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January 7, 2008

By Hand Delivery

Anthony Hood, Chairperson
District of Columbia Zoning Commission
Office of Zoning
441 4th Street, NW, Suite 210
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2008 JAN -7 PM 2:58

**Re: Zoning Commission Case Nos. 06-11 and 06-12
The George Washington University *Foggy Bottom Twenty Year Campus Plan* and
related First-Stage PUD and Map Amendment
Response to ANC 2A Motion for Reconsideration**

Dear Chairperson Hood and Members of the Commission:

On January 2, 2008, the George Washington University received a letter from Asher Corson, Chairperson of ANC 2A, that included a Motion for Reconsideration of Order No. 06-11/06-12 in order to remove Condition P-7 from the Order. Condition P-7 sets forth the framework for an "Advisory Committee" for the purpose of "fostering consistent communication between the University and the Foggy Bottom and West End communities." The University is heartened by ANC 2A's confidence in the present University administration with respect to neighborhood issues, and agrees that ANC 2A should continue to play an important role in representing its constituents. However, for the reasons set forth below, the University respectfully opposes ANC 2A's Motion for Reconsideration.

I. Procedure and Timing

The rules for reconsideration set forth in Section 3029 specifically require that the motion must be filed within 10 days after the Order becomes final. ANC 2A's request comes two months after the Order's effective date and is untimely. Furthermore, the Commission's Order has been appealed to the D.C. Court of Appeals and it is currently within the court's jurisdiction. It has been the Commission's practice (even though not a legal requirement) to refrain from modifying conditions of a zoning order while that order is on appeal. For example, in Case No. 05-31, a further processing request by Georgetown University pursuant to its 2000 Campus Plan, the Citizens Association of Georgetown sought to insert a campus plan condition. The Commission declined to consider the request because the Campus Plan was before the Court of Appeals and

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District of Columbia
CASE NO. 06-12
EXHIBIT NO. 239
ZONING COMMISSION
District of Columbia
CASE NO. 06-12
EXHIBIT NO. 239

therefore not within the jurisdiction of the Commission. See Z.C. Pub. Hr'g Tr. Nov. 28, 2005 at 20, 30-32.

II. University Commitment to the Advisory Committee

The University is committed to engaging its neighbors, as well as ANC 2A, in an open dialogue on areas of mutual concern. To this end, the University agreed to include the Advisory Committee as a component of its 2007 Campus Plan (which continued the University's commitment to the Advisory Committee from the 2000 Campus Plan). Following the publication of the final Order, the University took immediate action to implement the Advisory Committee as required by Condition P-7 of the Order. Less than two weeks after the Order took effect, the University first contacted ANC 2A to set up the first meeting date for the Advisory Committee and request that ANC 2A appoint its five representatives to the Advisory Committee. The University did so in order to allow enough time to provide the public with proper notice of the meeting as well as permit ANC 2A to select its representatives. The University then sent follow-up correspondence to confirm the date of the first meeting, and subsequently moved the date in order to allow ANC 2A to hold a special meeting to discuss the selection of its members. While the ANC's letter indicates that the University's efforts to establish of the Advisory Committee are recent, in fact the University's actions were prompt and date back to November 6, 2007 (again, the Commission's final Order became effective October 26, 2007). A record of correspondence on this matter is attached.

The University will uphold its commitment to the Advisory Committee, and encourages ANC 2A to participate as well. The University is heartened to read that ANC 2A believes that the relationship between University and community has improved, and looks forward to continuing an open and honest discussion on issues of mutual concern. The Advisory Committee, if implemented in accordance with Condition P-7, will foster consistent communication and serve as a key avenue for continuing that dialogue.

