



Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW | Washington, DC 20037-1122 | tel 202.663.8000 | fax 202.663.8007

RECEIVED
D.C. OFFICE OF ZONING
2009 NOV 24 PM 12: 51

Maureen E. Dwyer
tel 202.663.8834
maureen.dwyer@pillsburylaw.com

November 24, 2009

Hand Delivered

Mr. Anthony Hood, Chairman
Zoning Commission
441 4th Street, NW, Suite 210
Washington, DC 20001

#09-19

Re: Application of The George Washington University for Special Exception Approval of a New Campus Plan for the Mount Vernon Campus, Further Processing of a Campus Plan, and Related Relief

Dear Chairman Hood and Members of the Commission:

On behalf of The George Washington University (the “University”), enclosed please find applications for: a special exception for approval of a new campus plan for the Mount Vernon Campus and further processing of the campus plan in order to permit the renovation of and addition to Ames Hall. In conjunction with the further processing application, the University seeks a special exception to locate the rooftop structure within the required setback from the exterior walls.

The University has worked with the District of Columbia Office of Planning and other District agencies and has engaged in a comprehensive community-based planning process to identify the best way to accommodate the University’s forecasted academic and housing space needs within the existing Mount Vernon Campus Plan boundaries. The University believes its space needs can be met over the next ten years by reallocating the density approved under the existing campus plan to new sites in order to provide a balance of uses to meet student, faculty, and community needs.

The 2010 Campus Plan outlines a clear guide for development for the Mount Vernon campus that provides a level of predictability with respect to the location, density, and use of future University development. Beyond the certainty afforded by the development plan itself, the University has agreed to make several commitments in response to community concerns voiced during the planning process. These commitments, together with the applicable conditions of the existing campus plan that

ZONING COMMISSION
District of Columbia

401545524v1

www.pillsburylaw.com

CASE NO. 09-19 ZONING COMMISSION
EXHIBIT NO. 1 District of Columbia
CASE NO.09-19
EXHIBIT NO.1

will be updated and carried over to the 2010 Plan, will provide a significant measure of control over University growth and development.

In satisfaction of the requirements of 11 DCMR §§ 210 and 3104, attached please find an original and 20 copies of the following:

1. Completed BZA Application Form;
2. Completed Zoning Self-Certification Form;
3. Surveyor's Plat;
4. Letter of Authorization;
5. Names and mailing addresses of persons within 200 feet of the subject property;
6. A copy of BZA Order No. 16505, which documents the current authorized use of the subject property;
7. A copy of a signed letter agreement with Berkeley Terrace Neighbors regarding the use and development of the campus;
8. A copy of a signed letter agreement with Saint Patrick's Episcopal Day School regarding the use of the campus;
9. Statement of the Applicant, which includes (a) a statement of existing and intended use, (b) statement of burden of proof, (c) plan for the development of the campus as a whole, showing the location, height, and bulk, where appropriate, of all present and proposed improvements, (d) plans and elevations for the proposed redevelopment of Ames Hall, and (e) photographs of the subject property;

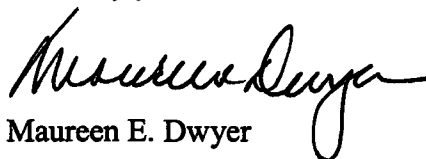
In addition to the above, enclosed is a check payable to the D.C. Treasurer in the amount of \$7,500.00. This includes: the \$5,000.00 filing fee for special exception approval of a campus plan and the \$2,500.00 filing fee for further processing of an campus plan.

November 24, 2009

Page 3

If you have any questions regarding the applications, please call either of the undersigned at (202) 663-8000.

Sincerely yours,



Maureen E. Dwyer



David M. Avitabile

Enclosures

cc: ANC 3D
Paul Goldstein, Office of Planning
Jeff Jennings, District Department of Transportation



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



APPLICATION

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

Pursuant to Sections §3103.2 - Use Variance, §3103.2 - Area Variance and/or §3104.1 - Special Exception of Title 11 DCMR - Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zoning Districts	Relief Being Sought		Section No(s).
				Area Variance	Use Variance Special Exception	
2100 Foxhall Road, NW	1374	850	R-1-A	Special Exception (3104)		210; 411.11
			R-1-B			

Present use(s) of Property: The George Washington University - Mount Vernon Campus

Proposed use(s) of Property: The George Washington University - Mount Vernon Campus

Owner of Property: The George Washington University Telephone No: (202) 994-4949


Address of Owner: 2121 I Street NW, Washington DC 20052

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public

Hearing Notice: Application for special exception approval pursuant to Section 210 for a new campus plan for The George Washington University's Mount Vernon Campus as well as further processing approval for the renovation of and addition to Ames Hall. In conjunction with the addition to Ames Hall, the University also requests special exception relief pursuant to Section 411.11 to locate the roof structures on the addition within the required setback from the exterior walls.

Estimated construction cost \$ N/A Advisory Neighborhood Commission Single-Member District(s) ANC 3D/3D06

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.
(D.C. Official Code § 22-2405)

Date: November 20, 2009 Signature:  Applicant* Alicia M. O'Neil Senior Associate Vice President for Operations

* The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.

To be notified of hearing and decision (Owner or Authorized Agent*):

Name: David Avitabile

Address: Pillsbury, 2300 N Street NW, Washington DC 20037

Phone No.: (202) 663-9013 Fax No.: (202) 663 - 8007 E-Mail: david.avitabile@pillsburylaw.com

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

INSTRUCTIONS

Any notice of application for action provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted.

1. All applications shall be made on Form 120. All applications must be completely filled out and be typewritten or printed. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11"x17").
2. Present this form and supporting documents, in person, to the Office of Zoning at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001.
3. At the time of filing an application before the Board of Zoning Adjustment, the Petitioner shall pay a filing fee in accordance with the Board of Zoning Adjustment Schedule of Fees – 11 DCMR §3180. (Check or money order is payable to the "DC Treasurer"; cash will not be accepted.)
4. **REQUIRED information to be submitted when making an application submission, includes one (1) original and twenty (20) copies of the following (except for labels of which (1) original and (1) copy is required):**
 - A. All applicants shall obtain from the Zoning Administrator (DCRA) a memorandum directing the applicant to the Board of Zoning Adjustment prior to filing this application or file through self-certification using Form 135. For self-certification, a licensed architect or attorney must certify the proposed relief requested.
 - B. A plat, drawn to scale and certified by a DC licensed survey engineer or the D.C. Office of the Surveyor showing boundaries and dimensions of the existing and proposed buildings and accessory buildings. Also required are architectural plans and elevations in sufficient detail to clearly illustrate any proposed building to be erected or altered, proposed landscaping/screens and building materials. Submittal of plat and plans shall not exceed 11" x 17" in size. (See Form 130 – Plat, Plan and Elevation Specifications for the required information on these drawings.)
 - C. A detailed statement of existing and intended use of such building or part of building.
 - D. A detailed statement explaining how the application meets the specific tests identified in the Zoning Regulations for variance (area and/or use), special exception or other specific relief being sought. (See Form 121 – Applicant's Burden of Proof for Variance and Special Exception Applications.)
 - E. Three color photograph views of appropriate size, not-to-exceed 8½" x 11", showing pertinent features of the building and the property involved (front, rear and sides, if possible).
 - F. The names and mailing addresses of the owners of all property within 200 feet, in all directions from all boundaries of the property involved in the application, **and self-stick labels of the names and mailing addresses of the owners of the properties.** (Note: This information is most readily available from the D.C. Department of Tax and Revenue, Tax Assessors, 941 North Capitol Street, N.E., 1st Floor, Washington, D.C. 20002.)
 - G. The name and mailing address of any person who has a lease with the owner for all or part of any building located on the property involved in the application.
 - H. Documentation or a copy of the Certificate of Occupancy showing the current authorized use. In cases where a change in one conforming use to another non-conforming use is requested, provide a copy of the past authorized uses.

Note: All applications are referred for review and recommendation to the D.C. Office of Planning (OP) and the Advisory Neighborhood Commission within which the affected property is located. Their reports are given "great weight" in the BZA decision-making process. Applicants are strongly recommended, at the time of filing a Form 120 application, to make contact with these agencies to discuss the merits of their application. OP can be reached at (202) 442-7600.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete a Request for Reasonable Accommodation form.

District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 200-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov * dcoz@dc.gov



ZONING SELF-CERTIFICATION FORM



Project Address(es)	Square	Lot(s)	Zone District(s)	ANC(s)/Single Member
2100 Foxhall Road NW	1374	850	R-1-A	ANC 3D06
			R-1-B	

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	<input type="radio"/> §3103.2 - Use Variance	<input type="radio"/> §3103.2 - Area Variance	<input checked="" type="radio"/> §3104.1-Special Exception
Pursuant to Subsections			210; 411.11

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.
(D.C. Official Code § 22-2405)

 <small>Owner's Signature</small>		<small>Affix to this form (use Print)</small> Senior Associate Vice President for Operations The George Washington University DAVID AVITABILE	
 <small>Agent's Signature</small>		Architect Registration No.	
Date	11/20/2009	D.C. Bar No.	500774

OFFICE OF ZONING DETERMINATION

(11 DCMR §3113.2)

Based upon review of the application and self-certification, this application is

<input type="checkbox"/>	Accepted for filing.
<input type="checkbox"/>	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
<input type="checkbox"/>	Rejected for failure to comply with the provisions of <input type="checkbox"/> 11 DCMR §3113.2; or <input type="checkbox"/> 11 DCMR - Zoning Regulations. Explanation _____

Signature		Date	
-----------	--	------	--



INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)					
Lot Width (ft. to the tenth)					
Lot Occupancy (building area/lot area)					
Floor Area Ratio (FAR) (floor area/lot area)	0.358 (total campus)		0.513 (2010 Plan)	0.386 (Ames Hall)	
Parking Spaces (number)					
Loading Berths (number and size in ft.)					
Front Yard (ft. to the tenth)					
Rear Yard (ft. to the tenth)					
Side Yard (ft. to the tenth)					
Court, Open (width by depth in ft.)					
Court, Closed (width by depth in ft.)					
Height (ft. to the tenth)					

**NAME AND MAILING ADDRESS OF THE OWNERS
OF ALL PROPERTY WITHIN 200 FEET IN ALL DIRECTIONS FROM
ALL BOUNDARIES OF THE PROPERTY INVOLVED IN THE APPLICATION**

<u>Square</u>	<u>Lot</u>	<u>Premise Address</u>	<u>Owner & Mailing Address</u>
1341	39	4411 W St NW	Ellen S Kolansky 4411 W Street, NW Washington, DC 20007-1152
1341	855	2207 Foxhall Rd NW	Sylvia K. Shugrue 2207 Foxhall Road, NW Washington, DC 20007-1145
1341	856	2209 Foxhall Rd NW	The Field School 2301 Foxhall Road, NW Washington, DC 20007-1147
1341	860	2203 Foxhall Rd NW	Jeffrey R. Dwyer, Trustee 2203 Foxhall Road, NW Washington, DC 20007-1145
1346	5	4414 W St NW	Phillips Park LLC
	833	4416 W St NW	Kelly Biggs
	834	Foxhall Rd NW	4416 W Street, NW
	835	2109 Foxhall Rd NW	Washington, DC 20007
	836	2107 Foxhall Rd NW	
	837	2105 Foxhall Rd NW	
	838	Foxhall Rd NW	
	839	2101 Foxhall Rd NW	
	840	4450 Deerfield Rd NW	
	841	Foxhall Rd NW	
	842	4432 Chestnut Ln NW	
	843	4428 Chestnut Ln NW	
	863	2101 Dunmore Ln NW	
	864	2105 Dunmore Ln NW	
	866	Foxhall Rd NW	
	870	4421 Chestnut Ln NW	
	871	4431 Chestnut Ln NW	
	872	Foxhall Rd NW	
	873	W St NW	
1346	6	4412 W St NW	Lot 7 Street LLC 4302 E West Highway Bethesda, MD 20814-4406

