

Zoning Commission Order No. 07-12
Case No. 07-12
(The George Washington University: Mount Vernon Campus – Campus Plan Amendment
and Further Processing of Pelham Replacement Project)
September 17, 2007

This case is an application by The George Washington University (“GW”, 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 a campus plan amendment and further processing of the University’s approved Mount Vernon Campus Plan to allow for the construction and use of the proposed Pelham Replacement Project. In accordance with § 210 of the Zoning Regulations, this case is being heard and decided by the Zoning Commission using the rules of the Board of Zoning Adjustment at 11 DCMR § 3100, *et seq.* The specific request includes two components: (1) the reallocation of 22,761 square feet of gross floor area from other approved campus plan projects to accommodate the new residence hall and (2) construction of the new Pelham Replacement Hall (the “**Project**”) that will replace the existing Pelham Hall.

Hearing Date: July 2, 2007

Decision Date: September 17, 2007

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. & Mrs. Steven Gardner on behalf of the W Street Neighbors as untimely and for failure to articulate 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 Thomas Bradley was withdrawn.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 8-10.
2. The Mount Vernon campus is designated as “Institutional” on the Future Land Use Map of the District of Columbia 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 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 which provides underground storage, athletic support

space, and parking for 175 vehicles. No other further processing applications have been filed since that time. Id.

5. The University submitted evidence of compliance with current Campus Plan conditions. See Ex. 11 at 6-9. No evidence to the contrary was submitted, except for an allegation that the University failed to implement the landscaping buffer outlined in the 2000 Campus Plan. Tr. 79-82; but see Tr. 59-60 (“All the plants that were on the 2000 campus plan were planted.”) As noted above, the University has addressed this issue (and in fact, will provide landscaping in addition to what was called for in the Campus Plan) with the enhanced landscaping plan, which it has agreed to implement by December 31, 2007.

Project Overview

6. 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 15-16.
7. The approved Campus Plan identifies Pelham Hall as a site for potential Residential Mixed Use Development on its “Conceptual Site Plan” and contemplates that the replacement building will 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 1; Tr. 18.
8. Consistent with the existing Campus Plan, the University seeks to achieve an appropriate balance of academic and student housing resources and maintain a well-balanced campus in the context of its surrounding residential environment. 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. Ex. 11 at 1; Tr. 16-19.
9. 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 does not include the executive training facility or underground parking contemplated in the approved campus plan. Ex. 11 at 1-2; Tr. 19-20.
10. Currently, regular campus-related traffic enters the Mount Vernon campus off 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. 65-66. The Conceptual Site Plan for the approved Campus Plan also shows an access road that extends the perimeter road to the south and connects the Pelham site to Whitehaven

Parkway. See Appendix A of the approved Campus Plan; Tr. 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 plans to construct this 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 campus' W Street entrance. Ex. 11 at 6, 7-8; Tr. 24-25.

Campus Plan Amendment

11. The Project includes 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 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 4; Tr. 19.
12. In order to efficiently address the University's planning priorities, the University requests 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. 20. At the request of the Commission, the University indicated in its post-hearing submission dated July 30, 2007 that it intends 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 FAR limit or the total amount of FAR in the Residential/Campus Life/Athletic use category. Ex. 40, Post-Hearing Submission (July 30, 2007), at 2.

Community Outreach and Consensus

13. 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 2; Tr. 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. 23-24; see Ex. 11. Both parties requested that the terms of the agreement be made conditions to the approval of the Project. Ex. 11 at 2.
14. The University also entered into a letter agreement with St. Patrick's School, attached to the Pre-Hearing Submission as Exhibit G, that included both construction management issues and post-construction traffic and operations issues. Tr. 24; see 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 2.

15. Before and after the public hearing, the University met with residents to the north of campus along W Street, primarily regarding landscape issues. Tr. 24-25; see Ex. 11 at 2. Based on these discussions, the University developed an Enhanced Landscape Plan for the Mount Vernon campus that includes additional plantings that respond to specific neighbor requests for additional landscaping around the campus perimeter. The Enhanced Landscape Plan features a selection of durable, hearty, and appropriate plantings, and includes 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. See Ex. 40. Certain W Street neighbors also raised stormwater management issues that were addressed by the University. See FOF 19-22, 32.

