

Timothy Cooper

August 12, 2005

Zoning Commission for the
District of Columbia
Office of Zoning
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

2005 AUG 12 PM 3:04

Re: Request To Waiver the Rule to Accept Filings from a Non-Party;
Opposition to Modification of Z.C. Order No. 904
Zoning Commission Case No. 98-21A
and Map Amendment at 4714-27 Wisconsin Ave., N.W.
by P.N. Hoffman, Inc.

Dear Members of the Commission:

We have been informed by ANC3E that P.N. Hoffman, Inc., acting on behalf of the Tenley Hill Condominium Unit Owners Association, is requesting that the Zoning Commission approve a so-called "minor modification" to the planned unit development ("PUD") and zoning map amendment approved for 4714-27 Wisconsin Avenue, N.W., Washington, D.C. (Square 1734, Lot 9) in Zoning Commission Order No. 904 (the "Order"), and it is our understanding that the Tenley Hill Condominium Unit Owners Association (Tenley Hill CUOA) has been cited twice by the Zoning Administrator in the past year for violations of the aforementioned Order. *See* Finding No. 29, Z.C. Order No. 904 at Page 8.

Because our property is located directly adjacent to the Tenley Hill condominium, and because we have been adversely and severely affected by the modification for the reasons enumerated below, we are requesting that the Zoning Commission waive the rule to accept filings from a non-party, and consider our reasons for opposition in making a decision in Case No. No 98-21A.

We also note that we were the neighborhood leaders who vigorously supported the Tenley Hill project in its formative stages in 1999, and helped secure widespread support for the project from our neighbors as well as local ANC3E and D.C. City Council member Kathy Patterson. We also have extensive knowledge about the causes of the operational problems in the building that are alleged to have been created by the steel and glass door mandated under Z.C. Order No. 904, and were the party responsible for filing the June 4, 2004 complaint with the Zoning Administrator against P.N. Hoffman, Inc. which has led to the recent action taken by Tenley Hill CUOA to seek a modification of the PUD.

~~Zoning Commission~~
~~District of Columbia~~

4101 Davenport St., NW Washington, D.C. 20016 202.361.0989

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ZONING COMMISSION
District of Columbia
CASE NO. 98-21A
EXHIBIT NO. 4

Assuming that our request to waive the rule to accept filings from a non-party has been granted, we offer a brief history of the circumstances that have led Tenley Hill CUOA to request a modification of Z.C. Order No. 904.

1. Background Information on Placement of HVAC Condensers Which Created Operational Deficiency in Building

Prior to the issuance of Z.C. Order No. 904, P.N. Hoffman, Inc. made assurances to the neighborhood, as detailed in their construction drawings, that its extensive network of over thirty HVAC condensers necessary to the efficient and effective operational functioning of the condominium/retail air-conditioning system would be placed on the building's 65-foot high rooftop to avoid any sound nuisance issues that would arise should they be placed elsewhere on the grounds. Based in part on this assurance we encouraged neighborhood, ANC and D.C. Councilmember Kathy Patterson's support for the project.

However, toward the end of the construction phase of the project, P.N. Hoffman, Inc. discarded its original condenser rooftop placement plans and re-located over 25 large HVAC condenser units into the closed and unventilated commercial garage space, with an additional seven units being situated in public space outside on the north end of the building. (Recently, the Public Space Management Administration issued a "cease and desist" order to Tenley Hill COUA to remove the HVAC condensers from this location.)

P.N. Hoffman, Inc claimed the reason why the HVAC condensers had to be re-located was because the U.S. Park Service insisted that the penthouse structure be moved away "from the edge of the project closest to Fort Reno Park." This resulted in an 800 square feet reduction in the penthouse structure and limited the available space for housing the HVAC condensers on the roof. *See* Finding No. 28, Z.C. Order No. 904, Case No. 98-21C, Page 7.

Faced with the prospect of further reducing the size of the penthouse condominium unit to accommodate the condensers— which would have significantly affected P.N. Hoffman's profit from the sale of a smaller penthouse unit— or find other, less advantageous, locations for the condensers, P.N. Hoffman, Inc chose the latter course and decided to place over 25 heat-generating air-conditioning condensers in an enclosed and unventilated garage space.

