



Advisory Neighborhood Commission 2A

“Serving the Foggy Bottom and West End communities of Washington, D.C.”

September 21, 2015

Mr. Anthony Hood
Chairperson
Zoning Commission
441 4th Street NW, Suite 200S
Washington, DC 20001
zcsubmissions@dc.gov

RE: Z.C. Case No. 08-06A
Title 11, Zoning Regulations – Comprehensive Text Revisions

Dear Chairperson Hood,

At its regular meeting on September 16, 2015, Advisory Neighborhood Commission 2A (“ANC 2A” or “Commission”) considered the above-referenced matter. With seven of seven commissioners present, a quorum at a duly-noticed public meeting, the Commission voted to adopt the following resolution, which was introduced by Commissioner Harmon and seconded by Commissioner Coder, by a vote of (7-0-0):

WHEREAS, the Foggy Bottom and West End Advisory Neighborhood Commission (ANC-2A) seeks to protect the residential quality of life in Foggy Bottom and the West End;

WHEREAS, the statutorily-set boundaries of the Central Employment Area (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”;

WHEREAS, 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;



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“Serving the Foggy Bottom and West End communities of Washington, D.C.”

WHEREAS, the Office of Planning’s (OP) proposal effectively **expands the statutory boundaries for the “downtown” “D” zone that expands the definition of “Central Washington,” or area appropriate for high density mix as a matter of right and through expanded use of transferable development rights (TDRs), in the proposed Zoning Regulation Review** 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) and in Foggy Bottom without an accompanying statutory amendment to effectively expand the “downtown” (see Subtitle I-58, **Figure 4**, “All Streets in Downtown Zones with Designated Street Segments”);

WHEREAS, there are significant impacts for expansion of the “downtown” into Foggy Bottom and West End including (a) increased height (due to the accompanying proposed expansion of TDRs into more of Foggy Bottom/West End); (b) increased allowable density for non-residential uses, and (c) reduced parking requirements, resulting in the elimination of existing residential street parking due to congestion;

THEREFORE BE IT RESOLVED, for all of the reasons recited herein, that Advisory Neighborhood Commission 2A (ANC-2A) requests that the Zoning Commission: (a) not expand either the definition of “downtown” or CEA into more of Foggy Bottom-West End; and (b) not allow for increases in currently allowable density, percent non-residential uses, and height in Foggy Bottom-West End.

We respectfully urge the Commission to give careful attention to the concerns articulated in this resolution and enclosed prior resolutions from ANC 2A objecting to the Zoning Regulation Review proposals.

Commissioners Patrick Kennedy (Patrick.Kennedy@anc.dc.gov) and Florence Harmon (2A06@anc.dc.gov) are the Commission’s representatives in this matter.

ON BEHALF OF THE COMMISSION.

Sincerely,

Patrick Kennedy
Chairperson

cc: Eric D. Shaw, Director, Office of Planning
Jennifer Steingasser, Office of Planning



Advisory Neighborhood Commission 2A

“Serving the Foggy Bottom and West End communities of Washington, D.C.”

Joel Lawson, Office of Planning
ANC 2A Commissioners
The Honorable Jack Evans, Councilmember
Nyasha Smith, Secretary to the Council



BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:	08-06A	Case Name:	Title 11, Zoning Regulations-Comprehensive Text Revisions
Address or Square/Lot(s) of Property:			
Relief Requested:	Consideration of ANC 2A concerns in comprehensive zoning text revisions		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	1	6	/	1	0	/	1	3	Was proper notice given?:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Description of how notice was given:	ANC website, community listserve, Foggy Bottom Current												
Number of members that constitutes a quorum:	4			Number of members present at the meeting:	6								

MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):

ANC 2A is concerned about Office of Planning's (OP) proposals to (1) expand Central Employment Area into residential areas of West End that will eliminate the need for an Environmental Impact Statement; (2) permit the expansion of Transferable Development Rights (TDRs) into residential areas of West End and Foggy Bottom; (3) to permit increases in currently allowable density, percent non-residential uses and height in Foggy Bottom/West End; (4) the absence of any provisions for "omnibus PUDs, including a maximum FAR for a Campus Plan; (5) to permit a "modification of consequence for a PUD without a public hearing; and (6) proposed changes to eliminate minimum and maximum parking spaces in already overly congested West End/Foggy Bottom.

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):

ANC 2A respectfully requests that the Zoning Commission not approve these proposed Comprehensive Text Amendments and address such community concerns. See attached resolution.

