

**BEFORE THE
ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**

**In the Matter of
The George Washington University
Application for Special Exception Under 11 D.C.M.R. § 210
for Premises at 2301 G Street, N.W. (Square 42, Lot 55)
(The Lerner Health and Wellness Center)**

Z.C. Case No. 02-26A

November 1, 2007

MEMORANDUM IN SUPPORT OF APPLICATION

A. Executive Summary

The George Washington University (the "University" or "GW"), founded in 1821 and rooted in the Foggy Bottom neighborhood since 1912, combines the resources of a major international research university with the dynamics of a vibrant, urban setting in the heart of the nation's capital. GW's location is key to its mission and critical to its success, as the opportunities surrounding the campus attract outstanding students, faculty and staff to GW and help to shape some of GW's most successful academic, research and clinical programs.

The University values the Foggy Bottom and West End neighborhoods of which it is a part and recognizes that a thriving community and interaction with this community is a key component of the GW Experience for those who study, teach, research and work here. To this end, the University seeks to create a sense of community through opening certain academic and entertainment events that are predominantly designed for GW students, to alumni, friends of the University and members of the public. It is the University's belief that the interaction of GW students with the community of which it is part is a critical component of defining GW's success as a world-class institution in the nation's capital.

RECEIVED
NOV 1 2007
ZONING COMMISSION
DISTRICT OF COLUMBIA

ZONING COMMISSION
District of Columbia
CASE NO. 02-26A
EXHIBIT NO. 16

Through this application, the University seeks to continue the existing use of its Lerner Health and Wellness Center and expand that use slightly to include up to 300 members of the Foggy Bottom/West End neighborhood – specifically residents of Saint Mary's Court, a senior community residence facility that is located on the same square as the Center; residents of the Remington Condominiums, which face the Center across G Street, N.W.; members of St. Mary's Church, which is located on Square 42 within 200 feet of the Center; and GW alumni who reside in Foggy Bottom/West End.

The University believes that this modification of the existing use does not create an adverse impact on the community, as the additional users proposed already have a presence in the neighborhood and on the campus, and thus create relatively no additional impact. In contrast, GW asserts that the modification to the existing use restrictions, in fact, enhances the University's ability to serve as a resource to the community and provides benefits for the Center's immediate neighbors with no "cost" to the community at large.

B. Action Requested

The George Washington University requests the continuation and modest expansion of existing special exception relief for the Lerner Health and Wellness Center (the "Center"), located at 2301 G Street, NW, pursuant to Section 210 and 3104.4 of the Zoning Regulations. This "further processing" under an existing campus plan seeks to modify the conditions of Z.C. Order No. 02-26 as follows:

- (1) Allow the continued use by those classes of persons authorized to use the Center in Order No. 02-26, specifically, (a) students, faculty and staff of the University's Foggy Bottom and Mount Vernon campuses; (b) members of the University's Board of Trustees; and (c) students of the School Without Walls ("SWW") in organized activities under the supervision of SWW faculty;

- (2) Permit use of the Center by persons residing in residential facilities, or belonging to organizations with facilities located immediately adjacent to the Center, specifically (a) St. Mary's Court, located at 725 24th Street, N.W.; (b) St. Mary's Episcopal Church, located 728 23rd Street, N.W.; and (c) the Remington Condominium, located 601 24th Street, N.W; and
- (3) Permit use of the Center by a limited number of GW alumni who reside in the Foggy Bottom/West End Area, as defined in the Foggy Bottom Campus Plan (2007).

The University seeks permission to add a total of 300 users from categories 2 and 3, above, to those currently permitted to use the Center (described in category 1, above). The University seeks no change to the hours of operation permitted under Z.C. Order No. 02-26; i.e., 6:00 AM to 11:30 PM daily.

Finally, the University seeks to make these modifications to Z.C. Order No. 02-26 "permanent", such that these rights do not expire and do not require additional approval by the Commission in the future.

C. The University's Foggy Bottom Campus Plan

According to the Zoning Regulations, before requesting a special exception, the University must have presented to the Zoning Commission a plan for developing the campus as a whole. 11 D.C.M.R. § 210.4 (2002). The Zoning Commission recently approved the 2007 Foggy Bottom Campus Plan, Z.C. Order No. 06-11/06-12, effective October 26, 2007 (the "Campus Plan"), for a term of twenty years. This plan was the result of a multi-year community-based planning process which engaged members of the community in dialogue regarding accommodating GW's future space needs within the context of its surrounding neighborhoods. A key output of this planning process was the University's "grow up, not out" development strategy that concentrates future campus development at the campus core, creating a "buffer area" around the campus perimeter that provides for a transition between the campus core and adjacent

residential neighborhoods to the west and south of the campus. This Plan also maintains the existing caps on the student and faculty & staff populations on the Foggy Bottom Campus. In addition, this Plan allows for the more efficient use of the campus by adding increased density at the core and bringing off-campus undergraduate housing accommodations back to within the boundaries of the campus, as outlined in the Campus Plan.

The 2007 Campus Plan further provides a number of amenities and services to members of the surrounding neighborhoods, including the continued provision of incidental retail establishments throughout the campus - establishments designed preliminarily to serve students, but that are also open to members of the community. The plan also allows for the continued use of other University facilities by members of the community, through various event offerings and special programs, including Lisner Auditorium, the Smith Center and Gelman Library. The Plan also contemplates the continued cultivation of community and collaboration with our neighbors by GW continuing to open a number of campus events to its neighbors.

Through the development set forth in the 2007 Foggy Bottom Campus Plan and the conditions of approval, the Plan provides for GW's required growth by providing the community with additional certainties regarding future campus development. Thus, the Plan provides shared benefits for the community, the University and the District of Columbia.

This application is fully consistent with the Campus Plan. By continuing the current user population, and adding two discrete categories of new users, the University is making more efficient use of an existing on-campus facility. In addition, the application provides benefits to the community by opening the Center to the immediate

neighbors – those who were most directly impacted by the Center's construction and operation – to enhance the livability of the neighborhood. Finally the application allows the University to create a sense of community among current GW students, local alumni and members of the immediate neighborhood – a camaraderie that offers GW students a larger sense of community, encourages life long learning and provides a continued connection to the University for Foggy Bottom/West End alumni.

B. Authority of the Zoning Commission

Pursuant to 11 D.C.M.R. Section 210.1, 3104.1 and 3104.4 of the Zoning Regulations, the Zoning Commission (the “Commission”) is authorized to grant a special exception where, in its judgment, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.

A college or university use is permitted in an R-5-D District if approved by the Commission as a special exception in accordance with the requirements of Section 210 of the Zoning Regulations. These regulations require that the Center be used so that “it is not likely to become objectionable to neighboring property because of noise, traffic, number of students or other objectionable conditions” and that the special exception requested be in harmony with the general purpose and intent of the Zoning Regulations and Map. See 11 D.C.M.R. §§ 210 and 3104.1 (1996 Supp.). Once these showings are made, the Commission ordinarily must grant the exception.¹

¹ Citizens Coalition v. Board of Zoning Adjustment, 619 A.2d 940, 948 (D.C. App. 1993); First Baptist Church v. D.C. Board of Zoning Adjustment, 432 A.2d 695, 698 (D.C. 1981); Stewart v. D.C. Board of Zoning Adjustment, 305 A.2d 516, 518 (D.C. 1973). Note that these cases involve the authority and requirements imposed by the Zoning Regulations on the Board of Zoning Adjustment. However, in Z.C. Case No. 99-09, the Commission directed that all further processing special exception cases be filed in

II. Background

On March 31, 1998, the BZA approved a special exception for the construction and use of the Center. See Exhibit A. In so doing, the BZA found that the campus plan “clearly anticipates an athletic facility within its periphery such as the Health and Wellness Center that has been proposed” and that the “anticipated use is not a major use.” See Exhibit A at Findings of Fact 1 & 2. The BZA conditioned this approval, however, by limiting the use of the Center “to the students, faculty and staff of the Foggy Bottom campus only” and by mandating that “operation of the facility shall end at 10:00 p.m., Monday through Saturday and at 8:00 p.m. on Sundays.” Id. This restriction prevented GW from fulfilling a commitment to the immediate neighbors that the University would provide them access to the Center in return for their support of the project.

By order dated June 14, 2004, the D.C. Zoning Commission approved a second further processing special exception for the Center. This Order modified BZA Order No. 16276, allowing the University to continue the existing use and to expand the categories of eligible users of the Center to include:

- (a) students, faculty and staff of the University’s Foggy Bottom and Mount Vernon campuses;
- (b) members of the University’s Board of Trustees; and
- (c) students of the School Without Walls, in organized activities under the supervision of school faculty.

The Commission granted approval for a three year period and directed that new special exception relief must be obtained at the end of that period to approve all users

and decided by the Commission. DCR, December 8, 2000. The legal structure and requirements of special exception relief did not change.

except the students, faculty and staff of the Foggy Bottom campus. In this Order, the Commission also expanded the operating hours to 6:00 a.m. until 11:30 p.m. daily.

The Center opened in August 2001. During the six years it has operated, the University has received numerous requests for access to the Center from individuals who live and work in the Foggy Bottom/West End neighborhood, alumni, and other friends or supporters of the University (including non-profit groups operating in the area). The existing restrictions on membership require the University to deny these requests despite the University's ability to effectively manage use of the Center and accommodate additional users within the Center.

The decision to restrict access to certain classes of users was first based on a presumptive adverse traffic impact – despite the fact that nearly all of the new members that were being proposed resided in the neighborhood and, thus were likely to walk to the Center – and subsequently on a finding that potential members such as the immediate neighbors and members of neighboring institutions lacked a “sufficient connection” to the university and were “incompatible” as users of a university use in a residential zone. There was no evidence in the record to support this conclusion.

The University's experience in operating the Center has accorded GW an opportunity to gather and consider actual usage data on the Health and Wellness Center. As is evidenced herein, that usage profile unequivocally supports the University's contention that extending 300 additional memberships to the noted groups within the Foggy Bottom/West End area can be accomplished without adverse effects.

The mix of new members from the identified neighborhood sources will be determined and managed by the University according to demand. For example, based on expressions of interest from St. Mary's Court, St. Mary's Church and the Remington,

the University has allocated a total of 50 spaces to be used by these groups.² In addition, GW alumni in the area have also expressed interest and the University has allotted a total number of 250 memberships for this group. It is important that the University be granted the authority to manage this load based on demand and future operating considerations, but agrees to maintain 50 memberships for use by the aforementioned immediate neighbor residents/organizations.

III. Permitted, Potential and Existing User Populations and Capacity to Accommodate 300 Additional Users.

The current usage patterns are consistent with the projections made in 1998, and the studies conducted in 2002 by the firm of Brailsford and Dunlavey. These patterns demonstrate that, in general, the Center had additional capacity to accommodate additional users, even after taking into account the additional users permitted in 2004. These patterns demonstrate that although there are a large number of individuals that are permitted to use the Center in concept, and based on current population counts – in reality, the number of individuals who actually utilize the Center is actually only a fraction of those permitted to do so.

The number of additional users permitted by the Zoning Commission in 2004 totaled approximately 1,800. Among these users were students, faculty and staff of the Mount Vernon Campus, whose populations are indicated in the Mount Vernon Campus Plan. Under the Mount Vernon Campus Plan, the student population on the campus is limited 1,500 students on a headcount basis. The Plan does not limit the faculty population, but estimates the population at not more than 150 during the term of the Plan. In addition to the Mount Vernon Campus affiliated users, approximately 40

² There will be passes at these facilities which will allow a total number of 50 users at any one time. The passes, however, may be shared by other members of the respective institutions, allowing for a larger pool of users.

members of the University's Board of Trustees and approximately 100 students that attend the School Without Walls were also permitted as users.

After this addition in 2004, the total number of permitted users of the Center, including the originally permitted Foggy Bottom campus students, faculty and staff (as governed by population caps in the 2007 Foggy Bottom Campus Plan) is approximately 34,000.

The current number of potential users based on existing population counts total approximately 29,590.³ This includes the 19,582 students enrolled on the Foggy Bottom and Mount Vernon Campuses as of fall 2007, who are automatically members of the Center by virtue of student fees; approximately 10,000 faculty and staff employed by the University at these locations who are eligible for paid membership; the 40 members of the University's Board of Trustees and the approximately 100 students from the School Without Walls.

In sum, less than 2,500 of the 29,590 potential users actually use the Center on a given weekday and no more than 1,600 access the Center on a given weekend day. With an hourly user profile that averages less than 100 people adding a total potential of 300 users will have a negligible impact on a building that was approved by the BZA to be built to accommodate 2000 users at a given time.

³ This current number of potential users includes the current number of students enrolled at the Foggy Bottom and Mount Vernon campuses, the total number of faculty and staff currently employed and eligible for membership, the 40 members of the Board of Trustees and the approximately 100 students from the School Without Walls. This is a subset of the total number of potential users, as GW has not reached its population caps under its Foggy Bottom and Mount Vernon Campus Plans.

IV. The Addition of Potential New Member Classes Will Not Adversely Affect Parking or the Transportation System in the Area

Symmetra Design⁴ has undertaken a current analysis of the transportation related impacts that may be associated with the granting of this application. This analysis concludes:

- The Center has shown a small increase in peak hour activity and a small decrease in total daily activity over the past five years, despite the increase in member categories in 2004.
- Since opening, the center has operated well below the capacity of 1,973 users at any one time.
- Only 25% of the proposed new 300 members, or 75 patrons, would be expected to use the center on a given day.
- The vast majority of proposed new members would be located within a five or ten minute walk to the Center. Less than 5% of new users would be expected to drive to the Center.
- Only one additional vehicle trip would be generated during the pm peak hour due to inclusion of the proposed new member classes.

In summary, the additional of two new member categories, as proposed, would not result in adverse impacts due to traffic or parking. A full copy of the Symmetra Design analysis is at Exhibit D.

V. A Health Center that Includes Incidental Public Users is an Accessory Use That Furthers The University's Mission

Granting membership privileges to incidental public users is an activity that is customary, incidental and subordinate to the principal University use and reasonably related to the University's mission. Although the overwhelming number of beneficiaries

⁴ A principal of Symmetra Design, Nicole White, is experienced in evaluating traffic and parking issues that are associated with the GW campus. She has previously been admitted as an expert on these matters before the Zoning Commission.

of the Center are directly associated with the University use⁵, residents of the neighborhood who wish to avail themselves of the health benefits that the Center offers should not be prevented from doing so unless there is an adverse impact – which there clearly is not. Such is a well established policy that has been repeatedly approved by the Zoning Commission and, in one key case, sustained by the D.C. Court of Appeals⁶.

