

11/20/06 Testimony of Barbara Kahlow
on Zoning Commission Case No. 06-27 – GWU's Consolidated PUD
& Related Map Amendment for Square 54

I, Barbara Kahlow, live at 800-25th Street, N.W. I am testifying 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.

Regarding the George Washington University's (GWU's) application for a "Consolidated PUD and Related Map Amendment for Square 54" (Case No. 06-27), the WECA has consistently maintained in previous official DC hearings and other public meetings that, for various reasons, including safety, the frontage on Washington Circle should be no higher than current zoning allows (i.e., not 90 feet for a short distance and then rising to 110 feet or 130 feet, as proposed) and restricted to residential use, which would be consistent with both sides of Pennsylvania Avenue in the Foggy Bottom-West End area West of the Circle and around the Circle.

Today, I have four areas to cover:

1. **Is the requested Map Amendment justified?** The answer is "no." GWU wants to upzone the site (Square 54) from R-5-D to C-3-C and via a Planned Unit Development (PUD). The requested upzoning is clearly unjustified. GWU has several rationales for this upzoning, but the principal one is GWU's desire to exempt this site from the aggregate floor area ratio (FAR) cap (3.5 FAR) in Sec. 210 for R zoned properties, i.e., to obviate the entire purpose of the Commission's regulations for Colleges and Universities.

Square 54 is zoned R-5-D and is surrounded, with one small exception of a medical office building, by only R-5-D and R-5-E zoned properties. R-5-D limits FAR to 3.5. R-5-E limits FAR to 6.0. Similarly, C-2-C with a PUD limits FAR to 6.0, while C-3-A and C-3-B zoning with PUDs is more restrictive. GWU's request is to upzone to C-3-C, which, with a PUD, allows FAR to 8.0. The application before you requests 7.5 FAR. This request, a 114% increase in density (from 3.5 to 7.5), is truly excessive.

Further, R-5-D limits height to 90 feet, while C-3-C with a PUD allows height to 130 feet. The application requests 130 feet. Thus, GWU's request is for a 44% increase in height (from 90 to 130 feet). On 2/4/06, the Office of Planning (OP) Director, in an OP-convened meeting, committed to the Foggy Bottom-West End community that the height around Washington Circle would not exceed 90 feet. Except for the International Finance Corporation (IFC) building, which used Transferable Development Rights (TDRs), which came from another area of DC, to increase its height to 130 feet, the buildings around Washington Circle and to its West in the Foggy Bottom-West End residential area are no higher than 90 feet. These include

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the low-scale, landmarked Schneider's Triangle townhouses to the North, the 90-foot GWU hospital to the West, and the two 85-foot GWU dorms to the South.

	R-5-D	C-3-C PUD	GWU request
FAR limit	3.5	8.0	7.5
height limit	90'	130'	130'

Lastly, the current Comprehensive Plan's "Existing Land Use" map shows Square 54 as 100% "Institutional" and the "Planned Land Use Map" shows all but a tiny slither as "Institutional."

2. **Does the application have the right mix and location for the various uses?** The answer is "no." Since the buildings around Washington Circle, with the noted exception of the IFC, and to its West -- in the West End (North of Penn. Ave.) and in Foggy Bottom (South of Penn. Ave.) -- are largely residential, the WECA strongly believes that the residential uses in this project need to be located around Washington Circle. Placing commercial uses around the Circle would lead to a dead area at night, thus posing a significant safety problem for our neighborhood. Additionally, the proposed 130-foot, 14-story building to the West of the 2141 President Condominium could significantly block light and air for its residents. **The WECA requests that the Commission require the applicant to present shadow studies**, as traditionally has been required both by the Board of Zoning Adjustment and the Zoning Commission in cases impacting issues of residential safety or sufficient air and light.
3. **Is the application complete for Commission action?** The answer is "no." Current DC law and codified rules require full compliance with the DC Environmental Policy Act for projects which exceed the \$1 million threshold before the Commission can approve this application.

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).

