

D.C. ...
Mrs. Dorothy Miller
Resident of ANC 2A, Washington, D.C.
2440 Virginia Ave., N.W., #D-206
Washington, D.C. 20037

October 31, 2007

To: Zoning Commission of the District of Columbia
c/o Ms. Jerrily R. Kress, Director
Office of Zoning
441 4th Street, N.W., Suite 200/210-S
Washington, D.C. 20001

Z.C. CASE NO. 02-26A

(THE GEORGE WASHINGTON UNIVERSITY/LERNER HEALTH AND
WELLNESS CENTER – SQUARE 42, LOT 847)

REQUEST FOR PARTY STATUS AND WRITTEN STATEMENT

Summary: I oppose, in part, the application of the University.

Request for party status. I am Dorothy Miller, a resident of ANC 2A (the location of the subject property); I request party status under the rules and, as required, state the following in support of my request:

- (a) I am Mrs. Dorothy Miller, 2440 Virginia Ave., N.W., #D-206, Washington, D.C. 20037. Until May, 2007, I was the Commissioner for ANC 2A-05, in which the subject facility is located, and held that position going back and before the time when the subject facility was planned and built. Also, I am currently the Vice Chairman of the Columbia Plaza Tenants' Association (the Columbia Plaza Apartment complex is located less than one full block from the subject facility).
- (b) I hereby request that I be permitted to appear and participate in this matter as a party, including testifying at the hearing and submitting the written substantive statement below.
- (c) I will appear as an opponent of the application.
- (d) I will not appear through legal counsel.
- (e) I will have no other witnesses.
- (f) (Not applicable.)
- (g) (Not applicable.)
- (h) I wish to use the usual time given to parties – 3 minutes.
- (i) I believe that I should be granted party status because, while I have no legal interest in the subject University property, the rental unit in which I live is

ZONING COMMISSION
District of Columbia

CASE NO. ...

EXHIBIT NO. ...

located one block from the property, and the property's functioning affects my quality of life. As described more fully below in my substantive statement, the operation of the University building has, and will continue to have, an affect on the number of people and automobiles entering the historic Foggy Bottom/West End Neighborhood on a daily basis, and this, in turn, along with possible noise and other aspects of increased density, has an affect on whether I and other ANC 2A residents will have the "quiet and peaceful enjoyment of the premises" that we pay for as long-time, tax-paying residents of the neighborhood. I assert that my social enjoyment of the neighborhood, along with that of other residents in our neighborhood, will be adversely impacted if you approve the University's application in full. (I have described below, in my Written Statement, that I am opposing the application only in part, and have there described the theory behind my distinguishing among the various requested conditions/building uses put forward by the University.)

Also, my apartment building (Columbia Plaza Apartments) and my personal apartment should, I believe, be considered adjacent to the subject University building for the purposes of my request for party status, because the applicant has co-opted the very first tier of adjacent buildings by offering them all free services under the terms of the present application. While I believe that all Foggy Bottom/West End residents should be heard on this matter if they wish -- because they will all be affected by uses granted under the application -- I argue at this time that I should be heard as a permanent resident of the very next tier of adjacent buildings.

Last, I wish to add that I have gained distinct qualifications to state views on this subject because I represented 2A-05 for 13 years and only recently (May 2007) needed to resign my Commissioner seat due to ill health. I was on the ANC and represented Single Member District 2A-05 in 1999, when the University first filed this case. The current ANC 2A Commissioners have, I believe, a limited knowledge of the extensive history of the subject facility and the positions that were taken in opposition by the neighborhood and the Zoning Commission to certain uses in the past; I believe that I therefore should be granted standing as both a directly affected neighbor and as someone who possesses historical perspective gained from actual work on the matter over the years.

Written Statement. By way of summary, the University's application contains a series of requested uses, and I oppose extending the use of the subject facility to two of the requested categories: residents of the Remington Condominium, and University alumni who reside in the Foggy Bottom/West End neighborhood.

