GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: D.C. Zoning Commission

FROM: Andrew Altman
Director

ZONING COMMISSION
District of Columbia
CASE NO. 02-26
EXHIBIT NO. 82

DATE: May 6, 2004

SUBJECT: Zoning Commission Case No. 02-26 (Further Processing as a Special Exception in Accordance with an Existing Campus Plan for George Washington University to Revise Conditions in a Previous BZA Order (BZA Order No. 16276, March 31, 1998) for the Use of the Lerner Health and Wellness Center (Lot 847 in Square 42)

APPLICATION

Application of George Washington University, pursuant to 11 DCMR Section 3104, for a special exception for further processing of an existing campus plan under Section 210 to amend the BZA's March 31, 1998, Order No. 16276, to delete condition one with respect to the classes of users of the Lerner Health and Wellness Center and to amend condition number two to permit that facility to remain open until 1:00 a.m. on all days. The Center is located on the University' campus at 2301 G street, N.W. (Square 42, Lot 847).

Note: As described more fully below, George Washington University (GWU) originally filed an application to amend BZA Order 16276 regarding the conditions for the Lerner Health and Wellness Center (Wellness Center) on June 24, 2002 and the Zoning Commission held a hearing on that request on December 2, 2002. The Office of Planning (OP) submitted a report dated November 25, 2002 and presented that report at the hearing. Because of ongoing litigation between the George Washington University and the District of Columbia regarding the campus plan, the Zoning Commission has not made a decision on the original request.

At its meeting on February 19, 2004, the Zoning Commission noted the passage of time since the Wellness Center opened in August 2001, and the passage of time since the December 2, 2002 hearing. The Zoning Commission requested additional information on the use of the Wellness Center and a new hearing was scheduled for May 13, 2004. On March 11, 2004, the University's counsel (on behalf of the University) submitted additional information on the use of the Wellness Center and requested revised conditions for the use of the Center and the hours of operation. This Office of Planning report on the current University proposal (March 11, 2004) repeats some of the information from the OP report of November 25, 2002, updated when appropriate.

ZONING COMMISSION
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SUMMARY RECOMMENDATION

The Office of Planning recommends that the Zoning Commission:

1) Revise Condition 1 of BZA Order 16276 to allow GWU to offer memberships to use the Wellness Center to the following classes of uses, with the number of memberships to be limited to the number indicated for each class:

- Students, faculty and staff of the Mount Vernon Campus: (total of 530 additional memberships), subject to requirements for augmented University transit service if necessary to limit impacts.
- Residents of adjacent residential buildings: Defined as St. Mary's Court (50 memberships) and the Remington Condominium (52 memberships), a total of 102 additional memberships.
- Members of immediately adjacent institutions: Defined as members of St. Mary's Church (10 memberships) and members of the Odd Fellows Club (10 memberships), a total of 20 additional memberships.
- Students and faculty of the School without Walls: A total of 369 new members.

The total number of potential new members would be 1,021 (revised number that includes total student beds at Mount Vernon Campus and 52 memberships for the Remington, but no allowance for President's club members or guests). Note that some of these potential members are already entitled to use the Wellness Center.

2) Revise Condition 2 of BZA Order 16276 to allow the Wellness Center to remain open until 11:30 PM on all days.
3) Limit these revised conditions for expanded membership to three years in order to evaluate the impact of students in new residence halls on the Foggy Bottom Campus on the use of the Wellness Center and the impact of increased memberships on the Foggy Bottom neighborhood.

OVERVIEW

The application of the George Washington University (GWU) to construct a Health and Wellness Center (BZA Application No. 16276) was a further processing case before the D.C. Board of Zoning Adjustment (BZA) under the University's approved campus plan at that time. Four hearings were held in 1997 and the case was decided on January 7, 1998. The final date of the order was March 31, 1998 (BZA Order 16276).

In its order (Order 16276), the BZA found that that "Students, faculty members, and staff of the Foggy Bottom campus of the University will not create a traffic impact in their use of the facility" (Finding 3), that "Offering use of the facility to anyone who is not a student, faculty member, or staff person from the Foggy Bottom campus, such as alumni, neighbors, and those from other campuses will create an adverse traffic impact" (Finding 4), that "The purpose of the facility is not to provide athletic uses for neighbors, alumni, or anyone who is not a student faculty or staff person from the Foggy Bottom campus" (Finding 5) and that "There is no spectator space in the design of the facility, nor is the use of the facility intended for spectator events (Finding 6).

The BZA approved the application of the University to build the Health and Wellness Center, subject to two conditions. The first condition was, and is today, that "Use of the facility shall be limited to students, faculty and staff of the Foggy Bottom campus only." The second condition was that "Operation of the facility shall end at 10:00 p.m., Monday though Saturday and at 8:00 p.m. on Sundays." The Lerner Health and Wellness Center was subsequently constructed and opened in August 2001.

As of the end of April 2004, the Wellness Center has been in operation approximately two years and eight months.

On June 24, 2002, GWU filed an application with the Zoning Commission to amend BZA Order 16276 to delete Condition One with respect to classes of users of the Wellness Center and to amend Condition Two to change the allowed hours of operation to permit the Wellness Center to remain open until 1:00 a.m. (instead of closing at 10:00 p.m.) on all days except Saturday.

In its pre-hearing statement report submitted November 18, 2002, accompanied by two technical consultant's reports, the University provided additional detail on its two proposals and provided background information. The University also proposed a "cap" on additional users of 3,000 additional memberships (regardless of class), assuming the Zoning Commission would remove the conditions.

SITE AND AREA DESCRIPTION

Note: The following information is repeated from the OP report of November 25, 2002, with appropriate updating.

Square 42

The Theodore and Annette Lerner Family Health and Wellness Center (referred to as the "Wellness Center" in this report) is located in the southern portion of Square 42. This Square is bounded by 23rd Street on the east, G Street on the south, 24th Street on the west and H Street on the north. The Wellness Center building occupies Lot 947, which is an irregularly shaped lot, generally L shaped and totaling 27,022 square feet. The building has a frontage of approximately 160 feet on 23rd Street and approximately 232 feet along G Street, extending almost to 24th Street. The building is therefore on the west side of the approved campus plan area of George Washington University. The western boundary of the campus is along 24th Street. The Wellness Center site and the entire square are zoned R-5-D.

To the north of the Wellness Center is St. Mary's Episcopal Church and west of the church, fronting on 24th Street is St. Mary's Court (140 unit senior community residence) at 725 24th Street, N.W. On the southwest corner of Square 42 is a small two-story building housing the Independent Order of Odd Fellows (701 24th Street, N.W.). North of St. Mary's Episcopal Church, on the corner of 23rd and H streets, is the building housing the Hillel Foundation at George Washington University (2300 H Street, N.W.). West of that building, along H Street, is New Hall, a GWU dormitory.

Square 42 and the surrounding area are shown in the attached aerial photograph (Attachment 3) and the attached aerial oblique photograph (Attachment 4). The aerial photograph was taken in spring 2002 and therefore the site of the new Ivory Tower Residence Hall on Square 43 (now under construction and

nearing completion) shows as a vacant site, the new Townhouse Row Residence Hall on Square 57 (now complete and occupied) shows as a parking lot, and the site of the new School of Business on Square 56 (now under construction) shows as a parking lot. The aerial oblique photograph was taken approximately a year later (April 2003) so it is possible to see the Townhouse Row Residence Hall on Square 57 almost complete at that time and the beginning of construction on the Ivory Tower Residence Hall on Square 43.

Adjacent Area

The blocks (squares) to the north, east and south of Square 42 are all within the George Washington University campus and, with the exception of Square 43 to the south, all properties in those squares are entirely GWU property.

Square 41, north of Square 42, includes Ross Hall and the Himelfarb Library. North of that square is the Foggy Bottom-GWU Metrorail station entrance at 23rd and H streets, N.W. North of H street is the new George Washington University Hospital on Square 40.

Square 56, east of Square 42 across 23rd Street, includes two classroom buildings (Tompkins Hall and Funger Hall) and Madison Hall, a dormitory. In 2002, the Zoning Commission approved a major academic building addition to Funger Hall in the then existing parking lot on 22nd Street. This new building, the Ric and Dawn Duques Hall (School of Business), is now under construction.

Square 43 is south of the Wellness Center, across G Street, and includes land owned by GWU where a 710 bed dormitory (Ivory Tower Residence Hall) was approved by the Zoning Commission in 2002 and is now under construction and nearing completion, to be opened and occupied for the fall 2004 semester. Also on Square 43 are the Remington, a 52-unit residential condominium building at 601 24th Street, and three townhouses at the northwest corner on 23rd Street and Virginia Avenue, N.W.

Square 57 is diagonally southeast of the Wellness Center and is primarily occupied by the Charles E. Smith Athletic Center, the University's main athletic facility. A 250-bed GWU dormitory (the Townhouse Row Residences) on a site along the 23rd Street frontage of the square, in front of the Smith Center, was approved by the Zoning Commission in 2002 and was completed and occupied for the fall semester, 2003.

