

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF:           :
                             :
Hillel at the George        : Case No.
Washington University,      : 06-11L
the George Washington        :
University                   :
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Monday,
June 23, 2014

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C. 20001

The Public Hearing of Case No. 06-11L by the District of Columbia Zoning Commission convened at 6:34 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, Chairman
MARCIE COHEN, Vice Chair
PETER MAY, Commissioner (NPS)

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ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON, Associate Director,
Development Review
PAUL GOLDSTEIN

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:

JONATHAN ROGERS, Transportation
Management Specialist

The transcript constitutes the
minutes from the Public Hearing held on
June 23, 2014.

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

2 (6:34 p.m.)

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen. This is a public hearing
5 of the Zoning Commission for the District of
6 Columbia for Monday, June 23rd, 2014.

7 My name is Anthony Hood. Joining
8 me are Vice Chair Cohen, Commissioner Miller,
9 Commissioner May. We are also joined by the
10 Office of Zoning staff, Ms. Sharon Schellin;
11 also, the Office of Planning, Mr. Lawson, Mr.
12 Goldstein; and the District Department of
13 Transportation, Mr. Rogers.

14 Just bear with me one moment,
15 please.

16 (Pause)

17 Okay. This proceeding is being
18 recorded by a Court Reporter, and it is also
19 webcast live. Accordingly, we must ask that
20 you refrain from any disruptive noises or
21 actions in the hearing room, including a

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1 display of objects or any signs.

2 Notice of today=s hearing was
3 published in the D.C. Register, and copies of
4 that announcement are available to my left on
5 the wall near the door. The scope of tonight=s
6 hearing does not include the modification
7 requested by the applicant in Case Number
8 06-11M and 06-12M, and, therefore, no testimony
9 concerning this will be allowed tonight for
10 this proceeding. Again, the scope of
11 tonight=s hearing does not include the
12 modification requested by the applicant.

13 If one of the Commissioners
14 requests that the modification be taken off the
15 consent calendar, a hearing on the modification
16 will be held. Nevertheless, as indicated in
17 the Notice of Public Hearing for this case, the
18 Commission has reserved the right to ask the
19 applicant questions concerning this
20 modification.

21 And something else I found out

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1 recently, that a lot of times when we speak into
2 this mike, I=ve been told by people who actually
3 watch us online is that sometimes when I=m
4 talking it sounds muffled, and the rest of us,
5 colleagues, and those on the dais, we sound
6 muffled. Trust me, I=ve heard that in the
7 grocery store a few times.

8 So if we are sounding muffled, I=m
9 going to depend on the audience from this point
10 on to help us to make sure we either stay close
11 to the mike, stay further back from the mike,
12 and at some point in time we=ll get adjusted.

13 This hearing will be conducted in
14 accordance with provisions of 11 DCMR 3117 as
15 follows: preliminary matters, applicant=s
16 case, report of the Office of Planning, report
17 of the government agencies, report of the
18 Advisory Neighborhood Commission,
19 organizations and persons in support,
20 organizations and persons in opposition, and
21 then we will have rebuttal and closing by the

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1 applicant.

2 The following time constraints will
3 be maintained in this meeting. The applicant
4 has up to 60 minutes, organizations five
5 minutes, and individuals three minutes.

6 The Commission intends to adhere to
7 the time limits as strictly as possible in order
8 to hear the case in a reasonable period of time.
9 The Commission reserves the right to change the
10 time limits for presentations, if necessary,
11 and notes that no time shall be ceded.

12 All persons appearing before the
13 Commission are to fill out two witness cards.
14 These cards are located to my left on the table
15 near the door. Upon coming forward to speak to
16 the Commission, please give both cards to the
17 Reporter sitting to my right before taking a
18 seat at the table. When presenting
19 information to the Commission, please turn on
20 and speak into the microphone, first stating
21 your name and home address. When you have

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1 finished speaking, please turn your microphone
2 off, so that your microphone is no longer
3 picking up sound or background noise.

4 The decision of the Commission in
5 this case must be based exclusively on the
6 public record. And to avoid any appearance to
7 the contrary, the Commission requests that
8 persons present not engage the members of the
9 Commission in conversation during any recess or
10 at any time.

11 In addition, there should be no
12 direct contact whatsoever with any
13 Commissioner concerning this matter, be it
14 written, electronic, or by telephone.

15 Any materials received directly by
16 a Commissioner will be discarded without being
17 read, and any calls will be ignored.

18 The staff will be available
19 throughout the hearing to discuss procedural
20 questions.

21 Please turn off all beepers and cell

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1 phones at this time, so as not to disrupt these
2 proceedings.

3 Would all individuals wishing to
4 testify please rise to take the oath. Ms.
5 Schellin, would you please administer the oath.

6 MS. SCHELLIN: Please raise your
7 right hand. Do you solemnly swear or affirm
8 the testimony you=ll give this evening will be
9 the truth, the whole truth, and nothing but the
10 truth?

11 ALL: I do.

12 MS. SCHELLIN: Thank you.

13 CHAIRMAN HOOD: Did that sound
14 muffled? It sounded muffled? It sounded
15 okay? Okay. It=s not easy going back and
16 forth and doing this, so we=ll all get it get
17 together. Trust me. They said we sound
18 muffled, so we=ll work on that.

19 Okay. Ms. Schellin, do we have any
20 preliminary matters?

21 MS. SCHELLIN: Yes, sir. The

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1 first set of preliminary matters to -- for the
2 Commission to consider are party status
3 requests. We have two, West End Citizens
4 Association and Saint Mary=s Episcopal Church,
5 both in opposition. We=d ask the Commission to
6 consider those.

7 CHAIRMAN HOOD: Okay. Thank you,
8 Ms. Schellin.

9 Commissioners, we have two party
10 status requests. Both are in opposition, as
11 stated by Ms. Schellin. What is your pleasure?
12 Who would like to start off? Or any
13 objections? Anybody like to make a motion?
14 Or any comments?

15 VICE CHAIR COHEN: No. I would
16 like to move the -- give approval that Saint
17 Mary=s Episcopal Church and West End Citizens
18 Association be granted party status.

19 COMMISSIONER MAY: Second.

20 CHAIRMAN HOOD: Okay. It has been
21 moved and properly seconded. Any further

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1 discussion? Commissioner May?

2 COMMISSIONER MAY: Does the
3 applicant have any --

4 MR. AVITABILE: The only comments
5 would just be to make sure we don't have any
6 objection to it, to either as a party, just to
7 ensure -- I noticed that some of the testimony
8 that they've outlined really doesn't concern
9 zoning issues. You know, construction issues
10 are somewhat related. I won't object when they
11 testify, but I just wanted to note concern for
12 the record that we stay on -- focused on the
13 zoning issues.

14 CHAIRMAN HOOD: Okay. Thank you
15 for reminding me, Commissioner May, I should
16 have went to the applicant first before I even
17 made a motion. Okay.

18 COMMISSIONER MAY: And I was really
19 addressing that to you, not to the applicant,
20 but --

21 CHAIRMAN HOOD: Yeah. No, I'm

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1 glad you did. So, I mean, that works out. I
2 mean, I'm flexible, so -- especially when
3 you're keeping me out of trouble.

4 So, okay, any further discussion?
5 I will tell you, again, I know it may make some
6 folks upset with me, but I looked at -- I had
7 to really look hard at West End. I know Ms.
8 Kahlow and Ms. Maddux have worked hard, but I
9 had to look hard at their submission, and I will
10 tell you that you got it for me this time. I
11 looked at the pedestrian, and also looked at the
12 DDOT report and the loading. So you got the
13 threshold for me that time. I mean, I -- it
14 takes some work for me to make sure that we meet
15 our requirement.

16 So, and I had no problems with the
17 church.

18 Okay. So it has been moved and
19 properly seconded. Any further discussion?

20 (No audible response)

21 All those in favor?

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1 (Chorus of ayes)

2 Not hearing any opposition from
3 those present, Ms. Schellin, would you record
4 the vote?

5 MS. SCHELLIN: Yes, sir. Staff
6 records the vote four to zero to one, to grant
7 party status in opposition to both West End
8 Citizens Association and Saint Mary=s
9 Episcopal Church. Commissioner Cohen moving,
10 Commissioner Miller seconding, Commissioners
11 Hood and May in support, Commissioner Turnbull
12 not present, not voting.

13 The next round of preliminary
14 matters, we have a request now that they have
15 been granted party status from Saint Mary=s
16 Episcopal Church for a continuance. The
17 applicant has filed an opposition to that
18 motion. We=d ask the Commission to consider.

19 CHAIRMAN HOOD: Okay.
20 Commissioners, let=s open that up for
21 discussion. Again, it=s stated we have a

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1 request to delay for further negotiations,
2 which is our Exhibit Number 34, which was I
3 think sent to us over the weekend. Oh, today.
4 Okay. I didn=t know it was email.

5 But, anyway, Commissioner May?

6 COMMISSIONER MAY: Yeah. I don=t
7 see a compelling reason in the request for
8 continuance that we grant it. I think that the
9 issues that they are concerned about are
10 certainly legitimate issues. A lot of them are
11 not specifically zoning-related, and they have
12 to do with construction impacts, although not
13 exclusively.

14 In any case, I don=t see anything
15 compelling here, any reason why we should not
16 go ahead and have the hearing. And I think the
17 applicant in their position suggested that they
18 would have no objection to us deferring
19 decisionmaking until July 28th, which I didn=t
20 think we were going to make a decision on this
21 tonight anyway.

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1 So I think the idea that there would
2 be time for them to continue negotiations works
3 out well enough. So I am opposed to the
4 continuance.

5 CHAIRMAN HOOD: Okay. Any further
6 discussion?

7 VICE CHAIR COHEN: Mr. Chairman, I
8 just want to say that I concur with Commissioner
9 May=s position on this.

10 CHAIRMAN HOOD: Okay.
11 Commissioner?

12 COMMISSIONER MILLER: As do I.

13 CHAIRMAN HOOD: Okay. I will tell
14 you again, for me, when I look at this stuff,
15 like all of us do, and I thought about the type
16 of hearing we would have if the zoning issues,
17 which are germane to this process would be
18 different in the type of hearing we have, but
19 I think -- as in the past, I think the evidence
20 and the merits are the zoning issues. I think
21 we can move forward, and I think as we have done

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1 in the past, depending upon -- we should allow
2 time for the applicant as well as the party that
3 is requesting the continuance in opposition to
4 further negotiate within this time and the time
5 we take this up again.

6 So I think we can hear it. While I
7 think that the support -- if they came down
8 holding hands, it would change the way the
9 hearing would go. I think we can allow for that
10 time and we can decipher the two as we move
11 forward tonight.

12 Okay. So I would move that we deny
13 the request for a continuance by Saint Mary=s
14 and ask for a second.

15 COMMISSIONER MAY: Second.

16 CHAIRMAN HOOD: It has been moved
17 and properly seconded. Any further
18 discussion?

19 (No audible response)

20 All those in favor, aye?

21 (Chorus of ayes)

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1 Not hearing any opposition, Ms.
2 Schellin, would you record the vote.

3 MS. SCHELLIN: The staff records
4 the vote four to zero to one, to deny the request
5 for postponement. Commissioner Hood moving,
6 Commissioner May seconding, Commissioners
7 Cohen and Miller in support. Commissioner
8 Turnbull not present, not voting.

9 CHAIRMAN HOOD: I=m going to ask
10 that the -- anytime we deny someone, I want to
11 make sure that the representative for the Saint
12 Mary=s Episcopal Church, are you present? If
13 you can come forward and introduce yourself.
14 If you can have a seat.

15 MR. MARCUS: My name is Stephen
16 Marcus.

17 CHAIRMAN HOOD: You want to turn
18 your mike on, and introduce yourself.

19 MR. MARCUS: Thank you. My name is
20 Stephen Marcus. I=m an attorney here in
21 Washington, and I represent Saint Mary=s

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1 Episcopal Church.

2 CHAIRMAN HOOD: Okay. Well, Mr.
3 Marcus, you just observed our action when we
4 turned down your continuance, which allows for
5 you to have additional time, depending upon how
6 we move tonight in this hearing, in these
7 proceedings. Are you --

8 MR. MARCUS: Yes. Thank you, sir.

9 CHAIRMAN HOOD: Okay. You're fine
10 with that.

11 MR. MARCUS: Yes.

12 CHAIRMAN HOOD: Okay. Thank you.

13 MR. MARCUS: Thank you. Thank
14 you.

15 CHAIRMAN HOOD: Okay. Ms.
16 Schellin, do we have any other preliminary
17 matters?

18 MS. SCHELLIN: Yes, sir. Staff
19 has received the applicant=s Affidavit of
20 Maintenance. It appears to be in order.

21 And the only other preliminary

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1 matter is we have two expert witnesses that have
2 been proffered. I believe one is going to
3 present and one will just be available for
4 questions, both with Hickok Cole, Ms. Morales
5 and Ms. Cole.

6 CHAIRMAN HOOD: Okay. Mr.
7 Avitabile, do you want to bring your team up,
8 and let=s talk about the proffered experts?

9 MR. AVITABILE: Yes, thank you.
10 We will be presenting Elba Morales, who is to
11 my right, as our expert tonight. She is an
12 expert in the field of architecture. She has
13 been an architect for 15 years, including 12
14 years with Hickok Cole. She designed the CSIS
15 building that appeared before this Commission
16 as a part of a PUD a couple of years back, and
17 I think her resume is in the record, and attest
18 to her expertise.

19 Yolanda Cole is also here to assist
20 in answering questions as needed.

21 CHAIRMAN HOOD: So your proffer --

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1 hasn't one of them been in front of us before
2 and been proffered expert status?

3 MR. AVITABILE: Yolanda has. Elba
4 has not yet.

5 CHAIRMAN HOOD: Okay. All right.
6 Let's go with the first person who has not been
7 -- what's her name again?

8 MR. AVITABILE: Elba Morales.
9 She's right here.

10 CHAIRMAN HOOD: Ms. Morales, okay.
11 Yes. I was just -- I'm being lazy. I'm not
12 going through my files, which are sitting right
13 here.

14 Okay. Ms. Morales has now been
15 proffered. Any objections? Colleagues, we
16 do have her resume.

17 COMMISSIONER MAY: Yeah. I don't
18 see any indication in the resume that she is a
19 registered architect.

20 MS. MORALES: I'm not a registered
21 architect. I'm the project designer, and our

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1 drawings are stamped by Mike Hickok and Yolanda
2 Cole.

3 COMMISSIONER MAY: I understand.
4 We have made an issue of this in the past. I'm
5 not as strong about this as Mr. Turnbull is. Of
6 course, he has many more years of licensure than
7 I do. You say it's 12 years with Hickok Cole?

8 MS. MORALES: Yes.

9 COMMISSIONER MAY: And tell me
10 exactly your role on, I don't know, CSIS. So
11 you were the senior project designer.

12 MS. MORALES: Exactly. Senior
13 project designer for the architecture. We did
14 both the architecture and the interiors. We
15 won CSIS as a competition, and brought it to the
16 Commission for a PUD. It was approved
17 unanimously.

18 COMMISSIONER MAY: But you weren't
19 accepted as an expert for that.

20 MS. MORALES: Mike Hickok
21 presented at that time.

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1 COMMISSIONER MAY: Okay. And how
2 long ago was that?

3 MS. MORALES: CSIS, I think it was
4 in 2009. CSIS just finished construction now.

5 COMMISSIONER MAY: Okay. I don=t
6 remember much about it.

7 MS. MORALES: It=s been a while.

8 COMMISSIONER MAY: A lot of cases
9 between now and then. I don=t have an
10 objection. I think, though, that, you know,
11 typically the -- you know, we ask the question,
12 have they been accepted before? I think that,
13 you know, we would want to note that in the
14 future, if you come back, that Mr. Turnbull may
15 want to make -- you know, he may have an issue
16 with it, but it=s fine by me. So --

17 CHAIRMAN HOOD: Let me ask this.
18 Are you registered anywhere?

19 MS. MORALES: I=m not a registered
20 architect. I have a bachelor=s and a master=s
21 degree. My master=s is from the University of

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1 Pennsylvania.

2 CHAIRMAN HOOD: Okay. All right.
3 Once we give expert status, Commissioner May,
4 I don=t think we usually revisit. At least we
5 haven=t in my 17 years here.

6 COMMISSIONER MAY: We don=t
7 usually, but I=m just bringing it up, you know.

8 CHAIRMAN HOOD: Okay.

9 COMMISSIONER MAY: Maybe Mr.
10 Turnbull would want to weigh in next time
11 around.

12 CHAIRMAN HOOD: Okay.

13 COMMISSIONER MAY: Hope to see Ms.
14 Morales come back here again and again.

15 CHAIRMAN HOOD: Okay. All right.
16 Any other discussion?

17 (No audible response)

18 I think even without the registered
19 -- when I look at the projects, especially the
20 ones she mentioned, I=m looking at some of the
21 projects that she has been involved. I=m not

1 sure if you had the lead on most of these that
2 are on your résumé?

3 MS. MORALES: In my case?

4 CHAIRMAN HOOD: Yeah. In your
5 case. MS. MORALES: Yes. On most of
6 them, yeah.

7 CHAIRMAN HOOD: Okay. All right.
8 Any objections?

9 VICE CHAIR COHEN: No.

10 CHAIRMAN HOOD: Okay. So we'll
11 proffer you as an expert.

12 MS. MORALES: Thank you.

13 CHAIRMAN HOOD: Okay. That=s just
14 a little exercise we have to go through.
15 Actually, I=m not registered either. So if it
16 makes you feel any better.

17 (Laughter)

18 Okay. Mr. Avitabile -- anything
19 else, Ms. Schellin?

20 MS. SCHELLIN: That=s it.

21 CHAIRMAN HOOD: Okay. Mr.

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1 Avitabile?

2 MR. AVITABILE: We do have --
3 depending upon how the hearing goes, we also
4 have an additional rebuttal witness. I don=t
5 know whether you want to address introducing
6 that witness at this time. We would also seek
7 to introduce him as an expert in the field of
8 architecture, but we could perhaps wait to see
9 if we need Mr. Burns to answer questions. We
10 have brought him on as a rebuttal witness based
11 on anticipated questions or testimony we might
12 hear from the party opponents.

13 CHAIRMAN HOOD: Do we have his
14 resume?

15 MR. AVITABILE: I haven=t --
16 because we have just identified him. I have it
17 here, and I can submit it to you all.

18 CHAIRMAN HOOD: And what will he be
19 testifying -- what are you looking to hear in
20 this hearing that he would need to come on later
21 as a rebuttal witness?

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1 MR. AVITABILE: Mr. Burns is also
2 an architect, but he has been the project
3 manager on this project and he is familiar with
4 the construction process and some of the
5 construction issues that may be discussed
6 today, to the extent that we need someone to
7 talk to them. He has managed a number of
8 projects, specifically in this neighborhood,
9 over the last few years. And so we would offer
10 him as an expert in architecture as well.

11 CHAIRMAN HOOD: So why don=t we
12 just go ahead and do that now. But let me --
13 yeah, just do that now, because those
14 questions, believe it or not, probably will
15 come up.

16 VICE CHAIR COHEN: Chairman Hood,
17 also, we do have one other preliminary matter
18 when you=re ready.

19 (Pause)

20 CHAIRMAN HOOD: Okay.
21 Colleagues, are we ready? Any comments?

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1 COMMISSIONER MAY: I have a
2 question for Mr. Burns. You're a registered
3 architect, but you don't have a professional
4 degree?

5 MR. BURNS: That's correct.

6 COMMISSIONER MAY: So I thought
7 that -- when was the cutoff? I thought it was
8 before -- I thought it was after 90 for -- or
9 I guess it matters state to state, doesn't it?

10 MR. BURNS: It matters state to
11 state, correct.

12 COMMISSIONER MAY: Right.

13 MR. BURNS: And there were a
14 handful of states. I don't know if there are
15 any remaining that supplement --

16 COMMISSIONER MAY: Right.

17 MR. BURNS: -- the lack of
18 professional degree with professional
19 experience.

20 COMMISSIONER MAY: Right. But it
21 wasn't the District, was it? Where were you

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1 first licensed?

2 MR. BURNS: Correct. First
3 licensed in Arizona.

4 COMMISSIONER MAY: Okay. All
5 right. I only know the District.

6 And you're proffering -- Mr.
7 Avitabile, you're proffering him as an expert
8 in architecture or in construction or -- I mean,
9 he's going to rebut on construction issues?

10 MR. AVITABILE: It's largely --
11 it's in architecture, but on the development
12 and construction side of things.

13 COMMISSIONER MAY: Okay. I'm fine
14 with that qualification. I think that's
15 appropriate, given the experience I see.

16 CHAIRMAN HOOD: Any other
17 comments? Any objections? Vice Chair Cohen?

18 MR. MARCUS: Could I make a quick
19 objection for the record?

20 CHAIRMAN HOOD: Okay. Let's see
21 what the Vice Chair has.

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1 VICE CHAIR COHEN: Mr. Burns, it
2 looks like you have worked on some historic
3 buildings, is that correct? But largely you --
4 the majority of your work is regular, new
5 construction? Regular stuff.

6 MR. BURNS: Right. Regular old
7 stuff?

8 VICE CHAIR COHEN: Yeah.

9 MR. BURNS: That=s probably fair to
10 say. But, yes, I have worked directly on
11 historic projects. American Trucking
12 Association on Capitol Hill, I was the project
13 architect on that project. That=s historic.
14 There are projects on there that are probably
15 not listed. Lofts 14 also had a historic
16 component to it.

17 VICE CHAIR COHEN: Yeah. You have
18 -- have Square 77, which --

19 MR. BURNS: Yes. Correct.
20 Square 77 was retaining a portion of buildings
21 that were deemed to have historic character,

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1 although they were not specifically in a
2 historic district.

3 MR. AVITABILE: And I=d also note
4 the law clinic project listed on there was the
5 adaptation of three historic townhouses at 20th
6 and G Streets.

7 COMMISSIONER MAY: As I recall, the
8 ATA is a part historic building, part
9 non-historic building, part new construction.
10 Is that right?

11 MR. BURNS: That=s correct. It=s
12 about 55 to 60 percent probably. The square
13 footage was a building that was built in the
14 1970s. The structure was retained, and then
15 there was a rowhouse from 1868, I believe, and
16 then there was a corner store building, two
17 stories, that was constructed roughly 1905 to
18 1910. All three of those were connected and
19 underdug.

20 COMMISSIONER MAY: And was there
21 significant excavation associated with that,

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1 next to the -- I mean, part of the issue here
2 is digging a new, deep foundation next to a
3 historic structure.

4 MR. BURNS: We underdug all three
5 buildings in those cases, and we went down
6 approximately two and a half stories below
7 grade for parking, add a ramp down. So we
8 underpinned and actually carried the
9 buildings, suspended them, on separate piling.
10 Yeah. It was an intriguing process.

11 COMMISSIONER MAY: Yeah. I
12 remember a little bit about that. All right.
13 And it=s on my bike route, so I go by it. I=ve
14 been watching the construction for years.

15 CHAIRMAN HOOD: Let=s go to
16 counsel. Counsel, you had an objection?

17 MR. MARCUS: Just for the record,
18 I=d like to object to qualifying both experts,
19 both Ms. Morales and Mr. Burns, on the grounds
20 that neither are licensed architects.

21 CHAIRMAN HOOD: Okay. Thank you

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1 MR. MARCUS: Thank you.

2 CHAIRMAN HOOD: Objection so
3 noted.

4 MR. BURNS: I am licensed. Just
5 for the record, I am a licensed architect.

6 CHAIRMAN HOOD: Okay. It did say
7 "registered" on the top of your --

8 MR. BURNS: Yes. That=s --

9 CHAIRMAN HOOD: -- resume.

10 MR. BURNS: That=s the technical
11 term, but it constitutes licensure. I have my
12 license.

13 CHAIRMAN HOOD: But it=s just not
14 in the District of Columbia.

15 MR. BURNS: Correct.

16 CHAIRMAN HOOD: Okay. So,
17 counsel, do you want to retract and just say the
18 person that you -- so we can be clear for the
19 record, do you still object?

20 MR. MARCUS: Yes, thank you. I=ll
21 limit my objection to Ms. Morales.

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1 CHAIRMAN HOOD: Okay. All right.

2 Thank you.

3 MR. MARCUS: Thank you.

4 CHAIRMAN HOOD: Okay.

5 Commissioners, any objections?

6 VICE CHAIR COHEN: No.

7 CHAIRMAN HOOD: Okay. So no
8 objections. We will proffer you as an expert.

9 Okay. Anything else, Mr.
10 Avitabile?

11 MR. AVITABILE: No. We're ready
12 to begin.

13 CHAIRMAN HOOD: If you had one
14 more, this would -- that would take longer than
15 the hearing.

16 (Laughter)

17 Okay.

18 MS. SCHELLIN: And just one more
19 short one. Advisory Neighborhood Commission,
20 ANC 2A did submit a request for a waiver of
21 3012.5, to permit its written report to come in

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1 less than seven days, which it did, due to their
2 meeting being less than seven days to the
3 hearing. They are here to participate in the
4 hearing and would like to do so, and so they=d
5 just ask for a waiver for the late filing.

6 CHAIRMAN HOOD: Okay. I=m sure we
7 have no objections. These are our volunteer,
8 first line -- they are not political, but these
9 are our first-line folks in the community, and
10 they work hard. They don=t get paid, so they
11 missed the deadline -- seven days of the
12 deadline, and I=m sure we want to hear from
13 them, because they are the grassroots folks
14 right there in the community.

15 So any objections?

16 VICE CHAIR COHEN: No.

17 CHAIRMAN HOOD: Not seeing any,
18 okay, Ms. Schellin.

19 MS. SCHELLIN: Thank you.

20 CHAIRMAN HOOD: Anything else?

21 MS. SCHELLIN: No.

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1 CHAIRMAN HOOD: Okay. Mr.
2 Avitabile.

3 MR. AVITABILE: Thank you very
4 much.

5 CHAIRMAN HOOD: We're ready to
6 begin.

7 MR. AVITABILE: Thank you. Good
8 evening, Commissioners. Thank you for hearing
9 our case this evening. As you know, I don't
10 typically deliver an opening statement, but I
11 believe it's important to set the right context
12 for tonight's hearing.

13 We are here this evening to discuss
14 primarily Hillel's request for a new home.
15 Their existing building, although only a
16 quarter century old, is already dated in design
17 and function, and is insufficient to
18 accommodate Hillel's needs and growth. Hillel
19 has developed a plan that will allow it to
20 construct an attractive new building befitting
21 of its important mission and prominent

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1 location.

2 To construct this building, Hillel
3 needs flexibility from the strict requirements
4 that apply in residential zones. These are
5 requirements, I note, that primarily focus on
6 the development of residential uses in
7 neighborhoods. That is not the needed context
8 in which the Hillel property is located.

9 Hillel=s relief from the bulk
10 requirements are critical to creating a
11 sufficiently large and usable floor plate on
12 its small corner lot. Without this relief,
13 Hillel could not accommodate its religious and
14 institutional mission. There is significant
15 established precedent and case law that
16 recognizes the important of granting zoning
17 relief to religious and institutional uses
18 given their unique needs.

19 The building, as designed, imposes
20 no greater impacts than a matter of right
21 building, and OP, DDOT, and ANC 2A all support

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1 the requested relief.

2 Hillel=s relief from the parking
3 requirement is also critical, because the lot
4 is too small for the required amount of parking.
5 Even if the property were large enough,
6 constructing parking would be an unnecessary
7 use of resources, given the makeup of Hillel=s
8 congregation, who are all -- who are primarily
9 students at the university, and the amount of
10 available off-street parking in the immediate
11 area.

12 Finally, constructing such
13 underground parking would require that Hillel
14 dig deeper and impose exactly the kinds of
15 construction risks that all parties seek to
16 avoid. I=m alluding, of course, to the
17 concerns that have been expressed by Saint
18 Mary=s Church regarding construction.

19 Although the construction issues
20 are not zoning issues, from the beginning of
21 this process Hillel has sought to address the

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1 church=s concerns. As soon as the Hillel board
2 gave the green light on the concept design at
3 the beginning of the year, Hillel reached out
4 to the church to share plans and discuss
5 concerns about the adjacent construction.

6 The parties have met face to face
7 nearly monthly, and Hillel has regularly shared
8 its plans and responded to articulated
9 concerns. We appreciate the fact that the
10 church is concerned about construction impacts
11 on the church property, which includes the
12 historic church sanctuary that was designed by
13 James Renwick.

14 For this reason, we have been
15 working with them closely to attempt to come to
16 an agreement that is mutually acceptable. We
17 are prepared to take significant proactive
18 steps to prevent damage and avoid disruption to
19 church activities, and of course to ensure that
20 in the unlikely event that damage is caused,
21 Hillel will make sure it is repaired.

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1 The church=s concerns about
2 construction impacts arise from past
3 experiences with construction in the square.
4 However, our construction is significantly
5 different from those projects. Previous
6 construction to the south, excavated down 50
7 feet, just 15 feet away from the church
8 sanctuary. By contrast, the Hillel property
9 is over 75 feet away from the church sanctuary.
10 The Hillel property is already partially
11 excavated, and Hillel is only excavating down
12 an additional seven feet.

13 Furthermore, the most proximate
14 part of the church property is a rowhouse, and
15 new construction takes place next to rowhouses
16 all the time in the District. Experienced
17 construction teams know how to manage those
18 impacts.

19 The church has also expressed
20 concern about some of the operational impacts
21 of the new building. Again, we are happy to

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1 respond and address those concerns, and we are
2 prepared to include commitments in our
3 construction management plan that memorialize
4 our responses.

5 But the fact is, until last week the
6 church had not articulated specific concerns
7 about the zoning relief that Hillel is seeking
8 or, in general, the design of Hillel=s new
9 building. Some of their concerns are not
10 zoning related. Zoning does not govern the
11 location of building entrances, and it does not
12 govern the design of building projections.

13 Indeed, the only specific concern
14 that they have articulated to us that,
15 arguably, relates to Hillel=s requested relief
16 in this case are the church=s claims that
17 Hillel=s new building will block their "north
18 gate," and an alleged easement across Hillel=s
19 property.

20 But let=s be clear. The north gate
21 is not a historic entrance or anything like

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1 that. It=s a 15-year-old door and a recently
2 constructed brick wall. And the north door is
3 just one of four ways out of the rear yard of
4 the rectory townhouse.

5 Finally, there is no written
6 evidence or basis for the church to claim that
7 it has any easement or other property right over
8 Hillel=s property.

9 The church will tell you about how
10 their property is the jewel that enhances their
11 spiritual connection. We absolutely agree
12 that the physical building in which the
13 congregation worships is critically important,
14 and Hillel=s congregation is just as entitled
15 to its own jewel. That=s why this new building
16 is so important to Hillel and its members, some
17 of whom have written letters and are here this
18 evening to tell you about why that is so
19 important.

20 Hillel provides Jewish young adults
21 with programs and resources that deliver

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1 spiritual, emotional, and intellectual
2 guidance and growth at a critical time in life.
3 Hillel also provides a place to practice
4 important rituals and to celebrate Jewish
5 heritage, which refreshes and renews important
6 commitments and relationships. And Hillel, of
7 course, provides a center for worship where
8 Jewish students can individually and
9 collectively seek to grow their relationships
10 with God and their faith.

11 In short, Hillel provides a
12 physical and spiritual center for thousands of
13 transplanted young adults that are in need of
14 a home, and that is why the relief we are seeking
15 today is so important.

16 And with that, we'll move on to the
17 direct presentation. Rabbi Yoni will begin
18 with a discussion of why the new facility is so
19 important to Hillel. Elba Morales will then
20 present the proposed design and how we have met
21 the variance test. Suzi Cora from GW will then

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1 address the GW component of the project, and
2 then I will conclude by addressing the comments
3 that are in the agency reports.

4 So, with that, Rabbi Yoni.

5 RABBI KAISER-BLUETH: Chairman
6 Hood and members of the Commission, I first want
7 to thank you for hearing our case this evening.

8 My name is Rabbi Yoni
9 Kaiser-Blueth. And for the last four years I
10 have served as Rabbi and Executive Director for
11 GW Hillel.

12 GW Hillel is a model Hillel
13 nationally, consistently in the top five
14 programs among private schools. So what do we
15 do? The mission of Hillel is to provide for the
16 needs of Jewish students at GW, including
17 religious, social, and educational. That
18 means we run High Holiday services for our
19 students, for our alumni, and community
20 members.

21 We run weekly classes and weekly

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1 Shabbat services and dinner every Friday night.
2 Really, we are home away from home for the more
3 than 3,000 Jewish undergrads at GW.

4 Over the last four years, our
5 community has seen tremendous growth. Our
6 weekly average at our Friday night dinner was
7 about 45 students on Friday night a few years
8 ago. This past year, we averaged almost 100
9 students, more than double. And our community
10 is also changing. As a religious
11 organization, we recognize that not all
12 students see their identity through a religious
13 prism. And, as such, we also spend time
14 engaging students on their turf, on campus.

15 Lastly, our community has seen
16 dramatic growth in the alumni and young adult
17 demographic. A year ago, we absorbed the
18 Gather the Jews Network, a community we provide
19 resources to and opportunities for real-time
20 connections with serious vigor.

21 Gather the Jews runs a LISTSERV and

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1 is the go-to calendar for young adults in the
2 Jewish community in the D.C. area. And this is
3 a big reason why we need our new building. As
4 we project forward with a sense of vision and
5 excitement, our new facility needs to reflect
6 the dynamic social changes in the new
7 millennium. Our current facility requires
8 crossing a physical barrier, up 10 steps and
9 into a building that transports one into a
10 fortress-like structure.

11 This is the model of a social
12 paradigm in the past. We need a new facility
13 that is more inviting, with no steps to enter
14 our space. We need a facility that is
15 outward-looking, that reflects our ecumenical
16 vision, that is reflective of our open-minded
17 approach to engaging today=s sophisticated
18 Jewish students.