On October 17, 2007, the ANC 2A took up this matter at its regular monthly meeting, and voted unanimously not to oppose the following five categories of requested uses for the subject facility (I understand, from the University's presentation at the meeting, that

the additional proposed use concerning members of the Odd Fellows Lodge has been or will be withdrawn by the University):

- Students, faculty, and staff
- Members of the Board of Trustees
- High School students from the School Without Walls
- Residents of St. Mary's Court (low income retirees) (new proposed use)
- Parishioners of St. Mary's Episcopal Church (new proposed use)

The ANC also voted 4-1 not to oppose two categories of requested uses for the facility:

- Residents of the Remington Condominium (new proposed use)
- University alumni who reside in the Foggy Bottom/West End neighborhood (new proposed use)

Commissioner Eric Malinen, who represents the Single Member District at issue (ANC 2A-05) and who succeeded me as Commissioner for that SMD, voted against the last two categories. I think that his approach and decisions, which he described at length during the meeting, provide a reasonable way to balance the legitimate needs of the University and the non-student residential community. For the remainder of my present Statement, I will use Mr. Malinen's overall framework and arguments here, as he stated them at the ANC meeting, and elaborate on them using my own experiences. Mr. Malinen stated that he had talked with residents and had reviewed Zoning Commission documents and other documents from 2002, 2004, and 2007, and described five factors that he took into account in making his decision to oppose the two uses.

(1) University actions and buildings need to have a connection to the University's mission – or at least to have such when the University proposes waivers, variances, or use modifications that directly and potentially adversely affect the quality of life of the Foggy Bottom/West End residential community. It is important to remember that the neighborhood is an historic, residential neighborhood. The residents are good people who have paid their taxes and do not deserve to be treated cavalierly by the University or the government. In light of this, for instance, the extension of health club memberships to Remington residents (across the street from the subject facility) makes no sense except as a way to create precedent that might later harm the neighborhood. The Remington residents are situated no differently in theory than are residents of the many other apartment buildings in the neighborhood. At the ANC meeting and in published news accounts since then (*please see* attached), University representatives have argued that the Remington residents, years ago, were promised special treatment because they had been inconvenienced during the building of the facility -- but was this promise somehow also the neighborhood's doing and commitment? More specifically, should a University's private promise somehow trump the simple theory of requiring a University to take only actions that have a connection to University matters? The neighborhood, having seen encroachment before, is suspicious of any additional encroachment. Keeping the University as a University also helps the students. (*Please see* article concerning student athletes at the Mount Vernon campus being pushed aside in favor of paying outsiders, as well as a Letter to the Editor regarding current crowding in the

subject facility.) I have no problem with how the University runs its facilities so long as the neighborhood is not harmed, but the two proposals I have identified become the neighborhood's business when they are likely, sooner or later, to harm the neighborhood.

Also, if simple revenue raising is always seen, in and of itself, as having a strong connection to the University's mission, then there can be no end to actions where the University is not conducting itself as a University. I also point out that the University is a tax-exempt institution, which means that the government should be careful in permitting the University to seek revenue streams that can be seen as being indirectly subsidized by the rest of us who pay taxes.

