

**APPLICANT'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
CONDITIONS OF APPROVAL**

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION ORDER NO. 06-11/06-12

**Z.C. Case No. 06-11 (The George Washington University – Special Exception Application
for a Campus Plan) & No. 06-12 (The George Washington University – First Stage Planned
Unit Development and Related Zoning Map Amendment)**

Pursuant to proper notice, the Zoning Commission for the District of Columbia held a series of public hearings on six dates in Fall 2006 to consider an application by The George Washington University for (1) special exception approval pursuant to 11 DCMR § 3104, and in accordance with § 210 of the Zoning Regulations, of the *Foggy Bottom Campus Plan: 2006 – 2025* (“**Campus Plan**”); and (2) review and first-stage approval of a planned unit development (“**PUD**”) and related amendment to the Zoning Map of the District of Columbia pursuant to 11 DCMR ch. 24 (“**Applications**”). The Applications for approval of the Campus Plan and the PUD with the related Map Amendment were consolidated and heard simultaneously. The public hearings were conducted in accordance with the provisions of 11 DCMR § 3022. The Zoning Commission APPROVES the Applications, subject to the conditions below.

HEARING DATES: September 14, 21, 25, & 28, October 11, and November 30, 2006

DECISION DATE: January 17, 2006

FINDINGS OF FACT

1. On February 16, 2006, The George Washington University (“**GW**”, the “**University**”, or the “**Applicant**”) filed an application for special exception review and approval of the *Foggy Bottom Campus Plan: 2006 – 2025* (the “**Campus Plan**”). Ex. 13. The special exception relief requested was self-certified, pursuant to 11 DCMR § 3113.2. Ex. 3. The Application was further updated by a sixty-day pre-hearing submission filed on July 13, 2006; a twenty-day pre-hearing submission filed on August 25, 2006, and several additional submissions filed throughout the course of the six public hearings in response to requests for further information by the Zoning Commission. See Ex. 31 (Pre-hearing Submission, July 13, 2006), 43 (Twenty-Day Submission, Aug. 25, 2006), 89 (Direct Testimony, Sept. 14, 2006), 99 (Sept. 21 Submission, Sept. 21, 2006), 205 (Proposed Conditions, Oct. 4, 2006), 221 (Rebuttal Testimony, Oct. 11, 2006), 230 (Nov. 15 Submission, Nov. 15, 2006), 240 (Post-Hearing Submission, Dec. 21, 2006).

2. The George Washington University Foggy Bottom campus consists of approximately 43 acres and includes those properties listed in Exhibit S of the Campus Plan. Within the Campus Plan boundaries, the property owned by the University is devoted to a variety of University uses, including but not limited to academic, administrative, medical, residential, campus life, athletic, commercial and investment purposes. The property within the Campus Plan boundaries is located in the R-5-D, R-5-E, C-3-C, and SP-2 Districts. The following properties are included

within the Foggy Bottom Campus Plan boundaries: Square 39, Lot 803; Square 40, Lot 36; Square 41, Lot 40; Square 42, Lots 14, 51, 52, 54, 55, 820, 821, 822, 840; Square 43, Lot 26; Square 54, Lot 30; Square 55, Lots 28, 854, and 855; Square 56, Lots 30 and 31; Square 57, Lots 55 and 56; Square 58, Lots 1, 5, 6, 800, 801, 802, 803, and 804; Square 75, Lots 23, 33, 34, 41, 42, 46, 47, 858, 861, 863, 864, and 2001-2125; Square 77, Lots 5, 51, 59, 60, 845, 846, and 864; Square 79, Lots 5, 63, 64, 65, 806, 808, 853, 854, 861, and 862; Square 80, Lots 2, 26, 27, 28, 29, 30, 42, 43, 44, 45, 46, 47, 50, 51, 52, 54, 55, 800, 802, 811, 820, 822, 823, 824, 825, 828, 829, and 2001-2003; Square 81, Lot 846; Square 101, Lots 58, 60, 61, 62, 811, 839, 871, 874, and 879; Square 102, Lot 46; Square 103, Lots 1, 13, 14, 18, 26, 27, 28, 32, 33, 34, 35, 40, 41, 42, 809, 812, 813, 814, 816, 819, and 820; Square 119, Lot 26; Square 121, Lot 17, 819, and 820; Square 122, Lots 29, 824, and 825; and Square N-101, Lot 800. See Ex. 3.

3. Also on February 16, 2006, in conjunction with the Campus Plan application, the Applicant filed for first-stage approval of a Planned Unit Development and related Zoning Map amendment for the following properties: Square 39, Lot 803; Square 40, Lot 36; Square 41, Lot 40; Square 42, Lots 54 and 55; Square 43, Lot 26; Square 54, Lot 30; Square 55, Lots 28, 854, and 855; Square 56, Lots 30 and 31; Square 57, Lots 55 and 56; Square 58, Lots 1, 5, 6, 800, 801, 802, and 803; Square 75, Lots 23, 33, 34, 41, 42, 46, 47, 858, 861, 863, 864, and 2097; Square 77, Lots 5, 51, 59, 60, 845, 846, and 864; Square 79, Lots 63, 64, 65, 808, 853, 854, 861, and 862; Square 80, Lots 2, 26, 27, 28, 29, 42, 43, 44, 45, 46, 47, 50, 51, 52, 54, 55, 800, 811, 820, 822, 823, 824, 825, and 828; Square 81, Lot 846; Square 101, Lots 58, 60, 62, and 879; Square 102, Lot 46; Square 103, Lots 1, 13, 14, 27, 28, 33, 34, 35, 40, 41, 42, 809, 812, 813, 814, 816, 819, and 820; Square 121, Lot 819; and Square 122, Lots 29, 824, and 825. The first-stage PUD has a twenty-year term consistent with the Campus Plan and includes all properties owned by the University within the Campus Plan boundaries.¹ Ex. 2,3 (Z.C. Case No. 06-12).

4. During its meeting on April 20, 2006, the Zoning Commission unanimously voted to set down Case No. 06-12 for a hearing.² Notice of the public hearing, including a description of the subject property and the proposed development, was published in the D.C. Register on [date], [] D.C. Reg. [], and was mailed to all property owners within 200 feet of the subject property and to Advisory Neighborhood Commission ("ANC") 2A.

5. On April 10, 2006, in conjunction with Z.C. Case Nos. 06-11 and 06-12, the District of Columbia Office of Planning ("OP") proposed a text amendment to Section 210 of the Zoning Regulations to increase the allowable aggregate floor area ratio (FAR) in R-5-D and R-5-E zoned land within an approved campus plan from 3.5 FAR to 4.0 FAR. The text amendment was assigned Zoning Commission Case No. 06-19 and set down for public hearing on April 20, 2006

¹ Any properties within the Campus Plan boundaries acquired by the University after the Campus Plan and PUD filing and advertisement will not be included in the first-stage PUD unless the PUD is subsequently amended to include them. These properties will continue to be covered by the Campus Plan by virtue of their location within the Campus Plan boundaries.

