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VIA HAND DELIVERY

Anthony Hood, Chairperson
D.C. Zoning Commission
441 Fourth Street, NW, 2nd Floor
Washington, D.C. 20001

**Re: Zoning Commission Case No. 08-21 Post-Hearing Submission - Canal
Parc Planned Unit Development ("PUD")**

Dear Chairperson Hood:

At its public hearing on March 16, 2009, the Commission requested additional information regarding the Canal Parc PUD. In addition, the Commission urged the parties to continue to try to find common ground. To that end, the Applicant has worked hard on the economics of the proposal, reviewed its pro forma and its analysis of the project and has modified the PUD in order to address comments from the Commission and the community.

I. Modified Project

The Applicant now proposes a modified project. It has reduced the PUD to 36 townhouses (including two affordable units). The modified project is shown as Exhibit A. This new plan proposes only four dwelling units more than would be permitted as a matter-of-right under existing zoning. As the Zoning Commission heard during testimony at the public hearing, the Applicant's original proposed for the site had been 41 townhouses, thus it has reduced the "density" of its proposal by approximately 15%. In addition, this modification results in more open/green space and a "green" break between the townhouse units in Building 2.

As the project now stands before the Commission, it has:

- (1) 36 dwelling units, (32 permitted as a matter-of-right);
- (2) A total gross floor area of 115,637 square feet, (133,967 square feet is permitted as a matter-of-right);
- (3) A FAR of 0.96, (matter-of-right permits a FAR equivalent of 1.1);
- (4) 29 of the 36 units are 40 feet in height or less, (the matter-of-right height limit);
- (5) A lot occupancy of 27.5%, (40% is permitted);

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- (6) 48 % of the site has pervious surface, (none is required); and
- (7) Preserving the wetlands in accordance with the Army Corps of Engineers' and the Department of the Environment's standards.

The Applicant believes that the modified proposal goes as far as it can go and still deliver a feasible project. Further, it is significantly better, and goes far beyond, than anything that could be developed on the site as a matter-of-right.

II. Additional Materials

The Commission also requested the following additional materials for the record indicating: (1) approval of the plan by the Department of Fire and Emergency Services ("FEMS"); (2) a response to the Canal View Home Owner's Association presentation; (3) a compilation of the tree inventory on the site; (4) and the Applicant's position with regard the provision of a bicycle, Smartbike station in the vicinity of the project.

1. FEMS

Attached as Exhibit B is the plan referenced in the FEMS Memorandum dated November 20, 2008 (also included in Exhibit B) indicating acceptance of the access and circulation plan for the project. Thus, the FEMS has no objection to the project's circulation or to the use of collapsible bollards to separate Langan Road from Langan Way.

2. Response to Canal View

At the hearing, Canal View's presentation outlined the purported deviations of the PUD from matter-of-right standards of the underlying zone districts. There are fundamental flaws in Canal View's calculations, but the Applicant believes that even if its analysis did not mistakenly understand the constraints of Zoning Regulations, the development should be analyzed on the basis the impact of the project as a whole rather than, as Canal View urges, on individual theoretical lots basis. It is critical to note that the Office of Planning agrees with the Applicant's approach to the analysis.

As the Commission is aware, Section 2403.11 lists three specific factors to be considered when the Commission evaluates a PUD application: (1) the extent the proposed development complies with the standards and requirements applicable to a matter-of-right development under the Zone District classification of the site at the time the application is filed; (2) the specific relief that the applicant requests from the matter-of-right standards and requirement; and (3) if a map amendment is requested, the extent of compliance with, and the requested relief from, the matter-of-right standards and requirements of development under conventional zoning.

The following is a chart that compares the PUD versus what would otherwise be permitted as a matter-of-right. A matter-of-right site plan, which was entered into in the record on March 16, is attached as Exhibit C for reference.

Standard	Matter-of-Right		Proposed	
	R-1-B	R-5-A	R-5-A	
Use	Single family detached	Single family, townhouse, apartments	Townhouses	
Number of Units	10	22	36	
	32 Total			
FAR	1.2 equivalent	.9	.96	
	Blended 1.1			
Building Height	40 feet (3 stories)	40 feet (3 stories)	29 - 40 feet or less 7 - 42 feet or less 15 - 3 stories 21 - 4 stories	
Lot Occupancy	40%	40%	27.5%	
Gross Floor Area	Approx. 96,796 square feet	Approx. 36,298 square feet	R-1-B Approx. 59,630 g.s.f.	R-5-A Approx. 56,007 g.s.f.
	Total: 133,094 gsf		Total: 115,637 gsf	
Rear Yard	25 feet	20 feet	R-1-B Varies, between 18 feet and 80 feet	R-5-A Varies, between 13 and 38 feet
Side Yard	8 feet	8 feet	R-1-B Varies, but at least 8 feet	R-5-A Varies, but at least 4.5 feet
Parking	1 space for each dwelling unit	1 space for each dwelling unit	48 spaces, 1.33 spaces per dwelling unit	