AUTHORIZATION

ANC	2	A	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	5-0-1
Name of the person authorized by the ANC to present the report:	Chair or any of its commissioners			
Name of the Chairperson or Vice-Chairperson authorized to sign the report:	Florence Harmon			
Signature of Chairperson/ Vice-Chairperson:			Date:	10/25/13

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO
11 DCMR §§ 3012 AND 3115.

ZONING COMMISSION
District of Columbia
CASE NO. 08-06A
EXHIBIT NO.69

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

October 25, 2013

Via ELECTRONIC FILING

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

Re: Z.C. Case No. 08-06A
 Title 11, Zoning Regulations – Comprehensive Text Revisions

Dear Chairperson Hood and Members of the Zoning Commission:

On October 16, 2013, at a duly-noticed regular public meeting and with a quorum present, Advisory Neighborhood Commission (“ANC”) 2A voted 5-0-1 to adopted the following resolution.

WHEREAS, the Foggy Bottom and West End Advisory Neighborhood Commission (ANC-2A) seeks to protect the residential quality of life in Foggy Bottom and the West End; and

WHEREAS, the statutorily-set boundaries of the Central Employment Area (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”;

WHEREAS, 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; and

WHEREAS, the Office of Planning's (OP) 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 effectively expand the "downtown" (see Subtitle I-58, **Figure 4**, "All Streets in Downtown Zones with Designated Street Segments"); and

WHEREAS, the current zoning rules for Transferable Development Rights (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;

WHEREAS, OP's proposal **expands TDRs** into additional Squares in the West End and into some 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**) ; and

WHEREAS, for Planned Unit Developments (PUDs), OP proposed: (a) **increased Floor Area Ratio (FAR) density** ("the Commission may increase total FAR ... by no more than twenty percent (**20%**) of the zone district associated with the PUD. As part of the twenty percent (20%) increase, the Commission may **increase the FAR for non-residential uses** by no more than thirty-four percent (**34%**) of the matter-of-right non-residential FAR permitted within the zone district associated with the PUD) (see §303.3 in Subtitle X-20) and (b) an unjustified **increase in the height limit** in C-2-C zones **from 90 feet to 110 feet** (see Table on Subtitle X-21), including areas within Foggy Bottom-West End; and

WHEREAS, OP's proposed definition of PUD and its proposed provisions governing PUDs (see Subtitle B-20 and Subtitle X-17-41) do not include any provisions covering "**omnibus**" PUDs, including an **increase in maximum FAR for a Campus Plan** (e.g., from 3.5 to 4.5) omnibus PUD; however, §301.3-§301.5 in Subtitle X-19 do mention necessary contiguity for PUDs; and

WHEREAS, OP's proposed provisions unfairly allows a "**modification of consequence**" for a PUD **without a public hearing** ("A modification of consequence, including but not limited to a proposed change to a condition cited by the Commission in the final order ... the Commission may consider a modification of consequence by proposed action with no additional public hearing" at §312.6(b) in Subtitle X-38) and also for non-PUDs (see §705.9(b) in Subtitle Z-45); and


WHEREAS, OP proposed changes in the requirements for minimum and maximum **parking** spaces which could adversely affect some future developments in Foggy Bottom-West End; and

NOW THEREFORE, BE IT RESOLVED, for all of the reasons recited herein, that Advisory Neighborhood Commission 2A (ANC-2A) requests that the Zoning Commission: (a) not expand either the CEA or TDRs into more of Foggy Bottom-West End; (b) not allow for increases in currently allowable density, percent non-residential uses, and height in Foggy Bottom-West End; (c) define and state governing provisions for "omnibus" PUDs; (d) require public hearings for all "modifications of consequence" to zoning Orders, including for PUDs and Campus Plans; and (e) not change the requirements for parking spaces in Foggy Bottom-West End.

The ANC designates any of its Commissioners to represent it before the Zoning Commission regarding this matter.

We respectfully urge the Commission to give careful attention to the concerns articulated in this resolution and letter.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Florence Harmon". The signature is fluid and cursive, with a large initial "F" and a long, sweeping tail.

Florence Harmon, Chair, ANC 2A

cc: Jennifer Steingasser, Office of Planning
Joel Lawson, Office of Planning
Elisa Vitale, Office of Planning
ANC 2A Commissioners
The Honorable Jack Evans, Councilmember
Nyasha Smith, Secretary to the Council