



Advisory Neighborhood Commission 2A

"Serving the Foggy Bottom and West End communities of Washington, D.C."

Testimony of Patrick Kennedy, Chairperson

Re: June 23, 2014 Hearing on Case 06-11L

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COMMISSIONER

Good evening Chairman Hood and members of the Commission. My name is Patrick Kennedy, and I am the chairperson of ANC 2A – which serves the Foggy Bottom and West End neighborhoods of Ward 2. At our regularly-scheduled meeting on June 18, 2014, our ANC voted unanimously to conditionally support the application for variances and special exception relief before you. Additionally, the ANC voted to conditionally raise no objection to The George Washington University's request to amend the 2007 Foggy Bottom Campus Plan in order to lease space within the new building.

In taking these actions, our Commission voiced general approval for a project that we believe will represent a substantial improvement in urban design over the building presently at the subject property. We believe that Hillel's new structure, as proposed, will better engage both 23rd and H Streets, N.W. – one of the most high-visibility locations in our neighborhood, located just one block from the Foggy Bottom-GWU Metro station.

Tens of thousands of commuters, visitors, students, and residents pass this location each day on foot, on a bicycle, or in a vehicle. Although simply removing the current structure would represent "addition by subtraction" in terms of improving the aesthetics of the site, the Applicant is to be commended for their efforts at designing an architecturally-distinctive replacement structure. What's more, the elimination of a curb cut associated with the current building on H Street – along with the dangerously-steep driveway to which it connects – should improve the pedestrian experience on the south side of H Street.

ZONING COMMISSION
District of Columbia
CASE NO. 06-11L
EXHIBIT NO. 39



Advisory Neighborhood Commission 2A

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Perhaps most saliently, we understand and appreciate Hillel’s desire to construct a new building that will allow them to better serve their congregation and the Jewish community at-large in Foggy Bottom and in the region. Hillel has played an invaluable role in furthering the spiritual lives of tens of thousands of GW students and others over the course of its existence in our area, and to the extent that constructing a new building would help them advance their mission, we are supportive.

With that having been said, the interests of Hillel must be balanced with those of the surrounding neighborhood – and particularly those of St. Mary’s Episcopal Church – the abutting property owner to the south. We believe that there remain a few outstanding issues that require the work of all parties in order to achieve a satisfactory conclusion, and thus ANC 2A has conditioned its support for Hillel’s requested zoning relief on the resolution of these issues.

We agree with the Office of Planning in regards to the first, and perhaps most important, of these conditions: that the Applicant continue to work with St. Mary’s in order to achieve a construction management and good neighbor agreement that will address the legitimate concerns of that institution with respect to the impact that construction and excavation activities might have on their operations, as well as the fragile, historic church buildings adjacent to the project location.

St. Mary’s is a treasure in our community, one of the last remaining institutions in Foggy Bottom that provides a living link to our neighborhood’s African-American heritage. The Hillel project will represent the third construction project on Square 42 in the last 20 years, and although the scope of construction involved with this project should be significantly less as compared to the other two projects, we are sensitive to the potential impacts that any amount of construction might have on St. Mary’s congregation. They have not asked for this construction project, and they will not benefit materially from



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it, so we believe that it is important that the Applicant continue to work with them in order to achieve an agreement. Such an agreement should provide sufficient protection for the structural integrity of their property, and should minimize the effect of construction activities on the Church's ability to perform its faith-based mission.

Although we are disappointed that the two sides were unable to come to an agreement prior to this hearing, we believe that the negotiations have taken place in good faith. The ANC convened a meeting between the Applicant and the Church last Tuesday, and we will continue to follow-up with both sides and encourage progress whenever possible. We believe that the two parties have made significant progress on the path to an agreement, and we are optimistic that such an agreement can be reached in relatively short order. Nevertheless, our condition specifies that the two parties reach agreement by July 16, 2014 – the date of our next regularly-scheduled ANC meeting – so that the ANC can re-evaluate its position based on the status of any ongoing negotiations.

Our second condition of approval, one that is admittedly a little more nebulous, is that the Applicant continue to work with St. Mary's in order to address any specific concerns that they might have about appreciably negative impacts of the project on light and air quality. Although the Applicant has proffered its own shadow study to demonstrate what it says are the limited impacts of its development on St. Mary's, we ask that they continue to work in good faith with the Church to address any major concerns that arise in this area.

