



VIA HAND DELIVERY

April 24, 2006

D C Zoning Commission
Suite 210
441 4th Street, N W
Washington, D C 20001

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RE Case No 04-33 – Inclusionary Zoning
Comment on the Notice of Proposed Rulemaking

Dear Members of the Commission

On behalf of Level 2 Development, LLC, I would recommend that you consider excluding Planned Unit Development (PUDs) from the Inclusionary Zoning overlay. Through the PUD process for View 14, Zoning Case 05-22, we were able to provide a significant community benefits package that would otherwise not have been possible if PUDs were automatically subject to the Inclusionary Zoning text amendment. We believe that including PUDs in the Inclusionary Zoning text amendment would adversely limit the potential for developers to offer uniquely planned developments that directly benefit the communities in which they are located.

Through the View 14 PUD, the flexibility in the PUD affordability guidelines enabled Level 2 Development to help preserve 48 units of truly affordable housing within one block of the project by contributing \$1 million towards the Sankofa Tenants' Association of the Cresthill Apartments. We worked closely with the Office of Planning, Advisory Neighborhood Commission 1B (ANC 1B), and community stakeholders throughout the PUD process to ensure that we met and exceeded the expectations for the affordable housing component of our PUD. Such a significant contribution to the neighborhood's stock of existing affordable housing may not have been possible under the limitations of the Inclusionary Zoning text amendment.

As every PUD is unique, each project faces site-specific circumstances that require distinct solutions. The capacity for developers to overcome these circumstances would be hindered if PUDs were automatically subject to the Inclusionary Zoning text amendment. Through the View 14 PUD, the existing Comcast satellite farm will be eliminated, removing a significant blight from the neighborhood and replacing it with superior land use and urban design. An agreement with Comcast would not have been economically feasible under the limitations of the Inclusionary Zoning text amendment.

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ZONING COMMISSION
District of Columbia

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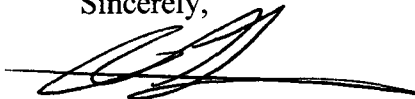
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District of Columbia
CASE NO. 04-33
EXHIBIT NO. 208

The View 14 PUD also offers numerous other public benefits and amenities that may not have been achieved under an Inclusionary Zoning text amendment that applied to PUDs. We are participating with the Office of Local Business Development and Department of Employment Services to offer employment opportunities, including a green roof design, incorporating measures that mitigate traffic impacts, and we are contributing \$40,000 to civic associations. This set of public benefits provides a significant value to the community. The capacity of Level 2 Development to offer this array of public benefits and amenities would be severely limited, if not eliminated, if an Inclusionary Zoning text amendment applied to PUDs.

In your consideration of the proposed rulemaking for the Inclusionary Zoning text amendment, I strongly urge you to exclude PUDs from the Inclusionary Zoning overlay. We agree that it is important to preserve and contribute to affordable housing in Washington, D.C. However, we also believe that it is essential to maintain flexibility in the PUD process so that, on a case-by-case basis, developers can offer exceptional amenities that enhance the communities in which each PUD project is located. The Inclusionary Zoning text amendment intends to create a neutral impact to the developer through the incentive of bonus density. However, since PUDs already offer the bonus density as an incentive to public benefits and amenities, there would be an adverse impact to developers of PUDs if the Inclusionary Zoning text amendment were applied to PUDs. Costs related to PUDs would not be offset by additional density granted by the Inclusionary Zoning text amendment, and developers would not have the incentive to offer the public benefits and amenities that are listed in the PUD regulations.

Thank you for your time and consideration in this matter. I hope that the Commission will look favorably on these comments and recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Franco', with a long horizontal flourish extending to the right.

David Franco
Principal