

November 10, 2017

VIA IZIS

Chairman Anthony Hood
District of Columbia Zoning Commission
441 4th Street NW, Suite 210S
Washington, DC 20001

Re: Z.C. Case Nos. 06-110 & 06-120
Applicant's Response to WECA Posthearing Filing

Dear Chairman Hood and Members of the Commission:

As you know, the Applicant has proffered a \$350,000 contribution to WMATA for improvements to the existing Foggy Bottom Metrorail Station. The improvements will be identified by WMATA through a forthcoming study that is focused on accessibility and capacity improvements to the existing station. In its November 2 posthearing submission, the Applicant proposed conditional language regarding this amenity that sought to balance WECA's desire to earmark the funds for a specific preference (a second elevator for the existing station) against WMATA's need to conduct a study before deciding on any particular improvement.

In its November 9 response to the Applicant's posthearing submission, WECA suggests that WMATA has consented to putting the funds toward a second elevator and advocates for placing the Applicant's contribution into an escrow account until such time as the elevator is ready to be constructed. This is incorrect. As stated by WMATA to WECA in the email attached to this letter as Exhibit A, WMATA clearly states that WMATA does not support placing the funds into an escrow account for a second elevator, because there are no plans for a second elevator at this time.

WMATA's conclusion is unsurprising because, as is demonstrated by WMATA's own data, the existing elevators at the Foggy Bottom-Metrorail station are in excellent working condition. According to WMATA's data¹, since 2013:

- The elevator from the street to the mezzanine is broken 0.5% of the time. This ranks the elevator at 188 out of 277 elevators, which puts it in the lower third in terms of time out of service.² Put another way, over two-thirds of the elevators in Metro's system break down more frequently than the street elevator at the Foggy Bottom-GWU Metrorail station. This is unsurprising, because the same data set indicates that in December 2013 WMATA took the elevator offline for three months to undertake a complete rehabilitation and modernization.
- The elevator from the mezzanine to the platform is broken 0.89% of the time. This ranks the elevator as 122 out of 277, which puts it squarely in the middle of the pack compared to other elevators in the Metrorail system.³

The Applicant's proposed condition as set forth in its November 2 submission does not preclude WECA's outcome, which is the use of the funds for a second elevator for the existing station. Nor does WMATA's current position preclude WECA's preference, should WMATA conclude that a second elevator is important based on the ongoing study of the existing station. However, the Applicant's proposed condition also respects WMATA's prudent approach to any improvements as expressed in its email to WECA, which is to evaluate current conditions and assess the full scope of priorities and needs for the existing station before determining which improvements will be made.

Sincerely,

/s/
David M. Avitabile

/s/
Cary R. Kadlecek

¹ Source: DC Metro Metrics, <http://www.dcmetroetrics.com>. The site tracks WMATA escalator outages, elevator breakdowns, and other issues using real-time data provided directly from WMATA's open data feed.

² Out of elevators and escalators, the street elevator ranks as 765 out of 892 in terms of time out of service – the bottom quintile.

³ Out of elevators and escalators, the platform elevator ranks as 619 out of 892 in terms of time out of service.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 10, 2017, copies of the Post-Hearing Submission were delivered via messenger, U.S. Mail, or email to the following:

Matt Jesick
D.C. Office of Planning
matthew.jesick@dc.gov

Haley Peckett
District Department of Transportation
haley.peckett@dc.gov

Advisory Neighborhood Commission 2A
2A@anc.dc.gov

West End Citizens Association
c/o Barbara Kahlow
800 25th Street NW #704
Washington, DC 20037

President, Foggy Bottom Association
c/o Marina Streznewski
904 New Hampshire Avenue NW
Washington, DC 20037

/s/ _____
Cary Kadlecek

EXHIBIT A

Jake Stroman

From: Chisholm, Ann <AChisholm@wmata.com>
Sent: Wednesday, November 08, 2017 1:27 PM
To: barbara.kahlow@verizon.net
Cc: jackevans@dccouncil.us; McElhenny-Smith, Robin; Joe Florio; Jake Stroman
Subject: FW: follow-up info re Boston Properties PUD at 2100 Penn & WMATA

Importance: High

Ms. Kahlow,

In response to your request of Chairman Evans, WMATA's preference is to use any added funds that it may receive for the Foggy Bottom station to improve the current entrance, which is the subject of a study underway. If the developer chooses to provide funding, putting it in an escrow would not result in relief for riders today as there are no up to date plans for a second entrance or second elevator. It is better to try to improve the entrance today instead of holding funds for a project that is not on the horizon.

Ann

Ann E. Chisholm
Washington Metropolitan Area Transit Authority
Government Relations Officer – District of Columbia
Office of Government Relations and Policy
Office of Chief of Staff
600 5th Street, NW
Washington, DC 20001
202-962-2877
achisholm@wmata.com

Begin forwarded message:

From: Barbara Kahlow <barbara.kahlow@verizon.net>
Date: November 8, 2017 at 12:00:48 PM EST
To: Jack Evans <jackevans1@aol.com>, <jackevans@dccouncil.us>
Subject: FW: follow-up info re Boston Properties PUD at 2100 Penn & WMATA

Jack – Thanks for your follow-up & our chat a few minutes ago. Here's another copy of my 10/2 e-mail to you (cursor down for it) & then our subsequent exchanges about it. Please note **highlighted** language. We want the developer's already proffered PUD \$350K community amenity to be earmarked for another elevator vs. **"The final improvements will be selected by WMATA."** And, thanks in advance for asking Paul W. to clarify WMATA's position. – Barbara

From: Jack Evans [<mailto:jackevans1@aol.com>]
Sent: Tuesday, November 07, 2017 10:45 AM

EXHIBIT A

To: Barbara Kahlow <barbara.kahlow@verizon.net>

Subject: Re: follow-up info re Boston Properties PUD at 2100 Penn & WMATA

Let's talk. Too much for an e mail.

