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August 30, 2001

BY FACSIMILE & FIRST CLASS MAIL

BZA
Case No. 16740
Exhibit No. 72

John Patrick Brown, Jr., Esquire
Greenstein DeLorme & Luchs, P.C.
1620 L Street, N.W.
Suite 900
Washington, DC 20036

Re: BZA Application No. 16740
2989 Arizona Avenue, N.W.
Our File No. 092056.0001

Dear Pat:

My clients, the Chain Bridge Road/University Terrace Preservation Committee and the Palisades Citizens Association, met with Mr. Jacobsen on August 27 for a presentation by him of proposed changes to his house designed for 2989 Arizona Avenue N.W. Mr. Jacobsen's presentation centered on modifications to the proposal submitted in the application to the Board of Zoning Adjustment May 4, 2001. In summary, the proposed changes to the house would eliminate a 14' x 14' portion of the footprint of the proposed residence and lower the structure 6 vertical feet (Mr. Jacobson also offered to move the structure to either the north or south side of the property). The presentation did not include a reforestation plan or any additions to the revised landscape plan of June 26, 2001.

Upon careful consideration of Mr. Jacobsen's presentation and revised plans, my clients have concluded that his modified proposal does not present a basis for discussion at this time. In essence, it offers only minimal changes to a proposal that, as we have already made clear, does not meet the requirements of the Tree and Slope Protection Overlay District of June 14, 1999 and is not acceptable to the community. The presentation continues to reflect the view that because numerous protected trees were illegally removed and no longer are standing, the developer

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District of Columbia
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should now be free to develop the site as he wishes. We do not believe this is a tenable position with respect to the TSP Overlay District.

As we have stated, my clients are open to discussion of any reasonable proposal. However, as I am sure you will agree, no solution should place the developer in a better position than he would have been had he chosen to obey the law. In order to merit serious consideration, my clients believe any proposal must address the following criteria in accordance with the Tree and Slope Overlay Regulations:

1. Fully reflect the limitations inherent in the site prior to the illegal clear-cutting;

2. Accommodate those pre-existing limitations in the design and siting of the principal structure and in the extent and placement of impervious surfaces;

3. Include a comprehensive landscape plan that fully reflects the number of legally and illegally removed trees; provides for replacement specimen trees of indigenous species; enhances topography of the site, and is contextually harmonious with surrounding landscape and properties; and

4. In all other respects achieves the purposes of the Chain Bridge Road/University Terrace Tree and Slope Protection Overlay.

As you know, this property may not currently be developed as a matter of right. My clients will carefully consider a proposal that reflects a good faith effort to meet the criteria stated above.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Richard B. Nettler

cc: Ms. Judith Lanius
Eleanor Robert Lewis, Esq., Chair, ANC 3D
Ms. Sherri M. Pruitt, Board of Zoning Adjustment
Ms. Maxine Brown-Roberts, Office of Planning

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FROM: Richard B. Nettler

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TO: John Patrick Brown, Jr.
Judith Lanius
Ms. Sherri Pruitt
Ms. Maxine Brown-Roberts
Eleanor Robert Lewis

DATE: August 30, 2001

FILE NO.: 092056.0001

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