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2014 DEC 22 AM 10: 05

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December 20, 2014

Anthony J. Hood, Chairman
District of Columbia Zoning Commission
441 4th Street, Northwest
Washington, DC 20001

In re: Case No. 11-13A

Dear Chairman Hood,

My wife and I are property owners within 200 feet of the proposed project and are Parties to this matter. We object to the applicant's request for extension of time.

Summary of Objections

We object to the request for extension of time for the following reasons:

1. Change in conditions under which the original grant was made due to withdrawal of support by the Advisory Neighborhood Commission (ANC6D).
2. Failure by the applicant to design or account for the flood zone conditions of the property or consider them in its environmental study.
3. Failure to commence or prosecute the project.
4. Lack of communication by the applicant to the neighborhood generally about its plans.
5. We also continue to object to this project for the reasons given in 2012: because it is not supported by the surrounding neighbors, it is inconsistent with the 2006 Comprehensive plan by failing to maintain the medium density character of the neighborhood, and it fails to comport with the philosophy of our designated Neighborhood Conservation Area as it is grossly out of scale with the neighborhood environment.

In view of the above objections, we submit that approval of the requested extension of time would undermine the Commission's justification for granting the many waivers required for the original PUD and zoning modifications, and would have unacceptable impacts on the surrounding area for which there are inadequate mitigating public benefits. Our objections are described in greater detail below.

Objections to Request

Withdrawal of support by ANC. The opinion of the Advisory Neighborhood Commission in granting zoning map amendments, zoning regulation waivers, and PUDs is to be given "great weight" by the Zoning Commission. In 2012, the applicant, TC/CSG St. Matthews, managed to gain the *pro forma* support of ANC6D by a combination of deceit and lack of notice. The developer's actions to minimize neighborhood awareness of the scale of this project resulted in few, if any, of the affected neighbors appearing at the ANC

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meeting at which the project was considered. Since few people were aware of the project, no one showed up to oppose it and the ANC could do little else but issue a letter of support.

Despite the deluge of after-the-fact opposition to the project, ANC6D did not re-hear the matter, but its written and oral testimony offered, at best, lukewarm support for the project while expressing many serious concerns. [ZC Transcript 120305, p. 255ff]. Now that the community has had a chance to better understand the deleterious effects that this project will have on our neighborhood and because it fails to comport with the Small Area Plan presently under consideration, the ANC has withdrawn its support. [Letter from Roger Moffatt to Anthony Hood, Dec. 14, 2014, Exhibit 4 to 11-13A].

Failure to design for the Flood Zone Conditions of the property. There was considerable oral and written testimony given during the 2012 hearings regarding the presence of water on the subject property leading to toxic mold. [See, e.g., ZC Transcript 120319, p. 114ff]. Indeed, the reason why the former building on the property was deemed uninhabitable and had to be demolished was toxic mold due to chronic moisture. At the time of its initial application, the applicant was aware that the subject property was in a flood zone yet took no action to design for that condition. Indeed, despite the considerable and repeated concerns expressed by neighbors about problems due to water standing on the property, the applicant failed to acknowledge these realities until now. The applicant made no mention whatsoever of these conditions, or the fact that the subject property was in a designated Flood Zone in its environmental study and so the Zoning Commission did not have the opportunity to fully consider those conditions. The applicant merely stated that, “if we do hit water during the construction process, obviously, we will deal with that and we will waterproof our foundation.” Now, the developer apparently does not want to deal with the cost of including remedial actions to deal with the water on the property.

Failure to move project forward. The applicant is a joint venture of multi-million and billion dollar companies. The applicant clearly has the financial wherewithal to commence work on this project. Yet, the condition of the subject property, basically a vacant lot surrounded by a cyclone fence, has remain unchanged for years — certainly it has not changed since the ZC Order. Specifically, it was understood that the developer would do soil testing on the site to determine the presence of unhealthful or toxic conditions. [See ZC Transcript 120319, p. 156]. To our knowledge, that testing has not occurred, or if it has, the results have not been provided to us. It is similarly unknown whether the applicant has made the required financial contributions to KidPowerDC or the CBCC as required in the ZC Order.

Continuing Lack of Information. St. Matthew’s pastor trumpets his parish’s role as a center of this community. Despite these claims and the fact that the parish has perhaps 25 communicants, neither he nor the developer have communicated with the leadership of Carrollsbury A Condominium (CAC) — their immediate neighbor with some 425 owner-residents — regarding the status of the project, their plans for construction management, or anything else. To our knowledge, they have not communicated with any of the other neighbors either. This *modus operandi* continues the applicant’s pattern of completely ignoring the owners and residents of CAC.

To ignore the neighborhood opposition to this project and instead reward the applicant’s misdirection, poor planning, and lack of neighborliness by granting them an extension, is outrageous.

For the foregoing reasons, we believe that the request to extend the PUD application and proposed zoning modification fail to meet the applicable standards for approval, fail to provide a significant public benefit, and fail to advance the goals of the District of Columbia. We recommend that the PUD and Zoning modification extension requests as presently proposed, Application No. 11-13A, be denied by the Zoning Commission.

Sincerely yours,

Robert Weller

Regina Weller

