Attachment B1

FAX TRANSMISSION

2555 Pennsylvania Avenue, N.W. #404
Washington, DC 20037
Office: (202) 226-3058, Fax: (202) 225-2441

D.C. OFFICE OF ZONING
2002 AUG 23 AM 9:46

To: DCRA Director Dave Clark **Date:** August 14, 2002

Fax #: 442-9445 **Pages:** 1, including this cover sheet

From: Barbara F. Kahlow, for the West End Citizens Association

Subject: Certificate of Occupancy for GWU's 1957 E Street, NW

COMMENTS:

On Friday, August 16, 2002, the Zoning Commission's final order conditionally approving the planned unit development (PUD) modification for the George Washington University's (GWU's) 1957 E Street project will be published and final. At that time, GWU will be seeking to obtain a certificate of occupancy (CofO) from the DC Department of Consumer and Regulatory Affairs (DCRA). However, before DCRA can legally issue a CofO it must ensure that GWU is in compliance with the PUD conditions. The conditions include a requirement for GWU to write a check for $100,000 to the Foggy Bottom Feeding Program Foundation, which GWU has not yet done (p. 10 of ZC Order No. 746-C). The condition reads, "The University shall contribute $500,000 over five (5) years ... The $500,000 contribution will be $100,000 a year for five (5) years to the Foggy Bottom Feeding Program Foundation, Inc ... The first $100,000 contribution shall be made on the date of the Certificate of Occupancy for the Subject Property." **Please do not issue a CofO until GWU has met this necessary condition.**

If you have any questions about this fax, please call me at once on 226-3058. Thank you.

cc Phil Feola, Shaw Pittman (for GWU) (f: 663-8007)

BZA
Case No. 16950
Exhibit No. 7

Board of Zoning Adjustment
District of Columbia
CASE NO.16950
EXHIBIT NO.7

Attachment B2

Kahlow, Barbara

From: Kahlow, Barbara
Sent: Thursday, August 15, 2002 1:56 PM
To: 'bob.kelly@dc.gov'
Subject: FW: clarification about the escrow account

Here's an FYI of the followup e-mail I sent yesterday after talking to GWU Vice President Lou Katz, who is Charles Barber's boss. As my earlier fax to DCRA/Dave Clark indicated, the Zoning Commission's Order clearly requires GWU to write a check to the Foundation. If the check is not issued before the Certificate of Occupancy (CofO) is issued, GWU may not issue the required check later that day, which would require DCRA to immediately withdrawn the CofO. Thank you for calling to alert me about Mr. Barber's conversation with you in which he provided erroneous information about the Foundation. I will let you know when GWU has issued the required check to the Foundation. And, please keep me informed about this issue. Thank you. - Barbara Kahlow

-----Original Message-----
From: Kahlow, Barbara
Sent: Wednesday, August 14, 2002 1:17 PM
To: 'lkatz@gwu.edu'
Cc: 'cbarber@gwu.edu'; 'Phil.Feola@shawpittman.com'
Subject: clarification about the escrow account

I just learned from Jack Batham that the Foundation has established an account at First Union Bank. He asked that GWU cut a check for $100K to the Foundation which will be immediately deposited in an escrowed account there for the Foundation. Please let me know if there is any problem with this. Thx. - Barbara

Attachment B3

Kahlow, Barbara

From: Kahlow, Barbara
Sent: Friday, August 16, 2002 5:50 PM
To: 'cbarber'; 'lkatz@gwu.edu'
Cc: 'bob.kelly@dc.gov'
Subject: RE: draft Barber-Batham letter about $100K check to the Foundation before CofO

Charles (or Lou), please have someone fax me all of this information TODAY. Under the circumstances and based on GWU's noncompliance with today's Zoning Order, the WECA is considering filing a Motion for Reconsideration. - Barbara

-----Original Message-----
From: cbarber [mailto:cbarber@gwu.edu]
Sent: Friday, August 16, 2002 5:23 PM
To: Kahlow, Barbara
Subject: RE: draft Barber-Batham letter about $100K check to the Foundation before CofO

Barbara:

1. GW has already deposited $100,000 in escrow, with the Zoning Administrator as escrow agent. I will provide you copies of correspondence evidencing this deposit.

2. The University has published information relating to both of the other issues, i.e., the parking policy restriction and the restriction on who is eligible to reside in the Elliott School housing. I will obtain copies of these publications and, upon my return from vacation the week of August 26th, I will fax you copies.

Charles

>===== Original Message From "Kahlow, Barbara" <Barbara.Kahlow@mail.house.gov>
=====
>Charles, due to your conversations this week (e.g., with DCRA), the WECA
>asks that GWU deliver a certified check, payable to the Foundation, to this
>Monday's 9 AM meeting of the Board of Directors of the Foggy Bottom Feeding
>Program Foundation, which was incorporated on 3/27/02. As your 3/29/02
>memorandum to me stated, "The University representatives named in the
>Articles [of Incorporation] look forward to working with the representatives
>of the West End Citizens Association, once the GW PUD modification is
>approved." The Zoning Order, to be published in today's DC Register,
>requires GWU to issue a check to the Foundation before GWU can secure a
>Certificate of Occupancy (p. 10). The convoluted scheme in your draft
>letter is neither required under the Order nor consistent with the 8/17/01
>Memorandum of Agreement co-signed by GWU and the WECA.
>
>Another provision in the Zoning Order states, "the University, by letter
>dated February 8, 2002, made part of this record, will voluntarily adopt and
>publish this [student parking restriction] policy beginning in University
>documents for Fall 2002" (#32, p. 7). In a quick search of GWU's website, I
>found no statement whatsoever of this agreed-upon restriction for freshmen
>and sophomores from bringing cars to the Foggy Bottom/West End Area.
>Therefore, please fax me (f: 225-2441) today proof of compliance, including
>a copy of the Fall 2002 Catalog page and the GWU webpage with this
>information.
>
>Another provision in the Zoning Order restricts occupancy in the 1957 E
>Street building to juniors, seniors, graduate students, and students
>enrolled in an honors program (p. 9, #8). Please also fax me today proof of
>compliance with this restriction.
>
>Thank you. - Barbara
>
>> -----Original Message-----
>> From: Kahlow, Barbara
>> Sent: Thursday, August 15, 2002 5:44 PM
>> To: 'cbarber@gwu.edu'