APPLICANT'S STATEMENT OF SUPPORT FOR SPECIAL EXCEPTION RELIEF AT 2036 G STREET, N.W. (LOT 816, SQUARE 103)

RECEIVED
D.C. OFFICE OF ZONING
2005 MAR 10 PM 12: 01

Action Requested

The George Washington University (hereinafter "GWU") or "the University") requests special exception relief pursuant to Sections 210 and 3104.1 of the Zoning Regulations for further processing pursuant to an approved Campus Plan to authorize the renovation and an addition to an existing university building to be used as a food service venue on the campus of the University. The site is located in an R-5-D zone district at 2036 G Street, NW (Lot 816, Square 103).

Proposed Use

Once renovated, the building will be used as a food service venue primarily for the use and enjoyment of the university population. Consistent with the operating format of other food service venues on the George Washington University campus and on other university campuses throughout the city and the nation, incidental public users will be permitted . In addition, members of the Foggy Bottom/West End community will be encouraged to use the facility since this proposed food service venue has been recognized as a "use of special value" by the Zoning Commission. In Zoning Commission Case No. 03-29 the University offered, and the Commission accepted, a food service venue at this site as an amenity to the Square 103 Residence Hall Planned Unit Development that was recently approved at a nearby location on the same square.

ZONING COMMISSION
CASE No. 05-11
EXHIBIT No. 2

ZONING COMMISSION
District of Columbia
CASE NO.05-11
EXHIBIT NO.2

The University will contract with a vendor to operate the venue. The renovated building will provide the necessary space for food preparation, kitchen equipment, food storage, loading access and seating. The proposed venue will accommodate 179 seats, 59 seats on the first level, 50 seats on the second level, 20 seats on the third level and 50 seats in an outdoor seating area. The exterior seating is proposed to be on adjacent public space, an activity that will require the approval of the D.C. Public Space Committee. An application for the use of that space will be filed with the D.C. Public Space Committee subsequent to the Commission's determination of this application.

The Site

The existing building is a three-story brick structure, with cellar, that is presently used as office space for university related uses. Lot 816 consists of 2,414 square feet of which the existing building occupies 1210 square feet or 50% of the lot area. The building projects into public space at four places totaling 173 square feet. The remaining 1109 square feet of the lot (48%) is occupied by a fenced in basketball court that is located on the rear of the lot. The 20 feet wide building has an open stairwell on the south side that links all floors. A single corridor runs along the building's eastside on the second and third floor. The basement of the building serves as mechanical space.

The proposed addition will be made to the rear of the building on the space now occupied by the basketball court and will add 600 square feet to the building footprint at the first floor and cellar levels. The addition will extend at the same density, respectively, to the second and third floors of the existing building.

With the addition, the footprint of the building will increase from 1210 square feet to 1810 square feet, increasing the lot occupancy from 50% to 75% in accord with the regulations.

No increase is proposed to the existing 38 feet of building height. The regulations do not require a side yard and none will be provided. The regulations do require a rear yard at a minimum depth of 15 feet. Thirty feet of rear yard depth will be provided. The rear yard area will be paved and used for loading purposes. However, the regulations do not require a loading berth or service delivery area. Off street parking will be provided according to the approved Campus Plan.

With the addition, the floor area ratio of the building will be 2.25 which, if approved, will adjust the campus-wide FAR to 2.89 (of a permissible 3.5), as is reflected in the attached University Certification. Thus, this additional FAR is within the FAR that is approved in the University's Campus Plan.

Campus Plan Authority

In Application No. 16553, the Board of Zoning Adjustment ("the BZA") approved the University's Campus Plan for the year 2000 through the year 2010. The approved plan specifically identifies this site as an appropriate location for

the University to construct and operate university uses, subject to twenty (20) conditions, number 19 of which is applicable to this proceeding:[1]

19a. A showing that the use, height, bulk, and design (including the location of any means of approach and egress) of the proposed structure is sensitive to and compatible with the adjacent and nearby non-university owned structures and uses.

Response: The University is the predominant land-owner in the area surrounding this on-campus site, including nearly all of the buildings on Square 103. (See the attached list of property owners within 200 feet of the site.) The predominant use within the 200 foot area is a university use. The height of the building (37 feet 9 inches) and the proposed bulk (2.25 FAR) are either below or consistent with the maximum height (90 feet) and bulk (3.5) that are allowed by the Zoning Regulations.