<u>Square</u>	<u>Lot</u>	<u>Premise Address</u>	<u>Owner & Mailing Address</u>
1346	804	Foxhall Rd NW	United States of America
1370	820	Whitehaven Pkwy NW	National Park Service
1384	815	W St NW	Mr. Peter May, Director 1100 Ohio Drive, SW Washington, DC 20242-0001
1346	827	Foxhall Rd NW	The Vestry of St. Patrick's Parrish
1372	817	4700 Whitehaven Pkwy NW	Saint Patrick's Protestant Episcopal
1374	5	4701 Whitehaven Pkwy NW	Church
1374	854	Whitehaven Pkwy NW	4700 Whitehaven Parkway, NW
1374	855	Whitehaven Pkwy NW	Washington, DC 20007-1554
1346	865	2109 Dunmore Ln NW	Keith Lemer 4552 Windsor Lane Bethesda, MD 20814-4725
1346	867	2113 Dunmore Ln NW	Clancy / Tucker LLC 5185 MacArthur Blvd, NW Washington, DC 20016-3341
1346	874	2001 Foxhall Rd NW	Chandra S. Hardy 2001 Foxhall Road, NW Washington, DC 20007-2049
1372	25	4759 Reservoir Rd NW	Lab School DC
1374	840	4749 Whitehaven Pkwy NW	4759 Reservoir Road, NW Washington, DC 20007-1921
1374	6	2007 48 th St NW	Berkley LLC
	7	2005 48 th St NW	4814 Del Ray Avenue
	8	2003 48 th St NW	Bethesda, MD 20814-3014
	9	2001 48 th St NW	
	10	4800 U St NW	
	11	4802 U St NW	
	12	4804 U St NW	
	13	4806 U St NW	
1378	2	4535 W St NW	George Washington University
1385	806	Berkeley Tr NW	c/o Louis H. Katz 2121 I Street, NW #701 Washington, DC 20052-0001
1378	3	W St NW	Doyce A. Boech 4515 W Street, NW Washington, DC 20007-1513

<u>Square</u>	<u>Lot</u>	<u>Premise Address</u>	<u>Owner & Mailing Address</u>
1378	4	4541 W St NW	Steven L. McClain 4541 W Street, NW Washington, DC 20007-1513
1378	5	4545 W St NW	Joann K. Gardner 4545 W Street, NW Washington, DC 20007-1513
1378	6	4511 W St NW	Government of the Republic of Argentina 1600 New Hampshire Avenue, NW Washington, DC 20009-2512
1378	9	4509 W St NW	Government of the Representative Namibia 1605 New Hampshire Avenue, NW Washington, DC 20009-2511
1378	10	4501 W St NW	Oliver Godrom 4501 W Street, NW Washington, DC 20007-1513
1378	801	4555 W St NW	Edward Lee 4555 W Street, NW Washington, DC 20007-1513
1378	803	2201 46 th St NW	Margaret A. Roddy 2201 46 th Street, NW Washington, DC 20007-1032
1378	814	2209 46 th St NW	Mirfarhad Shahlavi 23874 Kaleb Drive Corona, CA 92883-9383
1378	816 818 824	NW NW 2300 Foxhall Rd NW	Government of Belgium 2300 Foxhall Road, NW Washington, DC 20007-1146
1378	820	2205 46 th St NW	Peter B. Necarsulmer 2205 46 th Street, NW Washington, DC 20007-1032
1378	829	2200 Foxhall Rd NW	Sheila Smith Griffin, Trustee 2200 Foxhall Road, NW Washington, DC 20007-1144
1384	13	2216 46 th St NW	Jill M. Hill 2216 46 th Street, NW Washington, DC 20007-1031

<u>Square</u>	<u>Lot</u>	<u>Premise Address</u>	<u>Owner & Mailing Address</u>
1384	14	4615 W St NW	Charles L. Bartlett Trustee 4615 W Street, NW Washington, DC 20007-1515
1384	803	2200 46 th St NW	Theodore W. Rosenak 2444 Lakeside Drive Frederick, MD 21702-3156
1385	27	4743 Berkeley Tr NW	J. Hyatt 4743 Berkeley Terrace, NW Washington, DC 20007-1508
1385	28	4739 Berkeley Tr NW	Berkeley Terrace Investments LLC 3411 Rustic Way Lane Falls Church, VA 22044-1242
1385	37 816	4705 Berkeley Tr NW NW	Jane S. Hart Trustee 4705 Berkeley Terrace, NW Washington, DC 20007-1508
1385	41	Berkeley Tr NW	Alison Tennyson 4837 Reservoir Road, NW Washington, DC 20007-1543
1385	42	4736 W St NW	Marissa A. Rauch 4736 W Street, NW Washington, DC 20007-1516
1385	43	4727 Berkeley Tr NW	Gary L. Groat 4727 Berkeley Terrace, NW Washington, DC 20007-1508
1385	815	4709 Berkeley Tr NW	Jan Margaret Aber 4709 Berkeley Terrace, NW Washington, DC 20007-1508
1385	820	4713 Berkeley Tr NW	Deborah J. Smith 4713 Berkeley Terrace, NW Washington, DC 20007-1508
1385	823	4755 Berkeley Tr NW	Nuzhat Sultan-Khan 4755 Berkeley Terrace, NW Washington, DC 20007-1508
1385	829	4759 Berkeley Tr NW	M. Montgomery 4759 Berkeley Terrace, NW Washington, DC 20007-1508

<u>Square</u>	<u>Lot</u>	<u>Premise Address</u>	<u>Owner & Mailing Address</u>
1385	833	4742 W St NW	Anna Z. Bradley 4742 W Street, NW Washington, DC 20007-1516
1385	835	2015 48 th St NW	Windsor Freemyer 2015 48 th Street, NW Washington, DC 20007-1553
1385	837	4746 Berkeley Tr NW	Virginia W. Langman 4746 Berkeley Terrace, NW Washington, DC 20007-1507
1385	840	4751 Berkeley Tr NW	S. L. Rathje 4751 Berkeley Terrace, NW Washington, DC 20007-1508
1385	844	4700 Berkeley Tr NW	Jo Lynne T. Hough 4700 Berkeley Terrace, NW Washington, DC 20007-1507
1385	847	4731 Berkeley Tr NW	Bernard Oury 4731 Berkeley Terrace, NW Washington, DC 20007-1508
1385	848	4606 W St NW	Maryam Rahmani 4606 W Street, NW Washington, DC 20007-1514
1385	849	4747 Berkeley Tr NW	Maxime Weinstein 4747 Berkeley Terrace, NW Washington, DC 20007-1508
1385	850	4733 Berkeley Tr NW	David Roberts 4733 Berkeley Terrace, NW Washington, DC 20007-1508
1385	853	4715 Berkeley Tr NW	John Waterston, Trustee 4715 Berkeley Terrace, NW Washington, DC 20007-1508
1389	27	2032 48 th St NW	Gerard Baker 2032 48 th Street, NW Washington, DC 20007-1552
1389	813	2034 48 th St NW	Thomas M. Adams 2034 48 th St, NW Washington, DC 20007-1552

<u>Square</u>	<u>Lot</u>	<u>Premise Address</u>	<u>Owner & Mailing Address</u>
1389	814	4800 V St NW	James R. Rogers 4800 V Street, NW Washington, DC 20007-1509
1389	816	U St NW	First FSK LP C/O CVS Pharmacy 1 CVS Drive Woonsocket, RI 02895-6146
1389	822	4808 V St NW	George Ragovis 4808 V Street, NW Washington, DC 20007-1509
1389	828	2010 48 th St NW	James Hagerty 2010 48 th Street, NW Washington, DC 20007-1552
1389	829	2000 48 th St NW	Grady E. Means 2000 48 th Street, NW Washington, DC 20007-1552 ANC 3D PO Box 40846 Palisades Station Washington, DC 20016

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16505, of The George Washington University (Mt. Vernon Campus), pursuant to 11 DCMR 3104.1, for a special exception under Section 210 for the approval of an updated campus plan and for further processing to allow the construction of an addition to Somers Hall to provide for additional dormitory space; construction of a softball field on the southeast corner of the campus; and reconstruction of the existing tennis courts to include underground storage, athletic support space and parking spaces for 175 cars in R-1-A and R-1-B Districts at premises 2100 Foxhall Road, N.W. (Square 1374, Lot 850).

HEARING DATES: November 17 and December 15, 1999

DECISION DATE: December 15, 1999 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commissions (ANC) 3D and 2E and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3D. ANC 3D, which is automatically a party to the application, filed a written statement, dated December 14, 1999, withdrawing the concerns and opposition expressed in resolutions attached to letters dated October 28 and November 13, 1999, and supporting the application including the conditions contained in the agreement between the applicant and the Neighborhood Alliance.

As directed by 11 DCMR 3119.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 210. The Neighborhood Alliance appeared and was granted party status in support of the application including the conditions agreed to between the applicant and the Alliance. No other person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met its burden of proof, pursuant to 11 DCMR 3104.1, and that the requested relief can be granted as 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. It is therefore **ORDERED** that the application be **GRANTED** subject to the following conditions:

1. Approval of the Campus Plan shall be through December 31, 2010.
2. The Plan shall be as shown in the revised Campus Plan 2000-2010, Exhibit No. 117 in the record.
3. The Campus Plan application includes further processing approval of the construction of an addition to Somers Hall; construction of a softball field on the southeast corner of the campus; and reconstruction and enhancement of the existing tennis courts to include underground storage, athletic support spaces, additional tennis courts, and parking spaces for 175 cars.
4. The University shall submit to the Board, as a special exception, each individual request to construct a building other than the buildings included in the further processing approval for Phase 1.
5. Lot 806 in Square 1385, which fronts on Berkeley Terrace, N.W., shall not be included in the Campus Plan.
6. The Campus Plan is subject to the following population caps with the proviso that after five years, the University may go back to the BZA for an increase in the head count cap provided it is in substantial compliance with the conditions of this order:
 - (a) The traditional student population shall not exceed 1000 full time equivalent (FTE) students, which shall not exceed a 1500 head count.
 - (b) GW/MVC resident students shall each be counted as one full-time student for purposes of calculating FTE's, regardless of how many credit hours are taken by such resident students.
 - (c) The non-traditional, evening and weekend continuing education student population, including conference attendees, shall not exceed 300 on any given day during the spring and fall semester. During the summer months, the number of participants in campus activities or programs, including students, shall not exceed 1000 FTE, which shall not exceed 1500 head count on any given day.
 - (d) The proportion of non-resident to resident students enrolled in regular day-schedule courses on the GW/MVC campus will not exceed approximately 50 percent at any time during the life of the Campus Plan provided the University obtains the regulatory approvals for the future residence hall construction proposed in this Campus Plan.

- (e) The FTE and head count apply at all times. The FTE computation for the Mount Vernon Campus shall be determined yearly and shall be provided to the community in January of each year, starting January 2001. In addition, if requested, the University shall make available to the community its annual IPEDS to the US Government that reports student population for the University.