Such incidental uses exist in other contexts on GW's Foggy Bottom campus as well. For example, retail establishments located in the University residence hall directly across the street from the Center are open to the public, but are used primarily by the University population. Recent surveys conducted at a sandwich shop located in that venue have shown that more than 80% of the customers are University related.⁷

In this same vane, that the University welcomes incidental public users to the Center does not invalidate the Center as an accessory use within the meaning of the Zoning Regulations. Nonexclusive health venues are clearly appropriate on university

⁵ The University submits that alumni have a relevant and sufficient connection to the University, and as such should be included in the definition of University users. Regardless, however, the number of non GW faculty, staff and student users is incidental and subordinate to the principal University use.

⁶ In *Citizens Coalition et al. v. Board of Zoning Adjustment*, 619 A.2d 940 (D.C. App. 1993), Georgetown University ("Georgetown") sought and obtained special exception authority to construct an electric cogeneration facility as an addition to its existing steam plant. The cogeneration facility was to be constructed on Georgetown's campus but operated by a private third party, the Potomac Electric Power Company ("PEPCO"). PEPCO was to purchase all of the electricity generated by the facility and sell back to the University enough electricity to meet its demands. The excess would be sold by Pepco to its non-university customers. A citizens coalition opposed the application contending that the project was not an accessory University use but, instead tantamount to a commercial intrusion in a residential zone, because the electricity generated by the facility would not be delivered to and used exclusively by the University. Because the cogeneration facility would produce electricity for commercial sale and profit, the coalition alleged that the facility did not constitute a valid "accessory use" to Georgetown's principal mission. Ultimately, the BZA disagreed, concluding that the proposed facility and use plan constituted a valid accessory use, and granted the special exception. On appeal, a unanimous D.C. Court of Appeals again rejected the coalition's contentions and affirmed the decision by the BZA to grant a special exception to Georgetown on the basis that the facility constituted an accessory to the principal University use. See *Citizens Coalition*, 619 A.2d at 948. Allowing the benefits of the cogeneration facility to be offered to non University entities did not, the court ruled, diminish its status as an accessory use.

⁷In fact, the establishment is so dependent on its University customers that its management customarily closes during the winter break when school is not in session.

campuses provided that they are in furtherance of the university's essential mission and that they do not have substantial adverse impacts on the surrounding community⁸.

VI. The BZA and the Zoning Commission Have Previously Authorized University Related Service and Retail Uses Being Available to Incidental Public Users in a Residential Zone District

The BZA and the Zoning Commission have a history of authorizing university related uses, that are available to incidental public users, on university campuses, as long as such uses are in furtherance of the university's mission and are subordinate to the principal use. This precedent exists even with respect to the University's own Foggy Bottom Campus.

In BZA Order No. 15837, the BZA approved the University's construction of an addition to the Marvin Center, which included several food venues, a student center, offices, meeting spaces, a theater and a bookstore, all of which are open to University visitors and passersby, but designed primarily to serve the University population. The BZA also approved the University's construction of the Lisner Auditorium on its campus, which serves as a venue for performance theater and is also open to the public. Most recently, in ZC 03-29, the Zoning Commission approved a food service venue at the old Quigley's Pharmacy on the Foggy Bottom Campus that is intended to serve not only the University population, but serve as a public benefit to the Foggy Bottom/West End community as well. In these instances, the BZA based its decisions on a determination that these uses constitute "accessory uses" within meaning of the Zoning Regulations. Similar actions have been taken on campuses of other District universities⁹.

⁸ See *Citizens Coalition*, 619 A.2d at 951.

⁹ See, e.g., Zoning Commission Order No. 949 permitting university related retail and services open to the public beneath the Butler Pavilion; and BZA Order No. 14185 approving American University's construction of a Sports and Convocation Center on campus which included lectures, concerts and graduation exercises are open to the public as incidental users.

VIII. Reasons the University is Seeking to Offer Memberships to its Neighbors

Based on its initial projections, now supported by empirical data, the University is requesting that the Zoning Commission to modify the condition limiting the classes of people that are eligible to use the Center. There are three primary lines of reasoning that underlie this request:

1. The University made a promise to the immediate neighbors in 1997 that they could use the Center (including St. Mary's Court, St. Mary's Church and the Remington) and these neighbors have repeatedly expressed interest in using the Center. In addition, alumni who reside in the Foggy Bottom/West End area have also repeatedly requested access in order to continue the to utilize the Center to further develop the health and fitness practices they developed as students.
2. The University seeks to enhance the sense of community on its campus and between its students and its neighbors. In addition to providing for increased interaction between students and some of the University's immediate neighbors, allowing local alumni to utilize the Center will provide these individuals with a continued connection to the University after graduation and will also further the camaraderie between GW students and members of the neighborhood.
3. The Center has capacity available to accommodate these additional users.

If the restrictions are modified as proposed, the University will extend membership to a maximum of 300 new users, the mix of which will be determined by the University, judged principally by demand.¹⁰

IX. Conclusion

The University conceived the Center with the hope of granting access to its students, faculty and staff, community residents, alumni, guests, and friends of the

¹⁰ We suspect that demand will ebb and flow among the groups thus making it important that the university have the flexibility to make adjustments for managerial purposes. These adjustments – within the class of 300 – will be internal and have no external impact – and the University commits to making at least 50 of these memberships available to immediately adjacent residents, as previously defined.

University. As such, the University constructed an exciting state-of-the-facility that could meet the physical fitness needs of the broad community in which it is located.

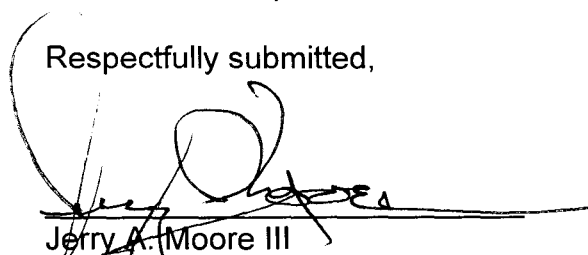
By opening up the Center to a limited number of immediate neighbors, the University is able to enhance the overall benefits derived from this facility and further the sense of community between students and alumni and students and the immediate neighbors.

The Center opened in 2001 and usage patterns indicate that there is capacity to accommodate the proposed number of additional users. Expanding use privileges to a group of 300 new users – from the neighborhood – will not have an adverse impact on the use and enjoyment of neighboring property for any reason, including adverse traffic or parking impacts. Expert evidence and testimony support this conclusion.

Precedential zoning and judicial decisions conclusively support the incidental use of the Center by people who are not otherwise affiliated with the University.

It is for these reasons that The George Washington University respectfully submits that it has met its burden of proof under the Zoning Regulations and is therefore entitled to the special exception relief that is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jerry A. Moore III", is written over a horizontal line.

Jerry A. Moore III
Venable LLP
675 – 7th Street, N.W.
Washington, D.C. 20004
(202) 344-4763
jamoore@venable.com

Exhibits

- A. 1998 BZA Order approving the Center and limiting the classes of users.
- B. 2004 Zoning Commission order continuing the zoning approval of the Center and expanding the classes of users and the hours of operation.
- C. Brailsford & Dunleavy Report.
- D. Symmetra Design Traffic Report.

A

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**



Application No. 16276 of the George Washington University, pursuant to 11 DCMR 3108.1 for a special exception under Section 210 for further processing under an approved campus plan for construction of a Health and Wellness Center in an R-5-D District at premises 2301 G Street, N.W. (Square 42, Lot 847).

HEARING DATES: October 1 and 15, 1997; and
 December 3 and 17, 1997

DECISION DATE: January 7, 1998

ORDER

PRELIMINARY MATTERS:

On November 25, 1997, the ANC 2A filed a Motion to Strike additional evidence filed by Applicant and to reject previous expert testimony. On November 29, 1997, the Columbia Park Tenants Association filed a Motion to Strike all revised expert testimony submitted by Applicant after the close of the record on November 10, 1997. The Board denied both Motions on December 3, 1997.

SUMMARY OF EVIDENCE:

1. This is the second application brought by the applicant seeking special exception approval to authorize the construction and use of a new Health and Wellness Center. The first application was brought in 1994 and was denied by the Board on November 2, 1994. As a consequence, applicant revised its plans and submitted a new application for the Board's approval.

2. The property that is the subject of this application is located at 700 23rd Street, N.W., on the northwest corner of the intersection of 23rd and G streets, N.W.. It is located within the George Washington University campus boundaries on Lot 947 in Square 42.

3. The site comprises 27,022 square feet of land area and is improved with a surface parking lot. It is irregularly shaped (L-shaped) with an approximately 160-foot long frontage on 23rd Street and a 232-foot long frontage along G Street. A 30-foot wide north-south alley abuts a portion of the site to the west (rear). A two-story parking garage and eight surface parking spaces are located immediately to the north of the site. Farther

north within Square 42 are located a 15-foot wide east-west public alley and Saint Mary's Church. Other improvements within Square 42 include St. Mary's Court housing for the elderly, a nine-story building, another parking lot (which is also the site of a proposed student residence facility) and three row houses, two of which are owned by the University.

4. The site is located along the western edge of the campus in an area designated in the campus plan for "Support with Residential". Across G Street to the south of the site (outside of the campus boundary) are located a nine-story structure and several privately owned rowhouses that are used principally for residential purposes. Immediately across 23rd Street to the east is Fonger Hall, a seven-story classroom building. The Tompkins Engineering Building is also located across the street from the site. Diagonally across 23rd Street to the southeast of the site is the Smith Center, the intercollegiate sports facility for the campus.

5. The site is located in an R-5-D District which permits matter-of-right general residential uses of high density development, including single-family dwellings, flats, and apartments to a maximum height of 90 feet, a maximum floor area ratio (FAR) of 3.5, and a maximum lot occupancy of 75 percent. Relative to this application, a college or university that is an academic institution of higher learning, including athletic and other recreational facilities proposed to be located on the campus of a college or university, is permitted in an R-5-D District if approved by the Board of Zoning Adjustment.

6. The applicant is proposing to construct a four-story building with four underground levels, three of which would be used for parking. The proposed building would rise to a height of 80 feet off G Street. It would have a floor area ratio (FAR) of 2.63. The main entrance to the building would be along G Street. In addition there would be a pedestrian entrance from Lot 823, which the applicant has agreed to purchase from Saint Mary's Church. Lot 823 would be developed as an open space garden plaza. The plaza would consist of 6 surface parking spaces along the western boundary of the property. In addition, there would be a landscaped plaza and sitting area. The proposed landscaped plaza would increase the distance between the proposed center and the church to a total of 70 feet. Three levels of underground parking would be provided for the facility with an access ramp from G Street, NW. The garage would accommodate 140 to 145 attendant parking spaces, replacing the existing 105 space surface parking lot (76 self park and 29 stacked spaces). The proposed 6 surface parking spaces to be located on the plaza area, would be exclusively for the use of Saint Mary's Church. The building's three service delivery spaces would be provided in the garage.

7. The applicant stated that the primary purpose of the proposed Health and Wellness Center ("Center") is to serve the

recreational and fitness needs of the university population by increasing opportunities to engage in independent recreational activities and to expand formal recreational sports programming. Intercollegiate athletics will not be a part of programming, and space will not be used for any spectator events. No health care facilities or medical treatment regimens will be provided. The Center will provide a holistic approach to health and wellness with a wide array of "self-help" and trainer based programs and activities. During the school year, there will be opportunities for certain initiatives at no cost (low impact aerobics, exercise classes and wellness-related activities) for immediate neighbors of the University community on a "space as available" basis. Special memberships on a limited basis will be available to immediate neighbors on the Square. During the summer months, a summer membership program would be provided. Applicant contends the Center is to be a full fitness community resource.

8. The Center proposes to be open between the hours of 7:00 a.m. to 1:00 a.m. Monday through Friday; 11:00 a.m. through 8:00 p.m. Saturdays; and 1:00 p.m. to 11:00 p.m. Sundays. The peak hours of use for the Center are expected to be in the evening, with an average of 1,828 visits per day. The maximum number of visitors that may fill all of the spaces within the building simultaneously will be 457; of these 457, no more than 150 would be guests, i.e. defined as other than students, faculty and staff.

9. The applicant contends that the granting of this application would not adversely affect the present character of the surrounding area, nor will the intended use affect the future development of the surrounding area. The applicant also presented evidence and expert testimony to support its contention that the approval of this application will not have an adverse impact on neighboring property because of traffic, especially since most of the users will come from the existing campus population.

10. The D.C. Office of Planning (OP) offered evidence and testimony to support its recommendation that the special exception be granted, as it found that Center would be consistent with the approved campus plan; that the facility would not result in an increase in the number of students, faculty or staff; with the proposed project, the bulk and height of buildings on the campus would not exceed that which is permitted in the approved campus plan; and that the use and operation of the proposed facility would not impair the intent, purpose, and integrity of the zoning regulations for the R-5-D district.

11. The Advisory Neighborhood Commission 2A by resolution dated September 17, 1997 and by testimony at the public hearing, opposed the application. The ANC noted the following issues and concerns:

a. The Board should not consider the application until the alley closings upon which the application is based are

approved. The Board cannot approve a special exception contingent on closing of the alleys.

b. The program is incomplete in that it does not describe in sufficient detail the program to be conducted in the structure to which the ANC can meaningfully respond.

c. The proposed uses violate the approved campus plan.

d. The location of the means of approach and egress from the building, both vehicular and pedestrian, which are now proposed to be on G Street are not compatible with the adjacent neighborhood because they will spill the users of the proposed center onto residential streets outside the campus plan area, rather than within the campus. This, in turn will create an unreasonable noise burden on campus.

e. The occupancy limits will create traffic congestion that is an unreasonable burden on the neighborhood outside of the campus plan area.

f. There is no reason to waive the requirements for loading berths and loading platforms as required by Zoning Regulations and the failure to provide such facilities will further burden the surrounding area.

g. Construction of the facility will cause the University to exceed the student population maximum set forth in the campus plan.

h. The proposed structure will not be opened until the last year of the currently approved campus plan and may, if delayed in any way, not be opened until after the approval of the existing plan expires.

12. The Board received hundreds of letters of support from neighbors, residents, students, and organizations. The letters and the testimony stated that the application should be granted as the proposed use would be of great benefit to the community and is in compliance with the regulations.

13. Those in opposition to the application sent letters and testimony to the effect that the applicant does not meet any of the criteria for the relief granted, that the proposed relief would adversely affect the community by increasing noise, and traffic, and proposing instead that a more appropriate use for the site would be for student residential housing.

FINDINGS OF FACT:

Based on the evidence of record, the Board finds as follows: .

1. The campus plan clearly anticipates an athletic facility

within its periphery such as the Health and Wellness Center that is proposed.

2. The anticipated use is not a major use. High usage buildings are specifically listed in the campus plan and this building is not one of them.

3. 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.

4. 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.

5. 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.

6. There is no spectator space in the design of the facility, nor is the use of the facility intended for spectator events.

CONCLUSIONS OF LAW:

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant is seeking a special exception under an approved campus plan for construction of a Health and Wellness center in an R-5-D District. The granting of such special exception relief requires a showing through substantial evidence that the application can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the application will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map.

