

September 25, 2007

VIA HAND DELIVERY

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

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Re: Zoning Commission Case No. 05-37 – Capitol Place
Response to Motion of ANC 6A and SPNA To Require that the Applicant
Submit a Revised Application to Address Section 1305.1 of the DC Zoning
Code

Dear Members of the Commission:

On behalf of the Applicant in the above-referenced case, we hereby respond to the Motion of Advisory Neighborhood Commission 6A ("ANC 6A") and Stanton Park Neighborhood Association ("SPNA") to Require that the Applicant Submit a Revised Application to Address Section 1305.1 of the DC Zoning Code (the "Motion"). In the Motion, ANC 6A and SPNA request that the Zoning Commission require the Applicant in the above-referenced planned unit development ("PUD") to comply with Section 1305.1 of the Zoning Regulations by either dismissing the current case or continuing the case until such time as the Applicant modifies the PUD application. The Applicant believes that its application and supporting materials address all of the relevant standards of the Regulations and that the Motion should be denied.

The PUD application complies with both the intent and specific provisions of Chapter 13 of the Zoning Regulations. Section 1305.1 states that the matter-of-right height and FAR limits shall serve as guidelines for PUDs located within Neighborhood Commercial Overlay Districts. Chapter 13 then provides specific provisions for PUDs in the H Street Northeast Neighborhood Commercial Overlay. Section 1326.1(a) states any additional height and floor area above that permitted as matter-of-right shall be used only for housing or the preferred uses listed in §§ 1322.2 and 1323.2 of the Zoning Regulations. Section 1326.1(b) provides that the PUD process shall not be used to reduce requirements for designated uses, specifically retail, service, entertainment, and arts uses.

In adopting Section 1326.1 of the Zoning Regulations, the Zoning Commission specifically approved a provision that provided for additional height and density in
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District of Columbia

CASE NO. 05-37
EXHIBIT NO. 96
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EXHIBIT NO. 96

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a PUD, so long as that additional height and density was used for housing or preferred uses. In the present case, all of the additional height and density will be devoted to residential uses in accordance with this provision.

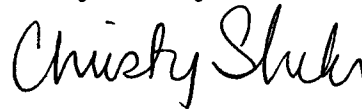
The Commission may use the matter-of-right height and density as a guideline as it evaluates this project pursuant to Section 1305.1. However, the Applicant submits, and the Office of Planning agrees, that the project and the related public benefits and project amenities – including the substantial additional amenity of housing – are commensurate with the additional FAR and other flexibility requested. Thus, the Applicant request that the Zoning Commission deny the Motion and proceed with reviewing and approving the application as presented.

Should you have any questions or need additional information, please do not hesitate to have Office of Zoning staff contact us.

Sincerely,



Whayne S. Quin



Christine Moseley Shiker

| | |
|--|---------------|
| cc: Jennifer L Steingasser, Office of Planning | (Via E-Mail) |
| Travis Parker, D.C. Office of Planning | (Via E-Mail) |
| Advisory Neighborhood Commission 6C | (Via US Mail) |
| Alan Kimber, ANC 6C SMD Representative | (Via E-Mail) |

Mediation Committee:

| | |
|--|--------------|
| Lee Quill, Cunningham + Quill | (Via E-Mail) |
| Karen Wirt, ANC 6C Chair | (Via E-Mail) |
| Monte Edwards, SPNA | (Via E-Mail) |
| Drurry Tallant, Square 752 Residents | (Via E-Mail) |
| Drew Ronnenberg, ANC 6A Representative | (Via E-Mail) |
| Gary Peterson, CHRS | (Via E-Mail) |

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Persons Requesting Party Status:

Karin Rutledge

(Via US Mail)

Sam and Sue Marullo

(Via US Mail)

George D. Stamas

(Via US Mail)

MaryAnn Hoadley

(Via US Mail)

Ann Morrison

(Via US Mail)

Leon & Kaelie Kung

(Via US Mail)

Lemuel Jamison

(Via US Mail)