19 We need a building that meets the
20 needs of our students today from Kosher dining
21 to dynamic and varied academic interaction, to

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1 civic engagements, to state-of-the-art
2 technology.

3 I just want to close again by
4 thanking the Commission for taking the time to
5 hear the case this evening.

6 MS. MORALES: One of the things
7 that we wanted to say first is that when we
8 started working with Hillel their mission was
9 to striking, and the most striking was the
10 commitment of the elders, of the established
11 Jewish elders, to affect the lives of this new
12 generation.

13 So we knew from the very beginning
14 that the building had to reflect both a sense
15 of history of the past, but also this renewed
16 optimism for their future. Today we will walk
17 you through the vicinity and the context.
18 Then, we'll walk you through the plans and then
19 through the exterior design articulation and
20 materials. And I will be pointing to things on
21 the screen. Let me know if you can't see the

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1 drawing.

2 This is a vicinity map. To orient
3 you, we wanted to show the relationship to
4 Washington Circle, so north in this drawing is
5 to the right. This is Washington Circle, and
6 the Foggy Bottom Metro, 23rd Street that runs
7 north-south, and our site located at the corner
8 of H and 23rd.

9 When we zoom in in our map, on our
10 block, the blue lines are the lot lines. As you
11 can see, to our west we have our residence hall
12 from GW. To our north, on the other side of
13 H Street, is the School of Medicine. To our
14 south is a series of buildings from Saint Mary=s
15 Church.

16 The sanctuary is in this general
17 location, as David said, 75 feet from our
18 southern property line. The building in
19 between the site -- the southern wall of the
20 site and the rest of the buildings of the church
21 is a rowhouse.

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1 South of the sanctuary is the Lerner
2 gym. And as you can see, we have also labeled
3 the restricted parking areas around the block,
4 as well as the bus stop on H Street.

5 This is to show location and
6 approach and a view -- an aerial view from
7 above. As you can see, both religious
8 buildings are surrounded by much more massive
9 institutional buildings around. The
10 photographs below show the approach from the
11 circle were near Square 54, and the building
12 becoming increasingly present as you get closer
13 to the corner of H and 23rd.

14 We wanted to show you a street
15 elevation, again, for scale and context. This
16 is Hillel. Right behind Hillel is Amsterdam
17 Hall, the residence hall from GW, and then the
18 buildings from Saint Mary=s. South of that is
19 the Lerner auditorium, and then north of Hillel
20 is the School of Medicine. And then the north
21 elevation has the residence hall to the west.

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1 As Yoni -- Rabbi Yoni talked about
2 the existing building, we wanted to emphasize
3 that the existing building was built at a
4 different time, at a different -- is
5 inward-oriented, is fortress-like. It has few
6 windows. The entry is hidden. The ground
7 floor is elevated from the street.

8 So it doesn't meet Hillel's need for
9 engaging the community and engaging people from
10 different religions. It is disconnected from
11 the street.

12 As you can see, the left and side
13 photograph is the east elevation. You see the
14 articulation of the building. And as I was
15 talking about, few penetrations, few openings,
16 window openings. You see that there is a gap
17 between the southern wall of Hillel and the
18 rowhouse. And then on the north you can see the
19 rear yard, the very steep driveway up, and curb
20 cut. Here you can park a couple of cars in
21 tandem, but it's a very, very steep driveway.

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1 We wanted to walk you through the
2 ground floor. The first thing you'll notice is
3 that we have eliminated the curb cut and
4 driveway. We think that eliminating that is in
5 favor of pedestrian safety. It's in favor of
6 a continued street façade. It's in favor of
7 upgraded paving and planting that will make the
8 pedestrian experience much better.

9 You will see that we have located
10 the entry off 23rd Street along the north-south
11 access where it's appropriate, and we have
12 located back of house component, service
13 components, on the north. The north also has
14 a bus stop along the façade, north façade along
15 H Street.

16 You will see that the building is
17 tiny. It is 61 along the east by 75 along the
18 north. We have an L-shaped court that
19 corresponds to the building's assembly use and
20 to the programmatic requirements of Hillel.
21 The most important space for Hillel is on the

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1 ground floor, is the sanctuary. And the
2 sanctuary is thought of as this space that can
3 be expanded or divided up. It can be expanded
4 to be a larger sanctuary, or it can be divided
5 up into a chapel, an auditorium, and a lounge.

6 This is the lower level. On the
7 lower level we are providing two Kosher
8 kitchens, meat and dairy, and also a dining
9 hall.

10 On the second floor, we have
11 Hillel=s day-to-day program. As I mentioned,
12 Hillel -- out of the five stories Hillel
13 occupies, the lower level, the ground floor,
14 and the second floor. The second floor has a
15 couple of staff offices, has student lounge and
16 gathering space and study area, and the
17 library.

18 It also -- it=s the first time that
19 we introduced this light well. It=s -- the
20 light well is meant to deduct -- both to deduct
21 square footage out of the building, but also it

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1 is meant as a connecting element that brings
2 light up and down through the building. It is
3 capped by a skylight.

4 These are the typical floors, third
5 and fourth floors, that will be leased to GW.
6 And, again, the light well.

7 And this is the roof plan. On the
8 roof, we wanted to provide -- not only meet the
9 GAR requirements, but we wanted to have lush
10 planting. We have planting of varying depths.
11 It=s all intensive planting. We have planting
12 lawn, we have shrubs, we even have a tree on the
13 roof.

14 We wanted it to feel lush and green
15 in this context of a lot of built space and that
16 it=s much taller than the building. We have
17 paved area with a terrace that will be about 860
18 square feet, and we have a place for Hillel to
19 place and erect a sukkah for the fall harvest.

20 You will see here that our setbacks
21 -- this is the penthouse, and our setback to the

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1 north is 11 foot two, and to the east is nine
2 foot two. Our penthouse is only 16 feet tall
3 from an allowable 18 foot six. And this is the
4 penthouse roof plan.

5 In this section, we wanted to point
6 out the different spaces that we talked about
7 on the lower level, the dining hall, the main
8 level, the sanctuary, the second floor, the
9 day-to-day spaces for Hillel=s program, third
10 and fourth are the GW spaces. We also wanted
11 to point out that we are well under the
12 allowable height of 90 feet. We are actually
13 under 60 feet, and our penthouse, like I
14 mentioned, is 16 feet tall.

15 This is the north-south section,
16 and in this one I wanted to point out that our
17 current excavation depth is only six foot six
18 lower than the current excavation for Hillel=s
19 lower level.

20 And then on to the exterior. This
21 is our proposed northeast corner view. And as

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1 I mentioned before, we have a strong sense that
2 buildings communicate, and we wanted this
3 building to have a sense and show a sense of
4 Hillel=s history and past and also of its
5 future.

6 In the massing of the building, the
7 massing is fairly simple. We have kept a
8 simple base that wraps around the sides, and a
9 perch box. The base is meant to represent
10 Hillel=s history. It=s precast concrete.
11 It=s striated vertically with a custom reveal
12 pattern. It is rougher in texture. And
13 balancing that is a smoother texture of the
14 finish of the perch box above.

15 All of the large openings on the
16 ground floor, including the entry and the large
17 window at the corner, are lined by bronze
18 panels. In addition to that, the large corner
19 storefront is layered with custom perforated
20 bronze screen, and the bronze screen will be
21 made of Hebrew characters with phrases that

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1 have meaning to Hillel. They might look like
2 ornament to other people, but to the people that
3 can read Hebrew they will have a deeper meaning.

4 And then, at the top of the building
5 we -- it's a very simple massing. We relied
6 more on the articulation of the panels. We
7 have solid bronze panels and perforated panels
8 and then windows. In this case, the perforated
9 panels also have, at a different scale, similar
10 words in bronze creating the screen.

11 We wanted to show you the before and
12 after of the southeast, and then close-in on the
13 south and east view. And one of the things that
14 is worth pointing is that we are not treating
15 the south wall with some finish that gets --
16 just wallpaper on the southern façade. We are
17 carrying the exact same finishes and the exact
18 same custom reveal pattern around the corner.
19 We want the building to feel as a whole and to
20 feel unified and to have the proper
21 institutional character.

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1 One thing that is worth noting is
2 that we kept working on the penthouse after we
3 submitted to you, so this penthouse is a little
4 bit different. And the southern facade is a
5 little bit different than the one that you saw
6 about a month ago. In this case, the same
7 material is carried up to the penthouse, and the
8 reveal pattern is varied slightly at the
9 penthouse.

10 You can also see the sculptural
11 character of the entry with the angle of liner
12 around the entry, bronze liner.

13 And this is in a little bit more
14 detail the elevation. Again, the simple
15 massing of the base that wraps around the site,
16 and the perch box for the articulation of the
17 solid bronze panels, perforated panels, and
18 then windows.

19 This is a corresponding north
20 elevation. And then, again, what we just
21 mentioned about the south elevation, that we're

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1 treating it with the same character, the same
2 materials, wrapping around the corner. The
3 outline is the outline of the church in the
4 foreground.

5 And that is our presentation,
6 architectural presentation. We feel very
7 strongly that Hillel and the presence of the
8 building should feel not only religious but
9 also institutional and should be a building of
10 its time, engaging the community with a ground
11 floor that is directly related to the street and
12 a building that is more open and contemporary.

13 MR. AVITABILE: So next we're going
14 to walk through the variance test and how we
15 satisfied it. We did submit a very detailed
16 statement supporting our variance and special
17 exception relief, which included some specific
18 plans we drew up to illustrate how we satisfied
19 the variance test. We wanted to just briefly
20 walk through those for the Commission's
21 benefit.

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1 MS. MORALES: We have a series of
2 diagrams that illustrate the different points.
3 This first diagram just illustrates that
4 because of the small site, the court and the
5 corridor that serves it occupies 43 percent of
6 the lot size.

7 The second diagram illustrates the
8 3.5 FAR compliance, and the resulting fourth
9 floor that you see on the right is all court and
10 then a sliver of unusable space if you had to
11 comply with the .5 FAR in that floor.

12 Diagram 2B illustrates what
13 deducting that square footage -- again, .5 FAR
14 for the floor plates -- means to Hillel's
15 program. It means that the student lounge is
16 reduced or that the auditorium is reduced, or
17 that the study area and meeting space on the
18 second floor is reduced.

19 And we also wanted to show what the
20 rear yard compliance at 3.5 FAR would do.
21 Theoretically, yes, we are allowed 90 feet

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1 tall, but what -- the practical difficulty is
2 that the adjacencies that have to deal with
3 Hillel's program cannot be split on two floors.
4 You can't have a sanctuary split amongst two
5 floors or a dining hall split in two floors.

6 So the adjacencies are important,
7 and you see what would happen if we cut out that
8 square footage, that the sanctuary doesn't meet
9 their needs or the dining hall doesn't meet
10 their needs. And not only that, in this case,
11 we are showing excess FAR. So if we had to
12 comply with the 3.5 FAR, we end up with the same
13 problem. On the top floor, we have a sliver of
14 unusable space that is just -- it's essentially
15 core and a sliver of space adjacent to it.

16 And then this diagram shows the
17 proposed solution. You know, we did many, many
18 plans and massing diagrams, and in this case we
19 arrived at the best solution for a site this
20 small and for Hillel's program. It shows you
21 that we are deducting square footage through

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1 the use of the light well, but we are also doing
2 double duty with it. We are definitely using
3 it to bring light into the space.

4 And then we just wanted to go ahead
5 and graphically illustrate the practical
6 difficulty with parking. Trying to provide a
7 parking garage would not only mean maintaining
8 the curb cut and driveway, but it would cut up
9 the entire ground floor plan into ramps for a
10 couple of spaces per floor. It=s really not
11 feasible. And this is more parking if we went
12 lower.

13 MR. AVITABILE: Thank you, Elba.

14 So to summarize on the variances,
15 again -- and this is as was set forth in a
16 written statement, and as Elba just described
17 -- we have a confluence of factors that lead to
18 an exceptional and unique condition for Hillel
19 here. It=s a relatively small lot given the
20 proposed uses. It is a corner lot, which
21 somewhat dictates how the property is

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1 configured. The uses are configured within
2 the building.

3 And, finally, and perhaps most
4 importantly, Hillel=s proposed use as
5 religious and as an institutional use is itself
6 unique -- unique factor and both the Board and
7 the Zoning Commission have previously found
8 that institutional needs constitute an
9 exceptional condition in a number of previous
10 cases, ranging from Sibley Hospital and both
11 Georgetown and George Washington Universities,
12 to D.C. Water=s Blue Plains Facility. That was
13 a Zoning Commission case back in the middle of
14 the last decade.

15 And so all of those exceptional
16 conditions lead to the practical difficulties
17 that Elba just outlined. Really, it=s a
18 combination of the building core and kind of
19 building code factors that drive the size of
20 that building core to occupy so much of the
21 floor plate on each level, combined with

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1 Hillel=s own institutional needs on each floor
2 that lead to the difficulty in complying with
3 the rear yard, the lot occupancy, and FAR
4 limitations.

5 I should note that the FAR variance
6 that we are seeking is a seven percent increase
7 over what is permitted as a matter of right. So
8 it is certainly a rather minor request. And,
9 similarly, the parking variance, all of the
10 same factors apply as with the rear yard and lot
11 occupancy in terms of the small size and small
12 lot.

13 So with that, Suzi, I=ll turn it
14 over to you to talk about the GW component.

15 MS. CORA: Thank you, Dave. Good
16 evening, Chairman Hood and members of the
17 Commission. My name is Suzi Cora. I=m the
18 Director of Campus Planning for GW=s Division
19 of Operations.

20 As you have heard this evening, GW
21 Hillel is an important resource where our

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1 students can connect with their Jewish faith
2 and identity. GW recognizes this as a
3 significant component of our student life, and,
4 therefore, GW was amenable to Hillel=s request
5 to help support the financing of this building.
6 This support will take the form of a 20-year
7 lease of two floors in the proposed five-story
8 building.

9 The leased area GFA is
10 approximately 8,382 square feet. In response
11 to comments from the ANC 2A, the university has
12 agreed to utilize the leased space for student
13 life and academic uses only. The university
14 will refrain from using the space for faculty
15 and staff offices except for staff offices
16 directly related to the student life uses
17 within project.

18 Next slide.

19 The site was not identified as a
20 development site for GW under the Foggy Bottom
21 campus plan and related PUD. In order to

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1 offset the additional density of the proposed
2 GW leased space in the Hillel building, the
3 university has committed to forego the density
4 approved for Site 77D under the campus plan
5 located between Lafayette Hall and the Martin
6 Center.

7 Elba, if you could just go back to
8 the other slide. You'll see the two spaces
9 outlined on that diagram to the left.

10 Thank you.

11 The GFA approved for Site 77D was
12 9,504 square feet. And you can go ahead, Elba,
13 to the next slide.

14 We seek your approval of this
15 project and the amendment to the campus plan to
16 designate the property for campus life and
17 academic uses. The university also requests
18 further processing approval under the amended
19 campus plan to permit such use upon the
20 completion of the project.

21 Thank you.

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1 MR. AVITABILE: All right. Thank
2 you, Suzi.

3 And, finally, to close our
4 presentation, a few remarks to address some of
5 the various conditions and comments in the
6 record.

7 We are pleased to have the support
8 of the Office of Planning, DDOT, and ANC 2A.
9 Each agency and entity concluded that our
10 proposed zoning relief would not have any
11 substantial detriment on the public good and
12 would not substantially impair the purpose and
13 intent of the zoning regulations, which of
14 course is the third prong of the variance test.
15 And, again, that was addressed in our written
16 filing.

17 Regarding the specific comments
18 outlined in those reports, as we have said,
19 Hillel will continue to work with the church to
20 develop a reasonable construction management
21 agreement. We understand that that=s

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1 important to all parties. If we were for some
2 reason unable to reach full agreement, Hillel
3 will provide the Commission with a detailed
4 plan that delineates all of the specific
5 measures we will undertake to mitigate
6 construction impacts.

7 GW will refrain, as Suzi just
8 mentioned, from using its leased space within
9 the building for faculty and staff offices,
10 except for staff offices that are directly
11 related to the student life uses within the
12 project. This was a condition that was
13 specifically requested by the ANC, and GW was
14 happy to oblige.

15 In addition, GW has agreed that they
16 will forego the development of Site 77D as that
17 9,500 square foot development site that Suzi
18 just testified about to offset the additional
19 space that is being gained here. So this way
20 there is no additional increase over what was
21 originally approved by the Zoning Commission in

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1 2007.

2 As Elba noted in our presentation,
3 we had anticipated that both OP and the
4 Commission would potentially have some
5 comments about the design of the penthouse and
6 its appearance, particularly from the south,
7 and so our presentation tonight took a first
8 stab at addressing and kind of somewhat
9 mitigating the appearance of the roof structure
10 through some design changes. And we=d be happy
11 to go back to those in particular if you=d like.

12 Finally, DDOT asked that we use
13 trash bins, and we are happy to agree to that
14 request. And, finally, we will coordinate
15 with DDOT and the ANC and WMATA on the
16 allocation of curbside space to accommodate any
17 loading needs that we may have. We are --
18 again, we understand and we agree with DDOT=s
19 proposed condition on that front.

20 Regarding the building projection
21 that was raised in both the OP and DDOT reports,

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1 as I believe the Commission knows, building
2 projects such as bay windows are governed by the
3 building code, and so they are ultimately
4 approved by the chief building official at
5 DCRA. We met with DCRA and the DDOT public
6 space representative back in February to
7 discuss the proposed projection.

8 Based on feedback at that meeting,
9 we reduced the depth of the projection from five
10 feet to four feet. In subsequent meetings, OP
11 and DDOT both asked us to consider reducing the
12 width of the projection, and we explored those
13 reductions. However, our design team felt
14 strongly that the full width was required to
15 accomplish the architectural design purpose.
16 So we went back to DCRA, and they approved the
17 projection, as you saw this evening, a few days
18 ago.

19 Regarding some of the other
20 concerns that have been raised, either in the
21 record or have been raised in our discussions

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1 with some of the community stakeholders that I
2 anticipate that you will hear about this
3 evening, the church has raised concerns about
4 the design of the south wall of our building.
5 They haven't actually articulated what those
6 concerns are to us yet, but they have noted
7 interest in the design.

8 Again, the design of the wall is not
9 a zoning issue, though we have indicated to them
10 that we'd be happy to consider their specific
11 feedback on the design.

12 The church has generally allowed in
13 its party status request that the project will
14 be larger and taller than the existing
15 building. While this is true, the project is
16 well below the height limit that is permitted
17 as a matter of right. And as we explained, a
18 compliant building would actually likely be
19 taller than what we proposed, so the zoning
20 relief actually results in a building of less
21 impact on the adjacent property.

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1 The church has generally alleged
2 that the project will result in a more intensive
3 use of the property, but the Hillel use is
4 permitted as a matter of right, and the GW use
5 is permitted with a special exception, which OP
6 and the ANC and DDOT have all opined is
7 appropriate.

8 Yes, we have requested a minor FAR
9 variance. But, again, it=s a seven percent
10 increase over the maximum permitted density on
11 the site, and we believe it=s appropriate,
12 given the practical difficulties that are at
13 play here.

14 The church has alleged that our
15 zoning relief will block their north gate. I
16 mentioned this in our -- my opening statement.
17 Again, this is -- this north gate is a door out
18 of the rear yard of the rectory, which is the
19 townhouse immediately to the south. It=s a
20 townhouse that in the past has been used to
21 house a pastor or another priest at the parish,

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1 although it is currently rented out to people
2 otherwise unaffiliated with the church. So
3 that=s why we refer to it as a residential
4 townhouse.

5 A matter of right building could cut
6 off this potential access point, just the same
7 as our proposed building has. So the specific
8 zoning relief that is sought by Hillel does not
9 in itself create an adverse impact.

10 And, finally, the church has raised
11 some allegations to us about the building
12 entrance location having adverse impacts or the
13 projection having adverse impacts. But,
14 again, those aren=t zoning issues. So they are
15 not before -- I don=t believe they are properly
16 before the Zoning Commission this evening.

17 There was a letter in opposition in
18 the record. I can=t remember the exact exhibit
19 number, but it raised some pretty specific
20 issues, so I wanted to address those because
21 some of them are related to the zoning-related

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1 claims here.

2 First, I think it's obvious that the
3 Hillel use of this building is greater than the
4 GW use. Hillel has three floors in the
5 building, and GW has two floors. I am not sure
6 that I followed the math in that letter, but
7 putting aside the total allocation space in the
8 building Hillel's GFA is also greater. If you
9 look at page A2 of the plans that we submitted
10 in our prehearing statement, they clearly state
11 that the Hillel space on floors 1 and 2 is
12 approximately 8,766 square feet of GFA. It's
13 4,575 square feet on the first floor, 4,191 feet
14 on the second floor.

15 The GW space on the upper two floors
16 is a total of 8,382 square feet, so the Hillel
17 is larger in terms of gross floor area, and that
18 is before you then factor in the basement level
19 that is also Hillel space. So, again,
20 five-story building. Hillel has three
21 stories, and GW has two stories. This is

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1 clearly primarily Hillel=s property and
2 Hillel=s building.

3 Regarding the parking-related
4 claims that were raised by both the West End
5 Citizens Association and this letter in
6 opposition, again, as Elba noted, there is
7 currently a parking pad on the site. It can
8 only accommodate two parking spaces. Under
9 zoning, you can park a couple of additional
10 spaces in tandem. It requires a rather wide
11 curb cut up a very steep ramp.

12 We are proposing to get rid of that,
13 which is I think the right planning and design
14 move. And to the extent that Hillel has
15 employees that choose to continue to drive and
16 need to park, there is certainly plenty of
17 available parking in any of the surrounding
18 public parking facilities, either the ones
19 operated by GW or other private property
20 owners.

21 We also note that one of the people

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1 who does currently drive to the site -- and
2 since we're really talking about just a handful
3 of spaces, one of the people that currently
4 drives to the site is actually retiring, and so
5 he will no longer be driving and that's one less
6 person that will be driving and parking.

7 Of course, as is noted in some of the
8 materials in the record, the vast majority of
9 the people that are using the space are students
10 at the university who were already located
11 living within a short walk, and we certainly
12 anticipate that they will walk to the facility.

13 Finally, regarding the loading
14 claims raised by the West End Citizens
15 Association and the letter in opposition,
16 again, because of the size of our facility, we
17 are not required to provide a loading space
18 under zoning, and I think even if we did try to
19 put a loading dock onto the site, DDOT and OP
20 would not let us use it for the typical back-in
21 loading scenario, nor would they necessarily

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1 want us to have that curb cut.

2 So curbside loading is the most
3 pedestrian-friendly solution here.
4 Ultimately, DDOT will be responsible for
5 managing the use of the curbside public space.
6 If we do bring on board a third party vendor --
7 and even -- for food service, and even if we
8 don=t, even just for our own uses, we will
9 continue to work with DDOT and ANC and WMATA to
10 manage that curbside space to make sure that
11 whatever curbside loading takes place doesn=t
12 have an adverse impact on vehicular or bus
13 traffic.

14 And, finally, there was a comment
15 about the impact of our construction on
16 pedestrians in the vicinity. We will of course
17 work with DDOT to identify an appropriate
18 traffic control plan and site utilization plan
19 that will provide for pedestrian and vehicular
20 circulation around the construction site.

21 So with that, we thank you for your

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1 time. And, again, we request that the Board
2 approve a request for variance relief from the
3 rear yard, lot occupancy, floor area ratio, and
4 parking requirements, as well as the request
5 for special exception relief from the roof
6 structure requirements and also GW=s request
7 for a campus plan amendment and further
8 processing to permit their use of a portion of
9 the facility.

10 Thank you very much.

11 CHAIRMAN HOOD: Okay. Thank you,
12 Mr. Avitabile, and everyone who presented.
13 Mr. Avitabile, I will tell you, I was sitting
14 here listening to you tell me what all was not
15 before us tonight. You know, the Commission,
16 we ask any questions that we usually want to
17 ask.

18 And I will tell you that one of the
19 things that I did note that was in the hearing
20 notice is that while we are not doing the
21 modification, we reserve the right to ask

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1 questions. I think that was even in the -- we
2 reserve the right. We're not asking for party
3 status to do it. But I want to make sure it's
4 clear. The Commission will ask any question
5 that we need to get to.

6 And I understand what you were
7 saying was not before us. I don't think you
8 meant that we couldn't ask you, because we will
9 -- pretty much up here, we will do what we pretty
10 much want to.

11 MR. AVITABILE: Absolutely.

12 CHAIRMAN HOOD: Okay.

13 MR. AVITABILE: Absolutely.

14 CHAIRMAN HOOD: I just wanted to
15 make it clear, because if you hear those
16 questions, I don't want you to say, "Well, they
17 must have didn't hear me because I said that
18 wasn't before them." Okay.

19 MR. AVITABILE: Not all on.

20 CHAIRMAN HOOD: So we're on the
21 same page.

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1 MR. AVITABILE: We=re on the same
2 page.

3 CHAIRMAN HOOD: Okay. So,
4 colleagues, I open the door so you can ask
5 questions. So that=s why I did that.

6 Okay. Who would like to start us
7 off? Or do we have any -- we might not have any
8 questions. Let me just say this. I noticed in
9 my reading, though, that the -- I=m not sure
10 where I read it, but there was a -- there=s a
11 good rapport between both churches, am I
12 correct? There=s a good rapport -- I mean,
13 there=s a good working relationship? Maybe
14 Rabbi Yank --

15 RABBI KAISER-BLUETH: Yoni.

16 CHAIRMAN HOOD: Yoni. Rabbi Yoni.
17 You all have a pretty good working
18 relationship, right?

19 RABBI KAISER-BLUETH: We have -- I
20 think over the years, various executive
21 directors has had more intimate relationships

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1 with some of the religious leaders. I can tell
2 you in the last six months or so we have I think
3 had very cordial working and meetings, trying
4 to understand who we each are, trying to get
5 reconciliation in terms of the agreements, so
6 that both of us can continue to do the amazing
7 and important work that we do in the
8 neighborhood.

9 CHAIRMAN HOOD: And I just wanted
10 to reference that as we move forward.

11 Okay. Colleagues, who would like
12 to start us off? Commissioner May.

13 COMMISSIONER MAY: So it=s hard to
14 understand some of the arguments that are being
15 made about the impact of the building to the
16 church next door without seeing a site plan that
17 demonstrates the things that you did verbally.

18 MR. AVITABILE: Sure.

19 COMMISSIONER MAY: Okay. So
20 that=s not really enough information there. I
21 mean, could we -- I=m not asking for anything

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1 immediate, but could we get an aerial photo or
2 something like that, so we understand where the
3 gate is and the implied easement or the -- you
4 know, whatever they want to call it.

5 MR. AVITABILE: Absolutely.

6 COMMISSIONER MAY: Couldn't quite
7 get that from what I saw. So I'm -- there's not
8 an awful lot of relief that is being requested
9 here. It's a lot of -- a number of smaller
10 things. But one of the things that actually
11 gives me some heartburn, just because it's one
12 of my pet peeves I guess, is the relief for
13 setbacks for the penthouses. And not just the
14 relief that is requested, but the way you have
15 treated penthouses bordering the church
16 property next door and the residential
17 townhouse, as you refer to it.

18 I am -- I guess my first question to
19 that is, what is the historic status of that
20 townhouse?

21 MR. AVITABILE: It's part of the

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1 landmark.

2 COMMISSIONER MAY: It=s part of the
3 landmark.

4 MR. AVITABILE: Yes.

5 COMMISSIONER MAY: So it=s going to
6 be there forever, right?

7 MR. AVITABILE: I believe so.

8 COMMISSIONER MAY: Right.
9 Practically speaking. So what you=ve done by
10 positioning -- you know, spreading out the core
11 of the building in an L shape through the
12 building -- I mean, yes, you are butting up
13 against party walls, and it=s okay. It=s just
14 not very respectful of the historic building
15 next door to have a -- to have that additional
16 height along that side. I mean, this has been
17 a part of the discussion in the zoning regs.

18 Yeah. See, that=s the view right
19 there. You zoomed right in on it. So you
20 probably don=t want to show it to me that close.
21 I really find that very upsetting

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1 aesthetically.

2 Now, granted, the -- it=s hard --
3 and this is not a PUD in the traditional sense
4 where we=re talking a lot about the design of
5 things and, you know, proffer of design as an
6 amenity and all that sort of stuff. This is
7 mostly about the relief being associated with
8 the BZA case or what was a BZA case.

9 Nonetheless, I don=t like this. I
10 mean, I think this -- it=s a very bad -- I
11 understand that there is a small footprint and
12 you have to put the penthouse somewhere, but
13 lining it up in a L shape and having a long bar
14 of penthouse adjacent to historic property that
15 is going to be there for the foreseeable future
16 I think kind of flies in the face of the
17 intention of the penthouse setback rules.

18 And I=m not talking about Height Act
19 necessarily. I=m really just talking about
20 what we try to accomplish with zoning, which is
21 that those necessary utilitarian structures on

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1 the top of buildings should be placed in a
2 manner that they do not exaggerate the height
3 of the building, do not cast unnecessary
4 shadows. They are respectful of the context
5 that they're in, and this is not.

6 And I -- you know, I don't know how
7 anybody else feels about it on the Zoning
8 Commission, but if it were up to me I would send
9 you back to the drawing board to try to find a
10 more compact footprint for the core.

11 I understand that you've studied a
12 lot of things, but I haven't seen anything in
13 the plans or in your presentation today that
14 convinces me that there isn't a way to
15 consolidate this and make it more rectangular
16 and still achieve the kind of spaces in the
17 interior.

18 I know you have a large auditorium
19 in there, and I know it's a juggle to try to make
20 it fit. But I think, you know, you're an expert
21 in architecture, that you could figure it out.

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1 Maybe you just need to take another try.

2 I don=t know. If you want to speak
3 to it and try to explain to me why it=s
4 absolutely unavoidable, you know, that=s fine.
5 But for me it looks like this is the design idea
6 that you had, to make it an L shape, and that=s
7 how you organize the building. I=m not
8 convinced that that=s the only way to do it.

9 MS. MORALES: Well, I mean, the
10 complexity of it is that because of the assembly
11 use, high assembly use, we have a core that
12 takes a big chunk of the plan. It takes 43
13 percent of the lot size. So we=ve accommodated
14 the penthouse in an L-shaped manner to keep it
15 fairly narrow and to be able to fit the
16 sanctuary and to be able to fit the dining hall.

17 So we have two stairs going up and
18 down, you know, through the different floors.
19 We have two elevators, and this is driven by
20 Hillel=s program, and then the rest of --

21 COMMISSIONER MAY: So why do you

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1 have the restrooms in the corner? Why don=t
2 you have all of the elevators next to each
3 other? I mean, typically, you want to keep
4 your elevators next to each other anyway.

5 MS. MORALES: The elevators are
6 next to each other. This is a small elevator
7 that only goes down.

8 COMMISSIONER MAY: So why isn=t --
9 why don=t you have the small elevator on the
10 south side where it would have less impact on
11 the overall form of the penthouse?

12 MS. MORALES: Because the small
13 elevator is only for food. It=s to separate
14 passengers and food and waste. So this
15 elevator only goes down. It doesn=t go up. It
16 disappears. And then we transfer the --

17 COMMISSIONER MAY: I understand
18 that, but it=s -- I mean, there is other stuff
19 that is next to it. You=ve got a -- what is
20 that? A storage room and some ventilation
21 shafts. And then you=ve got the restrooms. I

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1 mean, why couldn't the two elevators be right
2 next to the other elevator and against that
3 wall? That would not -- and, therefore, you'd
4 have greater flexibility on how you position
5 the penthouse above. I understand you've got
6 to have mechanical equipment up there, and I
7 also understand that you have to have stairs.

8 Well, what is your roof capacity?
9 How big an occupied space are you going to have
10 up there?

11 MS. MORALES: We have a terrace of
12 860 square feet we need as a means of egress out,
13 because we have more than 50 occupants.

14 COMMISSIONER MAY: And so what -- I
15 mean, how many occupants are you going to have?

16 MS. MORALES: It depends on if it's
17 concentrated or not concentrated, but it --

18 COMMISSIONER MAY: But you have to
19 -- you had to plan something, you had to base
20 it on a specific square footage per person, what
21 did you plan for?

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1 MS. MORALES: We planned for 150.

2 COMMISSIONER MAY: 150. I
3 understand the challenge with the stair, and
4 I'm more sympathetic on that one. But I really
5 don't get the elevator along the south side of
6 the building, and I think that if it wasn't
7 there you could at the very least push the
8 stairway back so that it complies with the
9 zoning regulations.

10 I mean, I just -- I understand the
11 design concept here. And if you're up against
12 the building on the south side, it would make
13 perfect sense. But now you've got a giant
14 blank white wall, you know, next to this church,
15 and it's even bigger than it has to be, as
16 opposed to what's there right now, which is a
17 relatively compact red brick building that is
18 -- that is very similar in scale to the existing
19 church.

20 So, I mean, I'm -- let's see what the
21 rest of the Commission has to say about this,

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1 but I am really, really not convinced of that.

2 How much additional square footage
3 are you getting out of the projecting bays?

4 MS. MORALES: We are getting about
5 447 square feet.

6 COMMISSIONER MAY: Throughout the
7 three floors?

8 MS. MORALES: Each. Each floor.

9 COMMISSIONER MAY: Each floor, 447
10 per floor.

11 MS. MORALES: Exactly.

12 COMMISSIONER MAY: So what does
13 that work out to be in terms of additional FAR?

14 MS. MORALES: None, because it=s --

15 COMMISSIONER MAY: I know it
16 doesn=t count. That=s not what I=m asking.

17 MR. AVITABILE: It=s three floors
18 at 447 each. That=s about 1,200, 1,300 square
19 feet -- 447 times three, right?

20 MS. MORALES: Yes.

21 MR. AVITABILE: It=s essentially

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1 -- it=s roughly a .25 FAR. It=s worth nothing
2 that about half of that bay window is permitted
3 by right, so it=s only -- the only portion for
4 which we got approval of a modification of the
5 building code is for some of the additional
6 width. You are going to have some of -- not
7 quite the width that we have proposed.