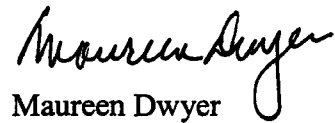
Moreover, regular quarterly meetings with the community that specifically focus on issues related to the University and the Foggy Bottom Campus Plan will provide a dedicated forum for the discussion of such issues. While ANC 2A has played and will continue to play an important role in representing the views of its constituents on the University's Campus Plan, ANC 2A is also statutorily responsible for serving a broad range of constituent interests that extend well beyond the borders of the Foggy Bottom campus including transportation and public safety as well as zoning and land use issues unrelated to the University. By providing a separate forum for the discussion of Campus Plan issues, the Advisory Committee enables ANC 2A to leverage its time and resources to address the myriad issues of importance to the neighborhood, yet retain a strong role in reviewing and monitoring the Foggy Bottom Campus Plan.

Finally, the Advisory Committee is not meant to be an independent regulatory body that limits or supplants the role of ANC 2A. Quarterly meetings with an "advisory committee" of some kind are an important feature of multiple Campus Plans, including Georgetown University (ANC 2E), American University (ANC 3D) and GW's own Mount Vernon Campus (also ANC

3D). The record in recent cases involving those institutions clearly demonstrates that the affected ANC still plays an important role in representing the community in reviewing and monitoring the features of each campus plan, and these ANCs are the only bodies entitled to "great weight" before the Zoning Commission and other agencies.

For all of the reasons set forth above, the University believes that the Advisory Committee provided for in Condition P-7 of Order No. 06-11/06-12 is an important feature of the Foggy Bottom Twenty-Year Campus Plan (2007) and should be retained.

Very truly yours,



Maureen Dwyer



David Avitabile

Attachment

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this letter was delivered by hand delivery on
January 7, 2008.

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

Alan Bergstein
Office of Attorney General
Section Chief, Land Use and Public Works Section
1100 - 15th Street, NW, Suite 800
Washington, D.C. 20005-1707

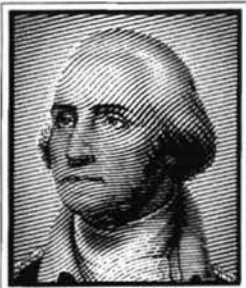
Asher Corson,
Chair, ANC 2A
955 26th Street NW #709
Washington, D.C. 20037

Cornish F. Hitchcock
Counsel for Foggy Bottom Association
1200 G Street, NW Suite 800
Washington, DC 20005

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



David M. Avitabile



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November 6, 2007

Mr. Asher Corson
Chairman, ANC2A
955 26th Street, NW Apt 709
Washington DC 20037

Re: Foggy Bottom Campus Plan Advisory Committee

Dear Asher:

As you know, earlier this year, the Zoning Commission approved GW's twenty-year Foggy Bottom Campus Plan, subject to a set of conditions. On October 26, 2007, the Commission's decision, including these conditions, was published in the D.C. Register and became effective.

One of the conditions of approval, Condition P-7, requires that the University work with its neighbors to establish an Advisory Committee and further outlines specific requirements for the make up of this Committee [see attached copy of Condition P-7]. Among these requirements is that the University and the ANC each select five members to serve on this Advisory Committee. Further, the Condition requires that the first meeting of the Advisory Committee be held within two months of the effective date of the Order.

To this end, the University would like to work with you to immediately set a meeting date for the Advisory Committee. The University proposes that this meeting be set for December 3, December 13 or December 14 so as not to interfere with Thanksgiving, Chanukah or Christmas holiday timeframes. We would propose that a meeting date be set by November 19, 2007 to provide proper notice of this meeting, as per the Zoning Commission order, this meeting shall be open to the public. We would defer to your guidance on the appropriate time of day for this meeting in order to ensure community participation. Also, in order to facilitate the scheduling of these meetings, we would suggest that the meetings be held in the Marvin Center, located at 800 21st Street, NW, though we are open to other suggestions. Please let us know your thoughts on the above meeting logistics.

The University is currently in the process of appointing its five members to serve on the Advisory Committee. However, the University's first two appointees are Michael Akin, Director of Community Relations and Alicia O'Neil, Director of the Office of Real Estate, with whom you are familiar. The University will appoint its additional 3 members prior to the first meeting of the Committee. Moving forward, however, Michael and Alicia will be GW's

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202-994-6600
FAX 202-994-9304

primary points of contact for this Committee, so please feel free to be in touch with either of them to coordinate and discuss further. [Michael can be reached via telephone at 202.994.0679 or via email at mik2000@gwu.edu; Alicia can be reached via telephone at 202.994.2371 or via email at oneila@gwu.edu.]

