Testimony of Barbara Kahlow
on behalf of the West End Citizens Association
Zoning Commission Case No. 01-13A, Modification to PUD, IMF HQ2 (Square 119)
January 6, 2005

I, Barbara Kahlow, am representing the West End Citizens Association (WECA) today. Accompanying me is WECA Officer Sara Maddux, who was Chairman of the Foggy Bottom and West End Advisory Neighborhood Commission (ANC-2A) during the last phase of the International Monetary Fund (IMF) headquarters 1 (HQ1) planned unit development (PUD) in adjacent Square 120. During this HQ1 PUD period, I was Vice President of the Foggy Bottom Association (FBA), which is the WECA's sister citizens association. On November 14, 1991 (i.e., over 13 years ago), both Ms. Maddux and I testified before the Zoning Commission in opposition to the IMF's Square 120 proposal. On January 24, 2002, we testified on behalf of the WECA in opposition to its headquarters 2 (HQ2) proposal for Square 119. On January 7, 2002, the WECA was accepted as a "party" in this case. On November 14, 2004, the WECA requested continuing party status (Attachment A).

The WECA, founded in 1910 and one of the oldest citizens associations in DC, is the principal community organization in the IMF/World Bank neighborhood. The WECA is primarily interested in maintaining a residential community in Foggy Bottom-West End and in keeping institutional uses outside of the residential area. In addition, it is concerned about the safety of the residential community living in the immediate vicinity.

Even the IMF is aware of the problems its HQ1 and HQ2 presence has raised for the neighborhood. In a October 4, 2004 Washington Post article entitled "D.C. as Host of IMF, World Bank Talks Raises Questions," the IMF's Managing Director concluded, "Right now, I cannot give you an answer [if Washington will continue to host the annual meetings], adding that 'there are certainly some problems with security and inconvenience.'"

My testimony will cover three areas: statutory requirement, process problems, and benches. Ms. Maddux will cover alternative amenities to benefit the South of Pennsylvania Avenue immediately impacted community.

Statutory Requirement

After the IMF HQ1 experience, the Foggy Bottom-West End community sought legislation to ensure that future PUDs result in just compensation for the immediately impacted community. Thanks to Ward 2 City Councilmember Jack Evans, the community received needed protection in The Comprehensive Plan Amendments of 1994 (DC Law 10-323). The Comprehensive Plan Amendment Act of 1999 (DC Act 12-609) includes an identical requirement: "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." This applies to all Ward 2 PUDs.

Both HQ1 and HQ2 are located in Foggy Bottom, which is South of Pennsylvania Avenue. The seven IMF-identified substitute "different special neighborhood projects" in Exhibit [illegible] September 30, 2004 application for "Consent Calendar Modification" are not in Fog[illegible]

ZONING COMMISSION
District of Columbia
CASE NO.01-13A
EXHIBIT NO.17

instead, they are located in the West End, i.e., North of Pennsylvania Avenue. In fact, the changes to the Francis Pool soccer and baseball fields and the pocket park at 21st, M and New Hampshire are at the North points of the West End, abutting Dupont Circle, which is also not a directly impacted community.

Process Problems

There are at least two process problems relating to today's hearing. First, Zoning Commission Order No. 01-13C of April 25, 2002 requires consultation with the WECA. It states, "other neighborhood beautification projects ... with the advice of ANC 2A and WECA" (p. 33, #8e). Contrary to the requirements of the Order, the IMF did not contact the WECA for advice to identify alternative substitute amenities until after its September 30th filing. CarrAmerica wrote the WECA on October 14, 2004 after the WECA's October 10th letter to the Commission (Attachment B). On October 17th, the WECA replied, stating its willingness to provide advice if the IMF withdraws its September 30th application or asks the Commission to delay its consideration "until the IMF can submit a revised Modification application after the required consultation with the WECA is completed" (Attachment C, pp. 1-2). The IMF was unwilling to do so. Ms. Maddux will identify many alternative substitute amenities to benefit the Foggy Bottom residents South of Pennsylvania Avenue. We are confident that additional alternatives could be identified if the Commission would delay its consideration and require the IMF to consult with the WECA and then modify its application accordingly.