8 COMMISSIONER MAY: I understand.
9 I=m just trying to understand exactly what
10 you=re doing.

11 So I have to say, some of the
12 feedback we got on the loading situation is a
13 bit disconcerting because I know how congested
14 it can be in that area. I do agree that having
15 trucks backing in across the sidewalk is not
16 going to be a good thing. But I=m also very
17 concerned about loss of parking and double
18 parking and things like that.

19 And maybe you can tell me some
20 things that are going to comfort me, make me
21 believe that it=s all going to be okay.

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1 MR. AVITABILE: Sure. Well, in
2 the record and in one of our -- in our
3 supplemental or our prehearing statement, we
4 included a brief analysis of what the loading
5 impacts would be of just our building. And,
6 you know, just the Hillel building, before you
7 bring in the third party vendor, this is on page
8 2 of that, it's Tab B of our report.

9 Now, there is one food delivery
10 every Friday afternoon from a local caterer.
11 Then, there will be some office goods, which
12 we'll probably have about once every three
13 weeks, and then paper goods about once every
14 three months. So these are relatively
15 infrequent deliveries that we believe could be
16 accommodated.

17 So the bus stop -- we have about 75
18 feet of frontage along H Street, and the bus
19 stop is there. The bus stop, by regulation, is
20 required to be 70 feet. But the H bus only
21 comes once every 15 or 20 minutes, depending

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1 upon the time of day. So there is enough time
2 there to get someone in there to get them move
3 in and move out. Same with the trash pickup.
4 But --

5 COMMISSIONER MAY: So are they
6 going to have like a little WMATA app on their
7 phone or something like that, so they know when
8 to pull up in that exact 15 minutes or --

9 MR. AVITABILE: No. I think what
10 we would aim to do is to the extent that we can
11 control deliveries we ask them to come during
12 the off-peak hours so that you=ve got a
13 20-minute window as opposed to a 15-minute
14 window or less. But beyond that, because we
15 also may have a third party vendor which would
16 have a somewhat more intensive loading
17 requirement, we are discussing that with DDOT,
18 and we realize that that is something that we
19 have to work out during the public space
20 permitting process.

21 And there are opportunities for us

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1 to adjust the curb space in this area to talk
2 to WMATA about, say, adjusting the location of
3 the bus stop, which would then create space for
4 more street parking as well as a loading space
5 in front of our building. Alternatively,
6 there is some street parking just beyond our
7 property line in front of Amsterdam Hall that
8 could be converted into a loading area during
9 the day.

10 Now, this is --

11 COMMISSIONER MAY: Is that
12 metered?

13 MR. AVITABILE: Is it metered?
14 DDOT can testify to that, but I'm getting a nod
15 that it's yes.

16 But that's -- ultimately, it is
17 DDOT's curb space to manage, and part of this
18 is a product of the city's current policy of
19 really focusing on avoiding back-in loading
20 which leaves you with curbside loading, but
21 there are ways to manage that and we can do that

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1 through the public space permitting process
2 with DDOT.

3 COMMISSIONER MAY: Okay. Can you
4 point me to the exhibit that has the listing of
5 the deliveries?

6 MR. AVITABILE: Sure. It=s in our
7 prehearing statement. And I confess I don=t
8 remember what that is off the top of my head in
9 terms of an exhibit number, but it=s Tab B of
10 that.

11 COMMISSIONER MAY: Tab E?

12 MR. AVITABILE: Tab B as in boy.

13 COMMISSIONER MAY: Okay. I=ll
14 take another look at that. Thank you.

15 MR. AVITABILE: Thank you.

16 CHAIRMAN HOOD: Okay. Any other
17 questions? Vice Chair Cohen?

18 VICE CHAIR COHEN: Thank you, Mr.
19 Chairman.

20 I thought I read somewhere that the
21 -- you did undertake some shadow studies. I

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1 think my concern about the height of the wall
2 is the impact on any light going into the
3 church, and does that make a negative visual,
4 especially part of the church. And I didn't
5 see anything that addressed that issue.

6 MR. AVITABILE: Sure. There was a
7 shadow study. It's page A28 of the plans that
8 we submitted. These are the plans that were
9 submitted to the Zoning Commission in our
10 prehearing statement. It's not in the package
11 that we sent this evening, but --

12 VICE CHAIR COHEN: Yeah.

13 MS. MORALES: I'm trying to get to
14 it. This just rebooted and took me out of it,
15 but let's see if we can -- if we can get there
16 again.

17 VICE CHAIR COHEN: Yeah, I have it,
18 actually.

19 MS. MORALES: Perfect. So we did
20 shadow studies through all seasons at two-hour
21 intervals. It's on the screen right now. And

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1 what it demonstrates is that at no time in the
2 year -- at no time during the day we cast any
3 shadows on neighboring buildings. As a matter
4 of fact, the residence hall to our west is the
5 one that casts shadows on us and on Saint
6 Mary=s, and you can see the shadow studies that
7 were north of Saint Mary=s. There were no
8 shadows.

9 VICE CHAIR COHEN: So their stained
10 glass windows that they may have, or any
11 windows, won=t be affected.

12 MS. MORALES: There are none,
13 because of the position of the sun and because
14 of our location on the site. We just did them
15 graphically so that you see them.

16 MR. AVITABILE: And also, the
17 distance between the sanctuary and our
18 building, which is 75 feet.

19 MS. MORALES: Yeah. But it=s --
20 there are none even to the townhouse that is in
21 the immediate context. The only shadows are

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1 cast by the residence hall, which is to the
2 west-northwest, and it=s much taller.

3 VICE CHAIR COHEN: Thank you. I=m
4 also concerned about the deliveries, because I
5 think that you underestimated -- aren=t we
6 expanding the space for, you know, eating and
7 dining? You know, you seem to be trying to
8 accommodate more students who wish to eat
9 Kosher meals. So it seems like you are going
10 to be expanding the number of people.
11 Therefore, your food service and deliveries may
12 be more frequent if you=re having it every day.

13 MR. AVITABILE: Right. Let me
14 clear -- the numbers I initially cited were just
15 the current deliveries that really Hillel
16 controls itself, which is they bring in meals
17 for Friday Shabbat dinners, and then paper
18 goods and office deliveries.

19 On top of that, Hillel is planning
20 to bring in a third party vendor to operate the
21 kitchen for more regular Kosher meal food

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1 service, and that will involve more regular
2 deliveries. We noted those as well in Tab B,
3 and it was that frequency of deliveries that led
4 DDOT to comment and say, you know, based on the
5 frequency of deliveries here, we may need to
6 develop a plan for reallocating some of the
7 curbside space to potentially create a loading
8 zone.

9 And we don=t disagree, but
10 ultimately that=s part of what we=ll work out
11 with DDOT I believe during the public space
12 permitting process.

13 VICE CHAIR COHEN: Now, the
14 townhouse, it does have -- you=re blocking one
15 of the gates. So, but it does have ingress and
16 egress. I mean, there=s two ways of getting in
17 and out of that building, is that correct?

18 MR. AVITABILE: Yeah. There=s
19 actually -- from that rear yard, there is
20 actually -- so the building itself has multiple
21 ways out. You can go out the front door, or you

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1 can go out -- there is a gate to the west of the
2 rear yard of that townhouse, and that door to
3 the west takes you onto GW=s property. It=s a
4 flat, concrete loading area behind Amsterdam
5 Hall that connects directly to the public
6 alley.

7 Now, what=s important about that is
8 when Amsterdam Hall was built, and approved by
9 the BZA back in the >90s, one of the conditions
10 of approval of the Board was that GW grant the
11 church access rights over GW property. So the
12 church does have a way in and out of their rear
13 yard other than going through their building,
14 and it=s via a flat piece of improved GW
15 property that connects directly to the public
16 alley. Very different from the connection to
17 Hillel=s property, which is onto our parking
18 pad and down that rather steep incline that you
19 saw on the image of the existing building.

20 So there is a way in and out. And
21 in addition to that, there is a third way in and

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1 out of the rear yard, which is in between that,
2 that separation in between the townhouse and
3 the Hillel property. There is a three-foot gap
4 in between the -- in between their house and our
5 property line. It's essentially a small side
6 yard, and you can walk from the rear yard out
7 to 23rd Street via that walkway, as well as
8 through the house of course.

9 VICE CHAIR COHEN: As long as
10 you're thin.

11 MS. MORALES: We're actually
12 showing them all on the screen -- the townhouse
13 from above, this is the gate that David was
14 referring to. The other gate between Hillel
15 and the townhouse is here, and this is a front
16 gate on the east façade.

17 MR. AVITABILE: We'd be happy to
18 prepare a more annotated and detailed site plan
19 that shows the -- all of the relationships of
20 all the properties.

21 VICE CHAIR COHEN: I'm also

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1 presuming that Hillel will hire more staff,
2 because you are getting additional space than
3 you have now. Is that going to happen?

4 RABBI KAISER-BLUETH: I hope so.
5 Yeah. Our program is growing. We are in the
6 process of -- for Gather the Juice
7 specifically, bringing on in the near future
8 two additional staff people. The further
9 growth from a staff perspective is not clear.
10 I think we are going to probably ride at our
11 current numbers now for some time.

12 VICE CHAIR COHEN: Can we encourage
13 them to use mass transit?

14 RABBI KAISER-BLUETH: We will
15 indeed. I think David mentioned this before.
16 We have two current people on our staff that
17 drive, and one of them is retiring. So I'm the
18 only one that drives in and out.

19 VICE CHAIR COHEN: On the rooftop
20 you have, you know, at the appropriate time a
21 sukkah. And I actually know what that is. My

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1 concern is, what is the rooftop railing going
2 -- what material is that? I mean, I'm
3 concerned about people being up there. It's a
4 holiday where I think people would dance and --
5 my recollections, and I think that we need to
6 be very careful about people getting too close
7 to the edge.

8 MS. MORALES: It's a valid concern.
9 It's -- right now, it's a structural glass
10 railing, and it's set back from the perimeter
11 of the building. So if you see the roof plan
12 -- I'm pointing to it on the screen. So the
13 guardrail is set back from the edge.

14 VICE CHAIR COHEN: How much?
15 Because I can't see that.

16 MS. MORALES: It's by -- by four
17 feet from the edge. So it's set in.

18 VICE CHAIR COHEN: Okay. I just
19 want to make a comment, and I was -- you know,
20 I fed you, I feel I can do this. "Let's gather
21 Jews" to me seems to be contrary to your mission

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1 of being inclusive. And so can you -- I mean,
2 in my own head, that doesn't quite sync, line
3 up.

4 RABBI KAISER-BLUETH: So I think
5 people have a love/hate relationship with the
6 name. It's an organization that has been
7 around in the D.C. area for about four years.
8 It did not start within the sort of realm of GW
9 Hillel. For many reasons, they were looking
10 for an organization to absorb them, and we
11 became that organization.

12 I don't think we're in a place right
13 now to consider a brand change for them. They
14 have credible -- street credibility and a great
15 name out there, and I think people love to hate
16 the name as well. It actually -- the name comes
17 from the Book of Esther. Towards the end of it
18 it says, "And we should gather the Jews."

19 I mean, I think in a very symbolic
20 way what -- "gather the Jews," it stands for
21 we're trying to help Jews get connected on their

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1 Jewish journey.

2 VICE CHAIR COHEN: All right. I
3 just felt that it was somewhat of a disconnect.
4 That=s all. I wasn=t making a -- I hope I
5 wasn=t making such a big stink out of the name.

6 RABBI KAISER-BLUETH: We=ve heard
7 it before.

8 VICE CHAIR COHEN: Thank you. As
9 far as Commissioner May=s concern about the
10 wall, I also have that concern. But I
11 appreciate some of the challenges -- all of the
12 challenges that you had in making the space
13 workable.

14 And I guess the emphasis that I want
15 to make as my last comment, as opposed to
16 question, is that it really does behoove Hillel
17 to work through the concerns of the church and
18 the stability and -- of their building. It=s
19 a treasure. This building I think is much more
20 beautiful than the existing building, which I
21 have no idea why there was this fortress idea

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1 in 1986 when it was built.

2 But this is a much more open
3 building, welcoming building. But, again, I
4 emphasize the need to have a construction
5 discussion -- construction management
6 discussion that alleviates all of the church=s
7 concerns.

8 Thank you.

9 CHAIRMAN HOOD: Commissioner
10 Miller?

11 COMMISSIONER MILLER: Thank you,
12 Mr. Chairman. I probably at the -- during the
13 preliminary discussion at the beginning, I
14 probably should have said what I don=t really
15 have to say, but I have -- but I have always said
16 it at GW cases, that I=m -- I disclose that I=m
17 a graduate of GW Law School, many eons ago,
18 although I was not a member of Hillel. I didn=t
19 avail myself of that -- of the services, but I
20 appreciated all the things that they did.

21 So I=d just disclose that for the

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1 record.

2 I would associate myself with many
3 of the remarks of Commissioner Cohen on the
4 aesthetics of the attractiveness of the
5 building and the design. I think it is --

6 CHAIRMAN HOOD: I=m already being
7 told, Commissioner Miller, that --

8 COMMISSIONER MILLER: That I --

9 CHAIRMAN HOOD: -- move closer to
10 the mike. So you might need to -- might need
11 to talk a little louder.

12 COMMISSIONER MILLER: I=m muffled?
13 I=m muffled?

14 CHAIRMAN HOOD: Yeah, you=re
15 muffled.

16 COMMISSIONER MILLER: Okay.

17 CHAIRMAN HOOD: Where is your
18 nearest grocery store, so they can see your
19 drawings. But this is -- yeah, you might need
20 to probably come back and speak louder.

21 COMMISSIONER MILLER: That grocery

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1 store is -- thanks to your approval, is still
2 under construction. It took 10 years for --

3 (Laughter)

4 -- get that one. I think the end of
5 the year. Anyway, I'm looking forward to that.

6 So I was associating myself with
7 Commissioner Cohen=s remarks about the
8 attractiveness of the building and the design
9 elements. I think it=s very -- it is very
10 welcoming, and I look forward to seeing that
11 building there in place of what is there now.

12 So I have a couple of questions.
13 So, yeah, on the roof structure, I again
14 associate myself with Commissioner Cohen=s
15 remarks. I appreciate the challenges that
16 you=ve presented. If there is a way that, as
17 Commissioner May has suggested, of setting it
18 back further or moving it around, moving those
19 elevators around, so there is less of an
20 imposing structure adjacent to the church
21 property -- yeah, to the church property, I

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1 think that would be great.

2 So to the extent you=re able to
3 rework that or tweak it, but for me it=s -- I
4 also understand the challenges and the building
5 core issues that you have -- all of the things
6 you were trying to accomplish here, and that a
7 matter of right building would be much more of
8 an adverse impact than all of the -- than the
9 building that you proposed with the relief that
10 you=ve requested. So I think that needs to be
11 acknowledged.

12 The Sukkot area on the roof -- so
13 that=s going to be a temporary structure
14 probably.

15 MR. AVITABILE: Yes, that=s
16 correct.

17 COMMISSIONER MILLER: And that=s
18 one week a year, but it will probably take a week
19 to build and -- at least a week to build and a
20 week to get it up there and a week to take it
21 down?

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1 RABBI KAISER-BLUETH: It=s
2 probably a maximum of two weeks, two and a half
3 weeks, that we will be utilizing it. I think
4 a lot of it depends on sort of the architecture
5 and the design. On the roof what is in place
6 semi-permanent --

7 COMMISSIONER MILLER: Right.
8 See, that was my question. What -- so what is
9 there for the 49 or 50 weeks of the year? It
10 looks like there=s vegetation or something.

11 MS. MORALES: Exactly. What we=re
12 proposing is planting and hidden roof anchors,
13 so that they can anchor posts. The sukkah is
14 made of reclaimed materials, but they will need
15 some vertical costs to anchor. And so we just
16 have roof anchors that are hidden in the
17 planting that they can use to put their
18 structure.

19 COMMISSIONER MILLER: And are
20 there permanent seating areas up there?

21 MS. MORALES: No. Well, we have

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1 the terrace. I think there -- the only intent
2 is to put the sukkah in some of the planted
3 areas. We don't know yet what they will do, and
4 it probably will change year to year.

5 COMMISSIONER MILLER: On the -- I
6 saw your lead score card at -- I think you had
7 45 yes points, 45 certified points, and if you
8 were able to get to the yes, possible, you would
9 get to silver, about 50. I think we really are
10 trying to -- most of the -- I think all of the
11 projects that we are seeing these days are at
12 a minimum silver equivalent.

13 So to the extent that you can turn
14 those possible points into definite points, so
15 that you can say that this building will be at
16 a minimum I think silver, I think that would be
17 helpful. So I don't know if that -- I don't
18 know if anything can be reworked or if you can
19 put bike -- I don't know if, bike path, you get
20 a point for that, or storage of bikes, or
21 something. But if you have any ideas of how you

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1 can get to a more certain 50 --

2 MS. MORALES: Our target is
3 mid-silver. That=s what we=re working towards
4 with the engineers.

5 COMMISSIONER MILLER: Okay.
6 That=s great. The parking relief, I don=t
7 really have a problem with that, but I was
8 trying to understand -- maybe this is a question
9 for OP or DDOT, but maybe you know. I saw two
10 different references to what the minimum
11 requirement was. In one place it said 11, in
12 one place it said 15, but it would probably be
13 zero. But is it 11 or 15?

14 MR. AVITABILE: It=s 15. The
15 parking requirement is one for every 10 seats
16 in the main sanctuary. And we are estimating
17 about 140 seats, possibly 142. So we just
18 rounded up to assuming 150, so 15 parking
19 spaces. The TW component of the project,
20 because it=s part of the campus plan, its
21 parking requirement is just aggregated as part

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1 of the overall campus parking.

2 So the GW component doesn't really
3 have a parking requirement, but the Hillel use,
4 the requirement for church is one for every 10
5 seats, and so that's about 15 spaces. I think
6 we updated it as we went through. Maybe our
7 initial filing may have called it out as 11, but
8 we're up at 15 now, just to be -- I think to be
9 as conservative as possible.

10 COMMISSIONER MILLER: And you -- I
11 think you answered this question or testified
12 to it -- or answered the question in response
13 to Commissioner Cohen, but if you could just
14 give me further clarification on that. The
15 number of employees currently at the Hillel
16 building are five, two of whom drive and one of
17 whom -- one of those two is retiring. But how
18 many employees are going to -- do you project
19 are going to be there once -- how many Hillel
20 employees and how many GW employees do you
21 project are going to be working in the building?

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1 RABBI KAISER-BLUETH: Seven Hillel
2 employees.

3 COMMISSIONER MILLER: Seven. And
4 do you know the number of GW --

5 MS. CORA: We do not. That program
6 has not yet been set.

7 COMMISSIONER MILLER: Okay.

8 MR. AVITABILE: But it=s worth
9 noting that one of our -- go ahead. You
10 anticipated it. I was going to say that one of
11 our conditions is that we won=t have faculty and
12 staff offices in there, unless they are staff
13 offices that are directly related to whatever
14 student life or academic use is in the building.
15 So the number of staff working in the building
16 should be relatively low. It=s primarily
17 space for student life and for academic use.

18 COMMISSIONER MILLER: Right. And
19 I meant to commend you at the outset for
20 agreeing to that condition. That was
21 requested by ANC 2A, as well as the condition

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1 about the offsetting density on Square 77D.

2 Where is Square 77D? Or what is
3 Square 77D?

4 MR. AVITABILE: Square 77D -- do
5 you want to bring up the map that shows it?
6 It's a site located at the corner of 21st and
7 I Street. It's actually -- it was a small area
8 behind Lafayette Hall, which is one of the
9 residence halls. You can see here -- the
10 drawing on the left points to where Site 77D is.
11 It's the same square where the residence hall
12 project that you all just approved I guess a few
13 months ago is located. This is a little bit
14 further to the east. That is also
15 residentially zoned. It was also designated
16 for student life or residential uses. So it's
17 a similar use, similar category, as what's
18 proposed here. And a similar size as well.

19 COMMISSIONER MILLER: There's
20 still going to be the space -- the three feet
21 of space between the Hillel building and the

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1 residential townhouse that the church owns.
2 There will -- on one of the -- there will be
3 access from the sidewalk. On one of the
4 renderings it looks like a planter box. I
5 can=t tell if a planter box or --

6 MR. AVITABILE: No, that=s their
7 property. The opening is on their property,
8 and we wouldn=t obstruct it.

9 COMMISSIONER MILLER: Okay.

10 MS. MORALES: And the planter box
11 that we=re proposing is that mirroring the
12 planter box that they have, but it=s within our
13 lot.

14 COMMISSIONER MILLER: Okay.

15 MS. MORALES: The opening will not
16 be obstructed.

17 COMMISSIONER MILLER: So you could
18 get to -- would you still be able to get to the
19 north gate from that space?

20 MR. AVITABILE: You could get into
21 the rear yard from that entrance, yes.

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1 COMMISSIONER MILLER: Okay.

2 MR. AVITABILE: In other words, to
3 the rear yard, you can get out of it to the west,
4 and to the east, and to the east go through this
5 walkway and through the townhouse itself. So
6 the north gate is completely redundant.

7 COMMISSIONER MILLER: The dining
8 facility, is that going to have seating for --
9 what=s the maximum capacity of the dining
10 facility? 88? Or is that 140 also?

11 MR. AVITABILE: I believe it=s 140
12 as well. I believe that=s what=s in the
13 record.

14 MS. MORALES: It=s 140.

15 COMMISSIONER MILLER: Okay. Just
16 a couple more things, Mr. Chairman, quickly.

17 So you=re working on the -- you=re
18 working on the construction management
19 agreement with the church, and you intend to
20 keep working until the next time that we may be
21 meeting on this. And you think that there is

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1 progress that has been made in that?

2 MR. AVITABILE: Yeah. And I think
3 we probably should keep in mind -- I think both
4 on our behalf and the church=s behalf we have
5 to kind of take certain positions tonight
6 because of where we are now. But I think that
7 doesn=t represent the amount of work that we
8 have been doing over the past few months to come
9 to an agreement.

10 We exchanged a series of drafts back
11 in May with the church where we made a lot of
12 substantial progress in kind of setting the
13 framework of the initial agreement, and then I
14 think we didn=t hear from the church for a
15 little while while they were kind of dealing
16 with some internal issues. But we heard from
17 them again once they were kind of ready to
18 reengage. Received a revised draft from them
19 at the beginning of last week. We made, again,
20 some additional progress on the agreement.

21 And we are down to a few -- counsel

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1 for the church will note that they are very
2 important terms, and they are, but we are down
3 to a few terms regarding the amount of insurance
4 that Hillel will carry and who will carry it,
5 reimbursement of their consultants, how much,
6 and to what extent, the system that we are going
7 to set up to resolve disputes, to the extent
8 that they arise.

9 But otherwise we have agreed to a
10 number of things that I think would remain in
11 any plan. We are going to do all of the usual
12 things that we see in these construction
13 management agreements in terms of advanced
14 surveys and monitoring for potential impact.

15 We will have provisions in there
16 that agree to mitigate noise, dust, agree to
17 work hours. Among other things we have agreed
18 to stop work for any weddings or funerals for
19 the church. We are also considering -- they
20 have a Wednesday noon service, and we are
21 looking at ways in which we could, if nothing

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1 else, mitigate the construction noise, if not
2 outright stop construction during that time
3 period as well as part of this agreement.

4 They have noted that our
5 construction could theoretically have impacts
6 on some of their income from their rental of the
7 rectory, townhouse, or from other rentals that
8 they do. And so we have talked about ways in
9 which we could compensate them for any lost
10 income.

11 So we recognize that our adjacent
12 construction could have impacts, and we want to
13 identify the ways in which we identify that.
14 We just, at the same time, want to make sure that
15 this is a reasonable agreement that respects
16 the fact that Hillel itself is also a nonprofit
17 institution that is constructing a building but
18 has to manage its own budget. And so we just
19 are working on negotiating those sorts of
20 terms, but we're down to specific terms within
21 the agreement that represents many of the

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1 agreements that you've seen here in a number of
2 previous cases, and probably wouldn't be a
3 surprise if you took a look at it.

4 COMMISSIONER MILLER: Okay. And,
5 finally, on the loading, so you've agreed to
6 coordinate with DDOT and WMATA and do that
7 through the public space permitting process.
8 But you do control a lot of the loading. You
9 can't commit to not doing the loading during
10 rush hours, rush hour periods, or --

11 MR. AVITABILE: We could certainly
12 look at that. I think that's -- I think
13 certainly Hillel can look at that. We always
14 -- and this is --

15 COMMISSIONER MILLER: You will
16 also be controlling the third -- this will be
17 your -- Hillel's agreement with the third party
18 vendor. That could be part of your agreement.

19 MR. AVITABILE: We will certainly
20 look at -- we will look at that, and we will
21 certainly respond to the Commission on whether

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1 we can do that because --

2 COMMISSIONER MILLER: I realize it
3 is normally done through a -- sometimes we do
4 put it in a PUD. It=s part of a -- part of the
5 DDOT condition that is asked for sometimes, but
6 -- and I realize that normally it is a public
7 space permitting process that controls that.

8 MR. AVITABILE: We will certainly
9 look at what we might be able to do.

10 COMMISSIONER MILLER: That would
11 be great. Thank you. Thank you for your
12 testimony.

13 Thank you, Mr. Chairman.

14 CHAIRMAN HOOD: Thank you.

15 Mr. Avitabile, let me just ask this.
16 If the modification is denied, what is the next
17 course of action? How do we proceed? How will
18 Hillel -- how will you all proceed?

19 MR. AVITABILE: If the PUD minor
20 modification is not --

21 CHAIRMAN HOOD: If it=s denied.

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1 MR. AVITABILE: So what the PUD
2 minor modification does -- so currently the
3 campus plan condition says that any time GW --
4 any GW additional density or change in use
5 requires a second stage PUD. And what we're
6 asking the Commission to clarify is, this
7 particular situation here where GW is coming in
8 and leasing two stories in a building it does
9 not own, wouldn't trigger that requirement for
10 a second stage PUD.

11 I guess the -- if the Commission
12 were to deny our requested modification, what
13 you'd essentially be saying to us is, "No, GW.
14 We think that your additional 8,500 square feet
15 of space here warrants our review as a second
16 stage PUD." So we have to then come back to the
17 Commission through a second stage PUD in order
18 to get approval. And the process and cost of
19 which probably would be enough for GW to at
20 least take a second look at its participation
21 here, because that's not the simplest process

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1 in the world.

2 It is also an odd situation because
3 GW is really only asking for a use, and so it
4 raises the question, is the Commission then
5 reviewing this building through a PUD, or is the
6 building still a variance special exception
7 case and you're just looking at GW's use through
8 the heightened lens of the PUD process.

9 I think the last thing I'd note,
10 though, is, you know, at the end of the day --
11 and I'm somewhat anticipating what the West End
12 Citizens Association may say here -- at the end
13 of the day, in 2007, the Zoning Commission
14 approved a certain amount of density for the
15 campus, a total density of -- I don't remember
16 the number off the top of my head, but it was
17 a certain amount.

18 And what we are proposing here is
19 that GW is going to forego other density that
20 the Commission approved in extension for this
21 space. So the net change is zero over what the

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1 Commission approved.

2 Put another way, GW is not getting
3 anything more than was bargained for back in
4 2007 as a part of the campus plan PUD. So there
5 is no additional impact in terms of additional
6 space. There is no additional density in terms
7 of project amenities or public benefits that
8 should be considered.

9 So that is my long-winded way of
10 kind of pitching why I don=t think the
11 modification necessarily needs to be denied and
12 should be approved. But the impact of it being
13 denied would be I guess we=d have to come back
14 with a second stage PUD for this.

15 CHAIRMAN HOOD: Okay. And I know
16 this -- we keep talking about 77D and not asking
17 for pushing the full development envelope
18 there. But the old GW would say that in front
19 of this Commission right now. I don=t know if
20 you were the old GW. I see Ms. Dwyer. I don=t
21 want to say she was the old GW either. I don=t

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1 want to get in trouble.

2 But the old -- when I first got on
3 this Commission, 77D, yeah, we'll do that this
4 week. And then about three years later, Ms.
5 Kahlow and all of us will be back here again,
6 because we exactly said -- what we said we
7 weren't going to do in 77D we are now asking to
8 do.

9 So, and I know this by experience.
10 It would be different if I wasn't here. So what
11 assurances are we giving now that we're not
12 going to try to push that development envelope
13 here in 77D at a later time?

14 MR. AVITABILE: Well, two things.
15 One, we could certainly, as a condition of the
16 approval of this case, include specific
17 language that says the university shall not
18 develop site 77D and shall forego its
19 entitlement to that density, or something to
20 that effect I'm sure we could work out.

21 I think the second assurance is a

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1 practical one. The university just renovated
2 that building in 2006, 2007, within the last
3 five years. So it has already been renovated.
4 The university isn't going to go back at this
5 point and really tack on additional density
6 anyway. It is -- what's done is done. The
7 building is where it is at this point. So from
8 a practical standpoint, the university likely
9 isn't going to seek to use that density anyway.

10 CHAIRMAN HOOD: And I think that's
11 what community folks need, some kind of
12 assurances, because, you know, sometimes
13 people double back on them and come back and do
14 something. So I'm glad to hear that, and we can
15 look forward to maybe putting that in the
16 condition.

17 The other thing is, no disrespect to
18 West End, but I think West End is getting ready
19 to make a point. And I think -- and this may
20 not be for this particular applicant. This is
21 something in general I am getting ready to start

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1 taking up. Most of Ms. Kahlow=s issues in the
2 projects in Foggy Bottom pretty much have a lot
3 of the same issues. And enough of those I think
4 -- if she is going to be able to come down here
5 and say, "I told you all so," she is -- we are
6 creating a lot of stuff because she talks about
7 the seniors and the elderly and the pedestrian
8 walkways and the elderly and the trucks. And
9 I=ve seen enough, Ms. Kahlow and Ms. Maddux.
10 I=ve seen enough of you all coming down like
11 this.

12 This is why I have a problem when I
13 grant party status, but I think you=ve made your
14 case with this Commissioner, because -- and let
15 me go to DDOT. We=re going to have to do
16 something different. And I=m not going to pick
17 on Hillel. I=m not going to start tonight with
18 you all. But I think this is more of a general
19 conversation, because if I see Ms. Kahlow and
20 Ms. Maddux coming down asking for party status
21 saying the same things with four and five

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1 projects, that=s a potential problem.

2 And I know this Commission, we look
3 at each project, and we=re going to keep looking
4 at each project. And when I=m off the
5 Commission, we=re going to -- we will have
6 created a problem. And I don=t want that, and
7 I don=t want to see Ms. Kahlow at events on the
8 weekend and get drilled down on what we have
9 created, I can just tell you. So that=s
10 something that I am going to take up.

11 And also, I look in the audience and
12 I see the -- I know what you=ve mentioned, and
13 I think Commissioner Miller asked about the
14 negotiations and what you=re doing with the
15 church -- the other party. I will not get into
16 that, but I hope that -- because I look in the
17 audience, and I know they have the talent. So
18 I=m hoping that we can kind of close the gap,
19 and also be fair.

20 So that=s what I=m looking forward
21 to is I think the hearing would have been a

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1 little different. I still don=t know about
2 West End. I don=t think we -- that=s a bigger
3 issue for me. So I don=t have any other
4 questions. Yes.

5 MR. AVITABILE: Commissioner, I
6 will be honest, that was part of the issue here.
7 I think had it just been us and Saint Mary=s,
8 we could have taken the month to work it out and
9 at least know there was a reasonable chance that
10 when we came in in July with OP, DDOT, the ANC
11 in support, and the one party, we could have at
12 least considered asking the Commission for a
13 bench decision, though it does sound like we
14 have some design work to do.

15 And that=s part of the reason why we
16 pushed to go forward with the hearing tonight
17 is because we knew that the Commission might
18 have feedback and thoughts on the design of the
19 building, and we wanted to make sure we had as
20 much time as we could to thoughtfully work
21 through those issues while continuing to work

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1 through the church=s issues. But we
2 appreciate that, and we agree.

3 We are -- as I said just a few
4 moments ago, tomorrow morning we will pick up
5 the construction management agreement and get
6 right back to work on it.

7 CHAIRMAN HOOD: Okay. And I know
8 that -- I read where the loading -- where you=d
9 throw up some temporary signs and that would be
10 the loading, but I=m not saying this directly
11 to you, so you might not want to respond.

12 But I=m just saying Ms. Kahlow and
13 Ms. Maddux come down, and West End comes down
14 with this all the time, and that=s what we do.
15 Seven different projects. We have created --
16 we are creating problems, and this is not just
17 for -- I=m just starting to notice this.
18 That=s why I mentioned when they asked for party
19 status -- I kept looking, I said, "Okay. This
20 -- I=ve seen this before." I=m starting to see
21 the same thing, so I=m starting to take note of

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1 it. I think it is something that is a bigger
2 issue, DDOT. So, Mr. Rogers, get ready. I'm
3 coming. But I think this is a bigger issue.
4 This is a bigger issue than just what we're
5 doing here.

6 And I do understand that the site is
7 difficult, so I'm fine with that. But I just
8 think that some of the issues of some of the
9 parties -- or at least one party in particular
10 -- well, both parties, but in this case West
11 End, I have seen this before on different
12 projects, and I think if you get enough of it,
13 I think we are going to create a problem.

14 MR. AVITABILE: I do understand
15 that, but I do want to note that there is a
16 little bit of a logical inconsistency in their
17 position. For example, when we were before you
18 on the GW museum and Site 102, there West End
19 was opposing in part our curb cut that would
20 then lead to an off-street loading and the
21 back-in impacts across that curb cut.

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1 Here they are opposing having the
2 curbside loading. So -- and beyond that, I
3 think -- and similarly actually in the Square
4 39 PUD, that was the School of Public Health,
5 the one -- the triangular site up on the circle,
6 that was a project where we originally had a
7 loading dock and West End Citizens Association,
8 among others, asked us to get rid of the loading
9 dock and do curbside loading, and we agreed to
10 do that.