² At the April 20 public meeting, the Commission observed that the authority to hear new campus plan applications is exclusively vested in the Zoning Commission under Section 3035 of the Zoning Regulations. Per Section 3035.6, the Commission applies the Board of Zoning Adjustment Rules of Practice and Procedure and, accordingly, Case No. 06-11 did not require a set down.

with Case No. 06-12. Prior to the public hearing, in a memorandum dated September 5, 2006, OP requested the withdrawal of the text amendment after concluding, based on discussions with the Office of the Attorney General, that the PUD process can be used together with Section 210 by the Zoning Commission to increase the allowable aggregate FAR in R-5-D and R-5-E zones from 3.5 to 4.5 and that a text amendment was therefore unnecessary. See Ex. 9 (Z.C. Case No. 06-19). At its September 11, 2006 public meeting, the Zoning Commission voted 5-0-0 to dismiss Case No. 06-19. Tr. Sept. 11, 2006 at 120-22, 126-27.

6. Parties in this proceeding included the Applicant, the Foggy Bottom Association (“FBA”) and the West End Citizens Association (“WECA”) as parties in opposition, and ANC 2A. The FBA and ANC 2A were jointly represented by counsel. The Zoning Commission held an initial public hearing on September 14, 2006, and held additional hearings on September 21, 25, 28, October 11, and November 30, 2006. The hearings were closed on November 30, 2006. At the public hearings, the Commission heard testimony and received evidence from the Applicant, FBA, WECA, ANC 2A, OP, the Historic Preservation Office (“HPO”), the District Department of Transportation (“DDOT”), and the Zoning Administrator (“ZA”), as well as from persons and organizations in support of and in opposition to the Applications.

7. As a preliminary matter, on August 31, 2006, the FBA sought to postpone the Applications pending the Applicant’s preparation of a consolidated environmental review. Ex. 49. The Applicant filed its opposition to the motion on September 11, 2006. Ex. 53. Based on the advice of the Office of the Attorney General, and for reasons set forth in the Conclusions of Law, the Commission denied the motion to postpone. Tr. Sept. 14, 2006 at 9-12.

8. Also as a preliminary matter, on August 31, 2006, the FBA sought dismissal of the Applications based on the Applicant’s failure to comply with Conditions 8 and 9(a) of BZA Order No. 16553-I, the current Campus Plan (which, respectively, imposed caps on students, faculty and staff, and imposed an on campus bed requirement). Ex. 48. The FBA alleged that this non-compliance barred any special exception application by the Applicant in accordance with the terms of Condition 20, which states in relevant part that “No special exception application filed by the university for further processing may be granted, unless the university proves that it has remained in substantial compliance with Conditions 1 through 19 set forth in this order.” Again, the Applicant filed its opposition to the motion on September 11, 2006. Ex. 54. The Applicant responded that Condition 20 did not, by its terms, apply to the instant application, which was for a new campus plan, not an application for further processing. Further, the Applicant’s response affirmed that the University was in compliance with the conditions of the existing Foggy Bottom Campus Plan. In particular, the University’s compliance with Condition 8 regarding student enrollment was confirmed by the report of the Zoning Administrator, dated September 14, 2006 and entered into the record as Exhibit 81, which was based on a voluntary independent audit of the University’s Foggy Bottom student enrollment. Based on the rationale that Condition 20 did not apply to an application for a new campus plan, the Commission denied the motion. Tr. Sept. 14, 2006 at 12-14.

9. GW is an independent academic institution chartered by the Congress of the United States in 1821. The University has been located in Foggy Bottom since 1912. Ex. 31.

10. The campus is surrounded by high-density zoning, including C-3-C to the north, C-4 to the east, R-5-E and SP-2 to the south, and R-5-E to the west. The campus is adjacent to the Foggy Bottom Historic District, located west of New Hampshire Avenue and zoned FB/R-3, and is also adjacent to the Central Employment Area, located east of 19th street, consisting of various high density zones. Ex. 31, 230 (Nov. 15 Submission, Exhibit G)

11. The Board of Zoning Adjustment (“BZA”) conditionally approved the University’s current Campus Plan in BZA Application No. 16553 (“**Campus Plan 2000-2009**”) BZA Order No. 16553-I, April 26, 2004. During that process, members of the ANC 2A and FBA, various witnesses and OP requested that the BZA require the University to provide additional undergraduate student housing within the Campus Plan boundaries. During the Campus Plan 2000-2009 hearings, OP testified that it would support the concept of using flexible zoning guidelines with regard to building height and density in order to maximize housing and development on campus. The use of the PUD process to maximize on-campus development is entirely consistent with OP’s suggested use of flexible zoning tools, and to this end, the Commission has approved two PUDs for student housing on GW’s Foggy Bottom campus, in Z.C. Order No. 03-29 (June 18, 2004) and in Z.C. Case No. 06-17 (final action taken December 11, 2006, order pending). The new Campus Plan continues the use of the PUD process to accommodate the University’s development needs within its existing Campus Plan boundaries. Focusing future University development within the Campus Plan boundaries was a key issue raised during both the Campus Plan 2000-2009 hearings and the community-based planning process that led to the development of this Campus Plan. See Ex. 222 (The Community-Based Planning Process).

12. At the time of the filing of the application for the Campus Plan 2000-2009, the University provided 3,519 on-campus beds, which accommodated approximately 51 percent of its Foggy Bottom full-time undergraduate population. During the hearings on this plan, OP, ANC 2A and representatives of the community requested that the University house more of its undergraduate population on campus. The BZA Order approving the existing Campus Plan required that, effective fall 2006, the University provide beds for 70 percent of the full-time Foggy Bottom undergraduate population up to an enrollment of 8,000 (5,600 beds) and one bed for each full-time Foggy Bottom undergraduate student over 8,000. Additionally, the BZA Order required the University to house freshmen and sophomores on campus (with limited exceptions for students that are married, have children, have disabilities or religious beliefs inconsistent with residence hall life, or are commuters). The Order also included population caps on Foggy Bottom student enrollment and Foggy Bottom faculty and staff. Moreover, the Order required compliance status reports at the time of filing of every application for further processing. In addition to these reports, the University was also required to submit biannual reports detailing GW’s undergraduate enrollment and bed count as well as a report of local addresses of Foggy Bottom undergraduates not living in University housing. See Tr. Sept. 14, 2006 at 36-40.

13. Since the approval of the existing Campus Plan, the University has made substantial efforts to provide additional on-campus beds, including the construction of several new on-campus residence halls. As a result, the on-campus bed count has increased by approximately 2,800 beds since 1999. See Tr. Sept. 14, 2006 at 36-38. The Commission notes that as a direct result of the BZA Order, the University has successfully addressed the issue of lack of sufficient on campus undergraduate housing, which was identified as a key concern in the Campus Plan

2000-2009. As detailed by the Applicant, the University has and continues to comply with the conditions set forth in the existing Campus Plan. Furthermore, since the approval of the existing Plan both the Zoning Commission and the Department of Consumer and Regulatory Affairs (“DCRA”) have approved zoning orders and various regulatory permits based on the University’s compliance with the Campus Plan 2000-2009. See Exhibit 54 (GW Opposition to FBA Motion to Dismiss).

The Development Plan

14. In recent years, several factors have prompted the University to closely evaluate its land use planning efforts, including the fundamental constraints of limited space and financial resources, a desire to proactively address concerns expressed by residents of the surrounding neighborhood with respect to University growth and development, and the unique opportunity presented by the redevelopment potential of Square 54, the old GW hospital site. As a result, the University has developed an integrated development strategy that accommodates its forecasted academic and student housing needs within the existing Campus Plan boundaries (including approximately 474 new on-campus beds through the recently-approved joint D.C. Public Schools (“DCPS”)/GW School Without Walls development project), and allows for the redevelopment of Square 54 as a dynamic town center that would enhance the GW *Living and Learning* environment and provide a major source of non-enrollment driven revenue to fund the core academic mission of the University. Ex. 31; Tr. Sept. 14, 2006 at 26-29.