7. Vehicular access to the campus shall be limited and controlled as follows:

- (a) At completion of Phase 1, the new Whitehaven Parkway entrance shall become the exclusive 24-hour vehicular entrance to the campus for all GW student, faculty, staff, regular vendor, shuttle service, athletic department and Pool and Tennis Club vehicles. The entrance will be controlled through use of an automatic gate activated by a GWorld card (or other equivalent similar method) which will be made available to all the above. Additionally, instructions regarding the use of the Whitehaven entrance and the prohibition on use of the W Street entrance by the above identified vehicular users will be provided to such users. The entrance will be staffed as necessary to facilitate the easy flow of traffic in and out of the campus off of and onto Whitehaven Parkway. Further, the gatehouse staff controlling the W Street entrance will be instructed to enforce the prohibition on the use of that entrance and exit by all vehicles in the above-mentioned categories, i.e., GWorld card holders. The applicant shall use its best efforts to have visiting athletic teams and their supporters use the Whitehaven Parkway entrance, including vans and buses transporting them. The Applicant estimates that over 90% of campus related vehicles will use the Whitehaven Parkway entrance after completion of Phase 1.
- (b) Use of the W Street entrance by vehicles shall be limited to those visitors not required to use the Whitehaven entrance per the above. Vehicular access through the W Street entrance will be controlled, and restrictions enforced, including the restriction on all University-related parking on W Street, by security staff on duty 24 hours a day. Visitors may include parents and family members of GW students, prospective students and their families, alumni, trustees, advisory board members, guest speakers, patrons of performing arts presentations, members of the community not officially associated with the University or the Pool and Tennis Club, and attendees of special events, who are not restricted to using the Whitehaven entrance by virtue of holding a GWorld card.
- (c) The applicant will use its best efforts to avoid backup on W Street of visitors awaiting entrance onto the campus or exiting the campus. For larger special events that may have a high attendance of visitors or in other instances when there is a concentration of visitors entering or leaving the campus, the University is responsible for managing traffic in and out of the campus to minimize traffic

backup on W Street, using staff and using on-campus traffic management techniques. The University also shall be responsible for managing pick up and drop-off of students and others using the campus to minimize traffic backup on W Street, using staff and using on-campus traffic management techniques. The University may, where necessary to alleviate visitor traffic congestion on W Street, have visitors exit the campus using the Whitehaven Parkway exit.

8. To minimize the visual impacts of the Campus and enhance landscaping, the following conditions apply:
 - (a) The University shall augment its proposed landscaping plan to add enhanced landscaping on the perimeter of the campus to screen and buffer campus activities from adjoining properties and to further screen the W Street parking area, as shown on the revised landscape plan marked as Sheet C-3 (Site Development Plan, Athletic Facilities Project) of Exhibit No. 109 of the record. The University will create a dedicated landscaped buffer area along the W Street side of the campus to minimize visual impacts on the W Street residential neighbors, as shown on Sheet C-3 (Site Development Plan, Athletic Facilities Project) of Exhibit No. 109 of the record. The University will maintain a regular tree maintenance program as outlined at the BZA hearing. The University shall implement the new W Street plantings no later than June 1, 2000. The revised landscape plan as implemented by the University will minimize vehicle headlights to the extent possible. After completion of Phase I, the W street visitor parking lot will not be used for truck or bus storage.
 - (b) The new Hillside residence halls will be set back 60 feet from the campus property line along W Street and 90 feet from the campus property line along W Street with respect to the hall nearest Foxhall Road as shown on Exhibit A to Exhibit 109 of the record.
 - (c) The existing wooded buffer area between the campus and Berkeley Terrace neighbors will be maintained and enhanced with additional trees and shrubs to minimize the impacts of any further campus development.
 - (d) The Pelham residence hall replacement will be set back 125 feet from the campus property line along Berkeley Terrace and the location of the building will be moved south as shown on Exhibit B to Exhibit 109 of the record.
 - (e) Specified environmentally sensitive areas of the campus, shown on Exhibit C to Exhibit 109 of the record, will be designated as "protected areas" and not subject to new campus development. Existing development and improvements in Phase 1 are not affected by this limitation.

- (f) The University acknowledges the neighbors' concern that the roofline of the proposed Pelham replacement and the new Hillside residence halls to be constructed in Phases 2 through 5 be no higher than the height of the existing building on campus they are replacing. The University will address this additional concern in the design of these buildings as part of the further processing case for each building designed. The Alliance and the undersigned neighbors acknowledge, however, that the location and design changes already proposed in response to neighbor concerns as part of this agreement may limit the ability of the University to address this further concern.

9. The following conditions control traffic and off-site parking.

- (a) Until implementation by DPW of planned area-wide traffic improvements, the regular GW/MVC shuttle bus route will continue to be the current one, W Street to Foxhall to Whitehurst Freeway. The alternative route will be W Street to Foxhall to Whitehaven to MacArthur, to be used only in the event of emergency or significant delays along the regular route, provided that the alternative route is not rendered unsafe due to accident, weather conditions or other similar events.
- (b) After implementation by DPW of planned area-wide traffic improvements, GW/MVC regular shuttle bus routes, or the alternative route, shall be used absent an emergency. The University agrees to support the community regarding the area-wide traffic improvements.
- (c) The University shall require all students, faculty, staff, and vendors servicing the Campus to park on the Mount Vernon Campus and shall prohibit, to the extent permitted by law, students, faculty, staff, and vendors from parking on the streets adjacent to and surrounding the Mount Vernon campus. The University shall use its best efforts to cause other University-related vehicles to park on the Campus. To accomplish these purposes, the University shall have in place a system of administrative actions, penalties and fines for violations, which may be adjusted from time to time as needed. The community recognizes that the University has no authority or obligation to tow or remove cars parked on public streets. The community will be informed at the first or second community liaison meeting about what the University is permitted by law to do in carrying out any aspect of its parking program.
- (d) Construction employees, contractors and subcontractors shall by contract be prohibited from parking on W Street or surrounding streets under penalty of fines. Visitors to the campus, including attendees of all conferences, will be encouraged to use on-campus parking and, where feasible, notified in advance to do so.

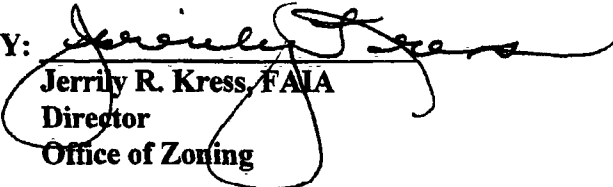
- (e) For conferences and larger special events, the University also will work with area institutions in order to provide additional parking, as needed.
10. The University shall abide by the District of Columbia noise regulations set forth in 20 DCMR Subtitle C. No sound amplification systems with multiple components and large free standing speakers will be permitted on the soccer field after 7:00 p.m., unless an official overtime is declared, and except as provided in the next sentence. To the extent that such sound amplification systems are needed on the soccer field for non-athletic special events such as graduation, 4th of July celebrations and other special events, these events will be limited to 12 per year (an additional number of events can be approved at the quarterly community meeting), will comply with District of Columbia noise regulations, and all reasonable efforts will be made to reduce the impacts on surrounding residential areas. The University shall establish and publicize a "hot-line" telephone number to the University Police Department, which shall be provided to Advisory Neighborhood Commissions 3D and 2E and the Foxhall and Palisades Citizens Associations, which neighbors can call with questions or concerns regarding campus noise and activity. There will be no amplified music on the tennis courts after 7:00 p.m.
11. (a) All on-campus exterior lighting shall be designed in a high quality manner reasonably designed to minimize impacts upon neighboring properties. Such lighting shall adequately light pathways, building entrances and other areas of the campus in a manner adequate for the security of students and others, and shall in general be low-level lighting, including architectural quality light pole lights and soft tree lighting. New buildings shall not be illuminated by spot or flood lights. Lighting specifications shall be developed and designed by consultants with expertise in techniques to minimize impacts upon neighbors. Special attention shall be paid to the lighting of entrance areas, garage ramps, and other points that traditionally are more highly lit than the general level of campus lighting, to be certain that such areas are not unnecessarily intrusive to neighbors.
- (b) Outdoor athletic facilities shall not be lighted at night, except for the tennis courts, which may continue to be lighted in accordance with its current schedule (11:00 p.m.) and the lighting of which shall be designed to make the reasonable best effort not to throw light laterally. There will be no night games scheduled on the soccer field.
- (c) During future building design and regulatory review, the University will make reasonable efforts to minimize negative interior lighting impacts on residential neighbors, especially in developing the patterns of fenestration and areas that require 24 hour lighting for security or building code purposes.

12. The applicant shall establish and maintain a community liaison program consisting of representatives of the University, the ANC, and the neighborhood. The applicant shall hold meetings of the community liaison members at least four times per year at a location in the community. Notice of the meetings shall be mailed to the ANC and abutting property owners and owners directly across the street at least one week prior to the meetings. Meeting agendas will be set after consultation with community liaison members. The applicant shall update the Board on the community meeting process at the time of filing each further processing or Campus Plan amendment application.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 3-0 (Carol Mitten, Jerry Gilreath and Robert Sockwell to approve; Sheila Cross Reid not present, not voting)

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

ATTESTED BY: 
Jerry R. Kress, FALA
Director
Office of Zoning

FINAL DATE OF ORDER: FEB - 8 2000

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 3125.9, "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO §3125.6"

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPEAL NO.: 16505

As Director of the Office of Zoning, I certify and attest that on FEB - 8 2000 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 this matter, and who is listed below:

Maureen E. Dwyer, Esquire
Wilkes, Artis, Hedrick & Lane
1666 K Street, N.W. Suite 1100
Washington, D.C 20006

The Neighborhood Alliance
Robert R. Elliott, Esquire (Counsel)
Elliott & Sugarman
3251 Prospect Street, NW, Suite 500
Washington, D.C. 20007

Eleanor Roberts Lewis, Chairperson
Advisory Neighborhood Commission
Ernst Auditorium, Sibley Hospital
P.O. Box 40820
Washington, D.C. 20016

Attested by:


JERRILY R. KRESS, FAIA
Director

Date: FEB - 8 2000

Attest/SO #16505/1-18-00/poh

April 6, 2007

D.C. Zoning Commission
Office of Zoning
441 4th Street NW, Suite 210
Washington, DC 20001

Re: The George Washington University: Mount Vernon Campus
Pelham Replacement Project

Dear Members of the Commission:

The George Washington University and residents of Berkeley Terrace have met multiple times over the past six months in an effort to reach agreement on the University's above-referenced Pelham Replacement Project. The undersigned are pleased to inform you that an agreement between the parties has been reached, pursuant to the terms set forth below. We respectfully request that these terms be included as conditions of the Zoning Commission's approval of the zoning application intended to be filed by the University in connection with the Pelham Replacement Project.

1. Provided that the proposed Pelham Replacement Building referred to as Option 2, which includes approximately 91,000 square feet of gross floor area (and shall not in any event exceed 92,820 square feet of gross floor area) is approved by the Zoning Commission as submitted in all material respects, The George Washington University (the "University") and the undersigned Berkeley Terrace Neighbors (the "Berkeley Terrace Neighbors") hereby agree as follows:

- a. Years 2007 through 2010

The University will not pursue any new development (other than that which is set forth in the Pelham Replacement Building zoning application) on the Mount Vernon Campus that is not specifically set forth in the *Mount Vernon Campus Plan: Years 2000 through 2010* (the "2000 Campus Plan") for the remainder of the Plan term.

- b. Years 2011 through 2020

- i. The University agrees not to construct any new development (with the exception of minor renovation projects including those necessary to address building code or other regulatory compliance issues, such as ADA accessibility) within the area identified on the revised Exhibit A as the "Berkeley Terrace Restricted Area" through the year 2020 (the "Berkeley Terrace Development Restriction"), so long as the Berkeley Terrace Neighbors whose signatures appear below or are attached hereto (or, in the event any of the aforementioned individuals no longer reside on Berkeley Terrace, a minimum of twelve then-current residents of Berkeley

Terrace) agree to demonstrate support for the next Mount Vernon Campus Plan (which is anticipated to run from 2011 through 2020) (the "2011 Campus Plan"), to the extent that the terms of the 2011 Campus Plan are not materially inconsistent with the approved 2000 Campus Plan, including the remaining development approved under the 2000 Campus Plan that has not yet been constructed. Consistent with Appendix F of the 2000 Campus Plan, this remaining development is approximately 250,000 square feet of gross floor area, less the gross floor area associated with the Pelham Replacement Building.