11 I mean, ultimately, curbside
12 loading eliminates that curb cut, eliminates
13 the trucks backing in across the sidewalk, and
14 it is safer for pedestrians, and that has been
15 testified to time and time again, and it has
16 been one of the things that we have heard from
17 the West End Citizens Association time and time
18 again.

19 So the solution here of not having
20 off-street loading, and instead having
21 curbside loading, does address their issue of

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1 creating loading that is safer for pedestrian
2 traffic. So I agree that they do raise the same
3 issues, and we should be, and we will continue
4 to be attentive to the issues that they raise.

5 I=m not trying to minimize them or
6 dismiss them. I=m just suggesting that each
7 case is specific, and to some degree we have to
8 look at not only what they are saying but the
9 specifics of what our responses have been and
10 how we have addressed the concerns that they
11 articulate.

12 CHAIRMAN HOOD: Okay. And I
13 appreciate that. I really didn=t want an
14 answer, because I can debate with you on that,
15 and I think I will since you didn=t wear your
16 dress down like the rest of us. We have dress
17 down rules. You have on a tie today.

18 But I will tell you that I think
19 enough of them would create an issue. That=s
20 just me. Whether we said don=t cross the
21 sidewalks, do cross the sidewalks, throw up a

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1 temporary sign in this case and we'll have
2 loading, I think this is a big issue.

3 And I think if we get enough of them
4 -- and I'm not picking on this site, I just think
5 that we need to -- I'm going to go to DDOT and
6 I'm probably going to do it more than just this
7 case, believe me. I think I'm going to take
8 that matter on for -- I get matters, and I get
9 on things for a while, and it gets hard for me
10 to get off of them, and this is going to be one.

11 Okay. Something else I wanted to
12 mention. Okay. Let me just say this. I
13 think I'm done with my questioning, and thank
14 you all very much for your responses to all of
15 our questions.

16 The parties have 40 minutes. So I
17 want the two parties in opposition to get ready.
18 I think the applicant took 40 minutes. So
19 however you all want to split up that 40
20 minutes. By regulations, you have either 20
21 minutes apiece, or however you all want to do

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1 that. I know that West End I think asked for
2 10 minutes, and you might want to give the rest
3 to the other party. But, anyway, I wanted to
4 give you all enough notice to work on that as
5 we move forward.

6 Any other questions up here?

7 (No audible response)

8 Okay. Let=s see if we have any
9 cross-examination of the applicant. Does the
10 ANC have any cross? Hold on. Did you -- do you
11 have any cross? Are you Chairperson Kennedy?

12 MR. KENNEDY: I am.

13 CHAIRMAN HOOD: Okay. Does West
14 End have any cross?

15 MS. KAHLOW: We would like the
16 church to go first. Is that okay?

17 CHAIRMAN HOOD: You want the church
18 to go? Okay.

19 MS. KAHLOW: They would like to go
20 first.

21 CHAIRMAN HOOD: Okay. Come

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1 forward, Mr. Marcus. You want to wait and come
2 up -- hold on. Why don't you hold -- you may
3 have questions?

4 MR. MARCUS: Well, Suzi is just
5 going to move over there.

6 CHAIRMAN HOOD: Oh. Okay. Okay.
7 So we will go to counsel for the church first.
8 Make sure your mike is on and identify yourself,
9 and you may begin.

10 MR. MARCUS: Yes, thank you.
11 Stephen Marcus.

12 CHAIRMAN HOOD: Is your mike on? I
13 was going to ask you, what grocery store are you
14 at?

15 (Laughter)

16 MR. MARCUS: Stephen Marcus,
17 counsel for Saint Mary=s Episcopal Church. My
18 first questions are for Rabbi Yoni. Can you
19 hear me okay?

20 RABBI KAISER-BLUETH: Yes.

21 MR. MARCUS: Okay. Rabbi Yoni,

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1 there are approximately 3,000 Jewish
2 undergraduates and 1,500 graduate students at
3 GW. Is that correct?

4 RABBI KAISER-BLUETH: Yes, that is
5 correct.

6 MR. MARCUS: Okay. But am I right
7 in that not all of those students are affiliated
8 with Hillel?

9 RABBI KAISER-BLUETH: That is also
10 correct.

11 MR. MARCUS: That, in fact, there
12 are some Jewish students who choose not to
13 affiliate with any Jewish institution at GW.

14 RABBI KAISER-BLUETH: Yes. I
15 think much like our cities, GW is a microcosm
16 of how anyone in any religion will affiliate.
17 Besides our Friday night, we have a lot of other
18 religious assemblies -- Passover, High
19 Holidays classes. We also have a sort of
20 separate initiative and brand because we know
21 people don't always want to connect

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1 institutionally with a religious organization.
2 And so we do spend a lot of human resource
3 engaging students out on campus.

4 Oftentimes that will lead students
5 to get connected into Hillel. Sometimes that
6 means coming to Hillel on a Friday night.
7 Sometimes that means getting coffee with one of
8 our staff. We offer a lot of different
9 programming. Our birthright trip, which sends
10 students to Israel, so we have -- just this past
11 May we sent 80 GW students to Israel, for
12 example. This past winter we sent 40. So 120
13 this year. Those students meet at Hillel.
14 Many of those have never stepped foot
15 beforehand, but it's a great opportunity to
16 engage and connect. We house them for
17 orientations and then followup programming.
18 Just one example of how we connect with
19 students.

20 It would be a tremendously
21 challenging problem to have 3,000 undergrads

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1 wanting to come into Hillel. I don=t think any
2 campus, any Hillel, has that 100 percent
3 affiliation.

4 MR. MARCUS: But when you -- you
5 state in your application that Hillel serves
6 3,000 students. That wouldn=t be correct,
7 because in fact many of those students don=t
8 actually affiliate, not only not with Hillel
9 but there are other Jewish organizations other
10 than Hillel on GW campus.

11 VICE CHAIR COHEN: Excuse me. But
12 is that directly related to testimony that has
13 been made? It has to be directly related.

14 MR. MARCUS: Yes, Ms. Cohen,
15 because the applicant is making a case of
16 institutional necessity. That is their burden
17 in a case for a variance. And what the
18 cross-examination of this and the other witness
19 will demonstrate I think is that in fact there
20 isn=t an institutional necessity.

21 But if you look at the case law --

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1 and I'll brief this after the close of the
2 hearing -- the D.C. Court of Appeals, when it
3 addresses the issue of institutions like
4 Hillel, and whether or not they should be given
5 a variance, the burden is on -- and Mr.
6 Avitabile spoke about it -- is institutional
7 need. And what we will demonstrate is that
8 there is not, in fact, an institution need at
9 Hillel.

10 VICE CHAIR COHEN: So are you
11 questioning not the fact that 3,000 people are
12 going through their door, but the definition of
13 "institutional need"? Is that what it --

14 MR. MARCUS: Our position is that
15 Hillel has not met its burden of demonstrating
16 institutional need.

17 VICE CHAIR COHEN: Okay.

18 MR. MARCUS: There are other Jewish
19 institutions on campus, such as Chabad, which
20 also has Friday night services, trips to
21 Israel, classes, and services for Jewish

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1 holidays, correct?

2 RABBI KAISER-BLUETH: Yes.

3 MR. MARCUS: Okay. And there=s
4 another institution at GW for students who are
5 not interested in affiliating with
6 conventional Jewish organizations, and I
7 believe they=re called UJew. Is that the name
8 of it?

9 RABBI KAISER-BLUETH: Yeah. UJew
10 is an initiative run by Hillel.

11 MR. MARCUS: By Hillel?

12 RABBI KAISER-BLUETH: That is our
13 organization. That=s our brand.

14 MR. MARCUS: Would you agree that
15 there is a healthy competition at GW for the
16 affiliation of Jewish students?

17 RABBI KAISER-BLUETH: No, I would
18 not agree. It=s not a word that I would use.
19 I think it=s characterized somehow by others.
20 I have a phenomenal working relationship with
21 the other professionals on our campus. I meet

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1 about monthly with the Chabad Rabbi. We try to
2 find opportunities to collaborate, and we have
3 in the past, and we'll continue to do so.

4 MR. MARCUS: Do you keep track of --
5 I think you have some tracking of the number of
6 students who come to Hillel. You mentioned I
7 think --

8 RABBI KAISER-BLUETH: For the last
9 three years, yes.

10 MR. MARCUS: So how do you -- what
11 categories of activity do you track? You
12 mentioned I think Chabad dinners, and I think
13 you said this year you had as many as 100
14 attendees.

15 RABBI KAISER-BLUETH: No. The
16 average is about 100. We hosted Chuck Todd in
17 September. We had about 145, 150. Our
18 Passover Seder on the first night had about 160
19 or so. It varies depending on the ebb and flow.

20 Although we do track numbers for our
21 programming, we are not a programming

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1 organization. We are a relationship-based
2 organization. I track the Jewish journeys of
3 our students. Oftentimes that means how often
4 they come to an event or which type of event.
5 But I am curious to know how you're moving on
6 your spiritual Jewish journey throughout the
7 course of your four years.

8 And now with Gather the Jews, I'm
9 similarly interested in knowing, as the young
10 adults emerging in adulthood, how are you
11 progressing through the various offerings that
12 our community has to offer.

13 MR. MARCUS: Has Hillel done any
14 projections on anticipated Jewish student
15 participation at Hillel in the next several
16 years?

17 RABBI KAISER-BLUETH: Not
18 anticipated. I can tell you growth. I can
19 tell you tracking. Before we got here, before
20 I got here four years ago, I can't tell you our
21 numbers. My first year here we were tracking

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1 400 students engaged and involved. Those are
2 your average uninvolved students, sort of UJew
3 students if you will, that tended not to come
4 through our building. We placed the numbers of
5 involved -- very involved students at about 250
6 to 500 in any given week or month.

7 And this past year we have tracked
8 1,600 Jewish students. I could punch you out
9 a spreadsheet of names for 1,600 Jewish
10 students on our campus. That is well over 50
11 percent. So I think -- but it shows a
12 trajectory and an upswing of how we are engaging
13 and connecting with our students on our campus.

14 But I can't tell you the number of
15 times that a parent, a student, who we have not
16 connected with in the past, all of a sudden the
17 spark turns on. And you don't know what that
18 could be. So the claim that we are a Jewish
19 home away from home for 3,000 Jewish students,
20 I will stand by it, because you never know when
21 that spark will get turned on, when we make

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1 those connections.

2 CHAIRMAN HOOD: Let me just say --
3 I know we are very passionate about the subject,
4 but this is cross-examination.

5 RABBI KAISER-BLUETH: Yes.

6 CHAIRMAN HOOD: So you want to ask
7 a question. You want to try to limit your
8 answer to answer his question. You don=t want
9 to lose us in all of that, so you want to try
10 to help keep us -- us, too, focused.

11 MR. MARCUS: The question was, have
12 you done any projections --

13 RABBI KAISER-BLUETH: No.

14 MR. MARCUS: -- about future
15 growth? And the answer is no?

16 RABBI KAISER-BLUETH: Not for
17 student growth.

18 MR. MARCUS: Okay. Now, let=s
19 talk about the current building. It was built
20 in 1988?

21 RABBI KAISER-BLUETH: I think

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1 earlier.

2 MR. MARCUS: Okay. I want to just
3 understand kind of what the configuration is of
4 the current building. As I understand, you
5 have two floors. Actually, a roof terrace, two
6 floors, and then a below grade level.

7 RABBI KAISER-BLUETH: We have
8 three floors. We have a basement level, we
9 have a first floor, and we have a second floor.

10 MR. MARCUS: Okay. And a terrace.

11 RABBI KAISER-BLUETH: No. Well,
12 there is. It=s not occupancy. We don=t do
13 anything on the roof currently.

14 MR. MARCUS: Okay. You have -- do
15 you build a sukkah on the roof?

16 RABBI KAISER-BLUETH: No. We
17 build it at the end of our driveway currently.
18 It=s not -- the roof is not occupancy.

19 MR. MARCUS: Oh. There=s no
20 occupancy. Okay. You have a chapel on the
21 second floor?

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1 RABBI KAISER-BLUETH: Correct.

2 MR. MARCUS: And the first floor
3 you have administrative offices, student
4 offices -- a student office, library, and
5 computer lab?

6 RABBI KAISER-BLUETH: I'll walk
7 you through. We have a pit on the first floor,
8 which is for meetings and congregating area,
9 along with the student lounge area and offices
10 on the first floor. On the second floor, we
11 have got an auditorium and a chapel space. On
12 the basement level, we have a dining hall, two
13 kitchens.

14 I think the operating theory is that
15 all our spaces are multiflex. So on Friday
16 night we have three services that meet, so we
17 have three services, three floors, and there is
18 a service happening on each floor, just as an
19 example.

20 MR. MARCUS: Let's talk about the
21 chapel. The chapel's current capacity is 175?

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1 RABBI KAISER-BLUETH: Probably.

2 I don=t know.

3 MR. MARCUS: You don=t know?

4 RABBI KAISER-BLUETH: I don=t know
5 offhand. 48.

6 MR. MARCUS: The current chapel=s
7 capacity is 48?

8 RABBI KAISER-BLUETH: That is
9 correct.

10 MR. MARCUS: Have you ever had to
11 turn away people because of overcrowding at a
12 Friday night service?

13 RABBI KAISER-BLUETH: Not at our
14 Friday night services, but, yes, at dinner.
15 And certainly this last Passover, yes.

16 MR. MARCUS: Bear with me.

17 (Pause)

18 Is there a Saturday service?

19 RABBI KAISER-BLUETH: No. We used
20 to host a Saturday morning service. We do not
21 any longer.

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1 MR. MARCUS: Okay. And for the
2 Jewish High Holidays, the first day of Rosh
3 Hashanah, Yom Kippur, you don=t have services.

4 RABBI KAISER-BLUETH: We can=t
5 host them at Hillel. They are far too big.

6 MR. MARCUS: And with the new
7 building, are those services -- is the
8 expectation they will also be hosted elsewhere?

9 RABBI KAISER-BLUETH: No. I think
10 with the new -- the new building, at least one
11 of the services, the hope is to have it inside
12 Hillel.

13 MR. MARCUS: The second day of Rosh
14 Hashanah.

15 RABBI KAISER-BLUETH: No.
16 Actually, the first. That=s the hope.

17 MR. MARCUS: How many seats in the
18 proposed chapel?

19 RABBI KAISER-BLUETH: I don=t
20 know.

21 MS. MORALES: 140.

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1 MR. MARCUS: Okay. The dining
2 room, what is the capacity of the current dining
3 room?

4 MS. MORALES: The same capacity.

5 MR. MARCUS: 125?

6 MS. MORALES: Oh, of the current I
7 can=t speak of. Of the proposed, 140.

8 RABBI KAISER-BLUETH: I don=t know
9 offhand exactly -- 110, 120 approximately.

10 MR. MARCUS: You don=t know. I
11 take it you don=t know?

12 RABBI KAISER-BLUETH: I don=t know
13 exactly.

14 MR. MARCUS: You=re going to have a
15 Kosher kitchen, two Kosher kitchens, right?
16 Does the current Hillel have two kosher
17 kitchens?

18 RABBI KAISER-BLUETH: It does.

19 MR. MARCUS: Okay. What is your
20 current office space arrangement? How many
21 offices do you have?

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1 RABBI KAISER-BLUETH: We currently
2 have six office spaces.

3 MR. MARCUS: And in the new
4 building, you're going to have four?

5 RABBI KAISER-BLUETH: We're going
6 to have four, plus four additional work spaces.

7 MR. MARCUS: Okay. Student space,
8 what is -- do you have any idea, Rabbi Yoni, as
9 to what the capacity you have for the number of
10 students in the different spaces, the chapel,
11 the dining room, the pit, the student lounge?

12 RABBI KAISER-BLUETH: I'm not sure
13 I follow the question.

14 MR. MARCUS: The pit, for example,
15 you can have 40 students. Student lounge you
16 can have 20 students.

17 RABBI KAISER-BLUETH: Yes.

18 MR. MARCUS: Is that correct?

19 RABBI KAISER-BLUETH: Dining room
20 you can have roughly I think 125 students.

21 RABBI KAISER-BLUETH: Yes. That

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1 sounds about right.

2 MR. MARCUS: Okay. And in the
3 proposed building, how much -- are you going to
4 have any additional student space?

5 RABBI KAISER-BLUETH: So I think
6 the dining hall is going to be larger. I think
7 the auditorium, I think the student lounge on
8 the first floor, I think going on the same
9 premise of multiflex space, I don't have the
10 numbers offhand. I think most of the spaces
11 will have different configurations, depending
12 on what we're hosting, what types of events.

13 MR. MARCUS: Have there been any
14 events -- have there been any events at which
15 Hillel has had to turn people away?

16 RABBI KAISER-BLUETH: Yeah. This
17 last Passover first night Seder we had to close
18 registration a few days before. We
19 historically have always taken walk-ins, and we
20 couldn't accommodate that this year.

21 MR. MARCUS: Okay. Any idea how

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1 many students were turned away?

2 RABBI KAISER-BLUETH: I don=t,
3 because we turned off our registration form.
4 So there is no way to really give a count.

5 MR. MARCUS: Other than that first
6 night of Passover, any other times you=ve ever
7 had to turn away a student?

8 RABBI KAISER-BLUETH: I believe
9 there was at least one or two Friday nights this
10 year where we just couldn=t accommodate. We
11 might have allowed for standing room, but not
12 for dinner.

13 MR. MARCUS: You were quoted when
14 the building plan was announced, which was
15 reflected in an article in GW Today -- this was
16 back in the fall of 2013 -- that the goal was
17 to create a hub for Jewish students in a modern
18 state-of-the-art facility. Is that really
19 what your goal is here with this building -- to
20 create a modern state-of-the-art facility?

21 RABBI KAISER-BLUETH: I think it=s

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1 one of the goals. It=s not the only goal.

2 MR. MARCUS: And what are the other
3 goals?

4 RABBI KAISER-BLUETH: I think my --
5 my stated goal I think for the organization --
6 and, look, I=m a relationship builder. I=m
7 hoping to use the building to continue our
8 mission of engaging Jewish students, helping
9 them, become the architects of their Jewish
10 journey.

11 MR. MARCUS: Now, you=ve talked
12 about Gather the Jews. Would it be right to say
13 that Gather the Jews, in fact, has affiliations
14 with quite a number of Jewish organizations in
15 the Washington, D.C. area, of which Hillel is
16 one?

17 RABBI KAISER-BLUETH: Gather the
18 Jews is a part of GW Hillel. Its staff person
19 is part of our staff. It sits right next door
20 to me. We are an event aggregator. Gather the
21 Jews has been an event aggregator. And, as

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1 such, I would say 85 percent of any of the Jewish
2 organizations in the D.C. area that are
3 involved in the young adult space promote their
4 programs on our calendar, on our newsletter, on
5 our website. So we are interconnected. We
6 are part of the web of young adult programming.

7 MR. MARCUS: Do you have Gather the
8 Jews programming at Hillel?

9 RABBI KAISER-BLUETH: No. We do
10 not currently have Gather the Jews programming
11 at Hillel.

12 MR. MARCUS: Okay.

13 RABBI KAISER-BLUETH: Sorry.
14 That is not correct. I apologize. They do
15 host a monthly social action program, and that
16 is hosted at Hillel.

17 MR. MARCUS: Okay. Those are my
18 questions, and I thank you.

19 CHAIRMAN HOOD: Okay. Thank you.
20 Ms. Kahlow?

21 MS. KAHLOW: Yes. Let me start

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1 with Hillel also. I only have four questions.

2 What is the frequency of the 150
3 attendees, or another number, that you are
4 going to have for future rooftop events? And
5 will alcohol be served? And does Hillel
6 currently have an ABC license?

7 RABBI KAISER-BLUETH: I can't
8 speak to future gatherings of 150. We are a few
9 years off from opening this facility, so I don't
10 know.

11 And your other questions were?

12 MS. KAHLOW: For any of the events
13 in the future, will you serve alcohol? And do
14 you currently have an alcohol license?

15 RABBI KAISER-BLUETH: So. No, we
16 do not have an alcohol license. I do not serve
17 alcohol. There are I think twice a year that
18 I serve alcohol. One is for Passover Seder for
19 religious purposes, and the other is for an
20 alumni event, everyone over the age of 21.

21 MS. KAHLOW: Next -- thank you for

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1 that. The next one is, does Hillel completely
2 use all three of its current floors, the
3 basement, too, or is any of the space rented
4 out?

5 RABBI KAISER-BLUETH: We use -- we
6 have the entirety of the building. We use it
7 on a daily/weekly basis. We --

8 MS. KAHLOW: Is any of it rented
9 out?

10 RABBI KAISER-BLUETH: We will rent
11 out for an event here or there. I couldn=t tell
12 you -- I can go back to a calendar and tell you
13 the frequency.

14 MS. KAHLOW: And for the square
15 feet, what accounts for the rental income on
16 your filed Form 990?

17 RABBI KAISER-BLUETH: The square
18 -- I couldn=t -- I don=t know.

19 MS. KAHLOW: What accounts for the
20 rental income on your filed Form 990?

21 MR. AVITABILE: I=m going to

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1 interject here and object. I'm not sure that
2 this is relevant to zoning issues that --

3 MS. KAHLOW: These issues --

4 CHAIRMAN HOOD: Can you tell us the
5 relevance to your question in the zoning case?

6 MS. KAHLOW: Yes, I will. It is
7 usage. Is there anybody living in rent -- and
8 providing rent to you within Hillel?

9 RABBI KAISER-BLUETH: There's a
10 caretaker that lives upstairs, but the rental
11 income comes from events that we run. A lot of
12 times people need a Kosher dining facility.
13 It's not readily available in the D.C. area.
14 They will often use their dining hall and
15 adjacent kitchen to provide those function
16 spaces.

17 We have a lot of visiting groups
18 that come, a lot of schools that come to the D.C.
19 area. We are in great proximity to some of the
20 nation's capital's greatest sites. So most of
21 our rental income comes from those events.

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1 MS. KAHLOW: Thank you. What
2 percentage of the attendees or participants
3 that you mentioned earlier will be alumni or
4 from elsewhere in D.C.? What percentage of the
5 number that you're thinking of all of these
6 different events?

7 RABBI KAISER-BLUETH: It's really
8 hard to answer that question. I mean, I think
9 it's a case-by-case basis. Friday night is
10 predominantly students, but we do have alumni
11 that come. It's really case by case. We
12 have --

13 MS. KAHLOW: Is it 25 percent
14 maybe?

15 RABBI KAISER-BLUETH: Of alumni?

16 MS. KAHLOW: For the alumni, and
17 you said people --

18 RABBI KAISER-BLUETH: I don't
19 know. I don't know.

20 MS. KAHLOW: Don't know. Okay.
21 My last question is, to protect limited

1 on-street residential parking, what are your
2 plans for the construction worker parking?
3 Will you be requiring them to do off-street
4 parking like GW does for its science and
5 engineering building, the Kennedy Center, or
6 something similar?

7 MR. AVITABILE: Yoni can't answer
8 that. That's one part of the provisions of the
9 construction agreement we're working on, and I
10 -- honestly, I don't remember what we currently
11 have said we're doing.

12 MS. KAHLOW: Thank you. That's
13 all I have for Hillel.

14 I do have one for GW. Do you have
15 any for GW?

16 MR. MARCUS: I do.

17 MS. KAHLOW: So why don't you go for
18 GW, and then I'll go -- you go first.

19 MR. MARCUS: Ms. Cora, is there a
20 written agreement between GW and Hillel under
21 which GW would be leasing the top two floors in

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1 the proposed building?

2 MS. CORA: I have not been a part of
3 the discussion of the leasing agreements, and
4 I do not know the status of that.

5 MR. MARCUS: Do you know whether
6 there was agreement or there isn=t?

7 MS. CORA: I do not know.

8 MR. MARCUS: Do you know whether
9 the amount of rent that is going to be paid by
10 GW has been determined in the negotiations?

11 MS. CORA: I don=t know the answer
12 to that. I have not been involved in those
13 discussions.

14 MR. MARCUS: GW is leasing the top
15 two floors for 20 years. What is the rationale
16 for a 20-year lease?

17 MS. CORA: I am sorry. I don=t
18 know the answer to that. I have not been
19 involved in the agreement discussions.

20 MR. MARCUS: Okay. Those are my
21 questions.

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1 MS. CORA: Thank you.

2 MS. KAHLOW: I have one more. Is
3 GW=s proposed swap of FAR from the eastern part
4 of the GW campus to the western part -- west of
5 23rd Street in the highly residential, is that
6 so that you will avoid providing amenities to
7 the community? You are going from one of the
8 campus, nowhere near residences, to one in the
9 middle of a residential area. Is to avoid
10 providing amenities?

11 MS. CORA: The site of Hillel is
12 within the campus plan boundary, and amenities
13 have previously been negotiated as part of the
14 campus plan.

15 MS. KAHLOW: I was asking about the
16 additional FAR. Any additional amenities for
17 the additional FAR.

18 MS. CORA: To my understanding,
19 there is no additional FAR, so there are no
20 additional amenities.

21 MS. KAHLOW: Thank you.

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1 CHAIRMAN HOOD: Thank you, both.
2 You had another question?

3 MR. MARCUS: No. For Ms. Morales.

4 CHAIRMAN HOOD: Okay. What
5 normally happens is you can ask all your
6 questions. You know, whether it=s for the
7 university, Hillel, or whomever, just --
8 architect, just ask all of them at once.

9 MR. MARCUS: Oh. I thought it was
10 going to go witness by witness.

11 CHAIRMAN HOOD: No. Just --

12 MR. MARCUS: I apologize.

13 CHAIRMAN HOOD: That=s fine.

14 MR. MARCUS: Do you mind if I ask a
15 few questions of Ms. Morales?

16 CHAIRMAN HOOD: Sure, sure.

17 MR. MARCUS: Thank you. I
18 appreciate it.

19 Ms. Morales, did you do a study of
20 the existing building as part of the workup that
21 you were doing for the proposed building?

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1 MS. MORALES: When we came --
2 became part of the process, Hillel had already
3 determined that they would abandon the existing
4 building. So we were not involved in any
5 initial studies preserving the existing
6 building.

7 MR. MARCUS: Do you happen to know,
8 then, although you didn't do a study, what the
9 current useable square footage is of the
10 current building?

11 MS. MORALES: No. We don't have
12 existing CAD drawings to determine that.

13 MR. MARCUS: Do you have any
14 information about what the chapel currently
15 holds? Capacity? And so you have no
16 information at all about the --

17 MS. MORALES: Of the existing
18 building, no. We came in -- Hillel had been
19 working with another architect prior to us. We
20 have been involved for a year, but the current
21 assumptions have been valid throughout the

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1 entire year.

2 MR. MARCUS: Have you looked at all
3 at the question of, to what extent Hillel could
4 accomplish some of its goals by renovating its
5 current building?

6 MS. MORALES: I really can't speak
7 to that, because we haven't involved in that
8 scenario.

9 MR. MARCUS: In other words, you
10 weren't asked to do that?

11 MS. MORALES: When we first became
12 involved in the project, it was for a new
13 building. Those were our assumptions.

14 MR. MARCUS: Okay. Do you know
15 whether anybody has looked at the possibility
16 of a renovation?

17 MS. MORALES: I don't know.

18 MR. MARCUS: Okay. All right.
19 Thank you. Thank you.

20 MS. KAHLOW: I have no questions --
21 no more questions of this panel.

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1 CHAIRMAN HOOD: Okay.

2 MS. KAHLOW: Everything else is
3 city people.

4 CHAIRMAN HOOD: Okay. All right.
5 Thank you, both. We appreciate your
6 cross-examination.

7 Let=s go to the Office of Planning
8 and to the District Department of
9 Transportation. First, we=ll have Mr.
10 Goldstein, and then we=ll hear from Mr. Rogers.

11 MR. GOLDSTEIN: Good evening, Mr.
12 Chairman, and members of the Commission. For
13 the record, my name is Paul Goldstein with the
14 D.C. --

15 CHAIRMAN HOOD: Mr. Goldstein, I=m
16 going to ask you what store are you in, because
17 you want to make sure they can hear you.

18 MR. GOLDSTEIN: Okay.

19 CHAIRMAN HOOD: What store do you
20 go to? No, I=m just playing.

21 MR. GOLDSTEIN: I could try to

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1 answer, but I'll just bring the mike closer.

2 For the record, my name is Paul
3 Goldstein with the Office of Planning. OP
4 recommends approval of the zoning relief
5 request, of the campus plan amendment, and the
6 further processing, subject to any conditions
7 that were included in our report.

8 First, as fleshed out in the OP
9 submission, the applicant has satisfied the
10 variance test for the floor area ratio, lot
11 occupancy, rear yard, and parking, and has also
12 satisfied the special exception test for the
13 roof structures.

14 And, second, the applicant=s
15 amendment to the campus plan for a portion of
16 the Hillel building satisfies the standards of
17 210 and 3104, and OP is supportive of the campus
18 plan amendment and further processing.

19 Thank you. That is all I really
20 need to include in my oral testimony. I
21 certainly reference my submission. I'm happy

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1 to answer any questions that you may have.

2 CHAIRMAN HOOD: Mr. Rogers?

3 MR. ROGERS: Good evening, Mr.
4 Chairman, members of the Board -- excuse me,
5 Commission. DDOT acknowledges the
6 applicant=s agreement to use trash bins and
7 coordinate with DDOT and other stakeholders
8 should more intense loading needs be required.

9 As the applicant mentioned in
10 testimony, that there is no onsite loading
11 requirements, and loading, because of the site
12 constraints, would require back-in loading,
13 which is contrary to DDOT=s design and
14 engineering manual and creates safety concerns
15 for pedestrians passing by in a very heavily
16 trafficked area for pedestrians.

17 DDOT believes that there are
18 several options to pursue for curbside
19 management strategies, and are looking forward
20 to coordinating with the applicant on those.

21 And with that, I=d be happy to

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1 answer any questions.

2 CHAIRMAN HOOD: Okay.

3 Colleagues, any questions of either Office of
4 Planning or DDOT? Commissioner May?

5 COMMISSIONER MAY: Mr. Rogers,
6 having studied the loading situation
7 intimately, I'm sure -- and considering some of
8 the issues that have been brought up -- we have
9 a letter in the record, for example, that cites
10 the frequency of deliveries and the potential
11 for conflicts with buses, and the potential for
12 people double parking their trucks, double
13 parking, and so on.

14 So are you confident that this is
15 all going to get worked out and that this
16 loading demand is manageable with available
17 curb, without substantial impact on parking,
18 traffic, et cetera?

19 MR. ROGERS: Yes, we are confident.
20 One of the potential options is to coordinate
21 with WMATA on potential modification or removal

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1 of the bus stop that is adjacent to the site.
2 It=s redundant, and WMATA might be open to
3 exploring the opportunity to remove that, which
4 would create -- open up new curbside space for
5 loading and potentially additional parking
6 spaces as well.

7 COMMISSIONER MAY: When you say
8 it=s redundant, how far is the nearest other
9 stop?

10 MR. ROGERS: It=s one block away.

11 COMMISSIONER MAY: At 22nd? 24th?

12 MR. ROGERS: I believe it=s 24th.

13 COMMISSIONER MAY: 24th. Okay.
14 But you have spoken with them yet about it?

15 MR. ROGERS: That conversation has
16 not happened yet.

17 COMMISSIONER MAY: And, generally
18 speaking, when -- in this sort of circumstance
19 in the past, have you had some success in
20 dealing with WMATA?

21 MR. ROGERS: When bus stops are

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1 located so closely to one another, WMATA has
2 found in the past that you can maintain the bus
3 service quality, not have people walk too far
4 between bus stops. But also, there are some
5 operational benefits to removing close-by bus
6 stops, so you don't have the extra stop and bus
7 service actually operates more quickly.

8 So I can't speak for WMATA, but they
9 have in the past been open to removing certain
10 bus stops.

11 COMMISSIONER MAY: Okay. Thank
12 you.

13 CHAIRMAN HOOD: Any other
14 questions of either one?

15 VICE CHAIR COHEN: No questions.

16 CHAIRMAN HOOD: Mr. Rogers, not
17 necessarily germane to this case, my concern --
18 and I think you heard it -- was when I was
19 talking about WECA's party status application.
20 I'm starting to see pretty much the same issues
21 for every case that we have in Foggy Bottom.

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1 And I guess I'll do this at a
2 meeting, but I just want you to let Mr. Zimbabwe
3 and Mr. Henson know that I'm going to be asking
4 questions, what are we doing to mitigate this
5 overall -- not just specific projects, because
6 when I look at this, as I stated earlier, we have
7 seniors walking across those sidewalks, and I
8 think WECA makes a good point.

9 And I'm just curious of what
10 actually are we looking at from a DDOT
11 standpoint when we are looking at each one of
12 these cases, because they are starting to add
13 up, at least from my -- maybe I've been around
14 too long, but they're starting to add up.

15 And while we do these cases
16 individually, and we look at them individually,
17 and sometimes we give a waiver or we buy-in to
18 whatever the mitigation factors are, that to me
19 is -- at some point is going to add up. And I'm
20 not sure if one will trump the other or we are
21 potentially creating the issue.

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1 So that=s something -- you don=t
2 necessarily have to answer tonight, because
3 it=s not necessarily germane to this case, but
4 that=s something I will be asking from this
5 point forward, probably at one of our meetings,
6 probably the next one. Okay.

7 MR. ROGERS: Noted. Thank you.

8 CHAIRMAN HOOD: All right. Any
9 other questions?

10 (No audible response)

11 Okay. Does the applicant have any
12 cross of either Office of Planning or DDOT?

13 MR. AVITABILE: I do not.

14 CHAIRMAN HOOD: Okay. Does the
15 ANC, any cross of either? Okay. Let=s see if
16 -- Mr. Marcus, do you have any cross of either
17 Office of Planning or DDOT? None? Okay. Ms.
18 Kahlow?

