

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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 IN THE MATTER OF: :
 :
 HILLEL AT THE GEORGE : Case No.
 WASHINGTON UNIVERSITY : 06-11P
 :
 ----- :

Monday,
July 16, 2018

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 06-11P by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation
ANNE FOTHERGILL

The transcript constitutes the minutes from the
Public Hearing held on July 16, 2018.

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P-R-O-C-E-E-D-I-N-G-S

6:30 p.m.

CHAIRMAN HOOD: Good evening, ladies and gentlemen. This is the public hearing of Zoning Commission for the District of Columbia. Today's date is July 16, 2018. It's approximately 6:30 p.m. My name is Anthony Hood and we're located in the Jerrily R. Kress Memorial Hearing Room.

Joining me this evening are Vice Chair Miller, Commissioner Shapiro, and Commissioner Turnbull. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, as well as Office of Planning staff, Ms. Fothergill.

This proceeding is being recording by a court reporter and it's also webcast live. Notice of today's hearing was published in the D.C. Register and copies of that announcement are to my left on the wall near the door.

The hearing will be conducted in accordance with the provisions of 11Z DCMR, Chapter 4 as follows: preliminary matters, Applicant's case, report of the Office of Planning, reports of other government agencies, report of the ANC, organizations and persons in support, organizations and persons in opposition, rebuttal and closing by the Applicant.

The following time constraints will be maintained in this meeting: the Applicant has up to 60 minutes, but we can do it in 10, according to the record. Also, organizations, five minutes; individuals, three minutes.

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1 All persons wishing to testify before the
2 Commission at this evening's hearing I ask to register at the
3 witness kiosk to my left and fill out two witness cards. The
4 staff will be available throughout the hearing to discuss
5 procedural questions. Please turn off all electronic devices
6 at this time so as not to disrupt these proceedings.

7 Would all individuals wishing to testify please
8 rise to take the oath?

9 Ms. Schellin, would you please administer the
10 oath?

11 MS. SCHELLIN: Please raise your right hand. Do
12 you solemnly swear or affirm the testimony you'll give this
13 evening will be the truth, the whole truth, and nothing but
14 the truth?

15 (Witnesses sworn.)

16 MS. SCHELLIN: Thank you.

17 CHAIRMAN HOOD: You know, when I see young people,
18 it's something about -- I know we have preliminary matters,
19 but I have to do this. I always like to know, and I'm not
20 sure whose daughter that is, but I'd like for her to
21 introduce herself, if the parent doesn't mind. She's really
22 into this hearing. She's really paying attention in this
23 hearing. She didn't know whether to stand. I thought she
24 was going to stand and take the oath.

25 Can you come up and just tell us who you are? We

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1 like to always hear from young folks. Tell us your name.

2 PARTICIPANT: Sophia.

3 CHAIRMAN HOOD: Sophia, okay. Do you know where
4 you are? You're at a hearing. You know you're at a zoning
5 hearing? Do you like zoning? Okay, well, thank you. We're
6 glad to have you, okay? Now make sure you tell all your
7 friends at school to watch you, okay? All right.

8 Ms. Schellin, do we have any preliminary matters?

9 MS. SCHELLIN: Yes. There are two party status
10 requests, both in support. I'm having a little bit of
11 difficulty here getting my computer up. It wants to update.
12 But I know that one is from the West End Citizens
13 Association. And the other one is --

14 CHAIRMAN HOOD: St. Mary's.

15 MS. SCHELLIN: St. Mary's, that's right.

16 CHAIRMAN HOOD: All right, so we can move that en
17 bloc. It's a little easier when it's in support as opposed
18 to opposition. Any objections? Do we need a motion with
19 that?

20 MS. SCHELLIN: Yes.

21 CHAIRMAN HOOD: Can somebody make a motion, then?
22 If we can move it en bloc it will save us some time.

23 VICE CHAIR MILLER: Mr. Chairman, I would move
24 that we grant party status to West End Citizens Association
25 and St. Mary's Church, and ask for a second.

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1 COMMISSIONER TURNBULL: Second.

2 CHAIRMAN HOOD: It's been moved and properly
3 seconded. Any further discussion? All in favor, aye.

4 (Chorus of ayes.)

5 CHAIRMAN HOOD: Any opposition? Not hearing any,
6 Ms. Schellin, will you please record the vote?

7 MS. SCHELLIN: Yes, staff records the vote as 4
8 to 0 to 1 to grant party status in support to the West End
9 Citizens Association and St. Mary's -- I believe it's -- is
10 it Episcopal Church?

11 Commissioner Miller moving, Commissioner Turnbull
12 seconding, Commissioners Hood and Shapiro in support,
13 Commissioner May not present, not voting.

