

May 16, 2006

ZONING COMMISSION
District of Columbia

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

CASE NO. 05-26

EXHIBIT NO. 50

2006 MAY 22 PM 3: 20

D.C. OFFICE OF ZONING

RECEIVED

Re: 2950 Tilden Street Development
Case Number 05-26

Dear Ms. Mitten,

I strongly oppose Clark Realty Capital's Tilden Street Development. There are numerous reasons as to why the construction project should either be significantly modified or dissolved in its entirety. Residents of The Connecticut and surrounding buildings will be denied their right to light and air if the building is built not according to the original zoning. In addition, there will be a negative impact on traffic on Connecticut Avenue and The Connecticut's private driveway.

Clark originally constructed and owned my building at 3883 Connecticut Avenue, NW. As you may recall Clark was issued a stop work order by the District of Columbia Department of Consumer and Regulatory Affairs due to an inaccurate Environmental Impact Screening form filed by Clark. Clark then appealed the stop work order which was denied. It was concluded that Clark "lacked a property interest in the five preliminary permits suspended by the District's SWO...Clark's only property interest lay in the real building permit." This was one of the first of many problems Clark encountered with our building. They proved that they did not have an utmost environmental interest in our property which indicates they may have similar feelings (or lack thereof) for the proposed project. After continued neglect, Clark sold 3883 Connecticut to Monument Realty after their management company treated tenants terribly forcing them to move out and break leases because Clark was unacceptable. The building suffered a major setback and the number of tenants greatly declined as Clark proved to be an ineffective management company. Monument had to renovate the majority of the units due to construction errors created by Clark. There is a possibility that Clark may be unsuccessful yet again which will negatively impact the community and perhaps tenants in the building.

Their actions demonstrate uncertainty. The R-2 zoning currently calls for semi-detached housing up to three stories tall. The zoning implies, as disclosed to owners of The Connecticut, that townhouses could be built in this area. Clark's project would be acceptable if they followed these guidelines. Instead Clark wants to change the zoning of this land ignoring the fact that the surrounding condominium owners were told a new

neighboring building would follow the present zoning. Clark and Monument Realty disclosed a "duplex" project however there was never a mention of condominiums. This practice is completely unwarranted. Myself, as well as others, purchased units while keeping resale value in mind. Most of us would not have purchased units had we known about an additional condominium building being built right next to ours, in part due to real estate value and lack of light and air. How is it that Clark can go against the disclosure documents and suddenly turn the duplexes into 49 condominiums? Purchasers were told in good faith what could be and couldn't be built on this property. The creation of a different type of building drastically affects our lives. Nicole Streeter from Clark stated at a recent meeting that there was an agreement between Clark and Monument that the project would be disclosed to purchasers. Ms. Streeter recently agreed to give fellow owners a copy of this disclosure so we could note that it was intended for three story semi-detached town homes and several minutes later she refused to issue a copy. Why is Clark suddenly refusing to show us original documents of information that was supposed to be disclosed to unit owners? It would be beneficial to the community to see the original disclosure.

One of the most important issues of opposition in this case is the intent for the Subject Property to use The Connecticut's private driveway for their new project as stated by the easement rights. This is completely unreasonable given that the driveway is private property of The Connecticut. Maintenance fees are paid by our Association and I fully oppose an entire population of another building utilizing the space, especially since the proposed building is not simply several semi-detached homes. We have already had to make several repairs to the driveway. If Clark uses it as their driveway we will have an unprecedented amount of traffic that we never expected.

The project in it's entirety obviously has negative effects for the unit owners directly facing the proposed building. There are similarly negative effects for those of us at the front of the building. My unit faces the driveway and little traffic is heard because most of the cars drive into our underground garage. If the new property were to utilize our driveway there would be significant traffic and noise moving across our property severely changing the pattern that currently exists. This negatively effects those of us at the front of the building because we were never informed that a miniature street was going to be implemented in front of our building. Similarly, traffic will be excessively dangerous and congested if an additional building uses our driveway. We do not have a stoplight which forces us to turn into hectic Connecticut Avenue traffic. If the Subject Property uses our drive increased congestion on our property and on the Cleveland Park portion of Connecticut Avenue will dramatically increase.

The proposed plans do not match the flow of the community, especially the houses that are directly across the street and the embassy next door. The proposed plans are entirely too large and tall for the plot of land. There will supposedly be only 25 feet separating The Connecticut and the Subject Property. I understand that we live in a city where there is always a threat of having close neighbors however if you look around Cleveland Park there aren't any buildings that close together unless they are attached. We have air and light rights as stated by the Declaration of Covenants dated April 18,

2002, recorded as Document No. 2002050183 in the District of Columbia. The Subject Property, since it is now a six story condominium, will infringe upon these rights. We are already behind and next to several buildings. Having an additional building blocking the only open space available to our building will limit our light and air rights. The District of Columbia is supposed to enforce our rights and prevent developers from breaking the air and light easement. The building of a condominium building will clearly break this regulation. In addition, the proximity of the proposed building to the embassy has security implications which I'm sure are being communicated by the embassy.

Parking is also a primary concern. Residents are already forced to sometimes walk five or six blocks from their cars parked on the street to their homes. When you take into account the Subject Property, including their usage of our driveway, there will be even fewer places to park. Having been a victim of crime in the area, I fear that having to park even farther from our homes may have a negative impact on the community as a whole.

Aside from the stop work order there are additional environmental concerns. Clark already had a negative impact on Rock Creek Park while constructing our building and if they have an additional large construction project they will harm the environment even more. The Connecticut is an example. Clark was supposed to replace full grown trees after completing the project however that never happened when they were in possession of our building. While we do have new trees they, as I understand, are not what Clark promised. They are saying they will plant larger trees for the Subject Property yet why would they do so if they never did so with our property?

Clark has proven failure and community uproar in the Cleveland Park neighborhood before therefore I do not know why, with all of the negative effects they may bring, are allowed consideration for a change in zoning. It almost seems like their proposed construction is a vengeful attempt to punish those who have purchased in a building which was once their failure. The construction and completion of the Clark building will not only have negative effects on The Connecticut but also on the entire community of Cleveland Park. Clark has already demonstrated their inability to comply with the law as well as their selfish interests such as turning what was once a semi-detached project into a major condominium project. I ask that if any building is created that it follows the original zoning of the lot and what the owners of The Connecticut were initially disclosed upon purchase. Similarly, I ask that no matter what the Zoning Commission decides, that the owners of The Connecticut are guaranteed our right to light and air. Thank you for considering our opposition.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katharine A. Alexander', written over a horizontal line.

Katharine A. Alexander
The Connecticut, Unit 319