

6/23/25 Testimony of Barbara Kahlow
on Zoning Commission Case No. 24-15, 901 Monroe Street, LLC – PUD & Map Amendment

I, Barbara Kahlow, live in the Foggy Bottom Area of Ward 2 but am testifying today on ZC No. 24-15 at the request of the 200-Footers (“200-Footers Group”) surrounding 901 Monroe Street on all four sides¹. In December **2010** (i.e., 14.5 years ago), then Advisory Neighborhood Commission (ANC) Commissioner for this Single Member District (SMD) asked for my help due to my extensive experience in DC Planned Use Developments (PUDs) and requested Upzonings.

On January 19, **2012**, the 200-Footers received “Party” status in Zoning Commission (ZC) Case No. 10-28, an earlier case for this site which involved a proposed PUD and Upzoning (from R-2 and C-1 to C-2-B), Square 3829. After 3 DC Appeals Court cases, in May **2016**, the Appeals Court vacated this ZC Order. This success was largely due to the fact that the proposal was inconsistent with DC Law: the Comprehensive Plan and its Future Land Use Map (FLUM).

In December **2024**, the 200-Footers asked me to help with ZC Case No. 24-15, which also involves a proposed PUD and Upzoning. The proposed Upzoning is from R-2 – which is most of the site – and MU-3A, which are ***moderate** density semi-detached residential and **low** density mixed use*, to MU-5B, which is ***medium** density mixed use*. ZC No. 24-15 is taller and larger than the proposal in ZC No. 10-28. In the recent Comprehensive Plan, the developer successfully obtained a FLUM change to “Commercial **Moderate**/Residential **Medium**” density use. On November 12, **2020**, I testified before the City Council on the Comprehensive Plan Amendment Act of 2020 (B23-736) in opposition to this proposed and undesirable **Spot Zoning** Change (Map Amendment #1866 and Text Amendments #1882 and 1887).

On February 8, 2025, before the ZC’s February 13th Setdown of this case, I submitted a letter into the hearing record (Exhibit 20), which largely commented on the Office of Planning’s (OP) Setdown Report (Exhibit 19). Today, I will be discussing 5 topics – the 1st two in detail and the last three in summary since the rest of the panel will discuss them in detail:

- (a) short history of the prior development proposals for 901 Monroe Street
- (b) an alternative to the proposed Map Amendment to MU-5B

¹ The 200-Footers Group Party application for ZC No. 24-15 included 27 co-signers at 15 addresses.

- (c) various adverse effects and proposed usage of a widened dead-end alley
- (d) the insufficient and unfair Construction Management Agreement (CMA), and
- (e) the insufficient, inappropriate and undesirable amenities package.

History of Proposals AND Alternative Zone

➤ History

In my February 2, 2012 testimony (ZC No. 10-28 Exhibit 296), I gave a detailed history of proposals for Square 3829. The first proposal requested upzoning for five R-2 zoned Lots. In **1989**, the ZC approved upzoning for only 3 of the 5 lots stating, “The rezoning of lots 5 and 12 in Square 3829 is inappropriate; would result in commercial encroachment next to lots that are primarily residential in character, and would not be beneficial to the surrounding neighborhood” (ZC Order No. 599, p. 4). As I just stated, in **2016**, the DC Court of Appeals vacated ZC Order No. 10-28 as inconsistent with DC law – denying the developer’s desire to upzone to Medium density where a maximum of Moderate density was allowed under law.

Currently, the highest zones East of the railroad tracks and South of Monroe Street are MU-4 and MU-3A, both of which are “moderate” density and both of which are only on the 12th Street commercial corridor, i.e., the rest of the land in this large area is largely R-2 or R-1B. So, the requested **Spot Zoning** Map Amendment of this site to MU-5B would be precedent-setting. I will present an Alternate zone below for the Commission’s consideration.

In my February 8, 2025 letter to the ZC in this case ZC No. 24-15 (Exh. 20) about OP’s Setdown Report, I stated the following:

- OP stated, “new development ... should be compatible with the existing scale,” which the proposed 75 feet height is clearly not.
- OP stated, “Guiding principles of the SAP [Small Area Plan] include protecting existing neighborhood character,” which the proposed PUD does not.
- OP stated, “The language of the SAP ... may be allowed up [to] a maximum of 50 feet through a Planned Unit Development ... Buildings in the subarea should set back in height at a ratio of one-half (1/2) to one (1) above 50 feet.” I stated, “The proposal is for a 75-foot building and **without the specifically required setbacks**. ... I believe that the ZC should consider the adverse effects on air and light on the low-scale rowhouses along 10th Street.”