(2) The facility is located on the western edge of campus. The neighborhood residents, including prior ANC Commissioners, opposed this facility from the start because the need on campus was for dormitories and the facility as proposed was tantamount to pushing a high-usage facility onto the west periphery of the campus. The neighborhood asked that the facility, if built, be placed instead in the inner campus. The neighborhood also asked that the facility, if built and placed on the periphery, be made smaller. The neighborhood argued that a smaller facility would be sufficient given projections of student usage, and that too large a facility would encourage the University to bring non-students into the facility and thereby further change the nature of the historic neighborhood. I will not here go into the issues of prior and subsequent University growth outside of the University campus plans, but it suffices to say that the neighborhood appears to have been correct over the years concerning the University's intentions: various formerly private buildings located west of 23rd Street, N.W., have been purchased by the University and razed and/or rebuilt to become larger University structures. The Campus Plan has steadily moved westward. As campus density increases and the University always looks west to "integrate" itself into the neighborhood, can the University honestly continue to paint neighborhood activists as alarmist? The facts, as shown on actual maps over the years, show that the neighborhood residents have been correct in pointing out and discussing the continual and excessive University growth in the western part of the neighborhood, and that the non-University parts of the neighborhood are clearly ever smaller. What results from this growth, for those living in the western side of the neighborhood? The answer is: problems with vehicular traffic, pedestrian traffic, noise, and other adverse activity. The residents have a right to demand that, at a minimum, such problems are borne only as a result of legitimate University activity.

In this matter in 2002, the Office of Planning stated, as one of its Recommendations, the following: "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 if they are concerned about utilization." *Memorandum*, "Office of Planning Report on ZC Case No. 02-26, GWU Request for Revised Conditions for Wellness Center," recommendation 3, dated November 25, 2002. I agree with this sentiment. Also, with the opening of a new dormitory for 600 students (plus staff, faculty, etc.) on F Street, N.W., located about two blocks away from the facility, perhaps student usage will increase.

(3) The problem of incrementalism is seen in the present application. The application requests some uses that might appear innocuous today, but where does one draw the line to protect the residential neighborhood? At the ANC meeting, the University was asked whether the current requests would be “the end” of such requests for additional membership categories, given that the University had put the neighborhood through this process a few times before and that the University had, at one time, requested approval for thousands of new non-affiliated memberships. Of course, the University representatives at the ANC meeting could make no promises on behalf of the University. So I must ask: is this proposal just a shot over the bow to create precedent for more expansion later?

(4) The two uses I oppose can create unfair competition to private health clubs in the Foggy Bottom/West End neighborhood and beyond. Again, these private businesses pay taxes; the University does not.

(5) There is a potential for litigation under District “non-discrimination” law and regulation. If the new uses are challenged in court on this basis and the uses are denied, will the University retrench on the new uses in favor of less density in the neighborhood, or will the University begin proceedings to open the facility to one and all?

The question arises as to why I do not oppose the following uses: High School students from the School Without Walls, St. Mary’s Court residents, and parishioners from St. Mary’s Episcopal Church. As Commissioner Malinen stated in his presentation at the ANC meeting, these are “sympathetic cases” which “will put very few boots on the ground,” and consist of individuals who cannot afford a health club membership. Hence, free memberships to these groups will probably have no adverse impact on the residential neighborhood. Commissioner Malinen stated that he knew that he was “line drawing” in not opposing these non-university memberships, but said that that this was the job of a Commissioner in gauging the impact of proposals before the ANC 2A. I agree with Commissioner Malinen.

Conclusion. I oppose the two uses, as described, and ask that the Zoning Commission deny the application in part, to deny those two uses. News accounts quote a University representative as saying, “[I] see that some of the arguments made against the application weren’t made against the specifics of the application, but against the University as a whole due to perceived faults. However, I won’t try to disavow folks of their opinion of what happened 15 to 20 years ago.” (*Please see* Foggy Bottom Current, Oct. 24, 2007, attached.) I believe that the present application can create present problems if approved in full, and ask that it be approved only in part.

Attachments: 2002 Office of Planning memorandum, plus current news accounts.

[End.]

Ross Romano: Club sports impeded by funding

By: Ross Romano
Sports Columnist

Posted: 10/18/07

In most cases in life, the harder one works and the more successful one becomes, the more handsomely he or she is rewarded. Therefore one would probably expect that GW's many club sports teams - among the most active student organizations both in membership and fundraising - would be appreciated by the University for their contributions and rewarded in a similar manner as other popular student organizations such as the College Republicans and Democrats. This is not the case, however, as those groups receive thousands of dollars each, and the club teams are left perpetually in need.

