

**4911 Ashby Street, NW
Washington, DC 20007**

2009 JUL -2 PM 4:38

July 2, 2009

Mr. Anthony J. Hood
Chair
DC Zoning Commission
441 4th Street, NW, Suite 210-S
Washington, DC 20001

RE: 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:

The Zoning Commission is to be commended for its guidance regarding the Athena application. The time spent instructing the Applicant to work with the community has resulted in a far superior development with less density and impact to the adjacent residential community, federal parkland, the Potomac River and MacArthur Boulevard. However, community objection to four-story units, whether under or over 40 feet in height or interior or exterior to the development, remains strong.

Athena, with direction from the Zoning Commission, has made progress in removing some of the objectionable conditions associated with its application; the number of units has been reduced from 36 to 34; the affordable units are almost indistinguishable from the market-rate units; more open space has been provided; pedestrian/vehicular conflicts have been reduced; an architectural identity has been established; and, protection of the wetland has been improved. Nevertheless, four-story units have been and continue to be the most objectionable condition of the application.

When ANC 3D made its presentation to the Zoning Commission, Commissioner Ann Haas went to great lengths through a Power Point presentation to show the present character of the neighborhood and that there are no four-story buildings. Objection to Athena's proposal to make some of the units four stories has been opposed by ANC 3D, the Palisades Citizens Association and the Canal View Homeowners Association. The Foxhall Community Citizens Association joined Canal View in its opposition. Seldom does an entire community find itself in agreement on a zoning application, but that is true in the immediate case and the message from the community to Athena has not changed since its initial submission – four story buildings are not acceptable or appropriate for this community.

ZONING COMMISSION
District of Columbia

CASE NO.

08-21

EXHIBIT NO.

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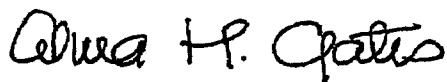
Approval of the Athena Group's application for four-story units would set a precedent for future development, diminish the established streetscape along MacArthur Boulevard and destroy the low density character of the community.

The subject property is split-zoned R-1-B and R-5-A and falls within the low-to-moderate density residential zone category. Canal Parc should continue the definition provided by adjacent areas. For example, Canal View, immediately adjacent to the subject property, is a community of single family homes limited to three stories and 40 feet by its BZA Order and at the request of the National Park Service to protect the viewshed from the abutting parkland and the Potomac River. The Rock Creek West Area Element of the Comprehensive Plan notes, "There is broad support to include affordable or "workforce" housing units within new market-rate projects, but the prospect of 'density bonuses' and other zoning flexibility in exchange for these units continues to raise objections." (2307, c) Under the Scenic Resource Protection section of the Rock Creek West Area Element, it is noted: "The Potomac Palisades, which should be protected as a low density, wooded area above the Potomac River and C&O Canal, with future improvements along the river limited to passive open space, trails, and natural parkland," further emphasizes why four story units are not in keeping with the character of the existing community or guidance provided by the Comprehensive Plan.

Not long ago, ANC 3D opposed the height of the proposed Sibley Medical Office Building because the proposed height would set precedent for future development on the Sibley campus. Recognizing the community's opposition to the height and the impacts of a MOB, the Zoning Commission brought the height of the building down by two stories. Visual impacts and inappropriate height, whether from a MOB or a new residential development, remain objectionable concerns for the Palisades community. In the immediate case the precedent-setting four-story units are located at the outer edge and within the development but they place the camel's nose under the tent for unwelcome future four-story residential development elsewhere in the community.

The Zoning Commission cannot vote approval of the four-story units requested by the Applicant if consideration is given to community objection and guidance provided by the Comprehensive Plan. The Applicant has not addressed this need directly, and in its June 25 submission states, "The Applicant has reduced height and density, which were two of the prevailing concerns voiced during hearings and discussion with the parties." The Applicant has only reduced some of the four-story units and therefore has failed to fully address concerns voiced during hearings and discussions with the parties; and, instead has based its burden of proof on the economic value of the project.

Sincerely,



Alma H. Gates
Immediate Past Chair
ANC 3D

FAX COVER SHEET

TO: DC Zoning Committee

FROM: Alma H. Gates

DATE: July 2, 2009

RE: Case No. 08-21

PAGES: 3 including cover sheet