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February 7, 2008

To Be Sent Via Fax and US Mail

Hon Ruthanne Miller, Chair
Board of Zoning Adjustment of the District of Columbia
One Judiciary Square
441 4th Street, NW
Washington, DC 2001

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DC OFFICE OF ZONING

RECEIVED

Re Case #17679, Jemal's TP Land LLC
6923-6953 Maple St , N W & 6916-6926 Willow St , N W

Dear Chair Miller and Members of the Board

We were unable to attend Tuesday's public hearing. However, we want to ask for your help in making certain that the developer lives up to his commitment.

During Advisory Neighborhood Commission 4B's (ANC 4B) October 25 public hearing and discussion on this case, Paul Millstein, the developer's representative, told ANC 4B that the developer will put covenants on the historic bungalows to require that they are for residential use only. This would mean that the bungalows could not be converted into offices or other businesses and can only be used as homes. (ANC 4B's October 25, 2007 adopted minutes and November 5, 2007 transmittal letter are attached.)

One of us (ANC 4B02 Commissioner Faith Wheeler) referred to this commitment during her November 13, 2007 testimony to BZA. (Hearing transcript pages 223 -225 are attached to the fax.)

The historic homes that are being moved will go on smaller lots than their single-family neighbors and are very close to and in direct view of what will be a denser and noisier community. They will be less desirable as single family homes than other single family homes in the community and there will be pressure to convert them into small businesses. This has happened in Silver Spring and in other parts of Takoma and Brightwood where larger and denser apartments are adjacent to single family homes.

Mr. Millstein testified before the Commissioners of ANC 4B that he recognizes this potential problem, and said he will prevent it by placing the restrictive covenants on the bungalows and the land they will sit on. This is the kind of "community friendly" promise that has moved my colleagues on ANC 4B to support the project, and we appreciate it.

However, to our knowledge, the covenants have not yet been placed on the land, despite many telephone conversations and emails during the past three months. (Copies of emails are attached to the fax.)

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17679

EXHIBIT NO. 45

Board of Zoning Adjustment
District of Columbia
CASE NO. 17679
EXHIBIT NO. 45

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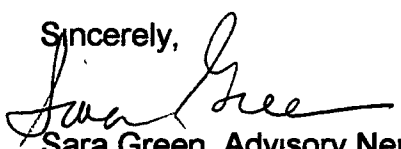
Hon Ruthanne Miller
February 7, 2008
Page Two - Case #17679

So, we therefore ask that the Board ask Mr Millstein to comply with the commitment and delay issuing its Findings of Fact and Order until the covenant is placed on the land If that is not possible, please accept this letter as a formal request for a reconsideration of your order We would like to have a discussion before the Board about the covenants

We are making this request as Commissioners who do not live within the Single Member District where the project is located, but represent the communities adjacent to the site that are part of the Takoma Historic District We are concerned about this issue because it affects the viability and integrity of the Historic District.

Many thanks for your help and for your written response

Sincerely,



Sara Green, Advisory Neighborhood Commissioner 4B01
7106 Piney Branch Road, NW
Washington, D C 20012
Tele 202 829-8802 Email, ANCSaraGreen@yahoo.com

Faith Wheeler (signature signed w/ approval of FW)

Faith Wheeler, Advisory Neighborhood Commissioner 4B02
818 Whittier Place, NW
Washington, D C 20012
Tele 202 882-7565 Email. fewdcc@gmail.com

cc

- Hon Marc D Loud, Vice Chair, Board of Zoning Adjustment
- Hon Mary Oates Walker, Member, Board of Zoning Adjustment
- Hon Shane L Dettman Member, Board of Zoning Adjustment
- Hon Douglass Sloan, Chair, Advisory Neighborhood Commission 4B
- Hon Judi Jones, Advisory Neighborhood Commissioner 4B07
- Hon Tersh Boasberg, Chair, Historic Preservation Review Board
- Ms. Anne Brockett, Office of Historic Preservation
- Mr Timothy Dennee, Office of Historic Preservation
- Ms Sabrina Baron, Historic Takoma, Inc.
- Mr Jack Werner
- Mr. Paul Millstein
- Mr Clifford Moy, Secretary, Board of Zoning Adjustment

