



Foggy Bottom & West End Advisory Neighborhood Commission 2A
(www.anc2a.org)
Special Meeting Minutes

Thursday November 1, 2012 6:30 p.m.
School Without Walls 2130 G Street, N.W.

Call to Order

Chair Florence Harmon called the meeting to order at 6:33 p.m. Commissioners Graham Galka, and Commissioner Rebecca Coder were also present. Commissioner Asher Corson arrived at 6:35 p.m. Quorum was achieved. Commissioners Armando Irizarry and Commissioner David Lehrman were not present.

Chair Harmon made changes to the agenda: because of the Hurricane Sandy, which affected staff from the Office of the Deputy Mayor of Economic Planning (DMPED), the item regarding the temporary relocation of the West End Fire Station will not be presented tonight. It can be presented at the November 14th Regular ANC 2A meeting.

In addition, the EastBanc/West End Library project – BZA 18456 (Square 50) will not be presented tonight. It can be presented at the November 14th Regular ANC 2A meeting.

Chair Harmon stated that if there is time, the DDOT Public Space matter pertaining to Paul Bakery can be voted upon tonight.

Chair Harmon stated that Sherri Kimbel will not be able to attend as planned. Therefore, the Residential Visitor Parking matter will be delayed.

Chair Harmon moved to approve the agenda as amended. Commissioner Coder seconded the motion, which was voted upon and passed. (VOTES: 4-0-0)

Regulatory Agenda

Matters before the DC Zoning Commission

Square 75A

Since George Washington University (GWU) made a full presentation last month, they provided a brief summary and answered questions from the community. Chair Harmon requested an explanation of the process for closing alleys and for amending Planned Unit Developments (PUDs). Under the zoning laws, community amenities must be delivered before occupancy of the PUD. DDOT's WMATA (Metro) representative and representatives from the Foggy Bottom West End Village presented their requests for amenities.

GWU Summary of Square 75A Project:

Representatives of GWU summarized the history of the project. GWU's Campus Plan was approved as a first stage PUD for the entire campus, which included 16 development sites, one of which is the west half of Square 75. When Kaiser-Permanente, the tenant, informed GWU (owner of the site) that they were leaving on September 15, 2011, GWU decided to add this site to the development of Square 75. They asked to modify the first stage PUD to add the "Kaiser site" and rezone it to a C-4 with a 10 FAR, which approximates 44,275 square feet. Currently, the "Kaiser site" is zoned C-3 with 6.5 FAR. Representatives of GWU offered as amenities the seven units of affordable housing at 2100 F Street NW for residents making 80% of the median income of Foggy Bottom residents. GWU owns three row houses in the 2100 block of F Street NW, which are outside the GWU campus plan, which would be converted to this affordable housing.

The development of Square 75 will result in an 11-story building with 179 space parking garage below grade that will be accessed through the alley on I Street NW.

The process for closing an alley does not go through the Zoning Commission. GWU's proposal to close the alley is currently being reviewed by several DC agencies. Once reviewed, the proposal will proceed to the DC Council, where a public hearing will be held. The DC Council will then vote upon the project, and it then proceeds to Congress for approval.

GWU proposed making the alley wider to create more room for the trucks and cars to maneuver and to relocate the north/south portion of the alley to be immediately adjacent to the President Condominium.

Retail will be located on the Pennsylvania Avenue frontage, occupying 6637 square footage of the new building. This is a loss of approximately 5,000 square footage of retail from the current retail of 11,000 square footage.

President Condominium Traffic Concerns:

Joe Mehra, the traffic engineer for The President Condominium, also spoke. He highlighted inconsistencies between the two GWU traffic impact studies (February and September 2012). He explained that traffic impact studies are conducted by collecting data on a particular day at an intersection and entering data into a computer model to determine the level of service affected. The February report summarizes the studies conducted one day in January 2012, while the September report summarizes studies conducted in December 2011. It is not known how the peak hour was determined. The reports differ in the hours studied, which resulted in confusing conclusions. He said the studies were flawed in methodology and execution. The studies examined traffic during 5:30-6:30 p.m., while residents stated rush hour began at 4:00 p.m.

