

RECEIVED

D.C. OFFICE OF ZONING

WECA's Response to GWU's Proffers (ZC PUD Case No. 06-12)

2007 JAN 31 AM 10:06

On 1/17/07, the Zoning Commission asked the George Washington University (GWU) to expand by 1/24 its proffered amenities for its proposed "omnibus" Planned Unit Development (PUD) (Case No. 06-12) and then for the Parties to respond by 1/31 if GWU's proffers are "substantial." This memorandum constitutes the West End Citizens Association's (WECA) response to GWU's PUD amenities proffer, embodied in its 11/15/06 (Exhibit A), 12/29 (Proposed Findings of Fact), and 1/24/07 supplemental submissions, and its oral commitment (about #8 below). In fact, the WECA believes that GWU's 1/24 supplemental submission was largely nonresponsive to the Commission's 1/17 expansion request and that the proffers are not "substantial" enough to warrant the Commission's approval. The last paragraph of the WECA's response discusses the required level of proffers.

Here are the WECA's views about each proffer:

1. **Streetscape Plan** – As the WECA has consistently testified, an implementation timetable with the associated dollars for GWU's contribution and for the City's contribution is necessary for this to be a meaningful amenity, especially since GWU admitted that it did not deliver any streetscape improvements in years 1-6 of the Streetscape Plan for its existing 2000-09 campus plan. Has the City budgeted its share? In addition, since so much of the campus will not be developed in the proposed omnibus PUD, each block on each street must be separately identified in the implementation timetable. If streetscape improvements are limited to development and redevelopment sites, the remaining blocks will not benefit. Implementation by PUD projects will produce a ragged, uneven, or unkempt appearance which will be deleterious for the neighborhood.

In fact, why doesn't the Applicant pay 100% of the streetscape improvements expense (estimated by GWU at \$5.5 + \$1.1 million for both its contribution & DC's share, p. A-3, 11/15/06 submission), saving taxpayers from providing public contributory funds? GWU's share of the total costs, i.e., the amount of GWU's proffered share, is unknown since it was not specified in any of GWU's submissions.

2. **Sustainable Development** – On 12/28/06, DC enacted the Green Building Act of 2006 (D.C. Act 16-590). GWU will be meeting the standard for new construction and, thus, not providing an amenity.
3. **Historic Preservation** – Since GWU has a track record of destroying historic or contributing properties (e.g., the townhouses on Virginia Avenue, 23<sup>rd</sup> & G Streets in Square 43), the WECA looks skeptically at this proffer. As the primary landowner, GWU's proffer is not credible considering its "midnight" destruction of townhouses in Square 43 and the absence of any description about the remaining townhouses to be destroyed (e.g., on 22<sup>nd</sup> & G Streets) in the 16 (or 18, including Squares 54 & 80) proposed developments in the 20 Squares encompassed in the omnibus PUD.

ZONING COMMISSION  
District of Columbia

CASE NO. 06-12

EXHIBIT NO. 226

ZONING COMMISSION  
District of Columbia  
CASE NO.06-12  
EXHIBIT NO.226

In addition, GWU – instead of the DC Government – should be the Applicant not only for the proposed historic district but also for each of the 7 “potential” buildings for individual historic landmarking. Most importantly, GWU should be required to file its proposed historic district application before Commission action on ZC Case Nos. 06-11 and 06-12 instead of merely later providing \$100,000 towards the expense associated with the preparation and submission of multiple landmark applications and the preparation of the historic district application.

GWU’s 1/24/07 expanded proffer, stating “In addition, the University will continue to work with OP historic preservation staff to establish appropriate building maintenance guidelines for historic landmarks” (p. 2), is merely maintenance that a prudent property owner would provide.

4. I Street Retail Corridor – To attract locally-owned small businesses, GWU needs to construct rental rates for a specified minimum number of years and set aside a 33% (or some other substantial share) minimum of all retail space for locally-owned small businesses. GWU’s \$4 million valuation (p. A-5, 11/15/06 submission) is not discernible since GWU did not identify the affected Squares and Lots on I Street. The WECA also questions if this amenity is being double counted towards both this PUD and the separately proposed Square 54 PUD (ZC Case No. 06-27).

GWU’s 1/24/07 expanded proffer stating, “Retail uses along the I Street Retail Corridor shall include those retail uses permitted in the C-1 and C-2 zone districts ... with the exception that there shall be no restrictions on fast-food establishments” (p. 3) is not substantial. And, its commitment for “At least 75% of the street frontage redeveloped on I Street under the PUD” (p. 4, emphasis added) is also not substantial due to the enumerated exceptions on page 4.

5. Below-Grade Parking – As some Commissioners opined on 1/17/07, this is not a PUD amenity. In fact, for GWU to maximize its above ground development space, it needs to replace its at-grade and above-grade parking, especially for its above-ground parking garage in Square 55, for which GWU plans a Science Center. The Square 55 garage was built to replace the parking lot in Square 40 and was intended to provide replacement parking for the hospital. In fact, the distributed (across multiple sites) below-grade parking plan across campus would not provide sufficient replacement parking for the hospital in Square 40.
6. Off-Campus Commitments – In footnote 3 of its 1/24/07 supplemental filing (p. 5), GWU mis-characterized the WECA’s testimony on this proffer. GWU stated, “WECA did propose extending the scope of the condition to SP-zoned property ... (including the York Apartments and the Empire Apartments); however, the University clarified for the record that the noted properties are zoned R-5-E.” In fact, the WECA provided two examples of SP-zoned properties – the State Plaza Hotel and the Allstate Hotel Partnership property (to be a Courtyard Marriott Hotel) at 515-20<sup>th</sup> Street (Square 122, Lot 25) (9/28/06 transcript, pp. 26 & 48). Also, as the WECA

previously testified, the WECA disagrees with GWU's statement that "The University does not believe that the expansion of Condition 8 to include non-residential zones is necessary or responsive to issues concerning the protection of residential neighborhoods" (pp. 4-5, 1/24/07 submission).

7. Enhanced Campus Plan Conditions – As the Commission rightly opined on 1/17/07, this proffer is not a PUD amenity.
8. WMATA entrance – The Applicant's offer of \$100,000 (p. 27, 11/20/06 transcript) for design and engineering of a second Foggy Bottom Metro entrance is insufficient. As the Foggy Bottom Association's (FBA's) expert witness testified, why doesn't the Applicant additionally pay for all or part of the actual construction (p. 200, 1/4/07 transcript), as other developers in DC have done? For pedestrian safety and increased Metro use, a second Foggy Bottom Metro entrance is essential if there is a PUD in Square 54.

The bottom line is the WECA's view that the aforementioned PUD amenities are in no way commensurate with GWU's requested 43% increase in density (from a maximum of 3.5 floor area ratio (FAR) to 5.0 FAR). GWU is requesting an expansion of over 2.8 million gross floor area (from 5,613,986 to 8,452,519 gross floor area, including Squares 80 & 54, GWU's 7/13/06 submission, Exhibit T). GWU's Exhibit T reveals that its existing non-residential gross floor area is 1,340,892 (SP-2 & C-3-C). GWU is requesting a non-residential gross floor area of 4,584,337 (SP-2, C-3-C & C-4). Thus, the addition would be 3,243,445 non-residential gross floor area.

DC's Zoning Rules for PUDs require, "As an alternative to constructing or rehabilitating the required housing ... the applicant may contribute funds to a housing trust fund as defined in § 2499.2; provided: (a) The contribution shall be equal to one-half (½) of the assessed value of the increase in permitted gross floor area for office use" (11 DCMR § 2404.7). GWU's proposed campus development includes multiple requested upzonings from R-5-D or R-5-E to SP-2, C-3-C or C-4. The Commission must ensure that the value of GWU's proposed PUD amenities reaches the dollar housing contribution level required in the Alternative for the Housing Production Trust Fund (11 DCMR § 2404.7), i.e., one-half of the assessed value for 3,243,445 gross floor area. Assuming \$400 per square foot, under the formula, the required contribution would be over \$600 million.

*FAX*  
*# PAGES: 4*  
*TO: SHARON SCHELLIN (F: 707-6042) (O: 927-6311)*  
*FR: BARBARA KAHLLOW (965-1083)*

**Barbara Kahlow**

**From:** Barbara Kahlow [barbara.kahlow@verizon.net]  
**Sent:** Wednesday, January 31, 2007 9:59 AM  
**To:** 'Schellin, Sharon (DCOZ)'; 'Dwyer, Maureen E.'; 'Avitabile, David'; 'Con Hitchcock'  
**Cc:** 'M Thomas - ANC2A02'; 'Joy Howell'; 'Sara Maddux'  
**Subject:** WECA's Response to GWU's Proffers (ZC PUD Case No. 06-12)  
**Attachments:** WECA-omnibus-amenities.doc

All - Please find attached the West End Citizens Association's (WECA's) Response to the George Washington University's (GWU's) Proffers for Case No. 06-12, which is due at 3 PM today. I will also fax a copy to Sharon. - Barbara

1/31/2007