

TILDEN STREET COALITION

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July 18, 2006

D.C. OFFICE OF ZONING

2006 JUL 19 AM 11:53

Carol J. Mitten, Chairman
DC Office of Zoning
One Judiciary Square
441 4th Street NW
Suite 210S
Washington, DC 20001

Re: Case 05-26

Dear Ms. Mitten,

The Clark Realty proposal submitted on July 12, 2006 is unsatisfactory for many reasons. At this time it is not clear which version is their final submission, the five or six story building. Does the five-story proposal supersede the six-story proposal discussed and debated at community meetings, in the ANC and before the Zoning Commission? If so, shouldn't it also go before the neighborhood and ANC?

This last minute design has little to commend it. Perhaps it is not quite as high as its predecessor is. However, with the addition of seventeen-foot-high, rooftop penthouses, it may be higher. At five stories – not counting the penthouses, it is half a story higher than neighboring 3945 Connecticut, and reaches to more than six and a half stories of its neighbor to the south, 3883 Connecticut.

- This proposal offers no reduction in density. The floor space is the same. The number of units is the same. The building expands to the "fire lane" easement to the south, removing a berm from an earlier design. A row of plantings on the west side is eliminated, pushing the building closer to Tilden Hall at 3945 Connecticut Avenue.
- This proposal offers no concrete plans to enforce promises made in the June 5 hearing regarding control of delivery trucks to the building. There is no possible way Clark could continue to enforce any prohibition of large moving trucks making deliveries to the building once the condominium units are sold and Clark relinquishes control of the building to the Condominium Board.
(Tracey Thomn, June 5 transcript, p.108, lines 9-12)
- This proposal offers no mention of a landscaping plan for the median strip as discussed by Jay Parker of Parker Rodriguez during the June 5 hearing. (Jay Parker, June 5 transcript, page 42, lines 16-22) Zoning Commissioner Parsons asked Clark to submit a median plan for the record, but to date, no plan has been submitted. (Commissioner Parsons, June 5 transcript, page 63, line 21)
- This proposal offers no agreement with 3945 Connecticut regarding the landscaping of their property, despite a response from Mr. Feola saying that "In context, yes," there was an agreement. (June 5 hearing, page 121, lines 2-6). Ms. Giordano, attorney representing Daro Realty, owners of 3945 Connecticut, stated in the June 22 hearing "...We don't have any agreement about that at this time." (Ms. Giordano, June 22 hearing, page 147, lines 11-13)

ZONING COMMISSION
District of Columbia

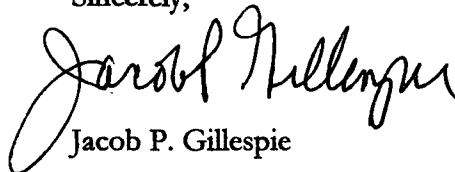
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EXHIBIT NO. 148

- This proposal continues to show four balconies and four terraces overlooking the Embassy of Kuwait. The applicant claims verbal assurances from the Office of Foreign Missions. Just as the Tilden Street Coalition is skeptical of Clark's verbal assurances on other issues, the ANC and the Zoning Commissioners should be skeptical of Clark's claims to have mitigated security concerns.
- This proposal does not address the concerns contained in the Fire and Emergency Medical Services Department memo dated June 2, 2006, submitted to the Zoning Commission as Exhibit 124, Captain Tony Sneed states "I feel that fire department access to the rear is not readily accessible." During a site visit on May 15, 2006 attended by ANC Commissioners Daniel Klibanoff and Frank Winstead, Fire Marshall Richard Fleming stated fire trucks are ten feet wide and the Fire Lane, as currently configured, is not wide enough to allow stabilizers to be extended to support tall ladders. He also noted the difficulty of access to the twenty-foot wide grasscrete area the applicant has designated as a fire lane.
- This proposal continues to make statements claiming credit for initiating an increased setback, when a setback of 32.5 feet is in fact is required on Tilden Street. In fact, the proposed setback is not nearly equivalent to that of either of its neighbors, the Embassy of Kuwait and 3945 Connecticut.

Without further hearings on this new five-story proposal, the Zoning Commission will make their decision based on nine hours of testimony for a different building. Statements made by the applicant during the hearings have not been addressed in the July 12, 2006 submission. How are these statements made on record and Clark's submission to be reconciled?

Thank you very much for your consideration of our positions on this issue.

Sincerely,



Jacob P. Gillespie

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