

**11/14/13 Testimony of Barbara Kahlow
on ZC Case No. 08-06A – The Zoning Regulations Review (ZRR) Subtitle I**

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 of Ward 2. The WECA is primarily interested in maintaining and improving the quality of life for the existing residential community in Foggy Bottom-West End.

Before the October 28, 2013 deadline for written testimony on the Zoning Regulations Review (ZRR), the WECA submitted detailed written comments. On November 4th, I testified on behalf of the WECA at the first ZRR hearing in this round of hearings. During that night, the Commission asked for further information about the WECA's concerns relating to the Office of Planning's (OP's) attempt to redefine large parts of our neighborhood (including where long-term and short-term residents reside) as being part of the Downtown. I decided to return tonight to further address these concerns.

In my November 4th oral testimony, I asked the Commission to compare: (1) the statutory boundaries of the Central Employment Area (CEA) in Foggy Bottom-West End, (2) the p. 3-11 CEA map in the 2006 Comprehensive Plan, and (3) OP's two ZRR maps on pp. I-58 and I-110. Below is an elaboration of this comparison request.

Expansion of the Central Employment Area (CEA) in Foggy Bottom-West End

As the WECA stated in writing and orally, the WECA repeatedly and successfully fought to contain the boundaries of the Central Employment Area (CEA) in Foggy Bottom-West End and contends that a change in law is required before OP's redefinition (including its expanded Transferable Development Rights (TDRs) receiving zones) can be legally included in ZRR. Here are some facts relating to this proposed expansion:

- As stated in the WECA's October 28th submission, the statutorily-set boundaries of the CEA in Foggy Bottom-West End are:

“east on the E Street Expressway and E Street, N.W. to 19th Street, N.W., north along 19th Street, N.W., to F Street, N.W., west on F Street, N.W. to 20th Street, N.W., to Pennsylvania Avenue, N.W., west along Pennsylvania Avenue, N.W., to 21st Street, N.W., north along 21st Street, N.W. to M Street, N.W., east along M Street, N.W. to 20th Street, N.W. to New Hampshire Avenue, N.W., and northeast along New Hampshire Avenue, N.W. to Dupont Circle on the west.”

- As further stated in the WECA's October 28th submission:

ANC-2A and Foggy Bottom-West End community groups successfully fought boundary exclusions from the statutory CEA definition area, as reflected in the 1994 and 1999 Comprehensive Plan Amendment Acts, to ensure that Environmental Impact Statements would be required for five possible development sites (the old Associated General Contractors PUD at 1957 E Street, the old Red Cross National Capital Chapter at 2025 E Street, the now International Finance Corporation from Pennsylvania Avenue to K Street

between 21st and 22nd, the Pan American Health Organization (PAHO) at 23rd and E, and the PAHO support building at 2121 Virginia) and the entire George Washington University (GWU) Campus Plan area.

- OP's proposal effectively expands the statutory boundaries for the CEA into the West End (e.g., in some Squares from West of 21st Street to 22nd Street and from North of Pennsylvania Avenue to M Street) without an accompanying statutory amendment to expand the "downtown" (see Subtitle I-58, Figure 4, "All Streets in Downtown Zones with Designated Street Segments").
- The 2006 Comprehensive Plan maps the CEA on p.3-11 (see **Attachment A**). **Attachment B** is a marked up copy of ZRR Subtitle I Figure 4 which shows OP's proposed expansion, captioned "Downtown Zoning." During the November 4, 2013 hearing, OP referred to the new term "Central." In fact, "Central Area" is defined in Subtitle B without any mention of Foggy Bottom-West End. Its definition is: "The area included within the combined boundaries of the Urban Renewal Plan for the Downtown Urban Renewal Area and the Urban Renewal Plan for the Shaw School Urban Renewal Area, as approved and modified periodically by the National Capital Planning Commission and the Council of the District of Columbia (45 DCR 1046)."
- The "District of Columbia Comprehensive Plan Generalized Policy Map" shows the proposed expansion area in the West End (North of Pennsylvania Avenue) as "**Neighborhood Enhancement Areas.**" This map shows the area South of Pennsylvania Avenue as "Institutional Uses."
- The "District of Columbia Comprehensive Plan Future Land Use Map" (FLUM) shows the expansion area in the West End as "moderate density residential," "high density residential," and a mixture of both. The FLUM shows the expansion area in Foggy Bottom (South of Pennsylvania Avenue) as "Institutional." Please note that none of the proposed expansion area is "High Density Commercial."
 - *The WECA requests that the Zoning Commission not expand the CEA or the Central Area into more of Foggy Bottom-West End, especially into Squares which include current residents.*

Expansion of Transferable Development Rights (TDRs) in Foggy Bottom-West End

As stated in the WECA's October 28th submission, the current zoning rules for TDRs (which increase allowable density and allowable height, including for PUDs) at 11 DCMR § 1709.16 state, "The New Downtown receiving zone consists of the C-3-C zoned portions of Squares numbered 72 through 73, 74, 76, 78, 85, 86, 99, 100, and 116 through 118" in the West End.