14 CHAIRMAN HOOD: Okay, do we have anything else?

15 MS. SCHELLIN: I have nothing else.

16 CHAIRMAN HOOD: Okay, and also we've been joined
17 by Ms. Steingasser from the Office of Planning as well.

18 MS. SCHELLIN: Other than if the Applicant, did
19 you proffer any expert witnesses?

20 MR. BROWN: No, we did not.

21 MS. SCHELLIN: Okay.

22 CHAIRMAN HOOD: Okay, who is going to take the
23 lead? Whoever it is, maybe Mr. Brown, are you taking the
24 lead?

25 MR. BROWN: Yes, I am. Very briefly. We are more

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1 than willing to heed your ten-minute guidance.

2 We're glad to be back and I think write the final
3 chapter on this project that started with the Zoning
4 Commission. Only Mr. Shapiro didn't participate originally.
5 We've gone through a lot, but everybody who was involved
6 previously is now here again and in support. So I think
7 that's a good place to start.

8 Modification of significance really comes down to
9 that the FAR lot occupancy and rear yard relief that was
10 granted in the original order, but was affirmed by the Court
11 of Appeals, we're no longer seeking so we meet those
12 requirements. And the only change other than the design,
13 which we're happy to discuss in detail, but I don't think
14 it's necessary, is additional penthouse relief beyond the
15 penthouse relief that was originally granted.

16 You hopefully have received the PowerPoint slides.
17 There are summaries in various pages that I think are
18 relevant: pages 4, pages 2, 4, 13 through 16. But rather
19 than hearing from me, I'd like to introduce everybody here,
20 and that may be the extent of their participation, but Peter,
21 we'll start with you.

22 MR. CHEW: My name is Peter Chew. I'm Vice
23 President of Prospera-U.S. I'm representing GW Hillel as the
24 project manager on the new project.

25 MS. KIRSTEIN: Hi. My name is Adena Kirstein.

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1 I'm the Executive Director at GW Hillel. I've been there for
2 about eight years, but only took over as Executive Director
3 a year ago.

4 MS. OLSON: Hi. My name's Kate Olson. I'm an
5 attorney from Greenstein DeLore & Luchs.

6 MR. DYTRT: Hi. My name is Stefan Dytrt and I'm
7 a principal at Powers Brown Architecture.

8 MR. BROWN: And I'd like Stefan to walk you
9 through the details of the penthouse relief, which I think
10 is one of your main questions, and then we'll be available
11 to answer whatever questions you might want.

12 MR. DYTRT: So on slide number 12, page 12, I'll
13 just bring your attention to the floor plan of the typical
14 third and fourth floor so that you may see we've organized,
15 with a small floor plate, we've organized a majority of the
16 core elements to the west side adjacent Amsterdam Hall, the
17 fire egress stair, elevators, and restrooms.

18 And then, as you look at the next page, you see
19 the roof plan and penthouse plan. So, what drives -- the
20 central driver with locating the core elements along that
21 dead wall side is the organization and arrangement of the
22 fire egress stairs. So, the code requires those egress
23 stairs to be remote from each other. And to meet that
24 requirement, that pushed our stair organization, as you can
25 see, stair number 2 is pushed to the east outside of the zone

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1 of the penthouse relief that was previously granted.

2 So, with that and, again, reducing the floor plate
3 from what was previously designed and being able to
4 accommodate all of the mechanical equipment required on top
5 of the penthouse level, that's what drives us to need the
6 additional penthouse relief where you can see the majority
7 of stair 2 is beyond the original relief.

8 So you can see stair 2, I'm highlighting with this
9 red dot. And stair 1 is at the northwest corner. The
10 northwest corner, we have 4-foot-8-inches from the face of
11 the building and we need additional relief there as well.
12 That 4-foot-8 allows us -- we're able to pull the penthouse
13 back from the face of the building, but, again, based on the
14 compressed core area and keeping those stairs remote from
15 each other, that's as far as we could push that stair
16 element, as you can see from the stair and then stacking out
17 elevators and restrooms. We have a pretty tight bundle of
18 core elements. Any questions?

19 CHAIRMAN HOOD: All right. Thank you for getting
20 right to our point, one of the sticking points that I know
21 a lot of us probably had. And I think this handout was very
22 helpful, but let me see if there are any questions or follow-
23 up. Mr. Turnbull?

24 COMMISSIONER TURNBULL: Thank you. Thank you for
25 your presentation. Going right to the point: so you're

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1 saying that the additional relief is for going the extra
2 footage going east on stair 2?

3 MR. DYTRT: Correct.

4 COMMISSIONER TURNBULL: And on stair 1, you
5 already had relief from that, I believe.

6 MR. DYTRT: There was relief at stair 1 and we are
7 setting back 4-foot-8-inches with, I believe, the relief that
8 was previously granted, they had a lower -- if I recall
9 correctly, they had a lower portion of their penthouse.