For those of you unfamiliar, club sports teams are not varsity teams, but they play games against other schools and represent GW in the process. The players on club teams are high-quality athletes who go through a tryout process, and the duties involved with being a club team member are time-consuming and difficult, especially for the team presidents.

Take, for example, scheduling. The difficulty of scheduling games is one thing, but GW makes scheduling practices even harder. No fields are provided for many club teams, forcing them to go out and find private fields and pay for practice time. Chris Murphy, president of club Baseball said paying for practice fields is too costly on the minimal budget the team works with. Instead they hold many practices on the National Mall, which is obviously free but even more obviously not a baseball field.

One would think that club tennis, a sport that needs less space than baseball, would have an easier time finding room to practice, but that is not the case. At the end of last year, the Mount Vernon tennis facility was leased to a third party. Now, only one court at a time can be used for free by students, including the club tennis team, while preference is given to the private membership of the "Mount Vernon Tennis Club," a group of outside adults. As a result, Charles Perretti, club tennis president, is concerned many of his players not getting adequate practice time will quit the team or decide not to return next year. GW has declined to do anything to help their students, instead preferring to use the courts to make more money.

As with any student organization, club sports teams must go through the Student Association to acquire funding. Unfortunately, this is money the SA really doesn't have. Club basketball co-president Jeff Alston, co-president of club basketball said he had been trying for two years to get GW to allow him to put a team together, only to be given the runaround by the school. It came up with excuse after excuse why he wouldn't be able to do it, and when he finally proved it to be a legitimate organization, here's how much money they gave him to run the squad: \$0. That's right, zero dollars!

Club hockey is so underfunded that Jon Hixon, the team president, said, that they have to charge members dues amounting to \$675 per person this year. The team's proposed budget came to \$28,317 this season, but the SA gave them just \$850, the most it gave to any club team. SA finance committee chairman Matt Cohen said that the SA would like to be able to give more, but it's impossible to fund all the student organizations adequately on the budget they have.

"If you're asking me do I think the University should step up with the funding for the teams, yes 100 percent," Cohen said.

Cohen is right. The University should set up a separate fund for club sports teams. It truly is a shame that such solid organizations get so little respect from the university. It's time for GW to step up to the plate and show some appreciation for the great work these students do.

LETTERS TO THE EDITOR

Music lawsuits not GW's responsibility

The Recording Industry Association of America wanted GW to do its dirty work. By issuing "pre-litigation" letters including only IP addresses (Oct. 15, p. 1), the RIAA hoped that GW would foot the bill for locating the alleged file sharers. It is nonsensical for GW to waste time and money tracking down these IP addresses, verifying that the students who used these addresses then are indeed the students using these addresses today and proving that these songs were actually downloaded. This slow, cumbersome procedure is an ineffective and wasteful method for stopping file sharing; among the hundreds of millions of file sharers worldwide, only a single woman has been found guilty in court.

GW should not take part in this wasteful RIAA scare campaign. The RIAA should understand the realities of the "cut-and-paste" digital world and attempt to salvage its hemorrhaging business model rather than waste time with this frivolous attempt to punish GW students for sharing music.

*Nathan Jones
Graduate Student*

Give club sports a hand

This is a letter in response to Ross Romano's

article on club sports (Oct. 18, pg. 10). He made a very good point of showing how club sports are underfunded. I play on the club soccer team and, as a senior, I have good knowledge of the inner workings of the men's club soccer team. I believe one of the problems is funding, but I believe this stems from the way the Club sports office is run.

The liaison for club sports is supposed to work with the club presidents to help the organizational and financial aspects of each club team to be successful. The problem is, this office works more like a dictatorship than a friend for club sports. When I joined the club team from the varsity team in 2006, we were penalized as a group with reduced practice times and a lack of matching funds from the University because of prior mismanagement by club leaders. This is just absurd to punish new members and incoming freshmen for the wrongs of people who are no longer associated with the team.