Sent from my iPhone

On Nov 7, 2017, at 7:36 AM, Barbara Kahlow <barbara.kahlow@verizon.net> wrote:

Jack – Any further word from Paul W? This Thurs. at 3p is the ZC deadline. Thx. –
Barbara

From: Barbara Kahlow [<mailto:barbara.kahlow@verizon.net>]

Sent: Friday, October 13, 2017 10:42 AM

To: 'Jack Evans' <jackevans1@aol.com>

Cc: 'jackevans@dccouncil.us' <jackevans@dccouncil.us>

Subject: RE: follow-up info re Boston Properties PUD at 2100 Penn & WMATA

Wonderful & thank you! I wanted you to know the ZC's 11/9 "deadline."

From: Jack Evans [<mailto:jackevans1@aol.com>]

Sent: Friday, October 13, 2017 10:15 AM

To: Barbara Kahlow <barbara.kahlow@verizon.net>

Cc: jackevans@dccouncil.us

Subject: Re: follow-up info re Boston Properties PUD at 2100 Penn & WMATA

Paul is up to speed and working on it.

Sent from my iPhone

On Oct 13, 2017, at 9:20 AM, Barbara Kahlow <barbara.kahlow@verizon.net> wrote:

Jack – Last nite was the Zoning Commission hearing in the 2100 Penn case (ZC No. 06-110/06-120). Any progress with GM Paul Wiedefeld on reserving the developer's \$350K amenity contribution specifically for another elevator at the Foggy Bottom Metro stop? The Commission left the record open until 3p on Thurs. 11/9 for any input from you. Thx for your help, especially at this busy time. – Barbara

P.S. FYI, I'll be on a Mediterrean cruise 10/18-11/4 with hopefully some e-mail access but no phone access.

From: Barbara Kahlow [<mailto:barbara.kahlow@verizon.net>]

Sent: Monday, October 02, 2017 11:30 AM

To: 'jackevans@dccouncil.us' <jackevans@dccouncil.us>

Subject: follow-up info re Boston Properties PUD at 2100 Penn & WMATA

Jack – Thanks for your call back. In response to the WECA's longstanding request for another elevator for the elderly & disabled at the Foggy Bottom Metro station, on 9/22/17, Boston Properties submitted to the Zoning Commission \$350K for WMATA in its PUD

EXHIBIT A

amenities package (see #2 below). Thanks for your help in trying to get WMATA to devote the \$350K specifically for another elevator. #1 below includes contact info for the players. #2 includes language in the PUD submission. #3 includes historical information from WMATA, including the cost of \$350K for another elevator. – Barbara

1. As you requested, here's info on the players relating to an additional elevator for the Foggy Bottom Metro station (possibly on the East side of 23rd St. in either corner; or, if not, then on the West side of 23rd):

- ? Boston Properties: [Jake Stroman](mailto:jstroman@bostonproperties.com) (jstroman@bostonproperties.com)
- ? GWU/Boston Properties land use counsel: David Avitabile (DAvitabile@goulstonstorrs.com)
- ? WMATA: Manager of Station Area Planning Robin McElhenny-Smith (rmcelhennysmith@wmata.com) & Government Relations Officer Ann Chisholm (AChisholm@wmata.com)

2. The 9/22/17 PUD submission to the Zoning Commission says:

“As the Commission is aware, WECA has long advocated for improvements to the Foggy Bottom Metrorail Station & specifically for funding toward a second entrance to the existing station in order to improve access to the existing station. Early on in the process, the Applicant reached out to WMATA, who indicated that there were (still) no plans to move forward on a second entrance. WMATA did indicate, however, that it was planning to undertake a feasibility study to identify discrete improvements to improve access & capacity within the existing system. The study is intended to take place this fall. ... Based on this information, the Applicant proposed making a contribution to WMATA ... **The final improvements will be selected by WMATA.**”

3. On 4/29/13, WMATA wrote in support of an elevator:

From: McElhenny-Smith, Robin
[\[mailto:rmcelhennysmith@wmata.com\]](mailto:rmcelhennysmith@wmata.com)
Sent: Monday, April 29, 2013 11:23 AM
To: Barbara Kahlow
Cc: 'Stogner, Kevin (Council)'; saramaddux@hotmail.com; Wall, Stan; Magarelli, John A.; 'Strauss, Steve (DDOT)'; Chisholm, Ann
Subject: RE: followup to our conversation about Mar. 2nd WECA meeting on 2nd Foggy Bottom Metro entrance

Hi Barbara-

Good to hear from you. The elevators for the new Foggy Bottom second entrance would be good candidates to receive funding given they are discrete elements of the second entrance project. The second entrance design concept has four elevators: two from street level to mezzanine level and two from mezzanine level to platform. The estimated cost for each

EXHIBIT A

elevator is \$350,000. As we discussed at the March 2nd WECA meeting, the idea would be to hold any funds allocated for these elevators in an escrow account until the second entrance project moves forward.

Regards,
Robin

E. Robin McElhenny
Manager of Station Area Planning
Office of Real Estate and Station Planning
Metro
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202-962-1114