On other matters, the University is currently working to complete its first Foggy Bottom Campus Plan Compliance Report, which under Condition C-15 of the Order is required to be completed by November 20, 2007. The University will provide copies of this report, as required, to the ANC and other District agencies. The Order also requires that copies be provided to members of the Advisory Committee. If the ANC has not appointed its five members to the Committee as of that date, the University will provide the five copies for the ANC appointed members of the Advisory Committee to you for distribution to these individuals as they are appointed to the Committee.

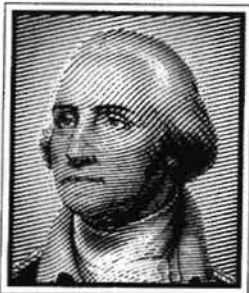
The University looks forward to working with you and your colleagues as we move forward with the Advisory Committee and the other components of the 2007 Foggy Bottom Campus Plan. Please don't hesitate to contact Michael and Alicia regarding this or other matters. And of course, if there are issues that you feel are not being resolved in a satisfactory manner, please feel free to call on me as well.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Katz', with a large, loopy flourish above it.

Louis H. Katz
Executive Vice President

Cc: Michael Akin
Alicia O'Neil



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December 3, 2007

Mr. Asher Corson
Chairman, ANC2A
955 26th Street, NW Apt 709
Washington, DC 20037

Re: Foggy Bottom Campus Plan Advisory Committee

Dear Asher:

I trust your Thanksgiving holiday went well. Following up on my letter of November 6th (attached), the recently approved twenty-year Campus Plan calls for the formation of an Advisory Committee which needs to meet within two months of the effective date of the order. This means the first meeting must take place no later than December 25, 2007.

In the initial letter, we proposed various meeting dates. With the rapidly approaching holiday season, our window of opportunity is closing rapidly. It is essential that the meeting date, time and location be set and publicized immediately.

Accordingly, per your discussion with Michael Akin regarding availability, **we have reserved the lower level of St. Mary's Court for a meeting at 6:30 PM on Thursday, December 13th.** The off-campus location and evening meeting time were selected in an attempt to best ensure community participation. Given the proximity to the upcoming holidays, we will also make available conference call capabilities (call-in number forthcoming) for those individuals who may not be able to attend the meeting in person.

Per the Campus Plan order the first Advisory Committee meeting shall cover the administrative procedures that govern the group. To this end, we expect that this meeting will be dedicated to talking through how we would like the committee to operate, and lay the groundwork for future issues-based meetings.

In addition to Michael Akin and Alicia O'Neil, we have appointed two more members to the Advisory Committee. Brian Hamluk, Director of Off-Campus Student Affairs and the Center for Alcohol and other Drug Education (CADE), and Peter Konwerski, Assistant Vice President for Student and

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A. Carson
December 3, 2007

Academic Support Services, will be members. The fifth member will be appointed prior to the meeting on December 13th. We look forward to learning who your five members will be.

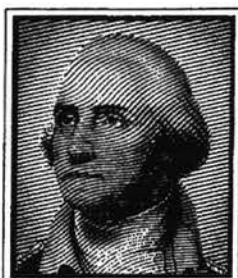
Michael or Alicia will be in touch this week to get your thoughts on publicity, meeting format and agenda items. Again, the University looks forward to working with you and your colleagues as we move forward with this committee and the other components of the 2007 Foggy Bottom Campus Plan.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Katz', with a stylized flourish extending from the end.

Louis H. Katz
Executive Vice President

Cc: Michael Akin
Alicia O'Neil



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November 6, 2007

Mr. Asher Corson
Chairman, ANC2A
955 26th Street, NW Apt 709
Washington DC 20037

Re: Foggy Bottom Campus Plan Advisory Committee

Dear Asher:

As you know, earlier this year, the Zoning Commission approved GW's twenty-year Foggy Bottom Campus Plan, subject to a set of conditions. On October 26, 2007, the Commission's decision, including these conditions, was published in the D.C. Register and became effective.