19 MS. KAHLOW: I have a few for --

20 CHAIRMAN HOOD: Turn on your
21 microphone.

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1 MS. KAHLOW: I have a few for OP,
2 but quite a number for DDOT. You'll have to be
3 patient, since transportation is a big deal to
4 us.

5 Let me start with OP. What
6 regulatory and license requirements would
7 apply to Hillel's proposed café, including any
8 parking requirement?

9 MR. GOLDSTEIN: I'm not aware of
10 the answer.

11 MS. KAHLOW: Can you provide it for
12 the record?

13 MR. GOLDSTEIN: I'm not sure where
14 to find that answer, frankly.

15 MS. KAHLOW: Okay. Thank you.
16 Second question is, what is OP's judgment of a
17 possible impact on the structural foundation of
18 the church for 100 percent versus 75 percent lot
19 occupancy and no rear yard versus 19.5 feet?

20 MR. GOLDSTEIN: I have no comment
21 on that.

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1 MS. KAHLOW: What protections does
2 OP recommend that the Zoning Commission
3 require?

4 MR. GOLDSTEIN: We have no specific
5 protections. We certainly hope that a
6 construction management agreement can be
7 worked out between the parties.

8 MS. KAHLOW: Okay. Thank you.

9 Now, DDOT, bear with me. There are
10 quite a number. First, what uses, if any, are
11 legal in a bus pad? Are deliveries to Hillel
12 allowable? If so, what is the maximum allowed
13 parking time?

14 MR. ROGERS: I'm not aware of
15 specific time requirements. From a practical
16 operational standpoint, any -- anything
17 obstructing bus service would need to be
18 minimized to ensure that bus operations move
19 smoothly, and vehicular traffic also runs
20 smoothly.

21 MS. KAHLOW: Could lengthy -- in

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1 other words, more than 10-minute deliveries,
2 interfere with the bus service on H Street,
3 which only has one lane of traffic in each
4 direction? What can DDOT do to ensure
5 uninterrupted bus service? I have been told --
6 don=t testify -- that sometimes a bus has to
7 wait 45 minutes for a delivery, and people that
8 have come to the West End Citizens Association
9 say they can=t get where they need to go to.

10 So what is the maximum amount of
11 time?

12 MR. ROGERS: I=m sorry. Can you
13 repeat the question?

14 MS. KAHLOW: What is the length of
15 deliveries -- what length of deliveries would
16 you allow if -- so as not to interfere with bus
17 service using the bus pad?

18 MR. ROGERS: There is no specific
19 number. Generally, encourage loading to not
20 interfere with bus service. What that means
21 exactly depends on a number of things -- bus

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1 frequency -- or, excuse me, headways, which is
2 the frequency, which buses serve a site, the
3 loading needs, the types of trucks.

4 MS. KAHLOW: And what does DDOT --
5 what can DDOT do to ensure uninterrupted bus
6 service? What particular provisions could you
7 require?

8 MR. ROGERS: There are different
9 curbside management strategies. Curbside
10 space is a finite resource, and there is
11 competing needs for it. And we do the best to
12 balance those competing needs as we can knowing
13 that to some extent cities are messy, and there
14 is no way to totally remove any incidents or
15 conflicts. But we do our best to manage those
16 competing interests.

17 MS. KAHLOW: What can DDOT do to
18 ensure no double parking? As I explained, it=s
19 one lane in each direction, especially for more
20 than 10 minutes for Hillel deliveries. Is
21 there anything you can do?

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1 MR. ROGERS: That=s an enforcement
2 issue.

3 MS. KAHLOW: And enforcement is
4 DDOT?

5 MR. ROGERS: DDOT is an enforcement
6 agency. DPW is the primary enforcement
7 agency.

8 MS. KAHLOW: Should Hillel have a
9 lay-by because of the frequency -- if they have
10 a café, the frequency of possible deliveries?

11 MR. ROGERS: I can=t comment on
12 that specifically, but DDOT public space
13 standards generally do not encourage lay-bys,
14 as they take space from the pedestrians and
15 narrow the sidewalks, remove opportunities for
16 street trees and that sort of thing.

17 MS. KAHLOW: Okay. I was just
18 trying to be creative here. I=d like to know
19 if you have any more creative solutions. Would
20 DDOT support no reduction of limited on-street
21 parking spaces in this residential area, which

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1 Mr. May referred to as so hard you have to go
2 around block after block after block to finally
3 find a parking space. So would you be able to
4 promise the community there would no reduction
5 of the limited on-street parking spaces?

6 MR. ROGERS: I can=t commit to that
7 specifically. As I mentioned before, curbside
8 space is limited. There is competing
9 interest. So within those constraints we will
10 do our best to work with the applicant and
11 brainstorm solutions that have a minimal impact
12 on any number of competing interests for the
13 curbside space.

14 MS. KAHLOW: Does DDOT have any
15 parking requirements for institutional
16 buildings with cafes?

17 MR. ROGERS: That=s a zoning
18 question I can=t speak to.

19 MS. KAHLOW: I know he -- Mr.
20 Goldstein didn=t know. I wondered if you knew.
21 To protect residential parking, does DDOT

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1 recommend offsite construction worker parking
2 like GW uses at the Kennedy Center for its
3 science and engineering building workmen?

4 MR. ROGERS: I can't speak to that
5 specifically. The applicant will be required
6 to produce a traffic control plan for
7 construction, and that could be one of the
8 elements to be included.

9 MS. KAHLOW: And when would we see
10 that traffic control plan? When would you see
11 it? When would the community see it?

12 MR. ROGERS: It's a construction
13 permit-related issue. That would come --

14 MS. KAHLOW: After the Zoning
15 Commission?

16 MR. ROGERS: -- after the Zoning
17 Commission.

18 MS. KAHLOW: Thank you. Does DDOT
19 have any review and approval authority for
20 Hillel's proposed considerable projections
21 into public space which DDOT opposed in its

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1 final report?

2 MR. ROGERS: Building code
3 modifications, like the one needed for the
4 non-compliant projection, is a code
5 modification issue, a DCRA issue, and that code
6 modification request has been granted.

7 MS. KAHLOW: So your objections and
8 OP=s objections have no standing at this point?

9 MR. ROGERS: That=s correct. The
10 issue has been resolved with the --

11 MS. KAHLOW: Will there be a public
12 space application hearing like we have for
13 other public space situations? Does DDOT --
14 DDOT holds those hearings. We won=t have one
15 in this instance, so we could object to it?

16 MR. ROGERS: For some building code
17 modification requests that impact public
18 space, they are routed -- occasionally routed
19 through DDOT for Public Space Committee review.
20 The code -- or the DCRA code official in this
21 case did not route that request through DDOT for

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1 a public space review.

2 MS. KAHLOW: And there is nothing
3 we can do with it now? It=s a done deal?

4 MR. ROGERS: I=m not sure if it=s --
5 if there are no opportunities to respond, but
6 I know that the code modification has been
7 granted.

8 MS. KAHLOW: Will DDOT require
9 covered pedestrian walkways on both 23rd and H
10 Street?

11 MR. ROGERS: There is a
12 departmental order within DDOT that requires
13 covered walkways during construction. That
14 would be part of the traffic control plan.

15 MS. KAHLOW: And where on 23rd or H
16 Street will DDOT allow a construction zone
17 during construction? 23rd is a major
18 thoroughfare, as you know, and H Street has one
19 lane each way. Where would it be?

20 MR. ROGERS: I can=t speak to the
21 specifics of that. That=s something that

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1 could -- that would be worked out as part of the
2 traffic control plan.

3 MS. KAHLOW: So that will be later
4 also. You mentioned the bus stop. Where is
5 the current bus stop? At H Street west of 23rd,
6 because when you mentioned on 22nd, the other
7 side, and on the way to the Metro, since we have
8 Saint Mary=s Court, elderly, handicapped
9 people a block away, we have Saint Mary=s
10 Church, we have everybody that actually uses
11 the 23rd and H stop, where is the closest stop
12 west of 23rd on H Street, so they can access the
13 Metro?

14 MR. ROGERS: I believe it=s at 24th
15 Street and H.

16 MS. KAHLOW: Okay. I don=t -- news
17 to me. Thank you.

18 That=s all my questions. Thank
19 you.

20 CHAIRMAN HOOD: Okay. Thank you.
21 Okay. Let=s move along. Report

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1 of other government agencies. I think the
2 record is complete. I know we had DDOT and
3 Office of Planning report. Anyone else did I
4 miss?

5 COMMISSIONER MILLER: Do we have in
6 the record the DCRA granting of the projection?
7 Do we have anything in our record?

8 MR. AVITABILE: I have a copy of it
9 with me, and I could present that for the
10 record.

11 COMMISSIONER MILLER: That would
12 be helpful. Thank you.

13 CHAIRMAN HOOD: Am I missing any
14 other reports?

15 (No audible response)

16 Okay. Let=s go to the Advisory
17 Neighborhood Commission. I=m going to ask for
18 Chairman Kennedy, ANC 2A. You can introduce
19 yourself, and you may begin.

20 MR. KENNEDY: Good evening,
21 Chairperson Hood, members of the Commission.

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1 My name is Patrick Kennedy. I'm the
2 Chairperson of Advisory Neighborhood
3 Commission 2A, which serves the Foggy Bottom
4 and West End communities of Ward 2.

5 At our regularly scheduled meeting
6 on June 18th, 2014, our ANC voted unanimously,
7 conditionally, to support the application for
8 variances and special exception relief before
9 you. Additionally, the ANC voted to
10 conditionally raise no objection to the George
11 Washington University=s request to amend the
12 2007 Foggy Bottom campus plan in order to make
13 use of leased space within the new building.

14 In taking these actions, our
15 Commission voiced general approval for a
16 project that we believe will represent a
17 substantial improvement in urban design over
18 the building presently at the subject property.
19 We believe that Hillel=s new structure as
20 proposed will better engage both 23rd and H
21 Streets, Northwest, one of the most high

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1 visibility locations in our neighborhood
2 located just one block from the Foggy
3 Bottom/GWU Metro Station.

4 Tens of thousands of commuters,
5 visitors, students, and residents pass this
6 location each day on foot, on a bicycle, or in
7 a vehicle. Although simply removing the
8 current structure would represent addition by
9 subtraction in terms of improving the
10 aesthetics of the site, the applicant is to be
11 commended for their efforts at designing an
12 architecturally distinctive replacement
13 structure.

14 What=s more, the elimination of a
15 curb cut associated with the current building
16 on H Street, along with the dangerously steep
17 driveway to which it connects, should improve
18 the pedestrian experience on the south side of
19 H Street. Perhaps most saliently, we
20 understand and appreciate Hillel=s desire to
21 construct a new building that will allow them

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1 to better serve their congregation and the
2 Jewish community at large in Foggy Bottom and
3 in the region.

4 Hillel has played an invaluable
5 role in furthering the spiritual lives of tens
6 of thousands of GW students and others over the
7 course of its existence in our area. And to the
8 extent that constructing a new building would
9 help them advance their mission, we are
10 supportive.

11 With that having been said, the
12 interests of Hillel must be balanced with those
13 of the surrounding neighborhood, and
14 particularly those of Saint Mary=s Episcopal
15 Church, the abutting property owner to the
16 south. We believe that there remain a few
17 outstanding issues that require the work of all
18 parties in order to achieve a satisfactory
19 conclusion, and, thus, ANC 2A has conditioned
20 its support for Hillel=s requested zoning
21 relief on the resolution of those issues.

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1 We agree with the Office of Planning
2 in regards to the first and perhaps most
3 important of these conditions, that the
4 applicant continue to work with Saint Mary=s in
5 order to achieve a construction management and
6 good neighbor agreement that will address the
7 legitimate concerns of that institution with
8 respect to the impact that construction and
9 excavation activities might have on their
10 operations, as well as the fragile historic
11 church buildings adjacent to the project
12 location.

13 Saint Mary=s is a treasure in our
14 community, one of the last remaining
15 institutions in Foggy Bottom that provides a
16 living link to our neighborhood=s African
17 American heritage. Its sanctuary, built in
18 1887, is of special historic value, having been
19 designed by James Renwick, also the designer of
20 the Smithsonian Castle.

21 The Hillel project will represent

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1 the third construction project on Square 42 in
2 the last 20 years. And although the scope of
3 construction involved with this project should
4 be significantly less compared to the other two
5 projects, we are sensitive to the potential
6 impacts that any amount of construction might
7 have on Saint Mary=s congregation. They have
8 not asked for this construction project, and
9 they will not benefit materially from it. So
10 we believe that it is important that the
11 applicant continue to work with them in order
12 to achieve an agreement.

13 Such an agreement should provide
14 sufficient protection for the structural
15 integrity of their property and should minimize
16 the effect of construction activities on the
17 church=s ability to perform its faith-based
18 mission. Although we are disappointed that
19 the two sides were unable to come to an
20 agreement prior to this hearing, we believe
21 that the negotiations have taken place in good

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1 faith.

2 The ANC convened a meeting between
3 the applicant and the church last Tuesday, and
4 we will continue to follow up with both sides
5 and encourage progress whenever possible. We
6 believe that the two parties have made
7 significant progress on the path to an
8 agreement, and we are optimistic that such an
9 agreement can be reached in relatively short
10 order.

11 Nevertheless, our condition
12 specifies that the two parties shall reach
13 agreement by July 16th, 2014, the date of our
14 next regularly scheduled ANC meeting, so that
15 the ANC can reevaluate its position based on the
16 status of any ongoing negotiations.

17 Our second condition of approval,
18 one that is, admittedly, a little more
19 nebulous, is that the applicant continue to
20 work with Saint Mary=s in order to address any
21 specific concerns that they might have about

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1 appreciably negative impacts of the project on
2 light and air quality. I think the south wall
3 considerations that were eloquently brought up
4 by Commissioner May would fall within this
5 category.

6 Although the applicant has
7 proffered its own shadow study to demonstrate
8 what it says are the limited impacts of its
9 development on Saint Mary=s, we ask that they
10 continue to work in good faith with the church
11 to address any major concerns in this area.

12 With respect to our third
13 condition, we share some of the concerns
14 expressed by the West End Citizens Association
15 and the District Department of Transportation
16 about the loading strategy associated with the
17 proposed development.

18 Although zoning regulations do not
19 require the applicant to provide off-street
20 loading facilities -- and, indeed, we believe
21 that such a requirement would be prohibitive to

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1 the feasibility of the project -- we
2 nonetheless remain concerned that the
3 applicant=s current loading strategy amounts
4 to unload in a Metro bus zone and hope that the
5 bus doesn=t show up while we=re doing so.

6 We see this strategy posting a
7 particular challenge if the applicant elects to
8 contract with a third party vendor for more
9 frequent deliveries in the future. Hillel
10 needs flexibility in terms of its ability to
11 accommodate commercial loading in the future,
12 so that it can serve Kosher meals and accept
13 deliveries on a frequent and convenient for
14 their purposes basis.

15 It should be able to have that
16 flexibility without requiring its delivery
17 vehicles to either interfere with Metro bus
18 operations or double park in a travel lane. As
19 such, we request as our condition that the
20 applicant continue to work with ANC 2A, DDOT,
21 the Washington Metropolitan Area Transit

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1 Authority, and other agencies as necessary to
2 improve its loading strategy.

3 And I should say to the conversation
4 about the bus stops, there is a bus stop located
5 at 24th and H Streets immediately one block west
6 of the project site served by westbound 80 buses
7 -- or, excuse me, eastbound 80 buses in the
8 direction of Fort Totten. There is also
9 another stop at the next block, 23rd and G
10 Streets, Northwest, just south of Saint Mary=s
11 Episcopal Church, adjacent to the Health and
12 Wellness Center.

13 So the 80 bus is essentially
14 stopping at three straight blocks. I didn=t
15 necessarily want to get into the specifics of
16 any potential proposal, but we will work with
17 the applicant and DDOT and WMATA to see if it
18 is feasible to eliminate that bus stop without
19 causing a service disruption to a particular
20 constituency that would use that bus stop
21 presently, and to see if that solution would

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1 work for WMATA=s operational interests.

2 It is based on that conversation
3 that I have had with the applicant=s counsel,
4 it is my belief that we can arrive at a solution
5 to this dilemma which would be beneficial for
6 all parties.

7 The final condition of our support
8 is that the applicant be sensitive to the
9 impacts of construction on the surrounding
10 community, with impacts on Saint Mary=s, as
11 mentioned earlier, being of foremost concern.
12 And I think this dovetails with West End=s
13 concerns. Residents of Foggy Bottom have
14 experienced greater construction impacts in
15 the last several years than arguably those of
16 almost any other neighborhood in the District
17 of Columbia.

18 While we do not hold the applicant
19 responsible for the cumulative impact of that
20 construction, or seek to deny their right to
21 build, we do ask that they coordinate with GWU

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1 to the extent possible, staging their
2 construction activities in a way that minimizes
3 adverse impacts on vehicular traffic,
4 residential parking, and pedestrian
5 circulation. We are confident that they will
6 work with the community to achieve this end.

7 The ANC is more ambivalent with
8 respect to the other element of the zoning case,
9 GWU=s request for an amendment to the 2007 Foggy
10 Bottom campus plan, in order to permit
11 university usage of this building for campus
12 life and academic/administrative uses.

13 The ANC is sensitive to some of the
14 concerns that have been raised by the West End
15 Citizens Association with respect to the
16 implications of such a designation on the
17 overall campus plan. We believe that
18 amendments to the campus plan should not be
19 taken lightly, and that the scope and area of
20 university development efforts should not be
21 significantly altered from that plan in order

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1 to give the community confidence in the
2 durability of commitments made during the
3 campus plan process.

4 With that having been said, we are
5 sensitive to Hillel=s need to obtain financing
6 for construction, and the fact that the
7 university represents a natural partner for
8 them in a leasing arrangement to this end has
9 not been lost on us.

10 To the extent that Hillel=s lease
11 with GWU allows them to proceed with
12 construction on a more rapid timetable than
13 they would otherwise have been able to achieve,
14 and based on Hillel=s intimation that they will
15 occupy the whole of the building upon the
16 expiration of GWU=s 20-year lease, the ANC
17 conditionally raises no objection to the campus
18 plan amendment necessary to effectuate such an
19 arrangement.

20 The two conditions upon which this
21 non-objection is based are stipulations that

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1 the university has already represented its
2 agreement to, as you have heard in this hearing.
3 The first such condition is that GWU use its
4 leased space within the building for student
5 life functions that are in keeping with the
6 mission of Hillel as an organization.

7 Specifically, it was the ANC=s
8 request that the university refrain from using
9 its leased space within the new building for
10 faculty or staff offices, except those offices
11 which relate directly to the student life
12 functions therein. The ANC appreciates the
13 university=s willingness to agree with this
14 provision.

15 The second condition of the ANC=s
16 non-objection is that the university forego the
17 development of Site 77D under the campus plan.
18 The university was granted additional
19 development rights at this site located near
20 the intersection of 21st and I Streets,
21 Northwest, in the 2007 Foggy Bottom campus

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1 plan.

2 The amount of additional square
3 footage that the university would stand to gain
4 from occupying the Hillel building is roughly
5 equivalent to the developable space that they
6 were granted at 77D. And, thus, by
7 relinquishing development rights there, the
8 university would not realize an uncompensated
9 gain in total campus FAR. We believe that this
10 is an appropriate tradeoff.

11 In conclusion, Advisory
12 Neighborhood Commission 2A expresses its
13 overall support for the project as reflected in
14 the record, subject to conditions that we
15 believe that the applicant can work through
16 with one or more parties in opposition.

17 The ANC will continue to engage with
18 this process as an honest broker that seeks to
19 protect the community=s interests while
20 providing Hillel with a feasible opportunity to
21 achieve the much-needed facility upgrade that

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1 they have been planning for.

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

5 CHAIRMAN HOOD: Okay. Thank you,
6 Chairman Kennedy. Colleagues, any questions
7 of ANC? Commissioner May?

8 COMMISSIONER MAY: Yeah. So I
9 believe that the recommendation that you
10 provided on the 19th is consistent with your
11 testimony, and there is one page that kind of
12 summarizes the conditions, and there are a
13 total of six, two that are specific to GW, and
14 four that are specific to Hillel.

15 And my reading of the material we
16 have received so far, and the testimony we have
17 seen, is that it appears that the GW conditions
18 are being met?

19 MR. KENNEDY: That is my
20 understanding.

21 COMMISSIONER MAY: Yeah. And

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1 then, when it comes to the others, continuing
2 to negotiate with Saint Mary=s on excavation
3 and construction, that appears to be ongoing
4 and continuing, and we can certainly hold off
5 on decisionmaking until we know the
6 construction management issues have been
7 addressed, if we choose to do that.

8 The specific concerns about
9 negative impacts to light and air quality, we
10 talked a little bit about that earlier, and
11 perhaps we=ll see something more from the
12 applicant on that.

13 Interference -- avoiding
14 interference with Metro bus operations, and
15 reducing parking, et cetera, and that we have
16 discussed with DDOT, and will have to continue
17 through the public space process, which is kind
18 of after what we take action on.

19 And then, the last one is minimizing
20 aggregate negative impact of construction area
21 activities on vehicular and pedestrian

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1 traffic. I mean, that=s not really our domain.
2 That=s kind of beyond the normal construction
3 management agreement.

4 But, I mean, it seems like,
5 generally speaking, we are very close to being
6 there. It is mostly at this point a matter of
7 what further actions are undertaken by the
8 applicant to address light and air, and then
9 also the construction management agreement.
10 Is that --

11 MR. KENNEDY: Yeah. And,
12 Commissioner May, if I could speak to that last
13 point. And I think that this is a concern that
14 Ms. Kahlow and West End articulate. I probably
15 get more complaints as a Commissioner about the
16 impacts of construction in terms of narrowing
17 roadways, eliminating parking, eliminating
18 sidewalk spaces. I probably get more
19 complaints about those issues than any other in
20 the neighborhood by a magnitude of several
21 degrees.

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1 So I think, you know, to the extent
2 that that=s not a zoning question, I think it=s
3 something that our ANC wants to be sensitive to,
4 and wants to commit ourselves at the front end
5 to working through. And so I think, you know,
6 with respect to the last three conditions, they
7 are more about continuing to work together. I
8 think it=s the first condition where there is
9 an actionable result that we want to see and a
10 specific timetable, but with the other three I
11 think we are sensitive to the impacts on the
12 community, and we want to note that for the
13 record, and we want to put out there that we will
14 continue to work to achieve satisfactory
15 results on those.

16 COMMISSIONER MAY: Great. Thank
17 you.

18 CHAIRMAN HOOD: Okay. Vice Chair
19 Cohen?

20 VICE CHAIR COHEN: Thank you, Mr.
21 Chairman. Actually, Mr. Rogers, the D.C.

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1 transportation plan, does it deal with any of
2 these issues that have been raised today?

3 MR. ROGERS: Are you referring to
4 the new D.C. plan?

5 VICE CHAIR COHEN: Yeah.

6 MR. ROGERS: I don=t believe it
7 does. I believe it=s more about systems. We
8 do have studies underway related to curbside
9 management in general, and loading zones
10 specifically, and doing an inventory of how the
11 curbside space is allocated throughout the
12 District.

13 VICE CHAIR COHEN: And when will
14 those be ready?

15 MR. ROGERS: I=m not sure about the
16 timeframe on those. I=m sorry.

17 VICE CHAIR COHEN: Okay. Mr.
18 Kennedy, there is something that I did not quite
19 -- it sort of like was something that -- I
20 understand what you=re saying about, you know,
21 not to just amend the campus plan. It needs to

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1 be taken -- it shouldn't be taken lightly. But
2 I'm missing your point other than that. Is
3 there something that you failed to say here that
4 you're implying?

5 MR. KENNEDY: So I've testified to
6 this issue on behalf of another organization
7 when we were actually a party in opposition to
8 a GW project, and I think we raised the same
9 concern. You know, I think the campus plan
10 process from our standpoint, particularly
11 since the previous campus plan was amended
12 before it was entirely seen through -- you know,
13 this 20-year plan I think was pitched to the
14 community as an opportunity to gain certainty
15 about GW's development prospects, about the
16 potential impacts on the community.

17 And, you know, while I would
18 hesitate to say that the relocation of
19 developable space or university uses from 21st
20 Street to 23rd presents an inherent barrier to
21 us being supportive, obviously, we raised no

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1 objection, so it wasn't a tremendous roadblock.
2 But it is moving closer to the residential core
3 of our neighborhood onto a square where
4 residential property is located.

5 And I think that to the extent that
6 we can keep the development sites as they are
7 laid out in the campus plan, to the extent that
8 the community has certainty as to what the
9 development prospects of the university are
10 over the time horizon of a campus plan, I think
11 that engenders a greater sense of trust between
12 the community and the university, and I think
13 that we have worked over the last several years
14 to hopefully raise that to a different plane
15 perhaps, different from what Chairman Hood is
16 used to in his days on the Commission. I think
17 we have made progress.

18 And to the extent that we open the
19 campus plan, I think it raises the potential
20 that some of that goodwill could be lost. But
21 that was really the only implication that I was

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1 trying to get at with that remark.

2 VICE CHAIR COHEN: Okay. Because
3 I -- this change in -- is really an exchange of
4 not doing one area and doing another. And it
5 appears architecturally to be an improvement,
6 which you mentioned. So I kind of lost my way
7 in that paragraph.

8 MR. KENNEDY: Sure. I think it is
9 a location-based concern rather than a
10 project-specific concern. I think it=s not
11 only the scale of development that=s
12 appropriate to contemplate from the
13 community=s perspective, but also the
14 location, and that=s the spirit in which we
15 address that question.

16 VICE CHAIR COHEN: Thank you.

17 CHAIRMAN HOOD: Okay.
18 Commissioner Miller?

19 COMMISSIONER MILLER: Thank you,
20 Mr. Chairman. I just wanted to -- I don=t
21 really have -- I don=t have any questions. I

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1 just wanted to thank the ANC and Chairperson
2 Kennedy for all your work on -- well, for all
3 of your work on a lot of things, and service to
4 the city, but particularly for your work on this
5 case and your constructive, thoughtful
6 testimony, and the recommendations that you
7 have made and the work that you continue to do
8 to try to bring the stakeholders together in
9 agreement.

10 So just appreciate that.

11 MR. KENNEDY: Appreciate that,
12 Commissioner.

13 CHAIRMAN HOOD: Okay.
14 Chairperson Kennedy, how many Commissioners do
15 you have, again, on your Commission?

16 MR. KENNEDY: So we have eight
17 Commissioners total now. We used to have six.
18 We gained two in the redistricting process.

19 CHAIRMAN HOOD: Any of them former
20 students?

21 MR. KENNEDY: So I am a former

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1 student. I actually graduated a month ago.

2 There is one --

3 CHAIRMAN HOOD: Congratulations.

4 MR. KENNEDY: Thank you very much.

5 I have the piece of paper to prove it and
6 everything. I will enter it into the record,
7 if you so request.

8 (Laughter)

9 But we do have one current student
10 Commissioner on the Commission, and we have
11 three recent alumni, recent being within six
12 years.

13 CHAIRMAN HOOD: Okay. So, and you
14 still reside in the neighborhood. So it=s kind
15 of balanced, and then you have some neighbors,
16 some long-time neighbors with some of the
17 students. Okay.

18 MR. KENNEDY: Yeah.

19 CHAIRMAN HOOD: And former
20 students.

21 MR. KENNEDY: And I think we work

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1 really well together. And I personally have
2 been very gratified at the trust that has been
3 placed in me by my colleagues in electing me to
4 this role and allowing me to do work on behalf
5 of the community. So I think it has worked
6 really well having that balance.

7 CHAIRMAN HOOD: Okay. I think
8 your testimony also showed balance, and I
9 appreciate -- like I said, I've been here a
10 while. We tipped the scale one way, and we
11 tipped it the other way. And now we are
12 starting to level off. We still have some
13 issues.

14 And even to be considerate of West
15 End in your comments I think goes a long way,
16 at least for this Commission.

17 MR. KENNEDY: And we do respect
18 their work as a community organization.

19 CHAIRMAN HOOD: So you all keep up
20 the good work, and thank you. Let's see if --

21 MR. KENNEDY: I appreciate that.

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1 CHAIRMAN HOOD: Let=s see if we
2 have any cross. Does the applicant have any
3 cross of the ANC?

4 MR. AVITABILE: No, I don=t, though
5 I=ll note that the student Commissioners can
6 sometimes be some of the -- their affiliation
7 with the university doesn=t prevent them from
8 being objective and looking closely and
9 carefully at the university=s plans.

10 CHAIRMAN HOOD: Okay. Good. At
11 any and all signs of it, so that=s good. Okay.

12 COMMISSIONER MAY: I like that word
13 -- use of the word "objective." It=s very
14 strategic.

15 (Laughter)

16 CHAIRMAN HOOD: Okay. West End,
17 Ms. Kahlow, do you have any cross?

18 MS. KAHLOW: No, I do not.

19 CHAIRMAN HOOD: Mr. Marcus, do you
20 have any cross?

21 MR. MARCUS: No, sir.

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1 CHAIRMAN HOOD: Okay. Thank you
2 very much. We appreciate it.

3 MR. KENNEDY: Appreciate it.

4 CHAIRMAN HOOD: Okay. Let=s go to
5 persons in support, organizations or persons in
6 support. I have a list. Mr. Kennedy has
7 already testified. Ms. Schellin, you know,
8 you can help me with this, as always. Jennifer
9 Orel, Emily Englander, Suzi Cora. Mr. Burns
10 has already testified. Kennon Jones -- no, I=m
11 sorry, Kennon -- Mr. Jones is in opposition.
12 We=ll come back. Marc Friend, Fried, Melinda
13 Michaels, Dan Rozenberg, Rosenberg.

14 Now, Pauline Hazel, I=m not sure --
15 you -- you have -- you didn=t say proponent or
16 opponent. Is Ms. Hazel in the audience?
17 Pauline Hazel?

18 MS. HAZEL: Oppose.

19 CHAIRMAN HOOD: You oppose? Okay.
20 So we=ll put you down. We=ll call you shortly.

21 Josh Brown, Sarah Siegel, Nicole

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1 Hollinger. I think this is Andrew Snow. Your
2 handwriting is exactly like mine, so don't feel
3 bad. Dustin Kaminsky. You know, I think I
4 called too many people. Mr. Kaminsky, we're
5 going to have you come up shortly right after
6 this.

7 Okay. I do need one of you all --
8 unless you all need to come together, because
9 one -- okay. All right. Let's start to my
10 left, your right. You may begin.

11 MS. HOLLINGER: Hi. My name is
12 Nicole. I have been in D.C. for 13 years. I
13 am a two-time graduate of GW, and I have been
14 living on the north side of Washington Circle
15 for eight years. And GW Hillel was, I'd say,
16 more than a home to me. It was a place I went
17 every Friday night for my four years, and it's
18 a place, as an adult in the community, that I
19 continue to go to.

20 And so I think that as I look at a
21 new building it's important to me to know that

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1 it=s there for the future students, but it=s
2 something that I will use for my personal adult
3 life here. The idea of having Kosher dining in
4 the area is very important to me.

5 As an alumni, it=s a place I=ll go
6 for activities. It=s a place I will go I think
7 just to experience some of the nice work space.
8 I think that, you know, we will see a lot of
9 people that had an opportunity to work from home
10 to be involved in other community activities,
11 and it has always been open doors for me.

12 So I look forward to what they=re
13 doing. I know that I will use it. I know I
14 will encourage other people to use it. And
15 seeing how GW has sort of lived and grown in the
16 community, I don=t know that I see a huge impact
17 to the neighborhood, at least from my living
18 perspective, with these changes. If anything,
19 it will be a more beautiful building, but I
20 think that the activity will not really affect
21 anybody.

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1 So, I'm obviously here in support,
2 and more than support, just general excitement
3 for the future of Hillel.

4 CHAIRMAN HOOD: Thank you. Next?

5 MR. BROWN: Thank you, Chairman.
6 Thank you, Commission. My name is Josh Brown.
7 I am a six-year resident of the District of
8 Columbia, and I am a proud supporter of Hillel
9 expanding.

10 Today, I am -- as a volunteer, the
11 co-advisor with Rabbi Yoni for the Zeta Beta Tau
12 fraternity chapter at the George Washington
13 University. I was a member -- still am a
14 member, but an undergraduate member for four
15 years of this fraternity chapter, which serves
16 Jewish and non-Jewish students of all face and
17 nationalities at the George Washington
18 University.

19 When we started our chapter back in
20 2007, we were a very small group. I have a rich
21 history on GW=s campus. It is actually our

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1 100th year anniversary. But we're a very small
2 group being recolonized. We would not have
3 been able to expand and not have been able to
4 make the level of impact we are able to make on
5 our members and on the community if it wasn't
6 for GW Hillel.

7 GW Hillel helped get us off the
8 ground, their facilities being a place for us
9 to grow, to do our programming, to make an
10 impact on the community. We have raised tens
11 of thousands of dollars for the local
12 children's hospital, Washington Children's
13 Hospital, with programming at GW Hillel.

14 We have had a tremendous amount of
15 leadership development programming that I have
16 tremendously been affected by. I would not be
17 where I am today professionally if it wasn't for
18 the leadership development programming that
19 the GW Hillel helped provide to the Zeta Beta
20 Tau fraternity. And we are now -- we started
21 when I joined as a 16-member organization. We

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1 are now close to 80 members. As we expand, we
2 know that we are going to need GW Hillel's new
3 facility in order to grow our organization, in
4 order to make an impact on the George Washington
5 University campus and throughout the District
6 of Columbia for our members and the members to
7 come.

8 So I strongly support this
9 proposal.

10 CHAIRMAN HOOD: Thank you. Next?

11 MR. ROSENBERG: My name is Dan
12 Rosenberg, and thanks again, everyone, for
13 having me speak here tonight. Like Mr.
14 Kennedy, I recently graduated from GW about a
15 month ago, but I do not actually have my diploma
16 in the mail yet to give you for the record, if
17 you request that.

