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June 8, 2004

VIA FACSIMILE (w/out encls.) AND U.S. MAIL (w/encls.)

Carol Mitten
Chairperson
D.C. Zoning Commission
441 4th Street, N.W.
Room 210
Washington, DC 20001

Re: Zoning Commission Case No. 02-26: The George Washington University Lerner Health and Wellness Center

Dear Chairperson Mitten and Members of the Commission:

On behalf of Dr. Donald W. Kreuzer, D.M.D., we submit the attached letter from Dr. Kreuzer for the Commission's consideration. Dr. Kreuzer has forwarded a signed version via U.S. Mail.

Dr. Kreuzer owns three properties at 600, 602 and 604 23rd Street, N.W., less than a block away from the Health & Wellness Center. Dr. Kreuzer resides in 600 23rd Street and witnesses the continuing effect of the GW's dormitory construction on Square 43, which is adjacent to the Health and Wellness Center and the now-occupied "affinity housing" or Fraternity Row directly across the street.

Dr. Kreuzer contests the validity of this entire proceeding on the grounds that he has not received notice by mail pursuant to 11 DCMR 3015.3(a), which requires the Commission to send notice to all property owners within 200 feet of the "property at issue." Dr. Kreuzer's property is 244 feet from the Health

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and Wellness Center. However, GW owns all of the intervening property between his property and the Health and Wellness Center. As such, the "property at issue" is the GW owned property within its designated Campus Boundary. Moreover, the property GW owns between the Health and Wellness Center and Dr. Kreuzer's property is the new Ivory Tower dormitory. This building will house 729 of the students whose use of the Health and Wellness Center is at issue in this proceeding. Consequently, Dr. Kreuzer contends that he was denied the opportunity to contest GW's submission.

That Dr. Kreuzer should have been given notice of the proceeding is evidenced by the Commission's own actions when it heard testimony on May 13, 2004. At that hearing, the Commission was prompted to request GW to comment on the combined neighborhood effect of the new residence hall at 616 23rd Street and the Health and Wellness Center.

Dr. Kreuzer has personally experienced drastic negative changes to his living conditions and those of other residents directly affected by the Square 43 dormitory, which towers in the airspace over the north wall of his townhome. Dr. Kreuzer has also experienced first-hand the effect of the several hundred students that occupy Fraternity Row. As he awaits the 729 students slated to occupy the Square 43 dormitory in August of this year, it is essential that his experiences and concerns are heard to prevent this from becoming a lopsided proceeding resting only on GW's testimony about the dormitory's effect.

In this regard, the Commission would benefit from the wisdom of an expert in university policing whom Dr. Kreuzer has retained in his litigation against GW. Susan Riseling, Chief of Police for the University of Wisconsin, testified to the likelihood of criminal conduct that will occur as a result of grouping roughly one thousand young adults between the ages of 18 and 21 into residences in a confined area around Dr. Kreuzer. Ms. Riseling also testified about the increased noise levels and the inadequacy of GW's law enforcement to protect local residents from student misconduct. Selected portions of her sworn testimony are attached.

The Commission should also be aware that this proceeding has been initiated by GW, in part, to pay off the owners of The Remington Condominium for not opposing GW's construction of the Ivory Tower in Square 43. In connection with that construction, GW negotiated an agreement with The Remington under which it would receive upwards of $300,000 in cash and benefits in

exchange for cooperating with the dormitory construction. Also part of that package was a promise to seek permission from this Commission for its members to use the Health and Wellness Center. A copy of that agreement is also attached with this letter.

Dr. Kreuzer seeks party status for the purpose of presenting these and other arguments, and requests that the Commission reissue notice to all property owners within 200 feet of the GW Campus Plan boundary.

Thank you for your courtesies.

Sincerely,

J. Michael Hannon

Encls.
cc: Jerrily Kress
Jerry Moore
ANC-2A

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