PARKSIDE

June 24, 1996

Ms. Laura Richards
Chairperson
Board of Zoning Adjustment
Government of the District of Columbia
441 4th Street, NW, Suite 210
Washington, D.C. 20001

Ms. Madeliene H. Dobbins
Director
Office of Zoning
Government of the District of Columbia
441 4th Street, NW, Suite 210
Washington, D.C. 20001

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OFFICE OF ZONING
DISTRICT OF COLUMBIA

RE: Submission of additional information related to Parkside II BZA hearing; Application No. 16144

Dear Ms. Dobbins:

Please find enclosed additional information on the Parkside II development provided in response to requests made by members of the Board of Zoning Adjustment at our June 5, 1996 public hearing. You will find included in this package the following:

- Construction staging plan that illustrates how inconveniences to nearby residents will be minimized during construction of Parkside II; (Attachment A)

- A report addressing storm water management plan for the entire Parkside site; (Attachment B)

- A discussion of Developer responsibilities to residents; (Attachment C) and

- Parkside II support letters from homebuyers of Parkside I and owners of neighboring properties (Attachment D).

BZA
CASE No. 16144
EXHIBIT No. 45

Board of Zoning Adjustment
District of Columbia
CASE NO.16144
EXHIBIT NO.45
6/24/96

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Construction Staging Plan (Attachment A)

The attached Parkside site plan illustrates the vehicular flow of construction-related traffic for Parkside II. Parcels 1 and 2 are scheduled to be built first. The construction staging will be most sensitive to the privacy of existing residents during this phase since these two parcels are closest to existing homes. As the diagram indicates, construction vehicles will be required to approach the parcels from the perimeter of the site via Kenilworth Terrace and Foote Street, N. E., thus maximizing the distance from the developed Parcel 3 and 4. Access to Parcels 5 and 7 will also occur via Kenilworth Terrace, Foote Street and Hayes Street, N.E., traffic flow related to the construction will enter through the center of the site where residents are living. We plan to enforce these requirements through provisions on construction contracts.

Construction work hours will follow industry standards of Monday through Friday, from 7:00 a.m. to 4:30 p.m. with occasional Saturday site activity occurring depending on weather delays and subcontractor scheduling and coordination issues.

Homeowner Concerns/Developer Responsibilities (Attachment B)

These issues are not zoning-related, however we understand the importance of construction performance related problems. Those problems under warranty and subcontractor responsibility are being addressed because we have withheld subcontractor payments and escrowed the money until the subcontractor has done the work. Recognizing that delays cause further problems, we are pressing our subs to complete their corrective work and we are working with the homeowners to schedule the work.

The homeowner concerns expressed is the letter of May 31, 1996 to the BZA from Mr. Richards and Mr. Postell are being addressed now. Aside from individual home warranties, we are finishing plans for the community park and expect to complete that work promptly. Also, the community buildings are being finished.

On the issue of the transfer of control of Parkside I to the Parkside homeowners is being carried out as fast as an orderly process will allow. We

have frequent meetings with the homeowners so that they can understand and will perform their responsibilities in a careful manner. A more detailed response is contained in Attachment C. We point out that the resident complaints are not BZA matters. The proper department to petition is DCRA.

Stormwater Management Issues

The attached letter dated June 19, 1996 from the project Architect Sorg & Associates, P.C., explains plans for a Comprehensive Water Management Plan for Phase II developed by Shaffer Bata Associates, with imput and approval by environmental officials of the D.C. Department engineers of Public Works. This plan includes storm-water quality and quantity structures. Future stages of Parkside on parcels zoned R-5-A will involve BZA review. The C-2-A portion will involve large tract review by the Office of Planning. Further storm water management plans for those future parcels will be developed when necessary.

Resident Support Letters

Support letters from residents and others supporting Parkside Phase II are also included.

BZA Processing Fee/One More Round

At the hearing on June 5, 1996, we advanced again our position that because Parkside is a subsidized, DC government-backed, affordable housing project, Parkside II should pay no BZA fee, just as was the case in Parkside I.

As in Parkside I, Telesis is the agent (coordinator) by legal agreement between the DC government, HUD, and the Trust for Public Land, a California-based non-profit organization that holds urban land for environmental conservation and assisted housing. The project is not market-rate for profit housing. The fact that DC does not own the housing is not relevant. The housing and infrastructure is either paid for or subsidized by the DC and Federal Governments and homeowners are below market purchasers who are given money for down payment, and their mortgage interest rates are below market. The price of the units are below market

because the planning and the construction budget is strictly limited under contracts with the DC and Federal Government. Costs must be approved by the government. No zoning fees were included because of the Parkside I precedent. All project architectural and other fees are way below market.

Recognizing the Board's position on June 5 and the fact that your fee schedule has been revised, and the fact that the District's budget posture has greatly worsened since 1988, we have re-examined our total budget and pay a BZA fee of $26,000, but not $60,000. We believe this fee is fair and reasonable and in line with custom for housing projects in D.C. The original fee of $130,000 was way out of line as is $60,600. $26,000 will, we believe, fully compensate the office of zoning for processing this case.

We further believe that our position is in line with language of the DC Zoning Regulations. Section 410 permits certain groups of residential structure to be designated as a single building for zoning purposes. This is the provision on which Mr. Nunley based his zoning calculations.

Mr. Nunley and the architects divided the Parkside II up into 26 separate buildings on 26 separate "theoretical" lots. All the zoning actions, including the special exceptions and variances are based on this fact. Therefore, the proper calculation of the Zoning Fee should be based on 26 not 132. Using 26 as the multiplier, the fee should be $26,000 or thereabouts. We therefore request you to set a fee based on 26, Section 410 buildings.

We hope this information responds to the Board's inquiries. Please let us know if you have additional questions regarding the project.

Sincerely,

William H. Highsmith, Jr.
Vice President

cc: ANC
Parkside Residents
DC Office of Planning