Foggy Bottom West End Village:

Foggy Bottom West End Village representatives John Seichter and Susan Haight proposed amenities for Square 75 that would benefit this non-profit organization. They have approached GWU for staffing of one position (such as volunteer coordinator) and office space of 1000 square feet, centrally located and accessible to their members and the community, so they can train volunteers and hold conference meetings. They requested amenities in the form of direct funding or space in kind and are still awaiting a response from GWU.

Washington Metropolitan Area Transit Authority (WMATA):

Steve Strauss, who is the DDOT WMATA representative, presented amenity options that would benefit WMATA. He recommended creating an escrow account for amenity monies. The Chair and representatives of GWU noted that such an escrow account would be difficult to administer under the zoning regulations as the amenity must be “delivered” by completion of the project. Mr. Strauss stated that the Foggy Bottom Metro Station is the 8th busiest station, with 21,300 people boarding daily. It has only one entrance. Since 2007, WMATA had a conceptual design study for a second entrance at the southeastern corner of 22nd and I Street NW, costing \$20-21 million. More information on this study can be found on wmata.com, planning study tab. The Foggy Bottom Metro Station is at the top of a priority list of metro stations in need of a second entrance. The addition of a second entrance to the Foggy Bottom Metro Station must be studied in terms of cost, use, and impact.

Mr. Strauss suggested electronic screens as a community amenity, showing where buses and trains are in real time, can be placed at the street level and at bus stations. The cost of a screen is \$50,000.

President Condominium:

Marty Sullivan, counsel for the President Condominium, reported that GWU’s new settlement proposal is to temporarily leave the alley where it stands today, next to GWU’s Rice Hall, and leave the decision for its permanent relocation for another day. GWU owns the entire Square 75, except the site of the President Condominium.

He added that he will have a site meeting with DDOT’s traffic engineers to examine the site tomorrow. DDOT’s concern is that the loading trucks and cars will be using the same alley, which will cause trying to enter the alley for office parking to back up into I Street NW while the trucks load and unload, causing traffic on I Street NW to be at a standstill for more than five minutes. This could be disastrous for pedestrians and vehicular traffic on I Street NW. DDOT does not conduct independent studies but reviews studies presented by the developer and may request additional information.

Mr. Sullivan emphasized that GWU gets the benefit of use of the relocated alley, but the President Condominium owners and residents incur the brunt of its impact. Mr. Sullivan added that a critical construction management agreement has not provided by GWU, even though he asked for it a week ago and was told it would be forthcoming. In addition, GWU’s traffic report did not include a safety analysis, which is required as part of the impact study.

Resident Concerns:

The residents and owners of the President Condominium stated that the current location of the alley next to Rice Hall results in noise. Garbage trucks from Brown Ferris and other companies have entered the alley from 2:00 a.m. to 4:00 a.m., awakening residents and creating a public noise nuisance. The residents have called the police, but by the time they arrive, the trucks have gone. The residents have reported the trucks making excessive noise after 10:00 p.m. to the police, who have responded that it was acceptable because they were GWU contractors. The residents stated that GWU is not currently a good neighbor.

Relocating the alley will affect the residents on the first three floors due to noise from cars and trucks utilizing the alley. The new building will have 179 parking spaces below grade, which will be accessed by cars and trucks 24 hours a day. There will be an increase in noise and air pollution from this traffic. Because of the increased noise and exhaust, tenants will move out and new tenants will be impossible to find. As a result, the President Condominium's property values will be devalued. When the GWU building on 22nd Street NW was being constructed, cracks resulted in the foundation of The President Condominium. Residents are worried that this will occur again. In addition, the heat pump for some units will draw in polluted air from the alley.

The residents suggest moving the alley entrance to 21st Street or Pennsylvania Avenue, or farther east. They asked that the construction management agreement include plans for air quality and dust control.

