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Foggy Bottom/West End ANC

December 26, 2007

Mr. Anthony Hood
Chairman
DC Zoning Commission
One Judiciary Square
441-4th Street, N.W. – Suite 210S
Washington, DC 20001

Re: GWU Foggy Bottom Campus Plan (ZC Case Nos. 06-11/06-12) – Motion for
Reconsideration of PUD Condition P-7

Dear Chairman Hood:

On October 26, 2007, the Zoning Commission's Order (ZC Case Nos. 06-11/06-12) for the George Washington University's (GWU) Foggy Bottom Campus Plan was published in the DC Register (54 DCR 10340-90). In its combined Order for the Campus Plan case (ZC No. 06-11) and the omnibus Planned Unit Development (PUD) case (ZC No. 06-12), the Commission included PUD Condition P-7, "Advisory Committee Proffer." At a Special December 13th Meeting at St. Mary's Court, the Foggy Bottom and West End Advisory Neighborhood Commission (ANC-2A) considered GWU's recent request to schedule the kickoff meeting of the "Advisory Committee" for the next night, December 14th. For multiple reasons (see below), ANC-2A, with a quorum present, unanimously passed a resolution authorizing me to file a Motion for Reconsideration.

11 DCMR § 3029 provides that a Motion for Reconsideration of a final Order may be filed within ten days of the Order's becoming final (§3029.5) and that the motion "shall state specifically the respects in which the final order is claimed to be erroneous, the grounds of the motion, and the relief sought" (§3029.6). Even though over ten days have elapsed since the Order's issuance, Condition P-7 was not actuated until during the last ten days. This letter explains the grounds for Reconsideration and asks that the Commission remove Condition P-7 from the Order.

PUD Condition P-7 (Paragraph a) states that key functions of the Advisory Committee would include: reviewing GWU's compliance reporting, monitoring GWU's compliance with the Order's conditions, and reviewing GWU's development proposals. This work scope is already a function of ANC-2A. ANC-2A believes that it can represent the majority community view on GWU's compliance and plans.

PUD Condition P-7 (Paragraph b) states that the Advisory Committee would consist of 10 members – five selected by GWU and five selected by ANC-2A. It further provides that a quorum would be five members. By testimony and in subsequent filings, ANC-2A, the Foggy Bottom Association, and the West End Citizens Association, all Parties in the campus plan cases (ZC Nos. 06-11 and 06-12), objected to any "Advisory Committee" with an equally split

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membership and with a quorum being set at half of this membership. The community was concerned that GWU could state its support for GWU's compliance or plans without any community member participation whatsoever.

ANC-2A has researched Commission Orders governing Campus Plans for other universities in DC and finds that only one (ZC Order No. 949 governing American University) has an equally split membership for a "Liaison Committee" ("an equal number of members from the University and from the neighboring communities") but it has no such unfair quorum requirement (Paragraph 60) and its work scope is entirely different (Paragraphs 60-2).

In addition, on December 13th, ANC-2A unanimously endorsed the following statement:

"We are aware that the new Campus Plan order concerning The George Washington University (Zoning Commission Order No. 06-11/06-12), which was final and effective on October 26, 2007, contains a provision titled 'Advisory Committee Proffer' (proffer number P-7). This proffer states that the members of a new Advisory Committee, with powers to help ensure compliance with the Campus Plan by GWU, will consist of ten members chosen equally by GWU and ANC-2A.

The ANC believes that this proffer was a result of past difficult times between GWU and the neighborhood's non-University residents, and at present the ANC is encouraged by the new atmosphere of cooperation between GWU and this residential community. In particular, we note that GWU's new President, Dr. Stephen Knapp, has made efforts to reach out to the residential community and to assure residents that the times have changed. This ANC, therefore, believes that it can vest confidence in the new Administration of President Knapp, and also, therefore, believes that a new neighborhood Advisory Committee is unnecessary.

ANC 2A will not be appointing members to an Advisory Committee. Of course, as always, this ANC stands ready to assist with any Campus Plan issues or other neighborhood issues that may develop in the future."

Thank you for considering ANC-2A's Motion for Reconsideration.

Sincerely,

L. Asher Corson
Chairman

cc Maureen Dwyer for GWU
Cornish Hitchcock for FBA
Barbara Kahlow for WBCA