WILKES, ARTIS, HEDRICK & LANE
CHARTERED
ATTORNEYS AT LAW
SUITE 1100
1666 K STREET, N. W.
WASHINGTON, D. C. 20006-2897
(202) 457-7800

MAUREEN ELLEN DWYER
VOICE: 202-457-7860
EMAIL: mdwyer@wahlone.com
FAX: 202-457-7814

ANNAPOLIS, MARYLAND
BETHESDA, MARYLAND
FAIRFAX, VIRGINIA
GREENBELT, MARYLAND
WALDORF, MARYLAND

March 24, 2000

DISTRICT OF COLUMBIA
'00 MAR 24 P2:50

BY HAND

Mr. Andrew Altman
Director
D.C. Office of Planning
Suite 400
801 North Capitol Street, N.E.
Washington, D.C. 20002

Re: BZA Application No. 16553
George Washington University/Foggy Bottom Campus Plan

Dear Mr. Altman:

This letter is to put in writing our concerns about the negotiation process which your office has put in place between the University and the community and to ask for your assistance in keeping the process on track.

When we last met with you on March 9 we had every intention of proceeding forward with the March 29 public hearing and were there to answer any final questions your office might have for the completion of your report to the Board of Zoning Adjustment. At that meeting, you made a compelling request that the University postpone the March 29 public hearing and, with your assistance, sit down with the community to further discuss issues and hopefully reach agreement on some campus plan issues.

The University was initially reluctant to give up its hearing date and expressed its concern that the community would continue to refuse to meet. You assured us that we would not have to give up the March 29 hearing date until you had the commitment of the community to the process. We also pointed out that even if the meeting process began that day, there was only a short period of time within which to schedule the meetings and reach agreement. We emphasized that the University's pre-hearing submission would be

BZA
Case No. 16553
Exhibit No. 42

Board of Zoning Adjustment
District of Columbia
CASE NO.16553
EXHIBIT NO.42

due on April 12 and that your office's report would be due on April 19. You assured us that the process could be completed within that time frame and we agreed that the discussions with the community would end no later than April 10 in order that the University could make any changes to its campus plan by its filing deadline of April 12. You also assured us that your office would contact the community and that within 24 hours we would know whether the community agreed to these conditions.

After considering your request, the University advised you by noon on Friday, March 10, that it would agree to the postponement provided the community agreed to the process we had outlined, which included conclusion of the meeting process no later than April 10. You assured us that you would have an answer from the community by noon on Monday, March 13. When this deadline passed, we contacted you and were advised that the community had agreed to the conditions and that a facilitator was being selected and the process would begin.

In reliance on your promise that this negotiation period would end by April 10, the University gave up its March 29 public hearing. In our letter to the Board dated March 14, and through our testimony before the Board on March 15, we advised them that all parties had agreed to meet and discuss campus plan issues. We also stated our expectation that the issues would be narrowed for the April 26 public hearing and that the process would help ensure that the hearing could be concluded on that date. Only in the event the hearing could not conclude on that date, did we reserve a second hearing date in May. To date, the University remains prepared to complete its case within time limits that would allow OP and the community time for their case and thus completion of the hearing in one day.

It is now March 24 and the first meeting between the University and the community has yet to be held. Further, when we met with Ellen McCarthy and the facilitator, Bob Fisher, on March 21, we learned that the community had not been made aware of the time frame we had agreed to as a precondition of giving up our March hearing date and that your office is now stating, despite our explicit agreement, that the negotiation process may not be concluded by April 10. This now places the University in the untenable position of insisting on the time frame we originally agreed to with your office, which the community may not want.

The University is not trying to be difficult. It is simply trying to accomplish, through your office, what it has been unable to accomplish to date – namely, the

commitment by the community to sit down with the University and discuss campus plan issues in a timely manner. With your office's help, we thought we had achieved that and had an agreement that would not prejudice any party. It was our understanding that the community had agreed to the process, that your office would set up the meetings within the agreed-upon time frame, and that the University would have the information it needs to file its prehearing submission on April 12.

We are asking your assistance in getting this process back on track. When the first joint meeting is held on March 27, we would appreciate your outlining to all present the agreed-upon process and the time frames within which we are to conclude, specifically the previously agreed-to April 10 date. The University simply cannot afford to further delay the approval of its campus plan. If these discussions with the community are to be meaningful, they will result in changes to the campus plan which the University needs to make when it files its prehearing submission on April 12. Likewise, your office needs to know what agreements have been reached and what changes have been made in order for your report to be filed with the BZA on April 19. We have proceeded in good faith with the expectation that the meetings will take place, that the dialogue will be meaningful and constructive, and that the issues will be narrowed so that the case can be heard and concluded on April 26.

The University committed long ago, and remains committed, to meeting with the community in an attempt to reach agreement on issues where some agreement may be attainable. We ask for your assistance and support.

Sincerely yours,

Maureen Ellen Dwyer

MED:lm/#186587

cc: Mayor Anthony A. Williams
Ellen McCarthy, Deputy Director, Office of Planning
Julie Wagner, Office of Planing
John Fondersmith, Office of Planing
Jerilee Kress, Director, Office of Zoning