The Board concludes that it has accorded the views of ANC 2A the "great weight" to which they are entitled and the Board is of the opinion that the issues raised by the ANC and members of the community will be adequately addressed in the conditions to this order.

Finally, the Board concludes that the applicant has met the burden of proof. The Board concludes that the proposed Center would be in harmony with the general purpose and intent of the zone plan and would not adversely affect the use of neighboring property.

Based on the foregoing, the Board **ORDERS** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Use of the facility shall be limited to the students,

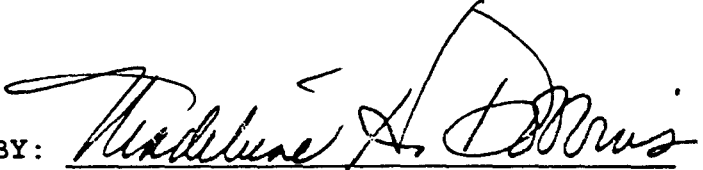
faculty and staff of the Foggy Bottom campus only.

2. Operation of the facility shall end at 10:00 p.m., Monday through Saturday and at 8:00 p.m. on Sundays.

VOTE: 4-0 (Susan Morgan Hinton, Betty King, and Sheila Cross Reid; and Betty King to grant; Laura M. Richards to grant by absentee vote).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: MAR 31 1998

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord16276/AZ

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16276

As Director of the Board of Zoning Adjustment, I certify and attest that on MAR 3 | 1998 a copy of the order entered on that date in this matter was mailed first class, postage prepaid to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Jerry A. Moore, III, Esq.
Arter and Hadden
1801 K Street, NW, Suite 400K
Washington, D.C. 20006

Matthew S. Watson, Esq.
1701 Q Street, NW
Washington, D. C. 20009-2455

Bernard Mozer, Chairman
Advisory Neighborhood Commission 2A
c/o Saint Mary's Court
725 24th Street, N.W.
Washington, D.C. 20037

Dorothy Miller
Columbia Plaza Tenants Association
2440 Virginia Avenue, N.W.
Washington, D.C. 20037

Eleanor Becker, President
The Foggy Bottom Citizens Association
c/o The West End Library
24th and L Streets. NW
Washington, D.C. 20037

A handwritten signature in cursive script, reading "Madeliene H. Dobbins".

MADELIENE H. DOBBINS
Director

DATE: MAR 3 | 1998

B

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION ORDER NO. 02-26

CASE NO. 02-26

**(Application by George Washington University for Further Processing
of an Approved Campus Plan Under § 210 to Modify Conditions
of Approval of the Lerner Health & Wellness Center
at 2301 G Street, N.W. (Square 42, Lot 847))
June 14, 2004**

Pursuant to public notice, the Zoning Commission for the District of Columbia held a public hearing on December 2, 2002 and May 24, 2004 to consider an application from the George Washington University ("University" or "Applicant") pursuant to §§ 210 and 3104.4 of the Zoning Regulations for "further processing" special exception relief, under an existing campus plan, to amend an order of the Board of Zoning Adjustment ("BZA" or "Board") in Application No. 16276 (March 31, 1998). The Applicant sought to modify two conditions adopted by the BZA that restricted the use of the Lerner Health and Wellness Center ("Center").

Procedural Background

Public Notice. The Office of Zoning published a notice of public hearing in the *D.C. Register* on August 30, 2002 (49 DCR 8343). The Office of Zoning also mailed a notice of public hearing to the owners of all property within 200 feet of the subject property; the Office of Planning; the District Department of Transportation; Advisory Neighborhood Commission ("ANC") 2A, the ANC for the area within which the property is located; the single-member ANC district for the subject property; the Ward 2 Councilmember; the Zoning Administrator; and the Applicant.

Applicant's Case. The Applicant presented testimony from witnesses who described current and projected use of the Center and explained why the University sought to extend its membership privileges beyond those previously approved by the BZA. Paul Brailsford, co-founder and chief executive officer of Brailsford and Dunlavey, a firm involved in the development of quality-of-life facilities for universities, testified as an expert on the demand and use of recreational and intercollegiate sports facilities. He concluded that the Center was not optimally utilized and that an additional 3,000 members could be reasonably accommodated without causing an adverse impact to the Center or to the adjacent neighborhood. The Applicant's traffic expert, Nicole White of Gorove/Slade Associates, prepared a study of traffic and parking based on 3,000 potential new users of the Center. The traffic expert testified that on any given day, approximately 13 percent of the current membership uses the Center, with fewer than 10 percent of students and 20 percent of faculty and staff who use the Center arriving by private vehicle; those who drive to the Center park either on the street or in one of the University's parking

facilities. The traffic expert concluded that the current usage of the Center results in a negligible impact on the surrounding community and street system, and that the University's proposal to expand membership would result in a minimal increase in traffic.

The University requested modification of the conditions adopted by the BZA to increase the number of potential users of the Center and to expand its hours of operation. As finally proposed, the University sought to extend membership at the Center to approximately 1,300 additional potential users who would be: (a) 445 students and 85 faculty and staff from the University's Mount Vernon campus; (b) 145 members of the President's Club (which includes members of the Board of Trustees and supporters of and potential donors to the University), about 100 of whom currently use the Smith Center; (c) students, faculty, and staff, on an organized basis, from the School Without Walls, a public high school located within the campus plan boundary; (d) approximately 122 immediate neighbors or members of neighboring institutions, comprising people living in the Remington Condominiums and St. Mary's Court senior community residence facility – both within 200 feet of the Center – as well as members of St. Mary's Church and the Independent Order of Odd Fellows Lodge; and (e) guests of members – up to 25 on a weekday and 50 on a weekend. The University also proposed to extend the Center's hours of operation so as to permit the facility to remain open until 1:00 a.m. every day.

Government Reports. By reports dated November 25, 2002 and May 6, 2004, and by testimony at the public hearing, the Office of Planning ("OP") recommended changes to the conditions adopted by the Board of Zoning Adjustment so as to allow certain increases in memberships in the Center and to extend its hours of operation. OP also recommended a three-year term on the condition permitting expanded membership in order to evaluate the impact of students in new residence halls on-campus on the use of the Center and the impact of increased memberships on the Foggy Bottom neighborhood.

The Office of Planning recommended extension of membership at the Center to approximately 1,021 additional potential users, who would be: (a) 530 students, faculty, and staff from the University's Mount Vernon campus; (b) 102 residents of St. Mary's Court (50 memberships) and the Remington Condominium (52 memberships); (c) 20 members of two immediately adjacent institutions, St. Mary's Church and the Odd Fellows Lodge (10 memberships each); and (d) 369 students and faculty of the School Without Walls. OP recommended against permitting additional members of the President's Club, in part because they were most likely to create adverse traffic impacts on the surrounding neighborhood. OP also recommended against permitting guests of members, so as to avoid changing the nature of the Center as a university use. With respect to the Applicant's proposal to modify the operating hours of the Center, OP recommended that the Center should be permitted to remain open until 11:30 p.m. daily.

By memorandum dated November 26, 2002, the District Department of Transportation ("DDOT") supported OP's recommendation to revise Condition No. 1 to limit new members to residents of the Foggy Bottom/West End community together with students, faculty, and staff from the Mount Vernon campus, provided that adequate transit service was provided to and from the Mount Vernon campus. DDOT also concurred with OP's recommendation to limit the closing hours of operation to 11:30 p.m. seven days per week. DDOT acknowledged that

extension of the Center's closing hour would have little traffic impact, but expressed concern that the extension might result in noise impacts or "other disruption" to the community.

ANC Report. By letter dated November 26, 2002, ANC 2A submitted a resolution in opposition to the application. The resolution stated the ANC's objections that the University was attempting to change the use of the Center approved by the BZA from a low-intensity support facility to a more intensely used facility; that the faculty, staff, and students of the Mount Vernon campus should not be included in the membership of the Center without review of the Foggy Bottom and Mount Vernon campus plans; and that the University was attempting to include additional unapproved changes, such as earlier opening hours, inclusion of a greater number of users of the facility, and inclusion of intercollegiate sports activities. ANC 2A also contended that modifying the membership categories to include non-University parties would violate the District of Columbia Human Rights Act and would expose the University, the Commission, and the District "to legal recourse from any excluded party under the Act."

By letter dated May 4, 2004, ANC 2A reiterated its opposition to the proposed expanded use of the Center as the improper conversion of a university use into a quasi-commercial facility in a residential zone. The ANC also challenged the University's "apparent lack of compliance" with the cap on the number of students at the Foggy Bottom campus adopted as part of the approved campus plan. ANC 2A stated that the conditions adopted by the BZA limiting the categories of users and the hours of operation should not be changed, because those conditions were "clearly working to prevent the University from creating any further objectionable effects (including increased traffic, noise, and too-intense use, e.g.)" with the Center.

Persons in support. Approximately 10 residents of the Foggy Bottom neighborhood testified in support of the application, generally objecting that the conditions adopted by the BZA had excluded neighborhood residents from benefiting from use of the Center. Cynthia Jachles, a resident of the 2400 block of Virginia Avenue, N.W., proposed to increase membership of the Center by 100 residents of the Foggy Bottom neighborhood on a first-come, first-served basis.

Persons in opposition. A representative of the Foggy Bottom Association, testifying in opposition to the application, asserted that expanded membership and increased hours of operations for the Center would have an adverse impact on the neighborhood and its taxpaying businesses.

Campus Plan Proceeding. By order dated March 29, 2001 in Application No. 16553, the Board of Zoning Adjustment approved the University's Foggy Bottom Campus Plan through June 30, 2009, subject to certain conditions. The University filed a petition for review with the District of Columbia Court of Appeals.¹ On July 31, 2001, the Court of Appeals, at the BZA's request,

¹ The University also filed a civil action in the United States District Court for the District of Columbia challenging the constitutionality of the BZA Order. On June 15, 2001, the District Court issued a preliminary injunction preventing enforcement of Condition No. 9 of the March 29, 2001, Board Order during academic year 2001-2002, or until further order of the Court. After the Board issued its Final Order on Remand, the University again sought a preliminary injunction before the District Court and the parties filed cross motions for summary judgment. On April 12, 2002, the District Court entered a declaratory judgment holding that Condition No. 9 (except the unchallenged

remanded the case without limitation as to the scope of the remand proceeding. The Board held evidentiary hearings on September 17 and 21, 2001, issued a proposed Order, and then issued a Final Order on Remand, effective January 23, 2002, that incorporated and adopted the March 29, 2001 Order, except as revised.

Pursuant to the approved Campus Plan, no special exception application filed by the University for further processing under the plan may be granted unless the University proves that it has consistently remained in substantial compliance with the conditions of the campus plan. Further, Condition No. 9(e) provided that no special exception would be granted, and no permit to construct or occupy a building for nonresidential use on campus would be issued, whenever a semiannual report submitted by the University revealed that the University was not in compliance with the provisions of Condition No. 9, except special exceptions and permits for projects in which a student housing component would occupy at least 50 percent of the floor area.

At a public meeting held March 10, 2003, the Commission determined that the University was not then in compliance with Condition 9(a) of the Board's Final Order on Remand. In accordance with Condition No. 9(e), the Commission determined that the University had not demonstrated that it was in compliance with Condition 9(a) and, for that reason, the Commission voted to deny Application No. 02-26.

On July 3, 2003, the District of Columbia Court of Appeals stayed Conditions No. 9(a) and 9(e), as well as Condition No. 10, which mandated that all freshmen and sophomores live in University housing within the campus plan boundary. Since the Court had stayed the condition upon which the Commission had based its denial, the University, by letter dated September 4, 2003, asked the Commission to reopen the record to receive further evidence and to decide the application on its merits. By letters dated October 17, 2003, ANC 2A and the Foggy Bottom Association stated their opposition to the University's request.

Four days after the date of the University's request, the District of Columbia Court of Appeals issued its decision in *George Washington v. BZA*, 831 A. 2d 921 (D.C. 2003), which affirmed the Board's Order in major part but invalidated Conditions No. 9(a) and 9(f). The Court upheld Condition No. 9(b) to the extent it imposed on-campus housing obligations to be met after August 2006 and Condition No. 10. Although Condition No. 10 was affirmed, the Court stayed its effectiveness pending a second remand to the Board.

The Court's order did not become immediately effective, because both parties filed petitions for rehearing. The District did not seek a rehearing concerning Condition No. 9(a), upon which the

reporting requirement) and Condition No. 10 violated substantive due process, but upholding the amended Order and the Zoning Regulations against other challenges. On appeal, the United States Court of Appeals reversed the District Court judgment to the extent it had invalidated portions of the Order. See *George Washington University v. District of Columbia*, 318 F.3d 203 (D.C. Cir. 2003). The Supreme Court denied further review. See *George Washington University v. District of Columbia*, – U.S. –, 124 S.Ct. 155, 157 L.Ed.2d 45 (2003).

Commission's denial of this application was based, but questioned the Court's decision to stay Condition No. 10 pending remand. The applicant also questioned the stay, but only as to its temporary nature, arguing that the condition remained invalid.

Thus, even though the Court struck down the condition that resulted in the denial of this application, uncertainty remained whether Condition No. 10 would once more become effective prior to the conclusion of these proceedings. At a public meeting on October 20, 2003, voted to defer consideration until the status of the condition was finally resolved.

The Court of Appeals denied both parties' petitions for rehearing on December 23, 2003, and the Order became final shortly thereafter. The Commission, at its regularly public meeting held February 19, 2004, once again took up the applicant's motion, and requested additional information pertaining to recent operation of the Center and to the University's compliance with conditions of approval of its campus plan. Notice of the continued hearing was published in the *D.C. Register* on March 19, 2004 (51 DCR 2873), and the hearing was held May 13, 2004.

In its Order on Second Remand (Application No. 16553-I, April 26, 2004), the Board revised its conditions of approval of the University's Campus Plan, but declined to take further action with respect to Condition No. 10. Issuance of the Order on Second Remand, which modified the Board's prior order consistent with the mandate of the Court of Appeals decision, ended the stay of Condition No. 10, making it necessary for the applicant to demonstrate compliance with that condition. For the reasons noted below, the Commission has determined that, for purposes of this proceeding, that University has demonstrated compliance with that condition, so that this application may be decided on its merits.

FINDINGS OF FACT

1. The subject property is located at 700 23rd Street, N.W., at the northwest corner of the intersection of 23rd and G Streets, N.W. (Square 42, Lot 847). The subject property is located within the University's campus plan boundaries and is zoned R-5-D.
2. The subject property is improved with a four-story structure with four underground levels, three of which are used for parking. The building houses the Lerner Health and Wellness Center, which is used for physical fitness and recreational activities.
3. Construction and use of the Center was conditionally approved by the Board of Zoning Adjustment by order issued March 31, 1998 in Application No. 16276. The conditions of approval require that: (a) use of the facility is limited to the students, faculty, and staff of the Foggy Bottom campus and (b) operation of the facility must end at 10:00 p.m., Monday through Saturday and at 8:00 p.m. on Sundays.
4. The Center opened in August 2001. The University testified that actual usage of the Center has been significantly below the building capacity; the Center was constructed to

hold almost 2,000 users at any given time, but has operated at 12.5 percent of capacity during its routine peak period of use.