The blocks to the west of 24th Street are the heart of Foggy Bottom with a mix of high-rise apartment houses and low-rise historic townhouses. There are also some University owned and leased buildings in this area. Other residential buildings and other uses are located south and west of the campus, including the Watergate and Columbia Plaza complexes, and buildings to the east between E and F Streets. Any spillover impacts from increased use of the Wellness Center due to changes in conditions would be felt most strongly in these areas, especially blocks just west of 24th Street, N.W.

WELLNESS CENTER FACILITIES

The Wellness Center is five stories high, approximately 80 feet in height, with four underground levels. The Wellness Center has a wide variety of space for wellness activities. These include two gyms on different levels with two basketball courts each (which can also accommodate volleyball and

badminton), a three-lane suspended jogging track, four racquetball courts, two squash suites with three squash courts each and a large multipurpose area and a swimming pool. There is a large fitness center with a variety of weight and cardiovascular fitness equipment. There are also support areas including locker rooms, a café and lounge area, a lobby, offices and equipment rooms. The Wellness Center has three levels of underground parking with a total of 140 spaces, accessed from G Street. The parking spaces are part of the University's overall parking supply. Overall, the Wellness Center is a significant addition to the campus facilities.

The Health and Wellness Center was approved and constructed and opened in August 2001. No physical aspect of the building is being considered in this case. This case involves only the proposal of George Washington University to amend the existing conditions for the use of the building.

APPLICANT'S ORIGINAL PROPOSAL (2002)

In 2002, George Washington University requested two changes in the conditions in the current BZA Order:

1) Delete Condition Number One in the BZA March 31, 1998 Order No. 16276 that restricts the classes of users at the Wellness Center. If this were done, the University indicated that it would extend membership to a maximum of 3,000 potential new users, regardless of class. One third of these new members are intended to come from people who live and work in the neighborhood (Foggy Bottom/West End). The University proposed to revise the definition of this area to extend south to Constitution Avenue, apparently to be able to invite workers in the State Department and other buildings south of E Street to use the Wellness Center.

2) Amend Condition Number Two in BZA Order No. 16276 to permit the Wellness Center to remain open until 1:00 a.m. on all days except Saturday.

APPLICANT'S REVISED PROPOSAL (2004)

By letter of March 11, 2004, GWU (through counsel, Jerry Moore, Venable, LLP) requested the Zoning Commission **to expand membership at the Wellness Center to include the groups listed below.** In subsequent communication with the Office of Planning to resolve questions about the numbers, the University has indicated that the total number of new memberships for students, faculty and staff at the Mount Vernon campus should be 530 (instead of the 415 memberships noted in the original letter) and 52 new memberships for the Remington Condominium building (instead of the 50 new memberships noted in the original letter). The revised numbers for these two classes of membership are used in this report.

- **Students, faculty and staff of the Mount Vernon Campus:** (445 students, 29 faculty and 56 staff, a total of an additional 530 memberships). As noted below, some of these students are already using the Wellness Center since they take classes on the Foggy Bottom Campus and some faculty members who teach at the Mount Vernon Campus also teach at the Foggy Bottom Campus and therefore are now eligible for Wellness Center membership.

- **Residents of immediately adjacent residential buildings**: Defined as St. Mary's Court (50 memberships) and the Remington Condominium (52 memberships), a total of 102 additional memberships (a slight change from the original letter which indicated 50 memberships for the Remington Condominium building).
- **Members of immediately adjacent institutions:** Defined as members of St. Mary's Church (10 memberships) and members of the Independent Order of Odd Fellows (10 memberships), a total of 20 additional memberships.
- **Friends and supporters of the University who are members of the "President's Club":** This would be up to 270 members, of which 25 are already using the Wellness Center (faculty members on the Foggy Bottom Campus who are allowed to use the Wellness Center under the existing BZA Order). This means there could be up to 245 additional members (of which 86 members are currently using facilities across the street in the Smith Center).
- **Students and faculty of the School without Walls:** Defined as 327 students and 42 faculty members, a total of 369 new members.
- **Guests of members:** Limited to no more than 25 guests on a weekday and 50 guests on weekends.

This is a total potential for 1,341 additional members, compared to the 3,000 new members that GWU originally requested in 2002. Note again that some of these 1,341 additional members are already using the Wellness Center, or are eligible to use the Center.

With respect to hours, GWU is revising its previous request and now requests that the Center be allowed to remain open until 1 AM on all days.

The University's 2002 submission, including the two consultant reports, one from Brailsford & Dunlavey and one from Gorove/Slade that outlined a number of reasons to support the two requested changes in the conditions. The March 11, 2004 submission includes an "Updated Transportation Impact Summary" (March 10, 2004) from Gorove/Slade Associates, Inc., the University's transportation consultant.

Utilization: In various charts and graphs, the 2002 Brailsford & Dunlavey report indicated that the utilization of the Wellness Center under the current conditions of the BZA Order is low. Using the Fire Marshall's total occupancy number of 1,927 users, the studies indicated that peak occupancy of the Wellness Center was 243 users on a typical day in the 6 PM-7PM period, about 12.6 percent of theoretical capacity. Students account for about 90 percent of the usage.

The University's updated usage information (2004) indicates that peak usage is in the early evening hours (6-8 PM) and that usage on weekends is lower. During the survey week (second week of February 2004) the maximum number of users at any one time was 263, 13 % of the building's capacity and 39 % of its practical capacity.

The updated Gorove/Slade report, accounting for additional users requested by the university, indicates a peak occupancy of 276 users on a typical weekday in approximately the same time period.

Practices of Other Institutions: The Brailsford & Dunlavey 2002 report presented information on other similar urban institutions that allow community, alumni and member guests to use their fitness/wellness centers. Surveys of these institutions by the consultant indicated that more classes of membership are offered to improve building utilization, support town-gown relationships, improve alumni support and generate more revenue that can be used to enhance programs.

Limited Parking and Traffic Demand: The updated Gorove/Slade report indicates that making the changes in the groups allowed to use the Wellness Center, as now requested by the University, would generate increased traffic of 8 vehicles in the peak hour of Wellness Center generated traffic (6PM to 7PM) and that the peak amount of on-street parking demand would increase by 5 additional parking spaces (page 7). The report concludes that the impacts of the increased traffic are essentially negligible and will have no adverse impact on traffic and parking conditions.

Limited Impacts from Extended Hours: The Brailsford & Dunlavey 2002 report indicated that keeping the Wellness Center open later in the evening would not significantly impact traffic patterns. The report indicated that late night activity is driven by campus intramural schedule and that the majority of these late night users would be GWU students. The updated 2004 Gorove/Slade comes to the same conclusion and the attached profile of patron activity indicates use of the Center by about 120 persons at 10 A.M., almost all students, with the number tapering down to zero by the 1:00 A.M closing time requested by the University.

FRAMEWORK FOR ANALYSIS

The Office of Planning has approached the evaluation of these requested changes within an overall framework, considering the following key concepts. Note that the first three concepts were outlined in OP's November 25, 2002 report and are repeated here. The fourth and fifth concepts have been added in this report.

1) **Neighborhood Impacts are a Key Concern:** The Office of Planning understands the desire of the University to increase utilization of the Wellness Center, increase revenues and to use the Wellness Center to relate better to neighborhood residents and institutions and friends of the University (President's Club). However, in zoning terms, the first consideration must be addressing the impacts of the requested actions on the adjacent neighborhood.

2) **Students Should Have Priority in Use of the Wellness Center:** The Wellness Center was built primarily for students and all students enrolled on the Foggy Bottom campus are assessed a Wellness Center fee. Planning for increased utilization should be concerned first with student welfare.

3) **Appropriate to Reach Out to Residents**: The Office of Planning believes that it is appropriate for the University to reach out to nearby residents in the neighborhood for potential use of the Wellness Center, assuming that this can be done without impinging on student use and without creating adverse impacts on the neighborhood.

4) **Need for Sensitive Ongoing Management of the Wellness Center**: The George Washington University has the ability to sensitively manage the Wellness Center to avoid potential impacts

on the adjacent neighborhood. While the Zoning Commission needs to set an overall framework for use of the Wellness Center, the University should monitor the use of the Center on an ongoing basis and make appropriate adjustments in membership numbers or operating procedures to address any internal or external issues that may arise.

5) **Three-Year Limit on Revised Conditions**: The Office of Planning suggests that, if the Zoning Commission decides to approve some revised conditions on classes of membership and hours of operation for the Wellness Center, that those revised conditions be limited to three years. This would provide a period in which the impact on the new members could be evaluated in terms of utilization of the Wellness Center and impact on the Foggy Bottom neighborhood. The impact of students in new residence halls on the Foggy Bottom Campus on the use of the Wellness Center could also be evaluated.

ANALYSIS

Analysis of Building Use Issues

Utilization of Building: The Office of Planning understands the information about low utilization of the Wellness Center in the (2002) Brailsford & Dunlavey report but believes the information was somewhat misleading. In fact, the report itself goes on to say, "While no comparable facility is 100% utilized, a utilization rate of between 15-25% is not uncommon for a similar facility". Since peak utilization is now above 12 percent for the Wellness Center, this means that the underutilization is not as great as it seems compared to similar facilities. Overall utilization may not be the key factor as much as utilization of the most popular areas, such as the fitness center, at peak times. In addition, in fall 2004 the two new dormitories on Squares 43 and 57 will be open with a total of 960 beds. This increase in students living directly adjacent to the Wellness Center should increase utilization.