Project Design and Impact

16. As detailed by the Applicant's architectural expert at the public hearing, the Pelham Replacement Project has been designed to provide a functional and architecturally-appropriate building that respects and minimizes impacts on the surrounding residential community. See Ex. 11 at 5, 7-8; Tr. 26-35.
 - a. The design of the building draws from the palette of existing materials prevalent throughout the campus, and features the use of red brick and a hip roof with a slate-like appearance. Tr. 34-35.
 - b. The height of the building is fully consistent with the Campus Plan, as the roofline of the Project does not exceed the height of the existing Pelham Hall, as required by Condition 8(f) of the Mount Vernon Campus Plan. Tr 31.
 - c. The building is set back 190 feet from the property line along Berkeley Terrace, which exceeds the 125-foot set back required by Condition 8(d) of the Mount Vernon Campus Plan. Tr. 32.
 - d. The building includes a courtyard entry that is oriented toward the center of campus, significantly reducing student activity on the west side of the building that faces Berkeley Terrace. Tr. 29.
17. The University worked closely with residents directly affected by the Project to reduce the building's physical impact and modified the design in response to community comments. See Ex. 11 at 5, 7-8; Tr. 28-34.
 - a. The building footprint has been sited to the south and east (away from Berkeley Terrace) to the extent possible while still respecting the setback and "protected areas" outlined in the Campus Plan. This allows the new building to take advantage of existing natural contours and grade changes to limit its visual impact on adjacent Berkeley Terrace residences. Tr. 32-34.

- b. The University lowered the roofline on the north wing of the building by one floor in direct response to 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. 32, 33.
 - c. In direct response to the Berkeley Terrace Neighbors, the Project features a dense landscaping barrier, including coniferous and other year-round screening elements, as part of its landscape plan. Tr. 33.
18. The building will incorporate a number of sustainable design features and the University will achieve the equivalent of a minimum of 16 LEED-NC v.2.2 points in the construction of the Project. Ex. 11 at 5; Tr. 35.

Stormwater Management

19. At the public hearing, a University representative testified regarding the University's stormwater management practices. See Tr. 35-40. Over the life of the existing Campus Plan, the University has implemented a comprehensive stormwater management approach for its Mount Vernon campus. The improvements, which include systems that capture water on campus and direct it into the city's stormwater system, continues to effectively manage the impacts caused by stormwater leaving the Mount Vernon campus. Tr. 35-38.
20. The Pelham Replacement Project itself includes a series of improvements that provide stormwater management and quality control. The proposed stormwater management improvements associated with the Pelham Replacement Project, in conjunction with earlier improvements, will manage all natural watershed and site-generated runoff from the project site. Tr. 38-40; see Tr. 62-63.
21. At the hearing, one adjacent neighbor, who resides along the south side of W Street to the west of the campus, testified that following the installation of the existing improvements, he no longer had any problems with storm water runoff. Tr. 154-55. Another resident, who lives immediately adjacent to the northwest corner of the campus, submitted a letter expressing confidence that the University would continue to address any future storm water impacts. Ex. 17.
22. In its post-hearing submission, the University provided further explanation of its storm water features on the northeastern quadrant of campus, and clarified that storm water management 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

23. 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, identified and approved in the existing Campus Plan, which limits the need for vehicles to use the existing perimeter road to reach the building. Ex. 11 at 6, 7-8; Tr. 44. This access road was identified in the approved 2000 Mount Vernon Campus Plan. Tr. 16, 68.

24. The Access Road will provide substantial benefits both during the construction of the Project and following its completion. Upon completion of the access road, the University will, in response to the specific request of the Berkeley Terrace Neighbors, restrict the use of the perimeter road to one-way, university-related traffic and to remove five surface parking spaces along the perimeter road which are adjacent to the residents' backyards. Tr. 28; see Tr. 85. In addition, the utilization of this additional access point on Whitehaven Parkway, an institutional street, directs regular campus-related traffic away from the W Street entrance, which is a key component of the existing Campus Plan. Finally, the University has come to agreement with St. Patrick's School regarding construction and traffic management concerns along Whitehaven Parkway in connection with the Pelham Replacement Project and related Access Road. Ex. 11 at 6, 7-8; Tr. 44-45.
25. 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. 45-46.

