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February 14, 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:

As you know, I am no longer representing ANC 3D before the Zoning Commission; however, ensuring a positive outcome for ZC No. 08-21 continues to be of interest and a personal goal. I support ZC Case No. 08-21 but believe its scale, height and density are inappropriate for the proposed location. I am also aware that the development has been positioned within the wrong Area Element of the Comprehensive Plan.

As one of the authors of ANC 3D's written testimony, please allow me to draw two areas of the testimony to your attention. These were not highlighted at the February 12 hearing but are important because they clarify inaccuracies within the application and the obvious conflict between *the developer's need for additional density and height, and the community's need for appropriate density and height that would protect the character of the neighborhood.*

1) Area Element

The applicant sites the location of the development in the Near Northwest Area Element which includes the areas of Georgetown, Dupont and Logan Circles, Burleith, Foggy Bottom and Shaw; and, where the development pattern is one of the most dense in the city. On page nine (9) of the July narrative the applicant notes, "The proposed density of the Project is appropriate for the Property...[T]he townhouses are pulled close to the street's edge to give a neighborhood feel to the street similar to that of Corcoran or Church Streets in the Dupont Circle neighborhood."

ZONING COMMISSION
District of Columbia
CASE NO. 08-21
EXHIBIT NO. 59

If something seems amiss, it is! The Athena Project is not located in the Near Northwest Area but rather in the Rock Creek West Area Element which is described as:

“Rock Creek West’s most outstanding characteristic is its stable, attractive neighborhoods. These include predominantly single family neighborhoods like Spring Valley, Forest Hills, American University Park, and Palisades...Although these communities retain individual and distinctive identities, they share a commitment to proactively addressing land use and development issues and conserving neighborhood quality.” 2300.2

While the proposed scale, density and height of the project are consistent with housing on Corcoran or Church Streets in the Dupont Circle neighborhood, they are inconsistent with the MacArthur Boulevard area and Palisades neighborhoods. The wall of townhomes pulled close to the street with stairs extending into public space would overpower the low density surrounding area...Without exception, commercial and residential structures along this segment of MacArthur Boulevard are two and three stories high, have the required setbacks and respect the building restriction line along the street. Also, the height of neighboring Canal View homes as mentioned earlier is 40 feet to the top of the roof. (ANC EXHIBIT 4)

“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 as well as a source of debate within the community...The reliance on planned unit developments {PUDs} has brought neighborhood amenities but has also resulted in density “bonuses” that are beyond what many residents find acceptable. The potential impact of density increases on schools, emergency response and safety, infrastructure, traffic, parking, environmental health and neighborhood character lead residents to conclude that the only acceptable growth rate is one which matches infrastructure capacity.” 2307.3

Athena’s proposal represents a clear example of what zoning regulations are designed to prevent – that is, the “overbuilding of land.” It also represents a clear threat to the “present character and future development” of the neighborhood. Introducing

buildings that are four stories and 50-feet high is totally out of character and out of scale with neighborhood context. This would set a new tone for development on MacArthur Boulevard and change the character of a low-density residential development...[the] Comprehensive Plan policies require compatible density and character of the surrounding neighborhood. The four story buildings, twenty-foot wide dead-end streets without turn-arounds, “token” side and rear yards, and overcommitted lot occupancies compromise the safety of the project and its quality of life. The heavy traffic on MacArthur Boulevard and the narrowness and congestion of any potential use of Lingan Road at MacArthur is a significant infrastructure constraint.

2) Transportation

Traffic congestion and pedestrian safety are also major problems. The radial street pattern results in very high volumes along major corridors, particularly Connecticut, Wisconsin, Massachusetts, and Western Avenues, MacArthur Boulevard, Military Road, River Road, and Canal Road. Local trips combine with commuter traffic to and from the Maryland suburbs and I-495, pushing many intersections beyond their design capacities. As is the case in many parts of the city, major arterials are at Level of Service “D” or “E” during the peak hours, with stop and go traffic...transportation demand management programs for new development, and more efficient use of existing roadways (such as synchronized traffic signals), are needed. 2307.3

Failing levels of service have existed for sometime as Canal Road acts as a conduit to and from Key Bridge, M Street and Whitehurst Freeway for residents of Virginia, Maryland and the District. Adjusting the timing of lights, the solution offered, is not likely to have any impact as this has been done many times by DDOT. Failing levels of service at the surrounding intersections indicate that few commuters who rely on Canal Road and MacArthur Boulevard are using public transportation...The applicant references the Regional Smart Growth Solutions in the Comprehensive Plan and notes, “The development of 37 townhouses along an important bus corridor, will encourage

people to live within the District and utilize public transportation resulting in a decrease in automobile traffic. The Plan promotes smart growth as a regional solution, ‘a regional strategy of promoting infill, mixed-use and transit-oriented development in urbanized areas is needed to ensure transportation efficiency both in the District and the region.’”

