



October 4, 2006

By Hand Delivery

Carol J. Mitten, Chairperson
District of Columbia Zoning Commission
Office of Zoning
441 4th Street, NW
Suite 210
Washington, DC 20001

**Re: Zoning Commission Case Nos. 06-11 and 06-12
The George Washington University Foggy Bottom Campus Plan: 2006
– 2025 and related First-Stage PUD and Map Amendment
Proposed Conditions**

Dear Chairperson Mitten and Members of the Commission:

At the conclusion of the September 28, 2006 public hearing regarding the above-referenced applications, the Zoning Commission requested that the parties file proposed conditions so that the Zoning Administrator may advise the Commission as to their clarity and enforceability.

In response to concerns raised by members of the Commission, District agencies, and parties and individuals participating in the proceedings, the George Washington University (the "University" or "GW"), the Applicant in the above-referenced applications, has revised several of the proposed conditions submitted as part of the Campus Plan application. These revised conditions include:

- Condition 8 (regarding contract purchaser transactions with respect to the acquisition of off-campus properties)
- Condition 11, which has been revised to clarify the categories of faculty that are included and excluded;
- Condition 20, which has been revised to include detailed information on the timing and implementation of the proposed historic preservation plan;
- Condition 21, which has been revised to include detailed information on the implementation of the proposed streetscape plan; and

- Condition 22, which has been revised to incorporate stronger language restricting undergraduate student parking.

Accordingly, the University hereby submits its revised conditions, along with a brief statement indicating the purpose and rationale underlying the conditions. These revised conditions are attached as Exhibit A.

Discussion

Prior to filing the subject Campus Plan and PUD/Map Amendment applications, the University engaged in an extensive collaborative community outreach process in order to identify and address issues of concern. Primary among these was the expressed interest in clarifying definitions within the Campus Plan and its conditions and establishing effective Campus Plan compliance, monitoring, and enforcement mechanisms. The proposed conditions go into far greater detail to more clearly define Foggy Bottom enrollment, faculty and staff, and also provide a comprehensive compliance reporting structure.

Members of the community also expressed specific concern about the University's use of off-campus properties – both with respect to properties already owned and used by the University (specifically for off-campus undergraduate student housing) as well as future acquisitions. In response, the University has proposed conditions requiring the transition of existing off-campus properties to uses other than undergraduate student housing as well as a limitation on the acquisition of off-campus residentially-zoned properties.

Throughout the planning process, the University has sought to balance its needs with those of the community. The resulting Campus Plan and proposed conditions, supported by the Office of Planning and drafted over one and a half years of community input, achieve that balance. The University's need for growth is balanced with the community's need for certainty as to where that growth will occur. The community's interest in reducing off-campus impacts is addressed by the University's commitment to build within the core of its campus, phase out GW's existing off-campus undergraduate student housing facilities, and restrict future university uses in residentially-zoned areas off-campus.

Taken as a whole, the Campus Plan and proposed conditions provide the opportunity for University growth within its campus while addressing issues of primary concern to the community.

Conclusion

The proposed conditions submitted as part of GW's *Foggy Bottom Campus Plan: 2006 – 2025* application address a wide range of issues and will appropriately measure and limit the potential objectionable impacts associated with the University's location within Foggy Bottom and West End neighborhood.

October 4, 2006

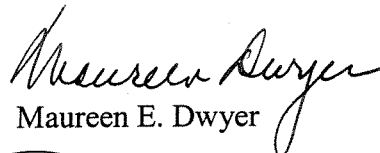
Page 3

The carefully balanced and detailed development plan and proposed conditions respond directly to many issues of concern raised by members of the community throughout the comprehensive planning process. Furthermore, these two elements of the Plan are interdependent and when linked together provide benefits for all stakeholders – the community, the District and the University. Because of the level of certainty with respect to future development rights that is achieved through this Plan, GW is able to make the commitments reflected in these conditions. And similarly, because of the level of certainty in the development plan as well as the scope and level of specificity of the proposed conditions, benefits are provided to the community that could otherwise not be achieved.


Going forward, the University is committed to continuing its cooperation with District agencies and the community to foster ongoing discussion, exchange of ideas, and resolution of issues related to the Plan. The University continues to believe that the Advisory Committee called for in the existing Campus Plan and also specified in proposed Condition 9 provides an appropriate forum for dialogue regarding these issues of mutual concern.

We appreciate this opportunity to update our proposed Campus Plan conditions in light of the additional discussion and feedback prompted by the hearings and to receive input from the Zoning Administrator on their future enforceability. We look forward to your analysis and response.

Very truly yours,



Maureen E. Dwyer



David M. Avitabile

Enclosures

cc: Bill Crews, D.C. Zoning Administrator (with Sept. 21, 2006 filing)
Travis Parker, Office of Planning
David Maloney, Historic Preservation Office
ANC 2A
Cornish F. Hitchcock, Counsel for Foggy Bottom Association and ANC 2A
Barbara Kahlow, West End Citizens' Association

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this letter and enclosures were hand delivered on

October 4, 2006.

Ellen McCarthy
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, DC 20001

David Maloney
Historic Preservation Office
801 North Capitol Street, N.E.
3rd Floor
Washington, DC 20001

Cornish F. Hitchcock
Attorney at Law
5301 Wisconsin Avenue, N.W., Suite 350
Washington, D.C. 20015-2022

Bill Crews, Zoning Administrator
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, NE
Washington, DC 20002

Travis Parker
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, DC 20001

ANC 2A
St. Mary's Court
725 24th Street, N.W.
Washington, DC 20037

Barbara Kahlow
West End Citizens' Association
800 25th Street, NW #704
Washington, D.C. 20037



David M. Avitabile

FOGGY BOTTOM CAMPUS PLAN: 2006 – 2025
PROPOSED CONDITIONS OF APPROVAL

Submitted October 4, 2006 by The George Washington University

The Campus Plan conditions proposed by GW and the Office of Planning are the result of many hours of collaboration and effort, informed by community input and feedback. This effort was aimed not only to clarify and strengthen the language of conditions from the existing Campus Plan, but also to develop additional conditions that, together with the other components of the proposed Campus Plan, provide a **carefully balanced and closely integrated** overall plan for the future of the Foggy Bottom campus. The result is a comprehensive Campus Plan and proposed conditions of approval which together provide shared benefits and an appropriate level of certainty for all stakeholders. For this reason, significant modifications to the conditions as proposed could impact the commitments made by the University with respect to other conditions or elements of the Campus Plan.