- ii. The Berkeley Terrace Neighbors further agree that, with respect to any component of the proposed 2011 Campus Plan that is not materially consistent with the 2000 Campus Plan, they will engage the University in a constructive dialogue regarding concerns they may have in order to allow the University a reasonable opportunity to secure their full support for the 2011 Campus Plan. In the event this dialogue does not result in securing the full support of the Berkeley Terrace Neighbors for the 2011 Campus Plan, the Berkeley Terrace Neighbors will not be required to demonstrate support for the 2011 Campus Plan.

c. Years 2021 through 2030

In the event the Berkeley Terrace Neighbors whose signatures appear below or are attached hereto (or, in the event any of the aforementioned individuals no longer reside on Berkeley Terrace, a minimum of twelve then-current residents of Berkeley Terrace) demonstrate support for all components of the 2011 Campus Plan that are not materially consistent with the 2000 Campus Plan (as described in 1.b.ii. above), the University agrees to extend the Berkeley Terrace Development Restriction for the term of the subsequent Campus Plan (anticipated to run from 2021 through 2030) (the "2021 Campus Plan"). In the event that the term of the 2021 Campus Plan expires prior to 2030, the University expressly agrees that this restriction will remain in effect through 2030.

d. Demonstration of Support for the 2011 Campus Plan

Demonstration of support for the 2011 Campus Plan (pursuant to the circumstances set forth in either b. or c. above) shall be evidenced by oral testimony and/or letters of support entered into the Zoning Commission record for the 2011 Campus Plan case by the Berkeley Terrace Neighbors whose signatures appear below or are attached hereto (or, in the event any of the aforementioned individuals no longer reside on Berkeley Terrace, a minimum of twelve then-current residents of Berkeley Terrace). The parties agree to further discuss the form and content of the Berkeley Terrace Neighbors' support prior to the 2011 Campus Plan hearing(s), with the understanding that in order to satisfy

the terms of this condition, support shall be demonstrated by oral testimony entered into the Zoning Commission record by at least one individual on behalf of the Berkeley Terrace Neighbors. A copy of this agreement shall be entered into the Zoning Commission record in connection with the Pelham Replacement Building case as well as the 2011 Campus Plan case to demonstrate the intent of the parties with respect to this condition.

2. Upon completion and occupancy of the Pelham Replacement Building, the University will agree to restrict the regular use of the section of the perimeter road identified on Exhibit B to University vehicles only (e.g., facilities and security vehicles and limited pick-up or drop-off for disabled students who may reside in the Pelham Replacement Building), and to make the section of the perimeter road identified on Exhibit B one way (westbound and southbound), provided however, that the University retains the express right to use the section of the perimeter road identified on Exhibit B for two-way traffic and non-University vehicles (i.e., students, parents, and visitors) for limited special events and activities, including, but not limited to, student move-in and move-out periods. These restrictions on use of the perimeter road are expressly conditioned on Zoning Commission approval for and completion of an additional entrance on Whitehaven Parkway (as identified on Exhibit B) in order to provide direct access to the Pelham site during site preparation and construction as well as permanent campus access thereafter.
3. The University agrees to eliminate the five parking spaces and related pavement along the perimeter road identified on the plan attached as Exhibit C and agrees not to relocate or provide new spaces in the section of the perimeter road identified on Exhibit C (i.e., from Pelham Hall north to Hand Chapel). The University will provide appropriate landscaping improvements to the area impacted by the eliminated parking spaces.
4. The University agrees to work with the Berkeley Terrace Neighbors and other interested members of the community to develop a Pelham Replacement Building landscape plan that incorporates a dense landscape barrier, specifically including coniferous and other tree varieties appropriate for year-round screening, between the Pelham Replacement Building and the residences of Berkeley Terrace. The goal of this condition is to fully screen the views of the Pelham Replacement Building from the Berkeley Terrace residences.
5. As the proposed design of the Pelham Replacement Building is further developed, the University agrees to meet with the Berkeley Terrace Neighbors and other interested members of the community to review the completed zoning application and all attachments prior to formally filing the application with the Zoning Commission. It is the desire of the Berkeley Terrace Neighbors and the intent of the University that the design and building materials for the Pelham

Replacement Building be in keeping with the existing character of the Mount Vernon campus. Periodic meetings will be held to provide the Berkeley Terrace Neighbors and other interested members of the community the opportunity to comment on design and construction issues associated with the Pelham Replacement Building project.

For the Berkeley Terrace Neighbors*:



David Roberts
4733 Berkeley Terrace



Pierre Oury
4731 Berkeley Terrace



Gary Groat
4727 Berkeley Terrace



John Waterston
4715 Berkeley Terrace

For The George Washington University:

By: 

Louis H. Katz
Executive Vice President
The George Washington University

* See *Additional Berkeley Terrace Residents in Support of the Pelham Replacement Project Agreement*, attached.

ATTACHMENT
Additional Berkeley Terrace Residents in Support of
Pelham Replacement Project Agreement

James A. Hart
4765 Berkeley Terrace

Terencia A. Neil
4746 Berkeley Terrace

Annelle Baran
4767 Berkeley Terrace

Louis Delyannis
Donald Hough
4703 Berkeley Terrace

Maya Montiel
4759 Berkeley Terrace

Thomas E. Bonf.
4713 Berkeley Terrace

Rena Victoria Vulliamy
4771 Berkeley Terrace

Patricia McCarney
4743 Berkeley Terrace

Jim Fox
4751 Berkeley Terrace

M. Weinstein
4777 Berkeley Terrace

Jan Aher
4709 Berkeley Terrace

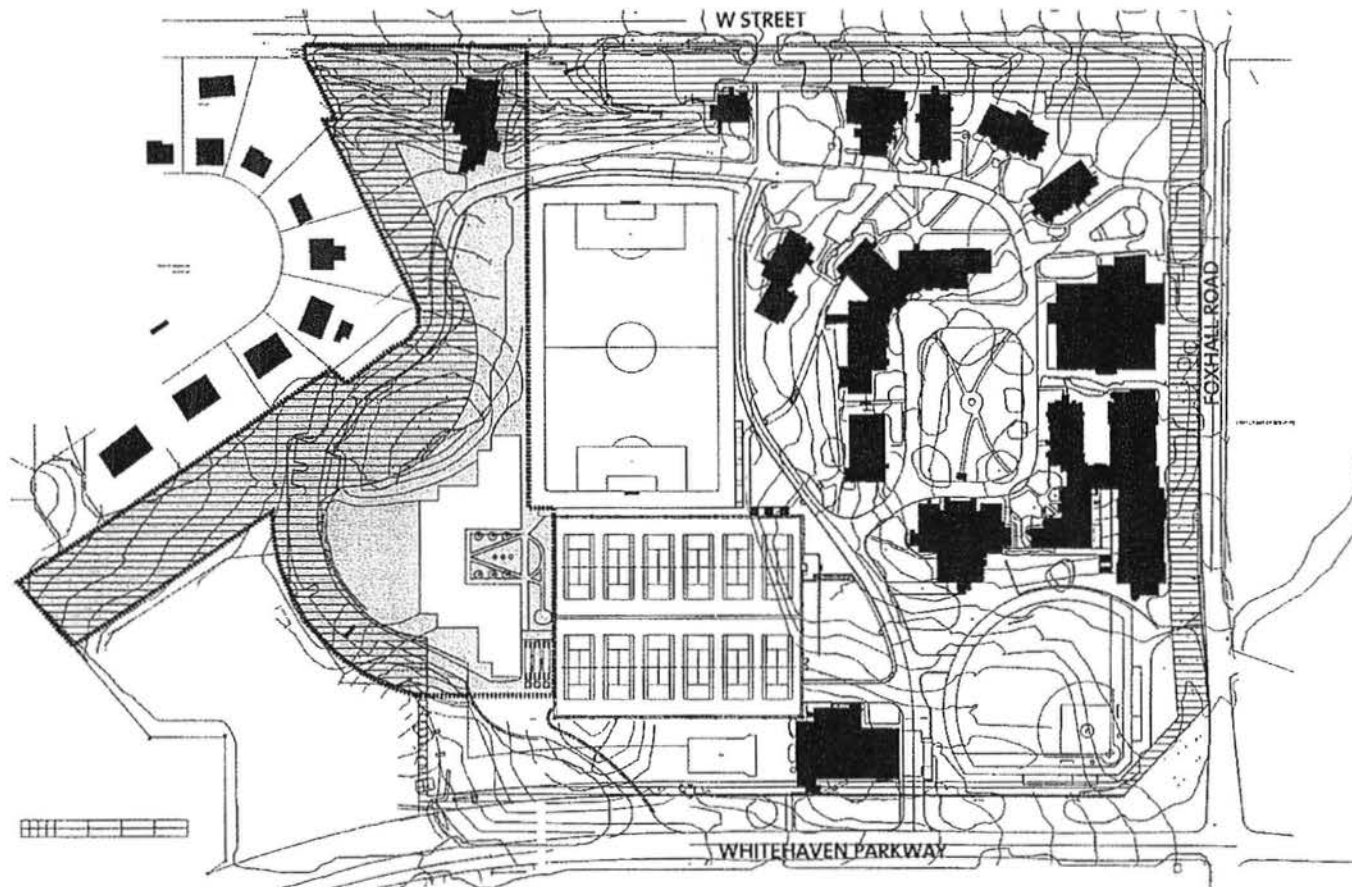
Nizhat Sultan Khan
4755 Berkeley Terrace

