

17679

PARTY STATUS APPLICATION

Notice: See other side of party status form for instructions.

NAME: Last Werner First Jack Middle I. F.

ADDRESS: Street 6908 Willow St. N.W. City Washington DC State Zip Code 20012

Phone No. 202 882-2908 Fax No. 202 547-0111 E-Mail jfwerner@climate.org

I, hereby request to appear and participate as a party. Signature Jack Werner Date October 19, 2007

Will you appear as a(n) [] Proponent [X] Opponent Will you appear through legal counsel [] Yes [X] No

If yes, please enter the name and address of such legal counsel.

NAME: Last BOARD OF ZONING ADJUSTMENT First District of Columbia Middle I.

ADDRESS: Street CASE NO. 17679 City State Zip Code

Phone No. EXHIBIT NO. 26 E-Mail

Please answer all of the following questions referencing why the above person should be granted party status. (If you require additional space, please attach an additional sheet.)

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board? Our property will be affected by (a) flooding (b) traffic and street parking, (c) an absentee landlord with a record of letting properties deteriorate and an influx of transient population, (d) crowding of existing homes, noise, and taking away green space.

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee) Owner

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.) Less than 200 ft.

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied? Developer is not living in the neighborhood and has no incentive to ensure there are no long term adverse social and economic affects on existing home owners.

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied. Please see Attachment 1, Testimony regarding application of Semal's TP Land LLC. Please see Attachment 2, petition

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.

We are long time (over 25 years) residents in the block and along with our neighbors who are also owners and will be directly impacted economically, environmentally by the proposed zoning action as

Board of Zoning Adjustment District of Columbia CASE NO. 17679 EXHIBIT NO. 26

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ATTACHMENT 1 to Party Status Application, Board of Zoning Adjustment, Case No.
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10/10/07

**Historic Preservation Review Board Meeting: Douglas Development
Proposal/Willow & Maple Site--HPA #07-015**

February 22, 2007

Good Morning, Mr. Chairman and Members of the Historic Preservation Review Board, for the record my name is Jack Werner. My wife, Carol, and I have resided at 6908 Willow St. NW for over 25 years.

We have been long time members and served on the Board of the Takoma DC Neighborhood Association (formerly, Plan Takoma) as well as engaged in Historic Takoma and other DC and Takoma Park, MD associations. Carol, Executive Director of the Environmental and Energy Study Institute, and I, Senior Associate of the Climate Institute, have been interested and involved in historic preservation programs for a long time, and professionally we work nationally and internationally with associations such as the American Planning Association and the American Institute of Architects, federal, state and municipal governments, and community organizations regarding 'smart growth' design and sustainable community planning programs in the context of historic preservation. I am a technical and policy advisor to the above mentioned entities regarding sustainable community development, renewable energy technologies, 'green' buildings, and emergency management and have written numerous articles and been the managing editor and co-author of publications such as, Cities and Counties: Thinking Globally, Acting Locally-Sustainability in Action, Local Government Sustainable Buildings Guidebook: Environmentally Responsible Building Design and Management, and Greening the Fleet.

I am testifying on behalf of Carol and myself as well as a significant number of neighbors who have serious reservations about the proposed project. I have personally talked one-on-one with over 30 families in the immediate affected neighborhood. These families had signed a petition last year opposing Jemal's Takoma Park Holdings, L.L.C. seeking to rezone the property and have indicated their willingness to sign another petition opposing the current proposal. However, we are asking that the Board suspend approval of the current proposed project for the open space until there has been a more collaborative effort by the developer to work with the neighbors and the HPO staff for a project that addresses the issues listed below and clearly demonstrates compliance with D.C. Law 2-144, Section 2 and with regard to the bungalows, Section 5a. The two Jemal applications are related, and we understand that there is still a lot to be done regarding the staff's recommendation on reconstruction of the bungalow at 6926 Willow St. NW and going through the final process to begin to reconstruct and relocate the three bungalows.

Historical Background of Our Neighborhood

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When we moved into the neighborhood the open space site was as it is today except for two large trees that have died and a beautiful Crepe Myrtle (current plan does not address keeping this tree) that has continued to grow and flowers in the middle of the site. The related three bungalows on the northern end of the site were in good repair. In the past 25 years, after some initial development proposals were floated by the then owner, the 7th Day Adventist Church, the property was sold and has changed hands a few times. During that time there was a zoning designation change from R-1-B to R5A of which we and our current and past neighbors were never notified; we would still like to know when and how that happened without neighborhood input. This was again raised during the development of the Takoma Central District Plan, January 2002—Goal 3: New Development should be ‘neighborhood-driven’ in scale and approach.

