

# West End Citizens Association

Washington, D.C.

Boundaries: 15th Street on the East • Potomac Park on the South  
Rock Creek and the Potomac on the West • N Street on the North

## Written Testimony of WECA at the 2/25/25 Committee of the Whole Performance Oversight Hearing of the Department of Buildings February 16, 2025

I, Barbara Kahlow, Secretary-Treasurer of the West End Citizens Association (WECA), am submitting this testimony on behalf of the WECA about the clearly unacceptable performance by the Department of Buildings (DOB) concerning the handling of reported violations of approval conditions in Zoning Commission Orders. The WECA, which began in 1910, is the second oldest citizens association in Washington, D.C. We work to maintain and enhance the quality of life of Foggy Bottom-West End residents, including monitoring developers' compliance with their obligations to provide specific public benefits and amenities as required in Zoning Commission Orders.

As an example, on October 21, 2024, the WECA's land use attorney David W. Brown Esq. submitted a 3-page letter to DOB's Zoning Administrator (ZA) Kathleen Beeton captioned, "Violation of Approval Conditions, Zoning Commission Orders No. 06-11O/06-12O and 06-11Y/06-12Y," and referring to 2100 Pennsylvania Avenue NW in Square 75. Afterwards, we received the following notices from DOB: (a) October 21<sup>st</sup> email assigning reference number **VDF-BDW30**; and (b) October 29<sup>th</sup> email notifying us that our inquiry was routed to the Office of the Zoning Administrator (OZA).

The DOB website captioned "File a Zoning Complaint" states, "When can I expect follow up and resolution? DOB has a service level agreement (SLA) of three business days in which to respond to complaints received. Timeframes for resolution are on a case-by-case basis as determined by the complexity of the zoning compliance case": <https://dob.dc.gov/node/1620801>.

Subsequently, I sent three follow-up status query emails to Deputy ZA Elisa Vitale on November 8, 2024, December 2<sup>nd</sup>, and January 21, 2025. The only reply which we have received so far was on December 2, 2024 from Deputy ZA Elisa Vitale stating, "Thank you for following up regarding 2100 Pennsylvania AVE NW. We are still researching this property and your request regarding compliance with the ZC Order. We will provide an update as soon as we are able."

To date, after nearly four months, the WECA has no evidence from DOB of any follow-up with the developer of 2100 Pennsylvania Ave NW. Nor has WECA received any substantive justification as to why the DOB has been unable to meet its SLA obligations, i.e., what is the complexity of the WECA's complaint that justifies this significant delay? This behavior confirms that the current DOB noncompliance complaint system is clearly not functional.

Previously, the WECA submitted multiple noncompliance complaints on Office of Zoning (OZ) then Form 300, "Complaint of Noncompliance with a BZA/ZC Order." OZ previously had a dedicated "Compliance Review Program Manager" named Leigh Johnson who unfortunately left

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in 2010. We were pleased with her diligent follow-up which resulted in enforcement of noncompliance by several Form 300 cases which the WECA filed. For example, on June 30, 2008, the WECA filed a Complaint of Non-Compliance for the International Monetary Fund (IMF) Headquarters 2 and on July 22, 2008 OZ issued an investigation and resolution report. The positive result was that the IMF contracted for the tremendously successful 2-story “Founding Farmers DC” retail restaurant at 1924 Pennsylvania Avenue NW, Washington, DC.

Thank you in advance for asking DOB when it will follow up on the WECA’s October 21, 2024 noncompliance complaint.