Roberto
4763 Berkeley Terrace

Jenny Tagher
4701 Berkeley Terrace



VACANT

4739 Berkeley Terrace

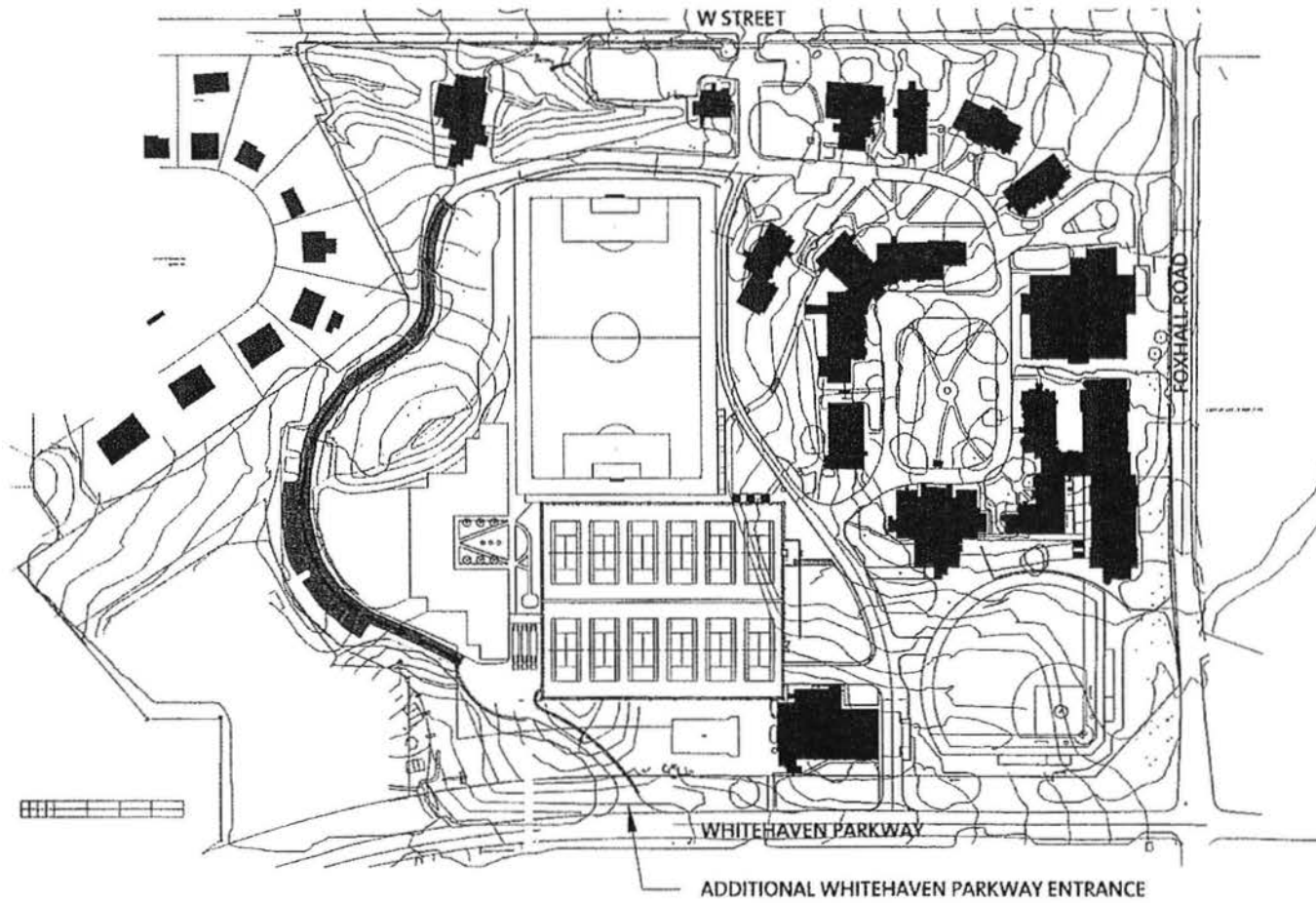


© 2007 Ecology Today Project, AAE

EYP/

-  BERKELEY TERRACE RESTRICTED AREA
-  PROTECTED AREAS FROM 2000-2010 CAMPUS PLAN (FIGURE 14)

THE GEORGE WASHINGTON UNIVERSITY
MOUNT VERNON CAMPUS
RESTRICTED AREA
DIAGRAM
2.27.2007



© 2007 Fisher Yaffe Pevsner, AEC

EYP/

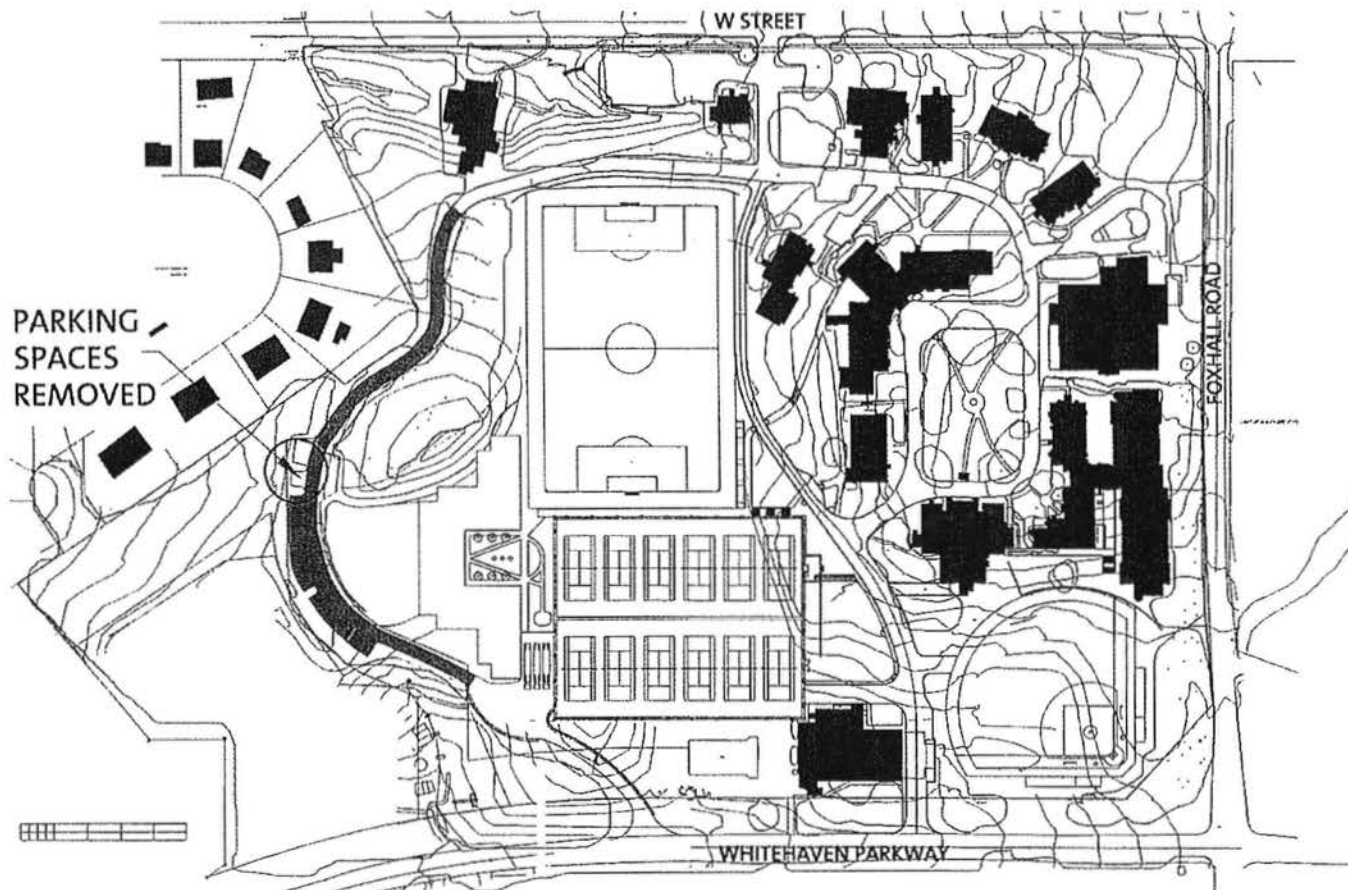
 ONE WAY/RESTRICTED USE

THE GEORGE WASHINGTON UNIVERSITY
MOUNT VERNON CAMPUS

PERIMETER ROAD
DIAGRAM

2.27.2007





© 2007 Embrey Yaffee Proctor, AAE

EYP/

 NO ADDITIONAL PARKING SPACES TO BE ADDED

THE GEORGE WASHINGTON UNIVERSITY
MOUNT VERNON CAMPUS

DELETED PARKING SPACES
DIAGRAM

2.27.2007





THE GEORGE
WASHINGTON
UNIVERSITY
WASHINGTON DC

October 23, 2007

Mr. Peter Barrett
Head of School
St. Patrick's Episcopal Day School
4700 Whitehaven Parkway, NW
Washington, DC 20007

Re: Pelham Replacement Project – Zoning Commission Order 07-12

Dear Peter:

I hope this letter finds you well. First, I want to thank you for the cooperation and spirit of partnership that GW and Saint Patrick's have fostered over the past years. We value our Mount Vernon Campus and our neighbors and believe that this Campus provides a unique and valuable educational experience for our students. I thank you for your help in furthering the educational opportunities that we are able to offer our students on the Mount Vernon campus.

As I understand from Alicia O'Neil, the GW team has met on multiple occasions with you and your team to discuss issues related to the Pelham Replacement Project (the "Project") and that these meetings will continue throughout the project to foster continued communication and ensure that GW is addressing any issues raised by Saint Patrick's during the construction process. Through these meetings and the procedures established in the agreement we reached earlier this year, I expect that GW will be able to address issues of concern to Saint Patrick's related to the construction of this building. However, should the unlikely event occur that there is an issue that is not being satisfactorily addressed through the procedures set forth in our agreement, please don't hesitate to call on Alicia or myself to assist in resolving such a matter.

As you are aware, at a Special Public Meeting on September 17, 2007, the Zoning Commission voted 3-0-2 to approve the Pelham Replacement Project ("the Project"). During the Zoning Commission hearing on this matter, the University submitted a copy of the agreement between Saint Patrick's and GW dated June 14, 2007 [Attachment A hereto], and through that document, as well as testimony during the hearing, asked that the guidelines related to ongoing

OFFICE OF THE
EXECUTIVE
VICE PRESIDENT

2121 I STREET, NW
WASHINGTON, DC 20052
202-994-6600
FAX 202-994-9304

operations of the access road be included as conditions to the Commission's Order in this case.

The Commission's Order on the Project has been issued [Attachment B], and will be published in the D.C. Register, and become effective, this Friday, October 26, 2007. In its Order, the Commission has declined to adopt the conditions of approval that GW and its neighbors requested be a part of this Order – including those related to the ongoing operations of the access road.

Notwithstanding the Zoning Commission's decision, the University wants to reaffirm its commitment to all of the terms that we have agreed to with Saint Patrick's, as set forth in the attached agreement. This agreement is important to GW and as witnessed over the past months, your support has been critical to the success of the Pelham project. We look forward to having the opportunity to work with you as we move forward with this Project and our next campus planning effort.

To this end, the University agrees that in order to make the terms of our agreement with Saint Patrick's related to the ongoing operations of the access road part of future campus planning proceedings, as was the intent of our original agreement filed with the Zoning Commission, the University will include in its next Mount Vernon Campus Plan (which is anticipated to run from 2011-2020), the conditions included as Exhibit B of our agreement. The University, will of course, continue to uphold its agreement regarding construction management issues (included in Exhibit A of our agreement), through the prescribed activities and continuing ongoing dialogue on the matter.

We thank you for your support and collaborative engagement on the Pelham project and look forward to continuing to work with you and your team, as well as other neighbors, on this Project as well as on future campus planning efforts. If you have questions, please don't hesitate to contact Alicia O'Neil of my office via telephone at 202.994.2371 or via email at oneila@gwu.edu.

Sincerely,



LOUIS H. KATZ
Executive Vice President

ATTACHMENT A



THE GEORGE
WASHINGTON
UNIVERSITY
WASHINGTON DC

June 14, 2007
Page 1

June 14, 2007

Mr. Peter A. Barrett
Head of School
St. Patrick's Episcopal Day School
4700 Whitehaven Parkway, NW
Washington, DC 20007

Mr. Barrett:

As has been the topic of many discussions between our respective neighboring institutions, The George Washington University ("GW" or "the University") has filed an application with the DC Zoning Commission for approval to construct a new residence hall to replace the existing Pelham Hall ("Pelham Replacement Project") at GW's Mount Vernon Campus. In addition, GW intends to construct a secondary access road from Whitehaven Parkway to the Mount Vernon Campus ("Secondary Whitehaven Access Road"). The Secondary Whitehaven Access Road will be used during construction of the Pelham Replacement Project and will also provide campus access (as outlined in Exhibit B) thereafter.

Given the location of St. Patrick's School ("St. Patrick's") immediately to the south of the Mount Vernon Campus on Whitehaven Parkway, GW desires to work closely with St. Patrick's (as well as other members of the surrounding community) to address construction and traffic management related concerns in connection with the Pelham Replacement Project and the Secondary Whitehaven Access Road.

Attached to this letter please find two Exhibits that comprise the terms of the agreement between GW and St. Patrick's with relationship to these efforts:

- Exhibit A outlines the agreement between GW and St. Patrick's regarding construction management issues related to the construction of the Secondary Whitehaven Access Road and the Pelham Replacement Project. At this time, a contractor has not yet been selected in connection with either of these construction efforts. However, prior to the commencement of construction, GW will work with the selected contractor to prepare a Construction Management Plan that includes the relevant provisions outlined in Exhibit A and will review and discuss the Construction Management Plan with representatives from St. Patrick's School and other interested members of the community as the Plan is developed and finalized.

