

October 26, 2012

VIA ELECTRONIC FILING AND HAND DELIVERY

Anthony Hood, Chairperson
D.C. Zoning Commission
Office of Zoning
441 4th Street, N.W., Suite 210
Washington, DC 20001

Re: **Z.C. Case No. 06-11G/06-12G**
The George Washington University (“University”) – Site 75A
Supplemental Pre-Hearing Statement of the University

Dear Chairman Hood and Members of the Commission:

Pursuant to 11 DCMR Section 3013.8, The George Washington University (“University”) hereby files the following supplemental information for the above-referenced case, which requests approval to construct an eleven-story, 250,000 s.f. commercial office building on the Property, with a height of 130 feet and a FAR of 10.0 (“**Project**”). The Project will benefit the University, the Foggy Bottom/West End community, and the District as a whole through additional affordable housing, new street-level retail, additional tax revenue for the District of Columbia, and non-tuition driven revenue to support the University’s mission.

Background

The Property that is the subject of this application consists of Lots 23,33, 34, 41,42, 47, 863, and a portion of a public alley to be closed in Square 75 (“**Property**”). The Property consists of 25,000 s.f. of land area and is part of a first-stage Planned Unit Development approved for the University’s Foggy Bottom Campus in Order No. 06-11 / 06-12 (“**First-Stage PUD**”).

The western portion of the Property (“**Site 75A**”) is one of sixteen sites identified as a development site for either commercial/investment or academic/administrative/medical use in the First-Stage PUD. Pursuant to the First-Stage PUD, Site 75A was rezoned to the C-4 Zone District. The eastern portion of the Property (“**Lot 863**”) is currently used as a commercial

office building and is located in the C-3-C Zone District. The Property is located in the High Density Commercial land use category on the Future Land Use Map of the District of Columbia Comprehensive Plan.

On February 23, 2012, the University filed an application for second-stage PUD approval in order to permit the development of the western portion of the Property (Site 75A) pursuant to the First-Stage PUD. The University also requested modification of the First-Stage PUD and related Zoning Map Amendment, as well as second-stage PUD approval, to incorporate the eastern portion of the Property (Lot 863) as well as portions of the public alley to be closed and incorporated into the proposed development site.

On July 18, 2012, the University filed an alley closing and dedication application to accommodate changes to the public alley system related to the Project. The public alley system in Square 75 is currently accessed from I Street via a 15-foot wide public alley located in the middle of the block. As shown in the approved Campus Plan / PUD, the University will shift the alley to the west and widen the alley to improve vehicular ingress and egress. Within the interior of the square, the University proposes adjustments to the alley that will generally create a more uniform lot size and allow for significant improvements to the alley infrastructure and operation. The changes to the alley system, and specifically the relocation of the alley to the west, will also facilitate the consolidation and redevelopment of University properties in the southern half of the square into Development Site 75B, a future 110-foot tall building for academic and administrative purposes identified and approved in the Campus Plan / PUD.

I. The Project Will Not Adversely Affect the Use of Neighboring Property and is Not Likely to Generate Objectionable Impacts Due to Noise or Traffic

A. The Alley Relocation was Approved as Part of the Campus Plan / PUD

As required under the Zoning Regulations, the Commission approved the proposed alley relocation during its consideration of the Campus Plan and First-Stage PUD. In approving the Campus Plan / PUD, the Commission explicitly found that the “impact associated with the implementation of the PUD on the surrounding area and public facilities and services” would be “acceptable and commensurate with the public benefits of the PUD.” Campus Plan / PUD Order at 17.

Although the Zoning Commission does not have jurisdiction over alley closures, the Commission nevertheless reviews such changes during its initial review of a campus plan and of a first-stage PUD. See *Levy v. D.C. Bd. of Zoning Adj.*, 570 A.2d 739, 752 (D.C. 1990) (review of alley closings in conjunction with a campus plan); 11 DCMR § 2046.11(e)(5) (review of the relocation of alleys in a first-stage PUD). Indeed, the D.C. Council and other agencies may rely

on the Commission's approval of such changes within the context of an overall master plan. Levy, 570 A.2d at 752 (“[A] finding by the BZA that a proposal (e.g. for a street closing) fits in with a reasonable campus plan may provide valuable insight to the Council or the approving agency.”)