Second, the Commission's advertisement for today's hearing incompletely identified the proposed modifications for today's discussion. In fact, the advertisement neglected to mention the entire list of seven IMF-identified substitute "different special neighborhood projects" in Exhibit B in its September 30, 2004 application. The advertisement limited consideration to replacement benches and the timing of the special neighborhood beautification projects. I alerted the Office of Zoning to this omission via various e-mails and was assured that the IMF's entire September 30th modifications applications would be considered in today's hearing. So, I question if the Commission should now re-advertise the modifications for full public debate and Commission consideration.

Benches

I conducted extensive research on use of segmented benches by multiple cities (e.g., New York and Paris). As indicated in its October 10, 2004 letter, the WECA stated, "Before the Commission considers this aspect [to no longer have segmented benches], the WECA requests that the Commission convene a meeting with the WECA, NPS and IMF" (Attachment B, p. 1).

Thank you for consideration of my testimony. I am available to answer any questions.

Attachment A - 11/14/04 Request for Continuing Party Status
Attachment B - 10/10/04 WECA's Response to IMF's 9/30/04 Application
Attachment C - 10/17/04 WECA's Response to CarrAmerica's 10/14/04 Letter

— Attachment A

West End Citizens Association
Washington, D.C.

Boundaries: 15th Street on the East • Potomac Park on the South
Rock Creek and the Potomac on the West • N Street on the North

November 14, 2004

Ms. Jerrily R. Kress
Director
Office of Zoning
441-4th Street, N.W. - Suite 210
Washington, DC 20001

Re: Request for Continuing Party Status in ZC Case No. 01-13A, IMF HQ2 (Modification to PUD - International Monetary Fund)

Dear Ms. Kress:

This letter is to request **continuing** "party" status for the West End Citizens Association (WECA) in the Zoning Commission (ZC) case involving **non-minor** modifications to the approved amenities package for the consolidated planned unit development (PUD) and map amendment for the International Monetary Fund's (IMF) Headquarters 2 (HQ2) building (Zoning Commission Case No. 01-13A, Modification to PUD - International Monetary Fund). On September 30, 2004, **without** prior consultation with WECA, as required by the Commission's Order No. 960 (Revised), the IMF proposed major modifications to the approved amenities package. The ZC's Notice for the January 6, 2005 hearing in this case **erroneously** indicated only some (i.e., not all) of the proposed amenity package modifications requested by the IMF.

The WECA, founded in 1910 and one of the oldest citizen associations in DC, is the principal community organization in the IMF/World Bank neighborhood. It is primarily interested in maintaining a residential neighborhood in Foggy Bottom-West End and in keeping institutional uses outside of the residential area.

On November 15, 2001, the ZC granted "party" status to the WECA for a nearby PUD in Square 122 (Case No. 01-17M/ 93-5F/91-18P, 1957 E Street, N.W. - Modification of an Approved PUD and related Map Amendment, Square 122, Lot 29). Similarly, on April 10th, the Board of Zoning Adjustment granted "party" status to the WECA for its companion case for Square 122. The BZA's July 12th Decision and Order 16701 stated, "The Board granted WECA party status ... due to WECA's long-standing interest in maintaining and improving the quality of residential life in the immediate GW neighborhood" (pp. 1-2). On January 7, 2002, the ZC followed suit by granting "party" status to the WECA for the IMF HQ2 PUD case (ZC Case No. 01-13C, IMF HQ2 (Consolidated PUD & Map Amendment, Square 119, Lot 26)).

The ZC's public hearing notice for the modification case, mailed to the parties on November 8, 2004 (but not yet published) required organizations desiring party status to request such in accordance with 11 DCMR §3022.3. Accordingly, here is the requested information for the WECA:

(a) The person's name, address, and daytime telephone number - West End Citizens Association, P.O. Box 58098, Washington, DC 20037-8098; however, all documents in this case should be addressed to the WECA, c/o Mrs. Barbara F. Kahlow, 800-25th Street #704, Washington, DC 20037, daytime telephone number (202) 226-3058.

(b) A request to appear and participate as a party - this letter constitutes the WECA's request for continuing party status.

(c) Whether the person will appear as a proponent or opponent of the application - the WECA will appear as an opponent of the IMF's requested modifications to the approved amenities package.

(d) Whether the person will appear through legal counsel and, if so, the name and address of the legal counsel - presently, the WECA will not appear through legal counsel but it reserves the right to retain legal counsel.