OFFICE OF THE
EXECUTIVE
VICE PRESIDENT

2121 I STREET, NW
WASHINGTON, DC 20052
202-994-6600
FAX 202-994-9304

June 14, 2007
Page 2

- Exhibit B addresses post-construction traffic and operations issues associated with the Secondary Whitehaven Access Road and the Pelham Replacement Project. GW shall propose conditions to the Zoning Commission in conjunction with the Pelham Replacement Project that address the issues outlined in Exhibit B.

I thank you for your willingness to engage in dialogue with the University related to our efforts to improve the living and learning environment at the Mount Vernon Campus. My team and I look forward to a continued positive working relationship with St. Patrick's on this project and other future endeavors affecting our neighboring institutions.

If you are in agreement with the terms outlined in the attached exhibits, please sign and return a copy of this letter so that we may have the terms of our agreement documented for submission to the Zoning Commission in connection with this project. If you have questions or concerns, please contact Alicia O'Neil at oneila@gwu.edu or at 202.994.2371. Thank you again for your cooperation.

Sincerely,



Louis H. Katz
Executive Vice President

Agreed:



Mr. Peter Barrett
Head of School

Cc: Charles Barber
Wendy Martino
Alicia O'Neil
Fred Siegel
David Wellman

EXHIBIT A – Construction Management Issues

At this time, a contractor has not been selected in connection with the Secondary Whitehaven Access Road and the Pelham Replacement Project. However, prior to the commencement of construction, GW will work with the selected contractor to prepare a Construction Management Plan that includes all relevant provisions outlined herein. GW will review and discuss the Construction Management Plan with representatives from St. Patrick's School and other interested members of the community as the Plan is developed and finalized.

A.1 Regular Communication

- a. GW shall designate a GW employee as the Project Traffic Representative to be the key point of contact during the period of construction of the Secondary Access Road and the Pelham Replacement Project. At any time construction activity is occurring, the Project Traffic Representative or his/her designee shall be available on-site or by telephone to receive and address concerns or other communications regarding construction-related traffic issues. It is agreed that the "designee" for the Project Traffic Representative shall be a GW employee and shall be used only in the case of the absence of the Project Traffic Representative.
- b. Representatives from GW (e.g., members of the Project Management team, the Project Traffic Representative, GW's transportation management coordinator, representatives from the MVC administration) shall meet monthly with representatives from St. Patrick's School and other interested members of the community to review and discuss construction-related issues in connection with the Pelham Replacement Project and the Secondary Whitehaven Access Road.

A.2 Construction Schedule

- a. Construction hours will conform to District regulations for work in residential zones (i.e., permitted construction hours shall be Monday through Saturday from 7:00 a.m. until 7:00 p.m). With respect to Saturday construction hours, the University will continue to evaluate the need and extent to which Saturday construction is necessary; however, given the impacts to the construction schedule that will result from the University's efforts to minimize adverse impacts on weekday activities of St. Patrick's School, the University may be required to fully utilize the permitted Saturday hours during certain phases of construction. In the event GW seeks to perform construction-related activities outside of standard permitted work hours, GW will secure all required District approvals and will provide notice of such planned work (including the nature and the

estimated duration of the work) to representatives from St. Patrick's School and members of the community. GW shall make such notice as far in advance as is reasonably practical; however, due to considerations beyond the University's control extended advance notice is not always possible. In no case, however, shall GW request permission from the District to conduct noise-generating construction activities or construction activities that will affect parking and traffic flow along Whitehaven Parkway on Sundays without the prior agreement of St. Patrick's.

- b. GW shall agree to limit construction-related activities during times that would substantially interfere with special events at St. Patrick's School. St. Patrick's School shall provide GW with at least 14 days notice for each such event. However, GW and St. Patrick's recognize that this may not always be possible due to unforeseen circumstances, in which case GW will use its best efforts to accommodate St. Patrick's request for the modification of construction activities. GW and St. Patrick's will discuss these events and the impact of construction activities on such events at the regular meetings or specially scheduled meetings that may be necessary to address unforeseen events or issues. Special events currently scheduled for the 2007-2008 school year are listed on the attached Appendix A-1. GW and St. Patrick's agree that modest changes to this schedule are expected, however, the overall volume of such activities is not expected to increase measurably.

A.3 Construction Vehicles and Traffic Flow

- a. The Project Traffic Representative or his/her designee shall be responsible for monitoring construction-related activity on the Secondary Whitehaven Access Road during all hours of construction activity. The University shall require that an identified onsite traffic coordinator with authority to effectuate, implement and enforce the construction vehicle and traffic flow restrictions set forth herein shall be present onsite at all times during construction activity to ensure that construction-related activities are being conducted in accordance with the terms of the Construction Management Plan, including, but not limited to, the restrictions on vehicle queuing on Whitehaven Parkway. Furthermore, a staffing plan for onsite traffic management (e.g., flagmen, traffic coordinators, etc.) shall be incorporated into the Construction Management Plan. The identified onsite traffic coordinator shall regularly coordinate and communicate with the Project Traffic Representative to ensure consistent and continued compliance with the terms of the Construction Management Plan. St. Patrick's shall be provided with contact information (including a mobile telephone number) for the onsite traffic coordinator and the Project Traffic Representative to facilitate the resolution of any issues identified by St. Patrick's.

- b. During the construction of the Secondary Whitehaven Access Road, GW shall prohibit construction vehicles from queuing on Whitehaven Parkway during the primary peak St. Patrick's School carpool times identified in the attached Appendix A-2. In addition, the Project Traffic Representative shall ensure that GW's Construction Management firm appoint the onsite traffic coordinator identified in section A.3.a above consistent with the terms of this Agreement. The onsite traffic coordinator shall deploy appropriate personnel to adequately manage construction traffic during the secondary peak carpool times of 8:50am to 9:15am, 11:50am to 12:10pm (Monday-Thursday), 2:45pm to 3:30pm (Friday), and 4:00pm to 4:30pm so as to minimize any disruption to carpool operations. Issues related to the performance of the onsite traffic coordinator that are not able to be resolved immediately shall be directed to the Project Traffic Representative.
- c. Following the completion of the Secondary Whitehaven Access Road, GW shall prohibit construction vehicles from queuing on Whitehaven Parkway at any time. Construction traffic and truck routing will be coordinated with the D.C. Department of Transportation.
- d. Construction vehicles will be required to access the Pelham Replacement Project site from the east (i.e., by making a right hand turn movement onto the existing or secondary Whitehaven access roads) and to depart the site to the east (i.e., by making a left hand turn movement onto Whitehaven Parkway from the existing or secondary Whitehaven access roads), unless otherwise required by DDOT, in which event the University agrees to explore and discuss other alternatives with representatives from St. Patrick's School and other interested members of the community.
- e. Prior to the initiation of construction, GW shall adopt a Construction Management Plan in consultation with the construction contractor to be selected. There will be limited parking on the construction site and therefore the Construction Management Plan shall require the general contractor to develop a plan with the subcontractors for transporting additional workers to and from the site. Furthermore, construction workers shall be advised that they are not to park on neighborhood streets in the vicinity of the Mount Vernon Campus, including but not limited to Whitehaven Parkway, W Street, Berkley Terrace and 48th Streets, NW.
- f. The terms of the Construction Management Agreement will remain in place until the receipt of a certificate of occupancy for the Pelham Replacement Project.

A.4 Additional Issues to be Addressed

- a. **The Construction Management Plan shall include provisions addressing stormwater management and pest control.**
- b. **Mount Vernon Campus pool operation issues will be further evaluated and discussed. St. Patrick's has indicated their strong desire to maintain their use of the Mount Vernon Campus pool to the extent possible during construction of the Secondary Whitehaven Access Road and the Pelham Replacement Project.**

EXHIBIT B – Post-Construction Traffic and Operations Issues

B.1 Monitoring and Communication

- a. Following the completion and occupancy of the Pelham Replacement Project, GW's Transportation Management Coordinator shall be the key contact for interested members of the community, including St. Patrick's School, with respect to traffic-related concerns associated with the Pelham Replacement Project and the Secondary Whitehaven Access Road.
- b. GW shall explore various alternatives for monitoring the use of the Secondary Whitehaven Access Road.

B.2 Use of the Secondary Whitehaven Access Road

- a. Upon completion and occupancy of the Pelham Replacement Project, the University will agree to restrict the regular use of the Secondary Whitehaven Access Road to University vehicles (e.g., facilities and security vehicles) and vehicles making deliveries to the Pelham Replacement Project, subject to limited special circumstances that may require vehicles to exit the campus via the Secondary Whitehaven Access Road (e.g., vehicular access for disabled students residing at or visiting the Pelham Replacement Project). The University will use commercially reasonable efforts to coordinate deliveries during times other than the primary peak St. Patrick's School carpool times identified in the attached Exhibit B.
- b. The Secondary Whitehaven Access Road will not be regularly used by the Vern Express shuttle; however, disabled students requiring shuttle access to or from the Pelham Replacement Project will be permitted to call a Vern Express shuttle for a specific pickup or drop off at which time the shuttle will be permitted to exit the campus via the Secondary Whitehaven Access Road.
- c. GW shall retain the express right to use the Secondary Whitehaven Access Road for non-University vehicles for special events and activities, including, but not limited to, student move-in and move-out periods. To the extent possible, the University shall provide reasonable notice of such special events to St. Patrick's School and members of the community.

B.3 Continued Use of the Primary Whitehaven Parkway Entrance

The University shall continue to use the existing Whitehaven Parkway entrance as the primary 24-hour vehicular entrance to the Mount Vernon Campus for GW students,

faculty and staff; University vehicles; vendors (notwithstanding that certain vendors shall be permitted to use the Secondary Whitehaven Access Road to access the Pelham Replacement Project as set forth in Section B); Vern Express shuttle service; Pool and Tennis Club vehicles; and any other vehicles provided for in Condition 7(a) of the Mount Vernon Campus Plan.

APPENDIX A-1

**ST. PATRICK'S EPISCOPAL DAY SCHOOL
SELECTED CALENDAR EVENTS FOR 2007-2008
(as of June 15, 2007)**

**STE – Significant Traffic Event
NSE – Noise-Sensitive Event**

SEPTEMBER	4, Tuesday - STE	SCHOOL OPENING, Kindergarten - Grade 8 Upper School (4-8) - 8:05 am Lower School (K-3) - 8:15 am
	7, Friday - STE	Opening Chapel for Students and Parents (K-8) – 8:30 am Reception for Parents Follows
	20, Thursday - STE	Upper School (4-8) Back-to-School Night - 7:00 pm
	27, Thursday - STE	Lower School Back-to-School Night - 7:00 pm
OCTOBER	4, Thursday - STE	Nursery Back-to-School Night - 7:00 pm
	20, Saturday – STE	Fall Family Fun Day – 10:00 am – 3:00 pm
	31, Wednesday – STE - NSE	Halloween Parades Nursery - 9:30 am Kindergarten - Grade 6 - 1:30 pm
NOVEMBER	7, Wednesday - NSE	Grade 4 Production – 10:00 am
	8, Thursday - NSE	Grade 4 Production – 10:00 am
	9, Friday - STE	Admission Open House - 9:00 - 11:00 am
	20, Tuesday - STE - NSE	GRANDPARENTS AND SPECIAL FRIENDS VISITING DAY - K-6
DECEMBER	5, Wednesday - NSE	Holiday Concert Preview - 2:00 pm
	6, Thursday - NSE	Holiday Concert - 7:00 pm
	8, Saturday - NSE	SSAT Test
	19, Wednesday - STE - NSE	CHRISTMAS PAGEANTS Nursery/Kindergarten - 9:30 am /Grades 1-7 - 11:00 am
JANUARY	9, Wednesday - STE	2008 Admission Open House – Nursery – Grade 8 - 9:00 - 11:00 am
	18, Friday - STE - NSE	Martin Luther King, Jr. - All-School Chapel - 8:30 am Upper School (4-8) Early Dismissal - 12:10 pm

