ShawPittman LLP

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January 7, 2003

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By Hand Delivery

Mr. Geoffrey H. Griffis
Chairperson
District of Columbia Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, DC 20001

Re: BZA Appeal No. 16950

Dear Chairperson Griffis and Members of the Board:

On behalf of The George Washington University, the property owner in the above-referenced Appeal, we hereby submit the University's comments with regard to the West End Citizens Association's ("WECA") filing dated December 31, 2002.

The University takes issue with WECA's argument (Attachment C of WECA's filing) that the University is required to produce Environmental Impact Screening Forms for all cases that GW has initiated since August 17, 2001. The University believes that Condition Number 12 of Zoning Order No. 746-C is explicit and definitive. This Condition states that the University must comply with the District of Columbia Environmental Policy Act ("Act") for all "future" projects. The Order became effective on August 16, 2002, thus this Condition, and its requirement, can only be applied prospectively to projects filed after August 16, 2002. This Condition is not retroactive. Consequently when the Zoning Administrator approved the Certificate of Occupancy for this project on August 16, 2002, there were no "future" building permits.

BZA
Case No. 16950
Exhibit No. 39

Board of Zoning Adjustment
District of Columbia
CASE NO.16950
EXHIBIT NO.39

Further, as testified by the Zoning Administrator, there is an established process within the Department of Consumer Regulatory Affairs for compliance the D.C. Environmental Policy Act and, as a matter of course, his office relies on the review and approvals of the appropriate agencies in order to determine whether, or not, the Act has been complied with. Pursuant to Condition 12, if such approval has not been received, then the Zoning Administrator will not issue either the requested building permit or a Certificate of Occupancy for a project.

Sincerely,

Phil Feola

cc: Charles Barber, Esq.

Certificate of Service

I hereby certify that on January 7, 2003 a copy of the foregoing Request to WECA's December 31, 2002 filing to the Board of Zoning Adjustment was mailed first class, postage prepaid, to the following:

Jack Batham
West End Citizens Association
P. O. Box 58098
Washington, D.C. 20037

West End Citizens Association
c/o Barbara Kahlow
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