The University's March 11, 2004 submission indicates that the practical capacity of the Center, measured in terms of available equipment, is about 675 persons. The University has later indicated to the Office of Planning that this number does not include the additional capacities on the basketball, volleyball, handball and squash courts, the running track, the swimming pool and sauna bath areas.

Student Priority: The Office of Planning notes that the 2002 Brailsford & Dunlavey data and graphs indicated that the extra use of the building by adding new classes of users would peak at about the same time as high student (and faculty and staff) use under existing conditions. This means that adding too many new users would cause peak use of the most popular areas, such as the fitness center, when students want to use the equipment. Students, who are being assessed the fee, might be bumped by other new users.

Although information is not clear, it appears that only a limited number of students who are assessed a Wellness Center fee (all students pay the fee based on credit hours) are actually using the Center. The University should look at ways to encourage more student use. Such an increase would increase utilization rates though it would not address the University's interest in additional revenues or meeting other needs.

In its March 11, 2004 submission, GWU has reduced the number of requested new users. In addition, it appears that some of the new users would use the Center at off-peak hours. This would address some of the Office of Planning's concerns about students not having adequate access to equipment. However, appropriate management of the Center is still needed to meet student needs.

Analysis of Request for New Memberships (By Classes of Users)

Students, faculty and staff of the Mount Vernon Campus (445 potential students, 29 faculty and 56 staff, a total of 530 additional memberships). There are currently 330 students at the Mount Vernon Campus.

The Office of Planning supported in 2002, and still supports today, the request for students, faculty and staff from the Mount Vernon campus of George Washington University to be allowed to use the Wellness Center on the Foggy Bottom campus. The University has indicated that Mount Vernon students who now take classes at the Foggy Bottom Campus, for which they pay a fee based on credit hours at the Foggy Bottom Campus, are able to use the Wellness Center at the present time. In addition, those faculty members at the Mount Vernon Campus who also teach at the Foggy Bottom Campus are now eligible for membership to use the Wellness Center.

In its 2002 report, the Office of Planning conditioned its support on augmented University transit service if necessary. In the most recent GWU submission, the attached Gorove/Slade Updated Transportation Impact Statement (March 10, 2004) indicates what appears to be adequate transit shuttle service.

OP continues to support allowing students, faculty and staff from the Mount Vernon Campus to be offered memberships in the Wellness Center, subject to adequate University shuttle service. OP suggests that GWU take additional actions to encourage Mount Vernon Campus students, faculty and staff to use the transit shuttle.

Residents of immediately adjacent residential buildings, defined as St. Mary's Court (50 memberships) and the Remington Condominium (52 memberships), a total of 102 additional memberships.

In its November 25, 2002 report on this case, the Office of Planning indicated its support for the University's request to make memberships in the Wellness Center available to residents in the Foggy Bottom/West End Area (defined in the BZA Order on Application 16533, the GWU Foggy Bottom Campus Plan, as 19th Street on the east, E Street on the south, Rock Creek Park on the west and N Street on the north). The thought was that most of these potential members would walk to the Center and not create objectionable impacts on the area.

In its current amended request (March 11, 2004) the University has scaled back its request for offering memberships to nearby residents to include only the residents of St. Mary's Court and the Remington Condominiums.

St. Mary's Court is a senior citizen apartment building in the same square as the Wellness Center. It has 140 apartment units and approximately 150 residents. The University proposes to offer 50 memberships to residents of St. Mary's Court. The Remington Condominiums are across G Street in Square 43. It has

52 condominium units. The University proposes to offer 52 memberships to residents of the Remington Condominiums. It seems clear that residents of both these buildings would almost always walk the short distance from their buildings to the Wellness Center.

Since OP formerly supported offering memberships to all residents of Foggy Bottom/West End, presumably up to 1,000 memberships, it is consistent to now support 102 memberships for residents of two buildings that are immediately adjacent to the Wellness Center. OP therefore supports providing these 102 memberships to residents of St. Mary's Court and the Remington Condominiums.

Members of immediately adjacent institutions, defined as members of St. Mary's Church (10 memberships) and members of the Independent Order of Odd Fellows Lodge (10 memberships), a total of 20 additional memberships.

The St. Mary's Episcopal Church complex (sanctuary, parish hall, offices, parking) is directly adjacent to the Wellness Center to the north on 23rd Street and the small building housing the Odd Fellows Lodge is immediately adjacent to the Wellness Center on the west on 24th Street. These proposed memberships would be available to members and staff of these two institutions. Members and staff of these two institutions that would use these memberships might also be residents of the neighborhood, but that would not be a requirement. It is likely that members and staff using these memberships would often use them when they were also at the church or the lodge anyway for church or lodge activities. The impact of these few members using the Wellness Center would be limited.

OP supports providing these 20 additional memberships to residents of St. Mary's Church and the Odd Fellows Lodge.

Friends and supporters of the University who are members of the "President's Club": The University proposes to allow up to 270 members, the maximum number based on the capacity of the President's Club locker room. Of the potential 270 members, 25 members of the Presidents Club at the present time are also Foggy Bottom Campus faculty or staff and are already using the Wellness Center. This means there could be up to 245 additional members (86 of these additional members are currently using facilities across the street in the Smith Center). The Gorove/Slade updated Transportation Impact (March 10, 2004) estimates that approximately 15 percent of new users in this class will drive to the Foggy Bottom campus solely to use the Wellness Center, or nine new vehicle trips on a typical weekday. While this estimate of additional vehicle trips is relatively small, this could provide additional transportation and parking impacts on the adjacent neighborhood. This proposed increase in membership means allowing Wellness Center memberships, for a fee, to persons currently outside the University and expanding how the Wellness Center is used.

The Office of Planning does not support allowing these additional President's Club members to use the Wellness Center. Members of the President's Club who are also staff or faculty of the Foggy Bottom Campus could use the Wellness Center, as they can at present. Under the present proposal, staff or faculty of the Mount Vernon Campus could also be eligible for Wellness Center membership, for a fee.

Students and Faculty of the School without Walls, defined as 327 students and 42 faculty members, a total of 369 new members.

The School without Walls is a District public high school (grades 9-12) located at 2130 G Street, N.W., a block and a half east of the Wellness Center. GWU partners with the School without Walls on a number of programs. The School without Walls does not have a gym so students have to go to other facilities for athletic activities. Allowing membership in the Wellness Center would provide modern athletic facilities for students and teachers within a short walk (just over a block). Since students and faculty are already at the school, there should be no additional transportation impact on the community. GWU has told the Office of Planning that there is not yet any agreement on the extent of usage or the fee for students and faculty of the School without Walls to use the Wellness Center.

The Office of Planning recommends allowing this additional class of membership (369 memberships).

Guests of members, limited to no more than 25 guests on a weekday and 50 guests on weekends.

GWU has indicated to the Office of Planning that the operational procedures for accommodating these guests has not been worked out, but they would likely use a "first come, first served" procedure.

The Office of Planning recommends **not** allowing this additional class of guest memberships. Allowing guests, even in small numbers, begins to change the nature of users of the Wellness Center.

Class of Membership Important

The Office of Planning wants to emphasize that its support for the additional memberships indicated above is based on that number of memberships in each class of membership. If memberships were not used in that class of membership, they would simply go unused (they would not "roll over" to some other class).

The GWU proposal in 2002 and the OP recommendation, and the GWU proposal in 2004 and the OP recommendation, are summarized in Table 1.

Need for Sensitive Ongoing Management of the Wellness Center

Use of the Wellness Center will vary on different days and during various times of the year. OP recommends that the Zoning Commission urge the University to manage the Wellness Center in order to give priority to student needs and to minimize any impacts on the Foggy Bottom/West End community. Although the Zoning Commission will need to decide on additional memberships, and extended hours, the University can address community concerns through ongoing sensitive management practices.

There should be some level of tracking of use of the Wellness Center, with reports on a regular basis to the proposed Community/University Advisory Committee.

Analysis of Extended Hours

The second condition of the present BZA Order No. 16276 that now governs the operation of the Wellness Center is that "Operation of the facility shall end at 10:00 p.m., Monday though Saturday and at 8:00 p.m. on Sundays." In its 2002 application, the University requested that the Wellness Center be allowed to remain open until 1:00 A.M. (instead of closing at 10:00 P.M.) on all days except Saturday (when it would close at 10:00 P.M.).

In our November 25, 2002 report, the Office of Planning indicated that some flexibility on extended evening hours could be accommodated but that staying open until 1AM seemed too late. OP suggested that an 11:30 PM closing time (on all days) would provide students additional time to use the Center but would still limit potential impacts.

In its current submission (March 11, 2004), GWU has requested that the Wellness Center be allowed to remain open until 1:00 P.M. on all days. The Gorove /Slade Updated Transportation Impact Summary (March 10, 2004) indicates that extending the hours of operation would not significantly increase activity at the Wellness Center and noted that most of the demand for late night use of the Wellness Center consists of intramural student games and competitions. GWU has indicated to the Office of Planning that no complaints of noise or disruption (with the current 10:00 P.M. closing) have been received based on activity within or immediately outside the Center.