(e) A list of witnesses who will testify on the person's behalf - expected witnesses include some or all of the following: WECA Member Barbara Kahlow, who was Vice President of the Foggy Bottom Association during the HQ1 PUD application and ZC hearing period; WECA Secretary Sara Maddux, who was Chairman of the Foggy Bottom and West End Advisory Neighborhood Commission (ANC-2A) during the HQ1 PUD application and ZC hearing period; and, WECA President Jack Batham.

(f) A summary of the testimony of each witness - Mrs. Kahlow will identify the errors in the incomplete Zoning Commission Notice for the January 6, 2005 hearing, discuss the WECA's October 10, 2004 and October 17th letters in response to the IMF's filing. In addition to suggesting alternative replacement amenities, both Mrs. Kahlow and Ms. Maddux will discuss objections to the proposed change in amenities, focusing on the fact that the proposed replacement amenities are largely located North of Pennsylvania Avenue (in the West End) even though the approved amenities, building site, and directly impacted community are all South of Pennsylvania Avenue (in Foggy Bottom).

(g) An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes of qualifications of the proposed experts - the WECA is not intending to offer any expert witnesses; however, Mrs. Kahlow was previously accepted by the ZC in another PUD case as an expert in the regulatory process. Her resume is already in the IMF PUD case file.

(h) The total amount of time being requested to present their case - the WECA should be able to present its views in the 15-minute time limit for oral presentations by organizational parties in opposition, as indicated in the ZC's public hearing notice.

(i) A written statement setting forth why the person should be granted party status, including reference to the following -

(1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission - the WECA includes Members from 15th Street on the East, Potomac Park on the South, Rock Creek and the Potomac on the West, and N Street on the North, i.e., WECA Members own or occupy many directly-affected properties in close proximity to the site.

(2) The legal interest the person has in the property, such as owner, tenant, trustee, or mortgagee - WECA Members include many owners and tenants with a legal interest in the subject property.

(3) The distance between the person's property and the property that is the subject of the application before the Commission - the subject property lies within the WECA's boundaries.

(4) The economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied - the second headquarters building for the IMF will negatively affect WECA Members, with a variety of economic and social impacts. For example, there will be increased safety risks to Foggy Bottom residents in their homes, especially during the IMF's quarterly and annual meetings, as pedestrians, and as drivers in the immediate vicinity. Recently, there have been numerous acknowledgements of this fact.

(5) An explanation of how the person's interests as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public - the WECA Members' interest will be significantly, distinctively, and uniquely affected since the WECA represents the residents in the immediate IMF neighborhood (see paragraphs (1) - (3) above). Subsection 3022.3 requires the Commission to grant party status if the person "has clearly demonstrated that the person's interests would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public." The WECA continues to clearly meet this test.

Thank you for your consideration of this request.

Sincerely,

John C. Batham
President

— A ;hment B

West End Citizens Association
Washington, D.C.

Boundaries: 15th Street on the East • Potomac Park on the South
Rock Creek and the Potomac on the West • N Street on the North

October 10, 2004

Ms. Carol J. Mitten
Chairman
D.C. Zoning Commission
441-4th Street, N.W. - 2nd Floor
Washington, DC 20001

Re WECA's Response to IMF's Request for Consent Calendar Modification to IMF HQ2 PUD, ZC Case No. 01-13C - Order No. 960 (Revised)

Dear Chairman Mitten and Members of the Commission:

The West End Citizens Association (WECA) is herein responding to the September 30, 2004 "Request for Consent Calendar Modification" to the Planned Unit Development (PUD) for the International Monetary Fund's (IMF) Headquarters 2 (HQ2) building. The proposed revisions relate solely to the meager PUD amenities package for our community intended to, at least in part, justify this massive PUD. The WECA opposes all parts of this **very substantive and non-minor** modification and strongly opposes consent calendar consideration of these substantial proposed changes.

The Commission's April 25, 2002 Order No. 960 (Revised) reveals that the upzoning to C-4 provided the IMF with substantial increased height and density. Conclusion of Law #7 states, "The Community Amenity Package ... are [sic] a reasonable trade-off for these development incentives" (p. 30). Decision #8 provides, "IMF shall contribute a total sum of $1,000,000 for off-site community amenities," including, among other provisions, (a) 48 segmented benches in the vicinity of the Site, and (e) the remaining portion of the $1,000,000 for (i) replacement of diseased trees or installation of new trees in the area bordered by E Street to the south, 22nd Street to the west, Pennsylvania Avenue to the north, and 18th Street to the east and (ii) other neighborhood beautification projects within one-quarter mile of the Site or the boundaries of the Foggy Bottom and West End Advisory Neighborhood Commission (ANC-2A) (pp. 32-3).