The following conditions are substantially consistent with Exhibit Y of the Campus Plan and the OP setdown and final reports to the Zoning Commission, with limited changes to the following conditions, in response to issues raised throughout the first four Campus Plan hearings:

- Condition 8 (regarding contract purchaser transactions with respect to the acquisition of off-campus properties)
- Condition 11 (regarding the faculty and staff population definition)
- Condition 20 (regarding the implementation of the Historic Preservation Plan)
- Condition 21 (regarding the implementation of the Streetscape Plan)
- and Condition 22(d) (regarding the student parking policy)

All newly-proposed language is included in brackets so it can be clearly identified. Also, in order to aid the Commission's continued review of the proposed conditions, the University has provided additional commentary, included in italics, explaining the rationale and context underlying the conditions.

GENERAL CONDITIONS

1. The Applicant's proposed campus plan replaces the George Washington University Foggy Bottom Campus Plan: Years 2000 through 2009. This campus plan is approved until June 30, 2025, subject to the following conditions, or until such time prior to June 30, 2025 as the Zoning Commission determines that conditions warrant submission of a campus plan amendment or an updated campus plan.

In light of the level of planning involved in this plan as well as the scope of the proposed development and the commitments the University has made, GW believes that the twenty-year term is appropriate. While the University has the intent and desire to build out the sites set forth in the Plan as expeditiously as is reasonably possible, in addition to the most obvious constraints (e.g., funding resources and project approval and construction timeframes), there are numerous other realities that will impact the timing and sequencing of the implementation of the

development plan, including, for example, appropriate project phasing to address not only Campus Plan requirements associated with undergraduate beds and parking, but also complex migration planning with respect to core academic functions and programs. This is a particular concern as several major university facilities are proposed for redevelopment (e.g., UPG, the Academic Center, Gelman Library). The twenty-year term also provides members of the community with a level of certainty and predictability with respect to future campus development, and also provides the same long-term time horizon with respect to the proposed conditions limiting the future use and acquisition of off-campus properties.

2. The Applicant will not initiate litigation challenging Zoning Commission action which approves the Foggy Bottom Campus Plan: 2006 – 2025 as submitted by the University, including these Conditions 1-25, so long as such approval is not contingent on additional conditions to which the Applicant has not specifically agreed.

The Office of Planning strongly advocated for the inclusion of this condition, to reinforce the University's commitment to the Foggy Bottom Campus Plan: 2006 – 2025 and proposed conditions which together represent the joint effort of GW, OP and the community to identify and address as many issues as possible and create an overall Plan that benefits all stakeholders. The University shares with all parties the desire to avoid protracted litigation in the future, and believes that this collaboratively-developed and balanced Plan and the accompanying conditions provide the opportunity to do that.

3. The campus plan boundary for the Foggy Bottom Campus Plan: 2006 – 2025 shall remain consistent with the campus plan boundary established by the Board of Zoning Adjustment with respect to the Foggy Bottom Campus Plan: Years 2000 through 2009 (Order No. 16553-1). The properties included within the Foggy Bottom Campus Plan boundary are depicted in Exhibit I of the proposed Foggy Bottom Campus Plan: 2006 – 2025 and are specifically identified and listed in Appendix 1 attached hereto.

From the earliest stages of this process, the development plan set forth in the Foggy Bottom Campus Plan: 2006 – 2025 has been aimed at accommodating GW's forecasted academic and student housing space needs within the Campus Plan boundaries. In an effort maintain consistency with the existing Campus Plan where possible, the University, with the support and direction of OP, has not sought to make any changes to the existing Campus Plan boundaries.

4. New development on campus resulting in additional density or change in use shall substantially conform with the approved campus plan (as set forth in Condition 1), with the exception of minor renovation projects including those necessary to address building code compliance.

As a result of the PUD zoning mechanism, future campus development is limited to those locations identified in the development plan and PUD, providing certainty and predictability to all stakeholders with respect to future campus development. The only limited exception to the application of this requirement is for minor renovation projects (e.g., the addition of an elevator or stair tower necessary for building code compliance or other exigent circumstances) that do not result in a substantial increase to the overall campus gross floor area. Under the existing

Campus Plan regulations alone, the University would not be subject to this level of specificity with respect to the location of new campus development.

5. The University shall notify the Office of Planning, ANC 2A, and the Advisory Committee (established pursuant to Condition 9) of its intent to develop a specific site on campus, following approval of the development proposal by appropriate University committees and the University's Board of Trustees, and prior to preparation of final detailed plans and specifications.

This condition reflects the University's commitment to continue its engagement with District agencies and interested stakeholders, including members of the Foggy Bottom and West End communities, with respect to future campus development projects. This collaboration has resulted in significant, and in the University's view, quite positive, changes to the development plan as it evolved throughout the planning process. The condition further underscores the need for an active Advisory Committee to provide a forum for continued discussion moving forward as the Campus Plan is implemented.

6. The University shall submit a second-stage Planned Unit Development application for each new development the University proposes over the term of the Foggy Bottom Campus Plan: 2006 – 2025. Each application shall include the following:
 - a. Demonstration of compliance with applicable provisions of the zoning regulations and the contents of the approved Foggy Bottom Campus Plan: 2006 – 2025;
 - b. A showing that the use, height, bulk, and design (including the location of any means of ingress and egress) of the proposed structure is sensitive to and compatible with adjacent and nearby non-University-owned structures and uses;
 - c. An indication of any need for, amount of, and proposed locations of interim leased space necessary to accommodate housing and/or activities displaced by construction and/or activities intended to be located permanently in the completed structure;
 - d. A report recalculating the University's total FAR within the campus plan boundaries, which shall also be submitted directly to the Office of Zoning and the Zoning Administrator. Information included in the report shall be broken down by zoning district and include the following: existing FAR, FAR under development pursuant to Commission approval, and FAR upon completion of proposed structure;
 - e. The most recent Foggy Bottom Campus Plan Compliance Report (as set forth in Condition 24) evidencing compliance with the approved Foggy Bottom Campus Plan: 2006 – 2025, including the most recent reported counts of Foggy Bottom student headcount, Foggy Bottom student full-time equivalent, Foggy Bottom faculty and staff headcount, Foggy Bottom faculty and staff full-time equivalent, full-time Foggy Bottom undergraduate students, on-campus beds, and full-time

Foggy Bottom undergraduate students residing in the Foggy Bottom/West End Area outside of the campus plan boundaries;

- f. A progress report on the implementation of the streetscape plan required by Condition 21;
- g. The number of off-street parking spaces within the campus plan boundaries as set forth in Condition 22(b) as of 30 days prior to the application date, including documentation and an explanation of the methods and assumptions used in counting the parking spaces;
- h. A status report on the Transportation Management Program required by Condition 23; and
- i. Demonstration that the project has been presented to the Advisory Committee (as the Committee is defined in Condition 9 herein) for consideration.

