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August 20, 2001

VIA FACSIMILE and
BY HAND DELIVERY

Jerrily R. Kress
Director
Office of Zoning
Room 210
441 Fourth Street NW
Washington, D.C. 20004

Re: Z.C. Case No. 01-17MM/93-5F/
91-18P (PUD AGC - 1957 E Street NW)

BZA Appeal No. 16701

Dear Ms. Kress:

This letter is Advisory Neighborhood Commission 2A's ("ANC 2A") status report on the above-referenced cases involving George Washington University ("GWU").

The Board's Order No. 16701A of August 3, 2001 requests the parties to discuss settlement of that case, and the Board's order of August 3, 2001 in BZA Case No. 16553, regarding GWU's application for approval of a campus plan, requests the parties to discuss settlement of that case. After review by ANC 2A's commissioners and a telephone conversation with GWU's counsel, ANC 2A concluded that BZA Appeal No. 16701 alone cannot be settled on terms that would be acceptable to ANC 2A and to GWU. However, ANC 2A has made proposals to GWU, in a meeting between their respective counsel, that would involve settlement of both cases, some of which proposals have not previously been discussed with GWU at any time. GWU's counsel will consult with appropriate GWU officials regarding ANC 2A's proposals and suggested a further meeting of counsel this week.

Under well established case law, settlement discussions are confidential in order to encourage the parties in litigation to discuss the widest possible range of issues and options without fear of compromising their positions in the pending litigation. Accordingly, ANC 2A's settlement discussions with GWU will remain

BZA
Case No. 16701
Exhibit No. 76

Board of Zoning Adjustment
District of Columbia
CASE NO.16701
EXHIBIT NO.76

confidential until ANC 2A and GWU agree otherwise.

The Board's Order No. 16701A requires GWU to make a written status report to the Zoning Commission ("Commission") and to the Board regarding the status of the above-referenced cases on August 20, 2001 but, presumably by oversight, does not allow ANC 2A to make a similar written report. Accordingly, ANC 2A hereby requests the Commission and the Board to waive whatever rules they purport to be operating under to allow this filing.

This report is made without prejudice to ANC 2A's continuing position that the Board's purported actions on August 3, 2001 in No. 16701 are null and void for the reasons set forth in my letter to the Board of August 2, 2001 and in ANC 2A's opposition to GWU's supplemental motion for stay, filed today.

Sincerely,

James T. Draude

James T. Draude

Attorney for ANC 2A

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Letter were sent via facsimile prior to Noon on August 20, 2001 to:

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