

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D

P.O. Box 40846
Palisades Station
Washington, D.C. 20016

U.S. OFFICE OF ZONING

2009 FEB 10 AM 11:26

February 5, 2009

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

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:

Advisory Neighborhood Commission 3D held its regularly scheduled monthly meeting on Wednesday, February 4, 2009 at Sibley Memorial Hospital's Ernst Auditorium. A quorum (5) was present at all times. Notice of the meeting was published on the website, in the Northwest Current Newspaper and on the Palisades Listserv.

One of the items on the agenda was the amendments to the application by the Athena Group, LLC for Canal Parc at 4460 MacArthur Blvd. NW. The Athena Group made a presentation of its changes and the Commission asked several questions. Several residents also asked questions and made comments about the amendment. After thorough consideration and deliberation, ANC3D decided to endorse its November 11, 2008 Resolution, with one amendment, the addition of a new condition 11 requiring Athena to post a bond to pay to correct any damage caused to an existing retaining wall near the wetland on the property. The amenities conditions were moved to #12.

ANC3D will appear and present testimony at the Zoning Commission's hearing on February 12, 2009. Commissioner Ann Haas will represent ANC3D with the assistance of others.

ANC3D requests that the Zoning Commission give its resolution and zoning commission presentation the great weight to which it is entitled in your decision.

Thank you.

Sincerely,


Elizabeth B. Sandza
Chair, ANC3D

ZONING COMMISSION
District of Columbia

CASE NO.

08-21
44

EXHIBIT NO.

**AMENDED RESOLUTION of ANC 3D Regarding: Zoning Commission
Case No. 08-21, 4460 MacArthur Boulevard, N.W.
Application of The Athena Group, LLC**

Whereas, the Comprehensive Plan for the National Capital ("Comprehensive Plan") repeatedly terms unbuilt private land a "precious and scarce resource" for the Rock Creek Area West Element, because such land constitutes only one percent of D.C.'s total land mass.

Whereas, the Comprehensive Plan notes that trees add economic value to neighborhoods, community identity and pride.

Whereas, the Comprehensive Plan states, "Parks and Recreation and Open Space are key features of a successful neighborhood."

Whereas, the Comprehensive Plan notes that growth is taking place, straining the ability of park facilities to meet neighborhood needs.

Whereas, the Comprehensive Plan states that, like land itself, parks and recreation areas are limited and precious resources.

Whereas, the Comprehensive Plan states, "Open space may also be set aside within new projects through development agreements in planned unit development amenity packages."

Whereas, the Planned Urban Development Code Section 2403.6 states: "Public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter of right provisions of this title."

Now Therefore, in an effort:

(1) To meet the goals of the Comprehensive Plan and the Planned Urban Development Code,

(2) to enhance the proposed project with adequate required public benefit, and

(3) to protect the wetlands on the property and the neighborhood's character,

ANC 3D supports the proposal of The Athena Group, LLC for consolidated review and approval of a Planned Unit Development (PUD) and a PUD-related R-5-A map amendment for property located at 4460 MacArthur Boulevard (Square 1356. Lots 28, 929, 932, 933) with the following conditions:

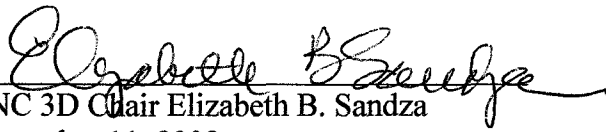
1) That any approval by the Zoning Commission of this application, be granted only to The Athena Group, LLC and be made nontransferable.