The club office also shows favoritism in assigning practice times to club sports that the club office finds successfully run or club teams that were organizationally sound in the past. Club soccer was again penalized in 2006 with a lack of adequate practice team, giving club soccer one time slot a week on the Mt. Vernon

field, yet club lacrosse had practice three times a week.

Earlier this semester the men's and women's club soccer teams were bumped off of their practice times because the University decided to lease the field to a local adult soccer league. This type of blatant disregard for the community that pays the upkeep of those fields and courts with their tuition is irresponsible. Too many times in my four years has this University made decisions based on finances with total disregard for their student community. As a graduating senior in 2008, I will not be answering any future donations calls because my debt of \$120,000 for an education here feels wasted.

*Dillon Colucci
Senior*

The GW Hatchet

News Tips • (202) 994-7550
Fax • (202) 994-1309
Web site • www.GWHATCHET.com
Retail ads • (202) 994-7682
University ads • (202) 994-7080
Classifieds • (202) 994-7079

ALWAYS ONLINE:
WWW.GWHATCHET.COM

rd Marshall, general manager
las Flynn, business manager

GWU seeks to add new gym users

By **GUY LOGAN**

Current Correspondent

Foggy Bottom-West End advisory neighborhood commissioners voted 4-1 last Wednesday in support of providing some alumni and residents with free or reduced-cost passes to George Washington University's Lerner Health and Wellness Center.

Before the center opened in 2001, the university promised access to its immediate neighbors at St. Mary's Court, St. Mary's Episcopal Church and the Remington Condominiums, which suffered lost views and inconveniences during the construction. But the Board of Zoning Adjustment restricted use of the facility to students, faculty and staff.

Another hearing in 2004 granted the school longer hours and access for students from two other university-owned campuses and the nearby School Without Walls. Michael Akin, director of community relations, said the university now wants to fulfill all of its promises.

"[We] had intended from day one to allow some community access," Akin said in an interview Monday. "I'm a firm believer that if

See **Center**/Page 23

CENTER

From Page 1

you're building or rebuilding trust, it's important to live up to commitments."

Three hundred passes could be granted to community members after a D.C. Zoning Commission hearing on Nov. 15. Fifty free passes — for residents of St. Mary's Court and Remington Condominiums and members of St. Mary's Episcopal Church — would be handed out by officials from those organizations. The rest of the passes would be for alumni who live in Foggy Bottom-West End and would be sold for just over \$300 a year.

Akin is confident the passes will benefit the neighbors more than the gym.

"I think it's a very fair deal," he said. "On the whole, it's a rather minor application we're seeking. We're seeking, in total, 300 additional spots in a building with 2,600

[users maximum] per day."

He also said the impact on the community is a positive one.

"The ... users are all very close by the site and will be walking to it, so they do not present a parking impact," Aitkin said. "We are an educational institution first, and academic aims are more important than financial ones. Being a good neighbor is part of our mission."

A study of the center in 2004 found it had as many as 2,600 users per day, with a peak of 275 at any one time. The 183,000-square-foot facility houses four basketball courts, a suspended jogging track, a pool and fitness equipment.

Several alumni and representatives of St. Mary's Court prodded the commissioners to accept the university's proposal, saying the elderly residents' lives will be extended with more exercise and alumni who can't afford local for-profit clubs can continue their fitness routines.

Former advisory neighborhood commissioner Dorothy Miller, a longtime critic of university policies, was adamantly against the plan, saying the tax-exempt university would take away valuable clients from commercial fitness clubs — one of the reasons the Board of Zoning Adjustment originally limited access to the center.

Responding to criticisms of the project being "commercially minded," Akin said it's difficult to make money off free or reduced-cost memberships, especially with such a small number of passes.