- OP's proposal expands TDRs into additional Squares in Foggy Bottom (South of Pennsylvania Avenue) by its proposed Credit Trade Areas which far exceed the 12 Squares in the West End which are included in the current TDR receiving zone rules (see Subtitle I-110, Figure 20). Inappropriately, OP characterizes this Foggy Bottom-West End credit trade area as part of "Farragut Square." Also, OP captions 3 new zoning areas (D-5-B-1, D-6-B-1, and D-2-B-1), the first 2 of which allow 130' in height, which would

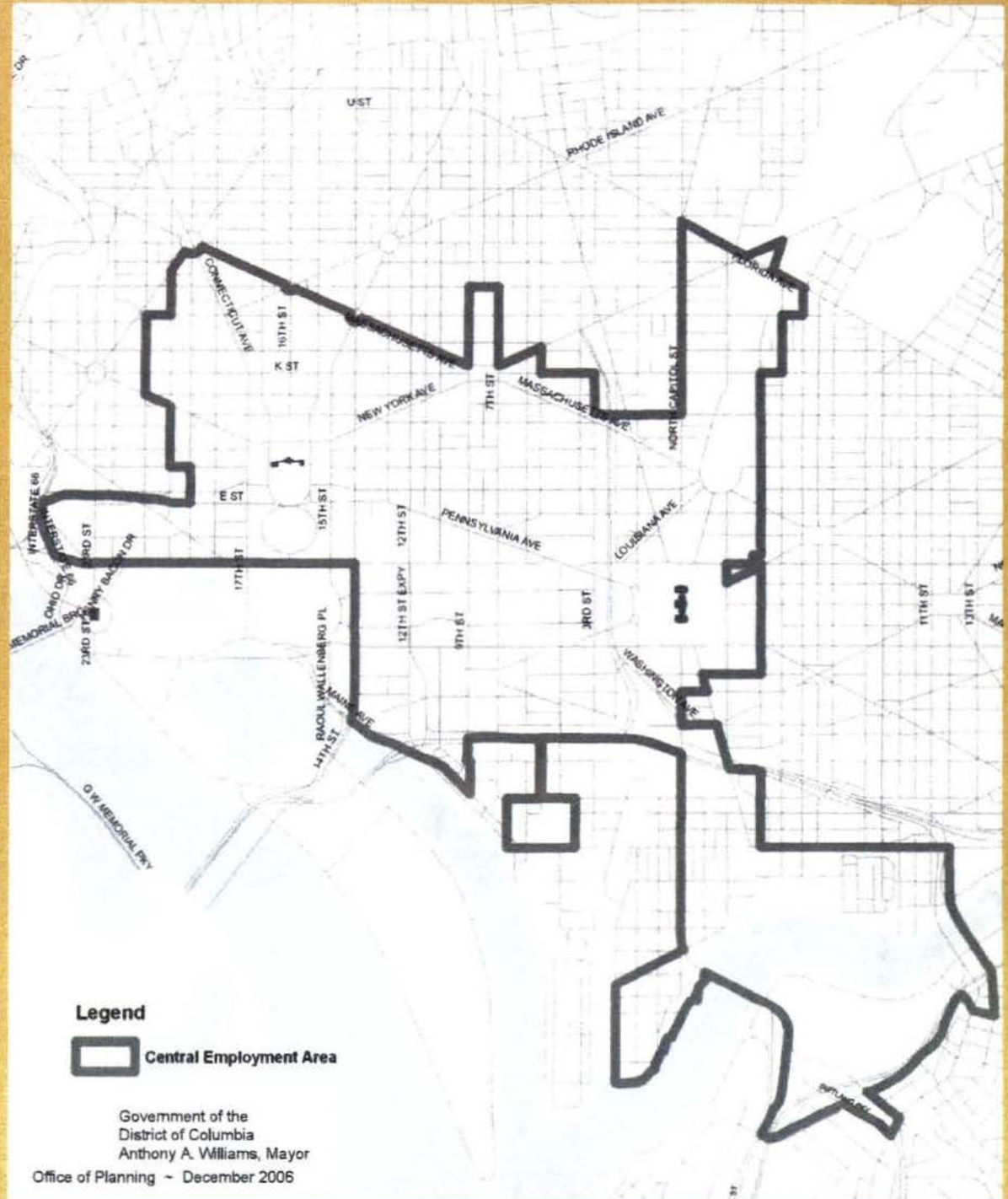
change the character of these neighborhoods. **Attachment C** is a marked up copy of ZRR Subtitle I Figure 20 to show the expansion.

