

Government of the District of Columbia
ADVISORY DISTRICT COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

May 5, 2009
By hand delivery

Mr. Anthony Hood,
Chairman, DC Zoning Commission
Suite 200/210S
441 4th Street NW
Washington DC 20001

2009 MAY -5 PM 2:44
COMMUNICATIONS SECTION

**RE: Subject: Zoning Commission Case Number 08-21 (Athena Group, LLC:
Consolidated Review of a Planned Unit Development and Related Map Amendment @
Square 1356)**

Dear Chairman Hood:

At the April 13, 2009, Zoning Commission meeting, the Commission requested a further submission from Athena, by April 23, 2009, addressing three specific items:

1. Whether the application is consistent with the D.C. Comprehensive Plan
2. What specific flexibilities are being sought by the PUD application
3. What public benefits the PUD will bring to the neighborhood.

The Commission further requested that both parties meet once more in an attempt to reach an agreeable compromise on the application, and the Commission allowed Advisory Neighborhood Commission 3D to respond to the applicant's April 23 submission.

Notwithstanding the fact that the Zoning Regulations place the burden of proof solely on the applicant to qualify for a PUD without the ANC being required to negotiate, and notwithstanding the fact that the Applicant refused to negotiate with the ANC before making its April 23 submission, as requested by the Zoning Commission, the ANC held a special meeting on April 29, 2009, and voted to offer Athena a compromise.

The ANC offered to drop all of its conditions to supporting the PUD if the Applicant would limit all buildings to no more than three stories¹ and reduce the number of units to 32. Athena rejected this compromise offer.

The ANC is vigorously opposed to Athena's precedent setting application to double the by-right density of the property and to build four story buildings in this lower MacArthur Boulevard

¹ Three stories was further limited to a height of 40 feet to the roof ridge measured from the finished grade in the front of the building.

ZONING COMMISSION
District of Columbia
CASE NO. 08-21
EXHIBIT NO. 05

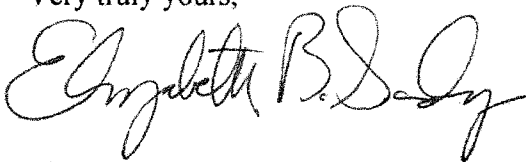
neighborhood of single family and semi detached homes and small, low rise apartments surrounded by considerable green space. Therefore, the ANC remains opposed to the application as it is presently proposed, and only supports this PUD application if all of the conditions enumerated in its November 11, 2008 resolution, as amended, are met.

The ANC requests that the Zoning Commission, in fulfilling its statutory requirement, to give the ANC's position the 'great weight' to which it is entitled under law. The Zoning Commission should deny the application because granting four story buildings and doubling the density of the property is inconsistent with the Comprehensive Plan's multiple policies to protect this neighborhood from unwarranted redevelopment pressure. In addition the application woefully fails to provide adequate public benefits and amenities for the degree of rezoning, incentives, and flexibilities requested.

The ANC is also concerned about consideration given by the Zoning Commission to the applicant's statement that complying with the ANC conditions "kills the project." This is not a proper item for consideration by the Zoning Commission. Nor are the Applicant's financial position in deciding to apply for a PUD or its desired level of economic return proper criteria. Rather, those items more likely demonstrate that this developer is not the proper developer to be granted such an extraordinary benefit as a rezoning and PUD at this time and in this location.

The ANC's response to Athena's claims in its April 23, 2009 submission is enclosed herewith.

Very truly yours,



Elizabeth B. Sandza
Chair, ANC 3D

cc: Phil Feola and Christine Roddy, for the applicant at Pillsbury Winthrop Shaw Pittman, LLP
Jennifer Steingasser & Maxine Brown-Roberts, DC Office of Planning
David Brown, Esq & Gene Tucker for Canal View Homeowners Association
William Spencer for the Palisades Citizen Association
Cornish Hitchcock, Esq for the Lingan Way residents
Councilmember Mary Cheh

Advisory Neighborhood Commission 3D

Zoning Commission Case #08-21

Post Zoning Commission April 13, 2009, Meeting Submission

Advisory Neighborhood Commission 3D advises the Zoning Commission of the following in response to the Applicant's April 23, 2009, submission

Table 1: Requirements of the existing zoning on the site, the R-5-A PUD and the proposed development's requests for Rezoning, PUD Bonuses and Flexibility from §2516¹