18 So I was deeply involved in Hillel
19 throughout my four years at GW. In fact, this
20 past year I served as the President of the
21 Jewish Student Association, which is pretty

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1 much the student Executive Board of Hillel.
2 And Rabbi Yoni, everybody else on the staff,
3 works very hard to empower us and support us as
4 we sort of lead the Jewish student community.

5 And my story of Hillel is actually
6 a story that many people share. It=s -- I
7 hesitate to share it because it=s very personal
8 and also embarrassing. To share a little bit
9 with people in here they don=t know, but I had
10 a lot of adjustment issues coming to GW, and,
11 you know, I went to the counseling center to see
12 a psychologist for that.

13 But what I found in GW is a
14 comfortable place, because it was sort of like
15 an anchor and a place that was new to me.
16 That=s foreign to me. And as we=ve seen, you
17 know, in the news throughout the country, a lot
18 of individuals who are just entering college
19 are sort of getting used to adjustment issues
20 and, you know, for many people Hillel acts sort
21 of as a community and a social outlet where

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1 people can easily come together and meet with
2 friends with similar backgrounds.

3 Then, the other thing, there are
4 many things that GW Hillel has done for me, but
5 the other thing is that I actually have a job
6 a month out of college, and most of that is in
7 part due to the support that the staff gave me.
8 I work at the Hillel International Center in
9 Washington, D.C., and I wouldn't have been
10 qualified for this job had it not been for my
11 involvement and everything that Yoni and Adena,
12 and the rest of the staff at Hillel have done
13 to give me leadership positions, event planning
14 skills, relationship-building skills.

15 And I look at this building, and
16 with my experience, talking to hundreds of
17 students over the course of a year, as the
18 President of the Jewish Student Association, I
19 see tremendous potential to increase student
20 engagement and the interest in coming to Hillel
21 because one of the points of contention about

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1 the current building is that it=s not warm, it=s
2 not open, it=s not welcome enough for people to
3 feel comfortable. And I do think that -- and,
4 yes, I say this with much certainly -- hundreds
5 of students will now come, specifically with
6 this design in mind.

7 Thank you very much for listening.

8 CHAIRMAN HOOD: Sure. Thank you.

9 Next?

10 MS. MICHAELS: Thank you for having
11 us here tonight. My name is Melinda Michaels.
12 I am an alumni at GW, graduated in 2011, and
13 since then have been a resident of Ward 2.

14 The story that I want to tell
15 tonight is the way that GW became -- and Hillel
16 became my family. When I came to college as a
17 17-year-old who recently lost a parent, who was
18 experiencing financial difficulties, even
19 coming to GW, which has some stereotypes about
20 its student body, Hillel was one of the few
21 organizations that did not require membership

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1 dues and welcomed me with open arms and gave me
2 a place to mourn the loss of a parent and to grow
3 and become the person that I am, gave me
4 leadership opportunities through the Jewish
5 Student Association.

6 And it is really a center for
7 beautiful community engagement. The things
8 and programs that I remember most, serving as
9 Jewish Student Association President, and as an
10 active member of Hillel, were those -- those
11 programs that brought together the Jewish
12 Student Association, the Catholic Student
13 Union, the Black Student Union, the Muslim
14 Student Union, and all of us coming together and
15 reaching out to the broader community and to the
16 broader D.C. community.

17 This building that we -- that is
18 currently in place was often a barrier to those
19 programs we often overcame trying to bring
20 people in and make it a welcoming space, work
21 around some of the logistical difficulties that

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1 the current building presents.

2 And I am so thrilled and excited to
3 see that the plans for the new building will
4 work with the community, and I encourage you to
5 support the modifications that have been put
6 forward.

7 CHAIRMAN HOOD: Thank you. Next?

8 MR. FRIEND: Thank you, Chairman
9 Hood. Thank you, other Commissioners. My
10 name is Marc Friend. I am a Ward 4, who just
11 moved from Ward 1. I=ve been here in D.C. for
12 seven years. And as much as I would love to say
13 that I am a Washingtonian, I know that it takes
14 a long time to truly be part of this city. But
15 the reason that I wanted to say that is because
16 it is because of GW Hillel that I=ve learned
17 more about being -- what it means to be in D.C.
18 and be a part of this greater community.

19 Being at GW often feels like a
20 bubble, and we don=t get to expand as a city.
21 But it=s because of my experience at GW Hillel,

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1 that I was able to learn what this amazing city
2 has to offer and, more importantly, one of the
3 many issues that the city faces, and one of the
4 issues that the city is working on.

5 It started with the Habitat for
6 Humanity, to an organization called Yachad.
7 Through GW Hillel, we went out to a Ward 6 house,
8 which I had never been to. I had never been
9 outside of George Washington University. And
10 it opened my eyes up to this amazing city. From
11 there, I met someone at GW Hillel who introduced
12 me to another local organization that gets
13 involved in College Jews United for Justice,
14 and from there I was able to get involved in
15 local D.C. politics. And from that -- from
16 this point forward, I have been working in all
17 of my free time that I can on the local issues,
18 because I believe that it was from my experience
19 at GW Hillel that I learned what it meant to be
20 a part of the Washington community.

21 And one day I hope that when my kids

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1 are here that I can say that I am a true
2 Washingtonian. I know that I have a lot to get
3 there, someone who was not originally from the
4 D.C. area.

5 Specifically, talking about the
6 building, I would like to comment on what my
7 fellow alumni have said. This is a building,
8 as many people have said, that is not welcoming.
9 And a big part of GW Hillel's mission is about
10 welcoming students and, whether Jewish or
11 non-Jewish, to the community.

12 And it can be very troubling during
13 moments like Yom Kippur, the holiest day of the
14 year, when we can't even use our own building.
15 And for the reform service, we have it at the
16 Lerner Auditorium, which if you've been to at
17 20th and H is not exactly a welcoming nor
18 intimate community in a very large space. And
19 what this building offers is a lot more
20 flexibility to allow for students to feel both
21 in the intimate community but be able to welcome

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1 the amount of students that are interested in
2 GW Hillel programs.

3 Thank you very much.

4 CHAIRMAN HOOD: Thank you. Next?

5 MS. OREL: Hi. I'm Jennifer Orel.
6 I graduated in 2012. Hillel was the heart of
7 my college experience. Since I walked in the
8 first day, I knew that Hillel -- I was one of
9 those students who knew Hillel was going to be
10 a huge part of where I was going to meet friends
11 and learn about leadership and take on
12 leadership roles and eventually become
13 President of the Jewish Student Association
14 when I was a senior.

15 And I didn't care what the building
16 looked like. It didn't matter to me that it
17 wasn't so welcoming, because that is not what
18 I needed to get me through the door. But as the
19 years went on and I was involved in lots of
20 programming, especially larger ones with other
21 student organizations, such as Interfaith

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1 Programming and Breast Cancer Awareness Week,
2 the building was the blockage for a lot of
3 people to get there.

4 And when I talked to Jewish students
5 around campus, and invited them, a lot of them
6 were unaware of the building, and it just wasn't
7 the warm place that I wanted to represent as
8 this is where you guys should come. And you can
9 do all the programming you want, and really,
10 Jewish, non-Jewish, we were all kind of there
11 together to build a community, but we don't have
12 the structure to have that community.

13 And the idea -- I remember we talked
14 about it since I was a freshman about how to make
15 it warmer, and we tried everything that we
16 could, putting up streamers and lights and all
17 this, but it just -- it wasn't enough. And the
18 idea that there's a new building that could open
19 it up to be part of the university, and make it
20 warmer for students not to be scared to make
21 that first step and want to actually come and

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1 see what is there, and the opportunities and
2 meet with staff and other students, it=s
3 incredible, and I=m jealous that I didn=t get
4 to experience it when I was a student.

5 And I=m still living here and can=t
6 wait to see what happens, and know that it will
7 only bring in more people. And it=s not about
8 filling to capacity. It=s getting them in the
9 door. And I think this is a huge step, and it=s
10 a very exciting project.

11 So thank you.

12 CHAIRMAN HOOD: All right. Thank
13 you. Next?

14 MS. SIEGEL: I am just one voice of
15 the Hillel experience, and I=m very happy to be
16 able to share with you today. My name is Sarah
17 Siegel, and I graduated from GW in 2011.

18 And from the very first time I
19 started going to Hillel, I could walk in alone
20 and be around friends immediately. The GW
21 Hillel provided me with a community. I had a

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1 place to go every Friday night for Shabbat
2 services. I was able to have a leadership
3 position in helping form a senior series for
4 transitioning students, all GW students. And
5 I had the opportunity to volunteer in Nicaragua
6 building a community center.

7 And it was a meaningful home for me
8 then, and it continues to be one for me now as
9 an alum. I don't live near GW, but I am still
10 actively involved. I come for High Holiday
11 Services, and I am involved with the alumni.
12 And I am so proud to see how much GW has changed
13 and how it continues to grow and cultivate
14 leaders on campus. And this can only be done
15 in a better way with a warmer, as everyone says
16 -- this seems to be the theme, one word of our
17 testimonies. But a larger, newer, more
18 comprehensive space will only better engage and
19 cultivate leaders on campus, which is truly
20 what I think the GW experience should be about.

21 So I appreciate your time, and thank

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1 you.

2 CHAIRMAN HOOD: Thank you. Next?

3 MR. SNOW: Thank you. My name is
4 Andrew Snow. I moved to D.C. in 2010 to GW, and
5 I moved from California, so 3,000 miles away.
6 And I didn't know anyone at the school, and at
7 times it was lonely so I turned to Hillel for
8 a warm meal and some friendly faces. And that
9 was kind of the level of my involvement, maybe
10 once a month to come in, have a warm meal, some
11 good, old, mediocre chicken, and say hi to some
12 people, and then head on my way.

13 But having that building there I
14 think was one thing that really got me through
15 my five years at college. Don't judge. But --
16 and I have now made this my home. I have lived
17 in D.C. since I graduated, and I miss my
18 parents, and they wish I was closer, and my Mom
19 is not pleased about it, but this is home. And
20 I credit a lot of that to GW Hillel.

21 I have since gotten much more

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1 involved, in the last year and a half, in
2 Hillel. But I think one of the biggest
3 hindrances is the building. It=s ugly, it=s
4 not attractive, it=s not convenient to have
5 events.

6 One of the biggest problems we have
7 when we=re planning an event is, where can we
8 have it? Because we know people won=t come if
9 it=s at the building now, because the ceilings
10 are falling down. I mean, to use the saying,
11 as they said with the streamers and the lights,
12 it=s kind of putting lipstick on a pig, which
13 for a Kosher organization is not really okay to
14 do.

15 (Laughter)

16 So -- probably not the best analogy,
17 but it=s 9:30, it=s Monday night, I apologize.

18 So the -- getting a new building
19 will really allow I think this organization to
20 grow and to thrive and to really be something
21 that I think I would have been a lot more

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1 involved in in college if it was a place that
2 was more of a home, even than it was, which was
3 really created by the people that were there,
4 not by the facility. So I think it=s time for
5 the facility to grow to meet what the actual
6 organization is with the people there.

7 So thank you very much. Appreciate
8 your time.

9 CHAIRMAN HOOD: Okay. I want to
10 thank all of you for -- hold your seat. We may
11 have some questions or some cross. I want to
12 thank you all for taking the time to come down
13 and participate in this process.

14 Let=s open it up and see if we have
15 any questions.

16 VICE CHAIR COHEN: No.

17 CHAIRMAN HOOD: Okay. All right.
18 Let=s see if we have any cross. Does the
19 applicant have any cross? I don=t see Mr.
20 Avitabile. Has he left?

21 PARTICIPANT: No, he hasn=t. He=s

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1 coming back.

2 CHAIRMAN HOOD: Oh, he -- he might
3 come back. Okay. So no cross. Okay. Thank
4 you.

5 Does the ANC have any cross?

6 PARTICIPANT: Patrick Kennedy --
7 oh, he=s right here. Sorry.

8 CHAIRMAN HOOD: Ms. Kahlow, do you
9 have any cross?

10 MS. KAHLOW: No.

11 CHAIRMAN HOOD: Mr. Marcus, do you
12 have any cross?

13 (No audible response)

14 Okay. Thank you all very much.
15 Appreciate it.

16 Okay. We=re going to ask Mr.
17 Kaminsky -- I think you have -- is there anyone
18 else who is here in support who would like to
19 come forward? Okay. You can sit right in the
20 middle. You have all the seats -- well,
21 actually, you can sit anywhere you want.

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1 MR. KAMINSKY: All righty.

2 CHAIRMAN HOOD: Let me ask this,
3 you all have a newspaper. Is it called The
4 George Washington Hatchet?

5 MR. KAMINSKY: Yes.

6 CHAIRMAN HOOD: Is there anyone
7 here from there?

8 MR. KAMINSKY: I was there many
9 years ago.

10 CHAIRMAN HOOD: Okay. But is
11 there anyone here tonight from there?

12 (No audible response)

13 Okay. They may be watching it,
14 because I don=t know how -- I want you all to
15 know that I do peruse, and I do read, and
16 oftentimes I find some of our names up here in
17 your paper. And I think we have Georgetown
18 this week. I=m going to tell him the same
19 thing. I just want you to be cautioned. We do
20 read.

21 (Laughter)

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1 So I want you to know we do look.

2 So, Mr. Kaminsky, you are -- you
3 have the show to yourself. You may begin.

4 MR. KAMINSKY: Thank you, and thank
5 you for your time. I graduated from GW in 2007
6 and have spent the rest of my time in the D.C.
7 area. I just want to commend everyone -- all
8 of the stakeholders here who are working
9 together to get this plan completed. I know
10 that GW Hillel does reach an incredible amount
11 of students and delivers a very significant
12 impact across the campus.

13 And I think that was highlighted by
14 all of the folks who spoke before me, and I think
15 just at the heart of it you have to think the
16 impact that GW Hillel is able to make today in
17 the current conditions, they will be able to
18 make an even greater impact to have students
19 from 2007 who graduated, and so forth, coming
20 back in support of not only the building of the
21 organization, but also campus life and moving

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1 everything forward to the way that it should be
2 for the future.

3 CHAIRMAN HOOD: Thank you very
4 much. And appreciate you coming up by
5 yourself. Let=s see if we have any questions
6 for you.

7 MR. KAMINSKY: Okay.

8 CHAIRMAN HOOD: Commissioners, any
9 questions? Okay. Does the applicant have any
10 questions? Okay. Does the ANC have any
11 questions? Ms. Kahlow, any questions? Mr.
12 Marcus, any questions?

13 (No audible response)

14 Okay. Thank you very much. We
15 appreciate your testimony.

16 MR. KAMINSKY: Thanks.

17 CHAIRMAN HOOD: Let=s go to the
18 parties in opposition. I=m not sure, Ms.
19 Kahlow, have you all worked that out? If both
20 of you all can come forward and figure out how
21 you all are going to move on this.

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1 MS. KAHLOW: We had worked it out
2 when it was an hour, and -- because we each
3 prepared testimony. They had asked for 20
4 minutes, and we were going down to 15; we were
5 getting 45. But then you just said 40 minutes
6 total. I don=t know that we can do it.

7 CHAIRMAN HOOD: Our regulations,
8 Ms. Kahlow -- well, you know them. I don=t have
9 to tell you.

10 MS. KAHLOW: No. I=m just --

11 CHAIRMAN HOOD: You know our
12 regulations.

13 MS. KAHLOW: We can do 10, but that
14 only gives them 30, and that=s a problem.

15 MR. MARCUS: We=ll certainly try
16 our best, but we would ask for the indulgence
17 of the Commission to --

18 CHAIRMAN HOOD: Let me just say
19 this. Legally, I have to stay within those
20 regulations, so I -- that=s why I wanted to give
21 you a notice, because our regulations state --

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1 if anything is ever appealed, it states 40
2 minutes. Well, you get equal time from what
3 the presentation was. So I need to stay within
4 that limit. That=s why I wanted to give you
5 that up front, so you all can work it out.

6 MS. KAHLOW: So we=ll take 10.

7 CHAIRMAN HOOD: Okay. And then --
8 okay. Mr. Marcus, you all may begin.

9 MR. MARCUS: Thank you. Members
10 of the Commission, Hillel=s application does
11 not satisfy the requirements to obtain a
12 variance. As the Commission well knows, there
13 are three requirements. The first is there has
14 to be an exceptional situation.

15 If you look at Hillel=s application
16 for what constitutes an exceptional situation,
17 they make the argument that if you compare the
18 square footage of the Hillel building to the
19 square footage of other religious
20 institutions, churches, synagogues, Hillel=s
21 square footage is substantially smaller.

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1 But when you think about it, it=s
2 really apples and oranges, because the mission
3 of Hillel and other organizations like it is
4 quite different than the mission of a church or
5 a synagogue, and, therefore, because those
6 missions are different, the square footage that
7 those institutions have is quite different.

8 A church, a synagogue, typically
9 will have Sunday school space, typically have
10 reception space, often will have much larger
11 congregations, and, therefore, a larger
12 sanctuary space. So that really isn=t the
13 right comparison.

14 The comparison would be, what is the
15 square footage of Hillel compared to the square
16 footage of other religious student
17 organizations serving a similar population?
18 And for that there is no evidence in the record.

19 The second requirement, and I think
20 it=s in many respects the focus on the legal
21 side, before we get to the question of impact

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1 on the surrounding properties, Saint Mary=s in
2 particular, is that there has to be a showing
3 that the strict application of the zoning
4 regulations would result in a practical
5 difficulty.

6 And as we mentioned earlier, if you
7 look at the case law, in particular the Monaco
8 case, D.C. Court of Appeals, and the Dowd case,
9 D.C. Court of Appeals, the court has been very
10 clear about what that means. And what that
11 means is that with respect to an institution
12 like Hillel, which is a public service
13 institution, it has the burden of showing an
14 institutional necessity.

15 Hillel hasn=t made that showing.
16 It has certain made a compelling case for why
17 the aesthetics of its building are not
18 attractive and why it=s not inviting and
19 encouraging more students. But that=s not the
20 same as demonstrating an institutional
21 necessity.

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1 The third requirement, and the one
2 that the witnesses are here tonight to address
3 to the Commission, is that there be no
4 substantial detriment to the public good or to
5 the integrity of the zoning plan.

6 Now, oftentimes adjacent
7 landowners confuse the public good with their
8 own immediate interest. I think Saint Mary=s
9 is different, and the reason why Saint Mary=s
10 is different is that for one thing, the building
11 which it occupies has been a zoned -- I=m sorry,
12 has been designated on the National Register of
13 Historic Buildings.

14 And that means there is a specific
15 public interest in preserving the integrity of
16 that building, that makes it very different
17 than any other adjacent building.

18 And, second of all, and you=ve heard
19 this tonight, the congregation has a very, very
20 unique history. The witnesses tonight will
21 explain why the project proposed by Hillel does

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1 have a substantial detriment on Saint Mary=s,
2 and, therefore, on the public good. And with
3 that, I=ll turn to our witnesses who will
4 address those points.

5 Thank you.

6 MR. RINGER: Chairman Hood,
7 Commissioners, staff, thanks for giving Saint
8 Mary=s the opportunity to speak before you
9 tonight.

10 Saint Mary=s Church is open to all,
11 and it continues to be consistent with the
12 District comprehensive plan.

13 My name is Windon Ringer. I=m the
14 Senior Warden at Saint Mary=s Church. I am a
15 retired Xerox executive where I held the
16 position of Vice President of Global Accounts
17 Operations.

18 Today, I am currently the Managing
19 Director of Resources Unlimited Training and
20 Development Consulting Company, which is
21 basically a provider of strategic and

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1 management services to commercial and
2 government clients throughout the United
3 States and the world.

4 What is my role with the church? I
5 am the Senior Warden. My responsibilities are
6 defined by the laws of the church, and we call
7 them canons. I am responsible in my team for
8 the leadership of the vestry, and you will hear
9 from some of them tonight, which is the
10 governing body of the church.

11 I also provide leadership and
12 stewardship over the parish=s finances and its
13 buildings by the canons of the church. I
14 choose the individuals within the church to
15 fill various different positions that are
16 pertinent to the operation of the church.

17 So simply, then, what are you going
18 to hear from us tonight? What are you going to
19 hear from me? You=re going to hear from the
20 members of Saint Mary=s Church community who
21 have been selected to convey the legitimacy

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1 basis for Saint Mary=s concerns with the
2 impending demolition, the excavation, and
3 construction of a new structure next to a
4 landmark. Next to a landmark.

5 However, Saint Mary=s agrees with
6 the Office of Planning in ANC 2A that a very,
7 very strong construction agreement must -- must
8 exist. Saint Mary=s seeks a strong
9 construction management agreement as a
10 condition, but not the only condition, of any
11 approval that the Zoning Commission may provide
12 to Hillel in this proceeding, because our
13 buildings are irreplaceable, and our prior
14 experiences guide our high degree of concern.

15 So who will speak tonight? Dr.
16 English will provide testimony on the impact of
17 George Washington University=s Wellness Center
18 that took place next to the church about three
19 years ago.

20 Father Price, our former rector at
21 the time of the negotiation with GW=s

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1 construction of the dormitory and Wellness
2 Center, and a former rector, will discuss our
3 concerns with -- and actual use of the north
4 gate on the rectory, not a building. The
5 rectory is an integral part of our grounds and
6 buildings at Saint Mary=s. It is not a
7 building. It is holy and sacred grounds.

8 Father Manion, our present interim
9 rector, will discuss the historical precedents
10 of community outreach that continues to be a
11 part of Saint Mary=s today and our life.

12 John Matteo, our structural
13 engineer, will advise the Zoning Commission of
14 the risk -- the risk of the Hillel project.

15 So what will I cover in my
16 testimony? I=m going to talk about the
17 architectural significance of the church. I=m
18 going to talk about the significance of the
19 rectory, which is about three feet from the
20 property that is going to be leveled. I=m
21 going to talk about and speak to the concerns

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1 with Hillel=s increase in lot occupancy. I=m
2 going to also speak to the proximity of Hillel=s
3 proposed entrance to the rectory residence,
4 concern with the loss of the north gate, and
5 finally I will speak to Hillel=s proposed
6 projection for the public space on 23rd and H
7 Street.

8 So what is the significance of Saint
9 Mary=s? I think you see the picture over there
10 of one of James Renwick=s most finest work. It
11 is the smallest of all of his works. Those that
12 are familiar to you would be Saint Patrick=s
13 Cathedral in New York and Grace Church. People
14 come from all over the world to visit his work
15 here in Foggy Bottom.

16 Last year we hosted engineers from
17 all over the country and all over the world to
18 study that fine piece, masterpiece. It=s
19 listed, as we have stated earlier, on the
20 National Register of Historic Places. It has
21 earned this right. Renwick would be very proud

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1 of the legacy that he left Foggy Bottom, and,
2 more importantly, Washington, D.C.

3 What has happened is that based upon
4 the design he gave the early founders of our
5 church, this particular masterpiece has not
6 been altered since its completion in 1887. One
7 window that you will see is a Tiffany glass
8 window dedicated in memory of Edwin Stanton,
9 who contributed significantly to the church=s
10 initial religious community center.

11 There are also three other windows
12 that are at the high altar that were constructed
13 in France. They are priceless. They are
14 irreplaceable.

15 This church was formed by a group of
16 African American Episcopalians as the first
17 African American Episcopal Church in the city
18 of Washington in 1867. Alexander Crummell was
19 the first rector of the church, and he helped
20 to build Saint Mary=s with a mission to focus
21 on community life, which is our legacy and our

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1 mission. It remains intact.

2 Jessye Norman, the renowned opera
3 singer, sang in the choir while a student at
4 Howard University.

5 We are told by musicians and opera
6 singers throughout the world that our church is
7 acoustically sound. In other words, they love
8 to sing and perform at Saint Mary=s.

9 Today, our church is probably one of
10 the most diverse worship houses in America,
11 with many ages, races, and nationality. So as
12 we continue, Mr. Crummell, or Reverend or
13 Father Crummell, service to the community, we
14 have a long history of involvement in
15 Washington, as well as in Foggy Bottom.

16 Over 100 years Saint Mary=s was one
17 of the few places that opened its doors to
18 industrial education for the community, and it
19 was linked to the Washington, D.C. fashion
20 industry. We were instrumental in getting
21 affordable housing for poor income residents in

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1 Foggy Bottom.

2 Saint Mary=s Court is the
3 masterpiece or the brainchild of former and
4 current Saint Maryans.

5 Our buildings serve as a meeting
6 place, or the building should, as a meeting
7 place for many interest groups. We have the AA
8 meeting there, we have the Overeaters, we have
9 the LGB groups, we have folk dancers, we have
10 GW Canterbury Club.

11 Recently, we have joined
12 partnership with the largest Korean
13 Presbyterian Church in Washington, D.C., and
14 they use our -- serve as our building, rather,
15 after our 10:00 mass. We are connected. We
16 understand the needs of Washington, and we are
17 there to serve.

18 So what is the significance of the
19 rectory? We have talked about that --
20 "rowhouse" was the term I thought I heard, but
21 it is a rectory. It is holy ground. It has

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1 been consecrated, dedicated, for the service of
2 mankind and also for God. It is just as
3 important as any other part of the church, and
4 its use can mean currently income for the
5 church, because we are without rectory -- or
6 rector, I'm sorry. But it is the home of the
7 rector.

8 We are concerned, as you have
9 indicated and you've heard, by the air, the
10 light, and also the quietness that could
11 result, based upon the proposed Hillel project.

12 What are our concerns? The loss of
13 use of the north gate. The use -- or the use
14 of the west gate is not a substitute. We are
15 concerned about the lot occupancy in the rear
16 yard and the proposed excessive overhangs into
17 public space on 23rd Street.

18 Let's talk about and address very
19 quickly the loss of the north rectory. Saint
20 Mary's was promised an easement by the BZA order
21 Number 1603-6 to allow the construction of the

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1 Rice resident hall located at 250 -- I mean,
2 2350 H Street, Northwest. The easement was
3 never provided to allow excess from the
4 backyard of the rectory across the resident
5 hall property to the 30-foot public alley.

6 We have found no evidence that the
7 required easement was ever recorded by the
8 Zoning Commission or the BZA Order. In
9 addition, the university constructed a second
10 gate for the students, or for the residents,
11 rather, of the rectory using Hillel's rear
12 yard. The proposed 100 percent lot occupancy
13 would eliminate the access.

14 Correction of the record: the
15 north gate characterized by the applicant as a
16 15-year-old gate in a recent wall was built by
17 GW's contractors as a replacement for a
18 previous north facing gate in a wooden fence
19 that had been removed.

20 A west facing gate for a promised
21 west easement, again, Zoning Commission Order

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1 1603-6, was constructed at the same time by GW=s
2 contractors. Saint Mary=s contends that both
3 easements are intended to remain, unless
4 extinguished in writing and recorded as such at
5 the Recorder of Deeds.

6 Use of the west gate -- it requires
7 crossing GW=s property to access the hidden
8 public alley. Note: It is a public alley.
9 It can create safety issues for the rector=s
10 family, and it also presents access challenges
11 for large medical units that may have to come
12 or fire trucks.

13 Moving along to one of the other
14 issues, which I stated earlier, the lot
15 occupancy in the rear yard. The continuous,
16 high, solid wall between 23rd and 22nd Street
17 that we have so eloquently discussed today time
18 after time will greatly reduce air circulation
19 in our opinion. It will concentrate
20 reflective heat energy on the church
21 properties. Loss of light for the north, for

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1 the rector, and also, as you saw in the vivid
2 illustration, a feeling of enclosure.

3 Saint Mary=s supports DDOT=s and OP
4 objections to the overhang proposed in the
5 Hillel June 9th submission. With that said, I
6 think it is clear that anyone can clearly
7 understand why we are concerned about the
8 building, about our grounds, and about the
9 buildings that the Hillel Center is proposing
10 to tear down and build next to a landmark.

11 Thank you.

12 DR. ENGLISH: Mr. Chairman,
13 members of the Commission, my name is Richard
14 Allen English. I don=t know how much time we
15 have now, Mr. Chairman, because we need to give
16 our colleagues --

17 CHAIRMAN HOOD: You have nine
18 minutes. I think Ms. Kahlow already worked
19 that out. If you watched her, she worked that
20 out the way that I think the two that were going
21 to testify now are going to be testifying -- I

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1 mean, be in opposition as individuals. That=s
2 perfectly legal. So I watched her work her
3 magic. So you have nine minutes and 30 --

4 DR. ENGLISH: Well, I won=t take up
5 all of that time. I will be fast.

6 I think you have copies. Thank you
7 for this opportunity again, and to the
8 Commissioners, and I trust you have a copy of
9 my testimony as well as my colleagues here.

10 PARTICIPANT: Could you identify
11 yourself?

12 DR. ENGLISH: Yes. I did. My
13 name is Richard Allen English, and I=m a member
14 of Saint Mary=s. I have been for over 20 years.
15 And over the years I have served in many
16 different capacities of leadership in the
17 church, and today I serve as what we call a
18 Eucharistic Minister in the church,
19 participate in the religious services.

20 I serve on the church=s committee
21 that was established for the communications

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1 between GW Hillel Center. I want to testify as
2 quick as I can about the impact of the proposed
3 Hillel destruction and the erection of a new
4 facility. Saint Mary=s Church is not in
5 opposition to this building in terms of the need
6 that it presents for Hillel. We appreciate
7 that, and we appreciate the students.

8 As a former professor, retired
9 professor, for over 40 years, I certainly
10 appreciate the enthusiasm of these former
11 students and graduates there and the passion
12 that they present for the Hillel.

13 We want to make an issue before you
14 tonight of how important it is for us to have
15 some assurances that we will not suffer the
16 destruction of our buildings. And my
17 testimony has to do with our experience with GW
18 when they built the Health and Wellness Center,
19 and while we had some guarantees, and we had
20 some relationships, and documentation as to
21 what would happen if the Saint Mary=s --

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1 particularly the sanctuary that my colleague
2 has just spoken about, was impacted in a
3 negative way.

4 All of those assurances did not
5 prevent the impact -- the negative impact on the
6 church. As a matter of fact, we lost
7 irreplaceable objects in the church. There
8 were icons, religious icons, on the wall, that
9 the depth of the building, as it was being
10 constructed, the icons fell, they were
11 irreplaceable. We can only get reproductions.

12 The archway between the nave, the
13 congregation, and the altar area fell. Thank
14 God it wasn't at a time that the church was
15 occupied, and that put us out of the church for
16 -- it was condemned for safety reasons, and we
17 were out of the church for three years.

18 There were cracks in the wall.
19 There were cracks in the floor. We had tile
20 floors that ran down the middle of the central
21 aisle in the nave. The entire floor had to be

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1 replaced before we could return to the
2 facility. So it=s those issues that the
3 presentation by Hillel to not only construct a
4 new building but to destroy the one that they
5 have there, it just set off an alarm of great
6 fears and concerns among the parishioners, and
7 in particular especially among the older
8 parishioners whose memories are still there and
9 very burning about the consequences.

10 And, again, I want to make it very
11 clear that the opposition is not in terms of the
12 construction of a new building. We understand
13 that. We=ve heard our colleagues next door
14 testify to that. So it=s all about preserving
15 that -- our buildings for future generations.

16 Thank you.

17 MR. MARCUS: The next witness we=d
18 like to have testify we=d like to have qualified
19 as an expert. I=m wondering whether we could
20 stop the clock while we do the qualification.

21 CHAIRMAN HOOD: Okay. And I think

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1 we have that -- your resume on the back -- I saw
2 it on the back of something, somewhere.
3 Anyway, if you can go ahead, Mr. Marcus, and
4 tell us what you're going to proffer him as.

5 MR. MARCUS: John Mateo -- Matteo,
6 excuse me, is a structural engineer of many
7 years' experience. He has a master's degree in
8 structural engineering. He has had a great
9 deal of experience in protecting buildings of
10 a historic nature, and in fact he has had
11 particular experience with respect to Saint
12 Mary's. He has been involved as an advisor on
13 structural issues to Saint Mary's for over 15
14 years, and I think he is well qualified to
15 speak, really to a narrow issue here, which is,
16 what are the risks that could occur even with
17 structural underpinning? And how can those
18 risks best be mitigated?

19 CHAIRMAN HOOD: So you're
20 proffering him as an architectural engineer.

21 MR. MARCUS: Structural engineer.

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1 CHAIRMAN HOOD: Structural
2 engineer. Okay. Commissioners, we have his
3 resume behind the application, which is our
4 Exhibit Number 10. Any objections?

5 VICE CHAIR COHEN: It=s fine.

6 CHAIRMAN HOOD: Okay. I don=t
7 have any objections either. Okay. So we will
8 proffer him as an expert in structural
9 engineering.

10 MR. MARCUS: Thank you, sir.

11 Mr. Matteo, could you briefly
12 describe what went wrong with the structural
13 failure that took place when GW constructed the
14 Health and Wellness Center and its impact on
15 Saint Mary=s?

16 MR. MATTEO: Sure. Let me make
17 sure you can hear me. The excavation to the
18 south of the Saint Mary=s Church basically
19 created, you know, a large hole with the weight
20 of the building right immediately adjacent to
21 it. The basic problem was, I would say,

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1 twofold. One was the flexibility of the
2 retention system that was holding back the soil
3 beneath the church. So as the excavation was
4 made, the retention of the soil shifted, and
5 then that moved the church.

6 There was both settlement and
7 lateral movement of the church, and that
8 caused, as we just heard, cracking in the
9 masonry, damage to some of the interior
10 finishes, falling plaster at the chancel arch
11 between the altar and the nave.

12 One of the shortcomings in the
13 process was the design of that retention
14 system. Also, the level of monitoring that
15 went along with the design process and the
16 construction process. And an establishment of
17 threshold limits to movement and having an
18 action plan in place that would allow a quick
19 response to the problems that they experienced
20 there.

21 MR. MARCUS: Thank you. Now,

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1 moving forward to the proposed construction of
2 the Hillel building, assume the best of
3 intentions and the best of plans with respect
4 to structural underpinning. Are there still
5 risks associated with Hillel=s construction
6 plans that could occur with respect to Saint
7 Mary=s, and what are they?

