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April 8, 2010

Hand Delivered

Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street, NW, Suite 200 South
Washington, DC 20001

ZONING COMMISSION
District of Columbia

CASE NO. 09-19

EXHIBIT NO. 3

**Re: Z.C. Case No. 09-19 – 2010 Mount Vernon Campus Plan
Post-Hearing Submission**

Dear Chairman Hood and Members of the Commission:

As requested by the Zoning Commission at the close of the public hearing, please find the attached materials:

Revisions to Ames Hall roof structure

The Commission requested further refinement to the design of the Ames Hall roof structure. Attached as Exhibit A is a revised plan and perspectives depicting revisions to the Ames Hall roof structure. The design team has stepped the mechanical enclosure back from the elevator overrun. Both sections are the same height and clad in brick masonry with a precast concrete cap / cornice. In addition, the design team has detailed the elevator overrun with a reveal running vertically at the centerline to begin to suggest the two elevators and to give the surface a more vertical proportion and sense of detail.

Modifications to and Additional Images of the Proposed A1 Building

In response to the issue raised by the Foxhall and W Street party (FAWS), the University has agreed to reduce the height of the A1 building by 3 feet, to a total height of 54 feet (elevation 317') as measured from the quad. The revised Development Program Summary reflecting this change is included in Exhibit B.

In addition, at the request of FAWS, the Commission asked the University to provide additional comparative illustrations of the proposed A1 building, which are provided in Exhibit C. These illustrations include the following:

- Comparative plans that overlay the previously approved 2000 Plan and the proposed 2010 Plan over existing conditions (pages 1 and 2).
- Comparative sections of the previously approved Hillside residence halls under the

2000 Plan and the proposed A1 building under the 2010 Plan (pages 3 and 4).

- Comparative photomontages of the existing condition, the previously approved Hillside residence hall, and the proposed A1 building at the intersection of Foxhall Road and W Street (pages 5-7).

As shown on these images and in prior filings, due to the change in grade the A1 building will appear to measure only 30 feet in height and, after a 40-foot setback from the building's northeast (street-facing) face, will rise to 45 feet in height as viewed from the intersection of Foxhall Road and W Street. Moreover, the A1 building will be largely buffered by existing landscaping. These images also demonstrate that the A1 building will impose less impact than the previously approved 2000 Plan's Hillside residence hall. As a result, the location, height and mass of the A1 building is not likely to impose objectionable impacts on the FAWS party or other members of the surrounding community.

Enrollment Phase-In Condition

In response to the request of Commissioner Turnbull, the University proposes the following changes to its proposed enrollment condition in order to provide a "phase-in" for the proposed enrollment increase:

Upon the approval of the 2010 Plan, the Mount Vernon student headcount shall not exceed 1,650 students on a daily basis, and the Mount Vernon full-time equivalent shall not exceed 1,050 on a daily basis. Beginning in Fall 2015 and for the remainder of the term of the 2010 Plan, the Mount Vernon student headcount shall not exceed 1,725 students on a daily basis, and the Mount Vernon full-time equivalent shall not exceed 1,100 on a daily basis. . . .

This condition was proposed to ANC 3D at its April 7, 2010 regular public meeting. Despite a full discussion, the University and ANC 3D were unable to reach a full compromise on this issue, and ANC 3D ultimately chose not to accept the University's proposed phase-in condition.

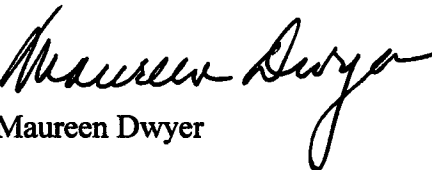
The University maintains that its proposed enrollment increase is modest and reasonable, and the University has met its burden of demonstrating that the entire increase will not pose an objectionable impact on the surrounding community. With the added commitment to phase in the enrollment increase, the improvements associated with the Campus Plan, including the perimeter enhancements, closure of W Street, and noise and lighting improvements, will all have been completed by the time the additional students are phased in. As a result, the proposed phasing of the enrollment increase is a fair compromise in addressing the ANC's concern, while preserving the appropriate deference to the University's academic judgment on size of the student population. See President and Dirs. of Georgetown College v. D.C. Board of Zoning Adj., 837 A.2d 58, 74 (D.C. 2003) ("[W]e are of the opinion that the imposition by the BZA of an enrollment cap at least approaches (if, indeed, it does not cross) the line between the exercise of legitimate zoning and land use authority and an *ultra vires* intrusion upon the University's educational mission"); Spring Valley-Wesley Heights Citizens Ass'n v. D.C. Zoning Comm'n, 856 A.2d 1174, 1176 (D.C. 2004) ("The Commission may impose reasonable restrictions in

order to minimize the impact of the university on the neighborhood but in doing so the Commission also should have due regard for the University's needs and prerogatives.”)

Conclusion

As discussed during the public hearing, the 2010 Mount Vernon Campus Plan is a consensus plan that provides a detailed roadmap for the development of the campus over the next decade and is supported by multiple stakeholders, including the OP and DDOT, ANC 3D, and surrounding neighbors as well as its students. For the reasons enumerated at the public hearing and in supporting documentation, the Plan is not likely to become objectionable to surrounding community; rather, it will result in improvements that benefit all stakeholders. For these reasons, the University respectfully requests that the Commission approve the Plan at its next public meeting.

Sincerely yours,



Maureen Dwyer



David Avitabile

cc: Charles Barber

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this letter and enclosures was delivered by hand, first-class mail, or electronic mail to the following on April 8, 2010:

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