This condition specifies the second-stage PUD filing requirements for each future campus development project (in addition to the statutory requirements). These additional requirements included at the suggestion of the Office of Planning, will provide additional relevant information to readily demonstrate the University's compliance with key Campus Plan conditions for the benefit of the Zoning Administrator, Zoning Commission, ANC 2A, Advisory Committee, and other interested stakeholders. This condition reflects the University's position that continued and consistent transparency with respect to the reporting of clearly-specified data will help maintain the confidence of all parties in the implementation of the Campus Plan through the District's regulatory process.

- 7. No PUD application filed by the University for second-stage review under the Foggy Bottom Campus Plan: 2006 – 2025 may be granted unless the University is in substantial compliance with Conditions 1-25 set forth herein as demonstrated by the most recently filed Foggy Bottom Campus Plan Compliance Report submitted to the Zoning Administrator. Further, any violation of these Conditions shall be grounds for the denial of any building permit or certificate of occupancy applied for by the University for any University building or use, and may result in the imposition of fines and penalties pursuant to the Civil Enforcement Act, D.C. Code §§ 6-2701 to 6-2723.

Condition 7 carries forward the final condition of the 2000 Campus Plan providing recourse for the Zoning Administrator and Zoning Commission in the event GW should not maintain compliance with any condition of the Campus Plan. While there has been discussion at the Campus Plan hearings regarding use of the term "substantial compliance," GW believes that "substantial compliance" remains the appropriate standard upon which to measure Campus Plan compliance going forward. This position is detailed more fully in the University's September 21, 2006 supplemental filing (a copy of which has been provided to the Zoning Administrator).

8. The University will not purchase [directly, or as a contract-purchaser] additional residentially-zoned properties outside of the Campus Plan boundaries in the Foggy Bottom/West End area (defined as the area bounded by the Potomac River and Rock Creek Park to the west, N Street to the north, 19th Street to the east, and Constitution Avenue to the south) for university use. This commitment would not preclude the purchase of any properties for investment purposes; however, it would restrict the University from purchasing a residentially-zoned property within the above-defined area and changing its use to one limited to the University population. The University shall not include any such investment property in its undergraduate student housing program or otherwise directly refer undergraduate students to any such property.

Condition 8 includes a significant commitment made by the University at the behest of the Office of Planning with respect to the future acquisition and use of off-campus residentially-zoned properties within the Foggy Bottom/West End area. This condition also directly responds to concerns raised by ANC 2A in connection with the 2000 Campus Plan case (as detailed more fully in the University's September 21, 2006 supplemental filing). The University is in a position to make this substantial commitment at this time as a result of the opportunities created by the scope of the proposed development plan, as well as the balance provided by of the Campus Plan and proposed conditions as a whole.

In response to a question raised by counsel for ANC 2A and the Foggy Bottom Association, the University has proposed expanding the language of the condition to include contract purchaser transactions (see bracketed language above). The West End Citizens Association also requested that this condition be expanded, specifically to include SP-2 zones as well as residential zones. The University does not view such a change as necessary to protect the community from the concerns raised by WECA, as many of the residential properties identified by WECA as being zoned SP-2 are in fact zoned R-5-E, and would therefore be within the purview of this condition.¹

ADVISORY COMMITTEE

9. The University will work with community representatives to form an Advisory Committee for the purpose of fostering consistent communication between the University and the Foggy Bottom and West End communities, discussing issues of mutual interest and proposing solutions to problems that exist or arise in implementing the approved Foggy Bottom Campus Plan.
 - a. Key functions of the Advisory Committee include:
 - i. reviewing the University's compliance reporting;

¹ At the September 21 hearing, WECA alleged that a number of existing residential properties are zoned SP-2. Tr. September 21 at 142. In fact, aside from the Watergate and Columbia Plaza, there are no apartment buildings or other residential properties in the SP-2 zoned areas south or west of the campus. All other residential buildings – including the Empire Apartments and York Apartments, see Tr. Sept. 21 at 142 – are located in the R-5-E zone. More than 40 multi-unit residential properties are located in the residential zones surrounding the campus and would be subject to this condition.

- ii. working with the Office of the Zoning Administrator to monitor compliance with the conditions of the Foggy Bottom Campus Plan; and
 - ii. reviewing new University proposals to develop sites on the Foggy Bottom Campus.
- b. Composition, Administrative Procedures & Meeting Format
- i. The Advisory Committee shall consist of ten members: five representatives of the University to be selected by GW and five representatives of the community to be selected by ANC 2A. The ANC shall select no more than three ANC commissioners and shall select at least one member to represent Foggy Bottom and at least one member to represent the West End.
 - ii. The quorum for Advisory Committee meetings will be five members.
 - iii. The first Advisory Committee meeting shall take place within two months of the adoption of the Campus Plan and include adoption of specific administrative procedures (subject to the terms of this Condition) that govern the operation of the body.
 - iv. The Advisory Committee shall schedule quarterly meetings open to the public, and shall keep minutes of each meeting.
 - v. Upon request and at least on a semiannual basis, the University will report to the Advisory Committee data relevant to campus planning that includes, but is not limited to: report on student enrollment, planned development projects included in the University's capital program, historic preservation, implementation of the streetscape plan, public space permits, and reports on all conditions and commitments adopted as part of the Campus Plan.

Condition 9 carries forward from the 2000 Campus Plan the formation of an Advisory Committee. Such Advisory Committees are not unique to GW, and in fact are mandated under the American University, Georgetown University, Howard University, Gallaudet College, and George Washington University Mount Vernon Campus Plans². The University supports the composition and format of the Advisory Committee proposed by the Office of Planning which is reflected in the language of this condition. Nevertheless, GW remains willing to consider other quorum and membership standards. In any event, it is important to note that the University has made substantial efforts to initiate the existing Advisory Committee, which have not yet yielded successful results. For that reason, in the event the membership or quorum requirements are modified, the language of the condition should also be modified to premise compliance with the condition on the University's good faith effort to convene the Committee, as GW cannot be held responsible for the action or inaction of other parties.