Section 210 Evaluation

26. 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 has been sited approximately 190 feet to the south and east away from adjacent residential properties to the extent possible, and takes advantage of existing contours and vegetation that provide a natural sound barrier for noise and visual impacts. The Project also includes the addition of a dense landscaping barrier immediately surrounding the Pelham Replacement Hall as well as enhancements to landscaping surrounding the campus perimeter that further reduce noise and visual impacts.
 - b. The roofline of the Project does not exceed the height of the existing Pelham Hall, and the roofline on the north wing of the building has been reduced by one floor to further limit noise and visual impacts.
 - c. The building's main entrance and courtyard are located on its east side facing the center of the campus, away from the surrounding residential community, and the building's loading facility is located in its southeast corner, between the Pelham Replacement Building and the existing tennis courts and is oriented towards Whitehaven Parkway, an institutional street. This will further limit noise and visual impacts.
 - d. The University continues to maintain above-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 does not propose any change in the existing student or faculty and staff population caps, nor does 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 all 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.
27. In accordance with 11 DCMR § 210.8, the Applicant demonstrated that the proposed building is within the FAR limit for the campus as a whole. The Mount Vernon Campus Plan approved an overall campus FAR of 0.49, well below the maximum FAR of 1.8 FAR permitted under the Zoning Regulations based on the underlying R-1-A and R-1-B zoning. The existing campus is 0.26 FAR. The proposed Campus Plan amendment and further processing application do not increase the approved campus FAR limit. Even after the proposed addition of 65,100 net new square feet of gross floor area, the campus density will remain well below the maximum density of 0.49 FAR permitted under the approved Campus Plan. See Ex. 11 at 8-9.
28. The Commission finds the proposed campus plan amendment and further processing furthers the goals and policies of the District of Columbia Comprehensive Plan, including policies aimed at encouraging the provision on-campus housing. See Ex. 11 at 9.

Government Agency Reports

29. By report dated June 22, 2007, the Office of Planning 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.
30. 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 continue its current shuttle operations and the GW Mount Vernon Campus parking policy, as required under the 2000 Mount Vernon Campus Plan. Ex. 16.

Advisory Neighborhood Commission 3D

31. At two regular public meetings on May 2 and June 6, 2007, Advisory Neighborhood Commission (“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. See 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.

32. The Commission finds that the existing stormwater management features on the Mount Vernon campus, in conjunction with the proposed improvements associated with the Pelham Replacement Project, will manage all natural watershed and site-generated runoff from the campus. See Ex. 17; Tr. 63; 154-55. The Commission credits the testimony of neighbors that (1) the University has made improvements to its stormwater management in the past, (2) no current problems with runoff from the campus now exist, and (3) express confidence that the University will address any future concerns. *Id.* The Commission also credits the Applicant's testimony that it will include an update on its stormwater management approach in its next campus plan. Tr. 21-22. Accordingly, the Commission does not agree with ANC 3D that the University should be required to do anything further regarding its comprehensive stormwater management approach at this time.
33. 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 existing Campus Plan. Tr. 22-23. After directing the University to identify proposed facilities in the Residential/Campus Life/Athletic use category which would be downsized to accommodate the additional FAR for the Pelham Replacement Project, the Commission defers to the Applicant's determination concerning the specific facilities selected. Accordingly, 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.
34. The Commission finds that the Applicant has used its best efforts to meet with its W Street neighbors and develop an enhanced landscaping plan for the entire Mount Vernon campus. Tr. 22, 24-25. The Commission also finds that the University's enhanced landscaping plan implements 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.

Individuals in Support and Opposition

35. The Commission heard testimony from students, faculty, and neighbors in support of the Project. Ex. 24-36; Tr. 116-25. Supporters included a representative of the Berkeley Terrace Neighbors and a representative of St. Patrick's School. The representative of the

Berkeley Terrace Neighbors testified that the University had made its case with respect to the requested Campus Plan amendment and further processing application, and indicated that the University had negotiated in good faith and worked hard to achieve compromise. Tr. 118-19. The representative from St. Patrick's School testified that the University paid close attention and responded thoughtfully to the School's concerns. Ex. 36; Tr. 122, 124.

36. The Commission heard testimony from three individuals in opposition to the Project. While these individuals questioned the University's overall landscaping and stormwater management efforts and expressed concern over the agreements with other neighbors and future development on campus, the only direct concern related to the impact of the Project concerned its visual impact as seen from certain properties on W Street.
37. Based on the studies included in Exhibits C and D of the Applicant's post-hearing submission, the Commission finds that the proposed Pelham Replacement Project is 650 to 1100 feet from the W Street neighbors, will not have any visual impact as seen from W Street, and therefore is not likely to become objectionable to neighboring properties.

CONCLUSIONS OF LAW

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.

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 Commission further concludes that the project is consistent with the District of Columbia Comprehensive Plan.

The Commission further concludes that the conditions proffered by the University, in conjunction with the Project's location and design, will ensure that the Project will not likely become objectionable due to noise, traffic, or other objectionable conditions.

The Commission is not persuaded by the persons and testimony in opposition, which raised few issues related to the impact of the Project itself and instead focused on general issues of concern. The Commission concludes that the Project is located too far away to create any appreciable visual impact and will be buffered by existing and proposed landscaping improvements, and further concludes that even if the project were visible off-campus, such visual impact would not constitute an objectionable condition within the meaning of Section 210 of the Zoning Regulations.

The Commission gives great weight to the recommendations of approval from the affected ANC.