The Office of Planning continues to believe that extending evening hours (beyond 10:00 P.M.) could be accommodated but staying open until 1AM seems too late. OP continues to suggest that an 11:30 PM closing time would provide students additional time to use the Center but would still limit potential impacts.

Three-Year Limit on Revised Conditions: As previously noted, the Office of Planning suggests that if some revised conditions on classes of membership and hours of operation for the Wellness Center are approved, that those revised conditions be limited to three years. This would provide a period in which the impact on the new classes of members could be evaluated in terms of utilization of the Wellness Center and impact on the Foggy Bottom neighborhood. The impact of students in new residence halls on the Foggy Bottom Campus on the use of the Wellness Center could also be evaluated.

Other Matters

Opening Wellness Center at 6 AM

The Gorove/Slade Report submitted for the December 2, 2002 hearing indicated (page 4), that the University is planning to start opening the Wellness Center at 6AM (instead of the present 7AM) on Monday through Saturday. GWU apparently does not believe this change is covered by the existing BZA order. The Office of Planning noted that proposal in our November 25, 2002 report, agreed that the existing order does not cover opening hours in the morning and that OP did not believe that opening the Wellness Center one hour earlier, at 6 A.M. on Monday through Saturday, would have an adverse impact on the neighborhood. OP continues to have that position today (April 2004).

The Office of Planning does believe it would be useful to have the University's clarify its intention (at the May 13, 2004 hearing) to open the Wellness Center at 6AM on Monday-Saturday. GWU has not yet made this change in operating hours.

Squash Team Matches in the Wellness Center

The Brailsford & Dunlavey report submitted for the December 2, 2002 hearing, noted that the Wellness Center has six international squash courts and that "It is the University's intent to use these courts for their new Intercollegiate Athletic Men's and Women's Squash teams." The University apparently believes that since squash does not require spectator seating, and there is no spectator seating in the Wellness Center for the squash courts, that this move is in accord with the Finding 6 in BZA Order 16276 that "There is no spectator space in the design of the facility, nor is the use of the facility intended for spectator events." The Brailsford & Dunlavey report indicated limited impacts from moving the Squash Intercollegiate teams to the Wellness Center. Additional persons in the Wellness Center would be the team's players and coaches, estimated at 30-40 people per event.

In its November 25, 2002 report, the Office of Planning indicated its position that moving intercollegiate squash team matches to the Wellness Center would not result in an adverse impact in the neighborhood because of the limited number of team members involved and the lack of spectator space in the Center. In this regard the Wellness Center is still in accord with the Finding 6 in BZA Order 16276 that "There is no spectator space in the design of the facility, nor is the use of the facility intended for spectator events." That is still the Office of Planning position. GWU has indicated to OP that the men's and women's squash teams have begun to practice in the Wellness Center but that no matches with other teams have been scheduled at the Wellness Center. OP believes it would be useful for GWU to clarify its position at the hearing.

SPECIAL EXCEPTION REQUIREMENTS

Special exception requirements for Colleges and Universities are outlined below. As indicated, many of these requirements do not apply to this case.

Section 210.1 of the Zoning Regulations provide for use as a college or university, including a dormitory, on a campus of a college or university, as a special exception in an R-1 District if approved by the Zoning Commission under Section 3104, subject to the provisions outlined in that section. Section 352.2 allows for such uses to be permitted as a special exception in an R-5 District. In this case, the Wellness Center has been approved and constructed and no physical changes are being requested to the building. The University is only asking for changes to the conditions of use.

Section 210.2 indicates that "Use as a college or University shall be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions".

In this case, the Wellness Center has been approved for location, size and use. It has been constructed and is in use. **The University is only asking for changes to the conditions of use.**

Section 210.3 provides that the bulk requirements normally applicable in the residential district may be increased, provided that the total bulk of all buildings and structures on campus shall not exceed the gross floor area prescribed for the R-5-D District (3.5 FAR).

This is not an issue in this case since no change is being requested in the Wellness Center building, only in the conditions of its use.

Section 210.4 requires the applicant to prepare a campus plan. A campus plan was submitted by George Washington University on April 12, 2000 (BZA Application No. 16553). After long hearings and discussions, the campus plan for the Foggy Bottom Campus of George Washington University was approved for the period through June 30, 2009. (BZA Order No. 16553).

As part of the application statement, George Washington University has submitted a statement of Status of Compliance with BZA campus Plan Conditions 1-19.

Section 210.5 deals with interim use of land or improved property within a reasonable distance or a university campus. **This provision does not apply to this application.**

Section 210.6 deals with a major new building moving off a campus and **is not applicable to this application.**

Section 210.7 requires the Commission to consider to the extent they relevant, the policies of the District Elements of the Comprehensive Plan. The Office of Planning has stressed the importance of Comprehensive Plan policies in its reports to the Board of Zoning Adjustment on the George Washington University Campus Plan. The Office of Planning's summary of relevant Comprehensive Plan policies from OP's April 21, 2000 report to the BZA is repeated below.

The Comprehensive Plan, especially the Ward 2 Plan, contains a number of references directly or indirectly to George Washington University and the Foggy Bottom and West End neighborhoods. Sec. 102 in Chapter 1 includes general references to improving neighborhoods, and also mentions the role of institutions in neighborhoods. Chapter 2, Economic Development, includes a number of sections relating to economic development actions, including interaction between universities and the business community (Sec. 203.2(d).

Sec. 1303.7 of the Ward 2 Plan is descriptive, noting that institutional growth and other factors have lessened the amount of housing available in the Foggy Bottom and West End neighborhoods. Sec. 1305.1(j) calls for adjustments to the zoning regulations and to campus plans to address the problems of loss of housing from different factors, including university dormitories. Sec. 1309.11 cites parking problems resulting from student parking. Sec. 1342.1(b) calls for the George Washington University campus plan to plan for future dormitories. Sec. 1358 of the Ward 2 Plan on George Washington University is the most specific:

1358.1 The George Washington University constitutes a major institutional presence in a zone between the Central Employment Area and residential Foggy Bottom. The expansion of the University has resulted in the diminishment of housing and the construction of buildings for the University purposes. This and other commercial usage is of grave concern to the Foggy Bottom residential

community. Intense student pressure on Foggy Bottom's housing stock outside the campus, combined with the impact of university generated traffic has had a negative effect on residential Foggy Bottom. The University must continue to construct student dormitories to alleviate the pressure on the housing stock outside the boundaries of the campus plan. The University must be sensitive to the surrounding residential neighborhood.

The question of impacts on the existing residential neighborhood from the requested changes in conditions is the key question in this case.

Section 210.8 requires that as an integral part of an application requesting approval of new building construction, the university shall certify and document that the proposed building is within the floor area ratio (FAR) limit for the campus as a whole. This was done when the Wellness Center was approved and has been done in subsequent further processing cases. **It is not pertinent in this case since no change is requested to the building.**

Section 210.9 provides that before taking final action on an application, the Commission shall submit the application to the D.C. Office of Planning and the D.C. Department of Public Works (now the D.C. Department of Transportation, or DDOT) for review and written report. **That has been done and this is the report of the Office of Planning. The District Department of Transportation (DDOT) has submitted a separate report.**

Section 3104.1 provides that the Board (of Zoning Adjustment) is authorized to grant special exceptions, where, in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property. In accord with section 3104.4, the authorization to grant special exceptions for a campus development plan, and the further processing of an approved campus development plan to permit the construction and use of a specific building or structure, has been assumed by the Zoning Commission.

For the reasons previously outlined, the Office of Planning believes that a special exception to permit some modifications of the previous conditions is appropriate in this case.

ANC AND COMMUNITY GROUPS

Advisory Neighborhood Commission 2A

ANC-2A considered the revised GWU request for revised conditions for the Wellness Center (ZC Case No. 02-26) at their April 21, 2004, meeting and voted to maintain its previous position (not to support the request of the George Washington University to revise the present conditions on classes of users and not to support expanded evening hours). ANC-2A has submitted a May 4, 2004 letter indicating that the current conditions for the Wellness Center "should not be reconsidered, changed, or altered in any way."

Foggy Bottom Association (FBA)

The Foggy Bottom Association Board of Directors adopted a resolution on October 15, 2002 opposing any reopening of the issue (classes of users and hours of operation) and urging that the University

adhere to the original commitments. A letter of February 18, 2004 to the Zoning Commission indicates that the Association continues to oppose any expansion of membership or expansion of hours for the Wellness Center.

OTHER AGENCY COMMENTS

The **District Department of Transportation (DDOT)** has reviewed the revised submittal from GWU, including the Updated Transportation Impact Summary. The memorandum from DDOT to the Office of Zoning, dated April 12, 2004, indicates that from a transportation standpoint, the requested "special exception relief will not have an adverse impact on the area road network" and that accordingly, DDOT supports the revised special exception request.

RECOMMENDATION

The Office of Planning recommends that the Zoning Commission:

1) Revise Condition 1 of BZA Order 16276 to allow GWU to offer use of the Wellness Center to:

- Students, faculty and staff of the Mount Vernon Campus: (total of 530 additional memberships), subject to requirements for augmented University transit service between the two campuses if necessary to limit impacts.
- Residents of adjacent residential buildings: Defined as St. Mary's Court (50 memberships) and the Remington Condominium (52 memberships), a total of 102 additional memberships.
- Members of immediately adjacent institutions: Defined as members of St. Mary's Church (10 memberships) and members of the Odd Fellows Lodge (10 memberships), a total of 20 additional memberships.
- Students and faculty of the School without Walls: A total of 369 new members.