The residents asked the Commission to not vote to support the development.

GWU response:

Representatives of GWU responded by stating that the option of moving the alley entrance to Pennsylvania Avenue is out of the question because of a DC DDOT policy against curb cuts and access to loading or parking from Pennsylvania Avenue.

GWU explained their two traffic studies. They selected different peak hours, conducted counts on multiple days, added two intersections, took into account many activities of the neighborhood, including the following:

- the removal of the parking garage on H-I Streets and 23rd Street NW;
- the construction of the new Science and Engineering Building on Square 55 (which will have a smaller below-grade parking) to be completed in 2013;
- the increase of students and faculty;
- the 179 cars that would be using the below-grade parking all day long, but mostly during in peak hours in the morning and evening.

Representatives of GWU also conducted video recordings of alley activity in 2011 and found that, on an average, two trucks (40-45' long) come in and out per day during midnight and 5 a.m., not during peak hours.

DDOT representatives asked that GWU narrow the alley to 20', but GWU said it could not make the alley any narrower than 22' in order to accommodate the size of trucks.

Representatives of GWU stated they have not responded to Foggy Bottom/West End Village because they were waiting the ANC resolution regarding amenities. GWU representatives thought that that continuous funding for space and staffing would violate the Zoning Commission's amenities criteria. In addition, the timing for the Village is immediate. However, GWU is considering this amenity.

Commissioners' Views:

Commissioner Corson stated that it was helpful to have DDOT talk about amenities that could benefit WMATA. He highlighted the fact that this evening was focused on the amenities that mitigate the impact of the new GWU building, specifically for the additional 44,000 square footage. He wanted to hear from owners of the President Condominium regarding the latest GWU settlement proposal. He added that he does not consider a construction management plan to be an amenity. Amenities are offered to mitigate the impact for a larger building than what was originally planned.

Commissioner Corson stated the Commission had to vote upon the proposal from GWU for Square 75 as it is presented tonight. He added that if the Commission votes to support this project, it would be undercutting the settlement discussions between the counsel to the President Condominium and GWU.

Commissioner Coder asked about the delivery management policy. She was told that the townhouses adjacent to The President Condominium receive their own deliveries. However, these townhouses will be torn down, resulting in one delivery site. Deliveries will be merged and consolidated and will be conducted between 7:00 a.m. to 6:00 p.m. Special deliveries will be made by special arrangements between 6:00 p.m. to 10:00 p.m. DC ordinances prohibits delivery after 10:00 p.m. There will be regular trash pickup schedule for the new office building. Commissioner Coder asked about the environmental impact study for the loading dock and alley.

Chair Harmon stated that she had been involved in construction projects with more rigorous construction management agreements, which included terms for hours of construction, noise levels, and washing windows during construction and then summarized the main points of tonight's discussion.

Chair Harmon read the draft resolution, opposing GWU's zoning application and recommending that the Zoning Commission deny the application until GWU mitigates concerns and offers a stronger amenities package.

Commissioners provided changes and amendments to the resolution. Chair Harmon made a motion to accept the resolution with suggested changes. Commissioner Coder stated she would abstain from the vote, since she is on the Board of Foggy Bottom West End Village.

Commissioner Galka seconded the motion, which was voted upon and passed. **(VOTES: 3-0-1.)**
(Attachment 1)

Administration

Adoption of ANC 2A Minutes

Chair Harmon stated the minutes of ANC 2A of July 10, July 11, July 18 and August 15, 2012 would be voted upon at the next ANC 2A meeting. Chair Harmon stated the 4th quarterly report 2012 will also be voted upon at the next ANC 2A meeting.

The remainder of the items of the agenda were postponed to the next ANC 2A meeting.