15. In order to consider the use of Square 54 for non-university purposes, OP required that GW demonstrate that the University could accommodate its forecasted academic and student housing needs within the existing Foggy Bottom campus, exclusive of Square 54. Ex. 31.

16. GW’s space needs include new and modernized facilities responsive to evolving academic and technological advancements, as well as additional undergraduate student housing to meet student demand for on-campus housing and to allow the University to continue to comply with the Campus Plan housing requirement. The additional facilities proposed under the development plan detailed in the *Foggy Bottom Campus Plan: 2006 – 2025* are not aimed at accommodating an increase in the student, faculty, or staff populations beyond those already approved under the existing Campus Plan. Rather, the University requires the facilities growth in order to further its core academic mission and enhance the quality of the University’s educational program. See Ex. 31; Tr. Sept. 14, 2006, at 26-29.

17. The University has adopted a “Grow Up, Not Out” planning strategy to accommodate its forecasted academic and student housing space needs within the existing Campus Plan boundaries. This approach provides for predictable, planned growth consistent with surrounding development patterns and guided by “smart growth” and transit-oriented development planning principles; preserves and enhances the District’s tax base by making more efficient use of properties already owned by the University and utilizing Square 54 for commercial purposes; and addresses community concerns regarding University expansion into surrounding residential neighborhoods outside the Campus Plan boundaries. Ex. 31; Tr. Sept. 14, 2006 at 26-29.

18. The Applicant has submitted a plan for developing the campus as a whole, showing the location, height, and bulk of all present and proposed improvements, as required by 11 DCMR

§ 210.4.³ The development plan set forth in the Campus Plan and proposed to be implemented through the accompanying two-stage PUD appropriately concentrates height and density within the central campus core and away from historically sensitive areas of campus and existing residential neighborhoods. See FOF 43 – 61; Ex. 31; Tr. Sept. 14, 2006 at 55-57.

19. The Campus Plan does not propose any change in the existing Foggy Bottom student or combined Foggy Bottom faculty and staff headcount and full-time equivalent population caps. The Foggy Bottom faculty and staff count, however, will be combined into a single faculty/staff population cap in order to alleviate the complexities associated with distinguishing between various categories of faculty and staff and to allow the University to report this population in a manner more consistent with its existing business processes with respect to tracking University employees. This combined cap represents the total of the Foggy Bottom faculty and staff caps set forth in the existing Campus Plan and will not have any impact on the Foggy Bottom student population, which is governed by its own cap. Ex. 99 (Sept. 21 Submission, Exhibit C).

20. No interim use of residentially-zoned land outside the Campus Plan boundaries is proposed as part of the Campus Plan. Depending on the timing and sequencing of proposed development projects—particularly with respect to the redevelopment of the University Parking Garage—the University may need to utilize, on an interim basis, certain off-campus parking resources to maintain compliance with the 2,800 parking space requirement. If such interim parking use is required, it will be specifically raised and addressed in connection with the second-stage PUD associated with the project triggering the interim parking use. Ex. 31.

21. As described below, the PUD and Map Amendment will rezone various sites on campus. Development under the Campus Plan and PUD will not exceed the aggregated FAR limits for the residentially-zoned areas of campus as permitted under the Campus Plan and PUD regulations, and development contemplated for each SP and commercially-zoned site will not exceed the maximum permitted FAR under the PUD regulations. FOF 43 – 61; Ex. 31.

The Community-Based Planning Process

22. Well over a year prior to the February 11, 2006 filing of the Campus Plan, the University, at the request of OP, developed a comprehensive community-based planning process in order to engage a variety of interested stakeholders and elicit their input and feedback. The University retained Ehrenkrantz Eckstut & Kuhn, a nationally respected design and planning firm with extensive urban planning experience, as the lead architect/planner to study the future of the Foggy Bottom campus in the context of its surrounding neighborhoods. Tr. Sept. 14, 2006 at 42-43; see Ex. 222 (Community-Based Planning Process).

23. In spring 2005, the University launched a comprehensive neighborhood website (www.neighborhood.gwu.edu) in order to make all relevant planning materials available to interested stakeholders throughout the planning and regulatory process. Tr. Sept. 14, 2006 at 45.

³ The Campus Plan includes information regarding the development details (e.g., gross floor area, height, proposed number of beds and parking spaces) associated with the Square 80 (School Without Walls) and the Square 54 development projects, which are included in the plan but have been filed as separate consolidated PUD applications.

24. GW and OP co-sponsored an Urban Land Institute (“ULI”) Advisory Services Panel in May 2005 to specifically evaluate the development potential of Square 54, the old GW Hospital site. The panel recommended mixed-use commercial development of Square 54 at a density between 7.0 and 8.0 FAR, under the assumption that GW would be able to accommodate its forecasted academic and housing needs on other sites located within the Campus Plan boundaries. The ULI report further supported the University’s “*Grow Up, Not Out*” development strategy and suggested that an aggregate campus density of 5.0 would be appropriate given the surrounding built environment and context of the campus. Tr. Sept. 14, 2006 at 42-43.

25. GW, OP, and ANC 2A co-sponsored a series of open community meetings throughout the summer and fall of 2005. These meetings were moderated by an independent facilitator, and all of the issues and concerns raised by participating stakeholders throughout the series of meetings were documented in a comprehensive “Issues Exhibit” made publicly available on the neighborhood website. All of these issues were taken into consideration and many resulted in specific changes, modifications, and adjustments to the Campus Plan as it evolved throughout the planning process. Tr. Sept. 14, 2006 at 43-44; see Ex. 90 (Issues Exhibit).

26. Following the series of co-sponsored meetings, the University continued to engage interested stakeholders in a number of outreach activities, including community meetings, small group briefings, brown bag lunches and one-on-one information sessions. Tr. Sept. 14, 2006 at 44.

27. The University worked closely with District agencies, including OP, HPO, and DDOT, throughout the planning and regulatory process in order to identify and address issues related to the proposed Campus Plan. These agencies will continue to have a strong role in evaluating the implementation of the Campus Plan and its various planning components through the review and approval processes for each second-stage PUD. Tr. Sept. 14, 2006 at 44-45.

Issues Carried Over From the Existing Campus Plan

28. The proposed Campus Plan carries forward the on-campus housing requirements set forth in the existing Campus Plan. See FOF 12; Appendix A, Conditions 12, 13. The Campus Plan further contemplates the development of up to approximately 1,000 additional on-campus beds in order to: (1) ensure that the University continues to meet the on-campus housing requirement; (2) allow for the transition of existing off-campus undergraduate residences to other uses (Appendix A, Condition 14); and (3) provide on-campus housing options that are responsive to the demands of the undergraduate student population. To this end, the completion of the recently-approved residence hall associated with the Square 80 (School Without Walls) PUD will provide approximately 474 beds in an apartment-style configuration with strong appeal to undergraduate students. The gross floor area of this project is included in the campus-wide FAR calculations set forth in Exhibit T of the Campus Plan. Ex. 31.