19b. An indication of any need for, amount of, and proposed locations of interim leased space necessary to accommodate housing and/or activities displaced by construction, and/or activities intended to be located permanently in the completed structure.

Response: Not applicable to this project.

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[1] Other conditions also apply. A report on the status of compliance with those conditions is at Attachment D.

19c. Recomputation of the University's total FAR, copies of which shall be submitted to the Office of Zoning and the Zoning Administrator. Such information shall be broken down by zone district and include the following: existing and occupied FAR; FAR under construction pursuant to Board approval; and FAR upon completion of the proposed structure.

Response: See Attachment A.

19d. An updated student enrollment headcount indicating actual enrollment of full time undergraduate students, as of 30 days prior to the application date, and the number and percentage of full time undergraduate students housed on campus, including documentation and an explanation of the methods and assumptions used in the calculation.

Response: See Attachment B.

19e. The most recent audited count of full-time undergraduate students residing in the Foggy Bottom/West End Area outside of the Campus Plan boundaries.

Response: See Attachment B.

19f. A progress report on the implementation of the streetscape plan required by Condition No. 7.

Response: See Attachment B.

19g. The number of off-street parking spaces within campus boundaries, as of 30 days prior to the application date, including documentation and an explanation of the methods and assumptions used in the calculation.

Response: See Attachment B.

19h. A status report on the Transportation Management Program.

Response: See Attachment B.

Authority of the Zoning Commission

The Zoning 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 Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.

Special Exceptions

A college or university use is permitted in an R-5-D zone 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 university use be located so that it "... is not likely to become objectionable to neighboring property because of noise, traffic, number of students or other objectionable conditions" and that the special exception requested will be in harmony with the general purpose and intent of the zoning regulations and map. 11 DCMR Sections 210 and 3104.1. Once these showings are made, the Commission ordinarily must grant the special exception.

Citizens Coalition v. the Board of Zoning Adjustment, 619 A2d 940, 948 (DC App. 1993); *First Baptist Church v. D.C. Board of Zoning Adjustment*, 432 A2d 695, 698 (DC App. 1981); *Stewart v. Board of Zoning Adjustment*, 305 A2d 516, 518 (DC App. 1973).

Summary

The architecture and site plans of the proposed renovated facility are attached with this application. The proposed renovation and use of the building will fully comply with the criteria set forth in Sections 210 and 3104.1 of the Zoning Regulations. The applicant will provide further evidence and detail on these subjects together with the operational characteristics of the food service, including traffic, parking and security in a subsequent submission prior to the public hearing.

Respectfully submitted,

Jerry A. Moore III
Counsel to the Applicant
Venable LLP
575 7th Street, NW
Washington, DC 20004
(202) 344-4763
jamoore@venable.com

Dated: March 9, 2005

Attachment A

THE GEORGE WASHINGTON UNIVERSITY
WASHINGTON DC

VICE PRESIDENT AND GENERAL COUNSEL

CERTIFICATION
OF THE FLOOR AREA RATIO
FOR THE FOGGY BOTTOM CAMPUS
OF THE GEORGE WASHINGTON UNIVERSITY

I, Charles K. Barber, Senior Counsel of The George Washington University, hereby certify as to the floor area ratio ("FAR") for GW's Foggy Bottom Campus. The attached chart shows the current FAR, as adjusted by the recent demolition of the GW Hospital, the addition of a new residence hall currently under construction, and the acquisition of an on campus fraternity house. In addition, the chart shows the change to the FAR if the special exception application to construct a University food service at Quigley's is approved. The University recently completed a comprehensive review of all of its on campus properties, including both land area and building gross floor area, based on data compiled in the 2000 Foggy Bottom Campus Plan, District of Columbia land records, and surveys of selected properties. The results of this review are included in the data provided in the attached.