² The most recent example – the American University Campus Plan, approved by the Commission in Z.C. Order No. 949 in July 2001 – provides, for example, for a "Liaison Committee" in order to "foster consistent on-going communication between the University and the surrounding neighborhoods, discuss issues of mutual interest, and propos[e] solutions to problems that exist or arise in implementing the approved campus plan." The condition recommends that the committee meet quarterly and that it be composed of an equal number of representatives of the University and community. It also permits the committee to request data relevant to campus plan issues from the university, provided it is "not confidential or overly burdensome to produce."

The carefully balanced and detailed development plan and these proposed conditions respond directly to many issues of concern raised by members of the community throughout the comprehensive planning process. The continued discussion regarding the terms and definitions included in the Plan and proposed conditions that has resulted from the Campus Plan hearings is useful and beneficial to try to avoid confusion, misunderstanding and conflict in the future. However, none of the parties involved can predict with certainty all of the issues that may emerge with respect to future implementation of the Campus Plan. For these reasons, the University is committed to continuing its cooperation with District agencies and the community to foster ongoing discussion, exchange of ideas, and resolution of issues related to the Plan in addition to a broader range of issues related to the ongoing relationship between the university and the community. Indeed, the University continues to believe that an appropriate forum for dialogue regarding these issues of mutual concern is the Advisory Committee called for in the existing Campus Plan and also specified in proposed Condition 9.

FOGGY BOTTOM CAMPUS POPULATION

10. For the duration of this Plan, Foggy Bottom student headcount shall not exceed 20,000 students, and Foggy Bottom student full-time equivalent shall not exceed 16,553.
 - a. Definition. For the purposes of these Conditions, “Foggy Bottom student headcount” shall be defined as the number of GW students in the “Foggy Bottom/Mount Vernon Campus Total Student Body”³, minus: study abroad students, continuous enrollment students, students that reside at the Mount Vernon Campus, students that take all of their courses at the Mount Vernon Campus, and Foggy Bottom faculty and staff accounted for pursuant to Condition 11 herein who are also enrolled in one or more courses at the Foggy Bottom campus.
 - b. Calculation of full-time equivalent. For the purposes of these Conditions, “Foggy Bottom student full-time equivalent” shall be determined by assigning a fraction to part-time students included in the Foggy Bottom student headcount number based on the number of credits they are taking compared to a full-time course load and adding the number of full-time students. Currently, the full-time course load for undergraduates is 12 credits, and the full-time course load for graduate and professional students is 9 credits. Formulas for determining full-time equivalents may change over the term of the proposed Foggy Bottom Campus Plan depending on program requirements or the restructuring of the academic calendar.
 - c. An audit of the Foggy Bottom student headcount and Foggy Bottom student full-time equivalent reported pursuant to Condition 24 herein shall be conducted in a manner and by a firm previously approved by the Zoning Administrator and reported to the Advisory Committee. The audit shall be completed by January 10 of the year following each report submitted pursuant to Condition 24 herein.All Foggy Bottom student counts shall be reported biannually as specifically set forth in Conditions 24 and 25.

³ The “Foggy Bottom/Mount Vernon Campus Total Student Body” is compiled by the GW Office of Institutional Research (OIR) and is currently reported on the OIR online “GW Factbook” available at www.gwu.edu/~ire/.

Condition 10 carries forward the student population cap established in 1985 and affirmed again in the 2000 Campus Plan. As detailed more fully in the University's September 21, 2006 supplemental filing, the methodology for determining Foggy Bottom Total Student Body Headcount is fundamentally premised on the established IPEDS definition of student enrollment, i.e., whether a student is enrolled in a creditable course, regardless of location. This broad and inclusive standard is adjusted to identify students whose primary relationship is with the Foggy Bottom campus. As a result, the methodology appropriately balances the considerations of District zoning law with the realities associated with the delivery of education by a complex, modern university.

The Mount Vernon Campus Plan is subject to its own enrollment caps which include (a) undergraduates who are residents of Mount Vernon and (b) students who do not reside on the Foggy Bottom campus and take courses at Mount Vernon. The University has consistently excluded students counted under the Mount Vernon Campus Plan (including Mount Vernon resident students and non-resident/commuter students) from the Foggy Bottom Total Student Body Headcount.⁴ However, after extended review and evaluation of various GW student enrollment categories with the Office of Planning, the University agreed to include all Mount Vernon non-resident/commuter students who also take classes at the Foggy Bottom campus in the Foggy Bottom Total Student Body Headcount. Students who reside or take all of their classes at Mount Vernon will continue to be counted as Mount Vernon students and be excluded from the Foggy Bottom Total Student Body Headcount. See Office of Planning Final Report at 12, September 5, 2006.

The primary relationship of students who reside at the Mount Vernon campus is with the Mount Vernon campus. These students are part of a full undergraduate living and learning community at the Mount Vernon campus, and their potential impacts are addressed in the Mount Vernon Campus Plan. It is appropriate that the Mount Vernon campus is governed by its own separate campus plan, as the surrounding neighborhood impacted by activities at the Mount Vernon campus is completely different from that of Foggy Bottom.

The University acknowledges that residents of the Mount Vernon campus use certain facilities at the Foggy Bottom campus and conversely, residents of the Foggy Bottom campus use facilities at Mount Vernon. Impacts from students and faculty who visit other campuses are addressed in the same way as impacts associated with other visitors to the campus (such as persons attending meetings on campus, parents and prospective students visiting the campus, and even community residents who use the campus facilities). Further, Mount Vernon residents are not granted reciprocal parking privileges on the Foggy Bottom Campus and are required to pay the student daily/occasional rate in the event they do choose to drive to the Foggy Bottom campus. The vast majority of students who travel from one campus to the other use the University-operated shuttle buses, which provide convenient connections between the campuses with limited impact.

⁴ This is not an unusual practice; most of the universities in the District of Columbia have multiple campuses, and the BZA and Zoning Commission orders for those universities provide enrollment and faculty/staff caps for each of the campuses. Howard University, for example, has four campuses, including three in the District of Columbia (Central Campus, West Campus and East Campus), and the enrollment cap for the Central Campus does not include students at the other campuses.

