campus.

Condition 5

The University shall incorporate the following land-use policy into the 2001 Campus Plan: University uses and structures (including the location of any means to approach to and egress from the structure) will be located to avoid adverse impacts on non-University properties, especially those residential properties on the periphery of the campus.

Status: The land use policy was incorporated in the GW filing to the Board of Zoning Adjustment of May 3, 2002.

Condition 6

The University shall incorporate the following design policy into the 2001 Campus Plan: The height, bulk and design (including the location of any means of approach and egress) of future University structures will be compatible with and sensitive to the height, bulk, and design of adjacent non-University-owned structures.

Status: This design policy was incorporated in the University's filing to the Board of Zoning Adjustment of May 3, 2002.

Condition 7

The University shall prepare a detailed streetscape plan applicable to the entire campus. The plan shall include, among other elements, a discussion of the installation of sign pylons, and it shall be developed in conjunction with the Office of Planning, the Department of Public Works, and the Advisory Committee. Upon completion, the plan shall be submitted to the Board for review.

Status: GW has submitted several streetscape plans to the Office of Planning and the Department of Public Works (now Department of Transportation) in connection with specific projects under this Campus Plan. These projects were approved by the Zoning Commission and the specific streetscape plans have been, or will be, implemented upon completion of the projects. GW has also prepared a campus-wide streetscape plan, which was submitted for review by the Office of Planning, who subsequently forwarded it to DOT. Upon receiving substantial comments from OP, GW resubmitted a revised plan to address the agency's comments. Once final comments are received from OP and DOT, GW will submit the revised plan to Advisory Neighborhood Commission 2A (in lieu of the Advisory Committee, see response to Condition 3) for comment, and then to the BZA as required.

Condition 8

Student enrollment (headcount) over the life of the plan shall not exceed 20,000 students and the student full time equivalent shall not exceed 16,553. The number of full time equivalent faculty and staff shall not exceed 1550 and 9000 respectively, while the headcounts of faculty and staff shall not exceed 2236 and 10,293, respectively.

Status: For Spring 2004, the Foggy Bottom student headcount is 17,788 and the full time equivalent count is 15,104. The faculty headcount is 2,026 and the full time equivalent is 1,268. The staff headcount, including all full time and regular part time employees is 3,620 and their full time equivalent is 3,473. Temporary workers, a category that mostly consists of student employees who work anywhere from 2 to 20 to 40 hours in a pay period, account for an additional 4,953 on the basis of headcount. While the wide disparity in the time commitments of these wage employees makes the computation of a full time equivalent for temporary

workers difficult, a conservative estimate of the full time equivalent of the wage earners is 495.

Condition 9 (Revised per BZA Remand Order of January 23, 2002)

The University must ameliorate the adverse consequences of its failure to supply sufficient housing for its full-time undergraduate students on campus by taking the following steps:

a.) Beginning no later than August 31, 2002, the University shall provide beds for at least 5600 full-time undergraduate students on campus or outside Foggy Bottom/West End (as the terms "campus" and "Foggy Bottom/West End" are defined in this Order).

Status: This condition was struck down by order of the D.C. Court of Appeals dated September 11, 2003.

b.) Beginning in August 2002, whenever the head count of full-time undergraduate enrollment exceeds 8000 (the "base number"), the University shall provide one bed on campus or outside the Foggy Bottom/West End area for each full-time undergraduate in excess of the base number.

Status: This condition was stayed until 2006 by order of the D.C. Court of Appeals dated September 11, 2003.

c.) No later than August 31, 2006, the housing requirements in subparagraphs a. and b. of this condition shall be met exclusively by on-campus housing. The Zoning Commission may extend this deadline after notice and public hearing but only (1) to the extent of time lost as a result of unusual delays by government agencies in processing applications for special exceptions for residential projects; (2) for the duration of third-party appeals to the District of Columbia Court of Appeals or to another judicial forum from the grant of a special exception for a residential project; (3) to the extent of time lost as a consequence of construction delay resulting from acts of God, contractor delays, or acts of third parties. No extension may be granted for delays fairly attributable to University actions or for delays resulting from the processing of Planned Unit Development (PUD) applications before the Zoning Commission or from judicial challenges to PUD approvals.

