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Owner Residents Living Near
5220 Wisconsin Ave, NW
August 30, 2006

District of Columbia Office of Zoning
441 4th Street, NW
Suite 210 South
Washington, DC 20001

ZONING COMMISSION
District of Columbia

CASE NO. 06-31
EXHIBIT NO. 14

Attention: Ms. Carol Mitten

Re: Application by The John Akridge Company, File No. 06-31

The Honorable Zoning Commissioners

We, the owners and residents of single family housing, located within two blocks of 5220 Wisconsin Avenue ("Closest Residents"), respectfully submit this letter to the Office of Planning ("OP") to recommend that the Zoning Commission deny the application of The John Akridge Company ("Applicant") for a map amendment and PUD ("Application") at 5220 Wisconsin Avenue (the "Project").

The Closest Residents are the owners of all but two houses on 44th Street between Harrison and Garrison and are owners of residences on Harrison Street between 44th and 45th Streets, N.W. We know of no owner on these two blocks that supports the Application. Additionally, we know of three other community groups who oppose the project, the ANC, the Friendship Neighborhood Association and the Coalition to Stop Tenleytown Overdevelopment. Other than SmartGrowth Coalition (whom we believe is composed of five people, most of whom live far from the Project), we know of no group that has endorsed the Project.

As demonstrated below, the Application is legally deficient, and therefore, the Closest Residents request the Zoning Commission to deny the Application without a hearing.

Deviation from the Comprehensive Plan

As currently proposed, the project will be constructed on a lot at 5220 Wisconsin Avenue. The lot is zoned R-B-5 because it lies in a carefully planned buffer zone that is part of the Comprehensive Plan and designed to preserve the local neighborhood. Immediately to the south of the project are two-story residential apartments. To the west are two-story low-density commercial buildings. To the south is the Pepco building and a bank. None of these structures exceed 40 feet. Thus, the 79-foot proposal is twice the size of the buildings surrounding the Project.¹ The actual height of the Project closest to

¹ Applicant characterizes the Project as being in the heart of Friendship Heights. That is not correct. It lies adjacent to 2-story apartment buildings and a distance from the very tall buildings with high densities

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the local neighborhood will tower even higher than 79 feet due to the building's sloped design. Applicant requests a PUD and map amendment to substantially increase the size of this development that provides the only buffer between our homes and Wisconsin Avenue. This is not consistent with R-B-5 zoning or the Comprehensive Plan that seeks to protect the character of our neighborhood.

In our view, the application reflects a substantial change to the landscape and departure from the buffer zone concept contained in the Comprehensive Plan. In addition, the requested waivers for setbacks and the loading dock demonstrate that the building is far too large for the site. Ordinary delivery trucks will not be able to serve the retail space or community. Further, the Project does not provide sufficient parking. This will impede the flow of traffic and result in heavy traffic being diverted to residential streets that cannot handle the volume, endangering our children. Applicant fails to address the school overcrowding and reduced fire and medical safety burdens which this Project will exacerbate.

Inadequacy of Amenities

The Applicant has offered amenities to certain groups in an effort to gain approval for the Project, but the amenities do nothing to remedy the actual damages this Project will force on the Closest Residents while the proposed recipients (who have little or no physical connection to the location) will receive amenities which are totally unrelated to Project's actual damages. The amenity recipients are all located five to seven blocks from the Project. They are the Lisner-Louise-Dickson-Hunt Senior home (\$500,000), the Iona Senior Center (\$30,000), and Janney PTA (\$100,000). While these may be worthy organizations, they offer no redress for the Closest Residents' concerns. The Applicant has proven that it does not view the amenity process as a way to ameliorate the concerns caused by the project.²

The amenity offered to the Janney PTA is highly controversial. Applicant has declined to provide us with a copy of the Janney funding request. We recall that a parent who was not representing Janney and had no financial basis requested about \$200,000 to upgrade the electric system and seed the soccer field. The PTA Co-Presidents have stated publicly and one executive informed the Applicant that the PTA made no such request. (See Attached Letter from the Janney PTA.) Regardless, Applicant promised to

to which it refers. Applicant represents that it is in the heart of Mazza Gallerie, Chevy Chase Pavillion and other buildings. Application at pages 5, 6 (building several blocks away are about 100 feet tall and six and seven stories). Applicant fails to inform the Commission that the distance between its project and Mazza Gallerie is about the same distance as our homes are to the project. Applicant's drawings do not appear to be to scale. Their 7-story building appears to be the same height as the westward two-story buildings and Mazza Gallerie. Applicant takes liberties and diverts the Commission from the very low-density commercial buildings and residences that are currently thriving in the surrounding area. We are attaching pictures of the vicinity for your consideration.