March 8, 2005

C. K. Barber

2100 PENNSYLVANIA AVENUE, NW • SUITE 250 • WASHINGTON, DC 20052 • 202-994-6503 • FAX 202-994-4640

Updated FAR for GW – Foggy Bottom Campus

3/8/05

Zoning District	**Land Area**	**Gross Floor Area**	**Floor Area Ratio**
Residential District (R5D/E)	1,468,218	4,494,127	3.06
Recent Changes			
· Hospital demolition		-323,432	
· Sq. 103 dormitory approved and under construction		+ 87,898	
· Acquisition of on campus fraternity building & property at 2034 G Street, NW	+ 4918	+8484	
	1,473,136	4,267,077	2.89
Addition Proposed		1800 (Quigley's Addition)	
Resulting FAR	1,473,136	4,268,877	2.89

Attachment B

THE GEORGE WASHINGTON UNIVERSITY
WASHINGTON DC

VICE PRESIDENT AND GENERAL COUNSEL

February 28, 2005

Ms. Jerrily R. Kress
Director, Office of Zoning
441 Fourth Street, NW, 2nd Floor
Washington, D.C. 20001

Mr. Vincent Micone
Chair, ANC 2A
1099 22nd Street, NW
Apt. 1005
Washington, D.C. 20037

Mr. Toye Bello
Zoning Administrator
Department of Consumer and Regulatory Affairs
941 North Capitol Street, NE, 2nd Floor
Washington, D.C 20002

Ms. Barbara Spillinger
Advisory Committee
2500 Virginia Avenue, NW
Washington, D.C. 20037

Ms. Ellen McCarthy
Acting Director, Office of Planning
801 North Capitol Street, NE, 4th Floor
Washington, D.C. 20002

Re: Biannual Reports Required for GW Foggy Bottom Campus Plan;
BZA Application No. 16553F

Dear Gentlepersons:

Enclosed please find copies of the reports required by Conditions 9(c) and 17 of the BZA Second Remand Order in the above-referenced application. Attachment A is the information required under Condition 9(c), i.e., data on enrollment, number of beds available in various locations, and the number of full time undergraduates occupying those beds for the Spring 2005 semester, current as of February 18, 2005. Please note, as we have previously advised, that the final census for the Spring enrollment will not be available until the sixth week of classes, after the required reporting date.

Included as Attachment B is the data required by Condition 17 on the local addresses of full time undergraduates outside of University residence halls. As we have previously advised, reliable local address information is only available at this time for the previous semester. Thus, data for Fall 2004 is included in Attachment B. While we have made progress in expediting the process of collecting, verifying and correcting local student addresses, it still takes considerable time to produce data that can be verified by an outside auditor, as required.

Pursuant to the BZA Second Remand Order, the University will file its next report on August 28, 2005.

Sincerely,

C. K. Barber

Charles K. Barber

Attachments

February 28, 2005

Information Required By Condition 9(c) Of BZA Second Remand Order
For Spring 2005

1) Number of full time undergraduates enrolled in Spring 2005: 7726[1]
   Average for Fall 2004 and Spring 2005: 8178

2) Number of beds on campus: 5522
   a. University supplied beds: 5454
   b. Other beds on campus:[2] 68
   c. Number of beds occupied by full time undergraduates: 5152
   Additional bed capacity:[3] 150
   Number of beds under development:[4] 379

3) Number and location of University-supplied beds outside of the Foggy Bottom/West End area[5]: 0

4) Number and location of University-supplied beds (a) occupied by and (b) made available to its full time undergraduates students within Foggy Bottom/West End:

Hall	Address	Total Undergraduate Capacity	Total Undergraduate Occupancy
The Aston	1129 New Hampshire Avenue, NW	233	185
Hall on Virginia Avenue	2601 Virginia Avenue, NW	453	453
Pennsylvania House	2424 Pensylvania Ave. N.W.	0	0
City Hall	950 24th Street, NW	543	421
2144 F Street	2144 F Street NW	4	4
Columbia Plaza[6]	Virginia Avenue, NW between 23rd & 24th Streets	228	154
TOTAL		1461	1213

[1] This enrollment is taken as of February 18, 2005.
[2] Total of all beds occupied by full time undergraduates in on-campus facilities not owned by GW based upon Fall 2004 survey of local addresses.
[3] The estimated number of additional beds identified by the University to date that can be accommodated in existing on campus residence halls.
[4] Beds in dormitory proposed for Square 103, recently approved by the Zoning Commission.
[5] This count excludes beds on the GW Mount Vernon campus, which is the subject of a separate campus plan order.
[6] The University owns a minority interest in the partnership that owns the Columbia Plaza Apartments. This bed counts include the number of beds in Columbia Plaza that full time undergraduate students lease directly from the owner, but to which the University directed those students pursuant to its agreement with the owner. The figures provided above do not, however, include beds occupied by any GW graduate student, faculty or staff, nor any undergraduate student who may lease rooms directly from the owner, rather than being directed by the University.