Here, the alley relocation and site consolidation are required to create Development Site 75B. Site 75B, like the majority of the remaining campus plan development sites, is located in the core of the campus and will help accommodate the University's ability to “grow up, not out” within the boundaries of the Foggy Bottom campus. Therefore, the alley relocation is necessary to fulfill these key goals and principles of the Plan. Although the relocation of the alley to the west is not specifically required to facilitate the development of Site 75A, the alley must be otherwise reconfigured within the square to allow for significant improvements to the alley infrastructure and create a more uniform lot size for Site 75A. Therefore, the University has included the relocation of the alley as a part of the Project.

B. The Project and Alley Relocation Meet the Standards of Approval of the Zoning Regulations and the Campus Plan / PUD

In the initial application package, the University demonstrated how the proposed Project, including the proposed alley changes, satisfied the requirements of the Zoning Regulations, First-Stage PUD and Campus Plan.

Pursuant to Condition P-15 of the Campus Plan / PUD Order, the University is required to demonstrate that each second-stage PUD satisfies the special exception standards of Sections 210 and 3104. Here, the Project is a commercially-zoned office building that does not require review or approval under Section 210. As a result, the standards of Sections 210 and 3104 are not relevant here, and Condition P-15 does not apply to the Project. Assuming for the sake of argument that the standards of Section 210 and 3104 should be considered, the proposed Project meets those special exception standards. For the reasons discussed below, the location, noise, and traffic generated by the Project and related adjustments to the public alley will not have an adverse or objectionable impact on the President.

1. The Alley Relocation Will Not Adversely Affect the Use of Neighboring Property and is Not Likely to Generate Objectionable Impacts Due to Noise or Traffic.

The Project and related alley modifications will not have an adverse or objectionable impact on the President, which is the only non-GW property in the square. The alley modifications will widen the alley between the President and the Project, which will improve the ability of vehicles to maneuver within the alley system. As a result of these changes, the proposed Project will actually be located further away from the President than the existing office

building. The Project is located to the north of the President and, as shown on the shadow studies included in Exhibit E, will therefore not cast shadows on the President. The proposed redevelopment and related alley reconfiguration will also eliminate multiple existing trash, loading and service areas related to the existing individual retail uses. All service activity related to the Property will be consolidated within the Project's loading dock.

Location of the Alley and Vehicular Access to the Project

The relocated alley will not have an adverse or objectionable impact on the President. The relocated alley will serve as a buffer between the President and nearby University uses to the east, including the proposed Development Site 75B. The University has also made reasonable accommodations to address the President's concerns regarding the alley location and, as discussed below and shown on Exhibit A, the University has proposed to create an attractive visual buffer between the President and the alley. The University expects to continue to discuss the impacts of the Project with the President and ANC 2A leading up to the public hearing.

At the request of the President and ANC 2A, the University also evaluated other locations for vehicular access and concluded that the proposed location, as adjusted, continued to be the best location.

- Pennsylvania Avenue. Any curb cut along Pennsylvania Avenue would violate multiple District transportation and urban design policies. Therefore, the District Department of Transportation (“DDOT”) has confirmed that vehicular access would not be permitted along Pennsylvania Avenue, which is a principal arterial roadway and important radial of the L’Enfant Plan. Furthermore, I Street carries a fraction of the volume of traffic as Pennsylvania Avenue. The approach of providing the access to the proposed garage via the I Street alley rather than via a new curb cut on Pennsylvania Avenue is consistent with DDOT policies and reduces the impacts to the adjacent street traffic.
- The University also studied the potential relocation of the public alley further to the east, between Site 75B and 2100-East Pennsylvania Avenue NW (at the eastern edge of what is now Rice Hall at 2121 I Street NW), but determined that a number of design and practical challenges preclude that location:
 - the relocation could not be accommodated until after Site 75B is redeveloped (that is, when Rice Hall is demolished). As such, this is not a viable near-term option for the alley relocation.
 - the alley would be relocated adjacent to an existing double-wide curb cut, which does not align with DDOT curb cut and pedestrian safety policies.