2) Revise Condition 2 of BZA Order 16276 to allow the Wellness Center to remain open until 11:30 PM on all days of the week.

3) Emphasize to GWU that the main purpose of the Wellness Center is to provide facilities to GWU students and suggest that the University seek to encourage increased student usage.

4) Indicate that GWU should have an ongoing management program for the Wellness Center to minimize any impacts on the Foggy Bottom/West End community.

5) Limit any revised conditions on classes of membership and hours of operation to three years, in order to allow evaluation of utilization of the Center and impacts on the Foggy Bottom community.

6) Take note of GWU plans to open the Wellness Center at 6 AM and to move Intercollegiate Squash Team play (no spectator facilities) to the Wellness Center and confirm that these changes fall within the hours and activities allowed under BZA Order 16276.

7) Indicate that ongoing review and monitoring of the use of the Wellness Center, and any impacts, be a subject of ongoing discussion by the Community/University Advisory Committee (to be formed as called for in Condition 3 of the BZA Order 16553) and the University.

The GWU proposal in 2002 and the 2002 OP recommendations, and the GWU proposal in 2004 and the OP 2004 recommendations, are summarized in Table 1 below.

TABLE 1
2002 AND 2004 GWU PROPOSALS AND OP RECOMMENDATIONS
FOR USE OF THE GWU HEALTH AND WELLNESS CENTER

Category of New Members	2002 GWU Proposal	2002 OP Recommendation	2004 GWU Proposal	2004 OP Recommendation
Mount Vernon Campus	Proposal would have opened membership to all students, faculty and staff regardless of GWU campus (including Northern Virginia)	Consider allowing Mount Vernon Campus students, faculty and staff, subject to augmented transit service (shuttle) if necessary	Open membership to Mount Vernon Campus students, faculty and staff (up to 445 students, 29 faculty and 56 staff, a total of 530 memberships	Allow Mount Vernon Campus students, faculty and staff (530 memberships), subject to augmented transit service (shuttle)
Residents of West End/Foggy Bottom	People who live and work in West End/Foggy Bottom	Allow use by residents of West End/Foggy Bottom	52 memberships for Remington residents and 50 memberships for St. Mary Courts residents, total of 102 memberships	Allow these additional 102 memberships for nearby residents
People who work in West End/Foggy Bottom	People who work in West End/Foggy Bottom	Workers not recommended for inclusion	Does not include workers in area, except for staff of institutions and faculty of School Without Walls	No workers from area, except for staff of institutions and faculty of School Without Walls
Members of Nearby Institutions (Could include staff)	Not clear if they were included unless they lived or worked in West End/Foggy Bottom	Not recommended for inclusion	10 memberships for St. Mary's Church and 10 memberships for Odd Fellows Lodge	Allow these additional 20 memberships
Members of President's Club	Eligible for membership	Not recommended for inclusion	Allow up to 270 members.	Not recommended for inclusion
Alumni	Eligible for membership	Not recommended for inclusion	Not included as a separate category	NA
School Without Walls (faculty and students)	Faculty would have been included, no provision for students	Did not specifically address	Allow membership for faculty (42) and students (327)	Allow this category of membership (369 members)
Guests of Members	Guests of all the above	Not recommended for inclusion	Allow guests of members up to 25 per day on weekdays and 50 per day on weekends	Not recommended for inclusion.
Total Number of New Members	**3,000** (maximum number of potential users, regardless of class).	Not clear on number, but not that high.	**1,341** (total of the above classes of memberships)	Allow up to **1,021** additional members, limited by above classes
Hours of Operation	Allow Wellness Center to remain open to 1 AM on all days except Saturday	Allow Wellness Center to stay open until 11:30 PM on all days	Allow Wellness Center to stay open until 1:00 AM on all days	Allow Wellness Center to stay open until 11:30 PM on all days

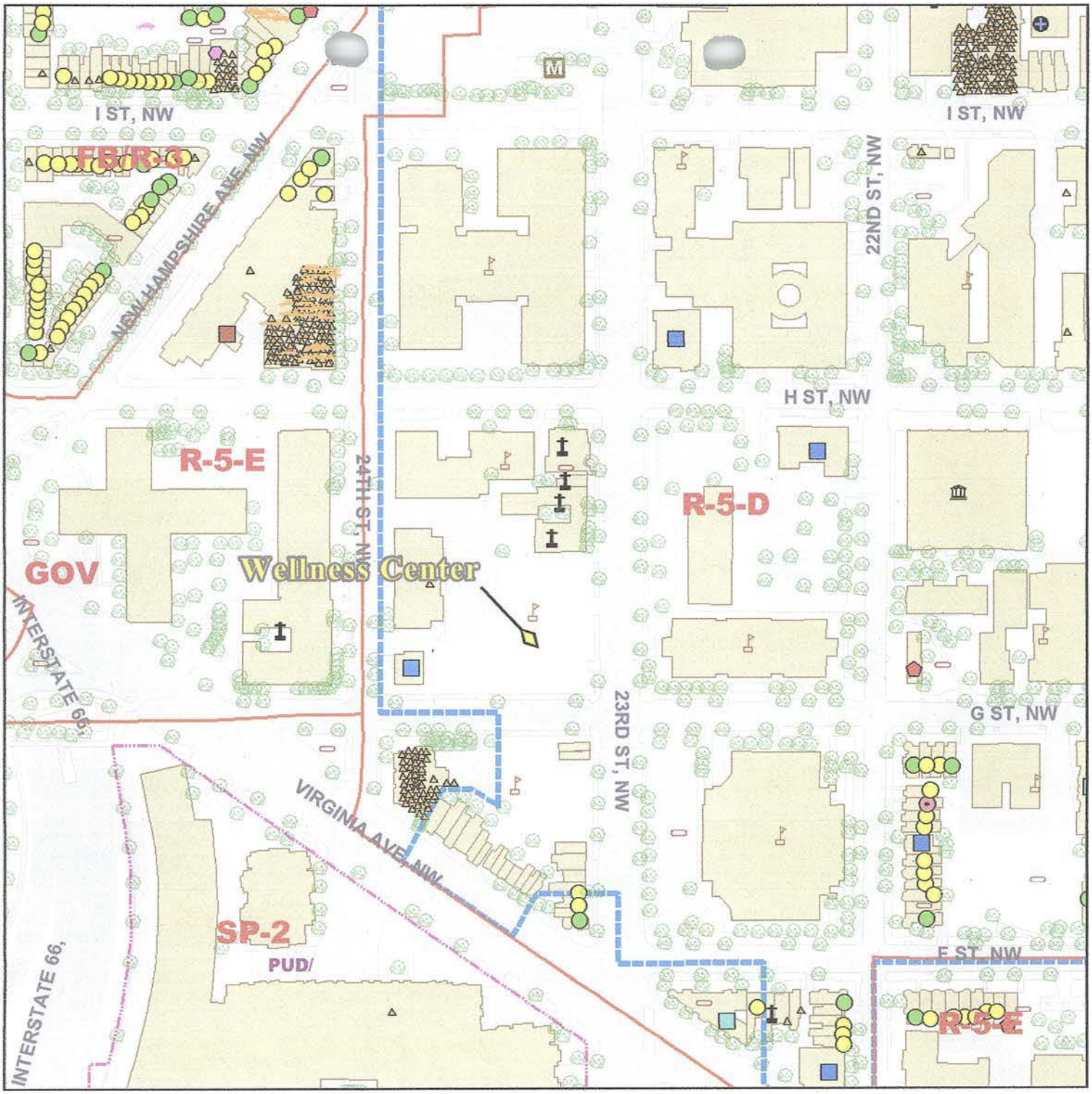
Note: At present, the BZA Order of March 31, 1998, No. 16276, limits Wellness Center users to students, faculty and staff of the GWU Foggy Bottom Campus and indicates that operation of the Wellness Center shall end at 10 PM, Monday through Saturday and at 8 PM on Sundays.

In the course of preparing this report, Office of Planning staff wrote the University's counsel on April 21, 2004 with questions, and received letters in response to those questions from the University on April 28, 2004 and April 30, 2004. Copies of those letters are attached.

