Knollwood neighbors

Stephenson Lane ♦ 29th Street ♦ Tennyson Street ♦ 29th Place ♦ 28th Place ♦ Oregon Avenue
Nebraska Avenue ♦ Rittenhouse Street

December 11, 2003
Paul Tummonds
Shaw Pittman, LLP
2300 N St., NW
Washington, DC 20037

17055

BY FAX AND BY MAIL

Dear Paul:

We are writing you in an attempt to reopen meaningful negotiations with your client, Knollwood. Our December 8, 2003 letter to you expressed our disappointment resulting from your letter of November 26, in which you informed us that Knollwood is unwilling to meet with us until after January 1. The letter also revealed no willingness by Knollwood to reconsider the elements of its proposal that are of primary concern to its neighbors.[1] We believe Knollwood's current position forecloses meaningful negotiation and compromise.

However, perhaps mediation can change the current deadlock. We propose that Knollwood and Knollwood Neighbors mutually hire a professional mediator and begin a disciplined mediation process. Knollwood's neighbors have shown a willingness to allow Knollwood reasonable expansion in the past. Using a mediation process, perhaps this can happen again. Mediation also results in significantly less cost and trouble than the course your client has chosen.

We believe this proposal will implement Chairman Griffis' recommendation, made at the October 14, 2003 hearing, that both parties work hard together to reach a compromise. Since successful mediation will require several meetings, it is clear that both the ANC January 12, 2004, and the BZA hearing on February 3, 2004 will have to be postponed in order for mediation to even have a chance, let alone be successful. We therefore ask Knollwood to withdraw its Application 17055, pending

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[1] Unfortunately, the letter was undated; hence a version with the original mailing date is being attached.

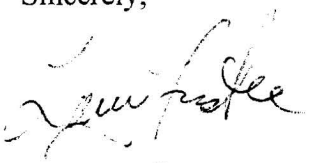
BZA
Case No. 17055
Exhibit No. 44

Board of Zoning Adjustment
District of Columbia
CASE NO. 17055
EXHIBIT NO. 44

the outcome of mediation. We sincerely hope that a mediation process will be successful and that Knollwood will, at a minimum, be able to address more quickly the needs of its residents with dementia.

If you have any questions concerning our proposal, please contact me at 202-736-6513 or contact Ted Scallet at (202) 861-5422. Please confer with your client as soon as possible, and let me know its decision.

Sincerely,



Lawrence Fenster
President, Knollwood Neighbors
2730 Stephenson Lane, NW
Washington, DC 20015
202-736-6513 (W)
202-364-5259 (H)

cc: Jerrily Kress, Director, DC Office of Zoning
Frank Buchholz, Commissioner, ANC 3/4G
Anne Renshaw, Chair, ANC 3/4G

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December 8, 2003

Paul Tummonds
Shaw Pittman, LLP
2300 N St., NW
Washington, DC 20037

Dear Paul:

We were quite disappointed in your letter of November 26, which we can only interpret as your client's unwillingness to consider a compromise that might be acceptable to the neighborhood. There is no other way to characterize a refusal to schedule a meeting with us until after January 1, especially when it is accompanied by an insistence that Knollwood will not reconsider the elements of its proposal that are of primary concern to its neighbors.

This is not the first time that we have been rebuffed by Knollwood. Many of us were upset by its failure to consult with the neighborhood prior to its application and the misleading description in that application that did not mention that most of the building would consist of luxury apartments. Nevertheless, we offered to meet with your client on September 3, 2003, so we could have a frank exchange of views. When your client expressed unwillingness to work with the neighborhood as a whole, we offered to put together a small group to continue the discussions. We also suggested the next meeting, which occurred on September 16, 2003, where we thought that we made it clear that the proposal was unacceptable to the neighborhood, as evidenced by the 125 signers of the opposition petition. Nevertheless, we offered to hear Knollwood's case again, and even attended a tour on October 4, 2003, where Knollwood officials tried again to justify the proposal.

When Chairman Griffis scheduled the BZA hearing for February 3 and told us to "work hard in October and November," we were again the party to suggest a meeting. As I am sure you recall, you told us that Knollwood was prepared to offer a significantly revised proposal at that October 21, 2003 meeting, but once again Knollwood simply offered the same justifications for the same proposal that is opposed by the entire neighborhood.

Our intent has always been to explore every possible alternative that would avoid a lengthy and costly adversary proceeding, but it is now clear that Knollwood does not share that intent. Suggesting that we wait eight weeks between meetings is bad enough, but even worse is the suggestion that we wait until a week before our

ANC meeting, since that would make it impossible to reach a compromise before the hearing process begins. When your client adds that it refuses to even consider a smaller building that would not be located in the middle of the woods that constitute the only buffer between us and Knollwood, it is clear that Knollwood never had any intention of considering the neighbors' concerns or views.

We remain willing to meet with Knollwood in December to discuss a meaningful effort at compromise. Please let us know if that is possible.

Sincerely,

Lawrence Fenster
President, Knollwood Neighbors
2730 Stephenson Lane, NW
Washington, DC 20015

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Frank Buchholz, Commissioner, ANC 3/4G
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