In addition, on 11/1/06, in its Post-Hearing Submission for Case No. 06-17 (Square 80, the Schools without Walls site), GWU quoted Chair Mitten's 9/14/06 statements relating to the Foggy Bottom Association's motions for the campus plan cases (Case Nos. 06-11 & 06-12), "this is a first-stage PUD and so there's no permission being granted. ... These are not permissions to even build specific buildings" (transcript, p. 12). GWU's 9/11/06 Opposition to the FBA Motion "to Postpone Case Pending Preparation of a Consolidated Environmental Review" stated, "With campus plans and first-stage PUDs, buildings are presented only in concept, and the plans fail to present enough information about each specific structure for a full and proper environmental assessment" (p. 6). The instant application is neither a campus plan nor a first-stage PUD. And, there are enough specifics for a full and proper environmental assessment.

We believe that a full and proper environmental assessment is especially needed in this case due to the DC Department of Health's 12/9/99 finding that "there is essentially no remaining air resource margin in the 23rd Street corridor just south of Washington Circle." Has the DC Department of Health reviewed this Application? If not, **the WECA requests the Commission to seek the DC Department of Health's input** before taking action on the Application. The "Environmental Analysis" on pp. 16-17 is woefully incomplete, e.g., it includes no mention whatsoever of air quality. The conclusion on p. 18 is clearly inaccurate and incomplete, stating "design that minimizes adverse visual and physical impact on the Foggy Bottom and West End neighborhoods." An even more significant question is how is it possible for the project to have 5 levels of below-grade parking due to the rock formation and underground water flows in the area? Didn't WMATA have great difficulty during construction of its Foggy Bottom Metro stop?

Further, OP's Setdown and Final Reports for Square 54 both state, "The community has expressed concern regarding the environmental impacts of the project, and OP shares these concerns" (6/30/06, p. 5 & 11/10/06, p. 5). In addition, OP's Final Report shows no referral yet to the DC Department of Health (p. 8).

As required in the PUD process, where are the dollar estimates for proffered amenities, including for streetscape improvements?

4. **Will the increase in traffic around Washington Circle be workable?** The answer is "no." As Vice Chair Hood has repeatedly questioned, the Applicant's traffic impact data are not completely credible. Washington Circle currently operates at level of service F during the PM rush. The Applicant's requested 7.5 FAR, with 1,026 parking spaces, will only exacerbate an already untenable situation. In fact, the Applicant's Transportation Impact Study admits that, under existing conditions, Washington Circle/K Street Eastbound currently operates at level of service F both in the AM and PM (10/31/06, Exhibit B, pp. 18 & 27).

The Applicant's Transportation Impact Study also admits adverse impacts at the following intersections: 22nd & Pennsylvania, 23rd & I, and 24th & K (5/30/06 Exhibit C, p. 3). The updated version of the Study admits adverse impacts at the following additional intersections: 23rd/F/Virginia and 24th & Pennsylvania (10/31/06, Exhibit B, pp. 3, 19, 21 & 23). Lastly, traffic counts during the summer (on 7/12/05) are clearly not representative of year-round traffic, particularly when the normal flow period for traffic is from September through May when GWU is holding classes and there are performances and games in various buildings.

In addition, the Commission should know that the Application includes several mis-statements, which are noted at the end of my testimony.

In sum, the WECA objects to the magnitude of this proposal and believes that it would impose multiple adverse impacts on the entire Foggy Bottom-West End residential neighborhood.

Thank you for consideration of the WECA's views.

Examples of Erroneous Statements by the Applicant

- Two places erroneously state that the development proposal “is responsive to issues raised by members of the community” (7/14/06 Pre-Hearing Submission, p. 2 & 5/30/06 Application, p. 8).
- The referenced “comprehensive ‘Issues Exhibit’” is biased and incomplete (5/30/06, p. 6).
- The Application erroneously asserts, “high-density commercial uses to the north ... along Pennsylvania Avenue” even though the uses there are primarily residential (5/30/06, p. 9).
- The Application erroneously asserts, “The [130-foot] residential buildings will reflect the scale of the existing ... buildings in the vicinity of the site” even though the existing buildings are almost exclusively under 90 feet (5/30/06, p. 23).
- Square 54 is in Foggy Bottom, not the West End; so, the Application erroneously asserts, “Complete residential (non-hotel) development in the West End” (5/30/06, p. 32).