

Holland & Knight

2099 Pennsylvania Avenue, N.W., Suite 100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Christine Moseley Shiker
202.457.7167
christine.shiker@hklaw.com

December 6, 2010

VIA HAND DELIVERY

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: Return to L'Enfant PUD (Center Leg Freeway) –
Application for a First-Stage Planned Unit Development, a Consolidated Planned Unit
Development and a Zoning Map Amendment
Response to Office of Planning Report - Zoning Commission Case No. 08-34

Dear Members of the Commission:

On behalf of the Applicant in the above-referenced case, this letter provides responsive information to the issues for which the Office of Planning requested clarification in its report dated November 26, 2010. The clarifications requested with respect to architectural design and detail have been addressed in the Applicant's presentation to the Zoning Commission during the hearing on this matter.

Retail Strategy

The Office of Planning strongly encouraged the Applicant to retain a retail expert to examine the North Block and overall retail strategy proposed for the project to ensure that the retail will be viable and successful. While the Applicant has consulted with a variety of retail experts, the Applicant submits a letter from John Asadoorian, a retail consultant well known in the District of Columbia, attached as Tab 1.

Sun/Shadow Studies for Pedestrian Way

The Office of Planning requested that sun/shadow studies be performed to provide a sense of how the space within the glassed area of the Pedestrian Way will feel in each season. The requested sun/shadow studies are attached as Tab 2.

ZONING COMMISSION
District of Columbia
CASE NO. 08-34
EXHIBIT NO. 42

Annotated Table Required by Section 2403.11

The Office of Planning has asked that the Applicant provide an annotated table required by Section 2403.11 which compares the proposed project with the matter of right standards. While that general information was provided to Section II(E) and Section II(F) of the original PUD Submission, the detailed table is attached as Tab 3, including identification of the exact flexibility requested from those standards.

Affordable Housing Comparison

The Office of Planning suggested that a comparison of the affordable housing provided to that required by Inclusionary Zoning be submitted. The Applicant proposes to set aside 50 units of the approximately 150 units proposed for affordable housing, which is approximately 33% of the proposed project. Affordable housing will be affordable to individuals earning no more than 80% of the AMI within the District of Columbia and paying no more than 30% of the family's household income for rent or housing ownership costs. Affordable restrictions will remain for a period of 40 years from the date that the first unit in the residential building is occupied.

In the C-4 District, Inclusionary Zoning does not apply. 11 DCMR § 2602.1(a). In the C-3-C District, assuming no use of bonus density, the project would be required to set aside 8% of the gross floor area being devoted to residential use for inclusionary units, or 14,400 square feet for the proposed project. 11 DCMR § 2603.2. The inclusionary units must be set aside for eligible moderate income households, which are households with a total annual income adjusted for household size equal to between 51% and 80% of AMI. 11 DCMR §§ 2601.1, 2603.4. Inclusionary units must be set aside for the life of the project. 11 DCMR § 2602.4.

First Source and CBE Agreement

The Office of Planning has requested that signed copies of the First Source Employment and CBE Agreements be provided prior to Final Action. A copy of the signed First Source Employment Agreement can be found at Exhibit J to the original PUD Submission. A copy of the signed CBE Agreement will be submitted prior to Final Action as requested by the Office of Planning.

We trust that this information is responsive to the requests from the Office of Planning.

Sincerely,

HOLLAND & KNIGHT LLP



Christine Moseley Shiker

Enclosures

December 6, 2010

Page 3

cc: Advisory Neighborhood Commission 6C
Jennifer Steingasser, Office of Planning
Joel Lawson, Office of Planning
Maxine Brown Roberts, Office of Planning
Paul Goldstein, Office of Planning