5. The Center opens at 6:00 a.m. Peak hours of use are Monday through Wednesday, 6:00 p.m. to 8:00 p.m.
6. The Center's only intercollegiate facility is squash courts. The squash courts do not have seating for spectators, and the scheduling of intercollegiate squash activities at the Center will not appreciably increase the occupancy or the intensity of the Center. All other intercollegiate sports occur at the Smith Center, which does not have squash courts for intercollegiate play.
7. The Commission credits OP's conclusion that holding intercollegiate squash matches at the 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.
8. The University's Smith Center is available for use by persons other than students, faculty, and staff of the Foggy Bottom campus, including alumni, persons who live or work nearby, and University supporters. The University indicated its intention to renovate the Smith Center for use solely as a facility for intercollegiate athletics.
9. The University runs a shuttle bus service between the Foggy Bottom and Mount Vernon campuses 24 hours per day. Shuttle buses run every 10 minutes between 7:00 a.m. and 7:00 p.m., and are scheduled no less frequently than every 20 minutes during the school year. A shuttle bus stop is located one block from the Center. The shuttle buses have had as many as 68,000 users in a one-month period, and almost 500,000 riders for each of the past two years.
10. Most students at the Mount Vernon Campus take classes at the Foggy Bottom Campus and are currently eligible to use the Center.
11. The membership of the President's Club includes 44 members of the University's Board of Trustees as well as other supporters of the University. The Commission credits OP's testimony that additional members of the President's Club are most likely, among the Applicant's proposed expanded categories of membership, to create adverse traffic impacts on the surrounding neighborhood, because they are most likely to arrive on campus by private vehicle.
12. The Commission credits the testimony of the Applicant's traffic expert that current use of the Center is not generating adverse traffic impacts in the surrounding neighborhood, and that most current users arrive at the Center on foot or by public transportation.
13. The Commission credits OP's testimony that permitting guests of members would jeopardize the nature of the Center as a university use.

14. The School Without Walls is a public high school located within the University's campus plan boundaries. The University has a relationship with the school, so that some of its students and faculty are enrolled in University classes and are permitted to use certain University facilities, such as the library.
15. The Commission finds that the Applicant has satisfied its burden of proving substantial compliance with conditions of approval of the University's campus plan during the 2003/2004 academic year. With respect to Condition No. 10, the Commission credits the Applicant's testimony that housing assignments were begun in December and completed by March, and notes that the stay of Condition No. 10 was lifted relatively late in the academic year (on April 26, 2004, the date of the BZA's decision in its Order on Second Remand, Application No. 16553-I). The Commission credits the Applicant's testimony that no additional beds were available on campus for freshmen and sophomore students.
16. The Commission credits OP's testimony that the membership and hours of operation of the Center can be expanded consistent with the requirements of §§ 210 and 3104 of the Zoning Regulations.

CONCLUSIONS OF LAW

The Applicant is seeking special exception approval, pursuant to §§ 210 and 3104 of the Zoning Regulations, for further processing of its approved campus plan to modify the conditions of approval for the use of the Lerner Health & Wellness Center. The Commission is authorized to grant a special exception where, in the judgment of the Commission based on a showing through substantial evidence, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject to certain conditions specified in §§ 210 and 3104.1.

In considering the University's application, the Commission notes that the Center is a university use that would not be permitted in the R-5-D zone but for its approval as a special exception consistent with the University's approved campus plan. Accordingly, any changes to the conditions of approval adopted by the Board of Zoning Adjustment in initially approving the construction and use of the Center must maintain its purpose as a university use.

The Commission concludes that certain categories of expanded membership proposed by the University can be permitted consistent with the university use of the Center. They are: (a) students, faculty, and staff of the University's Mount Vernon campus, many of whom are already permitted to use the Center; members of the University's Board of Trustees; and students of the School Without Walls, a public high school located within the campus plan boundary that has an on-going relationship with the University, provided that the high school students are engaged in organized activities at the Center under the supervision of school faculty.

The Commission concludes that the other categories of expanded membership proposed by the University, the Office of Planning, and a person in support of the application lack sufficient

connection to the university use of the Center and would therefore be incompatible with the special exception allowing a university use in a Residence zone. These categories are: (a) members of the President's Club (except for those members who are also members of the Board of Trustees); (b) immediate neighbors and members of neighboring institutions; and (c) guests of members.

With regard to hours of operation, the Commission concurs with the Office of Planning that a closing time of 11:30 p.m. is appropriate for all days of the week. The Commission is not persuaded by the Applicant that the Center could remain open until 1:00 a.m. without causing noise or other objectionable conditions adversely affecting the use of nearby residential property.

The Commission accorded ANC 2A the "great weight" to which it is entitled. In doing so, the Commission fully credited the unique vantage point that ANC 2A holds with respect to the impact of the proposed modification of use of the Center on the ANC's constituents. However, the Commission concludes that the ANC has not offered persuasive advice that would cause the Commission to find that expanded use of the Center, as approved in this Order, is contrary to the Zoning Regulations and would adversely affect the use of neighboring property.

The expanded membership approved in this Order will maintain the university use of the Center and thus will not alter its character from a low-intensity support facility to a more intensely used facility, or a quasi-commercial facility. The Commission does not agree that the faculty, staff, and students of the Mount Vernon campus should not be included in membership of the Center without review of the University's campus plans. The University's application for further processing is consistent with the approved campus plan for the Foggy Bottom campus, and does not affect the Mount Vernon campus plan. The ANC's argument that modifying the membership categories to include non-University parties would violate the District of Columbia Human Rights Act is moot in light of the Commission's decision not to expand membership of the Center beyond its university use. The Commission is not persuaded by the ANC's contentions that the University has attempted to make unauthorized changes to the use of the Center or is out of compliance with its approved campus plan.

Based upon the record before the Commission and having given "great weight" to the ANC, the Commission concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 210.1, that the modification of the conditions of BZA Order No. 16276, to the extent granted herein, will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. Nevertheless, the Commission believes that a time limit should be placed on the modification, so that the Commission can determine whether this prediction is correct.

DECISION

In consideration of the findings and conclusions set forth in this Order, the Zoning Commission for the District of Columbia hereby **ORDERS** that this application be **GRANTED** and that the conditions set forth in BZA Order No. 16276 are modified to read as follows:

1. Use of the Center shall be limited to:
 - (a) students, faculty, and staff of the University's Foggy Bottom and Mount Vernon campuses;
 - (b) members of the University's Board of Trustees; and
 - (c) students of the School Without Walls, in organized activities under the supervision of school faculty.
2. The expanded categories of membership enumerated in Condition No. 1 shall be in effect for three years from the effective date of this Order. Absent new special-exception approval by the Zoning Commission, membership of the Center after the three-year period shall be as originally approved by the Board of Zoning Adjustment by order issued March 31, 1998 in Application No. 16276; that is, use of the facility shall be limited to the students, faculty, and staff of the Foggy Bottom campus.
3. The Center shall open no earlier than 6:00 a.m. and close no later than 11:30 p.m. on all days.

Vote of the Zoning Commission taken at its public meeting on June 14, 2004: **4-0-1** (Carol J. Mitten, Anthony J. Hood, Kevin Hildebrand, and Gregory N. Jeffries (by absentee vote) to approve with conditions; John G. Parsons not participating, not voting).

In accordance with the provisions of 11 DCMR § 3028, this order shall become final and effective upon publication in the *D.C. Register*; that is, on DEC 24 2004.


CAROL J. MITTEN
Chairman
Zoning Commission


JERRILY R. KRESS, FAIA
Director
Office of Zoning

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



Z.C. CASE NO.: 02-26

As Secretary to the Zoning Commission, I hereby certify that on **DEC 15 2004** copies of this Z.C. Order No. 02-36 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|---|---|
| 1. D.C. Register (Alberto Bastida) | 6. City Councilmember Jack Evans -- Ward 2
Suite 106
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 |
| 2. Jerry A. Moore, III
Venable LLC
575 7th Street, NW
Washington, DC 20004 | 7. Office of Planning (Ellen McCarthy) |
| 3. Dorothy Miller, Chair
ANC 2A
St. Mary's Court
725 24 th Street, N.W.
Washington, D.C. 20037 | 8. Ken Laden, DOT |
| 4. Dorothy Miller
ANC/SMD 2A05
2440 Virginia Avenue, N.W.
Unit #D206
Washington, D.C. 20037 | 9. Zoning Administrator |
| 5. Gottlieb Simon
ANC
350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 | 10. Office of the Attorney General (Alan Bergstein) |
| | 11. 30 copies to MLK Library (Sheryl D. Thorpe) |

ATTESTED BY: _____


Alberto P. Bastida, AICP
Secretary to the Zoning Commission

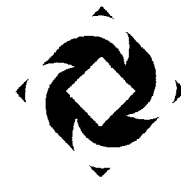
C

THE GEORGE WASHINGTON UNIVERSITY

LERNER HEALTH & WELLNESS CENTER

PROJECT MEMORANDUM

NOVEMBER 13, 2002



BRAILSFORD & DUNLAVEY

Facility Planners • Project Managers

Catalysts for Building Community

WWW.FACILITYPLANNERS.COM

Table of Contents

- I. Introduction
- II. Review of Existing Data
- III. Background Information Regarding Brailsford & Dunlavey
- IV. Latest Trends in Campus Recreation Centers
- V. Do Other Centers Provide Access to Community and Alumni Members?
- VI. What are Typical Hours for a Campus Recreation Center?
- VII. If the BZA Conditions Were Lifted, What Types of Groups Would Utilize the LHC?
- VIII. What Kind of Impact Would these Users Have on the Overall Building Utilization?
 - a. Daily Usage
 - b. Weekly Usage
 - c. Monthly Usage
- IX. What Would be the Impact of the Building if Community Members Were Allowed to Purchase Memberships?
- X. What Kind of Impact Would Expanding the Building's Hours Have?
- XI. What Would Be the Impact of Allowing Member Guests (i.e. parents, visiting scholars, etc.) to Utilize the Building?
- XII. What Kind of Impact Would Allowing Intercollegiate Squash Have on the Building?

I. Introduction

In the Fall of 2002, The George Washington University ("GWU") retained Brailsford & Dunlavey ("B&D") to review the impact of potential zoning changes on the Lerner Health & Wellness Center ("LHWC"). The 189,000 gross square feet recreational facility opens and closes at 7:00 am and 10:00 pm, respectively, on weekdays, and 11:00 am and 8:00 pm, respectively, on Sundays. The University requests the Board of Zoning Adjustment ("BZA") to allow it to extend the closing until 1:00 am on all days except Saturday, when the facility will still close at 10:00 pm. Further, the BZA had conditioned LHWC membership so that only GWU students and faculty/staff of the Foggy Bottom Campus can utilize the facility.

II. Review of Existing Data

For this study, B&D utilized a combination of data provided by the University and national and regional trend data for comparable facilities on similar campuses.

Key data used in the analysis included:

- Daily, weekly, and monthly traffic counts of the LHWC provided by the GWU GWorld Office
- President's Club membership demographic information
- Review/Description of the current operating information and policies of the LHWC & The Smith Center
- Meeting with appropriate University staff
- Policies and membership information from comparable facilities on similar campuses
- Tour of existing GWU athletic and recreation facilities.

III. Background Information Regarding Brailsford & Dunlavey

Brailsford & Dunlavey ("B&D") is a facility planning and project management firm dedicated to serving major educational institutions, municipalities, public agencies, and other clients developing public assembly, sports, recreation, and entertainment facilities. To date, Brailsford & Dunlavey has consulted on over 100 sports and recreation projects in the United States. Our projects include the planning and programming of the GW Health & Wellness Center, the assistance with the 2012 Washington Baltimore Olympic Coalition Bid Package, Washington, DC Baseball site selection, the National Cathedral School's new athletic facility, Prince Georges County's Sports & Learning Complex, DePaul University's Ray Meyer Recreation Center, University of Maryland's Student Recreation Center, and Duke University's Student Recreation Center, just to name a few. In addition, B&D's sister company, Centers, Inc. manages major recreational facilities across the country and provides B&D with various usage reports and trend data for campus recreation centers.

Brailsford & Dunlavey's staff hails from diversified backgrounds in economics, architecture, urban planning, finance, marketing, and management. Over the course of our careers, we have planned and managed hundreds of millions of dollars' worth of sports development projects throughout the United States.

The following is our response to specific questions asked by the University.

IV. What are the latest trends in campus recreation centers? Is it important for a University recreation center to allow community users?

The United States has seen significant growth in the amount of recreational facilities built on college campuses over the last ten years. According to the National Intramural Sports & Recreation Association ("NIRSA"), there are currently over \$4.4 billion dollars worth of development projects on student recreation centers across the country. The following are the reasons why these facilities have gained in popularity over the last ten years:

- a. Campuses nationwide are home to a more active student body, with an improved awareness of the benefits of physical fitness, exercise and nutrition.
- b. Schools have begun to recognize that these facilities can be successful recruiting tools.
- c. These buildings support the University's mission by providing a healthy mind, body and spirit for the entire University community.
- d. These buildings can assist in improving "town-gown" relationships and goodwill by allowing community and alumni access to the various facilities, services, and programs. This is often a "win-win" because the community users can complement the University use during non-peak times.

V. Do other similar institutions provide access to community and alumni?

A review of eight other similar urban institutions revealed that many schools offer various membership options for the community and alumni. The following chart shows a list of eight urban institutions that have similar recreational facilities:

University	Facility Name	Community Memberships?	Alumni Memberships?	Member Guests?
The George Washington University	Lerner Health & Wellness Center	no	no	no
American University	William I Jacobs Fitness Center	yes	yes	yes
DePaul University	Ray Meyer Recreation & Fitness Center	yes	yes	yes
Georgetown University	Yates Field House	yes	yes	yes
NYU	Coles Sports and Recreation Center	yes	yes	yes
Tulane University	Reily Recreation Center	yes	yes	yes
UCLA	Wooden Center	no	yes	yes
University of San Francisco	Koret Health and Rec Center	yes	yes	yes
University of Miami	Smathers Recreation Center	no	yes	yes

Of the eight similar schools researched, six out of eight (75%) provide memberships to the community, while all eight (100%) provide access to alumni and member guests.

Each institution stated that the reason why they offer outside memberships is to:

1. Improve the overall building utilization especially during non-peak times.
2. Support the town-gown relationship.
3. Enhance the programs offered in the facility by using the revenue generated by these groups to add additional services and programs, and to improve the alumni support.