- the new location could significantly limit and constrain the previously approved development potential of Development Site 75B; and
- the new location would place the University's proposed Development Site 75B – a 110-foot tall building –immediately adjacent to the President
- Existing Location. Finally, the University evaluated the potential to widen the alley in its current location on a permanent basis. This location would split the University's already-approved Site 75B in half, essentially eliminating one of the key development sites that received additional height and density approved as part of the Campus Plan / PUD so that the University could “grow up, not out.” For this reason, the University concluded that maintaining the current location is unacceptable.

Noise

The proposed alley location will also not create adverse or objectionable impacts due to noise. Following the filing of the PUD application, the University engaged an acoustical consultant to perform a sound survey to determine whether the proposed alley relocation would generate any adverse noise impacts. The acoustical consultant confirmed that noise associated with traffic generated by the Project will not generate any adverse or objectionable impact on residents living in the President. The ambient noise around the President is a product of many elements including street noise, ambient city noise (including sirens from ambulances headed to the adjacent Ambulatory Care Center and the nearby GW Hospital and emergency room), air handling units and exhaust fans from other buildings in the square, and existing truck activity in the alley. As a result of these existing noise generators, the existing ambient noise level in the alley near the President is louder than the noise level that would be generated by cars and trucks driving through the alley. As a result, any increased noise from car traffic in the alley will have no adverse or objectionable impact. A copy of the acoustical consultant's report is attached as Exhibit B.

Traffic

At DDOT's the request, the University's transportation consultant, Wells & Associates, supplemented and updated the initial transportation analysis. The updated analysis, which was provided to DDOT on October 1 and shared with the President on October 5, is attached as Exhibit C. For the reasons detailed in the transportation impact study, the proposed Project and related alley modifications will not impose adverse or objectionable traffic impacts on the President or other neighboring property.

- The proposed number of truck trips remains roughly the same as the current number of trips, and conditions will likely improve with the consolidation of loading activities within the Project and related improvements to loading and service at the Ambulatory Care Center that will be facilitated by the Project.
 - Although there will be an increase in traffic volumes on the alley associated with the garage of the proposed office building, the I Street alley is the most appropriate location for vehicular access to the Project. Consistent with DDOT policy, alleys are the preferred location for vehicular access. Here, use of the I Street alley eliminates the need for additional individual curb cuts for the Project, which reduces impacts on the pedestrian network.
2. The Project is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Map.

As noted in the initial application package, the proposed land use and zoning of the Project is fully consistent with the Comprehensive Plan, the Campus Plan, and the general purpose and intent of the Zoning Regulations and Map, all of which call for high density commercial use along Pennsylvania Avenue in this location. The southern portion of the square, which includes the President, is located in a high-density residential zone district, where tall multi-story apartment buildings often abut alleys. The alley relocation will improve alley circulation and facilitate the creation of Site 75B, which was approved for future development so that the University could “grow up, not out” within the Campus Plan boundaries.

C. The University has Accommodated the Concerns of the President through Mitigation Measures

Starting in November 2011, the University reached out to representatives of the President regarding the Project. The Project was subsequently presented to the President’s Board on December 4, 2011 and January 19, 2012 to provide a forum for feedback and to identify any issues or concerns. After the initial presentations, representatives of the President expressed concern over noise and visual impacts related to the proposed relocation of the north-south component of the public alley. The President also expressed concern about the appearance of the southeastern wall of their building after the adjoining University property is demolished to accommodate the alley relocation.

Representatives of the University and the President have discussed these concerns and explored potential solutions. To date, the University has proposed the following reasonable accommodations to address the President’s concerns regarding the alley location. The

University will continue to work with the President leading up to the public hearing in the hopes of reaching an acceptable resolution.