Attachments

1. Zoning and Land Use
2. Comprehensive Plan Map
3. Aerial Photo
4. Aerial Oblique Photo
5. Office of Planning Letter of April 21, 2004
6. GWU Letter of April 28, 2004
7. GWU Letter (Jerry A. Moore III for the University) of April 30, 2004

AA/jf



Zoning and Land Use
Zoning Commission Case # 02-26
GWU Wellness Center

N

Feet

0 100 200 300

★ ★ ★ Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ May 3, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

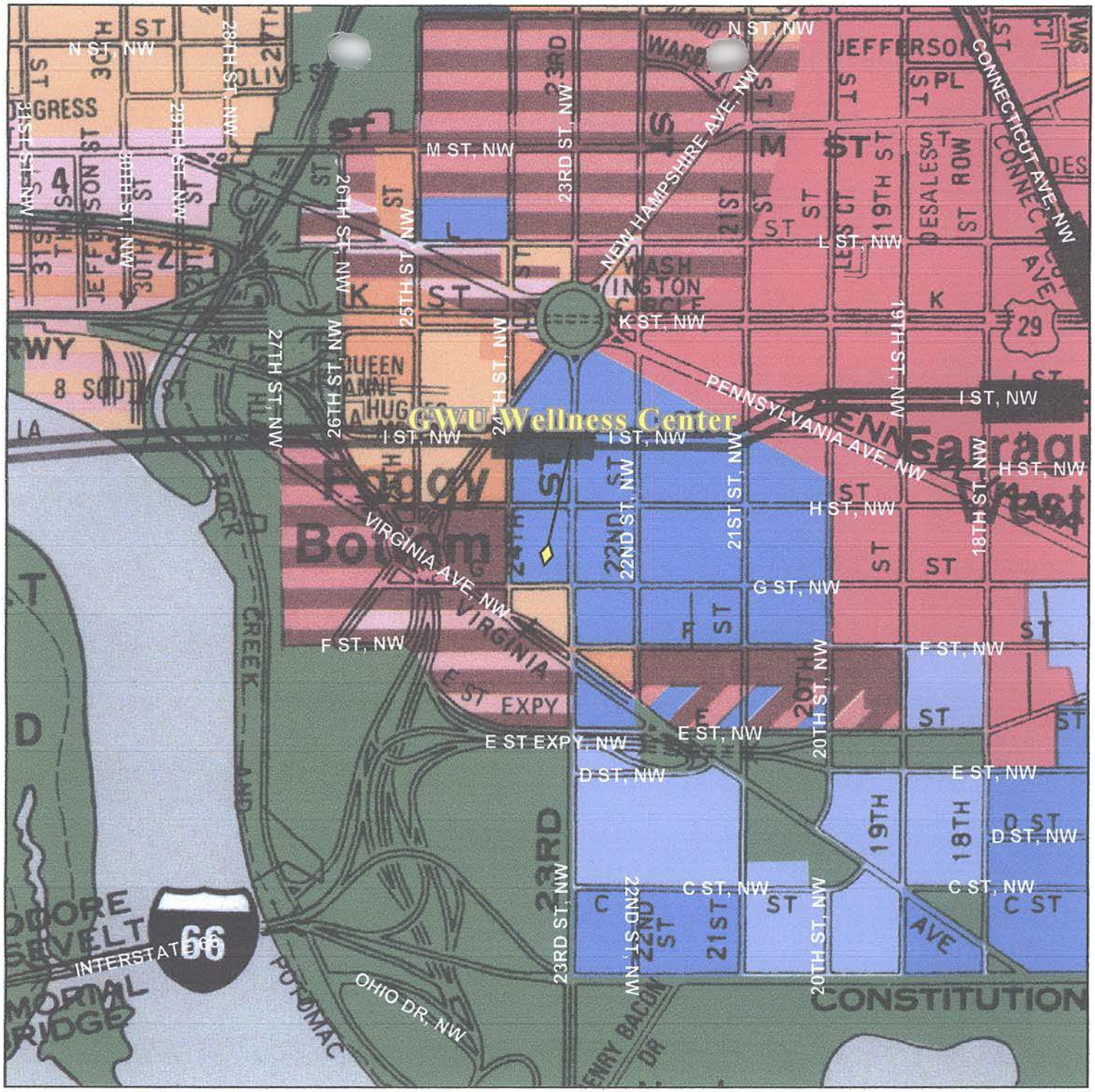
Note: Land Use Info based on OTR records.

OPID0002665

- Non-conforming SF Use
- Rowhouse
- Single-Family Detached
- Single-Family Semi-Detached
- Resid. Garage
- Multi-family
- Multi-Resid. Garage
- Hotel
- Club
- Dormitory
- Fraternity/Sorority House
- Resid. Transient
- Store
- Office
- Parking - Special Purpose
- Restaurant
- Religious
- Medical
- Educational
- Embassy or Chancery
- Museum, Library, Gallery
- Special Purpose
- Vacant
- Vehicle Service Station



Attachment 1



Comprehensive Plan Map
Zoning Commission Case # 02-26
GWU Wellness Center

N

Feet

0 500 1,000

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Anthony A. Williams, Mayor

Office of Planning ~ May 3, 2004

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Oblique imagery ©2003 Pictometry International

OPID0002666

Generalized Land Use Key

- Residential Low Density
- Residential Moderate Density
- Residential Medium Density
- Residential High Density
- Water
- Commercial Low Density
- Commercial Moderate Density
- Commercial Medium Density
- Commercial Med.-high Density
- Commercial High Density
- Federal
- Institutional
- Local Public
- Parks, Recreation and Open Space
- Production and Technical Employment



Attachment 2



Aerial Photo
Zoning Commission Case # 02-26
GWU Wellness Center

N

Feet

0 100 200 300

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District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ April 20, 2004

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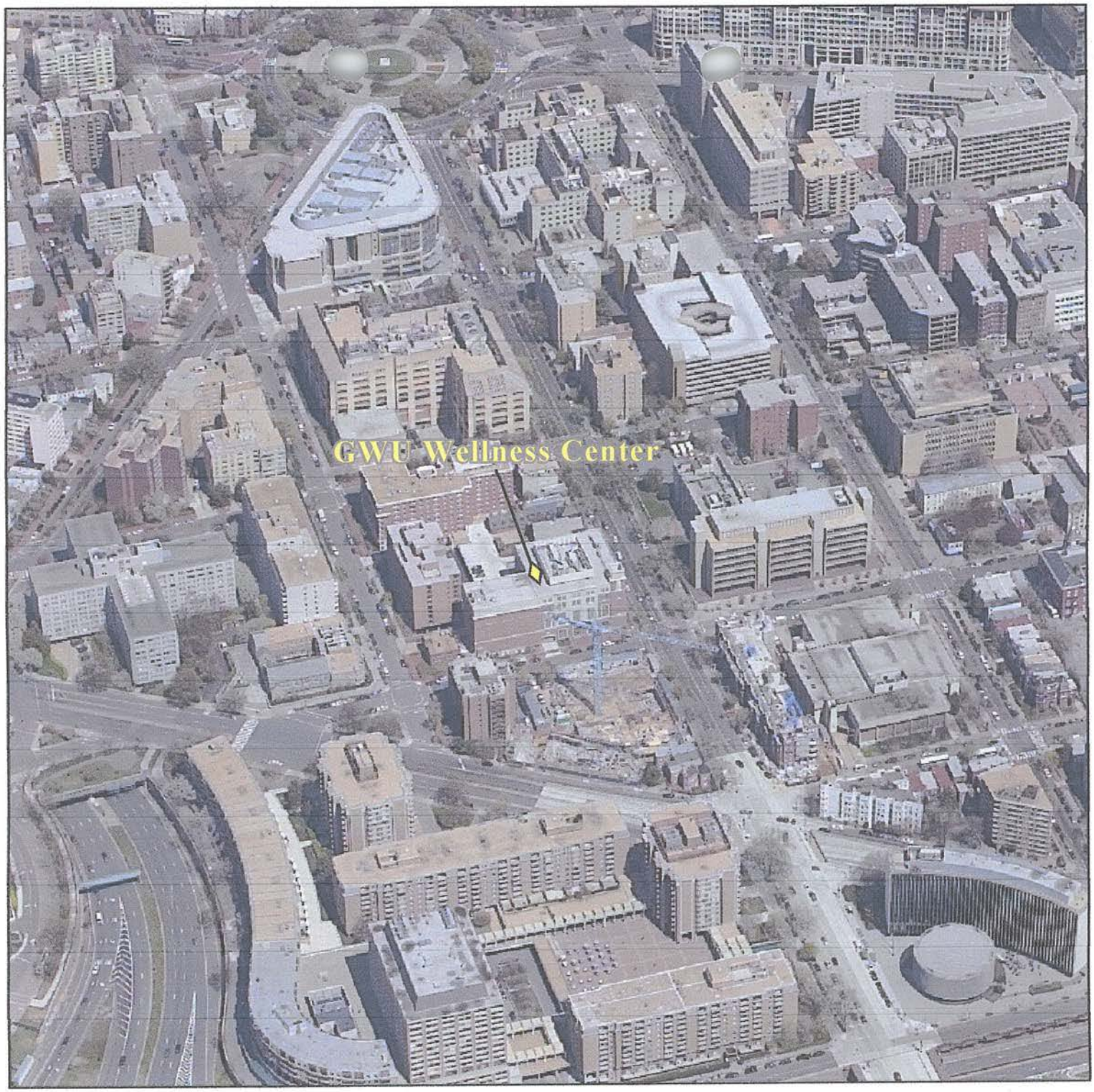
OPID0002641

M Foggy Bottom-GWU Metro

GWU Campus Boundary



Attachment 3



Aerial Oblique Photo
Zoning Commission Case # 02-26
GWU Wellness Center

N

Feet

0 100 200 300

★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ May 6, 2004

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Oblique imagery ©2003 Pictometry International

OPID0002704



Attachment 4

GOV NMENT OF THE DISTRICT OF CO MBIA
OFFICE OF PLANNING

★ ★ ★

April 21, 2004

Jerry A. Moore, III
Venable LLP
575 7th Street, N.W.
Washington, D.C. 20004-1601

Dear Mr. Moore:

The Office of Planning is preparing a report on Zoning Commission Case 02-26, the request by your client, George Washington University (GWU), to revise the conditions in the Board of Zoning Adjustment Order No. 16276, dated March 31, 1998, on the classes of users and the hours of operation of the Lerner Health and Wellness Center (Wellness Center) at 2301 G Street, N.W. on the George Washington University Foggy Bottom campus. The current request of the George Washington University with respect to this case is outlined in your March 11, 2004 letter (with attachments) to Carol J. Mitten, Chair, D.C. Zoning Commission. The Zoning Commission will hold a hearing on this case on Thursday, May 13. I am writing to request additional background information that will aid our review of the current proposal. The University's request has evolved over time and we want to be clear on the current request.