For the most part, the schools do not provide on-site parking for community users. Rather, each community member generally lives or works in the area, and walks or rides public transportation to the center.

VI. What are typical hours for a campus student recreation center?

Typically, most schools open at 6:00 am and close at 11:00 pm or midnight. A recent trend at some institutions is providing additional late night programming options to their students. This includes expanding recreation center operating hours until 1:00 am or 2:00 am to provide a healthy alternative to students going to bars or drinking alcohol. (Recent surveys conducted at Dartmouth College showed that over 50% of the students were still awake at 3:00 in the morning.) The following chart shows the operating hours for various campus recreation centers. The LHWC is the only facility open less than 100 hours per week. In addition, seven of the eight facilities (88%) open earlier and close later during the week than the LHWC.

University	Facility Name	Building Hours				Total Hours Open / Week
		Monday-Thursday	Friday	Saturday	Sunday	
<i>The George Washington University</i>	<i>Health & Wellness Center</i>	7:00am-10:00pm	7:00am-10:00pm	7:00am-10:00pm	11:00am-8:00pm	99
American University	Jacobs Fitness Center	6:00am-10:30pm	6:00am-8:30pm	8:30am-6:30pm	10:30am-8:30pm	101
DePaul University	Ray Meyer Center	6:00am-11:00pm	6:00am-10:00pm	8:00am-10:00pm	8:00am-10:00pm	112
Georgetown University	Yates Field House	6:30am-midnight	6:30am-10:00pm	9:00am - 10:00pm	9:00am - 10:00pm	112
NYU	Coles Recreation Center	7:30am-11:00pm	7:30am-11:00pm	8:45am-5:00pm	8:45am-11:00pm	100
Tulane University	Reilly Recreation Center	6:00am-11:00pm	6:00am-10:00pm	8:00am-8:00pm	8:00am-10:00pm	110
UCLA	Wooden Center	6:00am-11:45pm	6:00am-9:45pm	9:00am-5:45pm	9:00am-9:45pm	109
University of Miami	Smathers Recreation Center	6:30am-midnight	6:30am-midnight	8:00am-10:00pm	8:00am-10:00pm	116
University of San Francisco	Koret Rec Center	6:00am-10:00pm	6:00am-10:00pm	8:00am-8:00pm	8:00am-8:00pm	104

Source: website and telephone conversations with operators

VII. If the BZA conditions were lifted, what types of groups would utilize the Health and Wellness Center?

Across the country, these buildings support community outreach & alumni support. For the most part, the people interested in joining a recreation facility either live or work within a five-minute walk of the facility. Based upon our experience, there are many groups in the Foggy Bottom area that would benefit from use of the LHWC. These groups include St. Mary's Court, St. Mary's Church, The Remington, and Schools without Walls, just to name a few. Many of these groups currently use the Smith Center, which does not have the same capacity, facilities, and programs as the LHWC. Since these groups are already located in the Foggy Bottom area, there would be minimal impact on traffic.

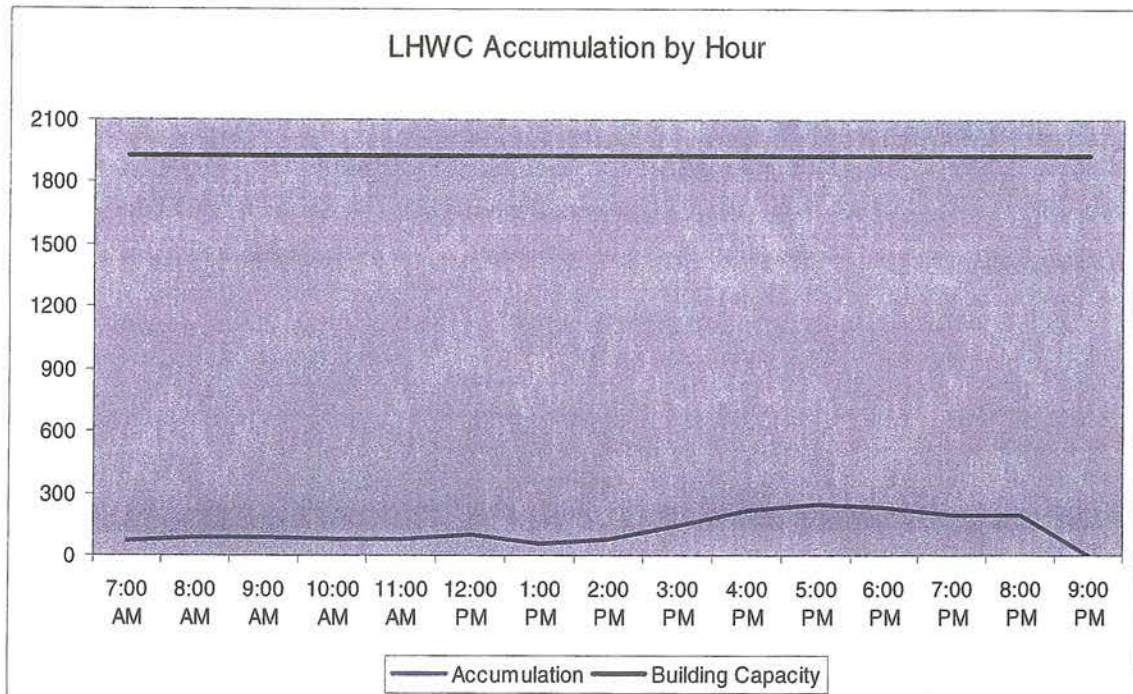
It is clear that by allowing outside members into the LHWC, that the Smith Center could become more functional and improve its overall utilization. Currently, outside groups such as the President's Club and Schools without Walls utilize the Smith Center facilities and locker rooms. By moving some of the groups out of the Smith Center, the building can incur a much needed renovation and become more functional for the Department of Athletics & Recreation.

VIII. What kind of impact would these users have on the overall building utilization?

To answer this question, B&D reviewed the current usage of the LHWC from data collected by the GWorld Office. Since the building has a secured entrance (an active GWorld card is needed to enter the facility) users must swipe their card to gain access into the facility. An exit survey was also performed as people left the facility. Usage data was analyzed on a daily, weekly, and monthly basis.

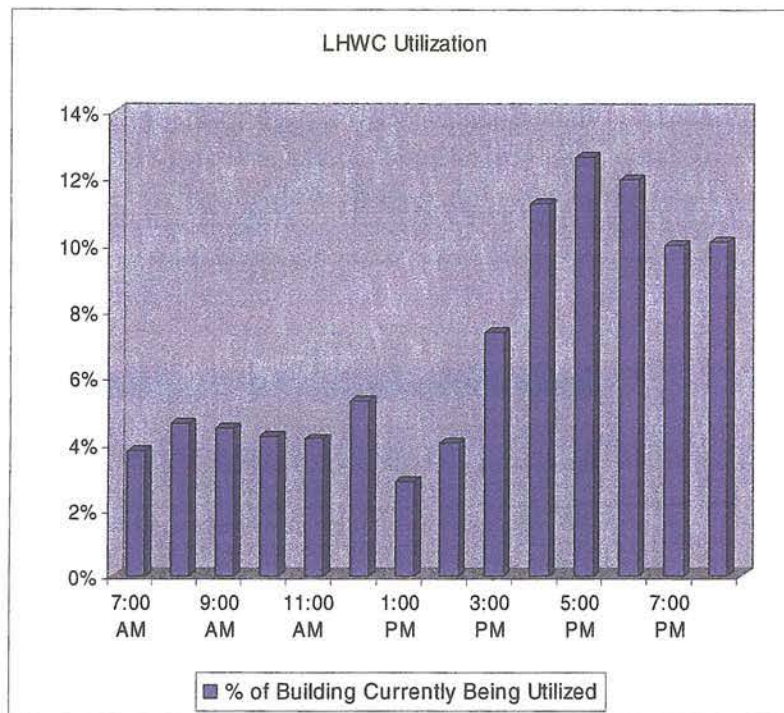
A. Daily Use

The graph below shows a typical patron accumulation by hour of the day alongside the building's capacity of 1,927 users at any one time (as determined by the Fire Marshall). The data used is the average day of a typical weekday use (Monday-Thursday). The data was collected from users utilizing their GWorld Card upon entering the LHWC during the week of September 15th, 2002, which is a typical week for the facility.



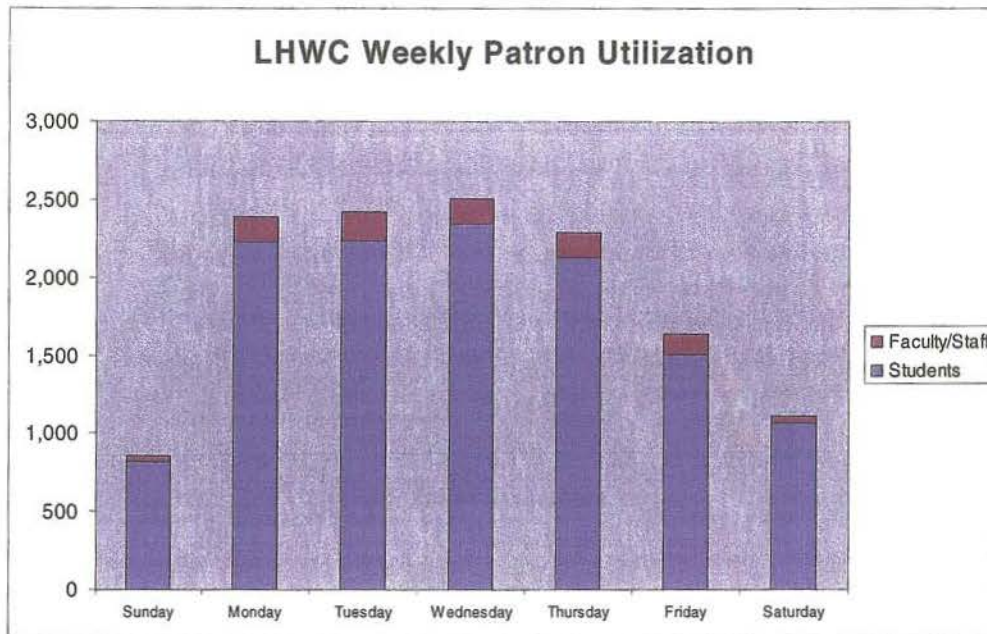
Source: GWorld Data

The building is generally slower in the morning and early afternoon and busier in the evening after 4:00 pm. The largest accumulation of people (243) were in the building from 5:00 pm to 6:00 pm, which is typically the most popular time for students to use a campus recreation center. Even during this peak period, however, the building was less than 15% utilized, as shown in the graph below:



B. Weekly Use

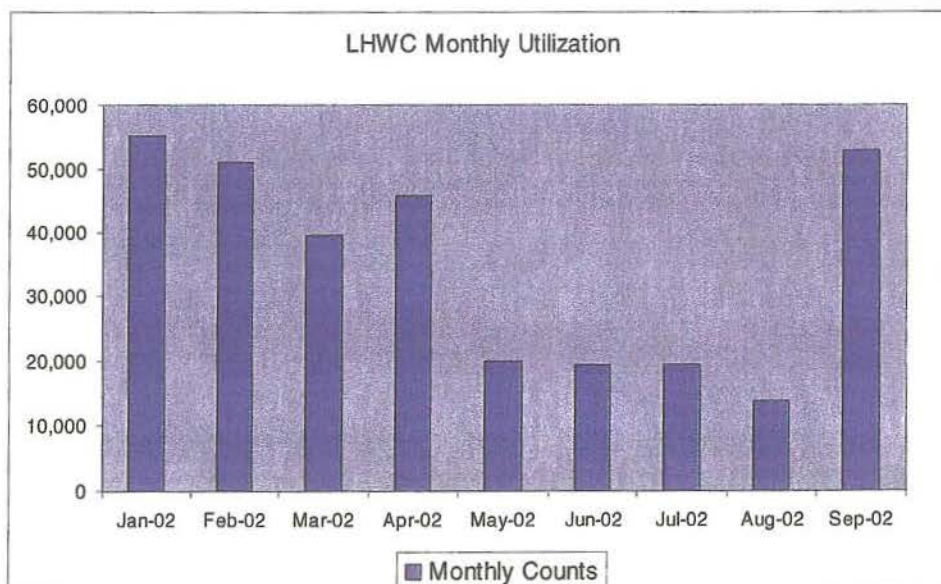
The graph below shows the typical use of the LHWC by day of the week. The data was collected from users utilizing their GWorld Card upon entering the LHWC during the week of September 15, 2002, which is a typical week for the facility.



Wednesday was the building's most popular day, with approximately 2,507 users entering the facility. The building's use on the weekends falls considerably, with only 853 people on Sunday and only 1,100 people on Saturday. It is important to note that students use accounts for approximately 93% of the total users. Faculty/staff usage is the remaining 7%. Currently, no other users are allowed access to the building.

C. Monthly Use

The graph below shows the monthly usage of the LHWC from January 2002 through September 2002.



During the peak month of January, the building accommodated approximately 55,000 users. The average use per month during the school year is approximately 49,000 users. Summer use is less than 50% of the average, resulting in about 18,000 users per month during May through August.

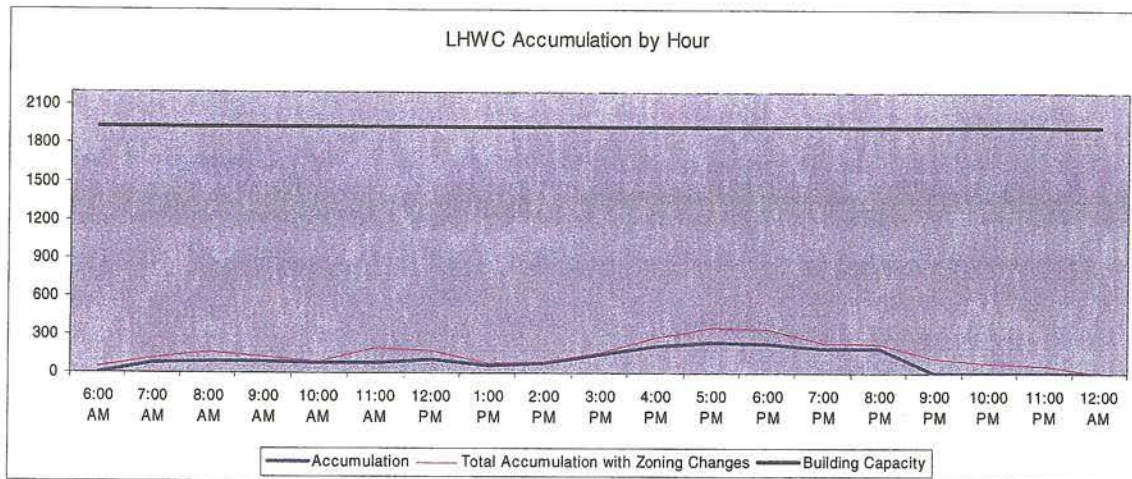
Building Utilization Summary

It is clear from the charts presented above that the building is not optimally utilized. While no comparable facility is 100% utilized, a utilization rate of between 15-25% is not uncommon for a similar facility. The major difference in utilization between the LHWC and other similar facilities is that other buildings can supplement the student and faculty use with outside members, who will often utilize the building during downtimes.

