

Objection, Request for Intervention, and Opposition of The Arts Club of Washington, D.C.

Introduction:

The Arts Club of Washington, D.C., (i) objects to the application for modification of PUD filed by The George Washington University (GWU) on or about September 16, 2025, seeking to modify the PUD covering 2001 Pennsylvania Avenue, N.W., and other parcels, approved in Zoning Commission Order 563, as modified (Case No. 87-23A); (ii) seeks to intervene in the proceedings; and (iii) opposes the proposed modification. The Arts Club objects because it was a party to the original application and the PUD, and has been omitted from the application for modification despite that it owns property that is the subject of the PUD under modification. The Arts Club seeks to intervene in the current proceedings for this reason and also because the building which is the subject of the application is the beneficiary of a lease by the Arts Club of transferable development rights (TDRs), which lease the proposed modification seeks to breach. The Arts Club opposes the modification because it seeks to breach the lease and will interfere with its operations and threatens to impair the safety, and general welfare of the Arts Club and its members.

Objection:

The application was submitted by and on behalf of GWU alone, and executed by GWU alone. 11-Z DCMR §300.5 provides that “an application for a modified PUD [must be] signed by the owner(s) of the property within the existing PUD site that is the subject of the [proposed] modification.” As set out in considerable detail in the original PUD materials, the building located at and known as 2001 Pennsylvania Avenue, N.W., was built with several floors’ worth of transferable development rights leased from the Arts Club. The Arts Club thus owns the rights (an interest in real property) covering several floors of 2001 Pennsylvania Avenue, and thus is an owner of “the property . . . that is the subject of the modification.” The application thus is not complete and is not to be processed, per 11-Z DCMR §300.2.

Intervention:

The Arts Club requests leave to appear and participate as an intervenor in Zoning Commission Case No. 87-23A, the Application of The George Washington University for a Modification with Hearing of the Planned Unit Development Approves in Z.C. Order No. 563 for 2001 Pennsylvania Avenue, N.W. (Square 78, Lot 853).

The Requestor is The Arts Club of Washington, D.C., 2017 I Street, N.W., Washington, D.C. 20006, (202) 297-2436.

The Arts Club owns the real estate at 2015-2017 I Street, N.W. This parcel is located approximately 47 feet from the parcel that is the subject of the application.

The Arts Club will oppose the application.

The Arts Club is represented by Minturn Wright, Esq., and Zachary Chapman, Esq., Shannon & Wright LLP, 124 S. Royal Street, Alexandria, Virginia 22314 (see Exhibit 1).

The Arts Club expects to call as witnesses Dana Burgess and Jameson Freeman, both of whom are members and officers of the Arts Club. An architectural witness may also be called.

The Arts Club’s interests are uniquely affected by the proposal in that the Arts Club is a party to the Lease and Covenant which forms an underlying part of the PUD which is sought to be modified, and its interests are thus subject to modification and impairment without its participation in the proceedings, as more fully described below.

The Arts Club is subject to particularized impacts from this proposed modification as set out in the next section.

Opposition:

By virtue of a Lease dated December 12, 1986 (Exhibit 2), the Arts Club leased transferable development rights (TDR) for 37,000 square feet of floor area to 2001 Associates, GWU's predecessor in title to 2001 Pennsylvania Avenue (Lease pp.1-2). This Lease has not expired and has not been terminated. Pursuant to Section 2 of the Lease, the predecessor used these rights to obtain approval of the PUD and construct an 11-story building on the site—the building there now. The PUD could not have been approved, nor the building constructed, without the TDRs. Zoning Commission Order 563 (Exhibit 4) acknowledges the Lease and its terms (Finding of Fact 13).