ANC 3D supports and welcomes every effort to improve transportation in- and outside the community, however lower Palisades is not an appropriate Transit Oriented Development node. The project site is not, as the applicant implies, near the Dupont Circle Metro stop. The Foggy Bottom Metro stop is about two (2) miles away, past Key Bridge. Tenleytown Metro Station is about 3.2 miles. The development is located outside the quarter-mile suggested for TOD. (ANC EXHIBIT 5)

The Athena site is on bus routes. The site is on the D-5 express bus route during morning and evening rush hours. For usual D-6 service, the closest eastbound bus stop is located on Q Street at MacArthur Boulevard, about one-tenth of a mile from the development site. Only westbound buses pass the Athena site so anyone heading into town would need to walk to Q Street.

Trans-Formation: Recreating Transit-Oriented Neighborhood Centers in Washington, DC, A Design Handbook for Neighborhood Residents,¹ recommends a transition between density and residential types. High-density residential or mixed land uses are desirable in the vicinity of transit stations; moderate density residential units are appropriate in the mixed-use zone around transit stations; and, low-density residential dwellings are appropriate farther from the defined transit center.

(End of ANC Testimony)

¹ 2002, September. *Trans-Formation: Recreating Transit Oriented Neighborhood Centers in Washington, DC*, page 36.

It is troubling that neither the Office of Planning nor the District Department of Transportation highlighted these inaccuracies in their reports and therefore, I feel a critical need to draw them to the attention of the Zoning Commission. The above passages, lifted directly from the February 12, ANC 3D testimony illustrate the incorrect positioning of the Athena application with regard to the Area Element of the Comprehensive Plan and its citing as an appropriate location for transit oriented development.

The applicant's efforts to justify additional density and height by placing the development in the wrong Area Element raises issues of credibility and undermines the PUD Process. The flexibility sought goes far beyond what would be allowed as a matter of right and necessitates a PUD because justification for the number of required variances could not be met. Also, by positioning the application in the wrong Area Element of the Comprehensive Plan, the applicant fails to comply with the intent of Title 11, § 2400.4, which states, "While providing for greater flexibility in planning and design than may be possible under conventional zoning procedures, the PUD process shall not be used to circumvent the intent and purposes of the Zoning Regulations, nor to result in action that is inconsistent with the Comprehensive Plan." (Emphasis Added)

When the application is reviewed in the context of section 2400.4 of the PUD Procedures, the inaccuracies noted must be carefully reviewed to ensure consistency with the Comprehensive Plan. The scale, height and density being requested are inconsistent for the Rock Creek West Planning Area.

Let me also remind that two ANC 3D Commissioners (Smith and Wells) found the Athena application such a threat to the present character and future development of the neighborhood in terms of height, density and the tone the development would set, they were unable to support even conditioned approval.

Given the entire community, i.e., ANC 3D, the Foxhall Community Citizen's Association, the Palisades Citizens Association and the Canal View Citizens Association, agrees on limiting the scale, height and density of this project as well as protecting the wetland; and, after numerous (40) meetings between the Athena Group and the neighborhood, it should be apparent to the Zoning Commission there is a problem. Rarely is there such strong spirit of community, but in this case the community has uniformly and consistently expressed reservation with regard to the Athena application.

As noted above, Athena has been very willing to attend 40 meetings, however it has consistently refused to budge on the number of units; and as such, has not addressed the concerns of the community. On the other hand, the community has attempted to balance *the developer's need for additional density and height, and the community's need for appropriate density and height that would protect the character of the neighborhood.* Until the Athena Group is willing to work in concert with the ANC and surrounding neighborhood associations, and to recognize that the Rock Creek West Area Element of the Comprehensive Plan does not support the level of flexibility requested, the talks and resolution suggested by the Zoning Commission cannot bear fruit.

I respectfully ask that this letter be placed into the record for ZC #08-21

Sincerely,

A handwritten signature in black ink that reads "Alma H. Gates". The script is cursive and fluid, with the first name "Alma" being the most prominent.

Alma H. Gates

Cc: ANC 3D, by email
Palisades Citizens Association, by email
Foxhall Citizens Association, by email
Canal View Citizens Association, by email
Phil Feola, by email
Maxine Brown-Roberts, by email
Jeffrey Jennings, by email