"I do see the other side's point," he said. "Yet I see that some of the arguments made against the application weren't made against the specifics of the application, but against the university as a whole due to perceived faults. However, I won't try to disavow folks of their opinion of what happened 15 to 20 years ago."

Commissioner Eric Malinen was the sole vote against the proposal, saying he didn't believe alumni or Remington residents should receive passes.

Gym may open to locals

Proposal still needs D.C. approval

by Harald Olsen
Hatchet Staff Writer

A local governing body approved a University proposal to allow 300 alumni and local residents to use the Lerner Health and Wellness Center.

University officials said at an Oct. 17 meeting of the Advisory Neighborhood Commission they wanted to offer gym membership to 250 alumni in the Foggy Bottom area and 50 to local neighbors.

The proposed expanded mem-

bership still needs to be approved by the D.C. Zoning Commission before it can be enacted. Several GW alumni criticized the consequences of the proposal.

Cynthia Jachles, a GW alumna, said she was frustrated to not have access to her alma mater's athletics facilities.

"It's very important to me," Jachles said. "I have not had the ability to use a real organized facility in five years. I find it just logical that I should be able to go across the street and swim."

Jachles was one of three alumni who spoke about their desire to use the University gym.

The Lerner Health and Wellness Center was constructed in 1999, and the D.C. Zoning Commission restricted access to the gym to current students, faculty and staff. The University is

now trying to have the initial zoning agreement amended.

The 50 passes being offered to neighbors adjacent to the Lerner building are part of a promise the University made in 1999, said Michael Akin, director of Community Relations. If the Zoning Commission allows the amendment to their initial order, residents of St. Mary's Court, The Remington apartments and St. Mary's Episcopal Church will all be able to use the five-level facility for free.

Akin said the membership proposal would not only benefit neighbors but also give alumni an incentive to stay in the area after graduation.

See GYM, p. B6

GYM

from p. A3

"We're living up to a commitment we made almost a decade ago, and that's something I take very seriously and something I believe the University takes very seriously," Akin said.

GW is one of the few universities in D.C. that does not offer alumni memberships at its campus gym. American, Georgetown and Trinity universities all sell gym memberships to alumni for a small fee. Georgetown and Trinity both allow non-university neighbors to buy annual memberships as well.

Margaret Pully, the associate director of St. Mary's Court, an apartment building for seniors, said her residents need access so they can exercise.

"My seniors can't afford any of the other health clubs," Pully added.

The ANC voted almost unanimously in support of expanding membership. Commissioner Eric Malenin was the only member of the five-member commission who voted against the motion. Malenin claimed offering discount gym memberships to alumni - free for neighbors - would present unfair competition to local health clubs.

Dorothy Miller, a former member of the commission, criticized the proposal as part of GW's larger "commercialization." Other critics said the proposal would bring additional traffic into the area. ■

MEMORANDUM

TO: D.C. Zoning Commission

FROM: Andrew Altman
Director

DATE: November 25, 2002

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 except Saturday. The Center is located on the University' campus at 2301 G street, N.W. (Square 42, Lot 847).

SUMMARY 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 residents of Foggy Bottom/West End. Consider membership for students, faculty and staff from the Mount Vernon Campus of GWU subject to requirements for augmented University transit service if necessary to limit impacts.
- 2) Revise Condition 2 of BZA Order 16276 to allow the Wellness Center to remain open until 11:30 PM on all days.

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." and the second condition was that "Operation of the facility shall end at 10:00 p.m., Monday through Saturday and at 8:00 p.m. on Sundays." The Lerner Health and Wellness Center was subsequently constructed and opened in August 2001. It has therefore been in operation approximately a year and three 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 the its two proposals and provided background information. The University also proposes a "cap" on additional users of 3,000 additional memberships, assuming the Zoning Commission would remove the conditions.

SITE AND AREA DESCRIPTION

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. Note that the photograph was taken in 1999 and therefore the Wellness Center site shows on the photograph as a construction site.