This proved to be a huge mistake, both in terms of compromising the engineering integrity of the condo's air-conditioning system and forcing P.N. Hoffman, Inc, to struggle with creating a hopelessly jerry-rigged system, including using dozens of small rotating fans, for cooling the massive amounts of heat generated by so many condensers running 24 hours a day in a completely inappropriate space.

The consequences for the neighborhood have been enormous. First and foremost, P.N. Hoffman chose to cut gigantic exhaust vents on the 41st Street/Davenport Street side of the building to remove the extremely high heat from the garage as well as install

gigantic fans to try to create airflow inside the garage. As a result, the fans have created a very serious noise nuisance problem for the neighborhood. In both summer and fall months, the blower fans run 24/7 and exceed permissible noise limits in the daytime by almost 15 dB levels and at night by almost 20 dB. (P.N. Hoffman has twice been cited for Housing Violations for impermissible noise levels. The last citation was issued by DCRA on July 6, 2005.)

In addition, we and neighbors living in the Tenley Hill complex are disturbed by the noise levels generated by the placement of the HVAC condensers outside of the garage. Unfortunately, several engineering attempts have been made by P.N. Hoffman to mitigate the sound level and disturbance issues associated with the ill-advised placement of the condensers in these locations, but no efforts to date have been successful. Our children find it very, very difficult to sleep because of the incessant noise; it has ruined the neighborhood atmosphere and the streets now sound like an industrial park instead of a D.C. residential neighborhood.

2. **P.N. Hoffman's Reasons for Modifying Z.C. Order No. 904 are Insubstantial; And Even if Granted, They Would Not Remedy Design Flaws in the Current Garage-Based HVAC Condenser Units System**

It is our contention that no engineering plan is capable of mitigating these problems because it will not be possible to ventilate the garage area sufficiently in light of the enormous levels of heat generated by the condensers while at the same time eliminating the noxious noise created by the gigantic fans operating constantly in the garage, even with the modification made to the commercial garage door. To date, every effort by P.N. Hoffman to accomplish this end, even with the surreptitiously installed garage door in place, has failed. We believe that the only solution to effectively and finally resolve this issue is for P.N. Hoffman, Inc. or the Tenley Hill COUA to place the condensers on the rooftop, where they were originally intended to be, or for them to install a city water-cooling system in the complex. **The HVAC condensers were never intended to be placed in an enclosed garage space for good reason— the scheme doesn't work.**

We do not accept P.N. Hoffman, Inc.'s contention that a modification of the Z.C. Order No. 904 will correct the operational deficiencies in the building "created by the door" previously approved by the Commission. That door did not create the "operational deficiencies" in the building; rather it was P.N. Hoffman, Inc.'s problematic choice to relocate the HVAC condensers to an entirely unsuitable place that has produced the building's current operational deficiencies.

Nor do we accept P.N. Hoffman's premature claim that even if the open, grille door is permitted it will serve "to maintain acceptable ambient air temperatures for normal operation of the HVAC condenser units" in the garage. That conclusion is based on the operation of the condenser units during last year's usually cool summer. Moreover, it would now appear that P.N. Hoffman, Inc. will be forced to move an additional five very large HVAC condenser units occupying public space on the north

side of the building into the garage as a result of the “cease and desist” order that according to Denise Wiktor, Public Space Manager of the Public Space Management Administration of the District Department of Transportation, will soon be issued because P.N. Hoffman, Inc. has illegally placed “refrigeration units” in public space without coming before the Public Space Committee. According to Public Space Management, the Committee rarely, if ever, permits refrigerant units in public space. Adding these five major condensers to the mix in the garage will make it virtually impossible to control the interior garage heat under P.N. Hoffman Inc.’s open-grille door theory, even if it was permitted to retain the open-grille door.

Further, P.N. Hoffman’s claim that the grille door “has eliminated complaints about excessive noise” from the occasional opening and closing of the garage door has merely been replaced by far more vociferous complaints from both Tenley Hill condominium occupants who live near the exhaust vents and from neighborhood residents who are subjected to deafening noise levels 24/7, making a quiet, peaceful day in the neighborhood a relic of the past.