The revision request seeks to essentially gut #8(a) and both parts of #8(e). With respect to #8(a), the IMF argues that, "the NPS indicated that it no longer wants to replace the benches" (p. 2). The National Park Service (NPS) was not a party to the discussions for this amenity that the immediately impacted residential community desired. Before the Commission considers this aspect, the WECA requests that the Commission convene a meeting with the WECA, NPS and IMF. The WECA welcomes enhanced maintenance of these three Federal and District-owned triangles but believes that such should be in addition to versus as a replacement for the segmented

benches. The revision request erroneously states, "The proposed replacement amenity serves the same purposes as the previous amenity" (p. 2). This is completely untrue.

With respect to #8(e), the IMF did not consult with the WECA for advice, **as required by the Commission's Order**, and "to identify other neighborhood beautification projects." As a consequence, all seven identified projects are not responsive to our community's desires, especially not the Francis Pool soccer and baseball fields ($85,000 and $50,000, respectively) and changes to the pocket part bordered by New Hampshire Avenue, 21st and M Streets ($145,000). These areas are along the border of the West End and Dupont Circle, and are a considerable distance from the IMF site and its immediately impacted residential community.

Thank you for your consideration of the WECA's views.

Sincerely,

John. C. Batham
President

cc Whayne Quin, attorney for the IMF (f: 419-2849)
ANC-2A Chair

— A hment C

West End Citizens Association
Washington, D.C.

Boundaries: 15th Street on the East • Potomac Park on the South
Rock Creek and the Potomac on the West • N Street on the North

October 17, 2004

Mr. John Schlichting
Senior Vice President
Director of Development
CarrAmerica Development, Inc.
1850 K Street, N.W.
Washington, DC 20006

Re Your 10/14/04 Letter about "IMF HQ2 Zoning Commission Order No. 960 Community Amenities" - ZC Case No. 01-13C - Order No. 960 (Revised)

Dear Mr. Schlichting:

The West End Citizens Association (WECA) is herein responding to your October 14, 2004 letter belatedly seeking advice from the WECA on "other neighborhood beautification projects" for the International Monetary Fund's (IMF's) Headquarters 2 (HQ2) building. We assume your letter was sent on behalf of the IMF even though it did not so indicate and even though it did not include copies to the other Parties in the Zoning Commission case, as required by the zoning rules.

Curiously, your letter erroneously stated, "the request pending before the zoning commission relates only to timing and not substance of the neighborhood beautification projects." Are you unaware of the Holland & Knight September 30th submission for the IMF seeking **very substantive and non-minor** modifications to Zoning Order No. 960 (Revised)? We think so since you only contacted the WECA after the WECA filed with the Zoning Commission a strong October 10th letter in opposition to these substantial proposed changes and any consent calendar consideration. The WECA letter pointed out that the IMF did not seek advice in advance with the WECA, a Party in the case, **as specifically required by the Commission's Order** (p. 33).

The proposed revisions relate solely to the meager PUD amenities package for our community intended to, at least in part, justify this massive PUD. The Commission's April 25, 2002 Order No. 960 (Revised) revealed that the upzoning to C-4 provided the IMF with substantial increased height and density. Conclusion of Law #7 stated, "The Community Amenity Package ... are [sic] a reasonable trade-off for these development incentives" (p. 30). The IMF's revision request seeks to essentially gut the community amenities detailed in Decision #8(a) and both parts of Decision #8(e).

At this point, the IMF should either (a) withdraw its September 30th Request for Consent Calendar Modification or (b) ask the Commission to delay its consideration until the IMF can

submit a revised Modification application after the required consultation with the WECA is completed. The WECA is ready, willing and able to meet with the IMF after the IMF has done so. A WECA-Carr meeting without (a) or (b) having occurred would interfere with the WECA's rights as a Party in this case.

Sincerely,

John. C. Batham
President

cc Carol Mitten, Chairman, DC Zoning Commission
Whayne Quin, attorney for the IMF (f: 419-2849)
ANC-2A Chair