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August 10, 2009

VIA HAND DELIVERY

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

2009 AUG 10 PM 2:02

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D.C. OFFICE OF ZONING

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

Dear Chairperson Hood:

At the July 27, 2009 public meeting of the Zoning Commission, at which the above-referenced application received Preliminary Approval, the Commission requested that the Applicant provide the results of an alternative method of FAR calculation which would exclude private streets from the definition of the lot. We do not believe that such a method of calculation for FAR is required under the applicable Regulations and we do not believe that it has been applied by the Zoning Commission in previous PUDs.¹ However, we have re-calculated FAR, as requested, excluding both the proposed private roadways and the on-street parking areas. The calculation, shown in detail in Exhibit A, results in a FAR of 1.04 in contrast to the FAR of 0.90 as calculated utilizing the entirety of the lot.

Pursuant to Section 2405.3, the Commission may authorize an increase of not more than 5% provided that the increase is essential to the successful functioning of the project and is consistent with the purpose and evaluation standards of Chapter 24. A 1.04 FAR is therefore permissible with the approval of the Commission.

A FAR increase of 4% is amply and fully justified by the record before the Commission in this instance. The Applicant has outlined in previous submissions the number of compromises it has made since filing this application in November 2007. The resulting design is a tightly integrated approach to the creation of an economically viable

¹ Floor area ratio is defined in the Zoning Regulations as "a figure that expresses the total gross floor area as a multiple of the area of the lot. This figure is determined by dividing the gross floor area of all buildings on a lot by the area of that lot." The Applicant believes that by its very definition, the area dedicated to private streets should not be excluded from the FAR calculation and it further contends that there is a significant amount of precedent in support of such an approach.

ZONING COMMISSION
District of Columbia
CASE NO. 08-21
EXHIBIT NO. 101

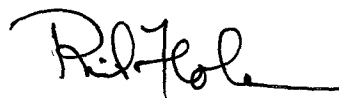
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attractive urban infill development, on a site with significant constraints of size and topography. The design which has resulted from our long engagement with the Commission, the Office of Planning, ANC 3D and the community is, we firmly believe, a significant and attractive addition to the neighborhood, a significant upgrade of the architectural and design standards for that vicinity of MacArthur Boulevard. Reducing the gross floor area of the project further will undermine the economics of the project and could preclude the Applicant's ability to construct the PUD. The Applicant maintains that the 4% increase in FAR is essential to the successful functioning of the project.

Moreover, the increase is also consistent with the purpose and evaluation standards of Chapter 24. The PUD process is designed to encourage high quality developments that provide public benefits. As the Zoning Commission determined in its vote to preliminarily approve the project, this PUD is a high quality project that provides public benefits. The Applicant further details the Project's consistency with the purpose of the PUD process in Exhibits 3, 13, 76, 82 and 90. The Applicant has demonstrated, and District agencies have confirmed, that the impact of the project on the surrounding area and on the operation of city services and facilities is not unacceptable. See Exhibits 25, 34, 76, 98 and the February 12, 2009 Transcript pp. 123, 148-49. The project is consistent with the Comprehensive Plan, as detailed in Exhibits 3, 13 and 76 of the record as well as the Applicant's testimony at the public hearings.

The proposed density is appropriate because it is consistent with the Zoning Regulations and past practice in the District of Columbia. But even if the Commission departs from precedent, the recalculated FAR for this project fits squarely within the Commission's authority under Section 2405.3. The Applicant appreciates the time the Commission has dedicated to making sure the final project is something in which the Applicant and the community can both take pride.

Very truly yours,



Phil Feola



Christine Roddy

Enclosures

cc: Daniel Rabinowitz

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Certificate of Service

I certify that the foregoing document was delivered by first-class mail or hand delivery on August 10, 2009, to the following addresses:

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