In the February 13, 2025 Setdown discussion, OP added, “Regarding the Comprehensive Plan, the subject site is identified on the Generalized Policy Map as falling within a Neighborhood Conservation Area” (2/13/25 transcript, p. 12). In this discussion, Vice Chair Miller stated, “The Neighborhood Conservation Area designation for the site also uses the word ‘compatibility’ with the -- the new development should be compatible with the scale of the surrounding ... I want a little more emphasis at that – or that or discussion of that by the applicant and by OP at the hearing, **whether additional setbacks or stepdowns would be appropriate**, given the compatibility language, both in the Neighborhood Conservation Area designation and in the – I think it’s in the Upper Northeast Area element, in general, that describes – uses that word” (2/13/25 transcript, p. 17, emphasis added), and “I’d like a thorough explanation of sort of the setbacks and how it relates to the surrounding or existing context” (ditto, p. 17).

Commissioner Imamura added, “I’d like a thorough explanation of sort of the setbacks and how it relates to the surrounding or existing context” (ditto, p. 19). Commissioner Wright added, “something already mentioned by Commissioners Miller and Imamura, which is setbacks ... I’d like to see if some of the tools that were used in that last case of literally having, you know, **a 45-degree plane and a setback in the areas facing the backs of the adjacent smaller townhouses** is something that could be accomplished” (ditto, p. 21, emphasis added).

➤ Alternative Zone

In its February 13, 2025 Setdown Discussion, Commissioner Imamura asked, “As Vice Chair Miller and I have urged applicants to illustrate what other zones they’ve considered and either why or why they haven’t worked ... what did you look at and why did it or did it not work, and so we need a better explanation, rather than coming to the Commission with what appears to the public as a complete design” (2/13/25 transcript, p. 25).

The following chart compares the existing split-zoning (R-2/MU-3A), the proposal in ZC No. 10-28 (C-2B PUD, now MU-5A PUD), an alternate zone (MU-5A) which I recommend for consideration by the Commission, and the current proposal in ZC No. 24-15 (MU-5B PUD).

	Max Height	Max Density (FAR)	Max # of Stories	Max Lot Occupancy	FLUM Density
R-2	40	no limit	3	40%	Low
MU-3A	40	1.0 (1.2 IZ)	3	60%	Moderate
MU-4	50	2.5 (3.0 IZ)		60% (75% IZ)	Moderate
#10-28 proposed MU-5A PUD	61	3.71 (change to 3.31 w/IZ)	6	≤75%	Moderate
MU-5A	65 (70 IZ)	3.5 (4.2 IZ)		80%	Medium
MU-5B	75	3.5 (4.2 IZ)		80%	Medium
#24-15 proposed MU-5B PUD	75	4.2 (w/IZ)	6	80%	Medium
MU-5B PUD	90	5.04 (w/IZ)		80%	Medium

My chart shows that the current proposal is larger and taller than the prior proposal – 75 feet vs. 61 feet and has a 4.2 Floor Area Ratio (FAR) vs. 3.31 FAR. **Since the change in the FLUM was from Moderate to Medium Density, the developer could have requested a MU-5A Map Amendment instead of a MU-5B Map Amendment. MU-5A would have allowed only 70 feet but still 4.2 FAR.** 70 feet vs 75 feet -- or a future up to 90 feet and 4.2 FAR vs a future density up to 5.04 FAR – would provide more air and light to the existing low scale residences on 9th, Lawrence, and 10th Streets. A future MU-5B PUD which could be up to 90 feet in this largely low-scale residential area would be an unwelcome precedent and would clearly be even more “inconsistent” with the neighborhood scale.

Various Adverse Effects, Especially due to the Widened Dead-End Alley

In my February 8, 2025 letter to the ZC in this case (Exh. 20) about OP’s Setdown Report, I stated the following:

- “OP also finds ... to double the effective width of the alley is a benefit.” I stated, “The current 200-Footers unanimously disagree with widening this small alley behind the rowhouses facing 10th Street, worrying about their young children and the adverse environmental effects on their air quality and traffic noise.”
- From the Transportation Element of the Comprehensive Plan, OP cited, “Policy Par. T-1.1.8: Minimize Off-Street Parking ... excessive off-street parking should be discouraged 403.14.” I stated, “The PUD includes only 54 parking spaces for 230 rental apartments. The result would be a huge increase in off-street parking which

is already near saturation. This would have a profoundly adverse effect on the neighboring residents in many freestanding homes and rowhouses.”

In the February 13, 2025 Setdown discussion, Commissioner Wright stated, “how the alley would have to be changed in order to have – to be accessed off the alley. And I think it’s worth weighing whether, you know, you might recapture some square footage by not widening the alley, which allows you to do the 45-degree incline plane and put the access on one of the side streets” (2/13/25 transcript, pp. 22-23).