The focus of the hearing will be on how any change in the existing restrictions (in this case the proposed revised use of the Wellness Center) affects the impact of the University on the adjacent Foggy Bottom-West End community, i.e. "not likely to become objectionable to neighboring property because of noise, traffic, number of students or other objectionable conditions" (Section 210.2 of the Zoning Regulations). The basic question will be whether the existing conditions of the previous BZA Order should be revised. Therefore, it is important that the University provide clear and sufficient information about the additional number of people, and their characteristics in terms of noise, traffic, number of persons and activity, that would be generated by the changes proposed by the University. Although the University may be interested in achieving greater utilization of the building than now exists, the key issue is the impact of any greater use of this facility, through change of conditions, on the neighboring community.

Clarifying some of the information will be useful to the Office of Planning in completing our report and, we believe, will be useful in the discussion at the Zoning Commission hearing. You know the Office of Planning's position on the last proposal, outlined in the Memorandum from Andrew Altman to the D.C. Zoning Commission, dated November 25, 2002, and the OP report at the hearing on December 2, 2002.

The University's Current Request (March 11, 2004)

The University's current request to expand membership at the Wellness Center has some new proposals but also reduces the overall request for new members from 3,000 to 1,199. The University seeks the deletion of the restriction on the classes of users so that it may permit the following types of persons to use the facility (the number of new memberships for each group are indicated). Please let us know if we are misinterpreting any part of this request.

1. Students (330), faculty (29) and staff (56) of GWU's Mount Vernon Campus (total of 415 new memberships).
2. The immediate neighbors of the Wellness Center (Remington (50), St. Mary's Court (50), St. Mary's Church (10) and the Odd Fellows Lodge (10), total of 120 new memberships.
3. President's Club Members (the President's Club facility has a capacity of 270 of whom 25 are faculty members who also members of the President's Club and are already using the Center. This means 245 new members in this category.
4. Students (327) and faculty (42) of the nearby School Without Walls (total of 369 members in this category)
5. Guests of members of the Center, limited to no more than 25 guests on weekdays and no more than 50 guests on weekends.

These new memberships total 1,199.

The University also seeks approval for a change in the current restriction on hours of operation to allow the Wellness Center to operate until 1:00 a.m. on all nights. The present closing time, mandated by the existing BZA Order, is 10 AM Monday through Saturday and 8PM on Sundays.

Information on Classes of New Members

Mount Vernon Campus Students, Faculty and Staff

New memberships from the Mount Vernon Campus are the single largest number of new members (415 new members). OP previously recommended consideration of membership for Mount Vernon Campus Students, Faculty and Staff subject to requirements for augmented transit service if necessary.

I think it will be useful to be clear about the status of Mount Vernon Campus students. Your March 11 letter indicates 330 students residing on the campus although it has 445 beds, and the 330 number is used in calculating the total memberships for the Mount Vernon Campus. The Groove/Slade report attached to your letter uses a figure of 530 maximum available for membership, using the 445 number for students.

Does the University request new memberships in each category or are these categories grouped in terms of the Mount Vernon Campus.

We would like to be sure about the status of Mount Vernon Campus students who now use the Foggy Bottom Campus for some classes. I thought at one time there was some testimony that some Mount Vernon Campus students were using the Center because they were on the Foggy Bottom Campus

already. Please clarify this situation. Please also indicate how many Mount Vernon Campus students, both residential and non-residential, are now taking classes at the Foggy Bottom Campus.

What Wellness Center fee are students on the Foggy Bottom Campus now paying per semester. If the Zoning Commission allows students from Mount Vernon Campus to use the Center, what fee would they be charged per semester (same fee or reduced fee)?

If the number of students on the Mount Vernon Campus increases, how does the University plan to address their membership in the Wellness Center?

Immediate Neighbors to the Center

The information on memberships for these neighbors generally seems clear. Since the Remington has 52 units (xx residents) and St. Mary's Court has 140 units (xxx residents), is it the University's expectation that 50 memberships for each of these residential buildings will be sufficient? Can you provide information on the approximate number of residents in each building? Are the memberships one-person memberships? If memberships for a building are not used, will that category of memberships simply go unused?

The University requests 10 memberships for St. Mary's Church and 10 memberships for the Odd Fellows Club, a total of 20 memberships. The Gorove/Slade report indicates that a negligible number of the "neighbors" would drive. Does this pertain primarily to the church and the lodge members and is there any additional information on where they would park and when they will use the Center.

What membership fee would the "immediate neighbors" pay? Please let us know if there are agreements or understandings between the University and these neighbors in exchange for the memberships being offered.

President's Club Members

What is the nature of the President's Club locker room and facilities in the Center? Was this locker room built in spite of the existing BZA order? Since there are 270 lockers, with 25 present users, are the other 245 lockers not being used or are other members now using them?

What is the fee for President Club members or is that part of the overall President's Club fee. It would be useful to obtain the latest information on plans for improving the Smith Center if the existing 86 President's Club members are allowed to transfer to the Center.

The Gorove/Slade report estimates that 15 percent of the new President's Club members will drive to the Foggy Bottom Campus to use the Center. Is there any information on where all these new President's Club members are coming from, and how they are traveling, to get to the Center? Are most of the others walking, coming by transit, etc.

Students and Faculty of the School Without Walls

What membership fee would the Students and Faculty of the School Without Walls pay? Please let us know if there are agreements or understandings between the University and the School Without Walls administration in exchange for the memberships being offered.

The Gorove/Slade report estimates that 25 percent of the new members will visit the Center each day. Is this part of a regular athletic class for the students or would it be in their spare time?

Guests of Members

Please clarify how guests would be accommodated if this class of membership were allowed? Would members reserve space for guests (to the extent possible) in advance or would guest use of the Center simply be cut off after the first 25 guests had arrived at the Center on a weekday, or 50 on a weekend.

Use of Wellness Center by Existing Foggy Bottom Students

Has the University done any estimates of increased use of the Center as a result of the new dormitories that have been or will be built (Townhouse Row and Ivory Tower, plus the future Square 103 residence Hall?

Hours of Operation

Is there any additional information on how extending the hours would increase use of the Center? Is there any information on experience with neighborhood disturbance (or lack of) with the existing hours?

The University previously indicated it would open at 6AM each morning. Has this been done or is it still being contemplated?

Squash Team at the Wellness Center

The University previously indicated it would move the Squash Team to the Wellness Center. Has this been done? If so, is there any experience with the additional use of the Center?

Capacity of the Center

We were pleased to see the indication (page 3 of the your March 11 letter) that the practical capacity of the Center, measured in terms of available equipment, is about 675 (in contrast to the previously used figure of 1,973 persons, apparently based on a square foot ratio). Please provide a breakdown of that new capacity number?

Next Steps

In its report to the Zoning Commission, the Office of Planning must seek to evaluate the potential impact of the additional user population that would result from the changes in the restrictions that the University is requesting in this application. We cannot do this without more precise information on what the University is proposing. With that information, the Office of Planning, the community and

eventually the Zoning Commission can better evaluate the impact these changes would have on the adjacent community.

I hope these questions are clear. I will be glad to talk with you further to clarify any questions you may have about what we are requesting. I believe that having the information about potential new members as clear as possible will expedite the discussion of the University's requests.

Sincerely,

John Fondersmith
Development Review Specialist

cc: Ellen McCarthy, Deputy Director, OP
Ken Laden, Associate Director, DDOT
Charles K. Barber, Senior Counsel, GWU

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Jerry A. Moore III (202) 344-4763 jamoore@venable.com

April 28, 2004

VIA HAND DELIVERY

Mr. John Fondersmith
Development Review Specialist
D.C. Office of Planning
801 North Capitol Street, NE
Suite 4000
Washington, D.C. 20002

Re: The George Washington University Health and Wellness Center; Zoning Commission Case 02-26

Dear John:

Enclosed please find our client's responses to the questions you posed in your letter of April 21, 2004. We trust that these responses, together with the evidence that is already in the record, including the D.C. Department of Transportation's expression of support for the application, will earn an equally favorable recommendation from the Office of Planning.

Thank you.

Sincerely,

Jerry A. Moore III

JAM/ydl

Enclosure

THE GEORG WASHINGTON UNIVERSITY
WASHINGTON DC

VICE PRESIDENT AND GENERAL COUNSEL

April 28, 2004

Mr. John Fondersmith
Development Review Specialist
D.C. Office of Planning
801 North Capitol Street, NE
Suite 4000
Washington, D.C. 20002

Re: GW Health and Wellness Center

Dear John:

In response to the questions posed in your letter of April 21, 2004 on the Health and Wellness Center (the "Center"), The George Washington University hereby submits the following responses.