February 28, 2005

PROCEDURES USED IN COMPILING GW DATA

In compiling the data reported in the February 28, 2005 report in response to Condition 9(c) of the BZA Second Remand Order for the Foggy Bottom Campus Plan, dated April 26, 2004, the following methods, assumptions and sources were employed.

1. The number of full time undergraduates enrolled for Spring semester 2005 was provided by the Office of Institutional Research, the GW office charged with the responsibility of tracking student enrollment and other University statistics. This count was taken on the Friday before this report was compiled, February 18, 2005. The Foggy Bottom full time undergraduate enrollment count includes all full time undergraduates enrolled and taking courses for the semester, and excludes

    a. Full time undergraduates assigned to other campuses, e.g., the Mount Vernon Campus.
    b. Foggy Bottom full time undergraduates who were away for the entire semester, e.g., on study abroad programs.
    c. Foggy Bottom full time undergraduates who take no courses but are "enrolled" for administrative purposes as a prerequisite to graduation.

2. The numbers of University-supplied beds occupied and available to full time undergraduates on and off campus were supplied by the Office of Residence Life, the GW office charged with managing such beds. The number of occupied beds was determined effective as of February 25, 2005. In determining the number of occupied beds, the University excluded residence hall staff consisting of graduate students and non-students, while full time undergraduates who live in a residence hall while working as staff (i.e., "community facilitators") were included.

3. The University has included in the on-campus bed count those beds occupied by Foggy Bottom full time undergraduates in facilities not owned by the University. This information was provided by the report of local student addresses. Included in this category are on-campus facilities owned by fraternities and private parties.

4. The University has identified space in existing residence halls which could house additional on-campus beds. These spaces consist of residence hall units used for administrative or other non-residential purposes, or occupied by community facilitators with fewer beds than the units can accommodate.

5. The bed count for Columbia Plaza, in which the University has a minority ownership interest, includes the number of beds to which GW directed its full time undergraduates to the Columbia Plaza management company for leasing.

The count does not included beds occupied by graduate students, faculty or staff, nor beds occupied by any undergraduate student who leases beds from the Columbia Plaza management company directly, without University involvement.

February 28, 2005

Information Required By Condition 17 of BZA Remand Order, For Fall 2005

1) Number of full time undergraduate students residing in Foggy Bottom/West End outside the campus plan boundaries: 1210 (See attached chart .)[1]

2) Number of full time undergraduate students residing in the District of Columbia outside the campus plan boundaries and Foggy Bottom/West End, organized by postal zip codes: See attached chart.

3) Number of full time undergraduate students residing in Maryland: 151

4) Number of full time undergraduate students residing in Virginia: 401

Good faith estimate of the number of married students and students with children encompassed in each category: 25, not broken down by category.[2]

[1] This number does not include full time undergraduate students residing in GW's off campus residence halls (Hall on Virginia Avenue, City Hall, Aston, and 2144 F Street) in Fall 2005, nor full time undergraduates assigned by GW to Columbia Plaza. Bed capacity and occupancy numbers for these facilities are included in the response to Condition 9(c). (See Attachment A). Also not included are 15 students who have not yet reported acceptable local addresses. Pursuant to GW policy, these students have a hold placed on their Fall registration until they fully comply with the reporting requirement.

[2] While married students and students with children are ineligible for University supplied housing, GW does not track the residencies of such students.

Current Addresses: Fall 2004 Current Address Summary	
Total Number of Foggy Bottom Students Residing Outside Foggy Bottom/West End	
State	**Total Fall 2004**
Virginia	**401**
Maryland	**151**
District of Columbia	**248**
20001	13
20002	6
20003	4
20004	2
20005	23
20006	0
20007	42
20008	20
20009	50
20010	6
20011	5
20012	1
20015	1
20016	15
20017	2
20018	1
20019	1
20020	3
20024	3
20027	0
20032	2
20036	11
20037	37
20051	0
20056	0
20078	0
Total Number of Foggy Bottom Students Residing Outside Foggy Bottom/West End	**800**
Total Number of Foggy Bottom Students Living Inside FB/WE Outside Campus Boundary	
Zip Code	**Total Fall 2004**
20006	350
20036	18
20037	842
Total Students Residing Inside Foggy Bottom/West End Outside Campus Boundary	**1210**

