

Mr. and Mrs. Stephen K. Gardner
4545 W Street, N.W.
Washington, D.C. 20007
(202) 333-3066
sgardner@mckennalong.com

June 26, 2007

BY FAX

D.C. Zoning Commission
Office of Zoning
441 4th Street, N.W., Suite 210
Washington, D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
2007 JUL -2 PM 4:37

**Re: Z.C. Case No. 07-12
The George Washington University - Mount Vernon Campus
Special Exemption Application for Amendment to and Further
Processing of an Approved Campus Plan
Pelham Replacement Project**

Dear Members of the Commission:

The purpose of this letter is to express neighborhood opposition to George Washington University's ("GWU") application for a special exemption to its approved campus plan.

The W Street Neighbors group represent those residential neighbors who both affront and are adjacent to the north, northeast, and northwest GWU's Mount Vernon Campus. A number of these neighbors participated in the Neighborhood Alliance Agreement with GWU in 1999.

In February 2000, after a contentious battle between GWU and its residential neighbors, the Board of Zoning Adjustment issued an Order incorporating the Neighborhood Alliance Agreement into a revised Campus Plan for the period 2000 to 2010. Now seven years later, GWU seeks a special exemption to add more than 22,000 additional square feet to its Pelham Hall replacement project.

However, GWU's application for a special exemption goes well beyond replacing Pelham Hall. The application significantly and fundamentally affects GWU's campus plan for the next 20 years. Through a side agreement with the Berkeley Terrace neighbors, the University has promised to limit development in the Berkeley Terrace area (Berkeley Terrace Protective Zone) through 2030. Common sense along with campus geography dictate that if development is limited in one area of the campus for the next twenty years, then future development will impact other residential neighbors -- particularly the W Street Neighbors.

ZONING COMMISSION
District of Columbia
ZONING COMMISSION
District of Columbia
CASE NO. 07-12
EXHIBIT NO. 41

D.C. Zoning Commission
June 26, 2007
Page 2

The W Street Neighbors were lead to believe that the University and its Berkeley Terrace were involved in discussions solely pertaining to the size and shape of the Pelham Hall Replacement. We had no idea that the University was negotiating terms and conditions that would effect campus plans for the next 20 years. Only in the last month or so did we discover the breath and long-term impact of the Berkeley Terrace Agreement. Since that time, the University has held two meetings with its W Street Neighbors and circulated several draft proposals, but no agreement regarding either Pelham Hall or future campus plans have been reached with the W Street Neighbors.

In essence, the residential neighbors have been cleverly divided and conquered by GWU. In exchange for conditions to 2030, one set of neighbors must by agreement support the special exemption while the other set of neighbors was first left out of the process and then presented with proposals without sufficient time to weigh, consider, and negotiate numerous critical issues that will affect the campus and our residences until 2030.

GWU has proposed issues relating to the Pelham Hall Replacement to its W Street Neighbors that will significantly impact us for the next 20 years. These include landscape barriers, protective zones, storm water management, future campus development, as well as the extension of numerous conditions in the 1999 Neighborhood Alliance Agreement. The W Street Neighbors deserve a fair and reasonable opportunity to address these issues in depth with GWU, and if an accord cannot be reached, to address the issues at the Zoning Commission.

The W Street Neighbors have asked GWU to give us sufficient time to consider their proposals and to continue discussions. (We received a revised proposal with new terms just this last Saturday, June 30.) But, GWU has refused our request for further time and will not even agree to short continuance.

Accordingly, given that the Pelham Hall Replacement Project incorporates significant issues of concern to the W Street Neighbors and given that we were not included in the months of negotiations with its Berkeley Terrace Neighbors, we ask that the Commission neither consider nor approve the Special Exemption until such time as all the GWU neighbors have been afforded an equal and fair opportunity to address the significant long-term issues presented by GWU in its application.

Thank you for your consideration.

Respectively Submitted,



Stephen K. Gardner
On behalf of the W Street Neighbors

Albany
Atlanta
Brussels
Denver
Los Angeles

**McKenna Long
& Aldridge^{LLP}**
Attorneys at Law

1900 K Street, NW • Washington, D.C. 20006
Tel: 202.496.7500 • Fax: 202.496.7756
www.mckennalong.com

New York
Philadelphia
Sacramento
San Diego
San Francisco
Washington, DC

FACSIMILE TRANSMITTAL

Date: July 2, 2007

To: Name/Company	Fax No.	Phone No.
D.C. Zoning Commission Attention: Donna	727-6072	727-0789

From: Stephen K. Gardner
Phone: (202) 496-7661
Re: Z.C. Case 07-12
George Washington University - Mount Vernon Campus

Number of Pages (including cover):

COMMENTS

Please include in the record for this evening's proceedings.
Thank you

RECEIVED
D.C. OFFICE OF ZONING
2007 JUL -2 PM 4:37

Confidentiality Notice:

The information contained in this facsimile is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Post Office. Thank you.

User No.: 2160

Client/Matter No.:

If transmission is unclear or incomplete, please call sender at the above phone number.