The Applicant and the Office of Planning believe that analyzing the matter-of-right parameters of the entire site is the only sensible way to evaluate the project *and* is consistent with the PUD evaluation standards of Section 2403. Theoretical lots are not permitted as a matter-of-right, so analyzing the site as such would be contrary to the direction provided by Section 2403.

In contrast, analyzing the overall site provides a more accurate depiction of the development. It provides a contextual overview of the property and it is a better gauge for studying the impact of the development on neighboring properties particularly with regard to density and area requirements. Analysis of the overall property provides a direct comparison of the proposed development with its surroundings; whereas, calculating density and area requirements on the basis of theoretical lots shows the relation of the theoretical lots to each other, rather than with neighboring properties. Whether a single theoretical lot has a side yard of 4.5 feet, if the actual distance between the house on that theoretical lot and that of a Canal View (neighbor's) house is 50 feet, is not relevant. Relying solely on the theoretical lots is misleading and it ignores the design considerations that went into developing the site plan.

Nonetheless, since the Zoning Commission requested such a comparison, a table comparing Canal View's analysis, corrected to conform to the actual constraints of the Zoning Regulations, compared to the proposal is shown in Exhibit D. Clearly, the method of analysis chosen by Canal View discourages providing community public space in projects. It also undermines the District's efforts to promote green design by penalizing the dedication of property to sustainable features.

3. Comprehensive Plan Area Element

In a very early submission in this case, the Applicant did mistakenly list the property as being a part of the Near Northwest Area Element. The Property is, as the Office of Planning points out in its reports, located just outside the Near Northwest boundary in the Rock Creek West Area Element. In fact, the Office of Planning identified the Rock Creek West Area Element as the proper area element as early as its setdown report dated May 30, 2008. A copy of the Rock Creek West Area Element is attached as Exhibit E. The Applicant's contextual design and Office of Planning's analysis of the PUD was always based on the actual character of the area and Rock Creek West Area Element.

It is also important to note that the Area Element is one component of the Comprehensive Plan. The Applicant's submissions, and the Office of Planning's reports, have outlined the PUD's compliance with the land use, transportation, housing, environmental protection, parks, recreation and open space, and urban design citywide elements. As the Office of Planning concluded, the PUD is also consistent with these elements as well as the Rock Creek West Area Element. The development protects low density, stable residential neighborhoods and it protects and enhances the existing scale,

function and character of the neighborhood. The PUD manages transportation demand by ensuring it will not degrade traffic conditions. The project also focuses urban design efforts on MacArthur Boulevard, a major avenue and area with significant environmental and topographical features. The PUD is consistent with the Comprehensive Plan generally and the Rock Creek West Area Element, specifically.

4. Tree Survey

Attached as Exhibit F is a complete analysis of the tree survey prepared by Studio 39, the Project's Landscape Architect. As shown in the data, the project fully complies with the District of Columbia tree laws.

5. Smartbike Station

The Applicant does not believe it can accommodate the DDOT's request to provide such a facility and does not believe it is needed. Each individual townhouse will be provided with its own bicycle storage and it is more likely that bike-riders will want to have their own equipment, and house it in their units, rather than utilize a public bike share facility. A cut-sheet of the bike storage unit that will be provided to each unit owner is attached as Exhibit G.

III. Conclusion

The Applicant believes its approach to developing this site, that is, following Smart Growth principles to maximize common open space, enhance sustainable features of the landscape and provide new, in fill housing to the District, is the correct urban planning approach for this site. The current 36 townhouse proposal has attempted to balance competing interests of the site's neighbors to the north and west (Canal View), neighbors to the south on Lingan Road and the natural constraints of the site (a significant slope and a delineated wetland) while providing an economically feasible project that will allow it to remove the existing, 200 bed hospital from the site and help achieve numerous District of Columbia goals for this part of the city.

Very truly yours,



Phil Feola



Christine Roddy

Enclosures

Certificate of Service

I certify that the foregoing document was delivered by first-class mail or hand delivery on March 30, 2009, to the following addresses:

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