One of the conditions of approval, Condition P-7, requires that the University work with its neighbors to establish an Advisory Committee and further outlines specific requirements for the make up of this Committee [see attached copy of Condition P-7]. Among these requirements is that the University and the ANC each select five members to serve on this Advisory Committee. Further, the Condition requires that the first meeting of the Advisory Committee be held within two months of the effective date of the Order.

To this end, the University would like to work with you to immediately set a meeting date for the Advisory Committee. The University proposes that this meeting be set for December 3, December 13 or December 14 so as not to interfere with Thanksgiving, Chanukah or Christmas holiday timeframes. We would propose that a meeting date be set by November 19, 2007 to provide proper notice of this meeting, as per the Zoning Commission order, this meeting shall be open to the public. We would defer to your guidance on the appropriate time of day for this meeting in order to ensure community participation. Also, in order to facilitate the scheduling of these meetings, we would suggest that the meetings be held in the Marvin Center, located at 800 21st Street, NW, though we are open to other suggestions. Please let us know your thoughts on the above meeting logistics.

The University is currently in the process of appointing its five members to serve on the Advisory Committee. However, the University's first two appointees are Michael Akin, Director of Community Relations and Alicia O'Neil, Director of the Office of Real Estate, with whom you are familiar. The University will appoint its additional 3 members prior to the first meeting of the Committee. Moving forward, however, Michael and Alicia will be GW's

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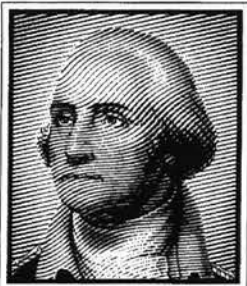
The University looks forward to working with you and your colleagues as we move forward with the Advisory Committee and the other components of the 2007 Foggy Bottom Campus Plan. Please don't hesitate to contact Michael and Alicia regarding this or other matters. And of course, if there are issues that you feel are not being resolved in a satisfactory manner, please feel free to call on me as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Louis H. Katz", with a stylized flourish at the end.

Louis H. Katz
Executive Vice President

Cc: Michael Akin
Alicia O'Neill



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December 6, 2007

Mr. Asher Corson
Chairman, ANC2A
955 26th Street, NW Apt 709
Washington, DC 20037

Re: Foggy Bottom Campus Plan Advisory Committee

Dear Asher:

Per your email (attached), the University is willing to reschedule the first meeting of the GW/Community Advisory Committee to give the ANC an opportunity to discuss the selection of members at a special meeting on December 13th, 2007.

Accordingly, per your discussion with Michael Akin regarding availability and the need to hold this meeting as soon as possible, **we have reserved the lower level of St. Mary's Court (located at 725 24th Street, NW) for a meeting at 6:00 PM on Friday, December 14th.** You will recall that this was the last of the three dates suggested in my initial letter of November 6. Again, given the proximity to the upcoming holidays, we will also make available conference call capabilities (call-in number forthcoming) for those members who may not be able to attend the meeting in person.

While we realize the ANC will not formally determine its level of participation until your meeting on the 13th, we believe it is prudent to publicize the December 14th meeting date to allow for public participation, and to this end, the University will be running an ad in the Current announcing this meeting date/time and inviting the public. Michael or Alicia will be in touch this week to discuss any additional thoughts you have on publicity, meeting format and agenda items. Again, the University looks forward to working with you and your colleagues as we move forward with this committee and the other components of the 2007 Foggy Bottom Campus Plan.

Sincerely,

Louis H. Katz
Executive Vice President

Cc: Michael Akin
Alicia O'Neil

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From: L. Asher Corson [mailto:lashercorson@gmail.com]
Sent: Thursday, December 06, 2007 9:29 AM
To: Michael Akin
Subject: Letter

Thank you for your letters about the Neighborhood Advisory Committee. I am writing to request that the scheduled date (December 13) is postponed until after December 13th so that ANC 2A can hold a special meeting on the 13th to consider appointing members to the Committee.

Thank you.

Asher Corson
Chair, ANC 2A