Beers&Cutler
internal Audit

INTEROFFICE MEMORANDUM

DATE: February 28, 2005

TO: Charles Barber, Senior Attorney

FROM: Jere Shawver, Partner, Beers & Cutler PLLC

SUBJECT: Report of Full-Time, Undergraduate Students Living Off Campus for Fall 2004

One requirement of The George Washington University's (GW) 10-year Campus Plan (Condition 17 of Board of Zoning Adjustment (BZA) Remand Order) is to submit an audited report of full-time, undergraduate students living off campus every semester to the Washington, DC BZA. You asked us, in our capacity as GW's internal audit function, to review the Fall 2004 report prepared by GW to be submitted to the BZA on February 28, 2005.

The data was compiled using downloaded information from SCT Banner, GW's student data and records management system. We have performed testing to validate the integrity of the Fall 2004 report. Further, we reviewed supporting documentation underlying an independent verification of student addresses in this system to determine completeness and accuracy of the Fall 2004 report.

Based on our testing, the Fall 2004 report to be submitted presents fairly, in all material respects, the address information of GW, full-time, undergraduate students living off campus for Fall 2004.

If you have any questions, or if we can be of further assistance, please contact Monica Modi at 703 637 7559 or me at 703 637 7672.

cc: Michele Beamer, Director, Institutional Real Estate
Ceil Hamilton, Associate Vice President for Finance
Lou Katz, Executive Vice President

STATEMENT UNDER OATH

I, Charles K. Barber, Senior Counsel for The George Washington University, do hereby swear that the report dated February 28, 2005, submitted in response to Condition 9(c) of the Board of Zoning Adjustment Second Remand Order for the GW Foggy Bottom Campus Plan, dated April 26, 2004, as interpreted by the Zoning Commission on February 24, 2003, was prepared in accordance with the methods, assumptions and sources identified in the summary attached hereto.

2/28/05
Date

C. K. Barber
Charles K. Barber

Subscribed and sworn to before me this 28th day of February, 2005.

[Official Impression Seal]

Notary Public

Ariva Palmer
Notary Public, District of Columbia
My Commission Expires 11-30-2009

My commission expires _____.

Attachment C

THE GEORGE WASHINGTON UNIVERSITY
WASHINGTON DC

VICE PRESIDENT AND GENERAL COUNSEL

February 25, 2005

Jerrily R. Kress, Executive Director
D.C. Office of Zoning
441 - Fourth Street, N.W.
Suite 225 South
Washington, D.C. 20001

RE: **619 G Street, NW: Lot 36, Square 103**

Dear Ms. Kress:

Please be advised that the undersigned owner of the above-referenced property, hereby authorizes the law firm of Venable LLP and its partner Jerry A. Moore III to act on its behalf regarding an application for the zoning relief necessary to renovate and use the above-referenced university property for university purposes.

Sincerely,

C. K. Barber

Charles K. Barber
Senior Counsel

2100 PENNSYLVANIA AVENUE, NW • SUITE 250 • WASHINGTON, DC 20052 • 202-994-6503 • FAX 202-994-4640

Attachment D

March 8, 2005

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

(BZA Order on Second Remand, dated April 26, 2004,
in Application No. 16553-I)

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

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

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

Condition 3

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

plan. It is recommended that the Advisory Committee consist of 10 members: five members to be selected by the University and five members chosen by ANC 2A, the Foggy Bottom Association, and the West End Citizens Association. The Advisory Committee should schedule quarterly meetings open to the public, and should keep minutes of each meeting. Upon request, the University will provide timely data relevant to campus plan issues to the Advisory Committee, provided that the data is not confidential or overly burdensome to produce. Decisions regarding the operation of the Committee should be made jointly by the University and the community.

Status: Over the last four years, GW has repeatedly written to community representatives stating that the University is ready to convene the Advisory Committee. To date, community representatives have declined to convene this Committee. The University remains ready to meet and plans to continue to express its desire to do so. GW is heartened by the recent agreement of community groups to participate in facilitated discussions concerning the future relationship of the GW campus within the Foggy Bottom/West End area. In addition, GW holds monthly public meetings with area residents to address issues of mutual concern. This effort, called FRIENDS, regularly attracts approximately 50 residents to each monthly meeting.