In the undergraduate education environment, the majority of a student's time is not spent in a classroom. The vast majority of GW undergraduate students take advantage of many off-campus opportunities as part of their educational experience at GW – including internships and part-time employment as well as volunteer activities. In fact in many instances, the District itself is why students choose to attend GW. Based on the testimony and evidence of record, the primary impact of student activity is centered where students live – where they sleep, eat, socialize, recreate. This is reflected in the mandate of the 2000 Campus Plan, which required that GW provide additional on-campus housing to manage the potential objectionable impacts associated with large numbers of students living off-campus. This is also reflected in GW's own residential programming, which recognizes and emphasizes the importance of where a student lives as part of the overall GW Living and Learning experience. Accordingly, Mount Vernon resident students are appropriately counted and their impacts measured and limited under the Mount Vernon Campus Plan.

11. For the duration of this Plan, the Foggy Bottom faculty and staff population shall not exceed a total of 12,529 on a headcount basis, and 10,550 on a full-time equivalent basis.
 - a. For the purposes of these Conditions, “Foggy Bottom faculty and staff headcount” shall include: regular full-time faculty and staff; regular part-time faculty and staff; wage account staff that are not Foggy Bottom students accounted for pursuant to Condition 10; temporary part-time faculty (excluding part-time clinical faculty who are not paid employees of the University); [affiliated faculty employed by the Medical Faculty Associates]; and visiting instructional and research faculty. For the purposes of these Conditions, Foggy Bottom faculty and staff shall not include faculty and staff whose primary office locations are not on the Foggy Bottom campus; employees of non-GW owned or controlled entities which are located on the Foggy Bottom campus; and contractors that provide ancillary campus-related service functions who are not employees of the University⁵.
 - b. For the purposes of these Conditions “Foggy Bottom faculty and staff full-time equivalent” shall be determined by assigning a fraction to part-time employees included in the Foggy Bottom faculty and staff headcount number based generally on the number of hours worked as compared to the standard full-time 40 hour work week.
 - [c. In the event that a core University function (e.g., student accounts, financial aid, instructional or research activities) is transitioned from university employee to contractor status, the University will include an estimate of the number of affected employees and relevant information regarding the type and location of the contractor operations. in the reports of faculty and staff population data required pursuant to Conditions 24 and 25 herein.]

⁵ Non-GW employee contractors have historically provided certain campus-related services (including managing and staffing the GW bookstore, mailroom services, and housekeeping management services). This population is currently estimated to include approximately 400 workers. The employment of these individuals is not under the control or management of GW, and thus their numbers cannot be tracked and reported with the level of specificity and accuracy required under these Conditions.

Condition 11 carries forward the faculty and staff population caps established in the 1985 Campus Plan and affirmed again in the 2000 Plan have been combined into a single Foggy Bottom campus faculty and staff population cap, to alleviate the complexities associated with distinguishing between various categories of faculty and staff, and to allow the University to report its faculty and staff population in a manner more consistent with its existing business processes with respect to tracking University employees. This combined cap will not have any impact on the Foggy Bottom student population, which is governed by its own cap as set forth in Condition 10. The additional flexibility afforded by this change will allow the University to respond to evolving educational and operational needs over the next twenty years without creating the potential for any additional impacts related to campus populations beyond that which has already been approved in existing and prior Campus Plans.

Condition 11 sets forth a rational and logical methodology for determining Foggy Bottom faculty and staff as detailed more fully in the University's September 21, 2006 supplemental filing. However, as a result of ongoing conversations with internal and external stakeholders, including the Office of Planning, GW has proposed two changes to Condition 11 as set forth in the bracketed language above:

- a. On a going-forward basis, affiliated faculty employed by Medical Faculty Associates will be included in its Foggy Bottom campus faculty and staff population⁶. Although these individuals are not employees of the University, this particular sub-set of affiliated faculty conduct instructional activities almost entirely on the Foggy Bottom campus (as their clinical office location and any instructional location are located on the Foggy Bottom campus) and instruct medical students at all levels of education (first through fourth years). These individuals are distinct from other affiliated faculty whose instruction is limited to third and fourth year medical students and whose clinical and instructional locations are outside of the Foggy Bottom/West End area.*
- b. The University has agreed that in the event that a core university function (e.g., student accounts, financial aid, instructional or research activities) is transitioned from university employee to contractor status, the University will include an estimate of the number of affected employees and relevant information regarding the type and location of the contractor operations in the reports of faculty and staff population data required pursuant to Conditions 24 and 25 herein.*

ON-CAMPUS UNDERGRADUATE STUDENT HOUSING

12. For the duration of the Plan, the University shall make available on-campus beds for full-time Foggy Bottom undergraduate students equivalent to 70% of the full-time Foggy Bottom undergraduate student population up to an enrollment of 8,000, plus one bed per full-time Foggy Bottom undergraduate student over 8,000. For the purposes of these Conditions, the term "on-campus beds" shall include beds available to full-time Foggy Bottom undergraduate students in any property in which the University has an ownership, leasehold, or contractual interest, or beds otherwise occupied by full-time Foggy Bottom

⁶ Affiliated Faculty that are employed by Medical Faculty Associates (MFA) are a sub-set of the total employees of MFA. The University has agreed to include in its faculty counts only those MFA employees who have faculty appointments and engage in instructional activities on the Foggy Bottom campus.

undergraduate students in fraternities, sororities, or other programs recognized by or affiliated with the University and located within the campus plan boundary. Each report shall be accompanied by supporting documentation and full explanations of methods, assumptions, and sources used to compile information in the report. The University's efforts with respect to this Condition shall be monitored by the Advisory Committee.

13. The University shall require all full-time Foggy Bottom freshmen and sophomore students to reside in housing located within the campus plan boundary. The University may exempt from this requirement students who commute (i.e., students who have established permanent residency off-campus prior to enrollment at GW or students who live off-campus with a parent, guardian, or other family member), are married or have children, or have disabilities or religious beliefs inconsistent with residence hall life. The University's efforts with respect to this Condition shall be monitored by the Advisory Committee.

Conditions 12 and 13 carry forward the most substantial requirements from the 2000 Campus Plan – providing additional on-campus undergraduate student housing. The University remains committed to the student housing requirement, as it aligns with GW's own institutional priority to create an outstanding living and learning undergraduate student experience.