The ANC 2A meeting was adjourned 9:08 pm

ATTACHMENT 1 – RESOLUTION OF SQUARE 75A regarding Modification of First Stage PUD & Second State PUD & Closing of Public Alley

Government of the District of Columbia
Foggy Bottom and West End
Advisory Neighborhood Commission 2A



c/o West End Library 1101 24th St., N.W. Washington DC 20037

November 5, 2012

Anthony Hood
Chairman
D.C. Zoning Commission
441 4th Street, NW, Suite 210
Washington, DC 20001

**Re: Z.C. Case No. 06-11G/06-12G
Application of The George Washington University (“GWU”) for
Modification of a First Stage PUD & Second Stage PUD & Closing of a
Public Alley (“Application”)
Square 75, Lots 23, 33, 34, 41, 42, 47, 863**

Dear Chairman Hood and Members of the Commission:

The Foggy Bottom and West End Advisory Neighborhood Commission (“ANC”) 2A has examined the above-referenced Application and has also heard a formal presentation of the Application by GWU officials and received community input at a regularly scheduled ANC meeting with a quorum present on November 1, 2012, at which meeting, with four of the six commissioners present constituting a quorum, ANC 2A unanimously,¹ with one abstention, adopted the following resolution regarding “Square 75A – Modification of a First Stage PUD & Second Stage PUD & Closing of a Public Alley:

WHEREAS, The George Washington University (“GWU”) proposes to redevelop the 2100 block of Pennsylvania Avenue NW and Square 75 in order to build a 130 foot tall commercial office building for investment purposes, necessitating amendment of GWU’s omnibus Planned Unit Development (“PUD”)(covering 20 squares), approved by the Zoning Commission in Order No. 06-11/06-12; Z.C. Cases No. 06-11 and 06-12 on March 12, 2007 (“Foggy Bottom Campus Plan”);

WHEREAS, this added density caused by GWU’s proposed amendment of its omnibus PUD also requires amendment of the Foggy Bottom Campus Plan to ensure that the extra Floor Area

¹ Commissioner Coder abstained from the vote; however, abstention would not affect the existence of a quorum.

Ratio (“FAR”) for the added density in Square 75 is included in the cumulative cap for the entire Foggy Bottom campus;

WHEREAS, this development represents a further use by GWU of its property for non-academic uses,

WHEREAS, residents of The President Condominium building at 2141 I Street, N.W. stand to be adversely impacted by this development due to GWU’s proposed relocation of an existing alleyway to a position immediately adjacent to their building;

WHEREAS, The President Condominium was built in 1941, long before the Zoning Commission’s approval of the Foggy Bottom Campus Plan; thus, current residents and owners did not foresee the adverse impacts of this proposed development, which would move a public alley intended to accommodate several hundred motor vehicles per day, emitting exhaust and noise directly next to their residences, thereby devaluing their property and destabilizing their peace, quiet, and enjoyment of the use of their residences, particularly when considering the eventual enlargement of Rice Hall, which will be a 110 foot high building abutting that relocated alley adjacent to The President Condominium;

WHEREAS, the circulation plan proposed within the alley system behind the proposed building, besides having to handle hundreds of auto trips per day, will also handle loading for a large amount of commercial space, and the paths for the auto entrance and loading docks intersect in such a way that assures traffic congestion within the relocated alley adjacent to The President Condominium as well as spilling out on this block of I Street;

WHEREAS, this traffic condition, especially when combined with other proposed GWU development plans in the immediate neighborhood, will lead to an intolerable situation for vehicle traffic and a hazardous condition for pedestrians;

WHEREAS, while GWU bears all of the benefits of the alley relocation and the additional density and only GWU properties benefit from the use of this alley (save for minimal use by the President for loading), the President Condominium bears almost all of the burden of the negative effects of the proposed relocation and greatly increased activity in that alley;

WHEREAS, GWU has proposed to replace the current, three story, distinctive townhouses, which provide character to the neighborhood and which currently abut The President Condominium on I Street NW, with a directly adjacent alley, which will accommodate traffic for a substantial office project, and a 130 foot office building that will dwarf and block out light and air to The President Condominium, further diminishing the property values of residents and their peace, quiet, and enjoyment of the use of their residences;

