

Testimony of Robert B. Avery,
President of the Foxhall Community Citizens Association Board
Zoning Commission case #8-21, application of the Athena Group, LLC, for a Planned
Unit Development for 4460 MacArthur Boulevard NW
March 16, 2009

I represent the Foxhall Community Citizen Association, an organization which has been in existence since 1928 and includes the proposed development as part of our service area of about 900 households. Our organization sent a letter to the Commission joining the ANC, the Canal View Homeowners Association and the Palisades Community Association in opposing the PUD as currently proposed. We strongly support the continued opposition to the PUD as voiced by testimony from our sister community associations this evening so I won't repeat their arguments. Let me add two brief comments to what has been said.

First, we are not against development of the site and believe that a less dense and less tall variation of the PUD design would be acceptable. However, we believe that as proposed, the PUD is more appropriate for an area such as Dupont Circle and is inconsistent with the density of the MacArthur corridor as defined in the District's Comprehensive Zoning Plan. We believe that a development as per matter of right would be vastly superior to the proposed plan.

Second, we are concerned that the developers have chosen to negotiate with a few select individual neighbors rather than with any broader community organizations. As such, we believe that only a narrow portion of community concerns have been addressed. It has led to unusual outcomes, for example, where the buildings on the higher portions of the site are actually taller than those on the lower portions. Is this because the developers chose not to negotiate with residents living on MacArthur?

A PUD is supposed to provide a benefit to the community in exchange for variances from the zoning code. The fact that all the community organizations are opposed to the Athena project as proposed should suggest that the project offers little in the way of community benefit. Allowing a developer to earn a higher profit should not be sufficient reason by itself to put aside well-reasoned zoning restrictions.

Thank You.

ZONING COMMISSION
CASE No. 08-21
EXHIBIT No. 666