

The Downtown Cluster of Congregations

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Sept. 22, 2008

Chairman Anthony Hood & Members
D.C. Zoning Commission
441 4th Street, NW #210-S
Washington, DC 20001

ZONING COMMISSION
District of Columbia

CASE NO. 08-09
EXHIBIT NO. 45

Via: Fax & Post

Re: ZC Case #. 08-09 Map & Text Amendments Proposed Expansion of the 16th Street Heights Overlay District

Dear Chairman Hood and Members,

I wish to express my opposition to the proposed expansion.

Circumstances and events would indicate that the singular purpose of this proposal was to prevent the Church of Jesus Christ of Latter Day Saints from proceeding with construction of a house of worship at 16th & Emerson Streets, N.W.

Since the adoption of the initial overlay, there does not seem to have been any significant conversion of uses of properties from residential to non-residential uses that would warrant this action for the proposed area. There appears to be only one such instance, where 2 adjacent lots were converted from residential to nonresidential use. At the same time, one religious use property at 5019 16th Street, NW which is within the proposed expansion area was converted from religious to residential use since the adoption of the Overlay District. Hence, the stability of the area would indicate there is not a need for this action.

The property in question itself had been a religious use, a convent and chapel located at 4901 16th Street, N.W.

I would note the Church filed an environmental impact screening form given its planned development of the site and the District in July of 2008 determined that the construction of the proposed chapel was not "likely to have a substantial negative impact on the environment".

The Zoning Commission, should it proceed with the expansion, should exempt the proposed chapel location from the requirements. Through application for various permits, meetings with neighbors, and other actions the Church's planned construction was well known and proceeding at a reasonable, timely pace. It would be an undue burden and hardship to at this stage subject the site to these restrictions, creating costly

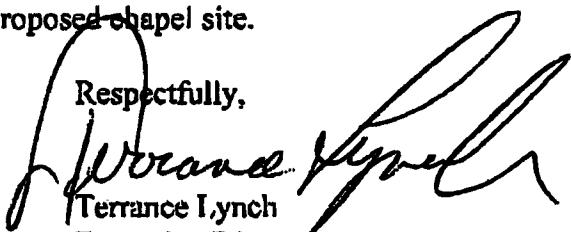
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delays for a project that have been significantly vetted.

The proposal also raises serious concerns should it be implemented with regards to District compliance with the Religious Land Use and Institutionalized Persons Act of 2000 and the Religious Freedom Restoration Act. Given what the specific intent of the application is, there may well be grounds for considering violation of the Church's rights under these federal statutes.

Hence, for all of these reasons, I would urge the Commission to not adopt this overlay, or in the alternative, adopt the overlay with exemption of the proposed chapel site.

Respectfully,


Terrance Lynch
Executive Director