September 17, 2004

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

Condition 1

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

Status: No action required.

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

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

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

Condition 3

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

ZONING COMMISSION
District of Columbia
CASE NO.04-23
EXHIBIT NO.18C

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

Status: GW has selected its representatives to the Advisory Committee, who are senior officials at the University, and has repeatedly written to community representatives requesting that the Advisory Committee convene its first meeting. Since the Foggy Bottom Campus Plan was approved, the University has made at least four written requests for such meetings, and numerous oral requests. To date, community representatives have declined to meet. In a recent viewpoint published in a local newspaper last month, the president of the Foggy Bottom Association reiterated this position.

Condition 4

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

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

Condition 5

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

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

Condition 6

The University shall incorporate the following design policy into the 2001 Campus Plan: The height, bulk and design (including the location of any means of approach and egress)

of future University structures will be compatible with and sensitive to the height, bulk, and design of adjacent non-University-owned structures.

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

Condition 7

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

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

Condition 8

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

Status: For Fall 2004, the current Foggy Bottom student headcount is 18,256 and the full time equivalent count is15,985. The faculty headcount is 2,026 and the full time equivalent is 1,268. The staff headcount, including all full time and regular part time employees is 4,081 and their full time equivalent is 3952. Temporary workers, a category that mostly consists of student employees who work anywhere from 2 to 20 and up to 40 hours in a pay period, account for an additional 4348 on the basis of headcount. While the wide disparity in the time commitments of these wage

employees makes the computation of a full time equivalent for temporary workers difficult, a conservative estimate of the full time equivalent of the wage earners is 435.

Condition 9 (Revised per BZA Second Remand Order of April 26, January 23, 2004)

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

a) Beginning no later than August 31, 2006, the University shall make available beds for at least 5600 full-time undergraduate students on campus. Whenever the head count of full-time undergraduate enrollment exceeds 8,000 (the "base number"), the University shall make available one bed on campus for each full-time undergraduate in excess of the base number.

Status: The University is working to increase the number of beds available on campus for full time undergraduates and has made significant progress towards the August 31, 2006 requirement. For example, the University's latest on campus residence hall, the Ivory Tower at 616 23rd Street, opened this fall for some 728 students. In addition, the University has secured approval from the Zoning Commission for a PUD to construct a dormitory in the 2000 block of F Street for some 379 students.

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

Status: No action required.

c) Beginning February 28, 2002, and semiannually thereafter in August and February, the University shall file with the Zoning Commission, Zoning Administrator, the Office of Planning, ANC2A, and members of the Advisory Committee established in accordance with Condition 3 reports under oath giving (1) the number of full-time undergraduate students then enrolled; (2) the number

of University-supplied beds (a) occupied by and (b) made available to its full-time undergraduate students outside the Foggy Bottom/West End area; (4) the number and location of University-supplied beds (a) occupied by and (b) made available to its full-time undergraduate students within Foggy Bottom/West End. For purposes of these reports, the term "University supplied beds" shall include beds in any property in which the University has an ownership, leasehold, or contractual interest. Each report shall be accompanied by supporting documentation and full explanations of methods, assumptions, and sources used to compile information in the report.

Status: GW has made the required filings. The most recent filing was made on August 30, 2004 (since August 28, 2004 fell on a Saturday).

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

Status: No action required.

Condition 10:

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

Status: GW has instituted this condition and has maintained it for several years, with the exception that it has assigned freshmen to the Hall on Virginia Avenue ("HOVA") residence hall, located two blocks from the Foggy Bottom Campus boundary, while this condition was stayed by court order. Current assignments for University residence halls for fall 2004 were begun last winter and spring, before the BZA Second Remand Order, dated April 26, 2004, lifted the stay on this condition imposed by the D.C. Court of Appeals. Accordingly, when GW made its housing assignments for undergraduates last semester, there was no prohibition on the use of HOVA for freshmen. Assignments were made to University residence halls for upper classmen and a few facilities more appropriate for freshmen–including HOVA–were reserved for first year students. Thus, for the academic year 2004-05, no

additional housing is now available on campus for freshmen and GW has met the requirements of this Condition 10. For future academic years, the University is seeking a modification of this condition through an application to the Zoning Commission. The D.C. Court of Appeals has stated that a negotiated resolution of the issue of the use of HOVA for freshmen would "undoubtedly be in the interests of justice."

Condition 11:

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

Status: The University provides information on housing opportunities outside of Foggy Bottom/West End to its students online and through University publications. Additional information is provided about transportation. The University has tracked the local addresses of its full time undergraduate students and has not identified any areas that contain a critical mass of students that are not Metro accessible. The absence of meetings of an Advisory Committee (see response to Condition 3) precludes any report to that committee.

