Foggy Bottom and West End
Advisory Neighborhood Commission (ANC-2A)

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Closing statement of Elizabeth Elliott, Chair, Representing Foggy Bottom and West End Advisory Neighborhood Commission (ANC-2A).
Before the Board of Zoning Adjustment on BZA No. 16701.
Continuing Appeal of Zoning Administrator's Decision on 1957 E Street, NW
(Square 122, Lot 835)

May 1, 2001

I would like to thank the Board again for hearing our appeal in this matter.

As both Ms. Maddux and Mrs. Kahlow of the West End Citizen's Association (WECA) have pointed out, this development project was painstakingly negotiated, over an extended period of time, between the community and the previous owner, Associated General Contractors (AGC).

The result was a carefully crafted PUD that would assure the community of much-needed condominium housing—even if the property changed hands—and thus the community supported the AGC PUD.

The background, substance, and outcome of these negotiations were memorialized in ZC Order No. 746, and the subsequent extensions, 746-A and 746-B, of this order. Throughout the orders, including the findings of fact, conclusions of law, and decision, there are numerous references to the residential component of the project. Repeatedly, the order indicates that the validity of the PUD, including the upzoning of the property from SP-2 to C-3-C, rests on the residential component being realized.

In his April 10, testimony, Mr. Johnson, the Zoning Administrator, states that, to arrive at his decision, he thoroughly researched all of these above-mentioned records, and repeatedly referenced his concern for the community. In the end, however, the ZA ignored or overlooked the community's sanctioned position embodied in this PUD.

The change in GWU's plans—taking condominium apartments available to the community-at-large, at market rates, off of the market and making them unavailable to non-students—violates the heart of the PUD. The ZA does not have the authority to approve GWU's PUD change—and he erred in issuing a permit to GWU.

Had the ZA actually searched the supporting documents of the PUD that are excerpted and referenced in each of the PUD extensions, he would have found extensive and eloquently argued statements in support of the community's position.

BZA
Case No. 16701
Exhibit No. 36

Board of Zoning Adjustment
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EXHIBIT NO.36

Ironically, these arguments were presented on behalf of AGC by Mr. Phil Feola, currently with the law firm of Shaw/Pittman and representing GWU as an Intervenor in this hearing. Mr. Feola has a long history with this property independent of the current ownership. Numerous times during his long association with AGC on this 1957 E Street property PUD, Mr. Feola has argued the PUD and its painstakingly negotiated purpose was to retain a prestigous, tax-paying association within the District of Columbia, contribute to the buffer zone in which it was located, insure $3 million in tax revenues to the District, increase DC employment by 500 jobs, and revitalize the housing stock and its attendant tax revenue benefits to the District.Mr. Feols also repeatedly lauded the community planning involvement and the superior results of these efforts.

As this Board well knows from the protracted hearings on the GWU Campus plan, we are a neighborhood fighting for survival and diversity in the face of GWU's increasingly aggressive and stealthy campaign to engulf Foggy Bottom. GWU is fond of exploiting the concept of diversity in its ongoing public relations efforts but, in fact, its actions are eliminating neighborhood diversity, that is, any non-student residential and academic uses, particularly in ANC-2A01. The loss of this appeal would be another blow to the non-student community which is rapidly being forced out of the neighborhood.

In concert with WECA, ANC-2A asks the BZA to: 1) overturn the ZA's decisions, including the permit issuances; (2) direct the Department of Consumer and Regulatory Affairs to immediately issue a stop work order; (3) require GWU to submit its PUD modification plans to the ZC for public review; and (4) direct GWU to fully comply with the DC Environmental Policy Act prior to submission of its PUD modification plans for review by the Zoning Commission.