The Lease is reflected in a Covenant for a planned unit development pursuant to 11 DCMR Chap. 24. This Covenant, made by and among 2001 Associates, 2011 Eye Land Limited Partnership, and the Arts Club as owners, and the D.C. government, and recorded in the land records on July 27, 1988, as document No. 40947 (Exhibit 3), exists to assure the compliance of the owners of the subject property with the terms of the Zoning Commission's order and binds the future owners of the land (p.2). It also subjects the land (as the "Subject Property") to Zoning Commission Order No. 563, and requires that the Subject Property be used "only in accordance with the Order" (¶ 2). The Order calls for the construction of a traditional office building with ground floor retail (finding 5, decision ¶ 2), and also binds the Arts Club as to the disposition of payments made to it under the Lease (¶¶ 10-15, 35), among many other requirements. In short, the Covenant refers to the Lease ("as defined in the Order", p.5) and also incorporates the Order, which in turn refers to the Lease. No person who is not a party (or a successor to a party) to this Covenant is bound by it, and thus the interests of the Arts Club are different from those of the general public.

The Lease specifically provides, in its Section 2.2, that "[i]t is equally critical to Lessor [the Arts Club] that . . . the improvements Lessee proposes to construct [at 2001 Pennsylvania Avenue] . . . not interfere, as reasonably determined by Lessor, with Lessor's ability to use . . . Lessor's Property [the Arts Club building(s) at 2015 I Street]. The same section goes on to provide that the "Lessor has the right to approve, in its absolute discretion . . . any aspect of the Project [the building at 2001 Pennsylvania Avenue] which may affect Lessor's Property or its operation" The Arts Club thus has the unfettered right to approve or disapprove of changes in the use of the building at 2001 Pennsylvania Avenue. It has not even been asked to give its approval of the changes envisioned in the instant proposal, let alone given such approval. The Application is thus not ripe for consideration and should be denied on those grounds.

The proposed use envisioned by the Application would interfere with the Arts Club's use of its property in multiple ways, including but not limited to safety, street traffic, parking, and branding impact. These effects would ultimately affect the Arts Club's donors, its income from donations, and thus its overall operations as a whole, as described below.

The Arts Club of Washington was founded in 1916 by a group of Washington artists who were inspired by the arts clubs founded in other cities. With a focus on painting, sculpture,

music, and drama, the Arts Club provided a contrast to the capital city's more traditional clubs as the first club in the city to admit both men and women and to have no membership covenants restricting membership on the basis of race, ethnicity, or religion. The club presents free, reduced-price, and ticketed arts programming throughout the year, serving over 7,000 District and regional patrons per year. It is a major hub for the arts which, because of its lack of government affiliation, remained in operation during the recent federal government shutdown, lasting more than six weeks.

As acknowledged in Order 563 (Finding of Fact 14) the Arts Club is the owner and custodian of a remarkable building, the President Monroe House (also known as the Timothy Caldwell House, the Caldwell-Monroe House, and the Cleveland Abbe House). This house, built in c. 1806 as “the most handsome house in the Capital City”, is where James Monroe lived before becoming president, and while he was president (when the White House was being repaired and renovated after its burning). Many are the dignitaries who dined and were entertained there, and Monroe’s first Inaugural Ball was held on the second floor. The Monroe House is an outstanding example of the Federal style of architecture and is listed on both the National Register of Historic Places and the D.C. Inventory of Historic Sites; it is also a National Historic Landmark.

The Arts Club also owns the house adjacent to the Monroe House, the MacFeely House, once the home of Brigadier General Robert MacFeely. This house, built in the Victorian style, houses a theater room, art galleries, and an art studio, all contributing to the Arts Club’s stature as a promoter of the visual and performing arts and as a guardian of art and architectural history. The Arts Club takes very seriously its role as custodian of these two very historic buildings, and actively strives to preserve them and their surroundings. Preservation of the facades of these buildings was a condition (No. 17) of Order 563.

In 2023, over 7,000 calls were made to GWU campus police; arrests were up 25% from the previous year. GWU’s own 2024 Sexual Harassment Climate Survey Report (Exhibit 5) indicates that the university’s students have concerns about safety, particularly after classes and in “areas where non-GW community members had access” (p.8), such as on streets. Clearly, the university’s outlying facilities have issues concerning crime and safety.