² Applicant claims that offering affordable housing as required by District law, its LEED certification, and fixing the façade of the Pepco building are amenities that tip the scale and should persuade the Commission to approve the application. We have been told that affordable housing is required. Compliance with legal standards cannot constitute an amenity. Also, upgrading the Pepco façade is literally window dressing that warrants no consideration.

fund only a portion of the request and discuss how to spend the money in the future. This promise to give the Janney PTA money that has not been requested by the organization provides no basis upon which the Commission or OP can assess the benefit to the public. The last time that Janney was awarded an amenity, the PTA spent the money before the developer remitted funds (note: to date those funds have not been remitted). The Commission is under the impression that its amenity funded a new playground. In reality, no one knows to what use that money will be put, if any. The Commission should reject this amenity.³

According to Chapter 24, Section 2300.2 of the zoning regulations, Applicant must show that the requested flexibility or other incentives requested in the application “offers a commendable number or quality of public benefits and that it protects and advances the public health, safety, welfare, and convenience.” The Commission may not accept any application if it is being used to circumvent Zoning Regulations or will result in any action that “is inconsistent with the Comprehensive Plan.” *Id.* § 2400.2. The Commission must “judge, balance, and reconcile, the relative value of the project amenities and public benefits offered, the degree of development incentives requested and any potential adverse effects....” *Id.* § 2403.8 (emphasis supplied). “The impact of the project on the surrounding area and the operation of city services and facilities shall ... be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project. *Id.* § 2403.3. At all times, the burden of proof rests with the Applicant. *Id.* § 2403.2.

In short, the applicant must identify, address and demonstrate with evidence how the **actual and potential** adverse effects on the surrounding area—including the effect on facilities, city services, traffic, parking and schools—of the requested PUD do not outweigh the public benefits afforded by the proposed project and further must show that such project is not inconsistent with the Comprehensive Plan. If the applicant fails to address any issue on which it has the burden, the Commission must deny the request. As we show below, Applicant has failed to meet this standard.

Lack of Meaningful Community Input

Prior to filing the Application, representatives of the Applicant attended two ANC 3E meetings. At those meetings, Applicant described the Project and residents of Ward 3 identified significant concerns. Applicant attended another ANC meeting at which it described minor modifications made to the project.

Closest Residents believed that they had been left out of the process until just before the Application was submitted.⁴ We contacted Applicant to request a meeting. At

³ Instead, the Commission should address the severe overcrowding at Janney and require Applicant to demonstrate that increasing the population of Friendship Heights will not exacerbate this problem.

⁴ Applicant represents that it reached out to members of the community, knocking on doors of the houses closest to the Project. This is not correct. Applicant never contacted our members (except when certain individuals attended larger meetings). We contacted Applicant. After expressing concerns, Applicant offered to make some phone calls to the district government on our behalf. See Attached August

that meeting, Closest Residents identified 12 deficiencies with the project. Those deficiencies involved: (1) parking; (2) traffic in the residential neighborhood; (3) school overcrowding; (4) limiting the access of rescue and fire safety due to the shortage of fire and safety equipment, facilities and infrastructure; (5) decreasing pedestrian safety; (6) lack of green space; (7) reducing the efficacy of the barrier separating the 44th & Harrison Street corner; (8) increasing crime; (9) deteriorating the aesthetic quality caused by a 7-story building; (10) precedent for other applications; (11) an amenities process devoid of substance; and (12) disrupting our daily life with a non-existent construction plan.

Remarkably, despite attending ANC meetings and a meeting of the Closest Residents where concerns were voiced to Applicant, Closest Residents can find nothing in the Application addressing most of the issues raised. Thus, we respectfully differ with any representation made by the Applicant that it has had a meaningful interaction with the community. Rather, we would characterize the meetings as perfunctory and apparently designed for the purpose of leading the Commission to believe that meetings were material, that the Community was in favor of the project and all but a scant few concerns remain to be addressed.⁵

Applicant's Traffic Impact Study is a case in point. Knowing that the community had concerns about traffic between River Road, Western Avenue, Wisconsin Avenue and Fessenden Road caused by the Project, Applicant's Traffic Impact Study ignored the surrounding area most likely to suffer the most significant impact – the residential area that will live with the cut-through traffic and parking problems. Thus, the Applicant seeks a great deal of credit for meeting with the community yet ignored what it heard at the meetings. Rather than applauding the Applicant, the Commission should see through this transparent policy and deny the Application. In failing to respond to the community concerns, Applicant has not meet the required standard. The study of three intersections does not address the actual or potential effects of the project. Applicant's failure to address these concerns, especially in light of its awareness of the issues, is fatal to the Application. Absent any evidence, Applicant cannot bear its burden of proof.

The benefits touted by the Applicant boil down to nothing more than more development is better than a car lot. But Applicant must show, not that building over a Metro station is beneficial; rather, it must show that the public is better off with its

24 Memorandum to David Tuchmann ("August 24 Letter"). Applicant has been dismissive of our concerns. As we informed Applicant, its representation to the Commission that it has been working with and responsive to the community is materially untrue. *Id.* For example, the Application boasts of its responses to community concerns. We raised 12 issues. More than one month later Applicant's response was to offer to make some calls to the District Government on our behalf.