10 Actually, I'm sorry, we have zero right along --
11 they had none. And so we have 4-foot-8. So they were able
12 to set back from that side and we were not. So that's the
13 additional relief with that 4-foot-8-inches to the inner well
14 of our stair.

15 COMMISSIONER TURNBULL: It looks like you're
16 adding a lot more space, occupied space up on that penthouse.
17 Before, it looked like it was fairly -- I'm looking at this,
18 but you've added a pre-function room, plus a meeting room.
19 Could you go into that?

20 MR. DYTRT: Yes. In order to -- one of the
21 drivers of the design and the ability to reduce the footprint
22 and provide the rear yard, that reduced, obviously, the
23 occupiable area. And in order to accommodate many of the
24 needs of the Hillel program, we used the penthouse area to
25 add a meeting room to compensate for space that was lost on

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1 the lower levels. And that pre-function area serves as a
2 gathering area adjacent to the meeting room and then also
3 allows there to be some core -- some access to the core
4 elements.

5 COMMISSIONER TURNBULL: Okay. Thank you.

6 MR. DYTRT: You're welcome.

7 CHAIRMAN HOOD: Okay, any other questions? Vice
8 Chair Miller?

9 VICE CHAIR MILLER: Thank you, Mr. Chairman, and
10 thank you for all the -- thank you for your presentation and
11 thank you for all the pre-hearing submissions, which were
12 really gratifying to see.

13 I mean, it's been a long and winding road, but --
14 including through the D.C. Court of Appeals, where we were
15 affirmed, Mr. Chairman -- but the issues, some of the issues
16 that were raised by the former parties in opposition, now
17 parties in support, have been now addressed with this
18 modified design by not having the relief for -- I think it
19 was lot occupancy and rear yard, and you also don't need it
20 for FAR any more, which is gratifying to see. And you have
21 10 feet less height, and just the combination of that
22 reduction, all that reduction plus the rear yard, I think
23 will mitigate any potential impact on the adjacent church,
24 along with the robust construction management agreement that
25 you've negotiated.

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1 So I applaud, really, all of the parties for
2 working this out and bringing it to us with a resolution.
3 It seems to be a design that works well with the neighborhood
4 and still allows the Hillel to meet its programmatic needs
5 by overlapping the pre-function area with other space and the
6 flexibility you would get by having more functions on the
7 roof and the rear yard, I think, and that's much more
8 pleasant for the programmatic users and for visitors.

9 So, all in all, it's very gratifying to see, so
10 I really don't have any questions, Mr. Chairman, I just
11 wanted to make that commentary.

12 CHAIRMAN HOOD: Okay. Commissioner Shapiro?

13 COMMISSIONER SHAPIRO: I would just associate
14 myself with the remarks of the Vice Chair. I have nothing
15 further to add, Mr. Chair.

16 CHAIRMAN HOOD: I, too, am glad to see that this
17 time that we were affirmed. I was getting worried there for
18 a minute. But even more than that for me, it was good to see
19 a win-win for the community. Those who were opposed at first
20 worked with the Applicant.

21 So I really think that it was good where we are
22 now, because even when our decisions do go to court, for me,
23 it's always about what's the best interest for all parties
24 involved. And that's what the process is. And if we have
25 to go that process, then so be it, but we just want to make

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1 sure it's a win-win for all, especially here in the city.

2 Anything else on that? All right, do we have
3 anyone from ANC --

4 MR. BROWN: Mr. Hood, could I just briefly --

5 CHAIRMAN HOOD: Yes.

6 MR. BROWN: A couple housekeeping --

7 CHAIRMAN HOOD: You were doing good. You were
8 doing good. Now don't mess it up.

9 (Laughter.)

10 MR. BROWN: I promised one of our supporters, the
11 West End Citizens, that I would interject a point. We have
12 the fully executed operative construction management
13 agreement. I want to clarify that that's effective before,
14 during, and after the construction, which is important to
15 note for the church's purposes and everybody's understanding,
16 that the document is broad in scope and that was important
17 to have that acknowledged.

18 CHAIRMAN HOOD: So, let me ask you, can you name
19 me the person, your supporter?

20 MR. BROWN: Mrs. Kahlow.

21 CHAIRMAN HOOD: I would have advised you to have
22 made that statement. So that was good.

23 (Laughter.)

24 CHAIRMAN HOOD: That was very good.

25 MR. BROWN: And she reminded me, and I took heed.

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1 CHAIRMAN HOOD: Okay.

2 MR. BROWN: She had to remind me twice, which is
3 my fault.

4 CHAIRMAN HOOD: Smart man.

5 MR. BROWN: The other thing, Mr. Chair, and it's
6 very minor, but we've asked for flexibility in the final
7 selection of the metal panels as shown in the plans. And I
8 don't think a final decision has been made on that, but we'd
9 like to maintain that flexibility as it's shown in the -- as
10 well as the signage.