Relocation of the Public Alley

In response to the President's concerns, the University has proposed to adjust the location of the proposed public alley and create a landscaped buffer between the President and the public alley. As shown on Exhibit A, the University will shift the alley 5'6" to the east, replace an existing chainlink fence, and landscape the buffer area with low-lying plantings adjacent to the President and evergreen trees along the alley.

As a result of the adjustment, the majority of the east-facing windows in the President—including all of the ground- through third-story units—will be set back over 16 feet from the public alley and over 38 feet from Site 75B. The east-facing units that are located along the property line now will be 5'6" from the public alley and 27'6" from Development Site 75B. (Note there are no east-facing units with windows on the first three levels of the President along the property line.)

Although the proposed alley shift will reduce the overall land area available for the University's approved Development Site 75B, the adjustment will address the concerns of the President without significantly limiting the development potential of 75B. The proposed distance is also consistent with the Zoning Regulations, which would require that any open space provided between the President and Site 75B have a minimum width of 27'6", were the two buildings located on adjacent lots.

Note that the plans included in Exhibit E do not yet reflect this change. Although the University finds this solution to be responsive to the concerns raised by the President, representatives of the President have stated that this solution is not acceptable. Therefore, the PUD drawings continue to reflect the original alley location immediately adjacent to the President. The University continues to discuss this issue with representatives of the President, and will provide an updated site plan at the public hearing.

1. Resurfacing the East Façade of the President

The University has also proposed, following the demolition of the existing University buildings adjacent to the President, to resurface the exposed wall of the President with Exterior Insulation and Finish Systems ("EIFS"). EIFS are multi-layered exterior wall systems that are used on both commercial buildings and homes and is currently the finish of the existing north, east, and west exterior elevations of the President. This finish provides superior energy

efficiency and offers much greater design flexibility than other cladding products. The color will match the existing brick on the President.

Conclusion

For all of the above reasons, the Project is not likely to adversely affect the President or other neighboring Property (all of which are owned by the University) and is not likely to become objectionable to the President, the sole residential property in the square, due to noise, traffic, number of students, or other objectionable conditions.

II. Project Amenities and Public Benefits

The Campus Plan / PUD currently provides a significant number of uses of special value that have been previously identified in the First-Stage PUD. In conjunction with this Project, the University agreed to provide additional public benefits commensurate with and proportional to the additional 44,275 square feet of net new gross floor area obtained through the proposed First-Stage PUD modification.

Since the filing of the application, the University has consulted with city and community stakeholders on project amenities and public benefits through a series of formal meetings and informal discussions, including:

- Meetings with Office of Planning (“OP”), Department of Housing and Community Development (“DHCD”), and DDOT.
- Presentations to and discussions with Advisory Neighborhood Commission (“ANC”) 2A, the Foggy Bottom Association (“FBA”), and the West End Citizens Association (“WECA”).
- Presentation and discussion at the September 2012 Campus Plan Advisory Committee (“CPAC”), which was well-attended by representatives of the community, ANC 2A, WECA, and FBA. (The Project was previously presented at the November 2011, March 2012, and June 2012 CPAC meetings.)

Through these discussions, the University has developed the following proposed benefits and amenities package:

- At least 7,000 square feet of affordable housing located within the boundaries of ANC 2A in the 2100 block of F Street NW.
- At least 6,637 square feet of ground-floor retail and service use within the Project.

- Commitment to achieve the equivalent of LEED Gold certification through sustainable features that include a green roof, a 40% reduction in water usage, and smart energy monitoring.
- Streetscape improvements along Pennsylvania Avenue in front of the Project and improvements to the public alley system.
- Additional tax revenue generated by the construction and use of the proposed Project.

The affordable housing and retail commitment are discussed in detail below. The University will continue to discuss the proposed amenities package with ANC 2A.