FEBRUARY	14, Thursday - STE	PARENTS VISITING DAY, N-6
MARCH	7, Friday - STE	Grades 4-6 Early Dismissal - 12:10 pm; Grades 7, 8 Regular Dismissal
		AUCTION - Adult Guests, Auction and Dinner - 6:00 - 11:00 pm
	13, Thursday - STE - NSE	Reception for Newly Accepted Parents -- 8:45 am
	17, Monday - NSE	St. Patrick's Day - All-School Chapel - 8:30 am Recitation Contest - 1:00 pm
APRIL	7-11, Mon.-Fri. - NSE	ERB Tests, Grades 2-5
	16, Wednesday - NSE	Spring Concert Preview - 2:00 pm
	17, Thursday - NSE	Spring Concert - 7:00 pm
MAY	6, Tuesday - NSE	Grades 5 and 6 Spring Musical Matinee - 12:30 pm
	7, Wednesday NSE	Grades 5 and 6 Spring Musical Matinee - 12:30 pm
	14, Wednesday - NSE	Kindergarten Circus Dress Rehearsal - 9:15 am New Parent Reception - 3:30 - 4:30 pm
	16, Friday -- STE - NSE	Kindergarten Circus - 10:30 am
	30, Friday - STE - NSE	Lower School Chapel of Celebration (K-3) - 11:00 am
JUNE	3, Tuesday - NSE	Grades 7 and 8 Early Dismissal -- 12:10 pm Grade 8 Commencement - 6:30 pm
	4, Wednesday - STE - NSE	SCHOOL CLOSING LS, US Closing Chapel - 8:30 am NS Closing Chapel - 11:00 am Grade 6 Graduation - 7:00 pm
	16, Monday	Summer Program - Session I Begins

APPENDIX A-2

Primary Peak Pick-Up/Drop-Off Times:

7:30am – 8:30am
2:30pm – 3:30pm (Monday through Thursday)
11:50am – 12:30pm (Friday)

Secondary Peak Pick Up/Drop-Off Times:

8:50am – 9:15am
11:50am – 12:10pm (Monday through Thursday)
2:45pm – 3:30pm (Friday)
4:00pm – 4:30pm

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

Z.C. Order No. 07-12

Z.C. Case No. 07-12

**George Washington University: Mount Vernon Campus – Campus Plan Amendment
and Further Processing of Pelham Replacement Project**

(Square 1374, Lot 50)

September 17, 2007

This case is an application by the George Washington University (the "University" or the "Applicant") requesting special exception approval under the campus plan provisions of the Zoning Regulations at 11 DCMR §§ 3104.1 and 210 for an amendment to an approved campus plan for the University's Mount Vernon campus and further processing under the amended plan to allow the construction and use of the proposed Pelham Replacement Project. In accordance with § 210 of the Zoning Regulations, this case was heard and decided by the Zoning Commission (the "Commission") using the rules of the Board of Zoning Adjustment at 11 DCMR § 3100, *et seq.* The components of the Applicant's request were the reallocation of 22,761 square feet of gross floor area from other approved campus plan projects to accommodate a larger new residence hall than was previously approved in the campus plan, construction of the new Pelham Replacement Hall (the "Project") that will replace the existing Pelham Hall, and construction of a new secondary access road on the campus.

HEARING DATE: July 2, 2007

DECISION DATE: September 17, 2007

The zoning relief requested in this case was self-certified, pursuant to 11DCMR § 3113.2.

FINDINGS OF FACT

1. Advisory Neighborhood Commission ("ANC") 3D was a party in this proceeding. The Commission denied a request for party status from Mr. and Mrs. Steven Gardner on behalf of the W Street Neighbors as untimely and for failure to articulate an appropriate rationale for being granted party status. The Commission also noted that a separate request for party status from Mr. Thomas Bradley was withdrawn. (Tr. at pp. 8-10.)
2. The Mount Vernon campus, located at 2100 Foxhall Road, N.W. (Square 1374, Lot 50), is designated as "Institutional" on the Future Land Use Map of the Comprehensive Plan.

The campus is zoned R-1-A and R-1-B and is subject to the terms and conditions of the current Mount Vernon Campus Plan, described below.

3. The University's current campus plan for the Mount Vernon campus, for the period 2000 to 2010, shows the location, height, and bulk of present and proposed improvements as required by 11 DCMR § 210.4 (the "Mount Vernon Campus Plan" or the "Campus Plan"). The Board of Zoning Adjustment ("BZA") approved the Campus Plan by BZA Order No. 16505 (December 15, 1999). (Ex. 11, Pre-Hearing Statement (June 18, 2007), at p. 1.)
4. Two further processing applications were approved concurrently with the Mount Vernon Campus Plan: an addition to Somers Hall to provide additional student residential space and an athletic facilities project that included the construction of a softball field and an elevated tennis court structure with underground storage, athletic support space, and parking for 175 vehicles. No other further processing applications have been filed since that time. (Id.)

Project Overview

5. The Project site is the location of the existing Pelham Hall, in the southwest quadrant of the Mount Vernon campus. To the east are the elevated tennis courts structure and underground parking garage referenced above. The Project site is located off Whitehaven Parkway, across the street from the Saint Patrick's Episcopal Day School, and is adjacent to single-family residential homes on Berkeley Terrace. (Tr., Zoning Commission Public Hearing (July 2, 2007), at pp.15-16.)
6. The approved Campus Plan identified Pelham Hall as a site for potential Residential Mixed-Use Development on its "Conceptual Site Plan" and contemplated that the replacement building would contain 70,000 square feet of gross floor area and include new residential space, a potential executive training facility, and an underground parking garage accommodating 100 vehicles. (Ex. 11 at p.1; Tr. at p. 18.)
7. In developing a plan for the replacement of Pelham Hall, the University evaluated its current space requirements and institutional priorities in light of its ongoing efforts to foster and enhance the living and learning experience at the Mount Vernon campus. The University determined that a larger residential facility was more appropriate than the 70,000-square-foot facility already approved. (Ex. 11 at 1; Tr. at pp. 116-19.)
8. The Pelham Replacement Project will provide approximately 287 beds for undergraduate student housing, as well as three apartments for staff. The Project will also provide below-grade residential/campus life and building support space, including a dining facility, which will enable the University to transition space currently accommodating student support functions in and around the campus quadrangle to academic purposes,

consistent with the planning objectives of the Campus Plan. The Project will not include the executive training facility or underground parking contemplated in the approved Campus Plan. (Ex. 11 at pp. 1-2; Tr. at pp. 19-20.)

9. Currently, regular campus-related traffic enters the Mount Vernon campus via an entrance on Whitehaven Parkway, and Pelham Hall is accessed from the north via a perimeter road that loops around the northwest and west portions of the campus. (Tr. at pp. 65-66.) The Conceptual Site Plan within the approved Campus Plan showed an access road that would extend the perimeter road to the south and connect the Pelham site to Whitehaven Parkway. (See Appendix A of the approved Campus Plan; Tr. at pp. 16, 68; see also Figures 2B, 4, 6, 8, 11, 13, and 14 of the approved Campus Plan (depicting the access road).) As part of the Pelham Replacement Project, the University planned to construct the access road, which will supplement the existing campus entrance off Whitehaven Parkway. Once completed, the access road will: (1) allow for two-way direct access to the loading dock of Pelham Replacement Hall from Whitehaven Parkway; (2) allow the University to restrict the use of the perimeter road to one-way, university-related traffic; and (3) continue to direct regular campus-related traffic away from the W Street entrance to the campus. (Ex. 11 at pp. 6, 7-8; Tr. at pp. 24-25.)

Campus Plan Amendment

10. The Project will contain approximately 92,761 square feet of gross floor area, which represents approximately 65,100 net new square feet of gross floor area on the Mount Vernon campus. The Project's approximately 287 beds for undergraduate student housing represent approximately an additional (net) 209 beds and will bring the total number of student beds on the Mount Vernon campus to approximately 700. This increase is consistent with the resident student population estimates set forth in the Campus Plan. (Ex. 11 at p. 4; Tr. at p. 19.)
11. In order to efficiently address the University's planning priorities, the University requested an amendment to the Campus Plan to exceed the gross floor area guideline set forth in the Campus Plan for the Pelham site by approximately 22,761 square feet. (Tr. at p. 20.) At the request of the Commission, the University indicated in its post-hearing submission dated July 30, 2007 that it intended to accommodate the additional gross floor area associated with this Project by reallocating gross floor area from two other proposed buildings in the Residential/Campus Life/Athletic use category. Specifically, the University will subtract 761 square feet of gross floor area from the Ames Hall Expansion and 22,000 square feet of gross floor area from the Athletic Center (Fitness Addition), identified in Exhibit F of the existing Campus Plan. As a result, there will be no increase in either the overall campus floor area ratio ("FAR") or the total amount of FAR in the Residential/Campus Life/Athletic use category. (Ex. 40, Post-Hearing Submission (July 30, 2007), at p. 2.)

Community Outreach and Consensus

12. The University engaged the community in the planning process through quarterly meetings established by the Campus Plan, as well as more focused conversations with interested neighbors. (Ex. 11 at p. 2; Tr. at pp. 20-25; 54.) As a result of these conversations, the University came to consensus with the residents of Berkeley Terrace on various issues associated with the Project, which was memorialized in a letter agreement attached to the Pre-Hearing Submission as Exhibit E. (Tr. at pp. 23-24; Ex. 11.) Both parties requested that the terms of the agreement be made conditions to the approval of the Project. (Ex. 11 at p. 2.)
13. The University also entered into a letter agreement with St. Patrick's School, attached to the Pre-Hearing Submission as Exhibit G, that addressed both construction management issues and post-construction traffic and operations issues. (Tr. at p. 24; Ex. 11.) Both parties requested that the terms regarding post-construction traffic and operations issues (Exhibit B of the St. Patrick's agreement) be made conditions to the approval of the Project. (Ex. 11 at p. 2.)
14. Before and after the public hearing, the University met with residents to the north of campus along W Street, primarily regarding landscape issues. (Tr. at pp. 24-25; Ex. 11 at p. 2.) Based on these discussions, the University developed an Enhanced Landscape Plan for the Mount Vernon campus that included additional plantings around the campus perimeter. The Enhanced Landscape Plan featured a selection of durable, hearty, and appropriate plantings and included commitments by the University to maintain the landscaping. The Enhanced Landscape Plan was filed with the Commission as Exhibit A of the Applicant's July 30, 2007 Post-Hearing Submission. (Ex. 40.) Certain W Street neighbors also raised stormwater management issues.

Project Design and Impact

15. As detailed by the Applicant's architectural expert at the public hearing, the Pelham Replacement Project was designed to provide a functional and architecturally appropriate building that will minimize impacts on the surrounding residential community. (Ex. 11 at pp. 5, 7-8; Tr. at pp. 26-35.)
 - a. The design of the building drew from the palette of existing materials prevalent throughout the campus and featured the use of red brick and a hip roof with a slate-like appearance. (Tr. at pp. 34-35.)
 - b. The height of the building will be consistent with the Campus Plan, as the roofline of the Project will not exceed the height of the existing Pelham Hall, as required by Condition 8(f) of the Mount Vernon Campus Plan. (Tr. at p. 31.)