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 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 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 Work (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. Upon receiving substantial comments from OP, GW resubmitted a revised plan to address the agency's comments. Once final comments are received from OP, GW will submit the revised plan to DOT and Advisory Neighborhood Commission 2A (in lieu of the Advisory Committee, see response to Condition 3) for comment, and then to the BZA as required. OP has recently expressed a desire to include this issue in the facilitated discussions this spring on the future of the GW campus in the Foggy Bottom/West End area. (See response to Condition 3.)

Condition 8

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

Status: For Spring 2005, as of the fifth week of classes, the Foggy Bottom student headcount is 17,639 and the full time equivalent count is 15,060. The faculty headcount is 2126 and the full time equivalent is 1219. The number of staff employed by the University, including all full time and regular part time employees, is 3380 on the basis of headcount and their full time equivalent is 3248. Temporary workers, a category that consists mostly of student employees who work anywhere from 2 to 20 to 40 hours a pay period, account for an additional 3900 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 temporary workers is 390. In providing these population counts, the University has focused on the Foggy Bottom Campus and has excluded students and staff associated with the Mount Vernon Campus (governed by a separate campus plan), as well as the Virginia Campus, located in Loudoun County.

Condition 9

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 8000 (the "base number"), the University shall provide one bed on campus for each full-time undergraduate in excess of the base number.

Status: GW has significantly increased the number of on campus beds available for full time undergraduate students. The University is continuing its efforts to maximize the number of on campus beds prior to the Fall of 2006. Since the filing of the Campus Plan, GW has increased the on campus bed count by more than 1500 beds. An additional 379 beds are under construction and are scheduled to be added by the Fall of 2006 in a new residence hall on Square 103. Finally, the University continues its efforts to identify space on campus where additional beds can be added.

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.

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 February 28, 2005.

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.

Condition 10:

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

Status: GW has instituted this condition, with the exception that it continues to use the Hall on Virginia Campus for freshmen students. The Zoning Commission has recently voted to grant the University's application to stay this condition until August 31, 2006.

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.

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. The University regularly receives, and responds to, reports of misconduct from non-University sources. In addition, in the past year GW has worked to enhance its efforts to work with the local community to identify GW procedures for responding to off campus complaints, and to improve internal procedures for tracking and responding to such issues. With respect to

neighboring apartment buildings, GW has worked with the management company for Columbia Plaza in facilitating the operation of student disciplinary procedures for misconduct at that facility, and meets regularly with managers of other local apartment buildings to coordinate responses to complaints of off campus conduct. In addition, the University has recently hired a new position, Director of Off Campus Student Affairs, to specifically address off campus student conduct issues. Finally, the University has recently hired additional University Police to form a UPD Neighborhood Action Team to address concerns about student misconduct during late night and weekend hours.

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. The University has enhanced its efforts in the last year to publicize this hotline, and to respond to specific concerns.

Condition 14:

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

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

Condition 15:

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

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

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

b.) Parking: The University shall provide at least 2,800 off-street parking spaces within the campus boundary. Any off-street parking obtained by the University at a location outside the campus plan boundaries, including the University's off-campus spaces located at the Kennedy Center, shall not be counted toward the 2,800 minimum for purposes of satisfying this condition. The number of off-street parking spaces required to be provided within the campus boundary may be increased in any subsequent special exception order issued pursuant to this plan if necessary to mitigate the adverse impact of the approved uses on parking. The University shall monitor its utilization of University parking lots to determine usage patterns and to conduct an ongoing assessment of parking needs.

Status: The University currently maintains 3076 parking spaces on campus and continues to monitor the usage of its lots.

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

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

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

Status: During temporary street closings (principally around August move in procedures), the University regularly notifies all affected property owners and occupants.

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.

Status: GW maintains a record of license plates of motor vehicles kept by students in University parking facilities. In addition, the University directs all students to register their vehicles and obtain reciprocity stickers in compliance with District of Columbia law. University regulations provide that a student's failure to comply with District of Columbia law constitutes a violation of the Student 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 comprehensive management plan was adopted by the University on November 7, 2001. Given the absence of an Advisory Committee (see response to Condition 3) no submission has been made to that body.

Condition 17:

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 application 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 February 28, 2005.

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.

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.