The nature and scope of the student housing requirement also supports the University's position with respect to excluding Mount Vernon resident students from the Foggy Bottom Total Student Body Headcount. Otherwise, students housed at Mount Vernon would also be subject to the Foggy Bottom housing requirement, which would create the illogical result of providing two beds for the same student.

OFF-CAMPUS STUDENT HOUSING & STUDENT CONDUCT ISSUES

14. With respect to the housing of undergraduate students in off-campus properties which the University owns or has an interest in, except as otherwise provided by this Condition:
 - a. Effective August 31, 2006, GW shall not house undergraduate students in The Hall on Virginia Avenue.
 - b. Effective August 31, 2007, GW shall not house undergraduate students in The Aston.
 - c. Effective August 31, 2008, GW shall not house undergraduate students in units in Columbia Plaza for which GW maintains certain designation rights as part of GW's undergraduate student housing program, with the exception that juniors and seniors referred to Columbia Plaza as part of GW's student housing program prior to August 31, 2008, may continue to reside in their respective units, subject to the rules and guidelines associated with the GW student housing program, until they graduate from GW or are no longer officially affiliated with the University.
 - d. Effective July 1, 2016, GW shall not house undergraduate students in City Hall.Notwithstanding the foregoing, the University may offer housing in these off-campus facilities to students who are exempted from living on-campus pursuant to Condition 13 (specifically undergraduate students who are married or have children, or have

disabilities or religious beliefs inconsistent with residence hall life). The University's efforts with respect to this Condition shall be monitored by the Advisory Committee.

In direct response to issues raised early in the community-based planning process, the University worked closely with OP address the future use of existing off-campus student housing facilities. The scope of the development plan proposed in the Campus Plan – which will accommodate not only GW's forecasted academic needs on-campus but will also provide for additional on-campus undergraduate student housing – allows the University to make this substantial long-term commitment with respect to the future use of these off-campus facilities.

15. The University shall maintain a program to provide its students who are eligible to live off-campus with information about housing opportunities outside the Foggy Bottom/West End Area. The University's efforts with respect to this Condition shall be monitored by the Advisory Committee.
16. The University shall use disciplinary interventions for acts of misconduct by students living off-campus in the Foggy Bottom/West End Area, even if students are not in properties owned or controlled by the University. The University shall act on incident reports by residents, ANC 2A, community associations, building management, building association boards, University security officers, and police. The University shall maintain an outreach program with neighboring apartment buildings to educate management companies and tenant associations on the University's disciplinary program and its reporting requirements to facilitate effective use of its program. The University's efforts with respect to this Condition shall be monitored by the Advisory Committee.
17. The University shall maintain and publicize a hotline available 24 hours per day, seven days per week to receive calls about student conduct issues and safety and security concerns. The University shall maintain a log of all calls received and all actions taken, including all referrals made. The University shall maintain its Crimes Tips Hotline (presently 994-TIPS), where calls can be made anonymously to a recorded "tip" line. Calls needing a more immediate response shall be directed to the University police (presently 994-6110) 24 hours per day, seven days per week. The University police will aid off-campus complainants in obtaining assistance from the Metropolitan Police Department. Reports of improper off-campus student conduct will also be referred to the appropriate University departments for their attention. The University's efforts with respect to this Condition shall be monitored by the Advisory Committee.
18. The University will maintain a mandatory program for its students that will address "good neighbor" issues, educating students about appropriate conduct in the off-campus community. The University's efforts with respect to this Condition shall be monitored by the Advisory Committee.
19. The University shall gather information about the local addresses of the full-time Foggy Bottom undergraduate population. The University shall compile and report the number of full-time Foggy Bottom undergraduate students residing in (1) Foggy Bottom/West End outside the campus boundaries; (2) the District of Columbia outside both the campus

boundaries and the Foggy Bottom/West End Area, organized by postal codes; (3) Maryland; and (4) Virginia. This information shall be reported as set forth in Condition 24 herein.

Conditions 15-19 are updated versions of conditions included in the 2000 Campus Plan Order aimed at addressing issues related to off-campus student conduct. GW takes these issues very seriously, and has implemented several initiatives and programs that have made substantial progress to address these concerns. The University is committed to continuing its attempts to improve the situation and will continually evaluate its efforts to minimize off-campus student conduct issues in the Foggy Bottom/West End area.

HISTORIC PRESERVATION & STREETScape PLANS

20. *Initial Proposed Condition:* Prior to public hearings on the Foggy Bottom Campus Plan: 2006 – 2025, the University, in conjunction with the Office of Planning, will initiate a mutually-agreed upon process that provides for the historic designation of the properties identified in this Campus Plan as architecturally or historically significant and that also accommodates the development sites identified in the Plan.

Updated Proposed Condition: [Upon the issuance of a final order from the Zoning Commission approving the *Foggy Bottom Campus Plan: 2006 – 2025* as submitted, and the expiration of any appeal period, the University and the Office of Planning will proceed within sixty (60) days to file the appropriate applications with the Historic Preservation Review Board to achieve the designations set forth in the Foggy Bottom Campus Historic Preservation Plan. Specifically, (a) the University shall prepare the applications for the University-owned individual landmarks identified in the Historic Preservation Plan and (b) the University shall work with the Historic Preservation Office to prepare the documentation for the proposed historic district, which shall be filed by the Historic Preservation Office.]

The updated proposed Condition 20 language reflects the significant progress which has been made since the filing of the Campus Plan with respect to the Foggy Bottom Campus Historic Preservation Plan, and also sets forth the University's commitment for implementation of the Historic Preservation Plan in the event the Campus Plan is approved as filed. As set forth more fully in the Campus Plan and the University's supplemental filings, the Historic Preservation Plan is a substantial commitment with an unlimited duration. The University can only make this commitment at this time because of the opportunities and balance created by the scope of the proposed development plan and the other elements included the Campus Plan.

21. *Initial Proposed Condition:* The University shall prepare a detailed streetscape plan applicable to the entire Foggy Bottom campus. The plan shall include, among other elements, a discussion of the installation of sign pylons and street signage, landscaping, lighting and street furniture. The streetscape plan shall be developed with input from with the Office of Planning and the Department of Transportation. A proposed draft streetscape plan will be submitted to the Zoning Commission prior to public hearings on the Foggy Bottom Campus Plan: 2006 – 2025.

