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June 25, 2009

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:

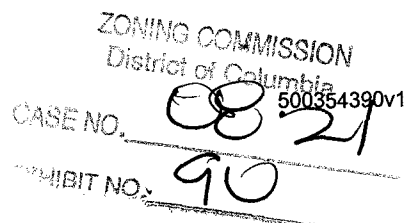
The Applicant submits a revised PUD proposal that was developed based on comments from the Zoning Commission at its May 11, 2009 meeting and from multiple conversations with the community. The Commission postponed Proposed Action at its May meeting and instead urged the parties to continue discussions to reach an agreement. At the same meeting, each Commissioner voiced their individual concerns regarding the project, citing height, density and treatment of the affordable housing units as potential areas of improvement.

The Applicant has used the time since the last meeting to conduct a series of meetings with members of each of the community groups, (ANC 3D, the Palisades Citizens' Association and the Canal View Homeowners' Association) and to analyze for itself what changes could be made to the PUD while maintaining the economic feasibility of the project. Outlined below are the modifications the Applicant now proposes.

I. **Revised Project**

The proposed revised PUD includes the following modifications from its previous proposal:

- Elimination of two additional units to reduce the total number of units to 34;
- Widening of both affordable units to 16 feet and increasing their mass to 3 stories so they are indistinguishable from market-rate units;
- Elimination of the 4th floor on Building 4; and
- Dividing Building 6 into two separate buildings.



Plans depicting the modified proposal are attached as Exhibit A. Additional plans filed in previous submissions are attached as Exhibit C for reference.¹ The following chart outlines the current proposal as compared to the previous proposal and the initial proposal:

Standard	Initial Proposal (November 2007)	Previous Proposal (March 2009)	Current Proposal (June 25, 2009)
Floor Area Ratio	1.0	.96	.90
Gross Floor Area	120,994 square feet	115,637 square feet	108,673 square feet
Unit Count	41	36	34
Lot Occupancy	30%	27.5%	26.6%
Height	16 units – 40 feet or less 25 units – 47 feet or less 41 units – 4 stories	29 units – 40 feet or less 7 units – 42 feet or less 15 units – 3 stories 21 units – 4 stories	30 units – 40 feet or less 4 units – 42 feet 18 units – 3 stories 16 units – 4 stories

These modifications respond directly to comments from the Commission and the community and mark a significantly changed project from the Applicant's proposal in November 2007, which was a 41 unit project with all the townhouses at four stories. The Applicant has reduced height and density, which were two of the prevailing concerns voiced during hearings and discussions with the parties. The Applicant also addressed concerns it heard more recently about its affordable housing units by enlarging both affordable units and making them consistent in size with the market-rate units.

The decrease in units also decreases FAR by .06 to .90 FAR and the gross floor area by 6,964 square feet, and increases the amount of open space on-site by 1,833 square feet for a total of 64,093 square feet.

The Applicant's former proposal included two 14-foot wide affordable townhouses in the row of townhouses fronting on MacArthur Boulevard (Building 1). The Commission questioned whether the affordable units really were indistinguishable from the market-rate

¹ The elevations and the site plan depicted in the plans attached as Exhibit C have been updated per those plans attached as Exhibit A. The plans are included to demonstrate primarily landscaping and the work the Applicant is proposing for the wetlands.

units. Though the former proposal was consistent with District's Inclusionary Zoning guidelines, the Applicant has revised these units to make them the wider and as tall as the market-rate units so that they are indistinguishable from the other units in Building 1.

With the reduction in height of Building 4, only 4 townhouses exceed 40 feet (each at a height of 42 feet). This brings nearly all of the units within the matter-of-right building height limit for the R-1-B Zone District and directly responds to concerns raised by some Commissioners and some community members.

The Applicant is also proposing to split Building 6 into two separate units. This will break up the building and reduce the perceived density of the Project. It will also enhance the building by adding green space and providing side yards for two additional units.

Together, these significant changes mark a significant step on the Applicant's part to meeting the concerns of the community and addressing the issues and questions voiced by the Commission. We believe the project is a better project as a result of these changes and this process of discussions with the community and the Zoning Commission, notwithstanding the loss of substantial economic value, and the result is one that the Zoning Commission can whole heartily approve and the community will come to accept.