⁵ The amenities process appears to be designed for similar goals. In the interest of full disclosure, Applicant responded to our concerns by offering to: (1) call DDOT with a request for the replacement/enhancement of the old signage as well as the addition of advisory speed limit signs; (2) continue to inquire about installing stop signs (Applicant stated that this was unlikely to occur); and (3) suggest that we call The District of Columbia Department of Transportation ("DDOT") to obtain more severe residential parking restrictions, although Applicant admitted that we were unlikely to succeed. On August 24, we responded to Applicant noting the insufficiency of its response. The correspondence is attached.

project than with a matter of right building, which can include a five story structure with residential facilities, affordable housing, a nice façade. Applicant failed to do so.⁶

We therefore request the Commission and OP to deny the application. In light of the infirmities of the Application and the failure of Applicant to address them, much less rectify them, Closest Residents suggested to the Applicant that it withdraw the Application. Upon withdrawal, all interested parties would discuss frankly the proper scope of development for the site. It would be helpful for the Commission and OP to support the community and identify balanced and sensible development that would be consistent with the District's need for additional revenue and the Comprehensive plan.

Closest Residents include the following District of Columbia residents

Rosemary Bowen
Megan Clingham
Gavin Clingham
Adriana Gomez
Angel Gil-Ordóñez
Tara Huber
Laurent Huber
Alta Miner
Emil Miner
Willa Day Morris
Robert Schwartzberg
Sheila Stinson
Voula Tsoutsouras
William R. Vigdor
Julie E. Vigdor

cc: Joel Lawson (Office of Planning) (delivered on August 29)
Matthew Jesick (Office of Planning) (delivered on August 29)

⁶ It would be inconsistent with the rules if Applicant were permitted to supplement its Application. This would work an unfair surprise on the community and render this first stage meaningless.

ATTACHMENT 1

Hello Billy and Rob,

I hope you've been enjoying the summer. As I indicated in my last email update, I have been in discussions with several staff members of the District of Columbia Department of Transportation (DDOT) regarding the portion of 44th Street between Harrison and Garrison Streets, and Harrison Street between 44th and 45th. I now have several encouraging pieces of information to share regarding this situation. I also did some research in response to questions about the Residential Parking Permit program. I wanted to write to the two of you first before sharing all this information with the entire group due to some coordination which I think will be necessary to proceed to next steps. Also, due to the length of this message, I thought it best to first run it by you guys.

Traffic Calming Measures

During our meeting at Rob's house, many people expressed concerns that cars routinely approach and turn at the Harrison/44th St. traffic divider at unsafe speeds. I offered to bring this issue to the attention of the appropriate DDOT staff members and examine potential traffic calming solutions to this problem.

Last week, I went with Jeff Jennings, Ward 3 Transportation Planner, and Wanda Pinn-Mills, Engineering Technician in Traffic Operations, both from DDOT to observe the two blocks referenced above. The first thing we noticed was that the current posted signage is in very poor condition, is outdated (i.e. newer more effective versions exist), or is obscured by vegetation. These signs are supposed to effectively warn drivers of the required upcoming turn (i.e. a left [or right] only arrow or a sign which could say "All traffic must turn left [or right]"). Signage should also prepare drivers for the approaching change in conditions so they can adjust their speed. The posted 25 mph speed limit sign is also so old that it has faded.

Wanda said that through a simple work order-type process, initiated either by Akridge or the local residents, DDOT could address these issues through signage replacement and/or better placement.

Next, I asked Wanda if it was possible to lower the speed limit considering that all vehicles must slow down to make the 90 degree turn. She said that while they are not allowed to lower the speed limit, they can post an "Advisory speed limit" of 15 mph in both directions as vehicles approach the turn. You may recall these types of yellow signs from other areas such as off-ramps from highways. If this type of signage is agreeable to the residents on those blocks, Wanda gave the impression that the installation of these signs would also be fairly easy.

I next inquired if the installation of speed bumps would be feasible. She said speed bumps would not be a viable solution because according to DDOT policy, speed bumps must be placed at least 100 feet away from the 44th/Harrison intersection – likely too far away to have the desired effect. In addition, our traffic engineer has pointed out that a series of speed bumps also leads to a substantial increase in braking and acceleration noise, impacts that may be undesirable to residents.

Finally, on the issue of speeding, we talked about the potential to install stop signs in both directions. This would mean that all vehicles approaching the curve would stop prior to turning. Wanda said she would look into this possibility but thought it was unlikely for DDOT to approve this change given that there is already the diagonal divider there (her words: "Two traffic calming measures at once intersection is very rare.") Also, this adjustment would increase braking/accelerating noise as well.

Enhancements to Diagonal Traffic Divider (Barrier)

At our meeting last month, several residents expressed concern that vehicles sometimes simply drive over the diagonal divider near its middle portion which is covered in brick pavers. I pointed this out to Wanda and she agreed that we should be able to address this problem. I offered to have Akridge design and construct, with resident input, a simple extension of the low-profile shrubs now in place on the sides of the divider. This change would involve the removal of the bricked over section and installation of soil and landscaping. The result would be a much more effective deterrent to outlaws who hop the barrier.