8 MR. MATTEO: Sure. Yes. There
9 are always risks. When you underpin a
10 building, you can just imagine we are basically
11 digging underneath a building, and replacing
12 soil with concrete. So it=s essentially
13 extending the foundations down to a deeper
14 level, and the process is fraught with risk.
15 It can be done successfully, but it needs to be
16 done carefully.

17 And so it both is -- to do so, it
18 requires preparation during the design phase,
19 and then also proper coordination during
20 construction. And it=s a sequenced operation
21 that is basically carefully replacing soil with

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1 concrete to lower the foundations, and it=s
2 done -- it needs to be done carefully. It needs
3 to be -- have corresponding monitoring that
4 goes along throughout the process, so that we
5 know if there is problems that are going on and
6 we can respond quickly if those problems are
7 happening.

8 The essential risks are movement --
9 settlement of the building, associated
10 cracking, damage to the structure and also to
11 the finishes. In general, the risks increase
12 as you get closer to the excavation. So the
13 rectory building certainly is at most risk in
14 this scenario.

15 As you move away, there are other
16 risks that we have heard about. There is
17 certainly dust and that sort of thing that can
18 be transmitted. We are also demolishing a
19 building. Vibration propagation can extend
20 through the buildings and even reach to the
21 sanctuary further away.

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1 Vibrations are more typically an
2 issue of causing problems with finishes or just
3 disturbance of occupants.

4 MR. MARCUS: What is necessary in
5 order to mitigate those risks to the extent
6 possible?

7 MR. MATTEO: Yeah. I think in the
8 design process being very clear about the
9 sequencing of underpinning, having performance
10 criteria established both for monitoring
11 threshold limitations and plans of action, and
12 careful review of some of the processes that
13 happen during construction are determined
14 during the -- at the beginning of construction
15 by the contractor. The designers might
16 provide performance criteria, and then it=s
17 implemented by the contractor.

18 So a careful review of those
19 criteria and what the contractor is proposing
20 is crucial to making sure that it is a
21 successful process, both in terms of the

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1 underpinning and also the lateral retention of
2 the soil during the excavation. They are two
3 separate submittals that would need to be
4 reviewed.

5 MR. MARCUS: Would you agree that
6 the best way to mitigate the risks, to the
7 extent possible that you have described, would
8 be through a very good and strong construction
9 management agreement?

10 MR. MATTEO: Yes. I totally agree
11 with that, and certainly we would -- on the --
12 we would want to make sure that the proper
13 protections are in place during the --
14 throughout the design and construction
15 process. I think if it's done right, it
16 certainly can be done successfully, although we
17 never eliminate risk throughout the process.
18 So it just needs to be done carefully.

19 MR. MARCUS: Thank you.

20 Those are our witnesses.

21 CHAIRMAN HOOD: Okay. I want to

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1 thank you very much. Let=s see if we have any
2 questions up here. Vice Chair Cohen?

3 VICE CHAIR COHEN: Thank you, Mr.
4 Chairman. Mr. Matteo, it=s my understanding
5 and I=m not an architect or a construction
6 manager, but when you do the underpinnings to
7 a building, it actually can strengthen that
8 building as well. And my question to you is on
9 the former construction sites that were done
10 and damaged the building, were the
11 underpinnings carefully placed? And did they
12 in any way -- I mean, apparently, they weren=t
13 done right, it sounds to me.

14 MR. MATTEO: Yeah. I think they
15 did -- in theory, they did a lot of the
16 appropriate measures I think in the -- on the
17 other side. They did bracket piles below the
18 foundations. They did a retention system with
19 tiebacks. But it -- what was the problem, it
20 was too flexible of a system for the depth of
21 excavation that they were doing.

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1 So, in theory, it could have been
2 done properly, but I think it needed the careful
3 review process to make sure that it was -- it
4 just came down to how much movement was allowed.
5 But in terms of your first statement about it
6 can improve the capacity of the building, that
7 is true in terms of if you underpin a
8 foundation, you can even spread it out or get
9 down to more solid soils, and so there is the
10 potential for improving it, but, nevertheless,
11 it=s still a process of pulling the rug out from
12 under a building and sticking something in. So
13 that inherently -- that process is fraught with
14 risk and needs to be done very carefully.

15 VICE CHAIR COHEN: You mentioned
16 that you have been engaged with the church over
17 a number of years, so were you involved in any
18 way with the monitoring on behalf of the church?
19 Or was it just left to the contractor?

20 MR. MATTEO: Yeah. I think -- I
21 became involved once the problems started to

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1 emerge, and so it was -- you know, it was already
2 there well into the design, into the
3 construction. The movement began to happen,
4 and so it was at that point that I got involved.

5 VICE CHAIR COHEN: Can you -- or is
6 there a plan for you to get involved earlier and
7 more often now because this is so -- you know,
8 a great risk? I guess what I'm suggesting is
9 we haven't seen any of the plans that are being
10 negotiated, so I'm sort of asking these
11 questions blindly. But it seems like a person
12 of your capacity and expertise should be
13 engaged from the immediate review of the plans,
14 including the discussion and selection of the
15 contractor.

16 MR. MATTEO: That is the intent.
17 That is what I recommended is with -- both
18 within the design and the early phases of
19 construction, that I can help the church make
20 sure that the proper protections are in place.
21 So that would be part of the construction

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1 management plan.

2 VICE CHAIR COHEN: I know this was
3 a long time ago, and probably construction
4 materials, as well as methods, have changed.
5 But when the original Hillel was built in, what,
6 1984 or '86, in that period, there wasn't -- or
7 was there -- any damage to the building at that
8 time that you're aware of?

9 MR. MATTEO: Not that I -- not that
10 I'm aware of. I don't know. I know that there
11 is existing underpinning along that north wall
12 of the rectory, which I am assuming was relating
13 to some of the earlier construction that went
14 on there. And that, in itself, poses an
15 additional challenge.

16 Essentially, as we're underpinning
17 underpinning now in this next phase, so it's --
18 there's just a careful evaluation of the
19 calculations that need to be done during the
20 construction process, because we're -- as we
21 underpin that underpinned wall, we have

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1 essentially hinges in that foundation wall that
2 are essentially there.

3 So it just needs to be carefully
4 looked at during the sequence, because there
5 will be times when the soil is pulled away on
6 that -- on the Hillel side, and we'll be having
7 essentially like a stack of concrete blocks
8 holding up our building with soil underneath
9 the building pushing on it. So there needs to
10 be a careful review of the full sequence of
11 operations during the construction.

12 VICE CHAIR COHEN: We have, you
13 know, gone -- it has been 27 years since that
14 building was built, and we do have more
15 sophisticated techniques, I presume, in
16 dealing with these issues, because there has
17 been much construction adjacent to historic
18 properties.

19 MR. MATTEO: Yes.

20 VICE CHAIR COHEN: And so I would
21 think that the most sophisticated equipment,

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1 again, as part of the negotiations, most
2 sophisticated equipment might not eliminate
3 but diminish some of the unknowns, I would
4 think.

5 MR. MATTEO: Absolutely. I agree.
6 And so it=s -- what I=m hoping to help the church
7 with is to make sure that those are in place.
8 And when done properly, this can be done
9 successfully. You know, you never eliminate
10 risk completely, like you said, but you can
11 certainly make sure that we do all the steps to
12 mitigate that risk.

13 And I think we know a lot more, and
14 the monitoring capabilities are much more
15 advanced than they used to be as well. So there
16 is the ability to respond quickly if there is
17 something that is going on.

18 VICE CHAIR COHEN: My last question
19 is, during the recent earthquake -- I guess it
20 was about three years ago, the earthquake, was
21 there any damage done to the church at that

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1 time?

2 MR. MATTEO: I'm not aware of that.
3 I didn't review the earthquake damage, if any.

4 VICE CHAIR COHEN: Does anybody
5 know?

6 (No audible response)

7 Okay. All right. Well, thank you
8 very much. And, as I said, this is what I
9 studied last night about underpinning.

10 CHAIRMAN HOOD: Okay.
11 Commissioner May?

12 COMMISSIONER MAY: Thanks. A few
13 questions on this, Mr. English. I mean, you
14 testified that the -- that use of the sanctuary
15 was lost for three years.

16 DR. ENGLISH: That's right.

17 COMMISSIONER MAY: Was it -- I
18 mean, was it just the sanctuary? Or was it the
19 entire facility?

20 DR. ENGLISH: The entire church was
21 not used. It was --

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1 COMMISSIONER MAY: All of the
2 building.

3 DR. ENGLISH: -- condemned. All
4 of the building. We had to use the parish hall
5 for our services for three years. None of it
6 could be used.

7 COMMISSIONER MAY: Okay.

8 DR. ENGLISH: All of the flooring
9 had been dismantled, by the way. There was
10 just no way to have it. We had to take out all
11 of the pews. In fact, we sent them away and
12 they were all redone, so the entire church was
13 not available for religious purposes.

14 COMMISSIONER MAY: And what was the
15 value of what was lost? How much damage did you
16 sustain?

17 DR. ENGLISH: I don=t have those
18 numbers.

19 COMMISSIONER MAY: Okay.

20 DR. ENGLISH: I think they=re
21 available, but I simply don=t have them here.

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1 COMMISSIONER MAY: And I assume
2 that this resulted in some sort of legal action
3 and settlement with the university or its
4 contractors.

5 DR. ENGLISH: We had a very fine
6 relationship with the university, and we had
7 negotiated that cost, and they were very
8 forthcoming. That=s my recollection.

9 COMMISSIONER MAY: And so you were
10 compensated for --

11 DR. ENGLISH: We were compensated,
12 and we did not need to or have to seek any
13 further litigation with George Washington.

14 COMMISSIONER MAY: Okay. Mr.
15 Matteo, what was the nature of the -- I mean,
16 we talk about underpinning, but I think that=s
17 a term that=s being used a little bit loosely
18 here. You know, when there=s 15 feet -- I=m not
19 talking about --

20 (Laughter)

21 I mean, it can be used fairly

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1 generically or it can be used very
2 specifically.

3 MR. MATTEO: Sure.

4 COMMISSIONER MAY: And if, as I
5 understand it, there was 15 feet between the
6 wall of the sanctuary and the building of the
7 Wellness Center, right? Was it actually
8 supported at -- you know, was there actual
9 underpinning under the wall of the sanctuary,
10 or was it simply, you know, standard pilings,
11 sheeting and shoring, something like that, that
12 was supporting the excavation?

13 MR. MATTEO: It was actually a
14 combination. I wouldn't call it underpinning
15 technically for that project. It was -- but
16 they are called bracket piles. In a sense, it
17 is, but those are directly underneath the
18 building. It's like a helical pile that's
19 drilled down, and then it holds up the
20 foundation. So it's meant to carry the load,
21 weight of the building, down to a deeper level

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1 in the soil, and so there is a series of those
2 helical bracket piles and then more
3 conventional sheeting and shoring for the
4 excavation.

5 COMMISSIONER MAY: And there were
6 tiebacks involved, too, did you say that?

7 MR. MATTEO: Yes.

8 COMMISSIONER MAY: Okay. I mean,
9 it sounds like it=s kind of a belt and
10 suspenders system. What actually -- I mean, I
11 understand that it was too flexible, but was
12 this a failure in the design or in the
13 execution? Was it the -- I mean, what went
14 wrong? Because I -- it=s rare that you hear
15 examples of such a dramatic failure of
16 supportive excavation in this fashion.

17 MR. MATTEO: I have -- I mean, I
18 would say --

19 COMMISSIONER MAY: You=re my hero.
20 You get the call and --

21 MR. MATTEO: Yeah. I=ve gotten

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1 the calls on --

2 COMMISSIONER MAY: I've been
3 involved in a lot of projects, and I have never
4 experienced a failure like that.

5 MR. MATTEO: Yeah. No, hopefully
6 -- you know, most projects can avoid it, and for
7 -- I think in this case it was -- I think it was
8 the attention to the flexibility of that
9 system, retention system, and I think maybe the
10 thinking was that the bracket piles would bring
11 the load down deeper into the soil.

12 But when you allow the entire soil
13 mass to move, the bracket piles are in
14 effective, because it=s moving everything with
15 it.

16 COMMISSIONER MAY: And it didn=t go
17 down to bedrock. It just went down to -- it was
18 a friction pile or something.

19 MR. MATTEO: Yeah. It=s a helical
20 pile, so it --

21 COMMISSIONER MAY: Oh. So it=s --

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1 MR. MATTEO: -- just --

2 COMMISSIONER MAY: -- at the
3 bottom or something.

4 MR. MATTEO: Yeah. It just -- it=s
5 like a corkscrew that gets -- it sinks into the
6 soil. And so in that case, yeah, it would be
7 either -- depending on how you put it, I think
8 the -- it comes down to the movement criteria
9 and the attention to that movement criteria,
10 because by many standards that retention
11 system, as long as it held back the soil, was
12 a successful design.

13 So it=s just a matter of being
14 attentive to what is the movement criteria,
15 what are the threshold movements that really
16 are appropriate for a historic building sitting
17 above the soil.

18 COMMISSIONER MAY: So the -- what
19 is the nature of the supportive excavation that
20 is proposed here with the Hillel construction?
21 Is it --

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1 MR. MATTEO: Underpinning. So
2 it=s --

3 COMMISSIONER MAY: I mean, there=s
4 three feet, though, between the property line
5 and the building.

6 MR. MATTEO: So they would excavate
7 that soil and then come underneath -- directly
8 underneath the existing --

9 COMMISSIONER MAY: Rectory
10 building.

11 MR. MATTEO: -- rectory building
12 foundations, which as I mentioned before have
13 already previously been underpinned and now we
14 are going to go deeper with --

15 COMMISSIONER MAY: Why is that even
16 necessary? Why wouldn=t they just do sheeting
17 and shoring and tiebacks and support it within
18 their -- you know, on their property
19 essentially, except for the tiebacks?

20 MR. MATTEO: It=s certainly an
21 option, and it=s always part of the design and

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1 construction discussion about the various
2 options. Underpinning -- in this case, given
3 the depth of the excavation, which is not that
4 great relative to where the bottom of the
5 foundations are, underpinning is a more direct
6 way of making sure that there is a long-term
7 solution to bringing the loads down below the
8 new excavated area.

9 Whereas, temporary retention
10 system, you have to worry about it both in the
11 temporary in terms of flexibility and then also
12 long term making sure the new structure is
13 designed to permanently retain the lateral
14 pressure of the soil.

15 COMMISSIONER MAY: But the
16 underpinning -- I mean, I guess you -- the
17 rectory building is only part of the length of
18 that wall. So I assume that you=d be -- they=d
19 be underpinning and then tying back to support
20 the lateral loads. And then when they get into
21 the backyard space at the rectory, then they

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1 have to do more, I mean, traditional support and
2 excavation with tiebacks.

3 MR. MATTEO: Right. Yeah. No
4 that=s true. And depending on the contractor
5 that is selected and their particular
6 experience, there may be alternates proposed.
7 That=s why I do recommend that there be a review
8 throughout the process of, what is the
9 decisionmaking and what are the ultimate
10 recommendations for the retention system.

11 COMMISSIONER MAY: Okay. Thank
12 you.

13 I have a couple of other questions
14 that are not structural. So, Mr. Ringer, the
15 -- you mentioned the easement that was supposed
16 to be recorded and the supposed public alley.
17 Do you have evidence of any of this? I mean,
18 is there documentary evidence of -- I mean, if
19 there was a BZA case, there is something that
20 should have been recorded. Do we have that? I
21 haven=t seen that in the record. Is that

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1 something that you have submitted?

2 MR. MARCUS: There was a Zoning
3 Commission Order --

4 COMMISSIONER MAY: Right.

5 MR. MARCUS: -- that specifically
6 conditions approval on the granting of an
7 easement.

8 COMMISSIONER MAY: Okay. But that
9 is at the north end. It=s not -- it wouldn=t
10 affect this driveway.

11 MR. MARCUS: At the west.

12 COMMISSIONER MAY: I=m sorry. The
13 west.

14 MR. MARCUS: The west end. It=s
15 the back of the rectory backyard.

16 COMMISSIONER MAY: Right. And it
17 would connect to the alley or to --

18 MR. MARCUS: Correct.

19 COMMISSIONER MAY: Okay. And that
20 was not recorded, but that isn=t really what
21 we=re talking about here. The driveway here is

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1 not part of that.

2 MR. MARCUS: The concern is the
3 north gate, and that leads to the driveway,
4 which goes to the Hillel property out onto H
5 Street. So you=ve got two --

6 COMMISSIONER MAY: So what does
7 that have to do with the easement that was never
8 recorded?

9 MR. MARCUS: I think Mr. Ringer=s
10 point is just that because it wasn=t recorded
11 there was a concern at the church that it may
12 not necessarily be enforceable, and that you=ve
13 got a statement on a Zoning Commission order,
14 but no one at the time took any action to create
15 a recorded easement.

16 COMMISSIONER MAY: It sounds like
17 there is another issue that the church has to
18 resolve with the university if there is -- if
19 there was a requirement of a previous BZA order
20 that was never done.

21 MR. MARCUS: We would agree with

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1 that.

2 COMMISSIONER MAY: But, again, I'm
3 not sure I see the bearing of that on this case.

4 You're aware of what the zone is for
5 this property and what could happen here as a
6 matter of right. So you know that you could
7 have a 90-foot building with a 18-foot
8 penthouse, right? Okay.

9 MR. RINGER: In D.C.

10 COMMISSIONER MAY: I'm sorry?

11 MR. RINGER: I said in the
12 District, yes.

13 COMMISSIONER MAY: No. In your
14 specific zone, your immediate neighborhood?
15 The zoning that=s on there right now is 90 feet.
16 I mean, it wouldn=t be necessarily this use.
17 It wouldn=t be, you know, this FAR, this case.
18 But as a matter of right, somebody could build
19 something that=s that tall.

20 MR. MARCUS: But within the zoning
21 laws, it would still be the 75 percent lot

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1 occupancy.

2 COMMISSIONER MAY: Understood.

3 It would be substantially taller. The rear
4 yard wouldn't necessarily be butting up against
5 the rectory. It could be butting up against
6 the building. Now I'm getting my directions
7 confused -- the other wall. Let me put it that
8 way.

9 And you understand that the
10 overhangs are not really a zoning issue, right?

11 MR. MARCUS: Yes. It's really -- I
12 think it's more of an aesthetic issue.

13 COMMISSIONER MAY: I don't
14 disagree. I'm not really thrilled about that
15 either, but I try to restrain myself. I don't
16 succeed often, but I try to restrain myself and
17 stick with zoning.

18 All right. Thank you.

19 CHAIRMAN HOOD: Okay.
20 Commissioner Miller, questions, comment?

21 COMMISSIONER MILLER: Thank you,

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1 Mr. Chairman. Commissioners Cohen and May
2 touched on a couple of the things I was going
3 to ask about. So I was just going to -- in terms
4 of what would be allowed in that matter of
5 right, for example, this -- so I think it=s --
6 I think, you know, your testimony and your --
7 what you=ve submitted emphasizes the
8 importance of a carefully constructed
9 management agreement. And so I would just
10 encourage you, you know, to keep working on
11 that, and hopefully reach a resolution that
12 will protect this beautiful historic church and
13 its property. It truly is a beautiful
14 structure, although I haven=t been inside it.
15 But I hope to do that someday when this case is
16 over.

17 So I just wanted to thank you for
18 your testimony and for all of the service that
19 you=ve provided to the District of Columbia and
20 to the church to the Foggy Bottom community.

21 That=s it.

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1 CHAIRMAN HOOD: Okay.

2 COMMISSIONER MILLER: Oh, I have
3 one -- I do have one question, just out of
4 curiosity. So the rectory -- how long has it
5 -- how long has it been rented out for
6 income-producing purposes? I guess since the
7 loss -- since the loss of the rector.

8 MR. RINGER: Four years ago.

9 COMMISSIONER MILLER: Four years
10 ago.

11 MR. RINGER: Prior to that, the
12 rectory has -- after our last rector left, we
13 used it as office space.

14 COMMISSIONER MILLER: And it is
15 your intention that it will become the home
16 again of --

17 MR. RINGER: It is the home of the
18 rector.

19 COMMISSIONER MILLER: It is the
20 home of the rector.

21 MR. RINGER: Yes. There=s no

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1 option. It is -- that=s what is designed and
2 blessed because it is the home of the rector.

3 COMMISSIONER MILLER: And when --

4 MR. RINGER: And he or she can
5 choose to live there or not. But it is what we
6 offer --

7 COMMISSIONER MILLER: I see.

8 MR. RINGER: -- as their place of
9 dwelling on the campus of the church.

10 COMMISSIONER MILLER: Okay.
11 Thank you.

12 CHAIRMAN HOOD: Okay. Let me ask,
13 Mr. Matteo, I hear you mention about now you=re
14 involved with the underpinning, or whatever the
15 case is, to shore up everything and make sure
16 that the church doesn=t get any damage.

17 But I also hear you with the caveat
18 of risk. What percentage do you think -- with
19 your expertise, and I know this is like a
20 gamble, because that=s all it is, what
21 percentage do you think, with your assurances

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1 in working with the applicant and making sure
2 that things are done properly, because I heard
3 your discussion with Commissioner May that
4 typically you don=t hear a whole lot of that.

5 But what assurance -- what
6 percentage are you confident that we won=t hear
7 about damage or any problems to the historic
8 church? Or have you even shared that with the
9 church?

10 MR. MATTEO: Well, I mean, I have --
11 I don=t have a specific number. It=s really --

12 CHAIRMAN HOOD: It would be 50/50
13 or --

14 MR. MATTEO: No. Better than --

15 CHAIRMAN HOOD: -- 30/20? I mean,
16 30/70?

17 MR. MATTEO: I=ll put it this way.
18 The projects that I have been involved with from
19 the design side, I -- which have been many
20 underpinning projects on historic buildings,
21 such as D.C. Court of Appeals, the Virginia

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1 State Capitol, currently the Rotunda at
2 University of Virginia, some big, significant
3 historic projects.

4 We haven't had any problems with --
5 resulting from underpinning, so -- but I have
6 been involved in a number of projects where the
7 -- so I have a good track record in terms of
8 providing recommendations, which is -- has been
9 very good. I can't say that I am going to
10 eliminate all risk by doing this, but I have had
11 very good success.

12 I have been involved with projects
13 that have had a lot of problems with
14 underpinning or lateral retention after the
15 fact, when I have come in and helped them deal
16 with that problem.

17 CHAIRMAN HOOD: Also, I heard
18 someone mention vibration, and I know that's
19 another -- I guess you have another tool also
20 to help with alleviating some of the vibration.
21 Am I right?

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1 MR. MATTEO: That=s right. I
2 mean, that=s -- it could be part of the
3 monitoring program. Usually we recommend
4 basically what=s called the seismograph,
5 measures the vibrations, and you set up
6 threshold limits and it -- mostly that relates
7 to human perception and when the vibrations
8 start to bother people and both the occupants
9 in adjacent buildings.

10 So that would be part of the
11 monitoring program, and establishing threshold
12 limits on vibrations.

13 CHAIRMAN HOOD: What concerns me is
14 what I heard from the former rector of the
15 former warden. I think you=re the former
16 warden, am I correct?

17 MR. RINGER: No. No.

18 CHAIRMAN HOOD: What was your
19 position?

20 MR. RINGER: You probably --

21 CHAIRMAN HOOD: No, your position,

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1 what is your position? I got it wrong. I=m
2 sorry.

3 MR. RINGER: I was on the vestry
4 some time ago.

5 CHAIRMAN HOOD: Okay.

6 MR. RINGER: But we have -- we
7 have --

8 CHAIRMAN HOOD: No, no.

9 MR. RINGER: -- the former rector
10 of the church here.

11 CHAIRMAN HOOD: I=m talking about
12 your comments. I=m going by your comments.

13 MR. RINGER: I see.

14 CHAIRMAN HOOD: Okay. The
15 comments were very compelling to me, and I=m
16 saying this actually for the applicant, because
17 a lot of possessions were lost and they had to
18 be replaced. It=s not the same.

19 MR. RINGER: Exactly.

20 CHAIRMAN HOOD: So it=s not the
21 same. So I appreciate that. I don=t need an

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1 Amen, but I=m just -- I=m saying this for the
2 -- for the applicant to understand where I=m
3 going, because I think your comments are very
4 compelling.

5 I don=t think anyone, whether --
6 whichever side you=re on, the Hillel or on the
7 church side of the -- Saint Mary=s, I think any
8 time you lose your possessions, especially in
9 a historic -- historic, I think, you know, it=s
10 very sentimental values. And I think we need
11 to do what we can to preserve them. But
12 replacement -- having a replacement, it=s just
13 not the same.

14 So I hope the applicant will
15 consider, take what measures we have from our
16 structural engineering to make sure that they
17 don=t have to replace anything else. Okay.
18 You know, enough said on that, and I guess what
19 I=m saying -- well, I don=t guess, what I=m
20 saying is I expect to see the applicant do
21 whatever they need to do, because regardless

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1 you need to work that out and we look forward
2 to seeing that.

3 MR. RINGER: Thank you.

4 CHAIRMAN HOOD: Okay. Those are
5 my comments. Vice Chair Cohen.

6 VICE CHAIR COHEN: Thank you, Mr.
7 Chairman. I just have one more question for
8 Mr. Ringer. Again, your experience, you
9 mentioned, you know, air and light issues. Do
10 you have any evidence that backs up your
11 concerns or is it based on the construction of
12 the other buildings surrounding you?

13 MR. RINGER: Quite frankly, I don=t
14 understand your question. Could you repeat
15 it?

16 VICE CHAIR COHEN: Sure. You
17 indicated that you also had concerns about, you
18 know, the blockage of air, the impact of the
19 construction just in general. And I was
20 wondering, is it based on your experience, or
21 do you actually have studies that were done to

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1 support some of your concerns, such as, you
2 know, light impact on the church from the
3 building?

4 MR. RINGER: Experience.

5 VICE CHAIR COHEN: Okay. Thank
6 you.

7 CHAIRMAN HOOD: Okay. Any other
8 questions up here?

9 (No audible response)

10 Okay. Let=s move right along.
11 Does the applicant have any cross-examination?
12 Okay. Does the ANC have any cross? Okay.
13 Ms. Kahlow, do you have any cross?

14 (No audible response)

15 Okay. We thank you for your
16 presentation, and we appreciate it.

17 Okay. Ms. Kahlow, you have --
18 let=s do this. Does the Court Reporter need to
19 take a break? Okay. You=re good? Do you
20 need to take a break?

21 THE COURT REPORTER: No.

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1 CHAIRMAN HOOD: Okay. He is ready
2 to go home. Okay. I promise you you'll get
3 out by 10 to 12:00.

4 (Laughter)

5 Okay. He didn't find that too
6 funny. I guess not at quarter to 11:00.

7 Okay. Ms. Kahlow, you may begin.

8 MS. KAHLOW: Yes. Thank you. I'm
9 Barbara Kahlow. I live at 800 25th Street,
10 Northwest, just a couple blocks from this site.
11 I'm testifying on behalf of West End Citizens
12 Association, the oldest citizen organization
13 in the Foggy Bottom/West End area, and one of
14 the oldest in the city since 1910.

15 One of the WECA's goals is
16 maintaining the quality of life for the
17 residential community in Foggy Bottom/West
18 End. We asked for party status for three cases
19 -- the campus plan amendment case, since GW is
20 adding two floors of university site; the
21 non-minor modification to the Omnibus PUD,

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1 which Mr. -- Chairman Hood said we should not
2 discuss today, so the material on page 2 is in
3 writing only; and the Hillel case for variance
4 and special exception relief.

5 Hillel is a private landowner, just
6 like any other Foggy Bottom private landowner.
7 And it=s not owned at all by GW, and the
8 construction, however, will be financed by GW
9 through the 20-year lease.

10 In September of 2006, you granted us
11 party status in the Foggy Bottom campus
12 plan/Omnibus PUD case, and we have been
13 involved in several, as you know, of the 16
14 development sites, the few that have come up so
15 far.

16 I have four subjects today. One is
17 the need for an amendment, not only the campus
18 plus but also the PUD, which I won=t be able to
19 discuss. Two, our desire for community
20 amenities is a quid pro quo for GW=s 20 years
21 of additional new leased space in the heart of

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1 Foggy Bottom=s residential community west of
2 23rd Street.

3 If you look at 23rd Street, GW is
4 primarily east of 23rd Street. There is only
5 a few buildings west of 23rd. Instead, all of
6 the buildings around it that were not pointed
7 out are residential, and I=ll point out later.

8 In the prehearing submission, GW
9 was proposing this swap for the land nowhere
10 near the residential area with this area. We
11 oppose this, and instead believe the community
12 deserves amenities for further encroachment at
13 the heart of the residential neighborhood.

14 When we dealt with the campus plan,
15 as you all know, we looked very carefully at
16 what was near the residential neighborhood, and
17 this was nowhere. We never thought there would
18 be this kind of encroachment. The zoning order
19 was very clear that there needs to be another
20 case, and I cite the order.

21 Second is the amenities. The WECA

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1 believes that the additional amenities are
2 justified because of the 9,000 -- 150,000
3 square feet of new FAR. David used it -- Mr.
4 Avitabile used a different number today. He
5 was using net space I guess.

6 But it=s in the middle of our
7 community. What we would like is funds to
8 WMATA for a much-needed Foggy Bottom Metro
9 second entrance in Square 77, which is the
10 eighth busiest station in the system, and the
11 only busy one without a second entrance. We
12 asked for it, as you recall, for the Square 75
13 and Square 77 cases, and then I provide the
14 history, which I will skip, of how Eleanor
15 Holmes Norton suggested we ask each of the
16 developers, including GW, for every
17 development to cough up money so that we could
18 have elevators.

19 Currently, they are just programmed
20 for stairs. Since we have an elderly
21 community, they cannot use stairs. And it=s

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1 right across from the Ambulatory Care Center.
2 They cannot use stairs. Elevators are cheaper
3 than escalators.

4 So let me get to the other two
5 subjects. The third subject is the various
6 adverse effects on the beloved national
7 landmark, Saint Mary=s Episcopal Church and for
8 the adverse effects on the Foggy Bottom
9 residential community.

10 In our request for party status, we
11 discussed our objections to the 100 percent lot
12 occupancy versus 75 percent, no rear yard
13 versus 19.5 feet, which will adversely affect
14 the abutting landmark building. I was
15 transfixed by the conversation I just heard
16 about the damage the last round, and this
17 building is even closer three feet. I am
18 horrified that something is going to happen to
19 this treasure.

20 The variance request, if granted,
21 would be bad precedent for any other landowner

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1 in an R-5-D district. To have one percent lot
2 occupancy would really destroy the fabric of
3 what we have in our community. We have
4 breathable air.

5 The prehearing submission by the
6 applicant says that less than 100 percent lot
7 occupancy in any rear yard would create a gap
8 in the urban fabric. We absolutely disagree
9 with that. That is the whole point of the Foggy
10 Bottom Historic District and all of our
11 buildings, that we can breathe and live in a
12 livable, walkable community.

13 So the adverse effects on the church
14 -- we echo all of the concerns that were just
15 raised. We are primarily concerned about
16 irreparable damage to the foundation and
17 structure of the historic buildings complex due
18 to the utterly inappropriate request for 100
19 percent lot occupancy.

20 It is undesirable, and it=s
21 dangerous, abutting a historic and fragile

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1 complex with valuable building components and
2 artifacts. And, in addition, the applicant=s
3 unusual request for no rear yard doesn=t make
4 any sense to me whatsoever. Building up is
5 fine. Building close is not fine.

6 So when you asked the various
7 questions that the Commissioners asked, would
8 we care about it going up, up is a lot better.
9 It would protect the church better, and I
10 believe that the church has in the written
11 submission the same. How will the charge have
12 continued access for furniture deliveries to
13 its rector=s residence? The Commission should
14 deny both the lot occupancy and the rear yard
15 request.

16 Now, let=s get to the adverse
17 effects on the residential community. I
18 discussed a little of this with DOT, DDOT. And
19 our party letter said, and Chairman Hood talked
20 about it, that it would negatively affect the
21 quality of life of many D.C. members, for

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1 example, there would be adverse effects on
2 pedestrian safety, from the loading activities
3 across the heavily trafficked sidewalk.

4 This, unlike all of the other ones
5 we have talked about for GW, Chairman Hood, is
6 really in the heart of a residential
7 neighborhood. This would have much more
8 effect. Around the corner, in the same square,
9 is Saint Mary=s Court, with the elderly and
10 handicapped. Our whole community lives in all
11 the high rises around it.

12 If they have the street blocked, the
13 sidewalk blocked, how are these people supposed
14 to get to the Metro, the church, or anything
15 else? It just doesn=t make any sense. And
16 when Hillel holds their large functions, where
17 are the participants going to park? Are they
18 going to compete with the residents for the
19 limited on-street parking? The rules require
20 15 spaces to prevent this unfair competition.

21 I heard today that they moved the

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1 bus stop. That bus is servicing the
2 immediately -- elderly people. Now, it's true
3 there are bus stops in various other places, but
4 this is the one on the main drag and 23rd Street,
5 up and down, everybody uses it who comes from
6 the subway.

7 Tab B in the applicant's prehearing
8 statement reveals that the proposed loading
9 will be in the bus zone and H Street. It
10 states, "Loading and unloading when the bus
11 stop is not in use." And trash pickup when the
12 bus pad is not in use. However, the posted
13 street signs says, "No standing or parking,
14 Metro Bus zone" the entire expanse. So if they
15 have been doing this, this is illegal. And if
16 they did it -- if they plan to do it in the
17 future, it is illegal.

18 So is Hillel's proposed use legal?
19 Why? I don't think so. Since Hillel will be
20 supporting two kitchens, how long or what
21 frequency will delivery trucks use the sidewalk

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1 and bus pad, especially if they add a café.