11 The signage is subject to the sign regulations,
12 but the text of the signs are something that haven't been
13 decided, given the people involved in this project. We'd
14 like to see signage on both the H and 23rd Street frontage.
15 Stefan can give you some information on the type of signage,
16 but the exact wording of it is not decided yet.

17 COMMISSIONER TURNBULL: But the height of the
18 signage that we're seeing on the drawings is the height, no
19 matter what you write finally, is what it's going to be?

20 MR. BROWN: That's correct, with the caveat being
21 the overall height won't change. There may be more than one
22 line. If you have multiple lines, the letters have to get
23 smaller because you have an envelope, but --

24 COMMISSIONER TURNBULL: Right. I just wanted to
25 be sure we weren't getting bigger.

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1 MR. BROWN: No.

2 COMMISSIONER TURNBULL: Okay. Are they going to
3 be backlit or --

4 MR. DYTRT: The intent is for them to be pin-
5 mounted metal letters, pin-mounted to the face.

6 COMMISSIONER TURNBULL: Okay. Got you.

7 CHAIRMAN HOOD: Okay, does anybody have any
8 objections to those two requests? Commissioner Turnbull, any
9 objections on any of those requests, anybody?

10 COMMISSIONER TURNBULL: Well, since Commissioner
11 May isn't here, I better --

12 CHAIRMAN HOOD: The panels as well.

13 COMMISSIONER TURNBULL: We better talk about the
14 panels. I'm looking at --

15 MR. DYTRT: And we actually have them here.

16 COMMISSIONER TURNBULL: Are you talking about just
17 the color, the two colors?

18 CHAIRMAN HOOD: You're going to need to be on a
19 mic. Do we have a handheld? If you cut that mic on closest
20 to you, we should be able to pick you up.

21 MR. DYTRT: Yes, if you look at the material board
22 here, we're talking about the panels that provide the accent
23 around the bay projections. And one option is to go more of
24 the stark white, and then there has been some desire by the
25 building committee to possibly soften that a little bit with

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1 a little bit of a lighter gray. So that's basically the
2 range of what we're looking at.

3 COMMISSIONER TURNBULL: And what about the
4 penthouse color?

5 MR. DYTRT: The penthouse color will remain the
6 same.

7 COMMISSIONER TURNBULL: That's the darker gray,
8 the gray?

9 MR. DYTRT: The penthouse color is a combination
10 of the darker gray, fiber cement panels, and then the smooth
11 panel at the top that's a little bit lighter.

12 COMMISSIONER TURNBULL: Commissioner May will like
13 that. He always like the darker color penthouse, so. Okay.
14 Thank you.

15 CHAIRMAN HOOD: So we don't -- I don't hear any
16 objections on any of the things, the flexibility, as long as
17 you stay within the range of the sign, the sign regulations,
18 as well as not extending the height, and the flexibility with
19 the metals.

20 All right, anything else? Anything else? Okay,
21 let's go to -- I think it's ANC 2A. Is anyone here
22 representing ANC 2A? Does St. Mary's have any cross? Does
23 WECA have any cross?

24 Yes, Ms. Kahlow.

25 MS. KAHLOW: I have three things to give you for

1 OP or for the Applicant. One, I assume, the Applicant wants
2 as part of the order the CMA attached.

3 MR. BROWN: I don't think the Commission typically
4 attaches --

5 CHAIRMAN HOOD: We will reference it. We won't
6 attach it. We will reference it as the construction
7 management plan.

8 MR. BROWN: And it will be referenced both by
9 title and exhibit number.

10 CHAIRMAN HOOD: So it will be noted, Ms. Kahlow,
11 in our order.

12 MS. KAHLOW: Sometimes you actually attach it.
13 That would be helpful so that everybody has it forever.

14 CHAIRMAN HOOD: If our legal guidance attaches it
15 and tells us that's what we need to do, that's what we'll
16 follow.

17 MS. KAHLOW: You have done that with others. That
18 would be great.

19 CHAIRMAN HOOD: You may recall better than I do.

20 MS. KAHLOW: Yes, we have done it before and it
21 definitely helps for enforcement.

22 CHAIRMAN HOOD: If we've done it before, then we
23 will --

24 MS. KAHLOW: We have. We did it in the 901 Monroe
25 one, for example.

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1 CHAIRMAN HOOD: I seem to have forgot about that
2 one.

3 MS. KAHLOW: Yes, okay. All right, well,
4 especially since it was vacated.

5 The second question is, the conditions that the
6 Applicant was speaking about, if I can ask, that condition
7 has to be upgraded to include the before, during, and after.
8 Is that correct?