- 2) Building three shall be 38 feet and three stories high to the top of the roof; all other buildings and units shall be limited to 40 feet and three stories in height;
- 3) In advance of construction and in cooperation with the U. S. Army Corps of Engineers and the District of Columbia's Department of the Environment, the entire delineated wetland area shall be reflagged; and the delineated area, including the stream, shall be flagged and protected in perpetuity through a conservation easement by a uniform setback of 25 feet from all structures and other human interference from the outermost wetland boundary, in the event there is disagreement on such boundary;
- 4) The width of interior roads shall be a minimum of 25 feet.
- 5) An ample turn-around shall provide access for all types of emergency vehicles;
- 6) The site shall contain 25 on-street parking spaces for guest vehicles and service and delivery vehicles,
- 7) The two affordable housing units shall be indistinguishable from other housing within the development;
- 8) The total amount of impervious lot coverage shall not be greater than 50 percent for the entire project;
- 9) By means of a covenant on the title to the land, the proffered green spaces—i.e., the central plaza, butterfly garden, rain garden and walking path, identified by dimensions and GPS and having a combined total of 13,500 square feet, shall be protected in perpetuity as open space and non-developable land open to the public
- 10) That the developer shall not be limited to his design that includes a fountain in the central park;
- 11) That the developer be required to post a bond to pay for any damage to the existing retaining wall on the West side of the wetlands and to pay for any damage incurred by Athena's construction before, during or after development;
- 12) At a minimum, amenities shall include:
 - a) an additional 5,000 square feet of green space on site shall be protected as described in condition #9 and open to the public;
 - b) Hiring a landscape architect to design and oversee implementation of the beautification of lower MacArthur Boulevard—that is the area along

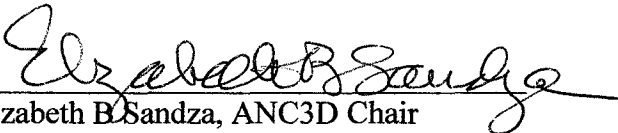
MacArthur Boulevard from its intersection with Foxhall Road to its intersection with Que Street

- c) It is the hope of ANC3D that the developer will give consideration to contributing to organizations that improve the quality of life in the Palisades and will enhance the project.

This Action was taken at a special meeting of ANC 3D, at 7 p.m. on November 11, 2008 at Sibley Hospital Auditorium after proper notice was published in the Northwest Current and posted on the Palisades Listserve. The applicant received written and oral notice of the meeting and was in attendance.


ANC 3D Chair Elizabeth B. Sandza
November 11, 2008

The Amendments to this Resolution were made at the regularly scheduled meeting of ANC3D at Sibley Hospital's Auditorium on February 4, 2009. Proper notice was published in the Northwest Current and posted on the Palisades Listserv. The applicant received written and oral notice of the meeting and was in attendance.


Elizabeth B. Sandza, ANC3D Chair
February 4, 2009

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Mr. Anthony Hood,
Chairman, DC Zoning Commission
Suite 200/210S
441 4th Street NW
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2009 FEB -6 PM 8:38
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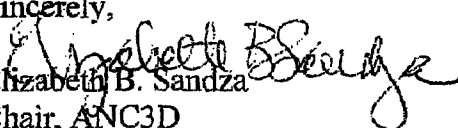
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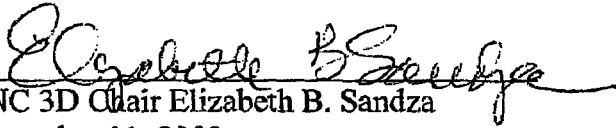
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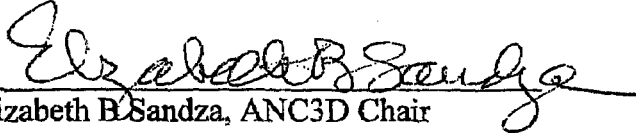
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FAX

TO: Mr. Anthony Hood,
Chairman, DC Zoning Commission
Fax: 727-6072

FROM: Beverley Monroe, Administrator
ANC3D
Telephone and fax: 202-363-4130

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

**Attached please find Letter and Amended Resolution from Advisory Neighborhood
Commission 3D's Chair, Elizabeth Sandza regarding application of the Athena
Group**

Number of pages (including cover) 5

Thank you.

2009 FEB -5 AM 8:37
D.C. OFFICE OF ZONING