29. Another key issue raised during the consideration of the existing Campus Plan was the expansion of university uses into residentially-zoned areas outside the Campus Plan boundaries. Tr. Sept 14, 2006 at 41, 48. Due to the fact that the Campus Plan accommodates the University’s forecasted academic and student housing needs within the existing Campus Plan boundaries, the

University is able to propose a schedule for the transition over time of off-campus properties to uses other than undergraduate housing. Specifically, the University discontinued the use of the Hall on Virginia Avenue for undergraduate housing in fall 2006. *Id.* at 48. The schedule for the transition of other off-campus properties is detailed more fully in the conditions of approval of this Order. See Appendix A, Condition 14.

30. The existing Campus Plan provided for several potential uses of Square 54, the former site of the GW Hospital, including academic, administrative, residential, campus life, athletic, medical, health, and commercial/investment uses. *Tr. Sept. 14, 2006 at 41.* A consolidated PUD for the mixed-use commercial redevelopment of the Square 54 site was filed by GW along with Boston Properties, Inc. and KSI Services, Inc. on May 30, 2006 and is currently pending before the Commission (Z.C. Case No. 06-27). The gross floor area of this project is included in the campus-wide FAR calculations set forth in Exhibit T of the Campus Plan. *Ex. 31.*

31. In 2000, ANC 2A proposed that the University agree not to purchase any residentially-zoned property in the Foggy Bottom/West End area for university use. *Ex. 99 (Sept. 21 Submission, Exhibit A); Tr. Sept. 25, 2006 at 11.* Due to the fact that the proposed development plan accommodates the University's forecasted academic and student housing needs within the existing Campus Plan boundaries, the University is able to commit as part of the new Campus Plan not to purchase any residentially-zoned property in the Foggy Bottom/West End area for uses other than investment purposes during the twenty-year term of the Plan. This commitment is detailed more fully in the conditions of approval of this Order. See Appendix A, Condition 8.

32. Condition 3 of the existing Campus Plan called for the formation of an Advisory Committee to provide a forum for discussion between the University and members of the community. While GW's repeated attempts to form the Advisory Committee have been unsuccessful to date, the University has made significant efforts to strengthen dialogue with the community and increase its responsiveness to community issues through a variety of means, including the establishment of the Office of Foggy Bottom/West End Affairs and regular outreach and communication with the FRIENDS community group, as well as through the comprehensive community-based planning process discussed in FOF 22 – 27 herein. The University continues to actively seek to establish the Advisory Committee as a forum to identify, discuss, and resolve issues of mutual concern. The Campus Plan carries this condition forward, with modifications that are intended to strongly promote the formation and sustainability of the Advisory Committee. See Appendix A, Condition 9.

33. The University has and continues to comply with the conditions set forth in the current Campus Plan order. (The University's compliance with the student enrollment cap specifically was confirmed by a report of the Zoning Administrator dated September 14, 2006 and submitted to the record as Exhibit 81, as well by the results of a voluntary independent audit of the University's Foggy Bottom student enrollment numbers attached to the Zoning Administrator's September 14, 2006 Report.) Nonetheless, some members of the community have continued to raise concerns about the University's compliance. In order address concerns regarding GW's record of and continued commitment to Campus Plan compliance, the University has worked with OP to develop improved mechanisms to clearly establish and monitor compliance moving forward and has proposed these procedures as conditions of approval of the Campus Plan. Specifically, the University has proposed Campus Plan reporting dates that align with standard

University census reporting dates, so as to ensure that reported data is consistent and can be easily confirmed and monitored by interested parties. The University has also worked closely with OP to establish clear and specific enrollment definitions as well as detailed reporting procedures. Finally, the University has agreed to an annual audit of Foggy Bottom student enrollment to be conducted under the supervision of the Zoning Administrator. These commitments are detailed more fully in the conditions of approval of this Order. See Appendix A, Conditions 10, 11, 25, 26.

Student Conduct/Noise Impacts

34. Pursuant to the existing Campus Plan, the University has established a hotline for use by members of the community to submit complaints and make inquiries regarding potential misbehavior by GW students and other subjects of community concern. The University has enhanced its internal procedures for tracking and responding to such calls. All calls are documented in an "Incident Report", and these reports are then forwarded to the appropriate University offices, including the Dean of Students Office, the Office of District of Columbia and Foggy Bottom/West End Affairs, and University Relations. When contact information is provided, University officials follow up with the community member who initiated the call. Approximately 80% of concerns involve complaints of noise. In those reports where the University was able to verify that a GW student was engaged in misconduct, all of these students were subjected to University disciplinary action. The Student Code of Conduct provides for a progressive range of disciplinary actions based on the circumstances of each case to ensure appropriate treatment. Notably, the number of students found to have engaged in repeated acts of misconduct after the imposition of University discipline is minimal. See Ex. 99.

35. The Commission finds that the University policies regarding student conduct are constructive and generally effective in seeking to avoid objectionable impacts on the surrounding residential community.

Traffic and Parking Impacts

36. The Foggy Bottom campus is served by a number of modes of public transit, including the Foggy Bottom-GWU Metrorail station at 23rd and I Streets NW, and at least eight Metrobus lines as well as commuter-buses providing service from locations throughout Virginia and Maryland. Additionally, the University provides shuttle buses that offer safe and secure transportation between the Foggy Bottom campus and the Mount Vernon and Virginia (Loudoun County) campuses. Ex. 31.

37. The University currently maintains a Transportation Management Plan ("TMP") as a condition of the existing Campus Plan in order to mitigate vehicular traffic impacts, and enforces a student parking policy that discourages students from bringing vehicles to campus. A 2006 survey conducted by the Applicant's transportation consultant demonstrated that 85% of students and 53% of faculty and staff arrive on campus through means other than by automobile. Ex. 230 (Nov. 15 Submission, Exhibit E).

38. The Applicant's Transportation Impact Study ("TIS") analyzed the potential traffic impact that would result if the combined Foggy Bottom faculty/staff population increased to the

combined faculty/staff population cap set forth under the existing and proposed Campus Plans. The study also compared the potential impact of the Campus Plan (including the recently approved Square 80 (School Without Walls) PUD and proposed Square 54 PUD) to background future conditions absent the proposed campus development. Ex. 230.

39. According to the Applicant's transportation consultant, the impact of increases to the Foggy Bottom student cap and to the Foggy Bottom combined faculty and staff count over the twenty-year term of the Campus Plan would be offset by a series of mitigation measures the Applicant has agreed to put in place. With these measures, the levels of service for the area are expected to be comparable to the service under background future conditions absent the proposed campus development. These mitigation measures include the implementation of additional signalization timing adjustments, curb parking restrictions, and a potential new traffic signal. None of the proposed mitigation measures are required under existing conditions. The implementation of these specific traffic mitigation measures will be evaluated with each second-stage PUD to ensure that the actual effects of new development, as well as changes in traffic conditions, are appropriately addressed. This approach will allow appropriate mitigation measures to be phased in over time, as necessary. Ex. 230.

40. As part of the proposed Campus Plan, the University will also enhance and strengthen its existing TMP with the following measures in order to encourage even greater transit use and minimize traffic impacts: utilization of a transportation management coordinator; technology initiatives; web-based transit purchases; and a truck management plan. Ex. 230; see Appendix A, Condition 23.

41. As stated above, the University has proposed no increase to the existing population caps on Foggy Bottom students and combined Foggy Bottom faculty and staff set forth in the existing Campus Plan. In addition, the University has not proposed any change to the minimum supply of 2,800 off-street parking spaces. Ex. 31, 230.