9 MR. BROWN: That's the language you've requested
10 and we think that's acceptable and we're happy to do that.

11 MS. KAHLOW: Thank you. So OP needs to know also
12 that's what we need. Thank you.

13 And lastly, which is really more for OP, but I'll
14 ask about the thing that matters still to the West End
15 Citizens Association, not the church, is the bus stop. Now
16 that the building is smaller, would you have any objection
17 to keeping the bus stop on the corner? Because it's a
18 heavily used bus stop.

19 MR. BROWN: To be honest, I don't think we're
20 prepared to answer that one way or another. I mean, it's the
21 first time I've heard it. You want to keep --

22 MS. KAHLOW: We want to keep it because it's
23 heavily used, and as soon as the building is smaller, there
24 should be able to be enough room to be able to keep it. And
25 we asked -- if DDOT were here, we would clearly ask DDOT,

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1 because we mentioned it to the Director of DDOT and he is
2 going to study it. And we just want to make sure everybody
3 knew that this is what the community all wants.

4 CHAIRMAN HOOD: I think this came up previously,
5 right, about the bus stop --

6 MS. KAHLOW: We have raised it before.

7 CHAIRMAN HOOD: Weren't they going to move it, if
8 I recall, wasn't it going to be moved down the street or
9 something?

10 MS. KAHLOW: It wasn't. They didn't say where it
11 would be moved and that's the problem. There's nowhere to
12 move it because that's the corner that's used on the way to
13 the subway, and there's nowhere else to go and we would like
14 it to remain there. And I just if he has no objection, then
15 DDOT can look at it, because we asked DDOT. That's why I
16 want to make sure the Applicant has no objection.

17 CHAIRMAN HOOD: Mr. Brown, would you all support
18 leaving the bus stop wherever it is, if it's doable? And
19 then maybe collaborate with the community as well.

20 MR. BROWN: Absolutely.

21 CHAIRMAN HOOD: Okay.

22 MS. KAHLOW: Thank you. Those are my only
23 questions. Thank you.

24 CHAIRMAN HOOD: Again, St. Mary's, you didn't have
25 any cross, right? Okay. All right, let's go to the Office

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1 of Planning and -- Office of Planning, okay.

2 MS. FOTHERGILL: Good evening. I'm Anne
3 Fothergill with the Office of Planning. And the Office of
4 Planning recommends approval of this modification of
5 significance and I'm happy to rest on the record in support
6 of the application. I'm also happy to consult with DDOT
7 about the bus stop, if needed.

8 CHAIRMAN HOOD: I think that will be helpful, Ms.
9 Fothergill. We appreciate that.

10 Let me just give the DDOT report. Again, DDOT has
11 reviewed the revised building design and has no objections
12 to the actions with the condition that the previous
13 commitment to utilize trash bins, rather than carts, remains
14 in place. DDOT notes that the redesigned building now
15 complies with the relevant building projection regulations
16 and it goes on -- and that's our Exhibit No. 16. So noted.
17 So that's DDOT's report.

18 Any questions of either the Office of Planning or
19 any questions of the DDOT letter? Not seeing any, does the
20 Applicant have any questions of the Office of Planning?

21 MR. BROWN: No.

22 CHAIRMAN HOOD: Does West End have any questions
23 of DDOT or the Office of Planning -- well, don't ask DDOT,
24 because I gave the report. Any questions of Office of
25 Planning? Okay. What about St. Mary's? Okay.

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1 All right, moving right along, let's go to the
2 report of the ANC. Again, is anyone representing ANC 2A?
3 William Kennedy Smith, M.D., is the chairperson and he
4 basically says that at a regular meeting on June 20, 2018
5 Advisory Neighborhood Commission 2A considered the above-
6 referenced matter with seven of seven commissioners present,
7 a quorum and a duly-noted public meeting. The Commission
8 unanimously voted 7 to 0 after a motion made by Commissioner
9 Schrefer and seconded by Commissioner Kennedy to adopt the
10 following resolution. And it basically talks about the
11 support of this application. And that was unanimous. And
12 that's from Chairman Smith.

13 Okay, do we have any organizations and persons who
14 are here who would like to testify in support? Okay, we'll
15 have St. Mary's representative come up and Ms. Kahlow, West
16 End representative, come up at the same time, if we can make
17 room.

18 If you can pass that to staff. Okay, Ms. Kahlow,
19 would you like to go first?

20 MS. KAHLOW: I'd like the church to go first, if
21 that's all right. Thank you.

22 CHAIRMAN HOOD: All right.

23 MR. RINGER: I'm Windon Ringer, a former senior
24 warden of St. Mary's Episcopal Church, located at 724 23rd
25 Street, Northwest, in Washington, D.C., and testifying on

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1 behalf of, and with complete authorization from, the church's
2 vestry and congregation.