Within the past 10-15 years we were aware of the deterioration of the three bungalows and often brought it to the attention of the owners as well as DC Government officials. We were not notified by the owner about their application on August 24, 2006 to relocate the bungalows; however in the past two-three years we had talked with them about (a) how the properties were deteriorating, (b) concerns about their housing temporary transient workers, and (c) loitering and crime. We are disappointed that Section 5a of DC Law 2-144 was not enforced and still feel that it should be. Also, given the Board’s current approval for the relocation of the 3 bungalows, we would like to know if the letter was sent that you, Mr. Boasberg, asked to be drafted and sent to Mr. Jemal indicating that HPRB would not approve additional properties until staff examined other historic properties owned by Jemal and see their condition. In December, I had been told by staff that there would be no action on the current application regarding the open space until work progresses on the relocation of the bungalows.

Issues of Compatibility and Compliance in accordance with DC Law 2-144 and District of Columbia Historic Preservation Guidelines for New Construction in Historic Districts

Historic District:

- **Scale**—The current proposed development does not respect the prevailing scale of houses in our block including the three bungalows. A three+ story two building complex of 80 apartments does not maintain the historical character of what is left of our block and abuts our homes; this site had been the space for 6 modest size houses on small lots. We are recommending that detached or semi-detached homes be built. Or, at a minimum if the existing proposal goes forward there should be fewer units such as only one or two stories on the south end and more green space.
- **Massing**—The two apartment complexes do not respect the massing of current homes including the three bungalows.

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- **Proportion**--With regard to windows, doors, and facade there have been improvements as noted by staff, but there is a need for more improvements.
- **Height**—The height of the two buildings and their elevator shafts do not respect existing heights of residential homes in the two blocks and detracts from the character of the homes in the two blocks.
- **Roof Shapes**—The roof shape of the two apartment buildings does not respect those of the houses in the neighborhood and is not in keeping with the existing character of the residential homes.
- **Landscape Features**—The construction of the two massive buildings and paved parking spaces will exacerbate the problems with the current high water table and storm water drainage and threatens the dwellings in this historic district. Given the current flooding problem in the 3-4 block area, a hydrologic impact study should be a prerequisite before any further development of open spaces in our neighborhood. Flooding occurs with only 1-2 inches of rain and there appears to be no ability to handle extreme precipitation as experienced with the 15 inches of rain in June 2006. With regard to plants and trees and other landscape features, the existing mature Crepe Myrtle should be retained as well as some of the plants, and as per the staff report, there needs to be more attention to ‘green space’ and the landscape plan. The proposed project’s green space is primarily in conjunction with the yards of the three bungalows, and there is very little green space because of the mass of the two buildings and the extensive parking lot.

Conclusion

We are not in agreement with HPO’s recommendation to approve the conceptual site plan, scale, height, and massing for the reasons listed above. This area of the historic district has already absorbed a very high number of recently built apartment/condo developments and more are under construction (the total number is over 600). The proposed project abuts single family homes and is not right next to the Metro. This area needs a range of housing types, and townhouses would be more appropriate, provide greater density than single family homes, and be more in keeping with the historical character of the area. We are in agreement that the applicant should work with HPO and the community on further developing the proposal and return for another review when appropriate.

Attached is an Addendum that depicts many of the questions raised by neighbors which have not been addressed regarding the development of this site. We are aware that many of the issues are appropriate to and will be brought up if and when a conceptual plan for this site is presented to the Board of Zoning Adjustment; however, these questions do have a bearing on the decision of this Board, and we hope that you will take them under advisement.

Thank you for the opportunity to comment, and I will be happy to answer any questions.

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Addendum

Attachment #1

**Historic Preservation Review Board Meeting: Douglas Development
Proposal/Willow & Maple Site**

February 22, 2007

We as residents in the neighborhood have the following concerns:

Historic District:

Questions:

- Some developers are quite good in thinking about the neighborhood, vision of the community for the next 50 plus years and about what is done in the neighborhood overall as the residents of the neighborhood are the ones who will have to live with it. Is the development proposal being driven by maximum profit at the public expense?
- If the developer is concerned about the neighbors and the neighborhood, why have the three existing bungalows been left to deteriorate and at times house temporary transient workers?
- What level of restoration will be done to the bungalows? Are they to be sold for fee simple ownership, turned into condos, or rented out?
- Scale – How will the new proposed development maintain the historical character of what is left of our block and which abuts our homes. This site is about 2 acres and a space that had 6 modest size houses on small lots; is an 81 apartment complex too much in-fill for this space and this neighborhood given all of the other projects that have been built or are underway in the immediate vicinity?
- Is the developer examining the existing storm water drainage problem in the neighborhood, and how this project will help eliminate it and not add tremendously to it? Will the HPR Board and appropriate DC agencies ensure that this project will correct and not exacerbate the drainage problem and threaten dwellings in the historic designated area?
- Are the developer and appropriate D.C. Government Offices viewing the proposed development in the context of the overall commercial/residential development (from the past five years to the next ten years) activity within even a 4-5 block radius of this proposed development; and, if so, (a) how much residential and commercial development is there going to be, (b) will the infrastructure be able to support it, and (c) is this going to significantly alter the 'uniqueness' of the DC Takoma neighborhood?
- What kind of design to minimize energy and water use and noise related to the HVAC system for both the tenants and neighbors?
- What thought is being given to the project helping deter crime in the neighborhood rather than increasing vulnerability to crime?

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- Is the development project going to protect and improve the ‘quality of life’ of the current residents; also, how will it impact property value?
- What is the developer’s commitment to “green building” on this space?
- What will the impact on the neighborhood be of having rental units and thereby introducing a more transient population into the neighborhood?
- Why has Douglas chosen to develop apartments as opposed to single family homes or condos?
 1. In light of the softened housing market, what assurance can be given that the units will be fully rented?
 2. Does Douglas consider the surrounding area (Comment: light industry, less aesthetically pleasing) an impediment to building single-family town homes?
 3. Is Douglas taking into account the context in which this site exists? (i.e. Liquor store close by, truck garage on one side, non-residential on the other.) In other words, is the fact that Willow Street is not a ‘strong’ street a factor in what they are able to pursue?

Traffic & Parking:

How will the new development affect traffic on Willow, Maple and Carroll?

How will the proposed development improve or diminish (a) traffic congestion, (b) pedestrian walkways, (c) parking in our neighborhood, (d) pollution, and (e) public outdoor recreation space?

More specifically:

- Traffic congestion and Parking – is there a projection of the daily number of vehicles to be in the neighborhood in the two block area where residents have about 15 vehicles, and there is (a) little or no on-street parking and (b) the streets are usually one-way traffic when cars are just parking on one side of the street; therefore, traffic and parking are already a problem, is DC Government doing a traffic analysis?
- Pedestrian walkways – there are currently very limited sidewalks on either Maple or Willow St, how is this being addressed?
- Pollution – (a) with any projected number of vehicles (light to heavy duty) the air quality will diminish; (b) the proposed development will increase noise pollution 24/7 and most likely more rodents (this is already a problem); (c) the proposal will affect water pressure and quality as well as runoff (this is already a problem); how are these items being factored into the proposal?
- Green space – how much green space is going to be available? Green space being preserved is mostly related to the lots of the three relocated bungalows.
- What traffic calming and routing measures can be included to mitigate the impact of additional residential traffic (i.e. speed bumps, one-way entrances and exits)?

- What can be done to address the issue of extended parking (i.e. people leaving their cars for days at a time)?

Land Use & Environment:

1. What steps have been taken, or are contemplated, to coordinate this development with other development proposals in the area? Have the developers talked to each other?
2. Now that several proposals are on the table, what steps have DC agencies and planners taken to make sure that it “all fits together” in terms of overall neighborhood development?
3. What steps will Douglas take to correct drainage problems on the site and mitigate the adverse impact of runoff from the development?
4. Has any consideration been given to the impact of development on air quality?
5. Has Douglas considered including a community garden? How about a green roof or other elements of sustainable design?
6. What steps can be included to mitigate the effects of noise from the site (e.g., the servicing of the dumpster on the CVS site creates a large amount of noise)?
7. What steps can be taken to mitigate the adverse impact of the construction period on the neighborhood?


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October 2007

Attachment #2 Case# 17679

We, the undersigned residents of Takoma, Washington, D.C., are opposed to Jemal's Takoma Park Holdings, L.L.C seeking special exception to sections in 11 DCMR by th Board of Zoning Adjustment for the property in the central portion of the square bounded by Maple Street, N.W., Carroll Street, N.W., Willow Street, N.W., and Sandy Spring Road, N.W. Further, we feel that the intent to construct approximately two multiple dwellings/apartment complexes on the Subject Property negatively impacts on the historic designation of the neighborhood and does not fit into the neighborhood.

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