On May 13, 2025, the 200-Footers had a virtual meeting with the DC Department of Transportation (DDOT) in which I participated. DDOT was unable to provide any examples of development projects with a dead-end alley with abutting residences whose backyards abut the alley and with their cars parked in driveways abutting the alley. There are clear safety risks to the children who play in the alley, the owner cars that need to be able to continue to easily exit to drive to school, work, or in the case of an emergency. In addition to the safety risks, the adverse environmental risks are obvious due to increased noxious car fumes, which are especially detrimental to children and seniors.

In addition, DDOT could not estimate the number of additional vehicle trips besides for trash and the 55 owner parked cars, i.e., for USPS mail and package deliveries, Amazon/FedEx/UPS deliveries, etc. I live in a 51-unit condominium with a front desk. I asked the front desk how many packages arrive daily to our condominium. She estimated 100 per day. So, for a 233-unit building, there may be 500 per day. A dead-end alley makes no sense. The prior PUD proposal in ZC #10-28 would have used an existing curb-cut on 9th Street instead, which the 200-Footers have unanimously and repeatedly requested for the current proposal.

In our May 13, 2025 DDOT meeting, DDOT stated it “will look at very differently” if a retail component is added to the ZC #24-15 project. On May 15th, the developer co-signed a Joint Resolution with Brookland resident John Leibovitz to accommodate 1,800 square feet of retail space along Monroe Street. Clearly, retail involves delivery of supplies and needed customer parking and parcel pickups.

The developer’s Comprehensive Transportation Review (Exh. 55A) was dated May 12, 2025, i.e., BEFORE the addition of a retail component on May 15th. Also, it estimated only “up to five (5) total loading/delivery trips per day,” including parcel deliveries (p. 17).

The dead-end alley clearly cannot accommodate the huge number of estimated package deliveries and newly-added retail needs.

Construction Management Agreement (CMA)

In the February 2, 2012 Day 2 Hearing on ZC No. 10-28, Chairman Hood asked if I could reach agreement on an expanded CMA in a 200-Footer meeting with the developer without mentioning our preferred alternative zone (2/2/12 transcript, pp. 237-241). I said yes. We met in my home and reached a mutually-agreeable CMA which the Commission included verbatim in its Order for ZC No. 10-28 (Decision B.8, pp. 32-40). Thankfully, on May 21, 2025 in its monthly meeting, ANC-5B – based on a detailed analysis of its new ANC-5B Land Use Committee – included in its CONDITIONAL Support resolution for ZC No. 25-14 the following proviso:

- ANC-5B stated under its Therefore, Be it Resolved:
 - “The developer shall consider and incorporate the following condition: The Construction Management Agreement (CMA) should be developed collaboratively between the developer and the affected neighbors. All parties should reach consensus on the agreement, using the previously agreed-upon version (ca 2012) as a starting point and updating it to reflect any significant changes to the construction.”
 - There are 17 topics, several of which are very important, which are missing from the developer’s mini-CMA.

Amenities Package

In my February 8, 2025 letter to the ZC in this case (Exh. 20) about OP’s Setdown Report, I stated the following:

- OP stated, “Additional information is needed about the proffers.” On p. 23, under PUD Evaluation Standards, OP quotes ... “Offers a commendable number or quality of meaningful public benefits.” I stated, “The already cited five letters of Opposition in the case record recommend a number of meaningful public benefits, none of which were cited or discussed in OP’s Set-down Report.”

The owners distributed a survey to the 200-Footers, the results of which are in the case record (Exh. 12A, dated January 6, 2025). On May 6, 2025, the 200-Footers requested a meeting with the developer but there was no response from the developer and no meeting held before the developer submitted its May 23rd Supplementary Submission (Exh. 56)²,

² On 6/9/25, the Applicant finally met with some 200-Footers on-site.

showing \$ totaling \$125,500 (a miniscule amount in comparison to the \$ benefits to the developer) to five non-profit organizations or related to them.³ This Supplementary Submission included no amenities in response to any of the many 200-Footer letters with recommended amenities in the case file. The astonishing result is ZERO amenities proffered to date to mitigate the many adverse effects which would befall the 200-Footers. Frankly, this miniscule amenity package and the nonengagement to date is entirely inconsistent with my considerable experiences in PUDs in Ward 2 and elsewhere in DC.

Thank you for your thoughtful consideration of my testimony.

³ The Commission's PUD case records reveal financial contributions in some PUDs over \$1 million (e.g., McMillan also in NE, ZC No. 13-14, and IMF HQ2 in NW, ZC No. 01-13C) or other large amounts (e.g., \$811,000 for 2200 M St NW, ZC No. 98-1M/97-9C and \$462,000 for 1143 NH Ave NW, ZC No. 06-29).