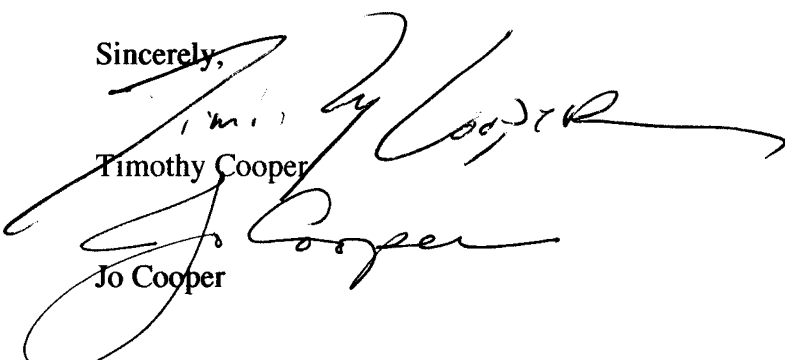
While P.N. Hoffman claims that the “existing open grille door is compatible with the design of the building”, that it will “maintain continuity along the Wisconsin Avenue façade of the project”, it is hard to understand how an open-grille door that looks cheap and tacky and completely out of place and has no architectural antecedent anywhere on the building or avenue can be described in such terms. At night it looks like Cyclops’ eye, exposing the grim interior of the garage with all its howling condensers. In the day, it looks just plain junky. It certainly isn’t compatible with the elegant design of the building as was required by the Order. *See Exhibit 1.*

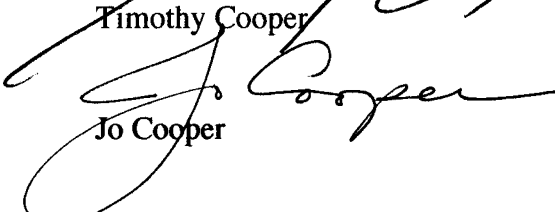
Moreover, no amount of paint could possibly create “an aesthetically pleasing appearance” that will compliment “the character of the building.” Plain paint splashed over rough concrete walls, exposed day and night to Wisconsin Avenue by an open-grille door is hardly an aesthetic match for a façade of cool green steel and frosted glass that has a certain elegance and sophistication equal to no other building on upper Wisconsin Avenue. P.N. Hoffman’s claim that painting the concrete inside the garage area will significantly improve the “quality of life for residents and tenants of the building” is arguably disingenuous.

Finally, P.N. Hoffman’s assertion that the ¼ inch aluminum grille door will provide more protection against “terrorist acts... directed at civilians” than the frosted glass door, and that the efficiency of the opening and closing mechanism of the open-grille door will “maintain the safety of residents” at a level exceeding that of the opening and closing mechanism of the frosted glass door is simply untrue. Any terrorist intent on attacking the Tenley Hill condominium or any other building anywhere in the world for that matter would not be deterred by a rolling open-grille aluminum garage door of little protective value. P.N. Hoffman Inc.’s implication that it be granted the right to modify its PUD because of potential “terrorist acts” is, at best, questionable.

In closing, we believe that P.N. Hoffman should not be rewarded for surreptitiously changing out the steel and frosted glass garage door approved in the Z.C. Order No. 904, and being permitted to leave in place a different door that has created serious problems of a different nature. The approved PUD door is NOT the problem. The problem stems exclusively from P.N. Hoffman's choice to re-locate the HVAC condenser units from the roof to the garage solely for reasons of increasing profit. Local residents should not have to be subjected to intolerable noise levels and design inconsistencies and incompatibilities because P.N. Hoffman, Inc. made a serious engineering miscalculation. Instead, the approved door should be restored and P.N. Hoffman, Inc. should be forced to do the right thing by their neighbors and their tenants and re-locate the dozens of condensers to the condominium rooftop where they were originally intended to be placed. Short of that, P.N. Hoffman, Inc. should install a city water-cooling system in the building, eliminating the need for the air-cooled condensers altogether. Both recommendations have been made to P.N. Hoffman by engineers consulted on this matter.

Sincerely,


Timothy Cooper


Jo Cooper

Enc: Exhibit 1



Exhibit I- 4725 Wisconsin Avenue, NW - Garage Door, Night