	R-1-B/R-5-A Matter of Right ²	R-5-A PUD	Athena Proposal	Deviation M-of-R
Rezoning	None Required	Requires rezoning the R-1-B portion of site to R-5-A	Rezone the R-1-B portion of site to R-5-A	66% of site down zoned for more potential density
Height	40 ft. /3 stories	60 ft. maximum ³	22 Units ⁴ > 40 ft. 21 Units = 4 Stories	60% of the units are taller and have more stories than M-of-R
Density # of Units	R-1-B = 10 R-5-A = 8 ⁵	Can vary	36 units	100% More than M-of-R
Type of Units	Single Family Detached or Semi-Detached	Rowhouses & Apartments	Rowhouses	100% Different from M-of-R
Variances from §2516 Theoretical Lot Subdivision Regulations				
Street width	25 feet	25 feet	20 feet	20% Narrower
Turnaround w/ one access point	60 feet	60 feet	None provided	100% Deviation
Front yards	R-1-B 25 ft. R-5-A 20 ft.	20 ft.	25 units have an average of only 10 ft.	70% of Lots do not meet even 50% of Minimum
Rear Yards	R-1-B 25 ft. R-5-A 20 ft.	20 ft.	2 Lots Meet Minimum ⁶	95% Deviation

¹ See bullets beginning on page 6 for more detail

² Without need for a Special Exception from the Board of Zoning Adjustment

³ For 60 feet limit, the height is the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet

⁴ Building Height Tabulations, Sheet #26 Athena's March 16, 2009 Submission

⁵ From Architect David Mitchell, DESIGN1, for PCA; Attachment A of this ANC Submission

⁶ Buildings 1 & 2 have 4.5 ft. backyards plus alley; Buildings 3 & 4 individual lots do not meet minimum, but have open space beyond rear lot line; Building 6 has only 18 ft. and is closest to adjoining existing residences Foxhall Mews

Table 2: Advice on offered public benefits and amenities⁷

Applicant	Response	Balance?	Worthy of Credit?
2 Affordable Units	Affordable units are clearly distinguishable in exterior appearance	Inconsistent with Comprehensive Plan	No
Environmental Benefits	<u>Fails to provide any evidence</u> that the environmental benefits are above what is required by law and contains no detailed plans supporting the cost estimates. MoR luxury housing would obviously provide landscaped grounds. Controlling run-off from the site is a requirement, not an added 'public benefit.'	Not a Significantly Greater Feature than M-of-R	No
MacArthur Boulevard Beautification	No implementation plans and requires the removal of three mature public space trees which the DC Urban Forestry Administration ranks as highly valuable. There is no articulation on how and what the \$50,000.00 would be spent. How is the Zoning Administrator supposed to interpret and enforce this provision?	How is the Zoning Administrator supposed to interpret and enforce this provision? Is this enough money? Not significantly greater than M-of-R development	No
Palisades Community Fund	No Agreement in Place	Only \$15,000???	No
First Source Employment	No Signed Agreement and Refusal to Participate in Certified Business Enterprise program	Office of Planning continues to strongly encourage participation	No
Construction Management Plan	Thanks. We regard this as responsible behavior.	How is this significantly greater than MoR developers being good neighbors?	No
Universal Design	Applicant states this is <u>an available option for pre-construction buyers</u> . This benefits home buyers not the public.	The Office of Planning continues to state that amenities are 'exceptionally low' and 'relatively light'	No
Public Open Space	Applicant's plans indicate total Public Green Space of 37,744 or 38,199 sq. ft. ⁸ , but mentions only 74% (27,871 sq. ft.) of this in its draft Order but NOT a draft condition so it is <u>basically unenforceable</u> <u>Athena's website still calls this park 'exclusive' for owners</u>	This is about a small park area for use by 36 families and the public with <u>no guarantee for the public access</u>	No

⁷ From Applicant's April 23, 2009, letter to the Zoning Commission; See bullets beginning on page 7 for more detail⁸ From Applicant's March 16, 2009, Submission, Sheet #11, Previous Area Plan or March 30 Sheet 4