3 As the original principal coordinator of the
4 efforts of St. Mary's to forge a productive relationship with
5 the adjacent Hillel group and its facilitator, the George
6 Washington University, I became intimately familiar with the
7 arduous process that has culminated in my presence here to
8 speak in support of the application being considered today.

9 The historic St. Mary's Church, founded by former
10 slaves in 1867, was the first African-American congregation
11 of the Episcopal Church in the District of Columbia. It has
12 endured as an essential connected institution in the Foggy
13 Bottom neighborhood, evaluating and revisiting or revisioning
14 its purpose and religious mission as the surrounding
15 community has evolved over the last 150 years.

16 On June 4th, 2018, St. Mary's Episcopal Church
17 requested party status in support of Zoning Commission Case
18 No. 06-11P, Modification of Significance to Order No. 06-11L
19 and Additional Special Exception Relief for Square 42, Lots
20 820 and 84.

21 Previously, St. Mary's was granted party status
22 in opposition of ZC No. 06-11L. Also previously, St. Mary's
23 and the West End Citizens Association, which was also a party
24 in opposition, filed a joint appeal in the D.C. Court of
25 Appeals of ZC Order No. 06-11L.

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1 After working with the Hillel's newly appointed
2 director, Adena Kirstein, and with Peter Chew, Vice President
3 of Prospera-U.S., and the West End Citizens Association's
4 members, Barbara Kahlow and Sara Maddux, to provide input to
5 Hillel redesign, St. Mary's is pleased to now support the
6 Hillel team's current request of modification of significance
7 to their proposal, a new facility which no longer includes
8 two crucial variants from this body that results of which
9 would have adversely affected St. Mary's operations and
10 potentially its structural stability.

11 It is our understanding that the redesign, as
12 proposed, will meet Hillel's current and future space and
13 programmatic requirements and provide the structural
14 protections and physical separation that we required as
15 described in the construction management agreement. We will
16 also ask that the Commission consider placing its full text
17 of the CMA as an attachment to its order.

18 We thank you for your consideration of
19 St. Mary's history, mission, and relevance to the Foggy
20 Bottom community in deliberating this case. We look forward
21 to a cordial and productive relationship with the Hillel
22 going forward.

23 Finally, I thank St. Mary's Episcopal Church for
24 this opportunity to represent them for this very important
25 assignment. If I may answer any questions, feel free to ask.

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1 CHAIRMAN HOOD: Okay. Thank you. Let's just take
2 each opposition party one by one. Thank you, Mr. Ringer.
3 Any questions of Mr. Ringer?

4 MS. KAHLOW: Not opposition, in support.

5 CHAIRMAN HOOD: What did I say?

6 MS. KAHLOW: Opposition.

7 CHAIRMAN HOOD: Okay, support. Thank you, Ms.
8 Kahlow. Any questions of Mr. Ringer, party in support?

9 Okay, does the Applicant have any cross, any
10 questions?

11 MR. BROWN: No, Mr. Hood.

12 CHAIRMAN HOOD: Okay, Ms. Kahlow, do you have any
13 questions?

14 MS. KAHLOW: No, I do not.

15 CHAIRMAN HOOD: Again, no one is here from the
16 ANC. So, and as you stated in your comment about the CMA,
17 as noted, we will do what we've done in the past. If we can
18 put it in an order and attach it, as was said was done,
19 that's what we'll do. If not, we will point to -- I know
20 we've done it both ways, I believe, before. I'm not sure of
21 the way we're doing it now, but whatever way that we can do
22 it, hopefully, we can attach it, but I will leave that up to
23 my legal folks. Okay?

24 All right, thank you, Mr. Ringer. Let's go to Ms.
25 Kahlow?

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1 MS. KAHLOW: Thank you. I have only a short
2 statement, which is a miracle for all of you.

3 I live at 800 25th, less than two blocks from the
4 site. I'm testifying on behalf of the West End Citizens
5 Association, the oldest citizens organization in the Foggy
6 Bottom-West End area, and one of our goals is maintaining the
7 quality of life for the residential community.

8 In May, we requested party status in support. In
9 2014, we testified in opposition. And as noted earlier,
10 jointly with the church, we filed an appeal in the Court of
11 Appeals.

12 In our party letter, we made some important
13 points. We are happy that the project has downsized
14 approximately 20 percent and one that meets matter of right
15 occupancy in rear year.

16 We are thrilled that the one-page construction
17 management plan that was one-sided has been renegotiated for
18 a full construction management agreement and the WECA led the
19 successful negotiations regarding that. And that is really
20 important to protect the church.

21 The downsized building will better protect the
22 foundation and the structure of the landmark church
23 buildings, as well as the air and light in all three church
24 buildings, especially the rectory and the parish hall.