When I mentioned that some residents recalled that the brick section was in place to allow emergency services vehicles through, Wanda disagreed, saying that the divider would have been designed differently if this was the case, and that as currently built, it did not allow for safe passage of emergency vehicles. Again, I asked her to confirm this assumption. Unlike the signage adjustments, this change, if we were to implement it, would likely take a longer time as we would have to gain several forms of permits and sign-offs from various agencies.

Residential Parking Permits

When we were together last, there was some discussion about the Residential Parking Permit program (RPP). We talked about how the current program may not effectively set aside curbside parking on residential streets off of Wisconsin Avenue for the residents who live there, and their guests. At the time, I shared that one potential solution to this problem is to extend the RPP restricted hours to later in the evening and/or onto weekends.

Second, I suggested that DDOT was contemplating the introduction of smaller permit zones (e.g. for areas near Metro stations) to prohibit residents who live miles away but within the same ward from parking near the Metro station in an RPP restricted space. I told the group that I would learn more about the process for changing these types of policies as they relate to the Friendship Heights area.

Subsequently, we have made inquiries to DDOT and learned the following:

- a) DDOT, the Metropolitan Police Department (MPD), the Department of Public Works and the Department of Motor Vehicles are all currently discussing (in-house) various aspects of the RPP policy, which include the extension of hours, extension to weekends and introduction of smaller permit zones. They recognize that the RPP policy needs adjustments and are contemplating introducing some pilot programs but do not have any specifics at of yet.
- b) Residents can currently petition for the extension of RPP hours within their block.
- c) For petitioners who ask for an extension up until 10 PM on weeknights, DDOT would conduct a small study to determine/establish the need for such an extension on the specified block(s). However, requests for enforcement beyond 10 PM, or on weekends, or for the introduction of smaller permit zones would necessitate City Council legislative action. This is mainly because of the additional funding required to pay for officers to enforce the new policies outside of "normal" hours.

Next Steps

As a result of our research on the potential traffic calming measures and on the RPP situation, I would recommend the following next steps:

- 1. Please share the above information with those who attended our meeting last month.
- 2. Let me know if anyone has any questions, concerns or other ideas relating to these issues.
- 3. Please discuss with the group the following issues:
 - a. If the group would like me to proceed with the request for the replacement/upgrading of the old signage as well as the addition of the advisory speed limit signs.
 - b. If the group would like me to continue to inquire about the possibility of installing stop signs at the 44th/Harrison intersection (as I indicated, this is unlikely to be approved). If yes, we would likely need signatures from the majority of residents on both blocks endorsing such a plan.

- c. If I should continue to pursue with the appropriate District agencies the idea of increasing the height of the diagonal traffic divider by planting additional shrubs in the center of the divider. This would also require the signatures of most of the residents on the block.
- d. If the group would like to work with others in the neighborhood and/or the ANC to request an extension of RPP hours until 10 PM for certain parts of the neighborhood and/or make a request to DDOT that Friendship Heights become a pilot study area for weekend RPP restrictions and/or smaller permit zones. On this last topic, Akridge will likely not be able to play as much of a liaison role, although we can provide you with additional information including the appropriate contacts at DDOT.

I hope this course of action makes sense and will eventually lead to some genuine improvements which respond to concerns expressed at our meeting. I believe that some of these changes could have a significant impact on slowing down vehicles on your neighborhood streets. I look forward to continuing to working together on these items. Have a great weekend, and perhaps we can check in next week when you've had a chance to review all this information.

Best,
David

ATTACHMENT 2

MEMORANDUM

To: David Tuchmann

From: Owner-Residents Near 5220 Wisconsin Avenue

Date: August 24, 2006

**Re: Detrimental and Unmitigated Impact on the Immediate
Neighborhood Caused by the 5220 Wisconsin Avenue Project ("Project")**

Thank you for your email of July 28. Since receiving your letter, we have been reviewing the The John Akridge application submitted to the Zoning Commission requesting a PUD and map amendment for the Project while considering how to respond to your letter.

As you know, we represent almost all of the owner-residents on 44th St. between Harrison and Garrison Streets, which is just two blocks the Project. Several of our members live on Harrison Street between 44th and 45th Streets, which is also within two blocks of the Project. We are most directly affected by the Akridge proposal.

Prior to filing the application, we invited you into our living rooms to discuss concerns in the immediate neighborhood created by the Project and to hear your solutions. We identified about 12 issues of deep concern to us. The application either dismissed our concerns or marginalized their importance. It certainly did not explain to the Zoning Commission that we identified these concerns to you. Akridge did not provide any meaningful solutions to any of our concerns.