Updated Proposed Condition: [Upon the issuance of a final order from the Zoning Commission approving the *Foggy Bottom Campus Plan: 2006 – 2025* as submitted, and the expiration of any appeal period, the University will proceed within sixty (60) days to initiate the process to obtain necessary approvals of the proposed Streetscape Plan from the District Department of Transportation. The costs and resources associated with the implementation of building identifiers (e.g., flags, awnings, and placards), street furniture (e.g., benches, trash receptacles, bike racks and emergency call stations), way-finding elements (e.g., campus maps, directional signage, and location symbols), street banners (e.g., pedestrian, vehicular and thematic banners often mounted on street light posts) and distinctive design elements (e.g., public art, plaques, busts, clocks, paving medallions, mid-block crossing treatments) as set forth in the proposed Streetscape Plan will be the responsibility of the University. Other streetscape elements—including sidewalk paving materials, street lighting fixtures, and certain plantings (particularly street trees)—may be allocated among the University, DDOT, and, as appropriate and available, other outside sources (including organizations or foundations such as Casey Trees for campus street trees). The University will continue to work with DDOT with respect to planning for future District streetscape improvement projects that impact the Foggy Bottom campus, and the specific allocation and contribution of costs associated with such improvement projects will be made on a project by project basis. Streetscape improvements associated with development projects identified in the Campus Plan and first-stage PUD will be funded by GW and will be specifically addressed as part of the second-stage PUD application for each project.]

The updated proposed Condition 21 language reflects the significant progress which has been made since the filing of the Campus Plan with respect to the Foggy Bottom Campus Streetscape Plan, and also sets forth the University's commitment for implementation of the Streetscape Plan in the event the Campus Plan is approved as filed.

PARKING & TRAFFIC

22. The University shall implement the following measures to minimize adverse impacts associated with parking and traffic:
 - a. Support of Mass Transit: The University shall maintain the Metrocheck program offered by the Washington Metropolitan Area Transportation Authority (WMATA) to allow employees to pay for public transportation costs on a pre-tax basis. The University shall maintain an introduction to public transportation program for incoming students that includes provision of WMATA's "SmarTrip" cards to incoming students. The University will work with WMATA to schedule SmarTrip "carding events" at various locations around campus to provide additional information about public transportation to the University community. In the event these programs are discontinued over the term of the campus plan, the University will work to identify alternative programs to support the goal of encouraging mass transit ridership.

- b. Parking: The University shall continue to provide at least 2,800 off-street parking spaces, including proposed spaces to be dedicated for university use on Square 54 and all University-owned parking spaces on Square 122 (specifically including the parking lot and garage spaces at Old Main located at 1922 F Street, NW). The number of off-street parking spaces required to be provided may be increased in any subsequent further processing order pursuant to this plan if necessary to mitigate the adverse impact of the approved uses on the University's parking resources. The University shall monitor its utilization of University parking facilities to determine usage patterns and conduct an ongoing assessment of parking needs.

- c. Notice: The University shall notify affected property owners or occupants, ANC 2A, and members of the Advisory Committee in a timely manner of the occurrence of any temporary street closing necessary to accommodate University-related functions. For the purposes of this Condition "affected property owners or occupants" shall be defined in a manner consistent with the notice requirements of DDOT temporary street closure petition procedures.

- d. Student Vehicles: The University, through its Office of Parking Services, shall maintain an accurate record of the license plate numbers of motor vehicles kept by students in University parking facilities, to be updated annually at the beginning of each Fall semester. The University shall direct students to register their vehicles in the District of Columbia, or obtain a reciprocity sticker. [Furthermore, the University shall update its "On-Campus Parking Restrictions Policy" as follows: Due to the limited number of parking spaces on the streets in and around the Foggy Bottom Campus and the availability of public transportation, all students are discouraged from bringing vehicles to the Foggy Bottom campus. In particular, freshmen and sophomores who are not exempted from the Foggy Bottom campus housing requirement are prohibited from bringing vehicles to the campus, other than in exceptional circumstances. Exceptional circumstances may include, for example, transportation needs related to a disability or health condition of the student or member of his/her family. Requests for a policy exception due to exceptional circumstances must be documented by the student and approved by the University. If such an exception is granted, the vehicle must be parked in a University parking facility. Any violation of this policy shall be grounds for discipline under the University's Code of Student Conduct.]

The proposed change to condition 22(d) responds to the request made by the West End Citizens Association and the District Department of Transportation to strengthen the existing student parking restriction which currently "strongly discourages" freshmen and sophomores from bringing cars to campus.

- 23. The University shall maintain, and periodically update, its comprehensive transportation management plan addressing traffic and parking associated with events on campus that are attended by a significant number of persons not normally associated with the

University and the campus. The transportation management plan shall include the following:

- a. Measures to schedule events at times that reduce conflicts with other traffic and other demands for parking.
- b. Measures to discourage travel by private automobile and encourage travel by public transportation.
- c. Measures to encourage persons who drive to park in commercial or University Parking garages.
- d. Any other specific measures to address parking demand and decrease vehicular traffic in the surrounding Foggy Bottom/West End Area.

The transportation management plan shall be submitted to and reviewed by the Advisory Committee on an annual basis as set forth in Condition 22.

At the time of this filing, GW is continuing to work with the Department of Transportation (DDOT) to identify potential transportation management plan elements which may be appropriate over the term of the Campus Plan. Any additional measures identified by GW and DDOT will be discussed at the October 11, 2006 hearing.

REPORTING & COMPLIANCE REVIEW

24. On November 20 of each year following Zoning Commission approval of this Campus Plan, the University will file a Foggy Bottom Campus Plan Compliance Report with the Zoning Commission, Zoning Administrator, Office of Planning, ANC 2A, and the Advisory Committee. The Foggy Bottom Campus Plan Compliance Report shall contain the following information, reported as of the University Census Date unless otherwise noted⁷:
 - a. Current fall and previous spring semester Foggy Bottom student headcount and Foggy Bottom student full-time equivalent in accordance with Condition 10.
 - b. Current fall and previous spring semester Foggy Bottom faculty & staff headcount and Foggy Bottom faculty & staff full-time equivalent in accordance with Condition 11.
 - c. Data in connection with the on-campus undergraduate student housing requirement set forth in Condition 12, specifically:

⁷ "Census Date" is the date when the University makes its official count of student enrollment. Currently the University Census Date occurs at the end of the sixth week of classes each semester. In the event the University Census Date is modified due to changes in the academic calendar or other necessary administrative policy modifications, upon 60 days notice to the Zoning Commission, Zoning Administrator, Office of Planning, ANC 2A, and the Advisory Committee, the reporting date may be changed accordingly to accommodate the new Census Date.