Condition 12:

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

Status: The University has expanded its use of disciplinary interventions to off campus conduct and has recently publicized improved procedures designed to

more effectively respond to concerns of residents of the Foggy Bottom community. GW publicizes the telephone numbers to contact to for complaints about student misconduct and the procedures it utilizes to investigate and take appropriate action. Pursuant to these procedures, the University regularly receives, and responds to, reports of misconduct from non-University sources. GW has worked with the management company for Columbia Plaza in facilitating the operation of student disciplinary procedures for misconduct at that facility, as well as providing clearances for students concerning conduct violations. The University has worked with representatives of residents in other facilities to address similar issues. The University continues to be constrained, however, in the release of certain student information in violation of the federal Family Educational Rights and Privacy Act.

Condition 13:

The University shall maintain and publicize a hotline available 24 hours per day, seven days per week to receive calls about student conduct issues and safety and security concerns. The University shall maintain a log of all calls received and all actions taken, including all referrals made. The University shall maintain its Crimes Tips Hotline (presently 994-TIPS), where calls can be made anonymously to a recorded "tip" line. Calls needing a more immediate response shall be directed to the University police (presently 994-6110) 24 hours per day, seven days per week. The University police will aid off-campus complainants in obtaining assistance from the Metropolitan Police Department. Reports of improper off-campus student conduct will also be referred to the appropriate University departments for their attention.

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

Condition 14:

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

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

location of such spaces will be determined by the University. Levels of and changes in availability will be reported to the Advisory Committee on request.

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

d) Notice: The University shall notify all affected property owners or occupants in a timely manner of the occurrence of any temporary street closing necessary to accommodate University-related functions.

Status: The University customarily notifies neighboring property owners and occupants of temporary street closings. The University has recently revised its procedures to include a notice to the local Advisory Neighborhood Commission as well for future temporary closings.

e.) Student vehicles: The Applicant, through its Office of the Registrar, shall maintain an accurate record of the license plate numbers of motor vehicles kept by students, updated annually at the beginning of the Fall semester. The Applicant shall direct the students to register their vehicles in the District of Columbia, or obtain a reciprocity sticker. The Applicant shall withhold parking privileges to students who do not comply with D.C. registration or reciprocity requirements. Failure to register student vehicles in the District or to obtain reciprocity stickers shall constitute a violation of the Code of Student Conduct. (Revised by BZA Second Remand Order, dated April 26, 2004.)

Status: GW maintains a record of license plates of motor vehicles kept by students with University parking permits. In addition, the University directs all students to register their vehicles in the District of Columbia and obtain reciprocity stickers in compliance with District of Columbia law. Under the GW Student Code of Conduct, violations of District law are grounds for disciplinary action under the Code of Conduct.

Condition 16:

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

a.) Measures to schedule events at times that reduce conflicts with other traffic and other demands for parking.

b.) Measures to discourage travel by private automobile and encourage travel by public transportation.

c.) Measures to encourage persons who drive to park in commercial or University parking garages.

d.) Any other specific measures to address parking demand and decrease vehicular traffic in the surrounding Foggy Bottom/West End Area.

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

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

Starting in the Fall 2001 registration process, the University shall gather information about the local addresses of the full-time undergraduate population. The University shall update the information semiannually. Beginning February 28, 2002, and semiannually thereafter in August and February, the University shall provide the Zoning Commission, Zoning Administrator, ANC2A, Office of Planning, and Advisory Committee with an audited census of the number of full-time undergraduate students residing in (1) Foggy Bottom/West End outside the campus plan boundaries; (2) the District of Columbia outside the campus plan boundaries and Foggy Bottom/West End, organized by postal zip codes; (3) Maryland; and (4) Virginia. Each semiannual report shall also include a good faith estimate of the number of married students and students with children encompassed in each category. (1)- (4). The latest semiannual report shall be included with each applicant for a special exception filed pursuant to the approved 2001 Campus Plan.

Status: The information has been presented biannually. The most recent filing was made on August 30, 2004 (since August 28, 2004 fell on a Saturday).

Condition 18:

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

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

Condition 19

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

[List of eight requirements]

Status: The University has submitted the required information with the applications for new structures and additions to existing structures under the 2001 Campus Plan filed to date. The application to amend Condition 10 with respect to the use of HOVA for freshmen does not involve a new structure or addition to an existing structure.

Condition 20

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

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