Attendees at Arts Club events and shows worry about crime and have expressed these worries. The Arts Club has inquired as to whether GWU would consider paying for security at Arts Club evening events, considering that they will have security in their building. There was no response to this inquiry. GWU’s considerable history of protest encampments, combined with the university’s increased presence on the block, raises the risk that the James Monroe Park (immediately across I street from the Arts Club and 2001 Pennsylvania Avenue) would become a potential major protest area in the future, now that the previous preferred protest area has been surrounded by fencing, which moves protest toward the Monroe House. The 1987 Zoning Commission order (Decision, Condition 39) directs the owner of 2001 Pennsylvania Avenue to “adopt” the triangular park and contribute to its care and improvement. GWU has not presented a plan to mitigate the effects of protests on non-university entities and persons and to keep the park and block safe. They have not even been clear if university police will perform rotations on the block.

The branding of the President Monroe block took decades to realize; the Monroe House is an important part of this brand and a place of pride for the community, and the building at 2001 Pennsylvania Avenue was even named the James Monroe Building, taking its place as a part of the brand and sense of place. The block honors President Monroe's memory and his role as a Founding Father. GWU's proposed signage will harm and diminish this brand and the Arts Club's ability as a non-profit to fundraise for its programs and the considerable upkeep of the historic house. It is manifestly apparent that GWU is very cognizant of branding. As the stewards of the historic President Monroe House, the Arts Club and its members take the legacy of President Monroe very seriously and do not in any way want a "branding" argument over the nation's Founding Fathers or a name escalation between entities on the block. The Arts Club has a 4-foot-by-3-foot wooden sign in the green space in front of the house, illuminated by two small garden lights, and a 2½-foot × 2½-foot bronze plaque near this sign that honors President Monroe. There is no true signage on the historic building itself. GWU's signage would be an eyesore, entirely out of keeping with the character of the block, and would be like bringing a piece of the Las Vegas Strip to Foggy Bottom.

The Arts Club's donors have made it clear that they do not view GWU, or its current reputation, as a plus; rather they see it as a negative. GWU is a detractor in their eyes, and the Arts Club foresees the signage as having a negative financial impact on the portfolio of the Arts Club's existing donors as well as potential new donors. The Arts Club's donors include many who are proud alumni of other universities and have deep relationships with their alma maters; the Arts Club understands the importance of loyal alumni, but this presence is taking it too far.

The Arts Club supports local business, as it aids the overall health of our community and our city. The Arts Club continues to support small-scale retail on the ground floor of the James Monroe Building—and its neighbors.

GWU has noted a one-half-hour shift in parking for arts attendees during weekdays, and frames this as a special amenity. This is actually what the university offers to anyone parking in that location at those times. The inconvenient reality is that they do not allow parking on weekends, when many Arts Club events occur. The Arts Club is reliant on on-street parking for many of its events. The added GWU traffic will undoubtedly impair parking on the block, which is already extremely limited. There has not been, to the Arts Club's knowledge, a parking assessment performed to parallel GWU's proposed space usage of the building and the ensuing increased traffic.

The Arts Club, as Lessor of the TDRs which are crucial to the PUD, wishes to exercise its absolute right to approve or disapprove of the aspects of 2001 Pennsylvania Avenue that may affect its property or its operation. The Arts Club continues to build on its distinguished cultural, social, and architectural traditions as it evolves as a presence in the city. It disapproves of the proposed changes in the use and related aspects of the Subject Property, which threaten the Arts Club and its mission.

For each of these many reasons, and for all of them, the Arts Club opposes the proposed modifications of the 1987 PUD. The Arts Club requests leave to object to and intervene in the

instant proceedings. The Arts Club welcomes the opportunity to appear at and participate in any hearing of the Zoning Commission on the subject.

The Arts Club of Washington, D.C.

By: /s/ Minturn Wright

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List of Exhibits

No. Description

1. Resolution of the Board of Governors of The Arts Club of Washington, D.C.
2. Lease, December 12, 1986
3. Covenant for planned unit development, recorded July 27, 1988
4. Zoning Commission Order No. 563, as amended March 17, 1988
5. GWU Sexual Harassment Climate Survey Report, 2024

CERTIFICATE of SERVICE

I certify that this objection, request, and opposition was served on the parties to this action by mailing a copy of this request by first-class U.S. mail, postage prepaid, and/or by email to the following this 21st day of November, 2025.

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Adjacent landowner and party to the Order

/s/ Minturn Wright
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