Status: Although Condition 9(c) does not require additional housing to be made available until August 31, 2006, GW has already significantly increased the number of on campus beds available for full time undergraduate students. The University is continuing its efforts to maximize the number of on campus beds prior to the Fall of 2006. Since the approval of the Campus Plan, GW has increased the on campus bed count by some 668 beds. An additional 728 beds will be added in the fall of 2004 with the

completion of the Square 43 residence hall. An additional 379 beds are planned to be added by the Fall of 2006 in a residence hall on Square 103 pursuant to an application currently pending before the Zoning Commission. The University originally sought to construct approximately 530 beds on this site through a PUD that would have permitted a 120 foot building, but the Zoning Commission has agreed to consider only a 90 foot PUD. Finally, the University continues its efforts in identifying space on campus where additional beds can be added.

d.) Beginning February 28, 2002, and semiannually thereafter in August and February, the University shall file with the Zoning Commission, Zoning Administrator, the Office of Planning, ANC2A, and members of the Advisory Committee established in accordance with Condition 3 reports under oath giving (1) the number of full-time undergraduate students then enrolled; (2) the number of University-supplied beds (a) occupied by and (b) made available to its full-time undergraduate students outside the Foggy Bottom/West End area; (4) the number and location of University-supplied beds (a) occupied by and (b) made available to its full-time undergraduate students within Foggy Bottom/West End. For purposes of these reports, the term "University supplied beds" shall include beds in any property in which the University has an ownership, leasehold, or contractual interest. Each report shall be accompanied by supporting documentation and full explanations of methods, assumptions, and sources used to compile information in the report.

Status: GW has made the required filings. The most recent filing was made on March 1, 2004 (since February 28, 2004 fell on a Saturday).

e.) No special exception shall be granted and no permit to construct or occupy buildings for nonresidential use on campus may be issued, and existing special exceptions and permits issued pursuant to the campus plan approved by this Order shall be subject to suspension and revocation, whenever a semiannual report reveals that the University is not in compliance with the provisions of this condition except that special exceptions and permits for projects in which a student housing component would occupy at least 50% of the FAR. In addition, Condition 20 of the March 29, 2001, Order, shall apply to violations of this condition.

Status: No action required.

f.) The foregoing condition is an integral, non-severable aspect of the Board's approval of this application. If any portion of this condition is declared void for any reason by any court in any proceeding, no application for a special exception will be processed and no permit to construct or occupy buildings for non-residential use on campus may be issued until and unless the Board thereafter orders otherwise.

Status: This condition was struck down by order of the D.C. Court of Appeals, dated September 11, 2003.

Condition 10:

Commencing in the Fall 2001 semester, the University shall require all full-time freshmen and sophomore students to reside in University housing located within the campus boundary established by the Board, to the extent that such housing is available. The University may exempt students who commute, are married or have children, or have disabilities or religious beliefs inconsistent with residence hall life.

Status: GW has instituted this condition, with the exception that it continues to use the Hall on Virginia Campus for freshmen students. HOVA, located approximately two blocks from campus, is specifically configured for freshmen students and is inappropriate for housing for upper classmen. The D.C. Court of Appeals, by order dated September 11, 2003, stayed this provision pending action by the Board of Zoning Adjustment on remand, stating that a negotiated resolution on this issue would "undoubtedly be in the interests of justice." The University is awaiting action by the appropriate body on remand and has specifically requested that this issue be reconsidered as urged by the Court, particularly in light of the University's brief experience endeavoring to implement this Condition. That experience revealed that enforcement of Condition 10, as written, would likely have the effect of driving more students out of University housing and into private housing in the neighborhood.

Condition 11:

The University shall institute 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 shall provide this information using local licensed brokers or apartment locators as appropriate, and shall also provide information on the availability, reliability, and accessibility of public transportation between the campus and the housing opportunities. For those locations that are not Metro accessible, the University shall explore the use of a shuttle bus service to its campus for areas that the University determines contain a critical mass of University students, and shall report its criteria and findings to the Advisory Committee annually, at the beginning of each Fall semester.

Status: The University provides information on housing opportunities outside of Foggy Bottom/West End to its students online and through University publications. Additional information is provided about transportation. The University has tracked the local addresses of its full time undergraduate students and has not identified any areas that contain a critical mass of students that are not Metro accessible. The absence of meetings of an

Advisory Committee (see response to Condition 3) precludes any report to that committee.