Table 3: Inconsistencies with Comprehensive Plan

Comp Plan Component	Comp Plan Provision	Analysis	Inconsistent?
Generalized Policy Map (10 DCMR 223)	This property is located in a Neighborhood Conservation Area (NCA)	NCA are to conserve and enhance established neighborhoods; limited redevelopments are small in scale and compatible with existing scale	YES
Future Land Use Map (10 DCMR 225)	Shows low and moderate density residential consisting of low-rise buildings	PUD would introduce precedent setting four story buildings and double M-of-R # of Units	YES
Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods (10 DCMR 309.8)	Recognize the importance of balancing goals to increase the housing supply ...with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create successful neighborhoods” in all parts of the city requires an <u>emphasis on conservation in some neighborhoods...</u>	PUD would establish a precedent on number of stories and building height in this neighborhood as well as doubling of M-of-R density leading to redevelopment pressure on surrounding existing older, less dense, currently more affordable housing stock of single family detached dwellings, rowhouses and garden apartments.	YES
Policy LU-2.1.4: Rehabilitation Before Demolition (10 DCMR 309.9)	In redeveloping areas characterized by vacant, abandoned, and underutilized older buildings, generally encourage rehabilitation and adaptive reuse of existing buildings rather than demolition.	Applicant offers no evidence of consideration of possibility of Adaptive Reuse of existing structure on property	YES
Policy LU-2.1.5: Conservation of Single Family Neighborhoods (10 DCMR 309.10)	Protect and conserve the District’s stable, low density neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single family neighborhoods in order to protect low density character, preserve open space, and maintain neighborhood scale.	PUD would establish a precedent on number of stories and building height in this neighborhood as well as doubling of M-of-R density leading to redevelopment pressure on surrounding existing older, less dense, currently more affordable housing stock of single family detached dwellings, rowhouses and garden apartments.	YES
Policy LU-2.1.6: Teardowns (10 DCMR 309.11)	Discourage the replacement of quality homes in good physical condition with new homes that are substantially larger, taller, and bulkier than the prevailing building stock.	Ditto Above	YES
Policy LU-2.1.8: Zoning of Low and Moderate Density Neighborhoods (10 DCMR 309.13)	Discourage the zoning of areas currently developed with single family homes, duplexes, and rowhouses (e.g., R-1 through R-4) for multifamily apartments (e.g., R-5) where such action would likely result in the demolition of housing in good condition and its replacement with structures that are potentially out of character with the existing neighborhood.	PUD would establish a precedent on number of stories and building height in this neighborhood as well as doubling of M-of-R density leading to redevelopment pressure on surrounding existing older, less dense, currently more affordable housing stock of single family detached dwellings, rowhouses and garden apartments.	YES

Comp Plan Component	Comp Plan Provision	Analysis	Inconsistent?
Policy LU-2.1.9: Addition of Floors and Roof Structures to Row Houses and Apartments (10 DCMR 309.14)	Generally discourage increases in residential density resulting from new floors and roof structures (with additional dwelling units) being added to the tops of existing row houses and apartment buildings, particularly where such additions would be out of character with the other structures on the block. Roof structures should only be permitted if they would not harm the architectural character of the building on which they would be added or other buildings nearby.	PUD would establish a precedent on number of stories and building height in this neighborhood as well as doubling of M-of-R density leading to redevelopment pressure on surrounding existing older, less dense, currently more affordable housing stock of single family detached dwellings, rowhouses and garden apartments.	YES
Policy H-1.1.5: Housing Quality (10 DCMR 503.6)	Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance and should address the need for open space and recreational amenities, and respect the design integrity of adjacent properties and the surrounding neighborhood.	The offered two affordable housing units are clearly distinguishable in exterior appearance: they are narrower, shorter in height and have less depth than the adjoining market rate units. Athena in its April 23, 2009, submission tries to divert attention to this Comp Plan inconsistency by referencing the Inclusionary Zoning regulations. It's the Comp Plan provisions that must be met, not the IZ regulations.	YES
Policy E-1.2.5: Wetland Buffers (10 DCMR 604.8)	Maintain open space buffers around existing and restored wetlands in order to reduce the likelihood of environmental degradation from urban runoff and human activities. <i>The applicant is constructing retaining walls as close as four feet from the stream and is grading right up to the wetland delineation.</i>	The Zoning Commission should endorse the ANC's requested Public Benefit condition of a 25 foot buffer for all grading, construction and building activities from the federally protected wetland. Requiring this buffer would also provide a Public Benefit over current M-of-R development requirements. Nearby theoretical lot subdivisions at Phillips Park and 1801 Foxhall Road have provided this environmental benefit.	YES
Rock Creek West Area Element (10 DCMR Chapter 23)	Residents of the Rock Creek West Planning Area remain deeply concerned about growth. While there is support for development on underutilized sites along the major corridors, issues of height, scale, character, and density remain a source of concern	Please see the ANC April 6, 2009, submission and the February 14, 2009, letter submitted by former ANC 3D Commissioner Alma Gates	YES

