

May 3, 2006

ANC1B
Government of the
District of Columbia
PO Box 73710
Washington, DC 20056

#06-24

2006 MAY 10 AM 11:00

D.C. OFFICE OF ZONING

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Dear Commissioners:

The members of the Belmont Street Community Association (BSCA) would like to take this opportunity to voice our opposition to the application of the following Planned Unit Development (PUD). BSCA is aware of the scheduled presentation before the ANC by Level 2 Development, LLC on behalf of Nehemiah, LP (the "Applicant") to file an application for consolidated review and approval of a PUD with the District of Columbia Zoning Commission under Chapter 24 of the District of Columbia Zoning Regulations (DCMR 11) at the property described as Lot 219 in Square 2661.

It is the position of the BSCA that, at this time and based on the limited information provided, that this project does not meet the standards laid forth in Chapter 24 of DCMR 11 and the Zoning Commission should deny the application. Those reasons include:

1. The intention of the PUD regulations and standards is to encourage in some locations, a flexibility of development provided that the project offers a commendable number or quality of public benefits and protects the public health, safety, welfare and convenience. The project as currently described offers few benefits and those offered do not rise near the level of commendable quality required in DCMR 11.
2. In addition, the sheer size of requested increase in height and bulk will have a negative impact on the light, air, views and very possibly traffic patterns of the surrounding neighborhood and buildings which vary in height but are less than or equal to 65' in height. By this measure alone and per DCMR 11 section 2403.3, the PUD is unacceptable since the negative impacts cannot be mitigated and the impact of the project on the surrounding area is unacceptable.
3. The PUD concept and approval process is not intended to result in or allow a developer to obtain a de facto up-zoning of a property; instead it is meant to result in exceptional benefits to the neighborhood, community and city in exchange for flexibility in combining uses and possibly in increasing density and building height. Section 2400.4 of DCMR 11 specifically states that "the PUD process shall not be used to circumvent the intent and purposes of the Zoning Regulations". Since the existing

ZONING COMMISSION
District of Columbia

CASE NO. 06-24
EXHIBIT NO. 12

- by-right C2-B zoning already allows for just this flexibility, i.e. the allowance for commercial space combined with residential units when residential recreation space is provided in accordance with DCMR 11, it is logical to assume that the underlying reason for the PUD request is simply to achieve more residential units and therefore higher return on the investment.
4. Section 2400.4 of DCMR 11 also states that "the PUD process shall not be used to circumvent the intent and purposes of the Zoning Regulations, nor to result in action that is inconsistent with the Comprehensive Plan". The Comprehensive Plan labels this property as Residential Medium Density, which again, can be accomplished with the by-right zoning. The Developer's requested increases to a 90' height limit and 6.0 FAR are an increase of 38% over the by-right height and an increase of 71% over the by-right FAR. This vast increase in building height and bulk is clearly inconsistent with the intent of the Comprehensive Plan.
 5. Section 2403.6 of DCMR 11 states that "Public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under matter-of-right provisions...". The developer's stated proposed amenities include .05% of the residential units designated as affordable, employment opportunities, environmental features and contributions to neighborhood organizations. None of these amenities meet the criteria of being superior and would in fact, likely be provided as a matter of course under the by-right zoning. Additionally, other developers currently provide many of these amenities as a matter of course for projects that do not even require PUD approval.
 6. It is also important to note that the developer is requesting a consolidated review where the preliminary first stage of PUD review is combined with the more detailed second stage. This consolidated review undermines the ability of the neighborhood and community to thoroughly and completely review the developer's proposal and so the application must be opposed for that reason alone.

Sincerely,



Howard P. Wilson
President, BSCA

CC: Jim Graham
Sharon Schellin ✓
Jennifer Steingasser