II. Section 2516.6

The Commission asked for clarification on how the Applicant addresses Section 2516.6(a) and (b). This Section states:

In providing for net density pursuant to Section 2516.11, the Board shall require at least the following:

- (a) The area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required by this title;
- (b) Notwithstanding any other provision of this title, each means of vehicular ingress or egress to any principal building shall be twenty-five feet (25 feet) in width, but need not be paved for its entire width;
- (c) If there are not at least two (2) entrances or exits from the means of ingress or egress, a turning area shall be provided with a diameter of not less than sixty (60) feet; and

(d) The requirements of paragraphs (b) and (c) of this subsection may be modified if the Board finds that lesser width or diameter will be compatible with, and will not be likely to have an adverse effect on, the present character and future development of the neighborhood; provided, that the Board shall give specific consideration to the spacing of buildings and the availability of resident, guest, and service parking.

Section 2516 applies to the lots the Applicant is proposing for each individual townhouse. The Applicant does not include Street "A", Street "B" or the alley in the area of any of the theoretical lots. The Applicant includes the alley in the rear yard calculations for Buildings 1 and 2 per Section 404.2 of the Zoning Regulations.

To clarify, two separate issues have been raised during the hearings regarding the inclusion of Streets A and B: (1) whether the streets should be included in overall FAR calculations and (2) the above-referenced issue of whether they should be included in the theoretical lots. The Applicant includes the streets in the overall FAR calculation (.90), which is consistent with the Commission's practice in other PUDs.² The Applicant does not include the streets in the calculations for the individual theoretical lots (except as noted above), which is consistent with Section 2516.

With regard to Subsection (b), the Applicant is not proposing roadways that are 25 feet wide; both Roads A and B are 20 feet wide. The Applicant has presented the project to Fire and Emergency Management Services, and Department of Transportation ("DDOT") and neither objects to the 20 foot width. In fact, DDOT supports the reduction as a means to slow traffic. The project also does not include two means of ingress or egress or a 60 foot turnaround per Subsection (c). Nevertheless, the Applicant presented the proposed site plan to FEMS, which confirmed that its equipment could safely service each of the townhouses in the development and that neither a 60 foot turnaround nor multiple access points are necessary.

III. Uses of Special Value Included in Benefits and Amenities Package

A complete overview of the Applicant's benefits and amenities package, previously submitted with the Applicant's April 23, 2009 filing, is attached here as Exhibit B. Detailed below, however, is a summary of these benefits, pursuant to comments from the Commission at the May meeting:

² This method was used by the Zoning Commission in the St. Paul's College PUD, Stanton Square PUD, Ft. Lincoln Townhome PUD, and the 6000 New Hampshire Avenue PUD, just to name a few.

Green Design:

- meeting standards for LEED Neighborhood Development;
- meeting new standards set by the NAHB Model Green Home Building Guidelines for green residential buildings;
- re-planting a majority of native plant and tree species throughout the Property;
- creating a rain garden; including additional green or open space in the form of a traditional community park;
- creating a park-like “wetlands overlook” and butterfly garden;
- cleaning and enhancing the existing wetlands through native plantings;
- using the Chicago-style “Green Alley” permeable pavers as suggested by the District Department of the Environment;
- creating a storm water management system to provide both water quality and quantity control; and
- installing bike racks in all garages to promote alternate modes of transportation.
-

Uses of Special Value:

- Aging in Place Design (ie. Universal Design)
- \$50,000 allocated to beautification of MacArthur Boulevard;
- \$15,000 to Palisades Community Fund;
- Construction Management Plan;
- Two affordable townhouses;
- An assessment of the Canal View retaining wall prior to construction of the PUD and a second assessment after completion of the PUD to determine whether the Applicant’s work caused any damage to the wall, in which case, the Applicant would be responsible for repairs; and
- First Source Employment Agreement.

The Applicant’s benefits and amenities package is extremely generous considering that the project seeks very little flexibility to exceed matter-of-right standards.

IV. Conclusion

This revised PUD reflects the absolute minimum number of townhomes that the Applicant can propose for this site. It is an extremely small project and further cuts in unit count or size will render the entire project infeasible. The Applicant has worked in good faith with the community and the zoning authorities and has made numerous changes to the project to reflect comments of neighbors and the Commission. The resulting project, we

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believe, is a better one for the process. It is a desirable replacement for the vacant hospital that currently exists on the Property and will complement the existing community along MacArthur Boulevard. We respectfully request that it be approved as revised.

Very truly yours,

A handwritten signature in black ink, appearing to read "Phil Feola".

Phil Feola

A handwritten signature in black ink, appearing to read "Christine Roddy".

Christine Roddy

Enclosures

Certificate of Service

I certify that the foregoing document was delivered by first-class mail or hand delivery on June 25, 2009, to the following addresses:

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