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 Fonger Hall) and Madison Hall, a dormitory. Earlier this year the Zoning Commission approved a major academic building addition to Fonger Hall in the existing parking lot on 22nd Street.

Square 43 is south of the Wellness Center, across G Street, and includes land owned by GWU where a 710 bed dormitory was approved by the Zoning Commission earlier this year and is now under construction. 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 earlier this year and is now under construction.

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 along E Street. Any spillover impacts from any 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 PROPOSAL

George Washington University is requesting 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 is done, the University indicates 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 proposes 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.

In addition, the consultants' reports indicate that the University intends to take two other actions for which Zoning Commission action is not requested.

- 1) The Brailsford & Dunlavey report notes 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."
- 2) The Gorove/Slade Report indicates, on page 4, that the University is planning to start opening the Wellness Center at 6AM (instead of the present 7AM) on Monday through Saturday.

The University submission, including the two consultant reports, outlines a number of reasons to support the two requested changes in the conditions.

Low Utilization: In various charts and graphs, the Brailsford & Dunlavey report indicates 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 indicate that peak occupancy of the Wellness Center is now 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.

Practices of Other Institutions: The Brailsford & Dunlavey report presents 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 indicate 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 Gorove/Slade report indicates that making the changes in the groups allowed to use the Wellness Center, as requested by the University, would generate increased traffic of 32 vehicles in the peak hour of Wellness Center generated traffic (6PM to 7PM) and that the peak amount of parking demand would increase by 17 cars, of which 12 would be on-street (Page 12). The report indicates that the impacts of the increased traffic are essentially immeasurable and that the additional demand for on-street parking in the campus area (12 on-street vehicles) would be three percent of the nearby street parking supply (Page 14). The Gorove/Slade analysis apparently assumes that additional users looking for parking spaces would do so within the existing campus area. However, the Office of Planning notes that this assumption is not necessarily completely valid, since some potential users could be looking for parking spaces in the adjacent residential neighborhood.

Limited Impacts from Extended Hours: The Brailsford & Dunlavey report indicates that keeping the Wellness Center open later in the evening would not significantly impact traffic patterns. The report indicates that late night activity is driven by campus intramural schedule and that the majority of these late night users would be GWU students.

Impact of Squash Teams in Wellness Center: The Brailsford & Dunlavey report indicates 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. The University is noting this condition but is not asking for any action on this change.

FRAMEWORK FOR ANALYSIS

The Office of Planning has approached the evaluation of these requested changes within certain framework.

- 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 workers, alumni and other friends of the University. 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 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.

ANALYSIS

Utilization of Building: The Office of Planning understands the information about low utilization of the Wellness Center in the Brailsford & Dunlavy report but believes the information is 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 2004 the two new dormitories on Squares 43 and 57 will open with a total of 960 beds. This increase in students living directly adjacent to the Wellness Center should increase utilization.

Student Priority: The Office of Planning notes that the Brailsford & Dunlavy data and graphs indicate 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 that 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.

The Office of Planning is also concerned that opening the membership categories too broadly is in effect changing a primarily student facility into a semi-commercial facility. The Office of Planning understands that facilities at other universities may operate under less or no restrictions on membership. However, those institutions may not be located where additional members would impact a neighboring community or where alternative

facilities may not be available. That is not the case in the Foggy Bottom/West End area where a number of commercial fitness centers are available.

The Office of Planning believes that students, faculty and staff from the Mount Vernon campus of George Washington University probably could be allowed to use the Wellness Center on the Foggy Bottom campus with little adverse impact. The University has indicated that Mount Vernon students who now take classes at the Foggy Bottom Campus, for which they pay a fee, are able to use the Wellness Center. However, the University should first provide additional information on how many of those students do not currently have Wellness Center privileges and how those students (and faculty and staff) would be transported to the Foggy Bottom campus to avoid neighborhood impacts. Existing shuttle bus service between the Foggy Bottom and Mount Vernon campuses might be expanded at the peak times that Mount Vernon Campus students would use the Wellness Center, in order to encourage transit use.