- *The WECA requests that the Zoning Commission not expand TDRs into more of Foggy Bottom-West End.*

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

Attachments

Figure 3.2:

Central Employment Area 304.10

20-022-0000
 20-022-0000
 20-022-0000

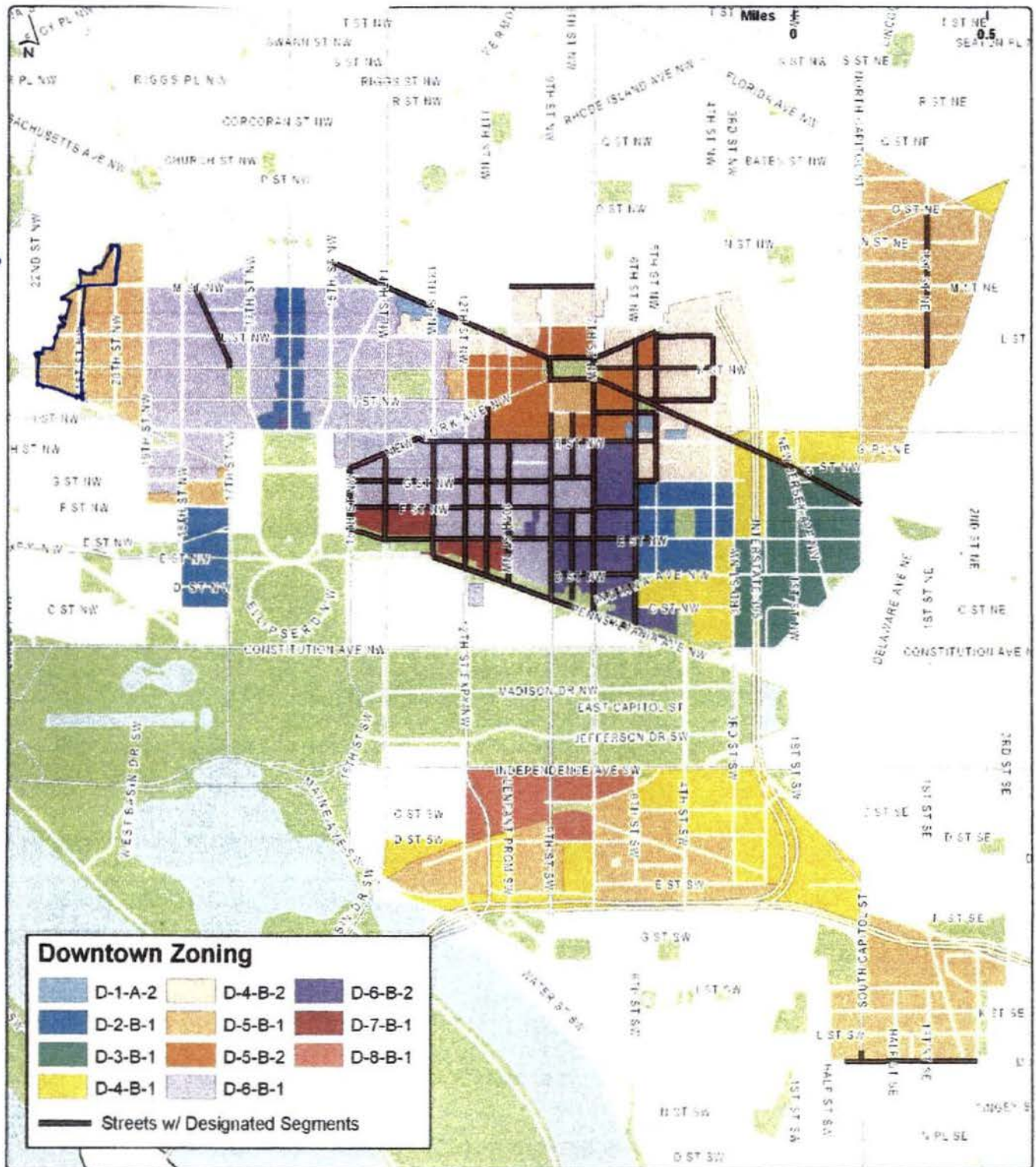