WHEREAS, row houses currently on the proposed development site on Pennsylvania Avenue NW have for several decades contained quality, affordable, neighborhood-oriented dining establishments that have played a prominent role in the community;

WHEREAS, the neighborhood desires active, street level retail on the 2100 block of Pennsylvania Avenue NW that operates both during business hours and during the evening to ensure vibrant street life and pedestrian safety;

WHEREAS, the current retail on the 2100 block of Pennsylvania Avenue NW is 11,000 square feet and GWU's amended application is for 6637 square feet of retail on Pennsylvania Avenue NW;

WHEREAS, the seven units of affordable housing on the 2100 block of F Street NW expected to be proffered by GWU, pursuant to a request by the Office of Planning, should be administered by DC Department of Housing & Community Development ("DHCD") instead of GWU to ensure that the occupants are not affiliated with GWU but are the truly in need of affordable housing;

WHEREAS, the value of the additional density of 44,000 square feet, *over and above what was preliminarily approved in the Campus Plan approval*, combined with the impact to the immediate neighbors, is substantial enough to justify a strong package of community amenities and a serious attempt at the mitigation of The President Condominium's concerns:

Therefore be it resolved that the Foggy Bottom and West End Advisory Neighborhood Commission opposes the GWU's Square 75 Application and recommends that the Zoning Commission deny the Application until such time as the Applicant agrees to the following amenities and mitigation requirements;

Be it further resolved that GWU must amend not only its omnibus PUD, but also the Foggy Bottom Campus Plan to ensure that the extra FAR for the added density in Square 75 is included in the cumulative FAR cap for the entire Foggy Bottom campus;

Be it further resolved that GWU must commit to having nighttime-active, street-level retail along the 2100 block of Pennsylvania Avenue NW, which not only enhances the neighborhood, but also will provide pedestrian safety;

Be it further resolved that the Foggy Bottom and West End Advisory Neighborhood Commission opposes GWU's proposed location of the alley directly adjacent to The President Condominium and requests GWU to locate the alley at such a distance far enough away from the President Condominium that the alley it does not adversely impact The President Condominium;

Be it further resolved the amenities package and mitigation package of affordable housing and ground level retail on the 2100 block of Pennsylvania Avenue NW currently proffered by GWU does not address the adverse impacts of this project on The President Condominium and the surrounding community;

Be it further resolved that the Foggy Bottom and West End Advisory Neighborhood Commission requests that the Zoning Commission require GWU to provide additional substantial amenities to benefit the directly impacted community, including but not limited to the following, in the order of the Commission's preference:

- Meaningful mitigation of the adverse impacts to the President Condominium, as proposed herein;
- Mitigation measures to account in part for the adverse impacts on the abutting President Condominium (including for the North, East & West facades): (a) replacement of existing windows with new STC 40+ acoustic windows; (b) replacement of existing through-wall PTAC units with new Ductless, Mini-Split Heat Pumps to mitigate intake of motor vehicle exhaust due to relocation of alley; (c) installation of acoustically enhanced gypsum board in living spaces; (d) retrofit of existing windows with new acoustic storm windows; (e) repairs to existing PTAC units, including new exterior baffles, sealant repair, and new filters; and (f) a construction management agreement equivalent to that previously provided to 1099 22nd Street NW.
- Development of a green space park next to The President Condominium to offset and buffer the effects of any relocation of the public alley;
- Funds to provide furnished office space and a volunteer coordinator for the Foggy Bottom West End Aging in Place Village;
- Subsidy for small, local business retail establishments in Square 75, which provides the community with active, nighttime, street level retail;
- Funds to support the Foggy Bottom Metro, such as for a real time transit screen for locations around the Foggy Bottom Metro.

The ANC designates its Chair or alternatively any of its commission members to represent it before the Zoning Commission in connection with to this resolution.

Sincerely,

Florence E. Harmon
Chair

Cc: David Avitabile, Goulston & Storrs
Roland F. Dreist, Jr., Surveyor, DC
Office of the Surveyor, DCRA, File No. S.O. 12-03806