25 In terms of WECA's 2014 testimony about other

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1 types of effects, some of them still are possibly negative
2 effects.

3 One, we discussed the adverse effect on pedestrian
4 safety from the loading across the heavily traveled sidewalk.
5 Luckily, it's going to be a smaller project.

6 We talked about we've already limited on-street
7 residential parking. Luckily, it's going to be a smaller
8 project.

9 But third, the bus stop. The bus stop is really
10 important, and we would like it, as noted earlier in our
11 questions in cross examination, to continue to be there. It
12 is the principal bus stop for so many elderly who live right
13 nearby St. Mary's, St. Mary's Court is right around the
14 corner and that's their principal bus stop, and that's
15 elderly and handicapped people. They can't walk blocks and
16 blocks. And people are going to the subway and it's really
17 an important bus stop.

18 So we would like DDOT, we mentioned that the West
19 End Citizens Association had Director Marootian. He knows
20 about it. I wrote him as recently as last night and he will
21 be talking to ANC and we will mention it again this
22 Wednesday.

23 Thank you for consideration of our views and your
24 patience to let us get this done, and I'm thrilled.

25 CHAIRMAN HOOD: Okay, thank you, Ms. Kahlow and

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1 West End as well. I know Ms. Maddux, all of you have been
2 working hard to get to this point.

3 Let's see if we have any questions of Ms. Kahlow
4 or West End. Any questions? Does Applicant have any cross
5 or any questions?

6 MR. BROWN: No, no questions, Mr. Chair. Thank
7 you.

8 CHAIRMAN HOOD: Mr. Ringer, do you have any cross
9 or questions?

10 And, again, no one is here from the ANC. So I
11 want to thank you both, we appreciate it.

12 Do we have any persons who are here also in
13 support that would like to testify?

14 Do we have any organizations or persons who are
15 here in opposition?

16 Any organizations or persons who are here who are
17 undeclared?

18 Okay, so we'll do rebuttal and closing by the
19 Applicant, but I just want to know why Mr. Robert Sockwell,
20 the former chair of BZA -- see, I always wants to know things
21 when I'm sitting here. Sometimes I think out-loud, so I
22 would figure it then. But it's good to see you, Mr.
23 Sockwell.

24 MR. SOCKWELL: Thank you very much for
25 acknowledging me.

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1 CHAIRMAN HOOD: Mr. Sockwell, you need to come to
2 the mic. I'm going to do you like you used to do everybody
3 else.

4 (Laughter.)

5 CHAIRMAN HOOD: I know it's been a few years. And
6 if I remember correctly, maybe I shouldn't have done that,
7 but anyway, have a seat and if you want to say something.

8 MR. SOCKWELL: Thank you very much. I have been
9 following the Hillel relationship with the community and the
10 St. Mary's Episcopal Church for quite some time, and I'm
11 extremely pleased with the finality and the process by which
12 it unfortunately had to matriculate, but I'm very pleased
13 with the fact that the church is receiving the bulk of the
14 things that it felt were most important to impacting the
15 facilities and mission of the church and the church's
16 relationship to the community, which is part and parcel of
17 all of that.

18 Its historic nature is important, but the
19 relationship between the university, the Hillel, and the
20 church is very important, because they will always be co-
21 effective partners within that part of Foggy Bottom. And the
22 relationship has been up and down over a lot of years. Now
23 it is going to be up, hopefully for the next 50 to 100, and
24 they will operate in harmony with one another.

25 And thanks to the great thoughts and deliberative

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1 capabilities of the Board of Zoning Adjustment and/or the
2 Zoning Commission, this has been a process well worth it.
3 And I think everyone will take something away from the table
4 that is satisfactory, if not gratifying, in a larger way.
5 Thank you.

6 CHAIRMAN HOOD: Thank you very much, and it's
7 always good to see you.

8 MR. SOCKWELL: Thank you very much.

9 CHAIRMAN HOOD: Where am I? Do you have any
10 rebuttal in closing?

11 MR. BROWN: No. Picking up on the point Mr.
12 Sockwell made, the finality of where we've come and where we
13 are today, I think this would be a perfect case for a summary
14 order, with the Commission's support. I think it's been a
15 long trip, but Hillel, and even St. Mary's and WECA, I think
16 want to see this project completed. So a summary order seems
17 appropriate and helpful.

18 CHAIRMAN HOOD: All right. Thank you all very
19 much.

20 Ms. Schellin, we've had the request. I think the
21 record is in front of us, unless we have something that we
22 need to ask for. Is this one vote, Ms. Schellin? I get
23 confused now whether we do one vote or two votes on this
24 thing.

25 MS. SCHELLIN: It is one vote. I think that they

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1 may still need to go through the -- I'm trying to decide if
2 they need to go through the conditions and proffer process.
3 There weren't any changes to the amenities, so they weren't
4 proffering anything. It's up the Commission to decide.