The University's Current Request

You have correctly summarized the University's request, with the exception that the number of memberships to be allotted for the Remington is 52, rather than 50. In addition, the total number of possible new members should be considered in light of the discussion on Mount Vernon students, below.

Mount Vernon Campus ("MVC") Students, Faculty and Staff

The University is requesting that MVC students, faculty and staff be accorded memberships to the Center. These new members would be included in the category of "Mount Vernon Campus" users within the limits set forth in our March 11, 2004 letter.

The count of MVC students included in our submission of March 11, 2004 is based upon bed occupancy. The figure 330 is the total number of students residing on the MVC this semester. The figure 445 used by Gorove/Slade is the total bed count. Please be advised that the University charges any student who takes a class on the Foggy Bottom campus a fee to use the Center. Many of the students who reside on the MVC take a course or two on the Foggy Bottom campus, and thus are permitted to use the Center. The number of such students varies from semester to semester. GW is requesting that all MVC students be permitted to use the Center, which would obviate the need for separate charges. The total number of new members resulting from this change would be no more than the total MVC population (up to 445 resident students, plus 85 faculty and staff), but it will likely be lower than the maximums indicated given the students who already take some classes at Foggy Bottom.

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The fee students are charged for use of the Center is $7.50 per credit hour for every course taken on the Foggy Bottom campus. If all MVC students are permitted access to the Center, they would be charged the same fee as other students. The fee would be based on the total credit hours taken, irrespective of location. The University believes that it is unlikely that the number of MVC students wishing to use the Center would increase to the point that it creates an operational problem for the Center. If this would occur, however, the University would consider internal controls such as staggering admission times, limiting the total hours of usage, or increasing the attractiveness of those parts of the Center that are not used as frequently. Of course, if the Zoning Commission grants the University's request to extend the closing time, the managing of new student members in particular would be made easier.

Immediate Neighbors

The memberships allotted for the Remington and St. Mary's Court residents should be sufficient. The number for the Remington (a maximum of 52 rather than 50) was negotiated and is based upon the number of units in that facility. By agreement, memberships would be restricted to owners, rather than renters, and would not be transferable. We are advised by the Remington that it is highly likely that only a fraction of the eligible residents will choose to take advantage of this opportunity.

Similarly, the number of residents in St. Mary's Court is likely to be below the maximum allotted based upon the extent to which St. Mary's Court residents have utilized the Smith Center in the past. In a recent four month study, the University identified no more than10 residents of St. Mary's Court who used the Smith Center. While that usage could increase in the Health and Wellness Center, we are comfortable with a maximum of 50.

The ten memberships allotted for each of the Odd Fellows and St. Mary's Church reflect the smaller memberships of those organizations and lower levels of expressed interest. We have kept these numbers low for the additional reason that neither the Odd Fellows nor St. Mary's Church are residential facilities and thus their members must travel to the site. You should note, however, that members of these two organizations (particularly the Church) include community members, and all members periodically come to the neighborhood for activities related to their respective organizations. To the extent these membership opportunities are used, Gorove/Slade does not anticipate a significant parking or traffic impact.

The only fee agreement the University has made with the immediate neighbors is with the Remington. GW has agreed that members of that facility would be charged the same rate as GW staff. The University would negotiate fee agreements with the other specified neighbors.

President's Club Members

The President's Club locker room is separate from the general locker room. It has restricted access and more personalized amenities (personal locker rooms, toiletries, carpeting, etc.) The lockers were built with the expectation that they would be used by faculty and staff who wanted this personalized service and, ultimately if the Zoning Commission permits, friends and supporters of the University. Currently, only 25 faculty and staff are members of the President's Club at the Center. The remaining 245 lockers are vacant.

The fee for the President's Club is a one time initiation fee of $1,000, plus $700 a year. If the President's Club members in the resulting vacancies at the Smith Center are permitted transfer their use privileges to the Health and Wellness Center, the Smith Center will continued to be reprioritized for intercollegiate athletics, both for GW and visiting teams.

The Gorove/Slade estimate that only 15% of the new President's Club members would drive to the Center is based upon surveys taken of existing members. The vast majority of President's Club members live, or more frequently work, in the neighborhood (e.g., the State Department and other places of neighborhood employment). There is little incentive for many people who neither live nor work in the area to drive a far distance and to pay the President's Club fee. We anticipate that the few who would be willing to do so would have some other connection to the University, e.g. as a GW trustee or long time supporter of the University, and would arrive by a variety of modes of transportation.

Students and Faculty of the School Without Walls ("SWW")

There are no agreements on either the extent of usage or the fee that would apply to the SWW population. SWW students currently have access to certain GW facilities (e.g., Gelman Library, eating establishments in the Marvin Center), as well as some classes. The University is currently in discussions with the D.C. Public School System on enhancing GW's relationship with the SWW, including a possible public-private partnership that would improve the SWW school building. In the context of those discussions, GW would consider as part of the enhanced relationship an offer to meet some of SWW's recreational in GW facilities, including the Center if permitted. No agreement, however, has been reached at this time. If an agreement is reached, the maximum number of users would be the 369 students and faculty of SWW who would be permitted to use the Center during off-peak hours.

Guests of Members

While the University has not yet worked out the operational details for accommodating guests, in principle GW would apply a "first come, first served" standard. Once the limit (25 on weekdays, 50 on weekends) was reached, no more guests would be admitted that day. The University would reserve the right to restrict access at times of unusually high volume.

Use of Wellness Center by Existing Foggy Bottom Students

The University has not conducted any studies of possible increased usage of the Center due to the construction of on campus housing. The University has, however, generally taken this possibility into consideration in scaling back its original request to allow in excess of 3000 potential new members.

Hours of Operation

As part of the original hearing, the University presented evidence of how extending the hours would "flatten" the usage patterns, allowing some users during the peak hours the option of using the facility later in the evening. There continues to be a strong interest among students for such later usage to accommodate both organized activities as well as students' natural tendency to stay up later hours. The University continues to believe that access to the Center at these later hours is a more positive activity than many of the alternatives.

Neither the University generally nor the operators of the Center specifically have received any complaints of noise or disruption to the neighbors based on activity within or immediately outside of the Center.

The University continues to contemplate a 6:00 am opening, possibly on weekdays as opposed to weekends. GW has not yet, however, instituted such a change. The decision to do so will be based on factors related to staffing, budgeting, and the response of Center users.

Squash Team at the Wellness Center

The University has begun to permit the men's and women's varsity squash teams practice at the Center. Since squash is not a spectator sport, the University has planned to host home matches with rival teams. To date, however, no such matches have yet been scheduled.

Capacity of the Center

Brailsford and Dunlavey noted in 2002 that the Center had a "practical capacity", measured in terms of available equipment, of 675. Please be advised that the maximum capacity by Fire Code remains 1,973. Since 2002, the University has increased the amount of equipment available. Most of that equipment is located in the Fitness Center, which is on the ground floor. There is

also fitness equipment located on each of the upper floors of the Center grouped in small stations. This "capacity" number does not take into account, however, space available for other uses – e.g., such as basketball courts, squash courts, the swimming pool and the running track – which is available for organized activities as well as individual users.

If you have any further questions, please contact me.

Sincerely,



Charles Barber

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April 30, 2004

BY HAND DELIVERY

John Fondersmith, AICP
Development Review Specialist
D.C. Office of Planning
801 North Capitol Street, N.E.
Suite 4000
Washington, D.C. 20002

Re: The Lerner Health and Wellness Center ("the Center"): Z.C. Case No. 02-26

Dear Mr. Fondersmith:

Our client, the George Washington University, respectfully replies to your (emailed) questions of April 29, 2004 as follows:

New Memberships:

For purposes of this application, the University requests the Zoning Commission and the Office of Planning to focus on 530 memberships for the students, faculty and staff that are associated with the Mount Vernon campus. The University's traffic expert Gorove/Slade, has determined and placed into the record its opinion that adding the students, faculty and staff of the Mount Vernon campus will not adversely effect the transportation system because most are already on the Foggy Bottom campus anyway and have arrived and departed from there by means of the University's shuttle system. A further division of this group of students, faculty and staff into sub-categories (such as those who take or give classes on the Foggy Bottom Campus) does not effect this impact analysis. The remaining categories are confirmed as you have stated in your "Total" column which equals 1,341.

Building Capacity:

With regard to building capacity, the University urges the Commission to rely upon the rated capacity of the Center which is 1,973 persons. Using "equipment capacity" to judge this application is not helpful to the Commission's analysis because the

exercise equipment is located only in certain rooms of the facility, a fact that neglects to take into consideration the additional capacities that are available on the basketball, volleyball, handball and squash courts, the running track, and in the swimming pool and sauna bath areas. The University has increased the number of its most popular exercise equipment, but that only has assessment value in relation to the actual capacity of the building.

We remain amenable to responding to any further questions you may have.

Sincerely,

Jerry A. Moore III

JAM/ydl

cc: Charles K. Barber, Esq.