2 Now, they have a Friday night
3 service, and a little meal. If they have it as
4 a regular basis, and it becomes a café, that is
5 going to be a problem for our community. Where
6 are the pedestrians, especially the elderly,
7 supposed to walk during these times of
8 deliveries?

9 Recently, a nearby resident wrote
10 the church=s senior warden and me, "I=m
11 concerned about the construction blocking at
12 23rd Street and H Street. As you=re aware,
13 because 23rd Street needs three lanes during
14 rush hour, and the sidewalk will be blocked
15 causing serious safety issues, there would be
16 a safety issue for any of our parishioners using
17 the church on Sundays. Additionally, the bus
18 stop will probably have to be removed, since
19 there will be a sidewalk closure on H Street as
20 well."

21 There were a number of people that

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1 wrote me for the West End Citizens Association,
2 and they were too intimidated to send in
3 something for the record. They didn't want
4 people coming up to them. So I have a whole
5 bunch of people that have commented on this,
6 probably more than any of the other projects,
7 because this is the only one directly in the
8 neighborhood.

9 In closing, the WECA objects to the
10 following inaccurate statements in the
11 applicant's prehearing submission. "The
12 requested variances can be granted without
13 causing adverse impact on the neighboring
14 properties." Not true. Church, plus more.
15 "Will not generate noise or other objectionable
16 impacts on surrounding residential
17 neighborhood." Not true. "And the use is
18 located near the heart of the campus, away from
19 the surrounding residential properties."
20 That is 100 percent incorrect.

21 The 2300 H Street site is not in the

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1 heart of the campus, which is largely east of
2 23rd, and is near multiple residential
3 properties. The Bonmet is on the next corner.
4 That is a high-rise. Saint Mary=s Court for
5 the Elderly is in the same square, Potomac Plaza
6 Terrace is across the street, Potomac Plaza
7 Apartments are diagonally. They=re all right
8 there. I live the following block up, the
9 Plaza Apartments. This is a residential
10 neighborhood.

11 Lastly, since 23rd Street is a
12 special street and has been so recognized by the
13 Board of Zoning Adjustment in Order Number
14 15942 -- and if I can quote from it, "23rd Street
15 between the Lincoln Memorial and Washington
16 Circle is designated a special street."

17 And since Saint Mary=s Episcopal
18 Church is a nationally landmarked building, the
19 WECA believes that the Commission acts -- that
20 before the Commission acts, before the Zoning
21 Commission takes any action, proposed or

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1 otherwise, the D.C. Historic Preservation
2 Review Board should review this application for
3 possible adverse effects on these preservation
4 resources.

5 We have raised this issue with the
6 HPRB staff, and they are reviewing it. And I
7 think you should hold up until they decide what
8 we should do about 23rd Street being a special
9 street in the national landmark. Right now,
10 because the church was not the applicant, it was
11 Hillel that was the applicant, they haven't
12 reviewed any of this, and I think they should.

13 Thank you for your consideration of
14 our views, and I made it exactly 10 minutes by
15 skipping half the testimony.

16 Thank you.

17 CHAIRMAN HOOD: Okay. Thank you,
18 Ms. Kahlow. Let's see if there are any
19 questions. I'm not seeing any up here. Do we
20 have any cross? Mr. Avitabile? Okay. ANC,
21 have any cross? Okay. Mr. Marcus, did you

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1 have any cross?

2 (No audible response)

3 Okay. Thank you, Ms. Kahlow. We
4 appreciate your testimony.

5 MS. KAHLOW: Thank you. I tried to
6 breeze through it.

7 CHAIRMAN HOOD: All right. Let's
8 go to the persons that I have here in
9 opposition. First name is Kennon Jones,
10 Pauline Hazel.

11 MS. HAZEL: I will not be speaking
12 tonight.

13 CHAIRMAN HOOD: You are not
14 speaking. Your name is Hazel, Ms. Hazel?

15 MS. HAZEL: Yes.

16 CHAIRMAN HOOD: Okay. Ms. Hazel
17 is not going to speak tonight. Okay.

18 MS. HAZEL: This gentleman has
19 spoken so eloquently for me.

20 CHAIRMAN HOOD: Okay.

21 MR. MARCUS: Chairman, if I could

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1 just for a second -- since we were tight for
2 time, two gentlemen who were going to testify
3 on behalf of the opponent are going to testify
4 here as witnesses.

5 CHAIRMAN HOOD: If you didn't say
6 that, Ms. Kahlow, believe me, she -- I watched
7 what's going on. She had already worked that
8 out. Trust me. So, yeah, I think that was a
9 good move. So, okay. Let's start to my left.
10 You may begin.

11 MR. JONES: Good late evening, Mr.
12 Chairperson, fellow Commissioners. My name is
13 Kennon Jones. I live at 730 23rd Street, so I'm
14 the current private resident of the rectory
15 property. I live just a mere three feet away.
16 I have lived there since October of 2010. I
17 have lived in D.C. since June of 2010, moved up
18 right after college.

19 And I just wanted to speak quickly
20 on the record in the capacity of the person
21 renting the property in opposition of the

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1 expansion from 75 percent to 100 percent. I do
2 believe that expanding that wall all the way to
3 the back wall would create a -- well, it
4 wouldn't take off all of the north facing view
5 of that backyard, create a large -- depending
6 on if it is that bright white, reflective piece
7 of material, that would -- I do not have any
8 evidence or formal studies, but I would imagine
9 that would probably make the backyard fairly
10 hot in the summer, more so than it is now with
11 the gray wall facing it.

12 More to the point, the 100 percent
13 extension all the way to the back wall would
14 make the property seem quite more
15 claustrophobic, remove the north facing wall.
16 Obviously, during construction, I'm not sure
17 what the -- how all of those details would be
18 worked out, but I would imagine it would make
19 the property quite -- hard to live in during
20 that time.

21 Thank you for your consideration,

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1 and I hope everyone has a very nice evening.

2 CHAIRMAN HOOD: What=s left of it.

3 Thank you.

4 (Laughter)

5 Next?

6 FATHER MANION: My name is James
7 Manion. I=m presently the --

8 CHAIRMAN HOOD: Is your microphone
9 on?

10 FATHER MANION: I=m James Manion,
11 presently the Acting Priest there at Saint
12 Mary=s. In 1867, the newly composed Blue
13 Danube was sweeping the world, and Russia sold
14 Alaska to the United States for two cents an
15 acre. But right here in the city of Washington
16 there was an enthusiastic group of newly
17 emancipated African American Episcopalians,
18 held their first church service on the second
19 Sunday in June of 1865.

20 And this little band of pilgrims met
21 in their homes prior to this, and there were 28

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1 black men and women who took the first steps of
2 establishing an Episcopal Church specifically
3 for black people in Washington. They did this
4 because of the racial discrimination of the
5 era. Even in most houses of worship, it was
6 required if, in fact, not in writing, that
7 separateness was the way of life in the church.
8 Pews were in remote corners for people of color.
9 White before black when receiving Holy
10 Communion.

11 They had segregated Sunday School
12 classes for children, and they were only
13 limited access for a baptism, marriages, and
14 even funerals. And so the founders of Saint
15 Mary=s sought out the rector of Epiphany Church
16 and Saint Johns, Lafayette Park, and told them
17 their situation. They wanted their own
18 church. And with the help of those two men,
19 along with the Secretary of War, Edward
20 Stanton, they were able to take bricks from
21 Kalorama Hospital chapel and bring it down to

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1 23rd Street where Mrs. Pearson gave the
2 property to the people of Saint Mary=s Church.

3 Secretary Stanton himself oversaw
4 the dismantlement of the chapel up in Kalorama,
5 and he saw that it was loaded on wagons and they
6 rebuilt that church right there where we are
7 right now on 23rd Street.

8 The first clergyman of the church
9 was the Reverend Doctor Alexander Crummell, a
10 world-renowned clergyman. These good people,
11 through hard work, prayer, devotion, through
12 their wealth of faith, and their poverty of
13 money, they were able to hire the firm of
14 Renwick Aspinwall and Russell, and they
15 completed a church.

16 And when you walk inside this
17 church, you will see what they were able to do
18 with their faith and with their poverty. The
19 chancel furniture was designed by Renwick
20 himself, was made in New York City. Around the
21 altar, he designed a polygramic stenciling and

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1 bronze statuary, tile, and marble.

2 Lastly, the stained glass window
3 that was built was built in France at -- in
4 Chartres, France. And one of the windows
5 depicts the cause of the emancipation dedicated
6 to President Lincoln.

7 Many other notable things have
8 happened at Saint Mary=s over the years. There
9 in that city and in that area, the first baby
10 clinic, the first vacation Bible school, a
11 sewing school, a cooking school, the first Job
12 Corps was created right there at Saint Mary=s
13 Church. Even help for mentally challenged
14 children.

15 So let me just summarize and say
16 this last thing, and I=ll skip the rest. Since
17 the short time I=ve been at Saint Mary=s, I have
18 watched and learned that Saint Mary=s is one of
19 the places that people are asked to visit in the
20 city of Washington.

21 And in the couple of years that I=ve

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1 been here, I have noticed that there have been
2 people from the United States, all the states,
3 but also from France and Germany, the United
4 Kingdom, Hungary, Italy, China, Japan, and
5 their one comment seems to have a common thread
6 and it says this. "This is a jewel of a place
7 in the city of American history." And the
8 people of Saint Mary=s wish to keep it a jewel.

9 Thank you.

10 CHAIRMAN HOOD: Thank you. Next?

11 FATHER PRICE: Thank you. My name
12 is Darwin Price, and I am semi-retired, but I
13 was the rector of Saint Mary=s Church for seven
14 years from 1990 to 1997, and lived in the
15 rectory. I have been the rector of a church in
16 Boston and in Connecticut, and also in Long
17 Island, New York, East Hampton, and also the
18 chaplain at a school in Newport, Rhode Island,
19 and in Farmington, Connecticut.

20 But I came to Saint Mary=s at the
21 invitation of the wardens. None of the people

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1 sitting behind me now -- because of it=s -- not
2 only its uniqueness, and it really is truly a
3 diversified place, and I hope that someday you
4 will all get a chance to poke your head in in
5 terms of program, in terms of place.

6 But I wanted to say this -- I lived
7 in the rectory when I was here. And I lived in
8 the community when I was here. And I got to
9 know the -- you know, I know the vendors on the
10 street and the newspaper guys, and the people
11 who hung around the hospital.

12 And I talked to George Washington
13 with Stephen Trachtenberg when he talked about
14 the Health and Wellness Center and about the
15 dormitory, and my signature is on all of those
16 papers when you dig them out of the file. And
17 Dr. English would have them or Mr. Ringer.

18 And we talked about the needs for
19 the block, in addition to maintaining and
20 respecting Saint Mary=s Court in the back. And
21 I would really strongly advocate one thing.

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1 One thing is that you not close off that gate,
2 which is called the west gate, because you would
3 really be enclosed and it has already been
4 witnessed to one of the residents apparently
5 there.

6 The problem with the north gate --
7 I mean, the west gate going back is the public
8 alleyway is there, and people and students
9 always -- you're talking about parking now or
10 any night, drive in that alleyway if you're
11 going down 23rd Street, and students just kind
12 of pull in there now that the dormitory is
13 there, and no one can really enforce that. I
14 don't know how it gets done, but I was never able
15 to get into the rectory from the back.

16 So I negotiated with the Rabbi, and
17 we were on very good terms and we were very
18 cordial to work with one another, and he gave
19 me permission to go back and forth, and he was
20 in agreement when we built that wall, what you
21 call the north gate at that point, and the

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1 university agreed to do it as well as the one
2 on the west side. And all of that is documented
3 in the materials that we have on file, that we
4 have been getting, because I can see it.

5 And also, we maintain the keys to
6 those, and we have also passed over Hillel=s
7 property with respect. We have given them, in
8 my tenure, the ability to park in our parking
9 lot in the area when they had High Holiday
10 Services. And at the same time, if you=re
11 going to transgress a refrigerator or a stove
12 or a washing machine, it=s not adequate in a
13 three-foot wide separation between the
14 buildings and with the traffic on 23rd Street.

15 But the point is that Hillel House
16 allowed us to transfer heavy furniture and
17 appliances through the gate. At that time,
18 before the gate was built, it was like tumble
19 over kind of a wooden fence, and it wasn=t very
20 substantial.

21 So we worked very hard with the

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1 university, and, in fact, I didn't get a chance
2 to speak to the present structural engineer,
3 but actually I was there and we did underpin the
4 back of the parish hall. That=s all documented
5 through the documentation. But what we call
6 the parish hall, which is over this building,
7 and it was very familiar, the things that he was
8 explaining to you. And I was there, and I was
9 present when all of that was done.

10 I just wanted to say one more thing
11 in closing, having been a resident there and
12 kind of getting to know the community. But we
13 -- I=m amazed, as Father Manion has said, at how
14 many lives this church has touched. I was here
15 also on what you call the AIDS epidemic. And
16 if you look at the record, it=s a lot of people
17 died. And, unfortunately, we all know the
18 story. But many churches in Washington
19 wouldn=t deal with families or chose to look the
20 other way. But Saint Mary=s, we were always
21 open. We had many, many memorial and funerals,

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1 burial services there, from people out as town
2 as well as people in town.

3 We still have a very active ministry
4 in the church -- and I say "we," because I take
5 possession -- to the lesbian and gay community
6 now. They meet twice a week there in several
7 programs. So the church is still a very
8 diverse place in the city and in the community.
9 For those who think it=s a small, kind of
10 struggling congregation, that=s not true at
11 all. It has a very international flavor and
12 feeling to it. And that was one of the things
13 that attracted me to it.

14 So I=m not opposed to GW=s new
15 building. I do raise the question, in
16 retrospect, do they really need a new building
17 there? I would hate to see the back of the
18 rectory closed in. The second question would
19 be is obviously I=m sure they can work something
20 out with Saint Mary=s congregation, but I think
21 a serious problem is that building is only three

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1 feet -- in fact, George Washington=s DU was 70
2 feet away from the sanctuary on the other side.
3 The building is set 70 feet after we did do
4 shadow and light studies, and they agreed to
5 move the building from 13 feet to 70 feet. And
6 was I guess a sign of our cooperation and their
7 respect for Saint Mary=s, and I would also just
8 ask the same thing of the Hillel Foundation at
9 this point.

10 During my tenure, we had a wonderful
11 relationship, and we worked cooperatively
12 together. And I don=t see why this project
13 can=t work out, but I think, as has already been
14 said now -- and I won=t be redundant -- I think
15 a lot of attention needs to be given to the
16 structure of that building.

17 But we did underpin part of the back
18 of the parish hall on what we call the north side
19 already where the little yard is or the patio.
20 But the buildings are very fragile. In fact,
21 when the dumpsters were dropped hard on 23rd

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1 Street, when the construction was going on on
2 the dormitory, we actually had cracked window
3 panes in the rectory building. And so the
4 dumpster guys come in and drop the dumpsters
5 right at -- on H Street there, and they take off
6 on Friday night at 8:00, and you don't see them
7 again. They leave the two clean ones there,
8 and they're gone for the weekend.

9 And more than once -- and it is an
10 issue that needs to be dealt with -- I had to
11 call the construction crew person, I had a
12 direct phone, to please come and have someone
13 move these dumpsters Saturday because we have
14 Divine Services on Saturday night as well as
15 Sunday worship.

16 And that was a task that I chose to
17 stay on, but there are some challenges here.
18 Doesn't mean it can't be done. So I just hope
19 that you folks will also, in your capacity, make
20 sure that, you know, the two neighbors continue
21 to do what needs to be done in order to preserve

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1 the building and all of this, so they can go
2 forward with their mission and ministry at the
3 university.

4 Thanks very much.

5 CHAIRMAN HOOD: Thank you -- this
6 panel. Let's see if we have any questions.
7 You notice I didn't cut you two off. You
8 noticed that, right?

9 (Laughter)

10 All right. Any questions up here?
11 All right. Does the applicant have any
12 questions?

13 MR. AVITABILE: No.

14 CHAIRMAN HOOD: What about the ANC?
15 Either one of the opposing parties, any
16 questions?

17 (No audible response)

18 Okay. Thank you all very much. We
19 appreciate your testimony.

20 Mr. Avitabile, if you can come up
21 and let us know about how much time you're

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1 looking at for rebuttal.

2 MR. AVITABILE: Not much.

3 CHAIRMAN HOOD: Or would you like
4 to do it in writing, and then we have responses?
5 Can we do it that way, or just -- you let me know
6 how you=d like to proceed.

7 MR. AVITABILE: So I only have a
8 couple of points that I=d like to make, and I
9 can do them within five minutes, rhetorically.
10 I think that might be quicker. Or, if you=d
11 prefer for me to do it in writing, I can do it
12 that way.

13 PARTICIPANT: Writing.

14 MR. AVITABILE: Writing? Okay.
15 Writing it is.

16 CHAIRMAN HOOD: Okay. Would the
17 Commission like it in writing, or do you want --

18 PARTICIPANT: Both.

19 MR. AVITABILE: Okay.

20 CHAIRMAN HOOD: Okay. Actually,
21 one Commissioner -- I agree with my colleague

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1 who has a tie up here. We said we'll take both.

2 MR. AVITABILE: I'll be quick.

3 There is one thing that I know I would like to
4 submit for the record. The opposing party
5 raised an issue about the comparables in terms
6 of comparable churches and comparable
7 synagogue land area. I believe we also have
8 information on comparable Hillels in terms of
9 their size and square footage and their student
10 capacity compared to ours. So I'd like to
11 submit that for the record to support our
12 argument that Hillel's situation here is indeed
13 unique.

14 Regarding the distance between the
15 church sanctuary and the Lerner Health and
16 Wellness Center, the Lerner Center itself is
17 set back above grade, but I believe -- and I
18 believe Mr. Matteo actually acknowledged this
19 as well -- the excavation itself went right up
20 to the public alley in between the sanctuary and
21 Lerner.

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1 So the excavation, which was
2 allegedly the cause of the problems, was much
3 closer to the sanctuary.

4 Very quickly, Ms. Kahlow has
5 mentioned a couple of times the café and whether
6 there are any separate requirements for that
7 use, parking or otherwise. That=s an
8 accessory use to the church, so there is no
9 separate requirement. It=s just going to be
10 part of the place of worship use, the providing
11 this additional Kosher food service.

12 And one last point that, if you=ll
13 indulge me in not bringing up our architect to
14 make this point -- it=s a factual statement --
15 but one of the reasons why the penthouse
16 actually is a helpful design feature is that it
17 provides separation between the roof uses from
18 the church property to the south. It provides
19 a wall and separation there to kind of shield
20 the activity on the roof from the properties to
21 the south.

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1 COMMISSIONER MAY: From the rowdy
2 Hillel community on the rooftop?

3 MR. AVITABILE: I=m not saying
4 particularly rowdy, but --

5 COMMISSIONER MAY: I mean, I --
6 usually when there=s separation it=s because
7 it=s a rooftop party deck or something like
8 that. That=s --

9 MR. AVITABILE: Well, certainly
10 not these in here.

11 COMMISSIONER MAY: -- it=s
12 portrayed.

13 MR. AVITABILE: Okay. I just was
14 noting it.

15 COMMISSIONER MAY: Okay. I
16 appreciate it. There is sound separation
17 associated with a large structure on the roof,
18 yes.

19 MR. AVITABILE: The last thing I=d
20 like to just briefly address is the variance
21 test. You know, we cited in our written

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1 statement the case law and the precedent here,
2 and I think you're all very familiar with it.
3 The Dowd case in particular does say that in
4 considering whether there is an exception
5 situation, you can consider a confluence of
6 factors, and explicitly can consider the
7 location and the needs of a public institution.
8 And Hillel certainly fits that bill, not only
9 just as an institution but as a religious
10 entity.

11 And specific factors that are
12 relevant include the existence of the existing
13 location and the purpose of the building,
14 proximity to the other people that the
15 institution serves, and certainly all of those
16 factors come into play here. Hillel needs to
17 be on the campus in order to serve its students.
18 This is the location in which it can be located,
19 and it's the building that they own.

20 And then, we already went through
21 the practical difficulties standard, but I'd

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1 make two points. One, here, the gap in the
2 urban fabric is a unique circumstance that
3 comes from the fact that we are a corner lot,
4 because -- because we're a corner lot, wherever
5 you put the rear yard, you are creating a gap.
6 So that is a unique thing that comes out of our
7 corner lot status.

8 And I would just summarize the
9 practical difficulty argument as this. I know
10 we heard they would support a taller building,
11 but up doesn't work because that -- because each
12 floor itself ends up being too small to
13 accommodate Hillel's program needs because of
14 the overall size of the core and the --
15 corridor, and that is all being driven by the
16 unique conditions, the small size of the lot,
17 the corner lot, and everything.

18 VICE CHAIR COHEN: I would just
19 suggest to you the most important thing for me
20 right now is that construction plan, and making
21 sure that all parties agree to the plan and that

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1 best efforts are made to mitigate the risk and
2 any -- any damage, any loss of time, as, you
3 know, for services.

4 So that is really what needs to be
5 for me the most important part item.

6 MR. AVITABILE: We hear you loud
7 and clear and --

8 CHAIRMAN HOOD: Mr. Avitabile, had
9 you finished your rebuttal?

10 MR. AVITABILE: I can be done. I
11 was --

12 CHAIRMAN HOOD: No. I just want
13 you to finish your rebuttal, and then we'll come
14 out with questions. Thank you.

15 MR. AVITABILE: The only thing --
16 no, that's fine. But absolutely that is 100
17 percent, we agree, and we're focused on that.
18 We'll be able to turn to that now, return to that
19 now I should say.

20 I'll note that everything that John
21 Matteo was talking about in terms of the

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1 planning -- this is all part of the agreement.
2 We have already sent them plans that they have
3 had for a couple of months now to review the
4 construction drawings, and part of the plan is
5 for them to produce a preliminary review,
6 provide us feedback on the monitoring, on the
7 design, on the support, and then continually
8 monitor it throughout construction, hand in
9 hand with us paying for their consultants.

10 That is all part of what we have been
11 proposing and discussing and negotiating. So
12 that=s part of what we are working on, and we
13 will continue to do that. We understand how
14 important it is.

15 With that, I won=t do a closing
16 statement. I=d just, again, ask that we have
17 the opportunity to submit that data on other
18 Hillels for the record. We will certainly look
19 at the design of the roof structure as well.

20 CHAIRMAN HOOD: Okay.

21 MR. AVITABILE: And of course the

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1 construction --

2 CHAIRMAN HOOD: We will be looking
3 for those remarks also in writing.

4 Commissioner May, followup? Let
5 me start with the Vice Chair. Any follow up on
6 rebuttal?

7 VICE CHAIR COHEN: I think I
8 already did it.

9 CHAIRMAN HOOD: Okay.
10 Commissioner May?

11 COMMISSIONER MAY: Yeah. Thank
12 you. I=d like to follow on the Vice Chair=s
13 comments. First of all, there were some
14 comments that I think you need to pay attention
15 to that deal with the project overall. But we
16 heard a couple of very unusual things here
17 tonight. One was I think very, very disturbing
18 testimony about the experience of Saint Mary=s
19 with the construction next door.

20 I don=t think that in the 10 years
21 I=ve been doing this that I have ever heard

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1 anything like that. And it is very disturbing,
2 particularly with the university being here so
3 frequently, that something like that would
4 happen.

5 The other thing that I thought was
6 remarkable is the fact that the representatives
7 of Saint Mary=s testified that they had a really
8 good relationship with the university when it
9 came to addressing the problems that were
10 creative -- created. So we have both an
11 incredibly negative thing having to do with
12 improperly construction -- or improper
13 construction and a failure of the supportive
14 construction, and on the other hand we have a
15 good working relationship.

16 And I think that you need to take
17 advantage of this. You need to take advantage
18 of the good working relationship and the
19 goodwill. I mean, this case has been presented
20 not quite in an adversarial manner, but in a --
21 with a sense of entitlement. Granted, you have

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1 made a good case, but this is not an
2 entitlement.

3 And I think that the best thing that
4 you could possibly do to make this case is to
5 come back after this is all over, join hand in
6 hand with the church, and explain how this will
7 not have a negative impact on them, and they are
8 completely satisfied that the church is
9 thoroughly protected. And I think that=s what
10 you must do in order to get to a decision on
11 this, because, frankly, I=m not in a rush.
12 This could take a long time to decide.

13 CHAIRMAN HOOD: Okay.

14 COMMISSIONER MAY: Thanks.

15 CHAIRMAN HOOD: Commissioner
16 Miller, do you have anything?

17 COMMISSIONER MILLER: There might
18 be a couple of things. We are going to go over
19 --

20 CHAIRMAN HOOD: We will go over the
21 list of --

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1 COMMISSIONER MAY: I might have
2 some things to add to that at that time.

3 CHAIRMAN HOOD: Okay. I=m
4 actually in agreeance with Commissioner May.
5 In the past, one of the representatives of
6 George Washington said I was a -- what a bully,
7 a microphone bully. I think that was it. Tell
8 Mr. Barber I=m still mentioning that. Is he
9 still at GW?

10 PARTICIPANT: Yes.

11 CHAIRMAN HOOD: He called me in the
12 past a microphone bully. But since tonight I
13 think Commissioner May was the microphone
14 bully, I would just echo that. And I agree; I=m
15 never in a rush. I=m never in -- I=m in a rush
16 now to go home, but I=m usually never in a rush.

17 So, anyway, that=s all I want to
18 say. I think -- I think I will end that on
19 Commissioner May=s comments, because I concur
20 with him 100 percent. Normally, if you come
21 down here enough, a lot of times he and I don=t

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1 concur 100 percent. We're close, but I concur
2 with his last comments. This is -- in other
3 words, seize this moment. Okay. And I'll
4 leave it that. I don't want to expound on what
5 he has already done. He has already done a good
6 job as being the new microphone bully.

7 Okay. Let's see what we have. Ms.
8 Schellin? I almost called you Commissioner
9 Schellin. Ms. Schellin? It must be getting
10 late.

11 MS. SCHELLIN: An aerial photo
12 showing the gate in the implied easement area.
13 There is a -- Commissioner May mentioned he has
14 an issue -- actually, there is also some others
15 who agreed with him -- the issue with the
16 penthouse setback. Commissioner May said he
17 doesn't get the elevators on the south side,
18 that maybe they could be moved to another area.
19 Maybe they need to take a look at that.

20 Commissioner Miller, the roof
21 structure, he agrees with me that the setback

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1 needs further rework on the configuration.
2 Commissioner Miller, the lead, to the extent
3 possible, that there should be a minimum of
4 silver. Commissioner Hood is looking to close
5 the gap with the church, the applicant to close
6 the gap with the church, with regard to the
7 construction management plan. I think that
8 has been echoed by all the Commissioners.

9 The applicant has stated that they
10 are going to provide comparables of other
11 churches and Hillels, land areas. They are
12 going to provide the closing in writing,
13 rebuttal, and closing rebuttal.

14 Commissioner May brought up the
15 testimony from Saint Mary=s regarding prior
16 construction next door. While that was a
17 negative, that there was a positive in the good
18 relationship, and that the applicant should
19 take advantage of that and really work with the
20 church and come back with basically something
21 worked out with them.

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1 And that=s pretty much all I have.

2 CHAIRMAN HOOD: Okay. Do we have
3 -- Commissioner Miller?

4 COMMISSIONER MILLER: Yes. I
5 wanted to -- just to add a couple of items to
6 that if possible. I think the applicant, in
7 response to my question, said they are the --
8 and to others= questions, and to DDOT=s report,
9 that they were going to try to see what they
10 could provide us in terms of a commitment on the
11 loading plan -- on the loading plan at this
12 point, even though it=s earlier in the process
13 than that would normally get worked out in the
14 public space permitting process, but to the
15 extent they can provide some more clarity that
16 provides protections there for -- about traffic
17 and bus issues.

18 On the -- I think from the applicant
19 and from Office of Planning, one or the other
20 or both, what the status or -- of any Historic
21 Preservation Office review of this issue is,

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1 since there was the West End Citizens
2 Association statement about that.

3 And on the tenant currently, and
4 that is a response to the tenant, Mr. Jones=
5 concern, about the color of the precast
6 concrete revealed wall. And I guess it=s the
7 penthouse enclosure wall as well. He was
8 concerned that the white might be too
9 reflective, that maybe a grayer color might be
10 -- which might go to Commissioner May=s
11 traditional concern about at least the rooftop
12 parking in a slightly darker tone to -- that
13 fades away more than a lighter color.

14 So just those three items, if it can
15 be part of your submission of what that would
16 be -- just submit it to us.

17 Thank you.

18 CHAIRMAN HOOD: Okay. Do we have
19 anything else? Yes, Mr. Marcus.

20 MR. MARCUS: Could I have the
21 Commission=s indulgence? Just a couple of

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1 very
2 quick points. Mr. Avitabile said that plans
3 have been provided to the church, but I'm
4 looking at their own structural engineering
5 report dated February 14th, 2014. And on the
6 single-most important issue that you heard me
7 discuss tonight -- underpinning and how to
8 protect the structure -- I read for your
9 consideration. This is their expert.
10 "Evaluating underpinning requirements" --

11 CHAIRMAN HOOD: Let me ask you
12 this. Are you asking for something, or are you
13 doing -- are you trying to rebut what he has
14 already said?

15 MR. MARCUS: I am trying to rebut
16 what was said.

17 CHAIRMAN HOOD: That's out of
18 order. You could -- that has already been
19 done. You can -- did we leave the record open?

20 MS. SCHELLIN: Yes. We will. I'm
21 getting due dates.

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1 CHAIRMAN HOOD: For the parties --
2 yeah, it=s going to be open for you to comment
3 on what he was --

4 MR. MARCUS: Okay.

5 CHAIRMAN HOOD: -- rebutted.
6 Anything else?

7 MR. MARCUS: That=s all. Thank
8 you

9 CHAIRMAN HOOD: Okay. Do we have
10 anything else?

11 MS. SCHELLIN: Just dates.

12 CHAIRMAN HOOD: Okay. We=ll get
13 some dates.

14 MS. SCHELLIN: Yes. I believe the
15 plan is to take this up at the July 28th meeting.
16 So working from that, if we could have the
17 documents that were addressed and draft orders
18 by 3:00 p.m., July 14th. And then the parties
19 -- are we looking for a response from DDOT
20 and/or OP to anything that was filed?

21 CHAIRMAN HOOD: Let me ask this. I

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1 noticed a lot of -- I know, you know, we have
2 a lot of stuff on July 28th. Do we know
3 already?

4 MS. SCHELLIN: We have some -- a few
5 things on there.

6 CHAIRMAN HOOD: Okay. I just
7 don't want it all coming at the same time. I
8 want to make sure we give all cases time. So
9 if --

10 COMMISSIONER MAY: If we don't get
11 the right stuff, it's just going to have to be
12 postponed.

13 CHAIRMAN HOOD: I think something
14 else may move, too, depending upon whether we
15 get it or not. So, okay, let's --

16 MS. SCHELLIN: So draft -- so
17 additional documents and draft findings,
18 facts, and conclusions of law would be due by
19 3:00 p.m. on the 14th, and responses from the
20 parties -- and should I say "and OP and DDOT,
21 if they choose to do so"? Okay. I'm getting

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1 a nod from some of the Commissioners. Also by
2 3:00 p.m., July 21st. And then, I'll put it on
3 the Commissioners' July 28th agenda, and the
4 Commission can decide at that time if they want
5 to take it up. It will be on there.

6 CHAIRMAN HOOD: And, Mr. Marcus,
7 you have --

8 MR. MARCUS: One thought for your
9 consideration, which is that it is challenging
10 I think for the parties to both -- essentially
11 be in a situation of conflict, by that I mean
12 in this proceeding, and to negotiate with the
13 kind of time and attention and care that is
14 needed to do a good construction management
15 agreement.

16 So one consideration might be,
17 since there really is no particular rush, is for
18 the Commission to move that meeting a month or
19 two, so that these obligations aren't due and
20 the parties can focus on the priority of a
21 construction management agreement.

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1 CHAIRMAN HOOD: Well, why don't we
2 set it for the 28th. And if you all are not
3 able, I'm sure you all -- that's -- you all start
4 agreeing there. If you both come down and say
5 you need more time, that's a start. So that way
6 you can meet, because what normally happens if
7 we do that and go ahead say we'll deal with this
8 in September/October, guess what happens the
9 whole month of July? Nothing.

10 So from -- you know, we will take a
11 document, and July 28th for our meeting. If
12 you all need some more time, that will be a start
13 to show that you all are working together. Is
14 that fair?

15 MR. MARCUS: Yes, sir.

16 CHAIRMAN HOOD: Now don't just
17 agree with me because -- I'm asking, is it fair?

18 MR. MARCUS: The challenge is that
19 we repeatedly tried to get the applicant's
20 request for an extension of this hearing, and
21 that was declined except on terms that were very

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1 onerous. So I have no confidence that Hillel
2 would agree to such a request.

3 CHAIRMAN HOOD: Well, the
4 confidence now is that we are going to be
5 looking at this on the 28th. Whether you all
6 can have a joint response or you need additional
7 time, or a similar response, we will evaluate
8 it. Okay?

9 MR. MARCUS: Okay.

10 CHAIRMAN HOOD: And I think you
11 heard the concern about the construction
12 management plan. Okay?

13 MR. MARCUS: Thank you, sir.

14 CHAIRMAN HOOD: Okay. Anything
15 else?

16 (No audible response)

17 Let me just -- typically, I don't do
18 this, but I want to acknowledge a former
19 colleague back in the '90s I think, maybe early
20 2000s, Mr. Robert Sockwell has been sitting
21 here all night. Serves with distinction as the

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1 Chair of the Board of Zoning Adjustment. It
2 must be getting late; I said he serves with
3 distinction.

4 So anyway, with that --

5 (Laughter)

6 So with that, I want to -- anything
7 else, Ms. Schellin?

8 MS. SCHELLIN: No.

9 CHAIRMAN HOOD: All right. With
10 that, this hearing is adjourned. Thank you
11 very much.

12 (Whereupon, the above-entitled
13 matter went off the record at 11:28 p.m.)
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