Figure 4. All Streets in Downtown Zones with Designated Street Segments

20-022-2XN
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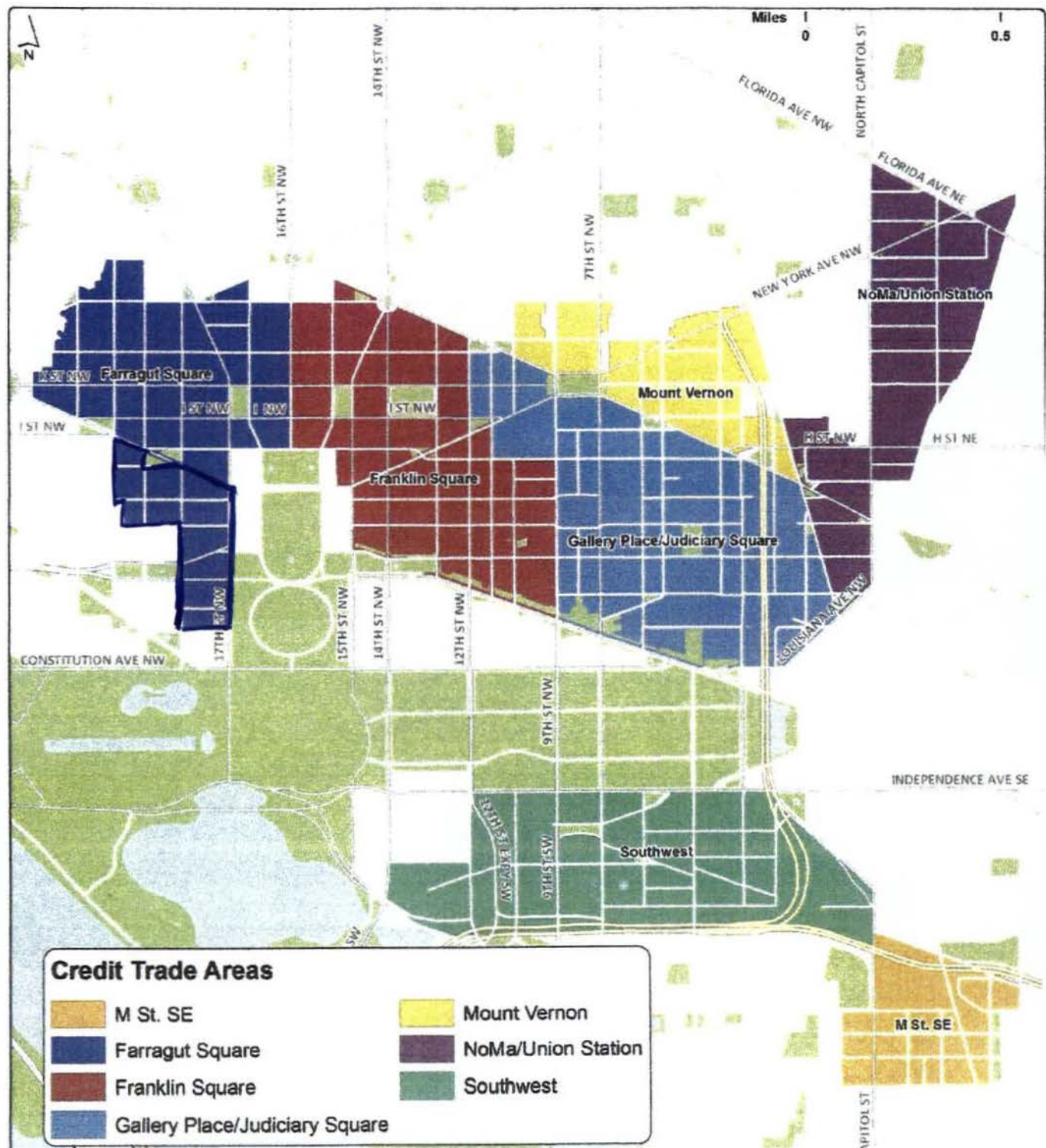


Figure 20. Credit Trade Areas

900.9

Use of credits generated by exceeding the arts requirements of I §607 is limited to 0.5 FAR above the permitted non-residential use.