We believe your July 28 letter suffers from the same infirmities. We wanted to remind you that the group identified the following issues at the meeting:

- (1) increasing traffic volumes and speeds, which have been growing and will be exacerbated by adding more population to the neighborhood and congestion at the corner of Wisconsin Ave. and Harrison Street (this is particularly acute with respect to cut-through traffic, speeding and other unsafe driving on the roads and in the alleys);
- (2) increasing scarcity of parking in the immediate neighborhood;
- (3) increasing school overcrowding;
- (4) further limiting the access of rescue and fire safety to the neighborhood and increasing the shortage of fire and safety equipment, facilities and infrastructure;
- (5) decreasing pedestrian safety;
- (6) lack of green space;
- (7) eliminating or reducing the efficacy of the barrier separating the 44th & Harrison Street corner and the increasing the frequency with which vehicles drive over the barrier to avoid traffic at the Wisconsin Ave. and Harrison Street intersection (among others);
- (8) increasing crime (like Georgetown);

(9) deteriorating the aesthetic quality of the neighborhood by building a seven story building towering over two-story homes;

(10) setting a precedent for other pending or prospective applications, including Akridge's future plans for this and adjacent cites;

(11) offering amenities , e.g., seeding soccer fields and paying for a bus driver, that are wholly unrelated to relieving the congestion, traffic, pollution, parking, overcrowding and other problems created by the Project, using an amenities process devoid of meaningful public involvement, and paying for amenities to serve narrow interests rather than those of the community; and

(12) disrupting our daily life with a non-existent or abstract construction plan.

You expressly recognized the legitimacy of our concerns when you stated that Akridge wanted to make "some genuine improvements which respond to concerns expressed at our meeting." You have also done so by discussing with DDOT your plans to mitigate traffic concerns on Harrison Street exacerbated by the Project (you are discussing adding lanes to Harrison Street and eliminating parking), which are not raised in the Akridge application. We thank you for acknowledging the legitimacy of the issues. To make a genuine improvement, you offered to:

(1) call DDOT with a request for the replacement/enhancement of the old signage as well as the addition of advisory speed limit signs;

(2) continue to inquire about installing stop signs, although you candidly stated that this was unlikely to occur; and

(3) suggest that we call DDOT to obtain more severe residential parking restrictions, although you admitted that we were unlikely to succeed.

In short, Akridge offered to make some phone calls to the district government on our behalf.

As we indicated, it is quite helpful that you recognize the legitimacy of our concerns and it is a step forward. We cannot, however, accept phone calls to government officials and inquiries as a genuine improvement to the status quo or ameliorating the growing concerns the Project poses.

Even if your proposals were effective in theory, what is Akridge going to do to ensure that they come to fruition? If you get approval for your building, you will have gotten permission to bring up to 70 units to the immediate neighborhood. That is a great deal of growth, and well above what the infrastructure can withstand. The parking at the Project is insufficient to handle the residential or retail demand. The Project has limited and narrow ingress and egress and a small loading dock leaving residents, shoppers and delivery trucks to find parking and access in our neighborhood, not on your property. This will occur before, during and after business hours. We know this to be the case because we have evidence to support our concerns. Just the other day a 55 foot refrigerator truck traveled from Western Avenue, to Harrison Street, to 44th, to Garrison and to Wisconsin Avenue. No one on the block is taking deliveries of frozen product in this quantity. The truck was not delivering to

Rodman's. Rather, it used our streets as a cut through. This problem has grown over time and the Project will only make it worse. Thus, we will live with the impact of the Project. Any effort that Akridge makes must therefore be as durable as the impact and must effectively resolve the issues we raise.

We therefore request a durable solution to the problems we discussed. You said you liked the group's ideas at the June meeting. Here is a non-exhaustive list of some ideas that we believe we should discuss, singly or in combination:

- 1) building within matter of right or within matter of right with a modification for low-density retail;
- 2) physically widening Harrison Street between the Project and Wisconsin Avenue;
- 3) improving and requiring ingress and egress from the alley between WMATA and Harrison (the alley traveling from 44th Street to the east and ending at the Project);
- 4) reducing the size of the building footprint to make sure delivery trucks can have adequate ingress and egress;
- 5) expanding the size of the loading docks so that trucks have an ability to unload without parking on the street;
- 6) a bond that will be used to ameliorate foreseeable problems caused by the project and either (i) not identified by Akridge in its application or (ii) assumed not to exist in reliance on an Akridge study, submission or commitment;
- 7) more parking in the Project that reflects the likely demography of the Project residents;
- 8) an accurate representation of the number and size of the units in the building;
- 9 a smaller number of larger units to limit the number of occupants;
- 10) neighborhood veto rights over retail uses;
- 11) condominium board provisions that penalize owners for parking in the neighborhood, which would be enforceable by the condominium board upon application of any resident in the neighborhood;
- 12) shortening the building;
- 13) barrier improvements; and/or
- 14) commitments to residential parking permit restrictions and signage improvements in your letter.

We have demonstrated extraordinary flexibility, offering ideas and solutions well short of opposing the application. It would be helpful if Akridge would respond in kind with meaningful and material proposals. In this regard, we request that you withdraw your application for 60 days. We would convene a meeting of a small number of representatives from various community organizations, including the Lisner Home, the Janney PTA, SmartGrowth Coalition, Friendship Neighborhood Association, CSTO, ANC 3E and any other group, including Akridge and sit down and identify issues. We would create task forces to address and/or study each issue using empirically valid techniques.