42. As part of the Campus Plan and PUD, GW has identified several parking opportunity sites that could accommodate underground parking facilities as part of new development projects. For example, the recently approved Square 80 (School Without Walls) PUD in Case No. 06-17 accommodates approximately 178 vehicles in the below-grade parking facility, and the proposed development in Square 54 includes approximately 1,026 underground parking spaces, 362 of which are currently proposed for GW use. The future University parking supply will maintain an appropriate parking capacity and continue to meet the 2,800 space requirement. Ex. 31.

The Foggy Bottom Campus PUD and Map Amendment

43. The location of the proposed PUD (the "PUD Site") is consistent with the boundaries of the Foggy Bottom campus as defined in the existing and proposed Foggy Bottom Campus Plans. The first-stage PUD includes every property owned by the University within the Foggy Bottom Campus Plan boundaries. Ex. 23 (Z.C. Case No. 06-12).

44. The land area of the PUD Site is approximately 1,669,744 square feet. The PUD Site thus exceeds the 15,000 square foot minimum area requirement for a PUD in the R-5-D, R-5-E, C-3-C, and SP-2 Zone Districts. Ex. 23 (Z.C. Case No. 06-12).

45. The PUD Site is located in the Institutional land use category as depicted on the District of Columbia Generalized Land Use Map. The areas immediately to the north and east of the Campus Plan boundaries are designated for high-density commercial use, the area immediately to the south is designated for high-density residential use, and the area to the west is designated for moderate, medium, and high density residential use.

46. The PUD Site is located in the R-5-D, R-5-E, SP-2, and C-3-C Zone Districts. The R-5-D Zone District permits a maximum height of 90 feet, a maximum lot occupancy of 75%, and a maximum FAR of 3.5, and the PUD guidelines for the R-5-D District allow a height of 90 feet and a maximum FAR of 4.5. The R-5-E Zone District permits a maximum height of 90 feet, a maximum lot occupancy of 75%, and a maximum FAR of 6.0, and the PUD guidelines permit the same. The SP-2 Zone District permits a maximum height of 90 feet, a maximum lot occupancy of 80% for buildings devoted to residential use, and a maximum FAR of 6.0 for buildings devoted to residential use, and the PUD guidelines allow a height of 90 feet and a maximum FAR of 6.5 for buildings devoted to residential use in the SP-2 zone. The C-3-C Zone District permits a maximum height of 90 feet, a maximum lot occupancy of 100% for all uses, and a maximum FAR of 6.5, and the PUD guidelines allow a height of 130 feet and a maximum FAR of 8.0.

47. The proposed PUD identifies specific development sites detailed in the Campus Plan as second-stage PUD projects. Through the PUD planning process, additional density and height have been appropriately targeted on specific development sites primarily located in the campus core. Ex. 31; Tr. Sept. 14, 2006 at 50-63.

48. In order to achieve the height and density necessary to accommodate the University's forecasted academic and student housing needs within the existing Campus Plan boundaries, the Applicant requests a Map Amendment in conjunction with the PUD that rezones certain properties within the PUD Site to the C-3-C Zone District and one site to the C-4 Zone District. C-3-C zoning is located within the existing Campus Plan boundaries in the northeast corner of the campus, and C-3-C and C-4 zoning is located to the north and east of the campus, respectively. Ex. 31; Tr. Sept. 14, 2006 at 54, 58-59.

49. The proposed rezoning to C-3-C and C-4 is consistent with current zoning within the Campus Plan boundaries and the zoning of the surrounding properties as well as the purposes and intent of the Zoning Regulations. Ex. 31, 230 (Nov. 15 Submission, Exhibit G). The proposed rezoning is also consistent with the Comprehensive Plan's Generalized Land Use Map designations for the surrounding properties, and the 1938 Zoning Enabling Act.

50. The underlying residential zoning of the remainder of the campus, specifically those areas adjacent to the existing residential communities to the west and south of campus and the development sites included in those areas, will remain unchanged. Ex. 31.

51. Each development project identified in the PUD will require approval through a second-stage PUD process, including a detailed site plan review, to confirm compliance with the first-stage approval and the applicable provisions of Section 210. Ex. 31.

52. College and university uses, including dormitory uses, are permitted in commercial zones as a matter of right. 11 DCMR 701.6(f). Land that is not residentially-zoned within an approved campus plan is not subject to the aggregation rule that applies to residentially-zoned property within an approved campus plan.

53. The Campus Plan PUD identifies 16 development sites within the existing Campus Plan boundaries which will each be subject to individual second-stage PUD review⁴. The proposed uses, height, lot coverage and gross floor area for each development site have also been designated. The sites and uses were individually evaluated and selected by the University based on each site's current use and condition, suitability for redevelopment, existing campus use patterns, potential impacts on neighboring property, and the University's overall forecasted space requirements. In three specific cases, sites are designated for potential alternate uses, to provide an appropriate measure of flexibility given the duration of the Plan and the evolving nature of University programming and planning considerations. In addition, portions of the first floors of several development sites along I Street are contemplated to include retail space in support of the I Street Retail Corridor concept detailed in the Campus Plan. This concentration of retail uses will benefit both the University as well as members of the surrounding community and is proposed in addition to retail venues located throughout the campus as accessory uses which are intended to primarily serve the University population. Ex. 31.

54. The Development Program Summary in Exhibit J of the Campus Plan details the proposed height, site coverage, gross square footage, and, as applicable, net new beds and parking spaces for each identified development site. Ex. 31.

55. The Tabulation of Development Data in Exhibit B of the Campus Plan PUD details: (a) the area and dimensions of each lot proposed for each development site and the area of the total development site; (b) the percentage of lot occupancy of each development site for each lot (as anticipated to be consolidated or subdivided, as necessary) and for the entire site; and (c) the gross floor area ("GFA") and FAR for each development site on each lot, including a breakdown for each use, and the total GFA and FAR for all development sites on the entire campus, including a breakdown for each use. The Applicant has proposed guidelines for lot coverage that will require relief from the Regulations for certain sites that will be detailed in the appropriate second-stage PUDs. Ex. 23 (Z.C. Case No. 06-12).

56. The Campus Plan establishes height and lot coverage guidelines to allow for more efficient use of individual development sites and to provide the opportunity to maintain important open spaces and preserve lower-scale historic buildings on the balance of campus.

⁴ The Square 80 (School Without Walls) and Square 54 projects, both of which are located within the Campus Plan boundaries, were filed prior to the issuance of this order as separate, consolidated PUD applications and thus will not be subject to second stage review under the Campus Plan PUD. These projects are in addition to the above-referenced 16 development sites included in the Campus Plan PUD.

The Campus Plan PUD and Map Amendment provide the appropriate mechanism to achieve these proposed height and lot coverages. Ex. 31; see Tr. Sept. 14, 2006 at 57-58.

57. Exhibit K of the Campus Plan sets forth proposed building heights as follows: up to 130 feet along Pennsylvania Avenue, consistent with the existing commercial zoning and surrounding high-density environment; up to 110 feet along 22nd Street between G and I Streets, reflecting the intensity of existing and proposed University uses and the desire to concentrate density in the campus core and away from surrounding residential neighborhoods; and up to a maximum of 90 feet on the balance of campus, remaining sensitive to certain areas where a lower scale for new development is appropriate. Ex. 31; Tr. Sept. 14, 2006 at 55-58

58. Lot coverage guidelines are informed by the use of specific sites. For residential purposes, a 75% lot coverage guideline is generally appropriate. Academic uses can afford a higher lot coverage, and thus a 90% lot coverage guideline is generally appropriate. With respect to a potential commercial development on Pennsylvania Avenue (site 75A), 100% lot coverage is appropriate given the infill nature of the site. The specific lot coverage for each development site will be evaluated and determined when the particular project is submitted for second-stage review by the Zoning Commission. Ex. 31; Tr. Sept. 14, 2006 at 57.