With respect to our third condition, we share some of the concerns expressed by the West End Citizens Association and the District Department of Transportation about the loading strategy associated with the proposed development. Although zoning regulations do not require the Applicant to provide off-



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street loading facilities (indeed, we believe that such a requirement would be prohibitive to the feasibility of the project), we nonetheless remain concerned that the Applicant's current loading strategy amounts to "unload in a Metrobus zone and hope that the bus doesn't show up while we're doing so." We see this strategy posing a particular challenge if the Applicant elects to contract with a third-party vendor for more frequent deliveries in the future.

Hillel needs flexibility in terms of its ability to accommodate commercial loading in the future, so that it can serve kosher meals and accept deliveries on a frequent and convenient basis. It should be able to have that flexibility without requiring its delivery vehicles to either interfere with Metrobus operations or double-park in a travel lane. As such, we request as our condition that the Applicant continue to work with ANC 2A, DDOT, the Washington Metropolitan Area Transit Authority, and other agencies as necessary to improve its loading strategy. Based on conversations that I have had with the Applicant's counsel, it is my belief that we can arrive at a solution to this dilemma which would be beneficial to all parties.

The final condition of our support is that the Applicant be sensitive to the impacts of construction on the surrounding community, with impacts on St. Mary's – as mentioned earlier – being of foremost concern. Residents of Foggy Bottom have experienced greater construction impacts in the last several years than those of nearly any other neighborhood in the District of Columbia. While we do not hold the Applicant responsible for that cumulative impact, or seek to deny their right to build, we do ask that they coordinate with GWU to the extent possible – staging their construction activities in a way that minimizes adverse impacts on vehicular traffic, residential parking, and pedestrian circulation. We are confident that they will work with the community to achieve this end.



Advisory Neighborhood Commission 2A

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The ANC is more ambivalent with respect to the other element of this zoning case, GWU's request for an amendment to the 2007 Foggy Bottom Campus Plan in order to permit University usage of this building for "Campus Life and Academic/Administrative Uses." The ANC is sensitive to some of the concerns that have been raised by the West End Citizens Association with respect to the implications of such a designation on the overall Campus Plan. We believe that amendments to the Campus Plan should not be taken lightly, and that the scope and area of University development efforts should not be significantly altered in order to give the community confidence in the durability of commitments made in the Campus Plan process.

With that having been said, we are sensitive to Hillel's need to obtain financing for construction – and the fact that the University represents a natural partner for them in a leasing arrangement to this end. To the extent that Hillel's lease with GWU allows them to proceed with construction on a more rapid timetable than they would otherwise have been able to achieve, and based on Hillel's intimation that they will occupy the whole of the building upon the expiration of GWU's 20-year lease, the ANC conditionally raises no objection to the Campus Plan amendment necessary to effectuate such an arrangement.

The two conditions upon which this "non-objection" is based are stipulations that the University has already represented its agreement to. The first such condition is that GWU use its leased space within the building for "student life" functions that are in keeping with the mission of Hillel as an organization. Specifically, it was the ANC's request that the University refrain from using its leased space within the new building for faculty or staff offices, except those offices which relate directly to the student life functions therein. The ANC appreciates the University's willingness to agree with this provision.



Advisory Neighborhood Commission 2A

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The second condition of the ANC's non-objection is that the University forego the development of "Site 77D" under the Campus Plan. The University was granted additional development rights at this site, located near the intersection of 21st and I Streets, N W , in the 2007 Foggy Bottom Campus Plan. The amount of additional square footage that the University would stand to gain from occupying the Hillel building is roughly equivalent to the developable space that they were granted at 77D, and thus by relinquishing development rights there, the University would not realize an uncompensated gain in total campus FAR. We believe that this is an appropriate trade-off.

In conclusion, Advisory Neighborhood Commission 2A expresses its overall support for the project as reflected in the record, subject to conditions that we believe that the Applicant can work through with one or more parties in opposition. The ANC will continue to engage with this process as an honest broker that seeks to protect the community's interests, while providing Hillel with a feasible opportunity to achieve the much-needed facility upgrade that they have been planning for.

Thank you for your consideration of our views, and I am happy to answer any questions that you might have.

Sincerely,

Patrick Kennedy

Chair, ANC 2A