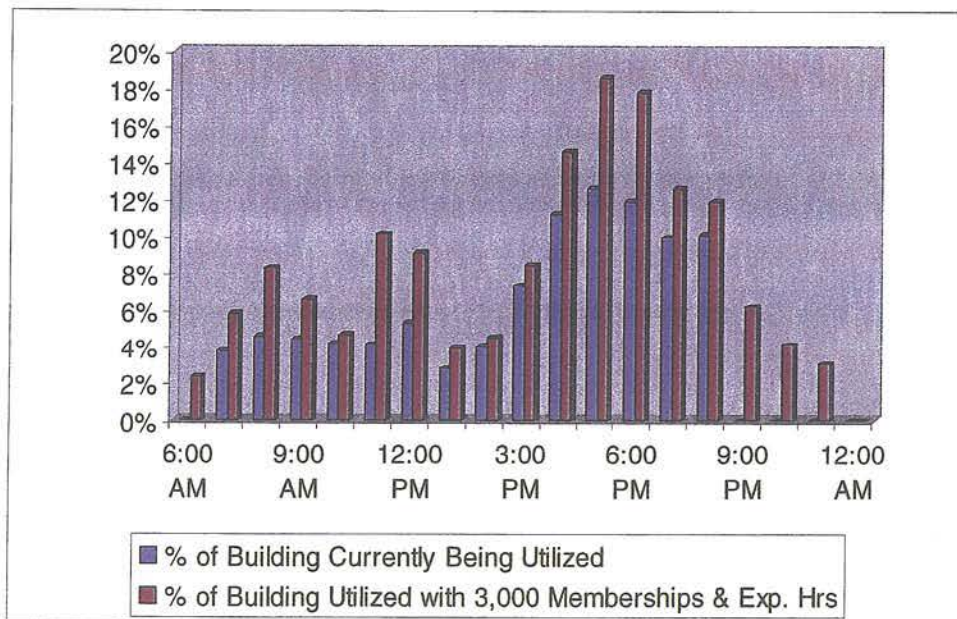
IX. What would be the impact of the building if community members were allowed to use the facility?

B&D was asked to project the building utilization if the facility was open to the local community and alumni. To perform this analysis, B&D had to make some assumptions regarding the number of building memberships. Based on discussion with the University, a number of 3,000 additional memberships were assumed. (The actual memberships would probably be significantly less (for example, the University has only 86 community members in its President's Club) but for purposes of this patron utilization analysis, this was a good, conservative estimate. It is also assumed that 32% of the members utilize the building on a typical weekday (Monday-Thursday) and 13% will utilize the building on a weekend (Friday-Sunday), with an average daily utilization of 25%. This is comparable to current data on the President's Club as well as other similar facilities. For example, DePaul University's Ray Meyer Center has approximately 3,000 non-student members and they get about 800 non-student members per weekday (27%). It was also assumed that the new member's daily activity trends would not mirror the daily trends of the existing LHWC patrons. Based on survey responses from the President's Club at the Smith Center as well as comparable facilities, a daily activity profile was generated for the new members, which shows more concentrated usage in the morning, lunch hour, and evening.

a. Daily Use

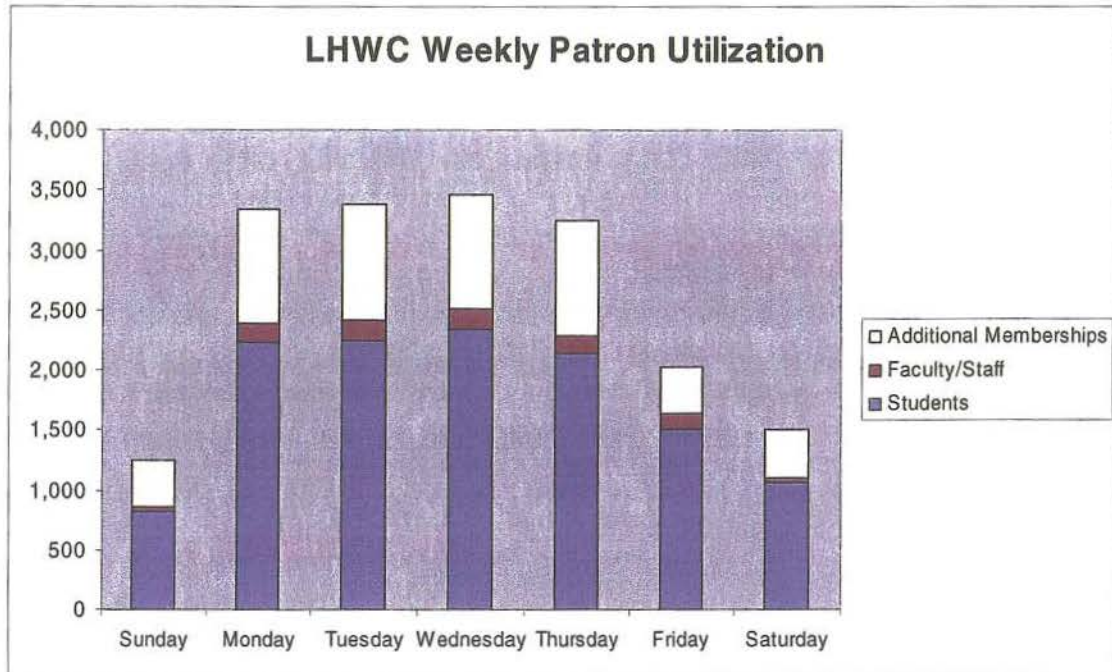


As the graph above shows, the overall building utilization would not come close to the overall building capacity of 1,927. During the peak time of 5:00 pm to 6:00 pm, the building would only have 358 people entering or approximately 19% of the overall building's capacity. In addition, extending the hours of operations would not significantly increase activity at the LHWC. (This is discussed more in Section X.) The overall building utilization is shown in the graph below:

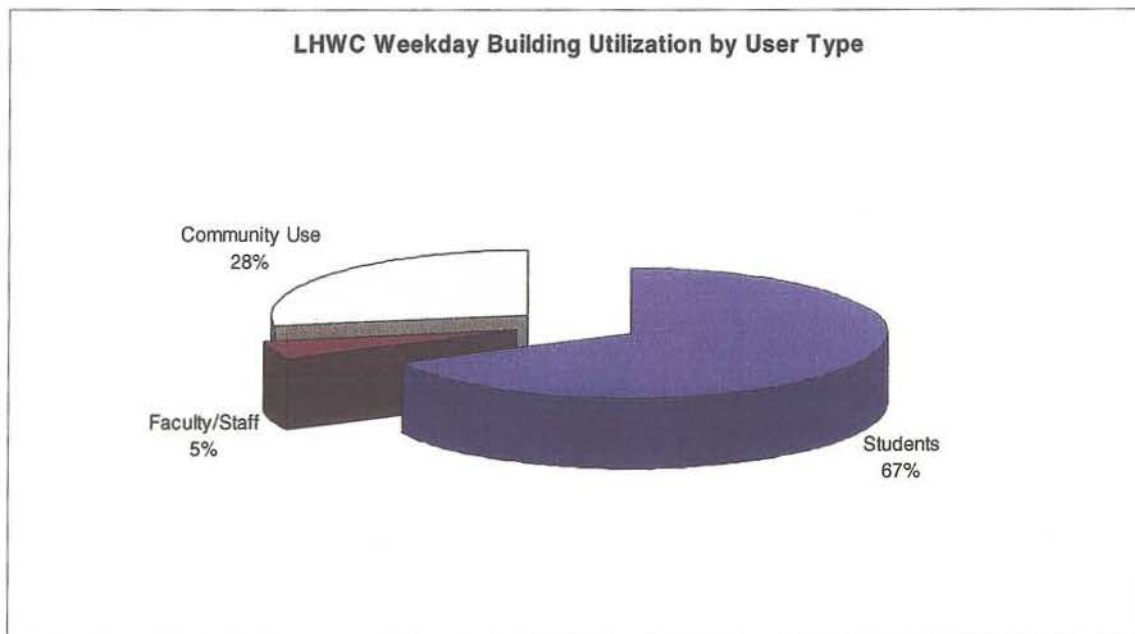


b. Weekly Use

Utilizing the current per day usage pattern, the graph below shows the amount of estimated users per day of the week.

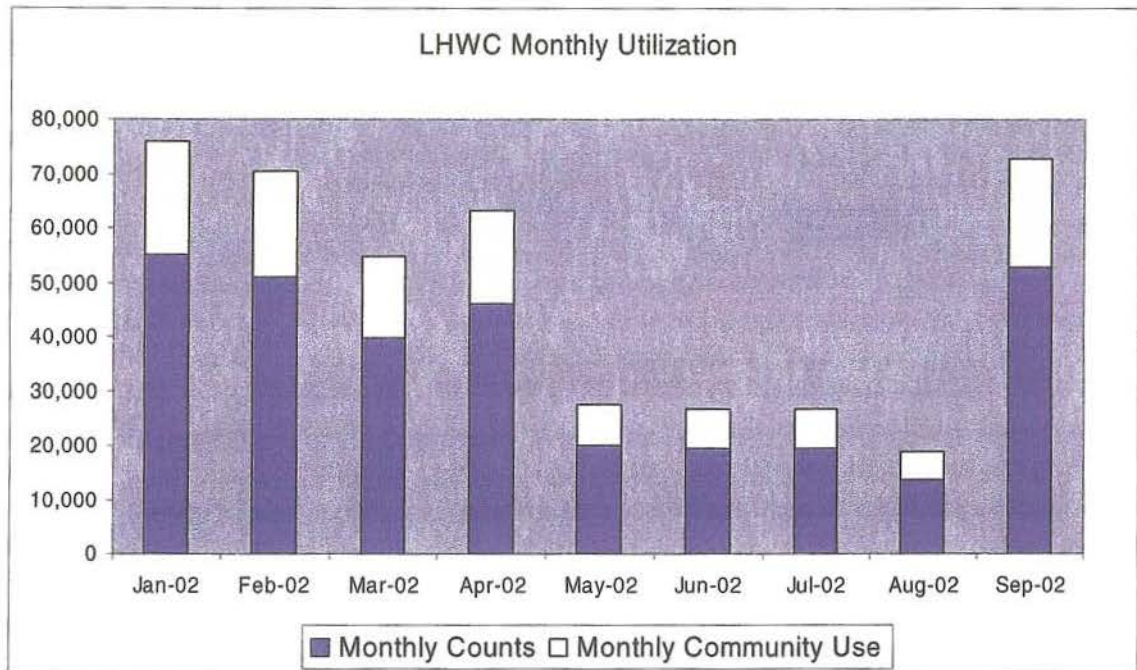


The highest usage pattern is on Wednesday, when the building has approximately 3,467 visitors. The slowest day is Sunday, when only 1,243 people utilize the building. It is interesting to note that even with 3,000 outside memberships, the community use is only 28% of the overall building users, as shown in the graph below:



c. Monthly Use

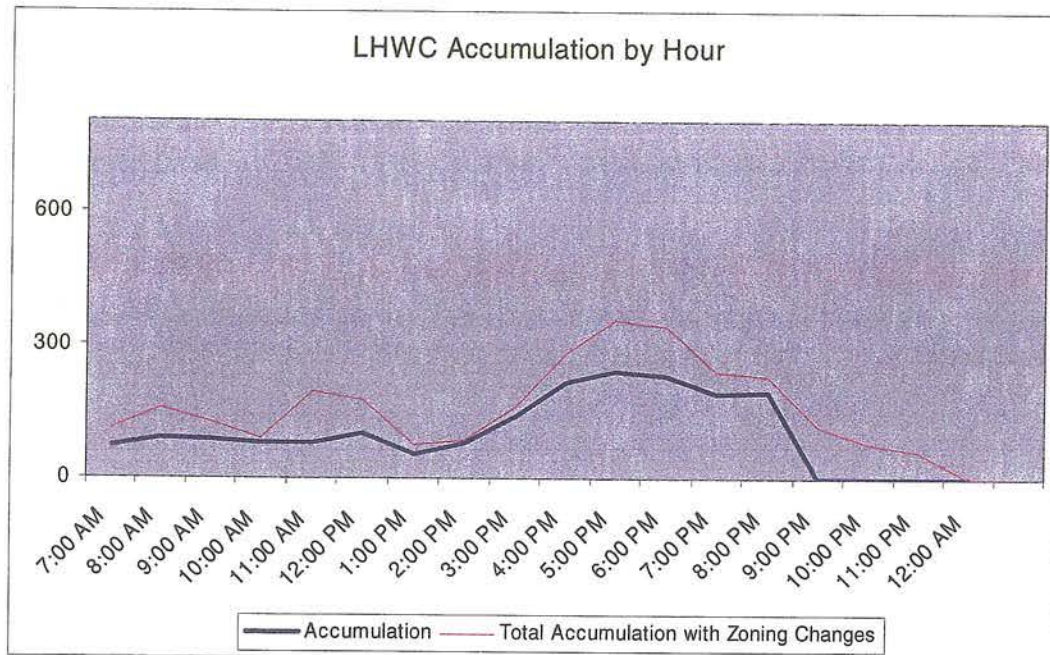
Utilizing the current weekly usage pattern (with the assumption of 28% of the daily visitors being community members), the graph below shows the amount of estimated users per month.



As you can see from the above charts, allowing outside members would improve building utilization but would not significantly impact the overall building use. Students would still represent over two-thirds of the building's users.

X. What kind of impact would expanding the building's hours have?

Keeping the building open later in the evening would not significantly impact traffic patterns. In general, late night activity is driven by the campus intramural schedule and not drop in activity. The majority of these users would be existing GWU students as shown in the graph below:



XI. What would be the impact of allowing member guests (i.e. parents, visiting scholars, etc.) to utilize the building?

Member guest would have minimal impact on the overall utilization of the LHWC. For most campus recreation centers, this group represents less than 1% of the overall building traffic. Assuming 3,000 people utilize the building on a given day, the LHWC would likely see an additional 30 guests.