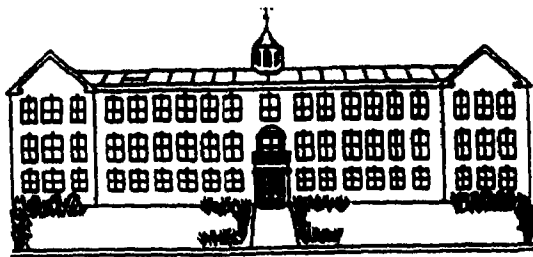
With regard to the application, it gives the impression that you are working with the community and the community has not raised significant issues about the Project. Indeed, your application is silent on almost all of our issues and many more of those raised with you by the ANC. You may recall the flip chart that Ron Goode created, documenting all the community issues. These charts constitute evidence of negative impact that you denied existed in the application. The failure to acknowledge these issues while at the same time representing Akridge has met with the community renders the Akridge application materially untrue and legally insufficient.

Akridge's study of the traffic impact of three intersections on Wisconsin Avenue is a point in fact. The community expressly identified a traffic impact on the immediate neighborhood (the area bounded by River, Western, Wisconsin and Fessenden) and we explained that concern to you at our June meeting. We asked for a study covering the immediate neighborhood. But you did not conduct that study or you did and have not disclosed it. Thus, Akridge claims to have met with the community, but in reality, the meetings only serve the purpose of allowing Akridge to represent that it met with the community and have the Commission with the erroneous impression that you have little community opposition or have resolved community concerns.

At the current time, given your application, your June presentation, your July 28 letter, and Akridge conduct to date, we oppose your application. It is therefore important that you not to portray, directly or indirectly, our discussions with you to the Zoning Commission as evidence that the community sentiment firmly against the application is beginning to erode. We stand with the vast majority of the community firmly against this project as currently proposed. We would even oppose any suggestion on your part that you are or have "worked with us." You have ignored us. We are open to you altering that position, but it is incumbent upon you to live up to your commitments to the community, our group and the Commission that you will work with the community and Akridge should provide some material community commitments that is required by the zoning regulations.

Thank you for your consideration and we look forward to your meaningful response.

ATTACHMENT 3



NEWSLETTER

Janney Parent & Teacher Association

June 13, 2006

Jenny Kletzin DiBiase, Christine Korytnyk
Dulaney, Elizabeth Levenson, editors

Newsletter submissions are due:

**Thursday at 3:15 pm to newsletter box in the office
or by e-mail to janneynewsletter@yahoo.com**
(Please no attachments to email)

Calendar

JUNE

Wed 14

LAST DAY OF SCHOOL
12:15 dismissal

JULY

Mon 17

Registration for 2006-07 school
year begins

FROM THE PTA CO-PRESIDENTS

Whew!!! This is our final letter of the year. However, we realize that there are a lot of emotions mixed into that simple little statement. On one hand, it is hard to believe that the year is already over, while on the other hand, it is hard to believe that the year is finally over! If we were octopi, then we could say how we had hoped there would have been more time to do all the things that we envisioned when we agreed to taking on our presidency, or we could argue that we cannot believe all the things that we took on during our presidency.

It is kind of bittersweet to write this final farewell to the 2005-06 school year. It has been such a wonderful opportunity to work with the innumerable committee chairs and volunteers who helped us to organize and manage a school year full of activities, fundraising opportunities, and memorable events. Many of these were done with very little input or guidance from us, and we would like to again thank all of you for your hard work and dedication. There has been so much information and change from DCPS about the vision and course of our school system that it seemed to

overwhelm all of us. It is our hope that in our next role as former PTA Co-Presidents we will be able to assist our successors in muddling through and making sense of all that DCPS is setting forth to accomplish over the coming years.

There have been many of you who have expressed your gratitude to us for taking on this duty, usually with the qualifying statement, "I don't know how you do it." We must be honest that there were many times when we, ourselves, were not sure how we were doing it. One thing that needs to be expressed is that we never felt that we were doing it alone. We were extremely lucky to have a very conscientious and quite vocal group of individuals who served on the Executive Board this year. There were many lively discussions among this group throughout the course of the year, hopefully resulting in what you view as some very positive happenings for the Janney community.

Some of these individuals need to be singled out since they will be stepping down from the Executive Board on June 30. Lisa Wackler and Carol Piwowarski have completed their two-year "President Emeritus" status after their reign as Co-Presidents in 2003-04; Glenn Williamson, who worked to make budgets understandable to the masses, is ending his two-year term as Treasurer; and Anita Seline, who had one daughter promoted from sixth grade while the other daughter was enjoying the Reading Rodeo and her son was seeking office in the Student Council and surviving fourth grade, has decided to step down from her role as Vice President. We are sure that this is not the last we will be hearing of or from these individuals in service to the PTA and to the school but would like to thank each of them individually as well as the rest of the Executive Board for quite a ride. There were some ups and downs and a few bumps along the way, but we all came out of it a little more enlightened and in most cases wanting to do it again!

We would be remiss not to thank the teacher representative to the PTA and our Co-President, Mary Osterman. She gave us a better understanding of what the teachers and staff need to do their job well and the ways that we can help them to achieve that goal. And, with both of us having children entering the fourth grade, we look forward to working alongside her to facilitate what she has taught us over the past year.

A very important thank you goes to Scott Cartland for letting us take some chances this year, providing us guidance when needed, but never letting us hang ourselves. It heartened us to see his dedication to the school and to each individual child and staff member in the building, and we would like to acknowledge that his sophomore year was a success on so many levels. A special thank you to his family for their understanding and sacrifice in accepting all the time after school hours that Scott unselfishly gives to the school.

Kudos to our families for not getting too aggravated when we had to go to another PTA meeting and for supporting our tenure by eating a few more take-out meals this year because there was something that needed to get done for the school.

Our final thank you's are reserved for the wonderful editors of the weekly newsletter. Jenny DiBiase, Christine Dulaney, and Elizabeth Levenson have created these weekly lifelines for all of our benefit and have forgiven many a missed deadline to make sure that all of us have the information that keeps the school year moving.

Have a wonderful and adventure-filled summer. It has been a pleasure and an honor to serve you this year, and we look forward to seeing everyone back for more fun in the Fall.

Melissa Torgovitsky and Elizabeth Vaden
PTA Co-Presidents

ONE MORE SOUP KITCHEN THANK YOU...

...goes to Jill Palmer for her tireless efforts in calling people to round up lasagnas, bread, green beans, ice cream, and more!

—Camille Martone

EXCITING PLANS FOR JED NEXT YEAR

As many Janney families are aware, it's been an eventful year for the Janney Extended Day (JED) program. The big news was an unanticipated move out of the Eldbrooke Church, where JED had been housed for many years, back in February. We've finished out the year in the school, thanks to great cooperation from Scott Cartland and the Janney teachers and staff.

So what's up for next year? After much time and energy spent looking for and touring potential space for the program in the immediate neighborhood, the JED Board has found a solution to JED's space needs in our own "backyard." The program will reopen at the end of August using a combination of space at Janney and Iona House across the street—a solution that best suits JED's needs for the program in terms of location, space, price, and availability.

Next year will be one of settling into our new environs and developing new programming to take advantage of the opportunities that the space provides. JED will have access to a number of special purpose rooms that will offer quiet homework and reading options as well as small group activities, special art projects, and creative games. The JED staff is also exploring new options with older JED students, who are giving their input on topics such as more challenging strategy games, scrapbooking, fundraising for field trips, and developing their own urban garden.

The JED Board is very excited about the year ahead, and greatly appreciates all that JED director Glen Sitney, assistant director Terri Carter, and the rest of the JED staff have done to help the program get through this unpredictable and sometimes challenging winter and spring.

JED enrollment is still open for the fall. If you're interested in "getting in on the action" for the 2006-07 school year, call Glen at (202) 362-2685 or visit JED's website at www.jannevextendedday.com.

—Betsy Wiramidjaja

IN THE NEIGHBORHOOD...

Kids' Rally at the White House! Friday, June 16, 9-10:30 am, Lafayette Square

Don't miss this fantastically fun activity. Here is a chance for the Young Suffragists' voices to be heard. There will be a kids' parade, speeches, and singing. (And, of course, snacks!)

We will be joined this year by staff from the National Park Service who will speak with our young ralliers about the first amendment, about their rights as protesters, and about the rules for protesting at the White House. They will also provide a little background about the protests held by the women suffragists.

Come one and come all—school is out and camp hasn't started! Come and lend your voice to help YOUR city!

Questions? Email us at youngsuffragists@gmail.com

—Jenny Smulson

Encore

If you enjoyed the Schoolapalooza concert or if you missed it, here is your chance to catch another slice of the action. Janney dads Bob Parker's and Rem Hawes' band Savage Minds will perform June 30 at the Bangkok Blues club in Falls Church, VA, at 8 pm. The band performed for free at Schoolapalooza.

Residing at 926 W. Broad St, Falls Church, VA, 22046, Bangkok Blues is well known for its Thai cuisine and live music, and has a true blues decor and ambiance. For more info, see:

savagemindsband.com/Calendar.html

bangkokbluesrestaurant.com

Hope to see you there.

—Rem Hawes

How to contribute to the newsletter

Submissions to the PTA newsletter may be emailed to JanneyNewsletter@yahoo.com. The deadline for submissions is Thursday at 3:15 pm. Since the newsletter is reviewed by several individuals prior to distribution, we need to adhere to this deadline in order to get the newsletter to you every week on time.

Also, please do not include any attachments in your email. Instead, include all text within the body of your message.

We will run notices about community or other non-Janney related events as space permits. It is the PTA's policy not to carry for-profit advertisements or classifieds. Thank you for your cooperation!

—The Editors



**DISTRICT OF COLUMBIA
PUBLIC SCHOOLS**

serving the nation's capital

JANNEY ELEMENTARY SCHOOL

**4130 ALBEMARLE STREET, N.W.
WASHINGTON, D.C. 20016**

June 14, 2006

Dear Janney Community:

I can't believe that the end of the year has come so fast. We've had an excellent school year full of wonderful activities and the students have shown enormous growth. Among the highlights this year was the implementation of Writer's Workshop and PBIS (the pawprints) as new initiatives and a return of International Night. As always, the various Arts Showcases figured prominently for the students and teachers and highlighted our dedication to The Arts.