Standard of Review for PUD (11 DCMR §2403):

- Burden of proof is on the applicant to show that the development is 1) of high quality; 2) not inconsistent with the Comprehensive Plan; and 3) provides superior features that are public benefits (including amenities) significantly greater than a matter of right (MoR) development.
- The PUD process shall not be used to circumvent the intent and purposes of the Zoning Regulations, nor result in action that is inconsistent with the Comprehensive Plan.
- The Zoning Commission must judge, balance, and reconcile the relative value of the project amenities and public benefits offered to the degree of development incentives requested and to any potential adverse effects of the specific case.
- Regulations are to be strictly interpreted with most restrictive governing. (11 DCMR §101)

Applicant fails to meet its burden of proof for the Standard of Review.

This application is inconsistent with the Comprehensive Plan.

- Application must not be inconsistent with the Comprehensive Plan – this is not part of the balancing act, but a firm requirement.
- The requested four story buildings with heights greater than 40 feet, while allowable under a R-5-A PUD, is an adverse effect of this proposal by establishing a precedent on number of stories and building height in this neighborhood leading to redevelopment pressure on surrounding existing older, less dense, currently more affordable housing stock of single family detached dwellings, rowhouses and garden apartments.
 - This application to allow precedent setting four story buildings is inconsistent with the Generalized Policy Map placing this property in a Neighborhood Conservation Area – to conserve and enhance established neighborhoods; limited redevelopments are small in scale and compatible with existing scale (10 DCMR 223).
 - This application is inconsistent with the Future Land Use Map showing low and moderate density residential consisting of low-rise buildings (10 DCMR 225).
 - This application is inconsistent with Land Use Elements LU 2.1.3, LU 2.1.4, LU 2.1.5, LU 2.1.6, LU 2.1.8, & LU 2.1.9 (10 DCMR 309...) All which argue especially against the fourth story in this application as well as against the doubling of density (number of units) requested from Matter of Right.
- The offered two affordable housing units are clearly distinguishable in exterior appearance: they are narrower, shorter in height and have less depth than the adjoining market rate units.
 - Housing Policy H-1.1.5 (10 DCMR 503.6) states that "regardless of its affordability level, new or renovated [affordable housing] should be indistinguishable from market rate housing in exterior appearance...."
 - Athena in its April 23, 2009, submission tries to divert attention to this Comp Plan inconsistency by referencing the inclusionary zoning regulations. It's the Comp Plan provisions that must be met, not the IZ regulations. Therefore the application can not be approved. In the alternative at a minimum, the applicant should get no 'public benefit' credit for the two units in balancing the height, density and other variances/incentives requested against public benefits.
- The Zoning Commission summarily dismissed the ANC's requested Public Benefit condition of a 25 foot buffer of all construction and building activities from the federal protected wetland. This is

directly inconsistent with Environmental Protection Element Policy E 1.2.5: Wetland Buffers (10 DCMR 604.8).

- Requiring this buffer could also provide a Public Benefit over current MoR development requirements. Nearby theoretical lot subdivisions at Phillips Park and 1801 Foxhall Road have provided this environmental benefit.
- Similarly, as previously articulated in the record by the ANC, the application is inconsistent with several policies/Title 10 regulations contained in the Rock Creek West Area Element of the Comp Plan – please see the ANC April 6, 2009, submission and the February 14, 2009, letter submitted by former ANC 3D Commissioner Alma Gates.

Balancing Public Benefits/Amenities and Degree of Incentives Requested Above MoR:

Flexibilities sought by applicant:

- In Applicant's April 23, 2009, submission side by side comparison of 'amenities' and 'requests', Applicant condenses the number and extent of 'requests' in order to give the appearance that there are more 'amenities' than 'requests'.
- **Rezoning of two-thirds of the site from R-1-B to R-5-A** going from single family detached dwellings to a potential, with a Special Exception, of apartment buildings.
- **PUD Height to go from three stories and 40 feet to four stories and 60 feet. Four Stories being precedent setting in this neighborhood**
- **Additional Density** (number of units)
 - Is it a matter of right development if a use requires a special exception? No. While special exception uses are considered to be acceptable, they are granted only after a public hearing and the requirement to meet any conditions specifically imposed by the zoning regulations or added by the Board of Zoning Adjustment.
 - The current PUD number of Units is 36. A true Matter of Right development of new residential development without a trip to the BZA is 18 – See Attachment A – provided by Palisades Citizens Association Letter to the Zoning Commission dated May 4, 2009.
 - **The applicant requests a 100% increase, a doubling, over MoR redevelopment.**
 - Office of Planning is mistaken in stating there is no minimum lot/yard requirement for MoR detached or semi-detached units in R-5-A making a comparison difficult.
 - The Zoning Administrator interprets MoR new residential development to be single family detached and semi-detached housing and uses the least restrictive lot/yard requirements for these units which are in the R-2 District to approve such MoR new residential development without a trip to the BZA.
 - Attachment A is a suggested MoR site plan without need for a BZA Special Exception showing a maximum of 18 units.
 - Applicant in its April 23, 2009, submission is incorrect in stating no MoR development in R-5-A and then inconsistently trying to show a MoR site plan with an apartment building consisting of all units of approximately 1000 square feet, just slightly larger than a good-size hotel room.
- PUD FAR requires ignoring §2516.06(a) as stated by the Zoning Commissioners comments. It is unclear how correct or valid the Office of Planning's assertion in a footnote of its April 6, 2009, 2nd Supplemental Report that "per Section 2516.5, the density is calculated on the entire development and not on the individual lots."

- Special Exception is required for attached dwellings (rowhouses) in R-5-A
- Special Exception is required for two or more buildings on one lot §2516
- Variances from §2516 Theoretical Lots Subdivision Requirements:
 - 25 feet wide streets – only 20 feet proposed
 - 60 feet wide turnaround for only one entrance – none proposed
 - Applicant claims that these two requirements can be waived because the Fire and Emergency Medical Services Department is satisfied, but these requirements are also included for parking, loading and traffic – other purposes including ease of accessibility for residents, guests and delivery services as well as pedestrian safety.
 - Failure to provide the official building plat and other scaled building plan information required by §3202.2 (§2516.4)
 - Front yard variances from the required 20 feet – none comply (except Building 1 with public street frontage not required to have additional front yard)
 - Rear yard variances for buildings #2 & #3 of 14.5 feet (Office of Planning is incorrect in stating 14.5 feet *provided* – this includes the alley which is assumedly a ‘covenanted means of ingress or egress’. 11 DCMR §2516.6(a) prohibits including this alley in the area of any theoretical lot or in any yard required by the zoning regulations.
- Additional variances needed from §353 and §2516 – no review by DC Board of Education and the DC Department of Housing and Community Development, nor review of all the items in §2516.10

Public Benefits as Represented by the Applicant:

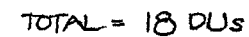
- Applicant fails to provide evidence that the development’s features are superior to MoR development at this price point; luxury housing is not of itself a ‘public benefit.’
- The Applicant’s affordable units are clearly distinguishable in exterior appearance from market rate units.
 - Applicant’s April 23 submission is misleading in claiming 11 DCMR 2605 does not require affordable units to be the same size as market rate.
 - While the regulations are silent on allowing affordable units to be smaller, they do not allow them to be distinguishable in exterior appearance. The regulations may not overrule the Comp Plan’s requirements in 10 DCMR 503.6. See 11 DCMR 101 which requires the most restrictive provision to rule.
 - The Zoning Regulations can not contradict the clear provision of the Comp Plan in Housing Element 1.1.5 (10 DCMR 503.6) – requiring no exterior appearance distinction.
 - Applicant claims that the affordable units’ height will appear the same along MacArthur Blvd and will not be visible from a pedestrian’s perspective on the street and asks the Zoning Commission to “See Exhibit 5.” Yet Exhibit 5 clearly shows the gap in the height of the units due to the distinguishable height from a pedestrian’s perspective on the street.
 - The narrower affordable housing units are also clearly distinguishable for having only two windows when the market rate units have three on the second story.
- The Applicant fails to provide any evidence that the Environmental and Public Space benefits are above what is required by law and contains no detailed plans supporting the cost estimates. MoR luxury housing would obviously provide landscaped grounds. Controlling run-off from the site is a requirement, not an added ‘public benefit.’
- The MacArthur Boulevard beautification contains no implementation plans and requires the removal of three mature public space trees which the DC Urban Forestry Administration ranks as

highly valuable. There is no articulation on how and what the \$50,000.00 would be spent. How is the Zoning Administrator supposed to interpret and enforce this provision?