5 CHAIRMAN HOOD: So that hasn't changed. That
6 hasn't changed.

7 MS. SCHELLIN: No amenities changed. No.

8 MS. KAHLOW: There are different conditions.
9 There are changes to conditions, just to make sure we
10 understand.

11 MS. SCHELLIN: Yes, that's almost in every case.

12 MS. KAHLOW: Can I ask a question also? Can you
13 have an attachment to a summary order?

14 MS. SCHELLIN: No, but the Commission is not
15 attaching construction management plans to orders any more.
16 If there's anything in there that is zoning related, they'll
17 pull it out and make it a condition, but they're not
18 attaching any private agreements.

19 MS. KAHLOW: But you're giving the citation for
20 it in the record, what it is in the case record --

21 MS. SCHELLIN: It will be mentioned that there was
22 one entered but it's not something that can be enforced as
23 part of their order. It's a private agreement.

24 CHAIRMAN HOOD: Because the courts look at stuff,
25 they look at us now, as you know, and say, well, it's zoning

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1 related or not zoning related. We have to be very careful
2 of how we craft our orders.

3 MS. KAHLOW: But the conditions, the Applicant did
4 suggest different conditions. And then one of those, we need
5 to change it to before, during, and after.

6 CHAIRMAN HOOD: So why don't we go through
7 whatever that process we call it now, conditions --
8 apparently, they've changed, something is changed?

9 MS. KAHLOW: There's new conditions, yes.

10 CHAIRMAN HOOD: This was going to be easy, but I
11 see now it's not going that easy road any more.

12 MR. BROWN: Well, no, I don't think it's
13 complicated. The conditions are changing; one, the reference
14 to the approved plans, the university use will continue as
15 is set forth in condition 2. Condition 3 still applies.
16 Condition 4 incorporates or references the construction
17 management agreement that will be noted in the record as
18 condition whatever, as exhibit whatever, and we'll add the
19 language that it's effective before, during, and after
20 construction. And then the last condition will remain the
21 same about the trash bins and carts, which DDOT has included
22 in their report.

23 MS. SCHELLIN: Right. So, Chairman Hood, it's
24 just a matter of whether the Commission chooses to see a
25 draft order prior to taking action. So it's not unusual.

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1 CHAIRMAN HOOD: My problem is the first two things
2 you said it seems like there were some changes, so I'd rather
3 be safe than sorry. I've learned that recently. So what I
4 would like, and I don't want to hold this up, it should be
5 very quick, even if we could put it on -- could we deal with
6 this on June 30th?

7 MS. SCHELLIN: July 30th?

8 CHAIRMAN HOOD: What did I say? June. Yes, July.
9 Can we do it July 30th?

10 MS. SCHELLIN: Not if you do it through condition
11 process, no. If you just want them to make a submission in
12 a week just providing draft conditions, yes.

13 MR. BROWN: We could certainly do that.

14 CHAIRMAN HOOD: Okay, so let's do that, so that
15 way we can make sure we keep that same support that we have.
16 I want to make sure we're going to keep that same support
17 from St. Mary's as well as West End, because I don't take
18 people getting West End's support lightly. Okay, so I want
19 to make sure that we continue working in tandem like we've
20 done thus far. So we don't want to rush to have a problem.
21 All right?

22 MR. BROWN: Absolutely not. You'd like that --

23 CHAIRMAN HOOD: If we would get in a week, I'd
24 really like to deal with that before our recess.

25 MS. SCHELLIN: Yes.

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1 CHAIRMAN HOOD: Yeah. I'd like to get that done.

2 MS. SCHELLIN: So if you could provide that by,
3 say, noon on the 23rd. And then the parties, if they choose
4 to respond, they would do so by noon on the 30th, because the
5 meeting is on the 30th.

6 CHAIRMAN HOOD: Mr. Brown, make sure you're
7 working along with them as you all craft them, come back with
8 a united front. That would be very helpful to us on the 30th
9 so we can dispose of it.

10 MR. BROWN: I agree, Mr. Hood.

11 CHAIRMAN HOOD: Mr. Turnbull.

12 COMMISSIONER TURNBULL: You can reference the
13 exhibits for the construction management agreement, but we
14 can't put the actual language in the order.

15 MR. BROWN: Understood.

16 CHAIRMAN HOOD: All right, it seems like we're
17 still on course. So we all on the same page, everybody?
18 Okay. So we'd like to really deal with this and be done with
19 it July 30th. Okay?

20 All right, anything else? All right, I want to
21 thank everyone for their participation tonight and this
22 hearing is adjourned.

23 (Whereupon, the above-entitled matter went off the
24 record at 7:13 p.m.)

25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Hillel at GWU

Before: DCZC

Date: 07-16-18

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



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