As to the first condition of approval, the Commission concludes that the University manages all natural watershed and site-generated runoff from the Mount Vernon campus and therefore does not generate any objectionable impacts due to storm water runoff. Accordingly, the Commission does not agree with ANC 3D that the University should be required to do anything further regarding its comprehensive stormwater management approach at this time.

As to the second condition of approval, the Commission concludes 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 existing Campus Plan. Accordingly, the Commission does not agree with ANC 3D that the University should be required to reallocate previously approved gross floor area from the Hillside dormitory site.

As to the third and fourth conditions, the Commission concludes that the Applicant has used its best efforts to meet with its W Street neighbors and develop an enhanced landscaping plan for the entire Mount Vernon campus that implements, and in fact enhances, 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.

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 that 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. Development Restrictions.
 - a. Years 2007 through 2010.
 - i. Other than the development approved by this Order, the University will not pursue any new development 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.
 - ii. GW agrees that the additional square footage permitted on the Pelham Replacement Building shall be deducted from allowable development under the 2000 Campus Plan in the “Residential/Campus Life/Athletic” category of the Plan, such that the Ames Hall Expansion will be reduced to 29,239 square feet of gross floor area and the Athletic Center (Fitness Addition) will be reduced to 18,000 square feet of gross floor area.

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 Berkeley Terrace Restricted Area (identified on Exhibit A of the Berkeley Terrace Neighbors Agreement, which is attached to Exhibit 11 of the Record as Exhibit E) through 2020 so long as the Berkeley Terrace Neighbors whose signatures appear on the Berkeley Terrace Neighbors Agreement (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 (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, there is approximately 157,239 square feet of gross floor area remaining for development under the current Campus Plan after construction of the Pelham Replacement Project.
- ii. The Berkeley Terrace Neighbors 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.
- iii. Demonstration of support for the 2011 Campus Plan (pursuant to the circumstances set forth 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 on the Berkeley Terrace Neighbors Agreement (or, in the event any of the aforementioned individuals no longer reside on Berkeley Terrace, a minimum of 12 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 2011 Campus Plan case to demonstrate the intent of the parties with respect to this condition.

c. Years 2021 to 2030. In the event the Berkeley Terrace Neighbors whose signatures appear on the Berkeley Terrace Neighbors’ Agreement (or, in the event any of the aforementioned individuals no longer reside on Berkeley Terrace, a minimum of 12 then-current residences of Berkeley Terrace) demonstrate support for all components of the

2011 Campus Plan that are not materially consistent with the 2000 Campus Plan, the University agrees to extend the development restriction in the Berkeley Terrace Restricted Area for the term of the subsequent Campus Plan (the “**2021 Campus Plan**”). In the event that the term of the 2021 Campus Plan expires prior 2030, the University expressly agrees that this restriction will remain in effect through 2030.

3. Transportation Coordination.
 - a. GW agrees that all construction traffic related to the Pelham Replacement Building shall access the site via Whitehaven Parkway, unless otherwise required by DDOT, in which case GW will work with all of its neighbors to develop a construction management plan to mitigate impacts of construction-related traffic.
 - b. 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.
 - c. GW shall explore various alternatives for monitoring the use of the Secondary Whitehaven Access Road and will work collaboratively with Saint Patrick’s on this matter.
4. 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 Exhibit B of the St. Patrick’s School Agreement, which is attached to Exhibit 11 of the Record as Exhibit G).
 - 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.

5. Perimeter Road.
 - a. 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 of the Berkeley Terrace Neighbors Agreement, which is attached to Exhibit 11 of the Record as Exhibit E) to University vehicles (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 identified section of the perimeter road one way (westbound and southbound), provided, however, that the University retains the express right to use the identified section of the perimeter road 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.
 - b. The University agrees to eliminate the five parking spaces and related pavement along the perimeter road (identified on Exhibit C of the Berkeley Terrace Neighbors Agreement, which is attached to Exhibit 11 of the Record as Exhibit E) and agrees not to relocate or provide new spaces in the identified section of the perimeter road (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.
6. Existing Whitehaven 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 Condition 3); 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.
7. Landscaping.
 - a. 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, based on the landscape plan attached to Exhibit 11 of the Record as part of Exhibit A, 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 "**Pelham Landscaping Plan**"). The goal of this condition is to fully screen the views of the Pelham Replacement Building from the Berkeley Terrace residences.
 - b. The University will implement the Pelham Landscaping Plan no later than December 31 of the year in which the Certificate of Occupancy is issued.

- c. The University will implement the Enhanced Landscaping Plan, attached to Exhibit 40 of the Record as Exhibit A, no later than December 31, 2007.
8. Community Meetings.
- a. The University will hold periodic meetings with interested members of the community regarding design and construction issues associated with the Pelham Replacement Building project.