A. Affordable Housing

As a key public benefit of the PUD, the University will rehabilitate three existing rowhouses located at 2142, 2146, and 2150 F Street NW as affordable housing. As shown on the map included in Exhibit D, the properties are located outside of the campus plan boundaries in the R-5-E Zone District. The rowhouses are located within the boundaries of the proposed historic district. The properties are owned by the University; all three are currently vacant and are uninhabitable.

The three rowhouses will accommodate a total of seven units for a total of at least 7,000 square feet of affordable housing. The program will include a variety of unit types, as shown below. In response to requests from OP and DHCD, the University has agreed to set aside all seven units for households earning up to 80% of the Area Median Income (“AMI”).

Table 1: Revised Affordable Housing Program

	<u>2142 F Street</u>	<u>2146 F Street</u>	<u>2150 F Street</u>
<i>80% AMI</i>	One 2-BR unit	One 3-BR unit	One 3-BR unit
	Two 1-BR units	One 1-BR unit	One 2-BR unit

The units, as noted above, include a range of unit types and include larger two- and three-bedroom units. All units will be for rent. Rents will be based on 35% of household income, exclusive of utilities. The units will remain affordable for a term of 30 years. The units will be delivered prior to the issuance of a certificate of occupancy for the Project. As requested by the Commission, a detailed breakdown of each affordable housing unit, including the location and layout of each unit, is included in Exhibit D.

The University has discussed the administration and enforcement of the proposed affordable housing program with DHCD. The University will administer the affordable housing program through a qualified entity certified by DHCD (either the University itself or a qualified third party). The affordable housing units will be marketed pursuant to a plan that will be reviewed and approved by DHCD. As with other affordable housing programs, compliance with the affordable housing commitment will be enforced by DHCD through a covenant that will be recorded in the land records. The University will also provide DHCD with an annual report on the affordable housing commitment to ensure program compliance.

B. Ground-Floor Retail Use

At the request of the Commission, OP, ANC 2A, and community stakeholders, the University agrees to set aside at least 6,637 square feet of the ground floor of the Project for retail and service uses. This retail space will be located along the Project's Pennsylvania Avenue frontage as shown on the plans included in Exhibit E and represents 50% of the ground level leasable area.

III. Project Plans

In response to the Commission's initial feedback, the design team has continued to refine the design of the ground floor and roof components. Revised plans reflecting these changes and incorporating additional detail on the building elevations and proposed materials is included as Exhibit E. For the Commission's convenience, the University has reprinted a complete set of plans. At the public hearing, the University will also provide a model and materials samples to assist the Commission in its evaluation of the Project. Elevations calling out the proposed materials are attached as Exhibit F.

As shown on the revised plans, the Project's rear yard and court dimensions have been modified as a result of minor changes to the proposed alley system. The Project's rear yard continues to comply with the Zoning Regulations but continues to require flexibility from the court requirements.

IV. Updated Witness List and Expert Witnesses

At the hearing, the University will call three witnesses to testify on its behalf: a representative of the University, the project architect, and the transportation consultant. The University anticipates at this time that its presentation will require up to 60 minutes.

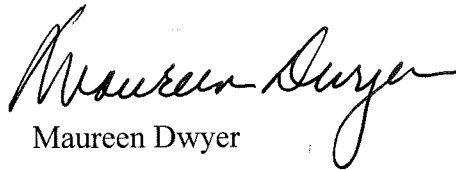
The project architect and transportation consultant will be proffered as experts in their respective fields, and their resumes are included in Exhibit G. Also included in Exhibit G is a


resume of the University's acoustical consultant, who may be called as an expert witness on rebuttal.

V. **Conclusion**

The University looks forward to presenting this application at the November 15, 2012 public hearing. If you have any questions regarding this application, please feel free to contact Maureen at 202-721-1101 or David at 202-721-1137.

Very truly yours,


Maureen Dwyer


David Avitabile

DA/da
Enclosures

cc: Charles Barber
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CERTIFICATE OF SERVICE

On October 26, 2012, I caused a copy of the foregoing letter and enclosure to be delivered by hand or by electronic mail to the following:

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