Condition 12:

The University shall expand the use of disciplinary interventions to acts of misconduct by students living off-campus in the Foggy Bottom/West End Area, even if the students are not in properties owned or controlled by the University. The University shall act on incident reports by residents, the ANC, community associations, building management, building association boards, University security officers, and police. The University shall develop 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. Additionally, subject to applicable law, the University shall permit management companies to obtain University clearances for student applicants for apartments to prevent students who are not eligible for the University's on-campus housing due to conduct violations from obtaining units in neighboring apartments.

Status: The University has expanded its use of disciplinary interventions to off campus conduct. GW publicizes the telephone numbers to contact to for complaints about student misconduct and the procedures it utilizes to investigate and take appropriate action. Pursuant to these procedures, the University regularly receives, and responds to, reports of misconduct from non-University sources. GW has worked with the management company for Columbia Plaza in facilitating the operation of student disciplinary procedures for misconduct at that facility, as well as providing clearances for students concerning conduct violations. The University has had discussions with other property managers, but continues to have concerns about the legality of releasing student information under the federal Family Educational Rights and Privacy Act.

Condition 13:

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.

Status: The University has established and maintained the telephone lines and logs referenced. The University continues to respond to complaints of off-campus misconduct and assist complainants in obtaining assistance from MPD. Where complaints have been substantiated against specifically identified students, the University has referred such students to Student Judicial Services for appropriate disciplinary action.

Condition 14:

The University shall promptly establish a mandatory program for its students that will address "good neighbor" issues, educating students about appropriate conduct in the off-campus community.

Status: The University has established this good neighbor program, which is frequently provided during orientation at the beginning of the school year. In addition, for students who notify the University that they intend to move out of University residence halls after their sophomore year, GW provides a copy of the "GW Guide to Living Off Campus", which instructs the students on the need for responsible behavior.

Condition 15:

The University shall implement measures to minimize adverse impacts associated with parking and traffic.

a.) Support of Mass Transit: The University shall institute the Metrochek program offered by the Washington Metropolitan Area Transit Authority (WMATA) to allow employees to pay for public transportation costs on a pre-tax basis, with a target date for implementation of Spring 2001. In an effort to increase Metro ridership among the student population, the University shall implement an introduction to public transportation program for incoming students that includes provision of WMATA's "SmarTrip" cards to incoming students as of the Fall 2001 new student orientation. The University will work with Metro to schedule a future SmarTrip "carding event" starting Fall 2001 at various locations around campus to provide additional information about public transportation to the University community.

Status: The University has implemented the Metrochek program for employees and the WMATA carding event for students during orientation.

b.) Parking: The University shall provide at least 2,800 off-street parking spaces within the campus boundary. Any off-street parking obtained by the University at a location outside the campus plan boundaries, including the University's off-campus spaces located at the Kennedy Center, shall not be

counted toward the 2,800 minimum for purposes of satisfying this condition. The number of off-street parking spaces required to be provided within the campus boundary may be increased in any subsequent special exception order issued pursuant to this plan if necessary to mitigate the adverse impact of the approved uses on parking. The University shall monitor its utilization of University parking lots to determine usage patterns and to conduct an ongoing assessment of parking needs.

Status: The University currently maintains 3,046 parking spaces on campus and continues to monitor the usage of its lots.

c.) Community Parking Program: In addition to its on-campus parking inventory, the University maintains parking facilities in certain off-campus properties. Members of the Foggy Bottom community have expressed an interest in exploring the creation of a parking program pursuant to which non-student residents of the Foggy Bottom community would be permitted to park in University properties. The University shall provide contracts for parking to residents of the Foggy Bottom/West End Area on a space-available basis. The location of such spaces will be determined by the University. Levels of and changes in availability will be reported to the Advisory Committee on request.

Status: In the absence of the Advisory Committee, the University has begun discussion of the availability of off campus parking spaces for community use with small groups of residents.

d) 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.

Status: No street closings have been held since this condition was imposed.

e.) Student vehicles: The Applicant, through its Office of the Registrar, shall maintain an accurate record of the license plate numbers of motor vehicles kept by students, updated annually at the beginning of the Fall semester. The Applicant shall direct the students to register their vehicles in the District of Columbia, or obtain a reciprocity sticker, and shall consult with the D.C. Department of Motor Vehicles to determine whether such registration is completed or such stickers are obtained. The Applicant shall withhold parking privileges to students who do not comply with D.C. registration or reciprocity requirements. Failure to register student vehicles in the District or to obtain reciprocity stickers shall constitute a violation of the Code of Student Conduct.

