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August 14, 2006

VIA HAND DELIVERY

Carol Mitten
Chairperson, D.C. Zoning Commission
441 Fourth Street, NW, Second Floor
Washington, D.C. 20001

**Re: Zoning Commission Case No. 05-26, 2950 Tilden Street, NW –
Response to ANC 3F's Post-Hearing Submissions**

Dear Chairperson Mitten:

On behalf of Tilden 800 LLC ("**Applicant**"), we are submitting this letter in response to the submissions of Advisory Neighborhood Commission ("**ANC**") 3F, dated July 20, 2006 and submitted into the record (Exhibits 150 and 152) on July 31, 2006 in the above-captioned application in order to address several inaccuracies in those submissions.

The ANC made several allegations which are incorrect and merit correction for the record:

1. Existence and sufficiency of a fire lane – Contrary to the statements in the ANC letter (Exhibit 152), the Applicant did not "sign away all rights to use the existing fire lane." In fact, the Applicant's agreement with the Board of Directors of the Unit Owners Association of 3883 Connecticut Avenue Condominium ("**3883 Board**"), specifically provides for "continuing the easement for purposes of fire and emergency vehicle access." Further, formal inspections were performed by the District's Department of Fire and Emergency Medical Services at the site in accordance with that Department's standard operating procedures. Those inspections resulted in the letter from the Fire and Emergency Medical Services Department that was submitted into the record (Exhibit 124) at the hearing which did not oppose the proposed project and found that the "fire lane" at the rear of 2950 Tilden Street could be used in an emergency.
2. Calculation of "residential FAR" rather than all FAR – In its Resolution (Exhibit 150 in the record), ANC 3F claims that the Applicant incorrectly computed the FAR for the proposed project by only counting "residential FAR". However, the Applicant's proposed FAR of 2.52 includes all gross floor area of the building, including hallways, stairways, lobbies and common areas, as FAR is defined under the Zoning Regulations of the **ZONING COMMISSION** District of Columbia.

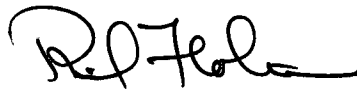
3. Effect and Intent of Private Agreements – Notwithstanding the Applicant's belief that private agreements are not relevant to the present proceeding (as stated by the Chairperson at the public hearing), ANC 3F's characterization of the effect and intent of those private agreements is flawed.
 - a. Cooperation and Development Agreement. ANC 3F submitted into the record an Agreement between Tilden Gardens LLC (the Applicant's predecessor in ownership) and 3901 Connecticut Avenue Residents Association which was drafted and negotiated as a part of the development of 3883 Connecticut Avenue. The ANC states that this Agreement constrains the development of the subject property to eight townhouses. However, this Agreement focused on 3883 Connecticut Avenue, rather than the potential development of 2950 Tilden Street. Specifically, the important points in this Agreement deal with the parking and driveway/traffic issues created by the construction of 3883 Connecticut Avenue. Most significantly, there are no obligations of any kind in this Agreement concerning development restrictions at 2950 Tilden Street. The 2950 Tilden Street development plan attached to the Agreement as an exhibit (which shows townhouses and a large parking lot) is "conceptual" only and was not intended – by the Agreement's very terms – to restrict the Applicant to that development scheme.
 - b. Easement Agreement. ANC 3F submitted into the record an Easement Agreement between Tilden 800 LLC (Applicant in this PUD) and the then-owner of 3883 Connecticut Avenue in an attempt to imply that the Applicant was restricted to building semi-detached houses on the subject site. However, in this Easement, there is an acknowledgement by the parties that many types of residential development are possible on the subject site including multi-family housing. Most importantly, the Easement states that development of 2950 Tilden Street "may include rezoning of [2950 Tilden Street]" (Paragraph 2(a), page 4). Therefore, this Easement, if anything, "put 3883 on notice" not only that development would occur at 2950 Tilden Street, but that it might be "multi-family residential housing" requiring rezoning.

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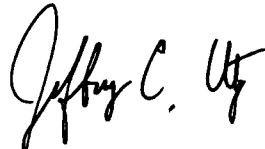
It is important to note that the Applicant did not agree to constrain the Property to any specific type of development in these, or any other, agreements.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Feola".

Phil Feola

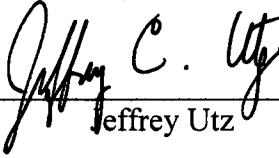
A handwritten signature in black ink, appearing to read "Jeffrey C. Utz".

Jeffrey Utz

cc: Nicole Forrest
Tracey Thomm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this letter was mailed first class, postage prepaid to each of the persons, at the addresses, listed below on August 14, 2006.



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