March 5, 2004

Via Facsimile (202.727.6072) and Electronic Mail

Chair Carol Mitten, Chairman, Zoning Commission District of Columbia
Office of Zoning
Suite 210-S
441 4th Street, N.W.
Washington, D.C. 20001

Attn: Alberto Bastida, Office of Zoning

Re: Zoning Commission Case No. 03-27, A Proposed One-Stage Planned Unit Development with Related Map Amendment at 4600 - 4614 Wisconsin Avenue, NW - Square 1732, Lots 817 and 820

Dear Chair Mitten:

We are writing in our personal capacities and on behalf of the Coalition to Stop Tenleytown Overdevelopment (CSTO) to urge you to refuse to set down ZC 03-27 on Monday. March 8th. The signatories to this letter include one owner of residential property in Square 1732, whose house is as close as 70 feet from the proposed development. CSTO is a neighborhood group formed to provide community input on current development issues along upper Wisconsin Avenue and we anticipate seeking party status in the proceeding on ZC 03-27.

We believe that it is inappropriate to set down this case at this time for the following three reasons:

1. Parcel-specific map amendments should not be considered until the Upper Wisconsin Avenue Corridor Study/Strategic Framework Plan (UWACS) has been finalized and adopted.

As Ellen McCarthy testified before you last June 9th, the applicants proposing PUDs at 4600 and 4800 Wisconsin Avenue were both told at the time of their application that the Office of Planning would not go forward with their cases until the UWACS had been completed. She stated:

> We have applications from 4800 Wisconsin Avenue PUD, the Martens Volvo site, and Wisconsin and Brandywine, the Babes Billiards site, but we have indicated to the Applicants before that we are waiting for the completion of the Wisconsin planning study before we go forward with the cases that propose zoning changes.

ZONING COMMISSION
District of Columbia
Case 03-27
Exhibit 22

ZONING COMMISSION
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CASE NO.03-27
EXHIBIT NO.22

As you may already know, that planning study is currently in the process of revision and it is highly unlikely that the City Council will decide whether to adopt it as a Small Area Plan before next Fall. Council Member Kathleen Patterson has called the current plan "not ready for prime time" and informed OP that she will not support it until further infrastructural studies have been done and released for public scrutiny. All three ANCs in the study area passed resolutions calling for that draft's withdrawal from consideration as a Small Area Plan. The Office of Planning has announced its decision not to go forward with that draft but to revise and resubmit the Plan to the ANCs and for public comment. Mayor Williams has promised not to send the Plan to the City Council until there is a community consensus behind the plan. We are far from that stage and it does an end-run around the legislative process for OP to start implementing their Plan before it has even been adopted.

Please note that we are not asking for a moratorium on construction or even on PUDs in the area until a Small Area Plan has been adopted. We are simply requesting that no map amendments be considered or granted until then. The Committee of 100 has indicated their support for this position in a letter to the Office of Planning expressing their concerns regarding the Upper Wisconsin Avenue Corridor Study. Barbara Zartman, the Committee's President, wrote:

> Most significant in terms of process is our concern that PUDs not be set down for public hearings before OP has had a chance to revise its plan, Council has had a chance to review and act on it, and the public's interests are accommodated. To rezone parcels before amendments to the Comprehensive Plan are completed is improper and should not continue to occur. (**Committee of 100 on the Federal City,** Statement of Concerns, submitted to the Office of Planning on February 20, 2004).

The bottom line is that the fate of specific parcels should be decided in the course of the more general planning process for the area which is currently mid-stream and which was already underway when the Applicants filed their PUD. The fact that the process has been lengthier than anticipated – precisely because the Plan is controversial and its adoption by the Council is far from a sure thing – is no reason to short-circuit it. Again, Applicants are free to build in accordance with the existing zoning (and even to request the flexibility provided by a PUD under C-2-A) before the Small Area Plan has been adopted. But if they want to build more, that decision should wait until the City Council has decided whether OP's zoning recommendations for the Wisconsin Avenue Corridor merit adoption as a Small Area Plan.

2. <u>The parcel and the project in question do not meet the standards for consideration within the PUD process.</u>

Typically, parcels under 15,000 SF are not considered candidates for PUDs. The parcel at issue in ZC 03-27 is 12,661 SF. The standard for waiving the 15,000 SF minimum

area requirement includes a determination that the project is "of exceptional merit and in the best interest of the city or country." This project does not meet that standard. It is a very generic condo building in a part of town where residential uses are common and where market forces currently favor such projects.

The fact that the parcel is located within a Housing Opportunity Area does not, inherently, make it an exceptional project that is in the best interests of the city or the country. The goals of the HOA could be met by matter-of-right development on this same parcel (which would allow the construction of about 30 condos onsite), and they are already being furthered by the construction of a 209-unit mixed-use condominium project (which was done MOR) a block away. There's nothing exceptional about the project or its location that would require the upzoning of such a small parcel in order to meet the public policy goals implicit in the HOA designation.

3. <u>There are a variety of discrepancies and omissions in the PUD application and OP's report on the project.</u>

a. The PUD application listed 0 SF devoted to residential recreation space. OP is now saying it's 11.8%. As of March 5, 2004, the Applicant had not amended the application.

b. No light and shade study has been submitted, nor has an analysis of the economic benefits associated with the project. In our view, it is essential that the light and shade study be completed by the Applicant prior to considering a set-down. The traffic study is completely unreliable – the data presented in the charts is often inconsistent with the data found in the appendices or the sources cited.

c. OP mistakenly claims that MOR would require only 17 parking spaces for a project like this. The correct number, which should be computed using the C-2-A formula, is 27.

d. OP consistently refers to the project as involving 43 units. But Applicants have requested 10% flexibility. Approval of this PUD would give them the right to build up to 47 units on the site.

We apologize for the last-minute submission of this letter. We received OP's report on the project only yesterday afternoon. Thank you for your consideration of these issues.

Very truly yours,

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cc: Anthony Harrigan, IBG Partners (via fax _____)