

A T H E N A

2009 JUL 27 PM 2:00

July 27, 2009

VIA HAND DELIVERY

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

**Re: Zoning Commission Case No. 08-21, Response to Parties' Post-Hearing
Submissions – Canal
Parc Planned Unit Development ("PUD")**

Dear Chairperson Hood:

I write in response to the most recent submissions of ANC 3D, the Palisades Citizens Association and the Canal View Homeowners Association. Despite their continued reservations, we are convinced that the proposed project, as materially modified in our most recent submission, will be a valuable addition to the community. Although I acknowledge that opinion is still divided on the point, we also believe that it will in time come to be viewed as a welcome one.

Our application has long been pending before your Commission, although what is now before you has been materially revised by us after extended discussions with the Commission at its prior hearings, with the Office of Planning, with ANC 3D, and with various individual neighbors and neighborhood organizations. We have taken the time and made the effort to speak often, at length and in person, with each of these constituencies. I have personally had the opportunity to meet with individuals and groups at a series of meetings and telephone calls. The significant revisions to our initial proposal that are pending before you represent our response to the comments, positive and negative, that we have received from many of the individuals and groups who are concerned with the thoughtful development of the site. The changes we have made in our proposal are truly significant, as each of the groups (both pro and con) have been kind enough to recognize in their submissions:

- The project proposal before you has fewer units (from 41 to 34);
- The revised proposal has smaller Gross Floor Area (from 120,994 sq. ft. to 108,673 sq. ft.);

ZONING COMMISSION
District of Columbia

CASE NO.

EXHIBIT NO.

- The revised proposal is materially lower (from 41 units of 4 stories to 16 units of 4 stories and 18 of three stories) and all units abutting Canal View are now three stories;
- We have altered the physical configuration of the ADU units to make them virtually indistinguishable from the other units in façade, height, fenestration and exterior and interior treatment (although they continue to be two feet less in width);
- We have dropped the FAR from 1.0 to .90; and
- We have reduced total lot coverage from 30% to 26.6%.

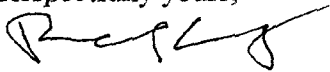
The reductions in unit count and the reconfiguration of the ADU's has also allowed us to reconfigure some of the buildings themselves, creating pathways between buildings that will open up sight and passage lines, increase vegetation, and allow more fenestration to several of the units on the new paths.

These are significant changes in our proposed project, both in its physical configuration and in its economics. Notwithstanding our initial reluctance to make such far-reaching alterations to the initial plan, as a result of our internal process of reflection and review I can also say that we have come to believe that the revised project is better than our initial submission. In that sense Athena believes that the process has been a fruitful and a productive one. Our ideas have changed through our interactions with community and regulatory authorities, and we believe that the current formulation before you for approval reflects a wiser and better design, and a more modest urban sensibility more in keeping with the site and its surroundings. A long process of engagement has, in my view, served its intended purpose.

It is often the case that relations between an erstwhile developer and the community in which the development is to be located are strained and marked by mutual mistrust. I am proud that, although we do not yet see eye to eye with all of our prospective neighbors, we have earned a level of credibility through the extent and depth of our engagement in this process, and through the seriousness of our response to community concern. Initial support on the ANC was nil; at the most recent hearing three commissioners did not support the ANC resolution to oppose the PUD, and even some of those who remained opposed were kind enough to publicly state that in their view we had been responsive and engaged with them and their concerns. We enjoy the support of our nearest neighbors, on Lingan Way. Several residents of Canal View have written to the Office of Planning in support of the proposed project. Other neighbors have already written to you, in support and in opposition of the pending proposal; many have noted our responsiveness and our willingness to listen, even where we ultimately agreed to disagree.

We believe that although the modified application does not wholly satisfy all constituencies, it is a project that would be a material improvement to the site, and one that will in the long run win a broad measure of community acceptance on its own merits. We think it is good design; we think it has been improved in the application process, and we are proud to put it forward for what we hope will be for your favorable consideration.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'D. Rabinowitz', with a stylized flourish at the end.

Daniel L. Rabinowitz
President and Chief Executive Officer

Certificate of Service

I certify that the foregoing document was delivered by first-class mail or electronic mail on July 27, 2009, to the following addresses:

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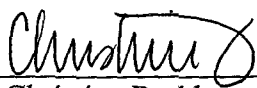
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