Membership for Community Residents: The Office of Planning believes the University could 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) without creating objectionable impacts on the area.

In 2001 the Office of Planning had conversations and correspondence with Mildred B. Kriegel, a Foggy Bottom resident speaking for a group of senior citizens who use the Smith Center for a water aerobics program and wanted to move the program to the Wellness Center. The University was willing to let the group use the Wellness Center but they could not do so due to restrictions in the current BZA Order. The Office of Planning indicated to Ms. Kriegel at that time that the Office would be willing to support a change that would allow residents of the Foggy Bottom/West End area to use the Wellness Center. Use of the Center by nearby residents would have very little impact because they all live within walking distance of the Wellness Center and most of them would walk. Such neighborhood groups could also use the Wellness Center at off-peak hours.

The Office of Planning recommends that residents of the Foggy Bottom/West End area be allowed to use the Wellness Center. In the immediate future, the Community/University Advisory Committee should receive regular reports on the use of the Wellness Center, including reports, if any, on problem impacts.

Extended Hours: The Brailsford and Dunlavey report indicates that keeping the building open until 1 AM would not significantly impact traffic patterns, since most users would be students at the extended hours. Figure 4 in the Gorove/Slade report indicates that keeping the building open later would spread out the flow of users leaving the Wellness Center. The Office of Planning notes that the graphs on "LHWC Accumulation by Hour" in the Brailsford and Dunlavey report and Figure 4 in the Gorove/Slade report seem to

somewhat distort arrival times at the beginning of the day (6AM) and departure times after 10AM, probably due to graphic plotting techniques.

The Office of Planning believes that some flexibility on extended evening hours could be accommodated but staying open until 1AM seems too late. OP suggests that an 11:30 PM closing time would provide students additional time to use the Center but would still limit potential impacts.

As noted previously, the University has indicated it plans to begin opening the Wellness Center at 6 AM and apparently does not believe this change is covered by the existing BZA order. The Office of Planning agrees that the existing order does not cover opening hours in the morning and does not believe that opening the Wellness Center one hour earlier, at 6 A.M., would have an adverse impact on the neighborhood. The Office of Planning does believe it would be useful to have the University's clarify its intention at the hearing to open the Wellness Center at 6AM on Monday-Saturday.

Squash Teams in the Wellness Center: The 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 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."

Transportation

The D.C. Department of Transportation is preparing a report on the transportation impacts of this project.

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 Department of Transportation (DDOT) is submitting 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 ZC Case No. 02-26 at their November 13, 2002 meeting and voted not to support the request of the George Washington University to eliminate the present conditions on classes of users and not to support expanded evening hours.

Foggy Bottom Association (FBA)

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

Other Organizations and Groups

The Office of Planning has received letters from St. Mary's Episcopal Church and St. Mary's Court (140 unit senior community residence), both in Square 42 adjacent to the Wellness Center, indicating their support for the proposed changes in the conditions for the Wellness Center that have been requested by the University. The Office of Planning has also received a letter from the Remington Condominium, located in Square 43 to the south of the Wellness Center, supporting a change of conditions that would allow Remington residents access to the Wellness Center. These letters indicate that representatives of these organizations will testify at the December 2 hearing on this case.

OTHER AGENCY COMMENTS

The District Department of Transportation (DDOT) is preparing a report on this case.

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 residents of Foggy Bottom/West End. Membership could be considered for students, faculty and staff from the Mount Vernon Campus of GWU, provided this number is relatively small. The inclusion of users from the Mount Vernon Campus should be related to provision of augmented University transportation (shuttle bus) between the two campuses as needed.

- 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 if they are concerned about utilization.
- 4) 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.
- 5) 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.

Attachment

AA/jf