59. The existing built environment of the campus provides a diverse composition of old and new structures of varying scale and design. As part of the comprehensive planning process, the University and architectural and historic preservation consultants, in coordination with OP and HPO staff, conducted an in-depth campus architectural and historic preservation study. Tr. Sept. 14, 2006 at 61-63. As a result of this effort, the University significantly modified its original development plan to preserve important campus resources and developed a comprehensive Historic Preservation Plan for the Foggy Bottom campus, aimed at ensuring that appropriate campus resources are identified, preserved, and maintained while accommodating the University's forecasted academic student housing needs on the balance of the campus. Ex. 31; Tr. Sept. 14, 2006 at 56-57, 63-67.

60. Specifically, as indicated in Exhibit W of the Campus Plan, the Historic Preservation Plan proposes the creation of a historic district on the Foggy Bottom campus and the landmark designation of additional campus buildings. The University has worked with the HPO to establish design guidelines for five identified development sites located adjacent or in close proximity to historically significant buildings. Tr. Sept. 21, 2006 at 85-86. The University is continuing to work with Historic Preservation staff to establish appropriate maintenance guidelines for both existing and proposed landmarks and contributing buildings within the proposed historic district. Id. at 86. GW is the only university in the District to undertake this type of comprehensive historic preservation review. See Tr. Sept. 21, 2006, at 84. In June and July 2006, the Historic Preservation Review Board reviewed the proposed Historic Preservation Plan and applauded GW and HPO's collaborative efforts to address both preservation and planning principles in the development of the Foggy Bottom Campus Plan. See Ex. 91, 92.

61. As detailed in Exhibit A of the Applicant's November 15, 2006 submission, see Ex. 230, the proposed PUD will provide the following project amenities and public benefits:

- a. Streetscape Plan. The Streetscape Plan sets forth a framework for future streetscape improvements to occur over the next two decades in accordance with the fundamental planning concepts outlined in the *Foggy Bottom Campus Plan: 2006 – 2025*. Consistent with the Campus Plan, the Streetscape Plan reflects the diversity of the Foggy Bottom campus—particularly the primary “campus streets” (I, H, and G Streets)—and focuses on areas of the campus where University activity is concentrated. The proposed Streetscape Plan includes a block by block implementation plan that provides for appropriate streetscape improvements to be made to all “enhanced” streetfronts to meet the standards set forth in the proposed Streetscape Plan. The University estimates that the cost to implement the sidewalk, curb and gutter improvements associated with the Streetscape Plan as set forth above (in current dollars) will exceed \$5.5 million. In addition, street trees and lighting improvements are estimated to cost approximately \$1.1 million (in current dollars). It is anticipated that DDOT will share to some extent in the costs associated with the installation and maintenance of street trees and lighting improvements.
- b. Sustainable Development Planning and Design Principles. The Campus Plan provides an approach to future campus development that is consistent with sustainable development and neighborhood planning standards advanced by the U.S. Green Building Council, the Congress for New Urbanism, and the Natural Resources Defense Council. In connection with each second-stage PUD application under the proposed Campus Plan, the University will provide an overview of specific environmentally-sensitive features which are to be incorporated into the design and construction of the proposed project, as well as those features which may be further explored and considered for implementation.
- c. Historic Preservation Plan. The University, working closely with the Historic Preservation Office (“HPO”) and a team of architectural historians, has developed a comprehensive Foggy Bottom Campus Historic Preservation Plan which proposes a historic district on the Foggy Bottom campus as well as the landmark designation of several additional campus buildings. The University has assumed the expenses associated with the preparation and submission of the multiple landmark applications and the preparation of the historic district application for submission by the HPO. It is anticipated that these expenses themselves will total approximately \$100,000. Because this effort and expense has been undertaken by the University, HPO staff resources are available to address other worthy preservation projects benefiting the District. Furthermore, future GW expenditures associated with the heightened maintenance associated with these structures, though difficult to specifically quantify, will be significant and ongoing. The designation of landmarks and historic districts is a long-term if not permanent endeavor, and its impact and benefits will certainly extend well beyond the twenty-year term of the proposed Foggy Bottom Campus Plan as well as subsequent Campus Plans. The implementation of this far-reaching and unprecedented preservation commitment will preserve and protect the historic built environment of the GW campus and the larger neighborhood for the benefit

of the University community, the Foggy Bottom and West End communities, and the entire city.

- d. I Street Retail Corridor. The Campus Plan contemplates the creation of a unique and dynamic retail corridor along I Street, providing key neighborhood-serving retail services. The I Street retail corridor concept, coupled with the retail program included in the proposed mixed-use development on Square 54, would help create a critical mass of retail extending from the Foggy Bottom-GWU Metro to The Shops at 2000 Penn. This effort would be implemented over time by including ground floor retail in University facilities as they are redeveloped – and would provide opportunities for a variety of retailers, including small local and “mom and pop” establishments, as University retail venues are often smaller in scale and retail rents charged by the University are generally below average market. Given these considerations, estimated rents for retail space along the proposed I Street retail corridor are expected to be approximately \$25 per square foot (comparable to the grocery store rents contemplated on Square 54). The overall cost to GW of providing this amenity is the difference between the revenues generated from I Street retail rents and the cost of occupying other space (as a tenant) at an estimated \$40 per square foot (average). Based on this analysis, it is estimated the value of the I Street Retail Corridor amenity exceeds \$4 million (assuming a cap rate of 6.0%).
- e. Below-Grade Parking. The Campus Plan provides for the elimination of the above-grade University Parking Garage (located at 22nd and I Streets) as well as other surface lots and the construction of underground parking facilities at various sites dispersed throughout the campus. The elimination of surface parking as proposed by the Campus Plan will reduce stormwater runoff, allow for more efficient utilization of existing space resources, and enhance the campus environment by distributing traffic and improving pedestrian safety. This element of the Campus Plan results in substantial costs in excess of those associated with providing spaces at or above grade. In current dollars, construction costs associated with below grade parking is estimated at \$58,000 per space.
- f. Off-Campus Commitments. Among the key community benefits associated with the new Campus Plan are the proposed conditions with respect to off-campus properties. Specifically, proposed Condition 8 limits the University’s rights with respect to acquisition and use of residentially-zoned properties outside of the Campus Plan boundaries in the Foggy Bottom/West End area. While this commitment would not preclude the purchase of properties for investment purposes, it would restrict the University from purchasing a residentially-zoned property within the Foggy Bottom/West End area and changing its use to one limited to the University population. This condition represents a significant commitment made by the University at the behest of the Office of Planning and directly responds to concerns raised by ANC 2A in connection with the Campus Plan 2000 – 2009 case. See Ex. 99 (Sept. 21 Submission, Exhibit A). Furthermore, proposed Condition 14 calls for a specific schedule for transitioning

the use of off-campus residence halls, including the Hall on Virginia Avenue, The Aston, Columbia Plaza (with respect to units over which GW maintains certain designation rights as part of GW's undergraduate student housing program), and City Hall. This condition has been proffered in direct response to issues raised by members of the community early in the community-based planning process. The University is in a position to make these substantial commitments as a result of the opportunities created by the scope of the proposed development plan set forth in the *Foggy Bottom Campus Plan: 2006 – 2025*, which will accommodate not only GW's forecasted academic needs on-campus, but will also provide for additional on-campus undergraduate student housing.

