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March 16, 2009

VIA HAND DELIVERY

Adrienne A. Coleman
National Park Service
National Capital Region
Rocks Creek Park
3545 Williamsburg Lane, NW
Washington, DC 20008-1207

ZONING COMMISSION
District of Columbia
CASE NO. 08-21
EXHIBIT NO. 64

2009 MAR 16 PM 2:42

Re: Zoning Commission Case No. 08-21, (Canal Parc), 4460 MacArthur
Boulevard, NW

Dear Superintendent Coleman:

We have reviewed your correspondence to Chairperson Anthony Hood of the District of Columbia Zoning Commission dated February 12, 2009, which was entered into the record in Zoning Commission Case No. 08-21. We, also, appreciated the opportunity to meet with National Park Service ("NPS") representatives in December to discuss NPS's concerns. While your letter suggests otherwise, we thought our meeting addressed and alleviated many of those concerns. Nevertheless, I would like to take this opportunity to respond to several comments made in the letter and to clarify some inaccuracies made with regard to District and federal law regarding wetlands.

The Applicant has taken great strides to eliminate any potential negative effects of its proposed development, including the retaining wall, adjacent to wetlands on its property. The houses and wall has been reduced in height and set back even further from the wetlands; yet, you indicate that we should further modify the plan to make it consistent with the D.C. Code. We believe that the proposed plan is consistent with the D.C. Code. In fact, the District Department of the Environment ("DDOE") has reviewed the proposed site plan and has determined that the proposed project design "will have minimal or no impact on the wetland and stream at the site."

Please see the DDOE's enclosed letter dated September 4, 2008. Thus, we believe that the locations of the houses and the retaining wall are appropriate and consistent with District law and policy.

You also expressed concern with the delineation of the wetlands; however, the US Army Corps of Engineers ("USACE") inspected the property and concluded that the delineation of the wetlands is accurate. In its October 10, 2007 letter, the USACE stated that their inspection "indicated that the delineation of waters of the United States, including jurisdictional wetlands within the "Area of Review" on the enclosed drawing dated July 9, 2007, is accurate." The flags used to mark the wetlands reflect what was approved in this delineation. Based on comments received from the USACE, we would respectfully disagree that the wetland boundary should be modified and expanded. Similarly, we disagree with the suggestion that we did not accurately identify or label springs on our plans. In the same letter from the USACE, it affirms that the waters of the United States were properly delineated and "indicated." Our wetlands expert's most recent inspection of the property on February 25, 2009 confirms this fact.

We appreciate the interest NPS has taken in this application and we will continue to work with NPS as this project goes forward. We believe, however, that it is not necessary to specifically condition approval of the planned unit development application on avoiding detrimental impacts to the wetlands. The USACE and DDOE have final review of the project design before any permits may be issued and the USACE and DDOE will undoubtedly be analyzing the proposed design for detrimental effects to the wetlands. We trust that USACE's and DDOE's analysis of the permit plans and its ultimate determination will be sufficient for the NPS and the Zoning Commission to confirm that the project will not negatively affect the delineated area.

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We welcome further collaboration with the NPS and I encourage you to contact me directly should you have any further concerns or comments regarding this project.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Phil Feola". The signature is fluid and cursive, with the first name "Phil" and last name "Feola" clearly distinguishable.

Phil Feola

Enclosure

cc: William Yeaman
District of Columbia Zoning Commission
ANC 3D
Palisades Citizens Association
Canal View Home Owners' Association c/o David Brown, Esq.
Cornish Hitchcock, Esq.
Maxine Brown-Roberts, Office of Planning
Gary Cohen