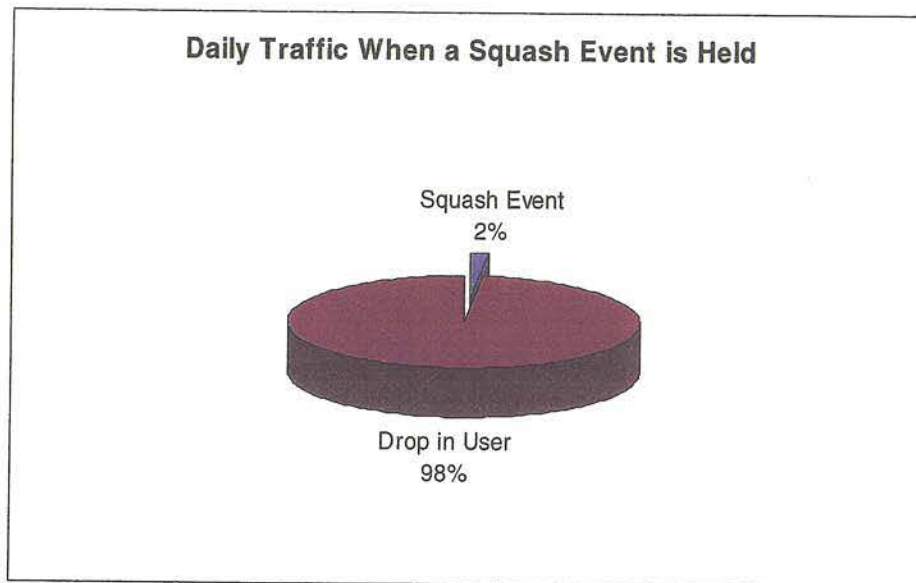
XII. What kind of impact would allowing intercollegiate squash have on the building?

Currently, the LHWC has six international squash courts. It is the University's intent to use these courts for their new Intercollegiate Athletic Men's and Women's Squash teams. For the past 25 years, squash was a men's club sport for the University, played in older, less functional, squash courts at the Smith Center. The newer international squash courts at the LHWC will allow the University to attract and recruit some of the best international squash players. In addition, the expansion of a women's squash team will assist the University in complying with the gender requirements as outlined in Title IX.

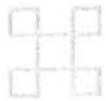
Traffic Impact

Squash events would not have any noticeable impact on traffic into or around the building. The squash season is from October to March and a school generally has approximately 15 members per team. Simply put, squash events do not attract a significant fan base. In fact, there is no central gathering place or seating in the building for fans to even watch the matches. The traffic would simply be the team's players and

coaches, estimated at about 30-40 people per event. These people would account for less than 2% of the average daily traffic into the building as shown in the graph below



D



symmetra design

MEMORANDUM

To: Charles Barber The George Washington University
From: Samantha Williams
Nicole White, P.E., PTOE
Date: October 30, 2007
RE: Lerner Health and Wellness Center -Transportation and Parking Summary for Zoning Commission Case No. 02-26A

Introduction

This memorandum summarizes the transportation-related impacts associated with modifying the conditions of Zoning Commission Order 03-26, dated December 24, 2004 pertaining to permitted users of the Lerner Health and Wellness Center ("LHWC" or the "Center") at The George Washington University ("GW" or the "University"). The LHWC is a state-of-the-art recreation and sports facility located at 2301 G Street (see Figure 1). The University is requesting authority to:

- Allow the continued use by persons previously authorized to use the Center including (a) students faculty and staff of the University's Foggy Bottom and Mount Vernon Campuses; (b) members of the University's Board of Trustees; and (c) students of the School Without Walls¹;
- Permit the use by persons residing in, or members of, the facilities located immediately adjacent to the LHWC, specifically (a) St. Mary's Court; (b) St. Mary's Episcopal Church; and (c) Remington Condominium (see Figure 1 for location of each facility);
- Permit the use by GW alumni residing in the Foggy Bottom/West End Area² (see Figure 2 for boundary area).

The University is requesting to expand the membership categories based upon interest expressed by each group. The total number of new members would be capped at 300. As shown in Figures 1 and 2, the vast majority of both categories of proposed new members live within a five or ten minute walking radius to the LHWC.

¹ Students of the School Without Walls are allowed use in organized activities under the supervision of SWW faculty.

² The Foggy Bottom/West End Area is bounded by 19th St. on the east, Constitution Ave. on the south, Rock Creek Park on the west, and N St. on the North.

1001 Pennsylvania Avenue, NW
Suite 600 South
Washington, DC 20004

T 202.742.6546
F 202.742.6549

The University seeks no change to Center operating hours (6:00 AM to 11:30 PM everyday), parking conditions, campus population, or any other condition approved under the current Campus Plan.

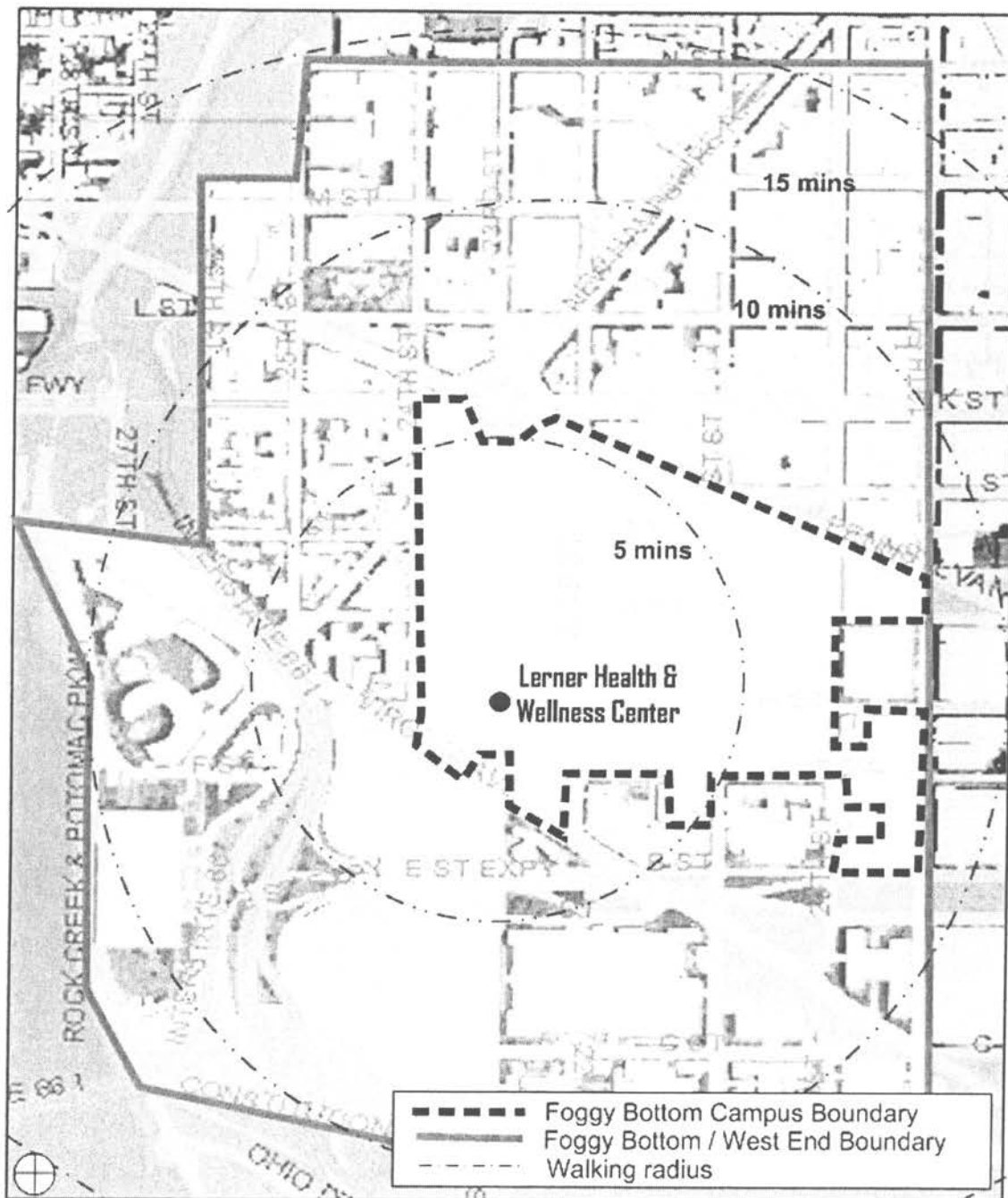


Figure 1: Boundaries & Walking Radii

1001 Pennsylvania Avenue, NW
Suite 600 South
Washington, DC 20004

T 202.742.6546
F 202.742.6549

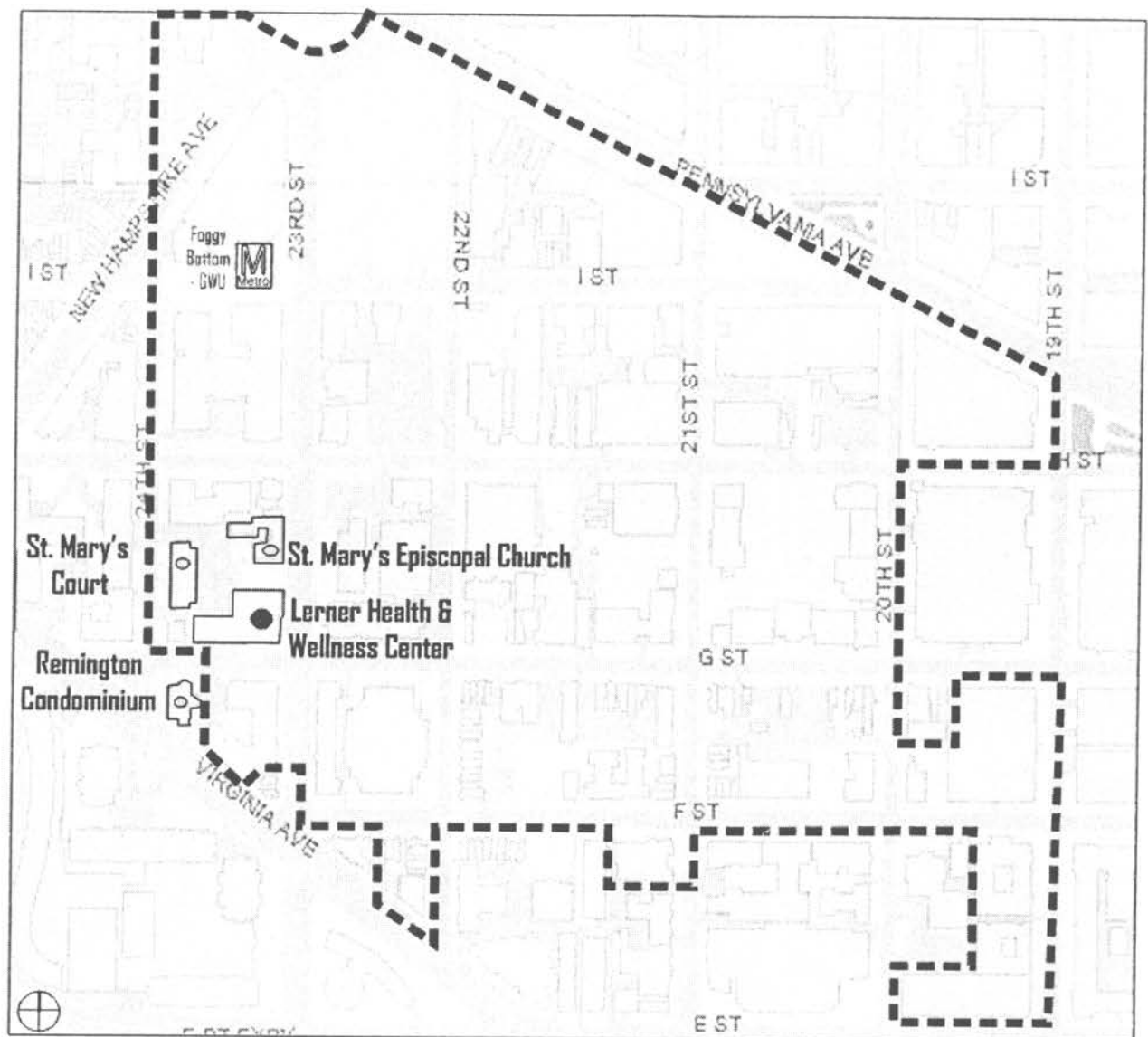


Figure 2: Location of Proposed New Members Within Proximity to LHWC

1001 Pennsylvania Avenue, NW
 Suite 600 South
 Washington, DC 20004

T 202.742.6546
 F 202.742.6549

Background Information

The following studies and background information were used to prepare this transportation memorandum:

- 1997 LHWC Traffic and Parking Study (prepared as part of a further processing case for the proposed new LHWC)
- 2002 LHWC Traffic and Parking Study (summarized the impacts associated with additional proposed membership)
- 2002 Project Memorandum (Brailsford & Dunlavey study)
- 2007 Foggy Bottom Campus Plan – originally submitted as The Foggy Bottom Campus Plan (2006-2025)
- September 2002 daily LHWC patron activity data obtained from GWorld ID readers³
- March 2007 and October 2007 daily LHWC patron activity obtained from GWorld ID readers

March 2007 and October 2007 patron data were examined to obtain typical hourly and daily activity or entries into the Center given current membership categories. Current data will be used as the basis for projecting data associated with the two new categories of users (and up to 300 new members).

The following table⁴ summarizes current daily activity totals for a typical week.

Table 1
Daily LHWC Activity

Date	Day of Week	Total Number of LHWC Users
March 4, 2007	Sunday	1433
March 5, 2007	Monday	2672
March 6, 2007	Tuesday	2315
March 7, 2007	Wednesday	2025
March 8, 2007	Thursday	1889
March 9, 2007	Friday	1034
March 10, 2007*	Saturday	14
<i>Weekday Average (Monday – Thursday)</i>		2225

* Daily Activity shown is atypical. Typical activity for Saturday is approximately 1100 users.

As Table 1 indicates, an average of 2,225 members currently use the LHWC during a typical weekday. The highest level of activity of the week occurred on Monday with 2,672 daily users. Hourly activity for Monday March 5, 2007 is shown in Figure 3A below. As Figure 3A indicates, the highest number of patron entries to the Center occurred at 3pm with 276 patrons.

³ University identification cards issued to students, faculty and staff. They contain a small amount of electronic information and are used to gain access to the LHWC.

⁴ These figures represent in-session counts. Out-of-session usage is likely to be considerable lower.