- c. The building will be set back 190 feet from the property line along Berkeley Terrace, which will exceed the 125-foot set back required by Condition 8(d) of the Mount Vernon Campus Plan. (Tr. at p. 32.)
 - d. The building will include a courtyard entry oriented toward the center of campus, reducing student activity on the west side of the building facing Berkeley Terrace. (Tr. at p. 29.)
16. The University worked with residents directly affected by the Project to reduce the building's physical impact and modified the design in response to community comments. (Ex. 11 at pp. 5, 7-8; Tr. at pp. 28-34.)
- a. The building footprint was sited to the south and east (away from Berkeley Terrace) to the extent possible, while still accommodating the setback and "protected areas" outlined in the Campus Plan. This will allow the new building to take advantage of existing natural contours and grade changes to limit its visual impact on adjacent Berkeley Terrace residences. (Tr. at pp. 32-34.)
 - b. The University lowered the roofline on the north wing of the building by one floor to mitigate concerns that light and noise emanating from windows on the west (Berkeley Terrace facing) side of the north wing of the building might have an adverse impact on residential neighbors. (Tr. at pp. 32, 33.)
 - c. The Project featured a dense landscaping barrier, including coniferous and other year-round screening elements, as part of its landscape plan to mitigate concerns regarding adverse visual impacts. (Tr. at p. 33.)
17. The building will incorporate a number of sustainable design features and the University will achieve the equivalent of a minimum of sixteen LEED-NC v.2.2 points in the construction of the Project. (Ex. 11 at p. 5; Tr. at p. 35.)

Stormwater Management

18. At the public hearing, a University representative testified regarding the University's stormwater management practices. (Tr. at pp. 35-40.) Since the approval of the existing Campus Plan, the University has implemented a stormwater management improvements for its Mount Vernon campus. The improvements, which include systems that capture water on campus and direct it into the city's stormwater system, manage the impacts caused by stormwater leaving the Mount Vernon campus. (Tr. at pp. 35-38.)
19. The Pelham Replacement Project included a series of improvements that will provide stormwater management and quality control. The proposed stormwater management improvements associated with the Pelham Replacement Project, in conjunction with

earlier improvements, will manage natural watershed and site-generated runoff from the project site. (Tr. at pp. 38-40; Tr. at pp. 62-63.)

20. In its post-hearing submission, the University provided further explanation of its storm water features on the northeastern quadrant of campus and clarified that stormwater does not leave the Mount Vernon campus along W Street, because W Street is at a higher elevation than the campus itself. (Ex. 40.)

Access, Loading, and Traffic

21. The loading and service facility for the Pelham Replacement Project will be accessed from the two-way access road from Whitehaven Parkway to the Project, which will limit the need for vehicles to use the existing perimeter road to reach the building. (Ex. 11 at pp. 6, 7-8; Tr. at p. 44.) The access road was shown on a conceptual site plan included in the approved 2000 Mount Vernon Campus Plan. (Tr. at pp. 16, 68.)
22. Upon completion of the access road, the University will restrict the use of the perimeter road to one-way, university-related traffic and remove five surface parking spaces along the perimeter road which are adjacent to the residents' backyards. (Tr. at p. 28; Tr. at p. 85.) Use of the additional access point on Whitehaven Parkway, an institutional street, will direct regular campus-related traffic away from the W Street entrance, a key component of the existing Campus Plan. (Ex. 11 at pp. 6, 7-8; Tr. at pp. 44-45.)
23. During the public hearing, the Applicant's traffic consultant testified that the additional resident students and activity associated with the Project will not result in any appreciable increase in traffic. (Tr. at pp. 45-46.)

Section 210 Evaluation

24. The Commission finds that the proposed Pelham Replacement Project is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions for the following reasons:
 - a. The building will be sited approximately 190 feet to the south and east away from adjacent residential properties and will take advantage of existing contours and vegetation that will provide a natural barrier for noise and visual impacts. The Project will include the addition of a dense landscaping barrier immediately surrounding the Pelham Replacement Hall as well as enhancements to landscaping surrounding the campus perimeter that will further reduce noise and visual impacts.
 - b. The roofline of the Project will not exceed the height of the existing Pelham Hall.

- c. The building's main entrance and courtyard will be located on its east side facing the center of the campus, away from the surrounding residential community, and the building's loading facility will be located in its southeast corner, between the Pelham Replacement Building and the existing tennis courts and will be oriented toward Whitehaven Parkway, an institutional street. This will further limit noise and visual impacts.
 - d. The University continues to maintain adequate parking on campus, enforce parking policies that are intended to minimize neighborhood impacts, and operate an inter-campus shuttle bus system with sufficient capacity to absorb the addition of approximately 209 resident students.
 - e. The access road connecting the Pelham Replacement Project to Whitehaven Parkway will provide direct construction and loading access from Whitehaven Parkway and will allow the University to restrict the use of the existing northwest perimeter road.
 - f. The application for an amendment did not propose any change in the existing student or faculty and staff population caps, nor did it propose an increase in the overall gross floor area approved under the Campus Plan.
 - g. The proposed stormwater management improvements associated with the Pelham Replacement Project, in conjunction with earlier improvements, will manage natural watershed and site-generated runoff at the Project site.
 - h. The design of the new building will enhance the visual quality of the campus.
25. In accordance with 11 DCMR § 210.8, the Applicant demonstrated that the proposed building will be within the FAR limit approved for the campus as a whole. The Mount Vernon Campus Plan approved an overall campus density of 0.49 FAR, below the maximum density of 1.8 FAR permitted under the Zoning Regulations based on the underlying R-1-A and R-1-B zoning. The existing campus density is 0.26 FAR. The proposed Campus Plan amendment and further processing application will not increase the approved campus density limit. After the proposed addition of 65,100 net new square feet of gross floor area, the campus density will remain below the maximum density of 0.49 FAR permitted under the approved Campus Plan. (Ex. 11 at pp. 8-9.)
26. The Commission finds the proposed campus plan amendment and further processing will further the goals and policies of the Comprehensive Plan, including policies aimed at encouraging the provision on-campus housing. (Ex. 11 at p. 9.)

Government Agency Reports

27. By report dated June 22, 2007, the Office of Planning ("OP") recommended approval of the campus plan amendment and approval of further processing for the replacement of Pelham Residence Hall. In its report, OP noted that the University had designed the Project to be "as unobtrusive as possible to the nearest neighbors on Berkeley Terrace" and stated that "it is not expected that the proposed dormitory will cause an increase in objectionable conditions." (Ex. 13.)
28. By report dated June 26, 2007, the District Department of Transportation indicated that it reviewed and agreed with the Applicant's Transportation Impact Study and supported the application provided that the University continued its current shuttle operations and the Mount Vernon campus parking policy, as required under the 2000 Mount Vernon Campus Plan. (Ex. 16.)

Advisory Neighborhood Commission 3D

29. At two regular public meetings on May 2 and June 6, 2007, ANC 3D heard two presentations from the Applicant and, at the June 6 meeting, voted to support the application for special exception approval of a campus plan amendment and further processing of the Pelham Replacement Hall, with conditions. (Ex. 12.) First, ANC 3D requested that the University undertake a comprehensive stormwater management plan for the entire campus. Second, ANC 3D requested that the university reallocate the gross floor area for the Pelham Replacement project from the proposed Hillside dormitories site identified in the existing Campus Plan. Third, ANC 3D requested that the University implement the landscaping buffer outlined in the 2000 Campus Plan. Fourth, ANC 3D requested that the University use its best efforts to reach a signed agreement with its W Street neighbors on issues of concern.
30. The Commission finds that the issue of a comprehensive stormwater management plan for the entire campus is outside the scope of this proceeding, which concerns only the requested amendment of the approved Campus Plan and further processing of the Campus Plan to permit construction of the Pelham Replacement Project. The University will include an update on its stormwater management approach in its next campus plan. (Tr. at pp. 21-22.)
31. The Commission credits the Applicant's testimony that the proposed reallocation of gross floor area from the Ames Hall Expansion and Athletic Center (Fitness Expansion) will not result in an increase in the overall gross floor area approved under the Campus Plan and is consistent with the overall campus plan development limitations set forth in the Campus Plan. (Tr. at pp. 22-23.) The University identified proposed facilities in the Residential/Campus Life/Athletic use category that will be downsized to accommodate the additional FAR for the Pelham Replacement Project. The Commission does not agree

with ANC 3D that the University should be required to reallocate gross floor area from the approved Hillside dormitory site.

32. The Commission finds that the Applicant has met with its W Street neighbors and developed an enhanced landscaping plan for the Mount Vernon Campus. (Tr. at pp. 22, 24-25.) The Commission also finds that the University's enhanced landscaping plan will implement the landscaping buffer outlined in the 2000 Campus Plan. Accordingly, the Commission finds that the University has satisfied these two conditions of the ANC's approval.

Persons in Support or Opposition

33. The Commission heard testimony from students, faculty, and neighbors in support of the Project. (Ex. at pp. 24-36; Tr. at pp. 116-25.) Supporters included a representative of the Berkeley Terrace Neighbors and a representative of St. Patrick's School. (Ex. 36; Tr. at pp. 122, 124.)
34. The Commission heard testimony from several individuals in opposition to the Project, who questioned the University's overall landscaping and stormwater management efforts and expressed concern over the agreements with other neighbors and future development on campus.

CONCLUSIONS OF LAW

1. The Applicant is seeking special exception approval, pursuant to §§ 210 and 3104 of the Zoning Regulations, for an amendment to and further processing of its approved campus plan for the Mount Vernon campus to allow construction and use of the proposed Pelham Replacement Project. 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 Map and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map, subject to certain conditions specified in § 210. (D.C. Official Code § 6-641.07(g)(2); 11 DCMR § 3104.1.)
2. Based on the Findings of Fact above, the Commission approves the requested special exception for the Pelham Replacement Project. The project is consistent with the Applicant's use of its property for university purposes, is consistent with the Zoning Regulations and Map, and will not tend to adversely affect the use of neighboring property. The project is consistent with the Comprehensive Plan.

3. The Commission concludes that the Project's location and design, in conjunction with the conditions proffered by the University, will ensure that the Project is not likely to become objectionable due to noise, traffic, or other objectionable conditions.
4. The Commission has given great weight to the issues and concerns raised by the affected ANC.
5. The Commission declines to adopt most of the conditions of approval proffered by the University in conjunction with its agreements reached with the residents of Berkeley Terrace and the St. Patrick's School, because those proposed conditions are beyond the purview of the Commission's jurisdiction in this proceeding.

DECISION

Based on the record before it, the Zoning Commission concludes that the Applicant has met the burden of proof pursuant to 11 DCMR §§ 210 and 3104 and it is therefore **ORDERED** that the further processing application and amendment to the 2000 Campus Plan be **GRANTED** subject to the following conditions:

1. The Pelham Replacement Project shall be developed in accordance with the plans and materials submitted by the Applicant marked as Exhibits 11 and 40 of the record, as modified by the guidelines, conditions, and standards herein.
2. The University shall implement the Enhanced Landscaping Plan, attached to Exhibit 40 of the Record as Exhibit A, no later than December 31, 2007. The plantings shall include coniferous trees, at least six feet tall at the time of installation, to provide a permanent evergreen buffer that will screen the view of the parking lot from the W Street residences.

VOTE: 3-0-2 (Carol J. Mitten, Anthony J. Hood, and Gregory N. Jeffries [by absentee ballot]; John G. Parsons not voting, not having participated; Michael G. Turnbull not present, not voting).

BY ORDER OF THE D.C. ZONING COMMISSION

Each concurring member approved the issuance of this Order.

ATTESTED BY: _____


JERRILY R. KRESS, FAIA
DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: OCT 26 2007

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE COMMISSION ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* ("ACT"), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 07-12

OCT 18 2007

As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Order No. 07-12 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*
2. Dave Avitabile, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128
3. Rachel Thompson, Chair
ANC 3D
P.O. Box 40846
Washington, DC 20016
4. Commissioner Ann Heuer
ANC/SMD 3D06
4705 Foxhall Crescents NW
Washington, DC 20007
5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
6. Councilmember Mary Cheh
7. Office of Planning (Harriet Tregoning)
8. DDOT (Ken Lادن)
9. Acting Zoning Administrator (Matt LeGrant)
10. Jill Stern, Esq.
General Counsel - DCRA
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002
11. Office of the Attorney General
(Alan Bergstein)

ATTESTED BY:

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning