

10/30/06 Testimony of Barbara Kahlow
on Zoning Commission Case No. 06-17 – DC Public Schools (SWW) & GWU

I, Barbara Kahlow, live at 800-25th Street, N.W. I will be testifying today on behalf of the West End Citizens Association (WECA), the oldest citizens organization in the Foggy Bottom-West End area. The WECA is primarily interested in maintaining the quality of life for the existing residential community in Foggy Bottom-West End.

I have three major points to cover in my 5 minutes.

- **Is a change in zoning justified or even necessary?** The answer is “no.” GWU wants to upzone the site (Square 80, Lots 55 & 829) by use of **spot zoning** from R-5-D to SP-2 and via a Planned Unit Development (PUD). Square 80 is in the middle of a huge R-5-D area and across F Street from a smaller R-5-E area. As I discussed in my WECA September 28, 2006 testimony on the proposed replacement campus plan (Case Nos. 06-11 & 06-12), in its June 23rd Pre-Hearing Submission, GWU revealed the rationale for this proposed upzoning: to exempt this site from the floor area ratio (FAR) cap (3.5 in the aggregate) in Sec. 210.3 for R zoned properties.

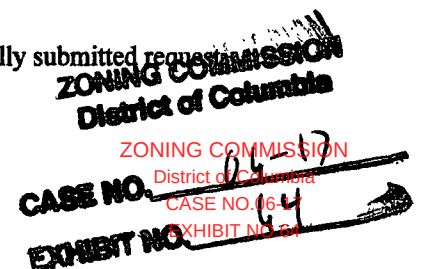
The footnote on p. 3 in the June 23rd filing states, “Under the MOU between DCPS and GW, the University will compensate DCPS for additional development rights generated by rezoning to SP-2 under the PUD, which will remove the development from the aggregate floor-area-ratio cap that applies to residentially-zoned land within the Foggy Bottom Campus Plan boundaries.”

Provision 5 in Exhibit A (the MOU) is even more revealing. It states, “Avoidance of Aggregation Rule. For the density to have the maximum value for GW, it must avoid the ‘aggregation rule’ set forth in 11 DCMR § 210.8, which limits overall development on its campus ... To ensure this development will not count against the University’s aggregate cap, the PUD site (currently zoned R-5-D) must be rezoned to a non-residential zone” (p. 5). Provision 5 further states, “Termination. In the event that GW and DCPS are unable to obtain approval to rezone the PUD Site to a non-residential zone, or if the aggregation rule as set forth in 11 DCMR § 201.8 applies to this PUD ... then either party shall have the right to terminate this MOU” (p. 6).

In any case, if upzoning is desirable to allow more FAR, since R-5-E -- with or without a PUD -- allows 6.0 FAR and only 5.29 FAR is requested¹, please approve no more than R-5-E. This **non-spot zoning** would keep this site within the cumulative FAR cap, which the WECA strongly desires.

The October 10th Supplemental Filing requests not only a combined School Without Walls (SWW)/dorm FAR of 5.29 but also an astonishing 7.84 FAR for the GWU dorm part. Current R-5-D zoning provides for no more than 3.5 FAR. So, the dorm

¹ GWU’s October 10th Supplemental Filing requested 5.29 FAR – up from its originally submitted request for 5.09 FAR.



request is for 124% increase in density! This is truly unjustified, unnecessary and excessive.

- **Are the other requested areas of relief justified?** The answer is “no.” The unjustified areas include at least two. First, the application proposes 81% lot occupancy versus the maximum in an R-5-D zone of 75%. Why is this necessary, especially in a residential zone where open and green space is essential for quality of life? Second, the application seeks relief from the requirements for closed courts. The application states, “In order to maximize student housing on the site ... The outer courts will require relief from the requirements to provide the required light and air to the residential units” (4/3/06, p. 4). The WECA believes that students, like all other Foggy Bottom residents, deserve sufficient light and air in their dormitories.
- **Is the application complete for Commission action?** The answer is clearly “no.” As I discussed in my WECA September 28th testimony on the proposed replacement campus plan (Case Nos. 06-11 & 06-12), current DC law and codified rules require full compliance with the DC Environmental Policy Act before the Commission can act on this application, which exceeds the \$1 million threshold.

DC rules provide, “Agencies, boards, and commissions ... shall integrate ... the Environmental Impact Statement (EIS) process with other planning processes at the earliest stages of their planning for major actions ... when the widest range of feasible alternatives is open for consideration” (20 DCMR § 7200.2). On August 30th, GWU boldly asserted for its related application that environmental compliance is a “building permit issue.” This assertion is inconsistent with current law.

In sum, the WECA objects to the magnitude of this proposal (especially the 7.84 FAR dorm) and believes that it would impose multiple adverse impacts on the residential community East of 23rd Street.

Thank you for consideration of the WECA’s views.