

# 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 for the 2/12/26 Committee of the Whole Performance Oversight Hearing on the Department of Buildings February 1, 2026

I, Barbara Kahlow, Secretary-Treasurer of the West End Citizens Association (WECA), am submitting this testimony on behalf of the WECA about the continuing 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.

I wanted to update you since the WECA testimony for your 2/25/25 Oversight Hearing of the Department of Buildings (see Attachment A). After our 2/16/25 advance submission of this WECA testimony, which included mention of WECA attorney David Brown's 10/21/24 3-page letter to DOB Zoning Administer Kathleen Beeton captioned "Violation of Approval Conditions," I received a 2/19/25 email from the DOB Deputy Zoning Administrator Elisa Vitale (see Attachment B). Incredibly, DOB has not yet provided any reply to WECA attorney David Brown's 2024 letter. In addition, DOB has not yet penalized the developer for its failure to comply with its obligation to provide a specific public benefit and amenity since the 2100 Pennsylvania Avenue Planned Unit Development (PUD) building became occupied 5 years ago (as the developer recently stated in a 1/20/26 Quarterly Campus Plan Advisory Committee meeting hosted by the George Washington University (GWU)).

In DOB Elise Vitale's 2/19/25 email to me, she confirmed that the 2100 Pennsylvania Avenue PUD (ZC No. 06-110/06-12) developer had not yet provided the Order's required day care center. She stated, "the developer acknowledges that they would have to proceed with a formal request to modify the PUD conditions, which would include a public hearing before the Zoning Commission, should a daycare tenant in this space fail to be a viable option."

Since that DOB 2/19/25 email (i.e., a year ago), there still is no day care center in place and the developer has not yet filed a Modification of Significance Application with the Zoning Commission. In addition, we learned in a 6/4/25 WECA meeting with the developer that the major reason for this failure was that the developer did not allocate sufficient space in its huge new building for a modern day care center.

This case confirms that the current DOB noncompliance complaint system is clearly not functional. The bottom line is that developers appear to be able to fail to meet the specific requirements in Zoning Commission PUD Orders without any penalty imposed by DOB. This farce is unfair to the immediately affected communities.

# 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

Thank you in advance for asking DOB: (a) when it will reply to the WECA lawyer's 10/21/24 letter, (b) when it will officially reply to the WECA's 10/21/24-filed noncompliance complaint (VDF-BDW30), and (c) when it will impose any financial or other penalty on the 2100 Pennsylvania Avenue PUD developer.

# 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

## Attachment A

on WECA letterhead

### 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.

# 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

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 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.

# 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

## Attachment B

**From:** DC Department of Buildings <dob@dc.gov>

**Sent:** Wednesday, February 19, 2025 6:00 PM

**To:** barbara.kahlow@verizon.net; elisa.vitale@dc.gov; support@dob.mail.kustomerapp.com

**Cc:** brown@knopf-brown.com; saramaddux69@gmail.com; john.seichter@gmail.com

**Subject:** Re: FW: what is the status of our/the WECA's 10/21/24 noncompliance complaint re 2100 Penn Ave NW (VDF-BDW30)?

Good evening Ms. Kahlow, I hope this message finds you well. Please accept my apologies for the delayed response.

Upon receipt of your message, we initiated an investigation, and can share the following. As you will see, particularly as it relates to Item 2, Missing Daycare Center, conversations are ongoing.

1. **Missing Compliance Report** - Exhibit 37 in the record for ZC Case No. 06-110 is a November 12, 2018, letter from Goulston & Storrs, which is entitled *Z.C. Order No. 06-110/06-120 – Status of Compliance with Conditions of Approval (Building Permit Review)*.

2. **Missing Daycare Center** - The developer has actively marketed the daycare space and, in 2024, identified a daycare operator that appeared to be a viable tenant. The operator applied for Access to Quality Child Care Grant funds through the Office of the State Superintendent of Education (OSSE); however, that grant application was not successful. Without access to those grant dollars, the viability of the operator has become more tenuous. The developer continues to work with the operator should funding or other circumstances change. The Zoning Administrator has reached out to OSSE to gather more information about other grant opportunities or available resources to help identify a viable daycare operator that could fill the space and is awaiting a response. Ultimately, the developer acknowledges that they would have to proceed with a formal request to modify the PUD conditions, which would include a public hearing before the Zoning Commission, should a daycare tenant in this space fail to be a viable option.

3. **Incomplete Occupancy of Retail Space** - Two of the three retail bays on I Street are filled and operating, including Tatte, which opened in July 2022 and the Campus Store, which opened in January 2024. Your letter references the missing third retail tenant. OZA can confirm that the Certificate of Occupancy **CO2501022** for Bodega Taqueria Y Tequila was issued January 16, 2025.

4. **Retail Scope of the GWU Campus Store** - The ZC Order in Case No. 06-110/06-120 does not require the Campus Store to provide any community-serving goods. The Campus Store, which serves as a university bookstore and retail store, sells books and toys appealing to a range of ages. The Findings of Fact in the Modification of Consequence Case No. 06-11Y/06-12Y reference the desire to provide community-serving goods; however, there is no condition contained in the order to this effect. The developer has provided documentation, including photographs of merchandise, demonstrating that the Campus Store includes a "made in DC"

# 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

section that offers community-serving goods.

Should we learn more from OSSE regarding the daycare space, we will share that information with you.

Please feel free to reach out should you have any questions.

Thank you, Elisa

**Elisa Vitale, AICP** | Deputy Zoning Administrator

The Department of Buildings

[elisa.vitale@dc.gov](mailto:elisa.vitale@dc.gov) | 1100 4th St SW, DC 20024

main: 202.671.3500 | cell: 202.286.5899

[dob.dc.gov](http://dob.dc.gov)