It is bittersweet to say goodbye and thanks to Judith Block, Janie Drohan, Jen Oliva, Vaani Gupta, Lara Estomin, and Tameka Dawes. They have all served the children of Janney with passion and will be missed.

Thanks are due to all the members of the PTA Executive Committee as well as the SIT. In particular, I am indebted to Melissa Torgovitski, Elizabeth Vaden, and Jennifer Bouchard for leading these two groups so capably. The school year always brings unforeseen bumps but each and every obstacle was overcome with grace and as we view the year in our rearview mirror, it was a pretty smooth ride after all.

Don't forget that DCPS has moved up the registration period for the 2006-2007 school year. You may come in as early as July 15th to register your child(ren). As a reminder, everyone is required to come back and register and prove residency before every school year. Students in grades PK, K, 1st, 3rd, and 5th also need a physical and dental check-up. All students are required to have up-to-date immunization records. Thank you for your cooperation. First day for students next year is August 28th. The full DCPS calendar is available online at www.k12.dc.us.

On a final note, as always, please encourage your child(ren) to read this summer and don't forget that even big kids like to be read to. Sharing a love of books is the most important thing that you can do to help us.

Have a safe and fun summer!

Sincerely,

Scott Cartland

Dear Janney Families,

At the June 6th PTA meeting, members asked that we send out a letter to Janney families recapping our discussion that evening of Janney's approach to external funding opportunities, and outlining our plans for responding to such things in the future. The dialogue at the meeting touched on both the immediate issue of a presentation made on May 23rd by Janney parent Greg Beumel at a meeting called by Akridge Real Estate Services, owner of the Friendship Motors property at 5220 Wisconsin Avenue, to hear community input regarding potential amenities to be included as part of Akridge's proposed condominium project on the site; and the longer-term issue of developing a formal process for the future.^{1[1]}

With respect to the immediate issue, participants at the PTA meeting reviewed what had taken place so far. Greg, a longtime Janney parent who is very familiar with the school's physical plant needs, put together two proposals for Akridge to consider: one involving upgrades to Janney's electrical system, and the other, improvements to Janney's soccer field. Both projects suggested by Greg have been identified repeatedly over the last several years as among the physical plant requirements that Janney faces. That said, neither the PTA nor the SIT chose to formally approach Akridge to request consideration of Janney's needs in Akridge's amenities packages, or has put together any formal priority list of Janney's capital requirements this year.

As co-presidents of the PTA, we acknowledged in an email to Akridge that these two projects were important Janney needs. We also underscored that it is beyond the PTA's mission to either support or oppose development projects in the community. Nothing in our email identified the projects as the school's top priorities, or committed PTA funds to completion of any project that might be partially funded by Akridge.

As this process has played out, however, the extent of the PTA's involvement in Greg's proposal became muddled. In particular, Akridge subsequently characterized Greg's proposal as a Janney PTA request, when in fact neither the PTA nor the SIT had initiated a process to make such a decision. This was reflected in the summary of the amenities meeting posted on Akridge's website the following week. A member of the PTA Executive Board *corrected the record* in a note to Akridge the same day.

Participants in the June 6th PTA meeting were unwilling to eliminate the possibility that Janney might get funding via Akridge's amenities package, and so chose not to vote to rescind the solicitation that had already been made to Akridge. Moreover, the day after the PTA met, Akridge announced it had selected a package of benefits and amenities to be included as part of its application. Those benefits include providing \$100,000 to the PTA for the purpose of school facilities upgrades. The package noted that two requested

^{1[1]} Because the structure Akridge proposes is larger than the current zoning for the site allows, the developer must submit an application to the DC Zoning Commission. Such an application typically includes amenities for the neighborhood. Broadly speaking, amenities are often viewed as things given to the community in return for the Zoning Commission allowing a developer to build a project that goes beyond what is allowed under the existing zoning category.

uses for these funds had been identified: A) upgrades to the school's electrical service and/or B) improvements to the school's soccer field. Akridge indicated that it will continue discussions with PTA and school administrative representatives to figure out the most appropriate use of these funds.

PTA members present at the June 6th meeting were concerned that Janney does not have a clear process to guide members in using the Janney PTA name in presenting proposals that might benefit Janney. While applying for or accepting money as part of a developer's amenities package does not by itself constitute support and backing of the development project, a donor can use the name of the entities selected for receiving those amenities, which may be interpreted as indicating the entity supports the donor or the donor's project.

The SIT and the PTA Executive Board also agreed on the need for a formal statement of Janney's policy on donations and contributions. Those boards are working on a draft policy now, which will be shared with the Janney community for comment early in the next school year. Scott Cartland indicated that it is his goal as principal that, by instituting a uniform policy, Janney will avoid the perception that acceptance of a donation constitutes an endorsement of a particular donor or donor project. As outgoing co-presidents, it is our goal that this policy provides needed transparency and process.

Regards,

Melissa Torgovitsky and Elizabeth Vaden
PTA Co-Presidents

Cc: Akridge Real Estate Services

ATTACHMENT 4