- g. Enhanced Campus Plan Conditions. As a result of the community-based planning process and extensive discussions with the Office of Planning, the University has proposed a comprehensive set of Campus Plan conditions that far exceed those adopted by other institutions in the District of Columbia. These conditions include definitions that provide additional clarity and specificity to the University's commitments and promote transparency with respect to issues of Campus Plan compliance. Pursuant to the proposed conditions, GW will provide biannual reports which are tied to the University's census date to ensure complete, accurate and verifiable data on student enrollment. By contrast, most District universities, to the extent they are required to report such data at all, submit reports only when filing zoning applications or on an annual basis. Significantly, the University has agreed to participate in an annual audit of Foggy Bottom student enrollment to be conducted by an auditor approved by the Zoning Administrator, see Appendix A, Condition 8, a process not required of any other local institution. In addition, the conditions set forth an appropriate methodology for including in the Foggy Bottom student enrollment count certain students who take classes at the Mount Vernon campus. While other institutions exclude students on satellite campuses completely from the enrollment counts associated with their main campus, GW has proposed to exclude from its Foggy Bottom enrollment only those students who reside at the Mount Vernon Campus, or who take all of their courses there. This approach appropriately measures student impact while promoting the continued use of satellite campuses as a means to accommodate the space and growth needs of the District's universities. See Ex. 99 (Sept. 21 Submission, Exhibit B).

In all, these specific public amenities, along with the other myriad benefits discussed at length during the Campus Plan hearings, warrant the planning flexibility sought through the PUD process.

The Hearings

62. By report dated September 5, 2006, and by testimony at the public hearing, OP recommended approval of the Applications. Ex. 51 (OP Final Report). OP reviewed the Applications both under the standards for issuing a special exception for a campus plan under Section 210 of the Zoning Regulations, and under the guidelines for a PUD in chapter 24 of the Regulations. Tr. Sept. 21, 2006, at 83-84. OP testified that the approval of the Campus Plan

would likely have no objectionable impacts in terms of noise, traffic, number of students or other objectionable conditions under the special exception standards of Section 210. Tr. Sept. 21, 2006, at 83. OP stated that the Campus Plan is not inconsistent with the Comprehensive Plan, meets the zoning requirements for a campus plan, and does not increase the current allowable number of Foggy Bottom students, faculty, and staff or create any other objectionable impact. Tr. Sept. 21, 2006, at 83. OP stated that the Campus Plan PUD identifies specific development sites that allow the University to meet its forecasted space needs, yet limits development on the remainder of campus and allows GW to make substantial commitments to reduce its impacts on the surrounding community. OP testified that the PUD process was the only process what would adequately provide certainty to all sides about how the Campus Plan will be fulfilled. OP further found the commitments and benefits associated with the Campus Plan—including but not limited to the historic district, the streetscape improvements, the transition over time of current off-campus undergraduate facilities to other than undergraduate student housing use, the University's agreement to limit future purchases of off-campus property in the Foggy Bottom area for university use during the twenty-year term of the Plan, and the enhanced reporting requirements—to be commensurate with the density and flexibility sought through the PUD process. Tr. Sept. 21, 2006, at 84. According to OP, the rezoning set forth in the PUD and related map amendment permits the University to target height and density primarily in the center of campus and allows for the retention of historically-sensitive areas of campus and for a lower density buffer area between the campus and surrounding residential neighborhoods. OP testified that the zoning changes are not inconsistent with the Comprehensive Plan and are in keeping with the character of the surrounding neighborhood. Tr. Sept. 21, 2006, at 84.

63. The District Department of Transportation (“DDOT”), by memoranda dated September 14, 2006 and November 27, 2006, and by testimony at the public hearing, supported the Applications, provided that the University implements the proposed Transportation Management Plan (TMP), described more fully in condition 23 of approval of this Order. Ex. 79 (DDOT Report), 231 (Supplemental DDOT Report). DDOT testified that based on the trip generation rates the Campus Plan will likely have no objectionable impact in terms of traffic or parking. Tr. Sept. 21, 2006, at 43. DDOT further testified that it agrees that dispersing parking facilities throughout the campus as set forth in the Campus Plan will have a positive traffic impact. Tr. Sept. 21, 2006, at 42. DDOT also testified that GW's continued efforts to house more of its students on campus and near mass transit serves everyone positively, and that GW-related traffic accounts for no more than ten percent of all traffic on streets within the campus during peak hours. See Tr. Sept. 21, 2006, at 43. DDOT indicated that it had reviewed testimony by FBA's traffic expert, asked the Applicant's transportation consultant for responses, and then evaluated the contested issues based on information received from both consultants as well as its independent review. Tr. Oct. 11, 2006 at 67. DDOT testified that it had no opposition to mitigation measures proposed by the Applicant that called for restrictions on either metered or curb parking, Tr. Oct. 11, 2006, at 59, but requested that its signal traffic engineers endorse all final aspects for any proposed traffic signal timing optimization associated with any future second-stage PUD project prior to obtaining any public space or building permits associated with such second-stage PUD project. DDOT also requested that GW impose a more stringent policy to restrict freshmen and sophomores from bringing cars to campus, and the University modified its proposed condition regarding student vehicles accordingly. See Appendix A, Condition 22.

64. The Zoning Administrator (“ZA”), by report dated October 11, 2006 and by testimony at the public hearings on October 11, 2006 and November 30, 2006, testified as to the enforceability of conditions proposed by the parties in their respective October 4, 2006 filings. See Ex. 220. The ZA testified that the conditions as proposed by GW were enforceable, but noted that deletion of the term “substantial” from Condition 7 would make the provision easier to enforce. The ZA also indicated which proposed modifications to the language of certain conditions introduced by ANC/FBA and WECA would also be enforceable. Furthermore, the ZA rejected many of the proposed changes by WECA and ANC/FBA as policy issues and outside the limited purview of his enforceability review. Specifically, the ZA testified that Condition 10, the definition of Foggy Bottom student headcount, was enforceable, and that the headcounts for Foggy Bottom faculty and staff should be combined in order to improve the enforceability of Condition 11.

