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April 11, 2006

Via Hand Delivery

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

Dear Ms. Mitten:

This law firm represents the Foggy Bottom Association (“FBA”), and I request the opportunity to address formally the Zoning Commission regarding the Office of Planning’s report on George Washington University’s “Application for First-Stage Review and Approval of a Planned Unit Development ... for the Foggy Bottom Campus and New Campus Plan.” (Case No. ZC-06-11).

The Zoning Regulations set forth at D.C. Mun. Regs. tit. 11 § 500.6 require the D.C. Office of Planning, upon receipt of the Application, to undertake the “coordination, review, report, and impact assessment, along with reviews in writing from all relevant District departments and agencies ...” FBA is concerned that, contrary to the independent review required by the Zoning Regulations, the Office of Planning has “pre-approved” the new campus plan behind closed doors, and will recommend that GWU’s Application be considered despite these major considerations:

- D.C. Zoning Regulations § 210.4 demands, as a “prerequisite” to granting a special exception to a college or University, that the Applicant submit a plan for “developing the *campus as a whole*.” GWU’s Application omits, however, the largest and most controversial piece of the plan – the Square 54 Development. See Application, Exhibit I;
- GWU has not filed an Environmental Screening Form for the new Plan, and the D.C. Office of Health has not submitted an Environmental Impact Statement. Yet, the Plan requests a greater density FAR and stretches to the year 2025 in an environs found by the D.C. Court of Appeals to be “at the tipping point” regarding environmental quality. See *Foggy Bottom Association v. D.C. Board of Zoning Adjustment*, 791 A.2d 64, 73 (D.C. 2002). The Office of Planning cannot judge the “impact” of the Application, as it is required to do, without an EIS; and,
- GWU is in violation of Condition 8 of the existing Campus Plan, and cannot comply with Condition 9(c).

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We will appreciate your favorable response to this request.

Very truly yours,


William H. Bode

WHB:jav

cc: Vice-Chair Anthony Hood (via U.S. Mail)
Commissioner Gregory N. Jeffries (via U.S. Mail)
Commissioner Kevin Hildebrand (via U.S. Mail)
Commissioner John Parsons (via U.S. Mail)
Jerrily R. Kress, FAIA, Director, D.C. Office of Zoning (via U.S. Mail)
Mr. Bill Crews, Zoning Administrator (via U.S. Mail)
Ms. Joy Howell (via U.S. Mail)