- i. Current fall and previous spring full-time Foggy Bottom undergraduate students. For purposes of these Conditions, “full-time Foggy Bottom undergraduate students” shall be defined as the number of students in the “Foggy Bottom/Mount Vernon Campus Total Student Body”¹ minus graduate students, first professionals (JDs and MDs), undergraduates taking fewer than 12 credit hours at the Foggy Bottom campus, non-degree students, full-time undergraduate study abroad students, undergraduate continuous enrollment students, and full-time undergraduate students that reside at the Mount Vernon Campus.
- ii. The number of on-campus beds available to full-time Foggy Bottom undergraduate students;
- iii. The number of on-campus beds occupied by full-time Foggy Bottom undergraduate students;
- iv. The number of off-campus University-supplied beds within the Foggy Bottom/West End Area, defined as the area bounded by the Potomac River and Rock Creek Park to the west, N Street to the north, 19th Street to the east, and Constitution Avenue to the south;
- v. The number of off-campus University-supplied beds within the Foggy Bottom/West End Area occupied by full-time Foggy Bottom undergraduate students;
- vi. The number of off-campus University-supplied beds outside the Foggy Bottom/West End Area;
- vii. The number of off-campus University-supplied beds outside the Foggy Bottom/West End Area occupied by full-time Foggy Bottom undergraduate students.

All data shall be reported for each individual semester and also as an average of the reported fall and spring semesters. Compliance with the on-campus undergraduate student housing requirement set forth in Condition 12 shall be based upon the average of the reported fall and spring semesters until the fall 2010 semester or until the completion and occupancy of the next GW residence hall project proposed in accordance with the Foggy Bottom or Mount Vernon Campus Plans, whichever event first occurs.⁸ After the occurrence of the aforementioned event and for the remainder of the term of this Plan, compliance with the on-campus undergraduate student housing requirement set forth in Condition 12 shall be based upon the data reported for each individual semester.

- d. Information evidencing compliance with Condition 15.
- e. Information evidencing compliance with Condition 16.
- f. Information evidencing compliance with Condition 17.
- g. Information evidencing compliance with Condition 18.

⁸ It is contemplated that the next GW residence hall to be completed and occupied will be the project proposed pursuant to the joint DCPS/GW School Without Walls (Square 80) PUD which was filed on April 3, 2006 and is targeted for occupancy in fall 2009.

- h. Updated address information in accordance with Condition 19.
- i. Current inventory of University-owned parking spaces and other evidence of compliance with Condition 22(b).
- j. Information evidencing compliance with Condition 23.

Each report shall be accompanied by supporting documentation and full explanations of methods, assumptions, and sources used to compile information in the report.

25. On April 15 of each year following Zoning Commission approval of this Campus Plan, the University will file an Interim Foggy Bottom Campus Plan Compliance Report with the Zoning Administrator and the Advisory Committee. The Interim Foggy Bottom Campus Plan Compliance Report shall contain the following information, reported as of the University Census date unless otherwise noted:

- a. Current spring and previous fall semester Foggy Bottom student headcount and Foggy Bottom student full-time equivalent in accordance with Condition 10.
- b. A copy of the audit report of the previous fall semester Foggy Bottom student headcount and Foggy Bottom student full-time equivalent conducted pursuant to condition 10(c) herein.
- c. Current spring and previous fall semester Foggy Bottom faculty and staff headcount and Foggy Bottom faculty and staff full-time equivalent in accordance with Condition 11.
- d. Data in connection with the on-campus undergraduate student housing requirement set forth in Condition 12, specifically:
 - i. Current spring and previous fall full-time Foggy Bottom undergraduate students. For purposes of these Conditions, "full-time Foggy Bottom undergraduate students" shall be defined as the number of students in the Foggy Bottom/Mount Vernon campus total student body minus all graduate students, all first professionals (JDs and MDs), all undergraduates taking fewer than 12 credit hours at the Foggy Bottom campus, non-degree students, full-time undergraduate study abroad students, undergraduate continuous enrollment students, and full-time undergraduate students that reside at the Mount Vernon Campus.
 - ii. The number of on-campus beds available to full-time Foggy Bottom undergraduate students;
 - iii. The number of on-campus beds occupied by full-time Foggy Bottom undergraduate students;
 - iv. The number of off-campus University-supplied beds within the Foggy Bottom/West End Area, defined as the area bounded by the Potomac River and Rock Creek Park to the west, N Street to the north, 19th Street to the east, and Constitution Avenue to the south;

- v. The number of off-campus University-supplied beds within the Foggy Bottom/West End Area occupied by full-time Foggy Bottom undergraduate students;
- vi. The number of off-campus University-supplied beds outside the Foggy Bottom/West End Area;
- vii. The number of off-campus University-supplied beds outside the Foggy Bottom/West End Area occupied by full-time Foggy Bottom undergraduate students.

All data shall be reported for each individual semester and also as an average of the spring and fall reported semesters. Compliance with the on-campus undergraduate student housing requirement set forth in Condition 12 shall be based upon the average of the reported spring and fall semesters until the fall 2010 semester or until the completion and occupancy of the next GW residence hall project proposed in accordance with the Foggy Bottom or Mount Vernon Campus Plans, whichever event first occurs.⁴ After the occurrence of the aforementioned event and for the remainder of the term of this Plan, compliance with the on-campus undergraduate student housing requirement set forth in Condition 12 shall be based upon the data reported for each individual semester.

Each report shall be accompanied by supporting documentation and full explanations of methods, assumptions, and sources used to compile information in the report.

Conditions 24 and 25 represent the University and Office of Planning's extensive effort to create a comprehensive and transparent compliance reporting process for the benefit of the Zoning Administrator, Zoning Commission, ANC 2A, Advisory Committee, and other interested stakeholders. These reports will be appropriately based on University census data so as to conform data reported for Campus Plan compliance purposes with other data reported by the University. Collectively, these compliance requirements go further than any other District of Columbia Campus Plan requires, and will maintain a transparent and consistent reporting process that will benefit all stakeholders for the term of this Campus Plan.