65. Advisory Neighborhood Commission (“ANC”) 2A, by letter dated August 24, 2006 and by testimony at the public hearing, indicated that at a regularly scheduled meeting on August 16, 2006, the ANC approved a motion to oppose the applications. See Ex. 44. ANC 2A recommended against approval of the proposed Campus Plan and PUD based on the following concerns: (1) the University has not demonstrated compliance with Condition 20 of the existing Campus Plan; (2) the PUD, Zoning Map amendments and text amendment are unjustified and circumvent the intent and purposes of the Zoning Regulations because the sole justification is to exempt the PUD Site from the 3.5 FAR limit for residentially-zoned properties set forth in 11 DCMR § 210.3; (3) the proposed development exceeds the matter-of-right limits allowed under Section 210 and is therefore *per se* objectionable; (4) there is no indication that satellite campuses have been considered by the University; (5) the proposed commercial development of Square 54 frustrates compliance with the current Plan, and violates the requirement that a university submit a plan for developing the campus of a whole as set forth in 11 DCMR § 210.4; (6) no Environmental Impact Statement (“EIS”) has been prepared for proposed development in Square 54 and elsewhere in the vicinity of 23rd Street; and (7) the text amendment should be considered separately as a District-wide matter and heard first. The ANC letter also attached two prior resolutions.⁵

66. At the hearing, the ANC representative testified that adverse impacts from noise are “almost entirely an undergraduate problem,” but that more than “95 percent” of the students are “wonderful young people.” Tr. Sept. 21, 2006, at 188, 192. The ANC representative also testified that the Historic Preservation Plan provided benefits in the form of the preservation and maintenance of historic structures, and preservation of the historic texture of the neighborhood. Tr. Sept. 21, 2006, at 196. Finally, the representative for the ANC testified that an advisory committee would have merit, if properly constituted, as an opportunity for the University and the community to discuss issues of noise, behavior, parking enforcement, compliance, and

⁵ The first resolution, dated March 15, 2006 and passed by a vote of 3-2-1, questioned the University’s compliance with the student enrollment cap under the existing Campus Plan. The second resolution, dated November 16, 2005 and passed by a vote of 4-1-1, opposed any consideration of further development on the campus until the University came into compliance with the student enrollment cap, as demonstrated by an independent audit. The November 16, 2005 resolution also raised objections to any further development without an EIS or through the PUD or other process that would exceed the maximum development allowed under the matter-of-right limits of Section 210.

development, because all parties have a responsibility to come together, sit down, and engage in a constructive dialogue, particularly if it is a condition of a campus plan. Tr. Sept. 25, 2006, at 29-31; see also Tr. Sept. 21, 2006, at 201-04.

67. The Foggy Bottom Association (“FBA”) appeared as a party in opposition. The Commission qualified the FBA’s planning and traffic experts. Representatives of the FBA, including experts in planning and traffic, testified as to: (1) their involvement in discussions with the ANC, GW, and OP regarding development issues; (2) the impacts associated with GW students living in off-campus residences owned by the University as well as private off-campus residences, including noise; (3) the impact of students and their families walking on public sidewalks between classes and during campus tours; (4) their perceived inadequacy of the disciplinary system; (6) traffic impacts believed to be caused by on-campus events; (7) the relationship of the number of students to the impacts from noise, traffic, etc.; (8) the inadequacy of proffered amenities, including the historic district and commitment not to purchase residentially zoned properties within the Foggy Bottom/West End for university use; (9) the failure of the campus plan and PUD to comply with the requirements of the Zoning Regulations and Comprehensive Plan; and (10) the inadequacies of the Applicant’s TIS. Ex. 187-89.

68. The West End Citizens Association (“WECA”) appeared as a party in opposition. The Commission denied WECA request to certify its representative as an expert in the regulatory process. WECA testified that: (1) consideration of the proposed Campus Plan should not be permitted until the current Campus Plan has expired (in 2009); (2) the Zoning Regulations do not permit the proposed rezoning of properties within the Campus Plan boundaries to nonresidential zone designations in order to circumvent the aggregation rule; (3) the regulations do not permit long time periods for PUDs; (4) the proposal is without precedent; (5) the University is not in compliance with federal ADA requirements; (6) the University has failed to prepare an EIS; (7) the University has failed to restrict freshman and sophomores from bringing cars to campus; (8) the University does not always honor its commitments; (9) the University should consider the use of satellite campuses; and (10) proposed Condition 8 (which prohibits the purchase of residentially-zoned property in the Foggy Bottom/West End Area for exclusively university use) should be amended to include SP-2 zoned property. Ex. 173.

69. Approximately 110 individuals, including residents of Foggy Bottom and West End communities, current and former ANC commissioners, local business owners, and GW students and alumni, wrote letters or testified in support of the Applications at the public hearing, stating that the proposal merited consideration and approval as a “forward-thinking, innovative plan” that is “in and of the community.” Tr. Sept. 25, 2006, at 78. Individuals testified specifically as to the lack of objectionable noise, student behavior, traffic and parking impacts, and described the University’s efforts to increase on-campus student housing as a particular amenity. They also gave testimony in support of the University ongoing efforts to address and respond to noise, behavior, traffic, and other complaints through the FRIENDS organization, the Office of Foggy Bottom/West End Affairs, and other means. These individuals indicated support for the timing and duration of the proposed applications, and testified in favor of the proposed conditions, amenities, and benefits such as the streetscape plan, historic preservation plan, retail development, and sustainable planning elements, such as dispersed underground parking. Individuals also testified that they had attended the multiple presentations and meetings regarding the proposed applications in the community-based planning process and described the

University's planning effort as an open and inclusive process. Finally, individuals testified regarding the immense value of GW to the community and the District through University programs, investments, and partnerships. See Ex. 55-78, 80, 82-85, 93-94, 100-01, 107-145, 148-52, 154, 159-72, 174-86, 200, 217-19.

70. James Morris, the then-Commissioner for ANC 2A04 and David Lehrman, Commissioner for ANC 2A01 testified in support of the Applications at the public hearing. Both Commissioners indicated that they supported the proposed Applications. They testified that the University represented an asset of immense value to the community and that GW representatives were open to frank discussion and negotiation on contentious issues associated with the Campus Plan, even when representatives of the community were not. Ex.47, 111, 117; Tr. Sept. 25, 2006, at 58-69, 79-82

71. Sheila Cross-Reid, former Chair of the Board of Zoning Adjustment during the consideration of the existing Campus Plan, testified in support of the proposed Applications. Ms. Cross-Reid noted that the proposed Plan builds on the progress of the existing Campus Plan by continuing key conditions and addressing outstanding issues from the existing Plan. Ms. Cross-Reid specifically noted the "great strides" the University had made in meeting the existing Plan's housing requirements, cited the University commitment to restrict the purchase of off-campus properties in residential zones for university use as major step to address an area of concern in the existing Plan, and touted the benefits of the proposed PUD. Ex. 119; Tr. Sept. 25, 2006, at 86-88.

72. The Ward 2 Community Affairs Coordinator for the Executive Office of the Mayor submitted a letter in support dated September 25, 2006, which stated that "GWU has done an excellent job in reaching out to and working with the community as they go about the process of updating the campus plan." Ex. 164.

73. Approximately 40 individuals and organizations wrote letters or testified in opposition to the Applications at the public hearing, including residents of Foggy Bottom and West End communities, a representative of the Committee of 100 on the Federal City, and a GW student. While several of these individuals testified as to the objectionable noise, traffic, parking, and other disruptive practices of students, many indicated that they did not avail themselves of the University hotline available to address such concerns. Others indicated opposition to the proposed applications as contrary to the text and intent of the Zoning Regulations. Ex. 95, 96, 104, 106, 193-97, 202-04, 209-16, 225, 226, 228.

74. The Commission credits the testimony of the Applicant and its architect and historic preservation consultants, and finds that the streetscape and landscape design, site planning, historic preservation features, employment and training opportunities, housing, on-site retail and environmental benefits constitute project amenities.

75. The Commission credits the testimony of the Applicant's transportation consultant and finds that the proposed Campus Plan and first-stage PUD will not have significant traffic impacts exceeding those that would otherwise exist with future background development, provided that the University implements a series of mitigation measures including signal timing adjustments, curb parking restrictions, a traffic signal, and the proposed Transportation Management Plan.