- The “Universal Design” is available only as an option for pre-construction buyers.
- While the applicant claims to offer “Maintaining the Open Spaces/Parks for public use”, it did not include a requirement for this as a condition of an Order in its ‘Draft Findings of Fact and Conclusions of Law’ dated April 6, 2009, and is therefore unenforceable.
- Applicant’s claim of providing efficient and safe vehicular and pedestrian access is clearly contrary to a reasonable person’s evaluation of its submitted plans of only one street entrance, narrower internal streets than required and inconsistent provisions of internal sidewalks forcing pedestrians into the street and or crossing multiple driveways as well as congestion by service and delivery vehicles.
- Applicant provides no evidence that the project provides superior urban design and architecture from MoR developments at this price range, nor that the land use is more efficient or economical than MoR developments. In deed, the Zoning Commission has expressed concerns about both design/architecture and efficient/economical land use.
- The Office of Planning continues to note that the Benefits and Amenities are ‘exceptional low.’

In conclusion

- ANC 3D advises the Zoning Commission that the **Applicant has not met its burden of proof** and the application should be denied unless an approval includes the ANC’s submitted conditions.
- The current **application is clearly inconsistent with provisions of the Comprehensive Plan.**
- The **extensive flexibilities/incentives** requested especially concerning the number of stories and height of the buildings as well as the doubling of number of units from MoR **are clearly not balanced by the paucity of true public benefits and amenities** which are clearly not proven to be significantly greater than a similar Matter-of-Right development of luxury housing would provide.
- Advisory Neighborhood Commission 3D requests its findings and advice be given the ‘great weight’ to which they are entitled by DC Law.



DESIGN 1

24 April 2009

William Spence Spencer
4836 MacArthur Boulevard NW
Washington DC 20007

re CANAL PARC PUD BY-RIGHT SITE PLAN 23 April 09
DC Zoning Commission Case # 08-21

Dear Spence,

As discussed and requested by you, I have reviewed the above named document as submitted by the Applicant in the supplemental post-hearing submission. In analyzing the plan, I used the matrix provided, which in turn was verified by DCMR Title 11, Zoning Regulations

Traditionally, matter-of-right presentations have been used by developers and their planners as the ultimate weapon for gaining support for a PUD. The most recent offering by the Applicant (23 April 09) showing a twenty-nine unit apartment building and ten single-family houses is a good example of this practice. It is saying, if you don't get in line and vote for our PUD, look what we can do.

The nine (1-9) single-family units meet the zoning code, however unit 10 has an inadequate rear yard. Unit 1 proposes a curious condition in that it straddles the R5A, R1B property line. The box shown as the apartment building is a most offensive blight on the land. Presumably it would be refined, if it would ever be seriously considered. The aerial perspective shows something akin to an ugly 1960s government office building. Such a structure would naturally have horizontal relief, balconies, a proper entrance and many elements protruding from the roof. The single-family houses appear monstrous in the aerial provided. At a full three stories, on a slab, they are out of scale and character with the neighboring Canal View houses. Unfortunately they are modeled after the two houses at the end of Lingam Road. It would be more in keeping with the neighborhood if they were two stories plus a basement and a roof with dormers. The apartment building shown is an affront to any viewer. As shown, the drawing is a nasty threat used as a tool to fly in the face of PUD opposition.

Ultimately the presentation puts the whole matter-of-right discussion in a strange light, in that by the Applicant's admission, "there is no matter-of-right in R5A."

Finally, I stand by my earlier statements regarding parking. The apartment layout calls for 29 spaces for 29 units. As previously stated, in practice this would be woefully inadequate. I strongly suggest as many as 58 spaces. Without adequate on-site parking, the pressure for street parking, which at times is non-existent, will spread throughout the neighborhood. This will make for a goodly number unhappy neighbors and residents.

continued

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4836 MACARTHUR BLVD NW

WASHINGTON DC 20007



24 April 2009 CANAL PARC BY-RIGHT SITE PLAN REVIEW page 2

Thanks again for this opportunity to assist you. Should you have any questions or wish to discuss this matter in greater detail, please contact me.

Sincerely,

David Cumins Mitchell
Architect

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