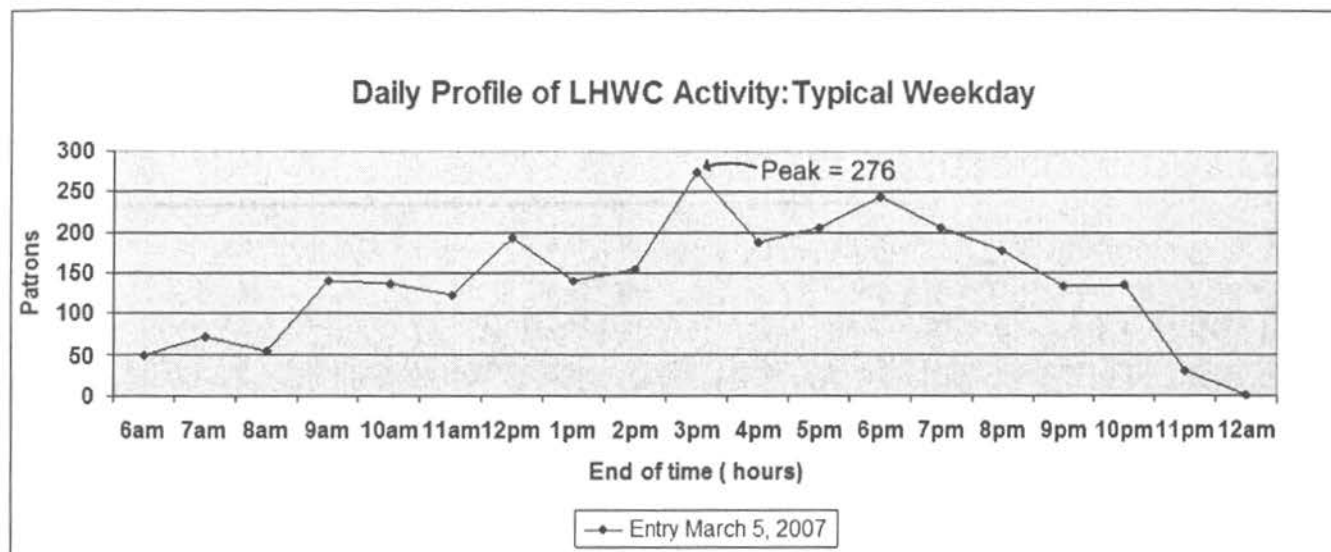


Figure 3A – Daily Profile of LHWC Entry Activity (Monday March 5, 2007)

September 2002 data was examined to identify activity trends over the past five years prior to extending Center access to approximately 1,000 new members⁵ (including students, faculty and staff from the Mount Vernon campus, School without Walls students and, members of GW's board of trustees). In September 2002 an average of 2,375 members used the LHWC during a typical weekday. The highest number of patron entries occurred at 5:00 pm with 250 patrons. Figure 3B shows a comparison of 2002 to 2007 hourly activity. The figure indicates a small increase in peak hour activity and in total daily activity over the past five years. Over the past six years (since the Center was opened in 2001) the Center has continued to operate well below the capacity (1,973 users at any one time) even with the inclusion of new member classes.

⁵ As part of 2004 Zoning Commission Order
 1001 Pennsylvania Avenue, NW
 Suite 600 South
 Washington, DC 20004

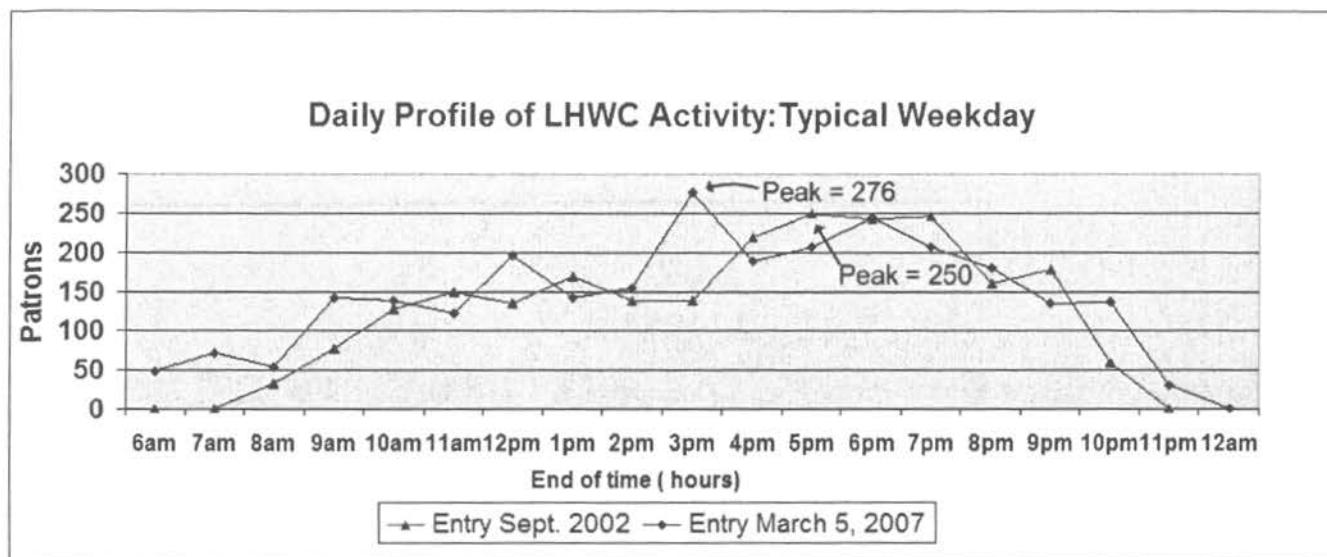


Figure 3B – Daily Profile Comparison of LHWC Entry Activity (September 2002 vs. March 2007)

All registered students of the Foggy Bottom and Mount Vernon campuses are granted access to the Health and Wellness Center. An activity fee is required based on the number of courses a student is enrolled, which entitles membership to the Center. Recent census reports 19,582 students⁶ enrolled at the Foggy Bottom and Mount Vernon campuses. In addition, the Center is open to 860 paid faculty and staff members, 40 board of trustee members, and 100 School Without Walls students. Thus, a total of 20,582 members currently have access to the Center. The quantity of entries recorded on a busy weekday, 2,672 entries divided into the total number of patrons, 20,582, indicates 13% of total patrons use the facility on a busy day. Only 11% of total members access the Center on an average weekday.

Mode Choice Survey

In November 2002, Gorove/Slade Associates, Inc. conducted a mode choice survey, as part of the Transportation Impact Summary, to assess travel patterns of LHWC users. The survey was evaluated over peak periods of use on several days between September 19 and 24, 2002.⁷ Survey results were used to determine the travel choice of patrons and the breakdown of users whom would access the Center by car. The mode choice results from the survey are summarized in Table 2.

⁶ Enrollment numbers include full time, part time, undergraduate and graduate students excluding students studying abroad and on continuous enrollment

⁷ Surveys were conducted on Thursday (19th), Friday (20th), Monday (23rd) and Tuesday (24th) during the morning 7:30 to 9:30 am, lunch time 11 am to 1pm, early evening 4 to 6:30 pm, and night 8 to 10 pm; Saturday (21st) during the afternoon and early evening. No surveys were conducted on Sunday (22nd).

Table 2
Survey Results, Travel Mode Choice

	Mode						
	Automobile	Metrorail	Bus	Bike	Walk	Other	Total
Total LHWC (Weighted Avg)	10 %	7%	2%	4%	77%	0%	100 %

Table 2 indicates only 10 % of the users surveyed traveled to the LHWC by automobile. A large majority or 77% of users surveyed walked to the Center. The addition of 300 new members within close proximity to the LHWC (a five to ten minute walk for most new members) would likely generate a higher percentage of pedestrian users.

St. Mary's Church is the only neighboring facility that has non-residents as potential users. A maximum of 15 new members, the number of passes provided to St. Mary's Church, are expected to drive. Those 15 members constitute only 5% of the new members. In order to mitigate any object able impact, all pass holders will be required to use the existing church parking lot. There are a sufficient number of parking spaces to accommodate the number of St. Mary's Church members who will be provided access at any given time.

The LHWC is metro accessible. The Foggy Bottom–GWU metro station is located on the northwest quadrant of the 23rd Street/ Eye Street intersection, two blocks from the Center. Metrobus lines H1, L1, N3 provide service along 23rd Street from M Street to Constitution Avenue, and Metrobus line 80 provides service along 23rd Street from H Street to Virginia Avenue. Patrons can also utilize inter-campus transportation as a mode choice. The Colonial Express shuttle bus service operates on two routes, the northern and the southern route. The southern route operates between the hours of 7:00 pm and 3:00 pm serving LHWC as one of five stops. The Vern Express provides transportation services between the Foggy Bottom and Mount Vernon Campus. Shuttle stops near LHWC include:

- 23rd and H Streets (Fulbright Hall), at all times EXCEPT weekdays between 6am and 10am
- 21st and H Streets, between 6am and 10am on weekdays
- 22nd and G Streets

Future Conditions

Projected activity at LHWC was estimated by assuming that approximately 25% of new members would use the facility on a daily basis. National trends for similar facilities show that an average of 25% of members will patronize a fitness facility per day. Therefore 25% of the 300 patrons, or 75, new members are expected to visit the Center per day. In this assessment, new member activity is evaluated with the assumption that new members would mirror existing hourly activity patterns throughout the day (from March 2007 data). Figure 4 shows current and projected patron activity. Figure 4 shows a negligible increase in patrons each hour. Approximately two to four new members could be expected to visit the Center during the morning hours and five to eight new members could be expected during the evening peak hours. Less than 5% of new members would be expected to travel by automobile.

1001 Pennsylvania Avenue, NW
Suite 600 South
Washington, DC 20004

T 202.742.6546
F 202.742.6549

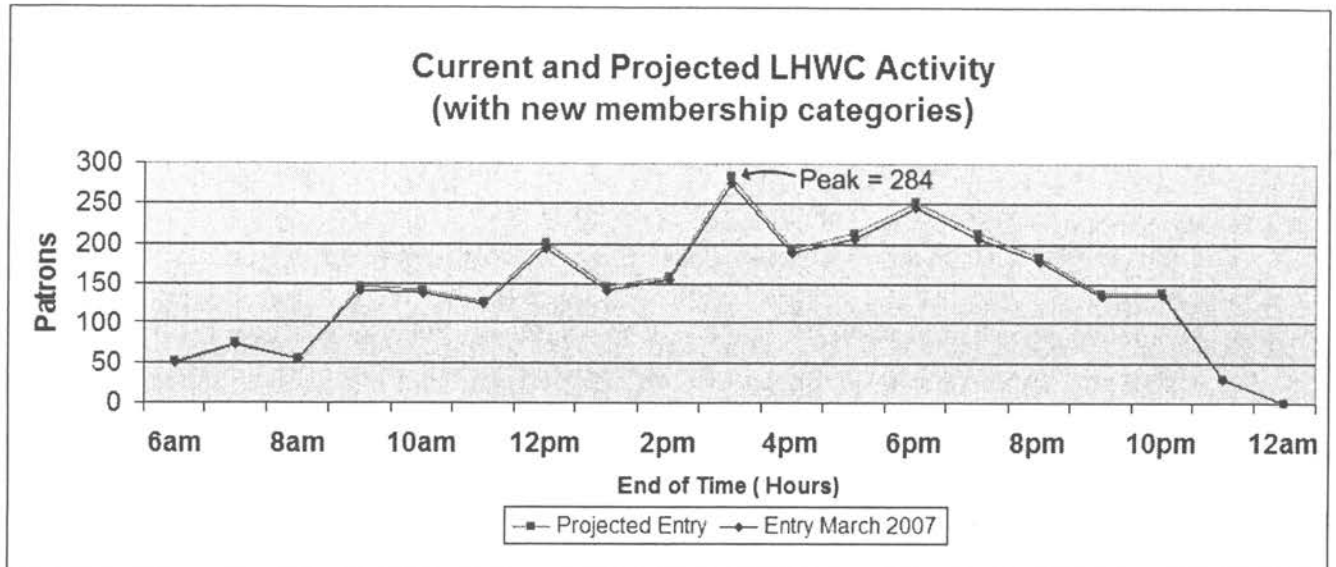


Figure 4 – Current and Projected LHWC Activity (with new membership categories)

Parking

The LHWC has a three story parking garage housing 121 spaces. However, spaces in the building are managed as part of the University's larger parking program and are not provided to users of the facility. Primary visitor parking is located two blocks away at the University Parking Garage. Curb parking is permitted surrounding LHWC. There are 39 on-street parking spaces in the square perimeter of the Center and on-street parking in a three-block radius of the Center.

Traffic Conditions

In July of 2006, GW retained Wells & Associates to report on transportation and parking conditions as part of The GW Foggy Bottom Campus Plan: 2006 – 2025. Traffic management is in accordance with the campus plan. The Traffic and Parking report assesses conditions in terms of the local roadway network and capacity, pedestrian circulation, public transportation, parking, travel mode splits and transportation management. The study area includes all considerable arterials, collectors and local streets within and around the Foggy Bottom campus boundary. Wells & Associates conducted traffic counts on Wednesday, September 21, 2005 at the following intersections in the perimeter of LHWC:

- 23rd Street/ G Street, NW
- 24th Street/ G Street, NW

1001 Pennsylvania Avenue, NW
 Suite 600 South
 Washington, DC 20004

T 202.742.6546
 F 202.742.6549

- 24th Street/ H Street, NW

As shown in Table 3, intersections in the immediate perimeter of LHWC operate at acceptable Levels of Service during AM peak and PM peak, with the exception of 23rd Street /G Street westbound movements in the evening. G Street is a one-lane one-way collector in the westbound direction.

Table 3
 2005 Level of Service

Approach	AM Peak	PM Peak
24th Street/ H Street *		
EBLTR	A[8.6]	A[8.4]
WBLTR	A[7.9]	A[9.8]
NBLTR	A[8.7]	A[8.7]
SBLTR	A[8.5]	A[9.7]
Overall	A[8.5]	A[9.4]
24th Street/ G Street*		
WBLTR	A[10.7]	C[20.6]
NBLTR	A[0.3]	A[0.8]
23rd Street/ G Street		
WBLTR	C[27.7]	F[170.1]
NBLT	A[0.3]	A[3.7]
SBTR	B[13.0]	A[9.5]
Overall	A[5.2]	D[40.3]

* Unsignalized Intersection

The proposed new members generate two person-trips during the AM peak hour and six person-trips to the Center during the PM peak hour. The mode choice survey suggests 10% of those members will drive to the Center. However, all but approximately 15 of the new members will be in walking distance of the Center, and thus a maximum of only 5% of the new members will be expected to drive. Vehicle trips generated by the new member classes are therefore immeasurable (less than one trip) and represent an insignificant increase to traffic. New members will not cause any adverse impacts on traffic conditions

Conclusions

- The LHWC has shown a small increase in peak hour activity and in total daily activity over the past five years.
- Over the past six years (since the Center was opened in 2001) the Center has continued to operate well below the capacity of 1,973 users at any one time.
- Only 25% of the proposed new 300 members, or 75 patrons, would be expected to use the Center each day.
- The vast majority of proposed new members would be located within a five or ten minute walk to the LHWC. Less than 5% of new users would be expected to drive to the LHWC.
- Additional vehicle trips generated by the proposed new member classes would be immeasurable (less than one trip).
- Neither the continuation of the 2004 user classes nor the addition of 300 new members, from the stated member categories, will cause adverse impacts on traffic or parking in the area.