

5/18/09 Testimony of Barbara Kahlow
on ZC Case No. 08-27 – PUD & Map Amendment
Square 170, Lots 38 & 39, American Institute of Architects

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 and improving the quality of life for the existing residential community in Foggy Bottom-West End. In addition, I am listed as a witness in the Foggy Bottom and West End Advisory Neighborhood Commission's (ANC-2A) case to answer, if necessary, technical questions.

On 4/7/09, the WECA requested "Party" status for Zoning Commission Case No. 08-27, PUD and Zoning Map Amendment, Square 170, Lots 38 and 39, American Institute of Architects and American Architectural Foundation. Although the WECA fully supports ANC-2A's position (resolution and report), it seeks the ability, if necessary, to appeal an unfavorable decision since the ANC is not allowed to do so.

The Applicant intends to maintain the current height of 86' 8" and slightly decrease the current floor area ratio (FAR) (from 4.54 to 4.51). Today's requested minor changes (e.g., for roof structures) can be accommodated through an Application to the Board of Zoning Adjustment (BZA), which granted previous conditional approval in Appeal No. 10463 (Square 170, then Lots 840 & 842). The Applicant's current proposal calls for an unnecessary Planned Unit Development (PUD) and an unnecessary Zoning Map Amendment – upzoning in a huge SP-2 area (90', 6.0 FAR) to C-3-C with a PUD (130', 8.0 FAR). Approval of both would result in authorization for a 44% increase in height and a 33% increase in density and would set an undesirable precedent for additional upzonings in Foggy Bottom-West End. Also, the dollar value of such a large authorized increase is sizeable, as described by ANC-2A.

PUD

Based on various PUD experiences in Foggy Bottom-West End in the 1990's, working with Ward 2 Councilmember Jack Evans, I proposed protective legislative language for our community. In response, the Ward 2 Plan in the Comprehensive Plan Amendment Act of 1999 provided the following requirement for all PUDs in Ward 2: "A substantial part of the amenities provided in proposed Planned Unit Developments (PUDs) shall accrue to the community in which the PUD would have an impact" (DC Law 12-275, §1327.1(j)). After the Commission decided not to incorporate Ward Plan language into the zoning rules, in the next Comprehensive Plan cycle, the WECA sought city-wide protective legislative language. In response, the Comprehensive Plan Amendment Act of 2006 widened applicability to the entire City: "Location of PUD Amenities. Require that a substantial part of the amenities proposed in Planned Unit Developments (PUDs) shall accrue to the community in which the PUD would have an impact" (DC Law 16-300, Policy IM-1.18, 2502.12).

Today's proposed PUD would provide no amenities whatsoever to the impacted Foggy Bottom-West End community. Thus, the Application is inconsistent with DC law and cannot be approved as submitted.

ZONING COMMISSION
CASE No. 08-27
EXHIBIT No. 25

Upzoning

The Applicant's proposal for upzoning from SP-2 to C-3-C is in the middle of a large SP-2 zone. In fact, except for Federal properties, all properties south of E Street from 25th to 17th Street are zoned either SP-2 or R-5-E, i.e., there is no C zoning whatsoever.

The WECA and other Foggy Bottom-West End community organizations have consistently opposed previous upzoning requests which would undermine our residential area. For example, the WECA and ANC-2A recently opposed ZC Case No. 08-19 for upzoning from R-5-D to C-3-C for a single record lot in Square 101 at 2013 H Street. In addition, we reached agreement with some Applicants to restrain their upzoning. For example, for ZC Case No. 06-29 for 1143 New Hampshire Avenue, the WECA and ANC-2A reached agreement to only request upzoning from R-5-E to CR, not C-3-C. Upzoning for the instant Application could lead to multiple upzoning requests elsewhere in Foggy Bottom-West End. This would result in the destruction of our residential and mixed use community.

The WECA respectfully requests that the Commission decline to approve either the proposed PUD or the proposed Map Amendment predicated on the points stated above. Thank you for your consideration of our views.