Status: GW maintains a record of license plates of motor vehicles kept by students with University parking permits. In addition, the University directs all students to register their vehicles in the District of Columbia and obtain

reciprocity stickers in compliance with District of Columbia law. The Department of Motor Vehicles has stated that it cannot, according to its own procedures and legal limitations, consult with universities to determine whether their students have complied with District registration requirements. Thus, the consultation requirement, as well as any action the University would be required take under this Condition as a result of such consultation, have been rendered moot.

Condition 16:

Within six months of the effective dates of this Order, the University shall prepare an updated comprehensive management plan to address traffic and parking associated with attendance at events on campus that are attended by a significant number of persons not normally associated with the University and the campus, who come to the campus for the specific purpose of attending the event. The management plan shall be maintained by the University, made available to the public, and submitted to the Advisory Committee, and 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.

Status: The University adopted a Traffic Management Plan for Large On Campus Events on November 7, 2001, and filed it with the Board of Zoning Adjustment. Given the absence of an Advisory Committee (see response to Condition 3) no submission has been made to that body.

Condition 17: (Revised per BZA Remand Order of January 23, 2001)

Starting in the Fall 2001 registration process, the University shall gather information about the local addresses of the full-time undergraduate population. The University shall update the information semiannually. Beginning February 28, 2002, and semiannually thereafter in August and February, the University shall provide the Zoning Commission, Zoning Administrator, ANC2A, Office of Planning, and Advisory Committee with an audited census of the number of full-time undergraduate students residing in (1) Foggy Bottom/West End outside the campus plan boundaries; (2) the District of Columbia outside the campus plan boundaries and Foggy Bottom/West End, organized by postal

zip codes; (3) Maryland; and (4) Virginia. Each semiannual report shall also include a good faith estimate of the number of married students and students with children encompassed in each category. (1)- (4). The latest semiannual report shall be included with each applicant for a special exception filed pursuant to the approved 2001 Campus Plan.

Status: The information has been presented biannually. The most recent filing was made on March 1, 2004 (since February 28, 2004 fell on a Saturday).

Condition 18:

Within 90 days of the effective date of this Order, the University shall revise the Campus Plan to reflect changes mandated by the above-stated conditions. The revision shall include a revised map of the campus, with the following specifications: The map shall show the campus boundaries and the number of each square within the boundary, and shall identify the approved uses for each square; the map shall be legible and not require color for graphic clarity. Upon completion, the revised copy shall be submitted to the Board. The Board shall certify the revised copy as the approved campus plan. Copies of the approved plan shall be maintained in the Office of Zoning and the Office of the Zoning Administrator.

Status: The revised Campus Plan and map was submitted on May 3, 2002, corrected on August 26, 2002, and resubmitted on November 12, 2002 to show the addition of 1957 E Street, as approved by Zoning Commission Order 746-C.

Condition 19

The University shall submit a special exception application to the Board for each structure or addition to an existing structure that the University proposes to construct over the life of the Plan. In addition to a demonstration of compliance with applicable provisions of the zoning regulations and contents of the approved 2001 Campus Plan, each application shall include the following:

[List of eight requirements]

Status: The University has submitted the required information with the applications for new structures and additions to existing structures under the 2001 Campus Plan filed to date. The application for modification of the conditions for the Health and Wellness Center contained in BZA Order for Application No. 16276 do not involve a new structure or addition to an existing structure.

Condition 20

No special exception application filed by the University for further processing under this plan may be granted unless the University proves that it has consistently remained in substantial compliance with Conditions 1 through 19 set forth in this Order. Further, any violation of a condition of this Order shall be grounds for the denial or revocation of any building permit or certificate of occupancy applied for by, or issued to, the University for any University building or use approved under this plan, and may result in the imposition of fines and penalties pursuant to the Civil Enforcement Act, D.C. Code §§ 6-2701 to 6-2723.

Status: To the extent Conditions 1 through 19 remain in effect, GW has remained in substantial compliance, and has demonstrated the same in connection with further processing applications made under this plan.