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Advisory Neighborhood Commission 4B

6856 Eastern Avenue, N.W.

Washington, D.C. 20012

November 5, 2007

Ms Ruthanne G Miller, Chair
Board of Zoning Adjustment of the District of Columbia
441 4th Street, N W , Suite 210 South
Washington, D C 20001

RE Douglas Development, 3357 Square - *BZA Case No. 17679*
6923-6953 Maple Street, N.W & 6916-6926 Willow Street, NW

Dear Chair Miller

Advisory Neighborhood Commission 4B held a public meeting on October 25, 2007 at the 4th District Police Station, 6001 Georgia Avenue, N W. The meeting was advertised properly and a quorum was present for all votes

We discussed the proposal before you for special exceptions to construct apartments at 6923-6953 Maple Street, N.W. and at 6916-6926 Willow Street, N.W We heard presentations from Mr. Millstein, a representative of the developer, Douglas Development, and the developer's attorney, and the project's architect

Mr Millstein noted that Douglas made several design changes since its last presentation before ANC 4B, including providing a wider public walkway through the project He said that the developer will put covenants on the historic bungalows to require that they are for residential use only

We also heard from Mr Jack Werner, a nearby resident who objects to the project due to massing and environmental concerns, among others Mr Werner showed us a petition signed by about 20 of his neighbors who agree with him

In a 6-2 roll call vote, the Commission adopted Commissioner Jones' motion to support the Douglas Development request. Voting "yes" to the motion were Commissioners Frederick Grant, Blondine Hughes, Gloria Palmer, Judi Jones, Yvonne Jefferson and Douglass Sloan Commissioners Sara Green and Faith Wheeler voted "no "

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#17679

Re Douglas Development (Square 3357)
Ms Ruthanne G. Miller
November 5, 2007
Page Two

Here is the adopted resolution

"In the matter of Douglas Development at 3357 Square, ANC 4B states the following

WHERE AS Douglas Development has consistently negotiated with HPRB about their project and kept the Takoma community informed and involved

WHERE AS the special exceptions are a result of a request from the community and HPRB to preserve, renovate, and move the historic houses on the lot

WHERE AS the Douglas Development has fully immersed itself into the community during community events, hosting meetings and gatherings making Douglas Development a part of the Takoma community and will continue to participate in the community

WHERE AS Douglas Development has stated that they will participate in the continued streetscape improvement in and around the Takoma metro station

WHERE AS Douglas Development and HPRB have properly informed the affected ANC (4B07) in a timely manner of all matters dealing with the development

BE IT THEREFORE RESOLVED, ANC 4B approve the special exceptions for the Square 3357 matter-of-right development and the affected ANC 4B07 commissioner represent ANC 4B in all matters dealing with this development "

Thank you for your consideration in this matter

Sincerely,



Blondine Hughes
Chair
Advisory Neighborhood Commission 4B

cc The Commissioners of Advisory Neighborhood Commission 4B

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BZA Case #17679
See Page Two

Minutes - October 25, 2007
ADVISORY NEIGHBORHOOD COMMISSION 4B
Adopted - November 8, 2007

The meeting began at about 7 10 p m. at the 4th District Police Station Community Room, 6001 Georgia Avenue, NW, Chair Blondine Hughes (ANC 4B05) presiding

Also present were Commissioners 4B01 Sara Green, 4B02 Faith Wheeler, 4B03 Frederick Grant, 4B06 Gloria Palmer, 4B07 Judi Jones, 4B08 Yvonne Jefferson, and 4B09 Douglass Sloan A quorum was present for all votes

Actions

1 In a show-of-hands vote on a motion by Commissioner Grant, the agenda was unanimously accepted, with several changes

Two items were added. Commissioner Grant asked to add a presentation from a representative from the Fugitive Safe Surrender Program and Chair Hughes asked to discuss the election for the vacant 4B04 seat

Four items were deleted Commissioner Wheeler asked to delete the votes and discussions on HPA #07-458, a request to raze the garage on 413-415 Butternut St NW, and the addition to the New Testament Church, 400 Butternut St., NW She explained that the church is still working on its design Commissioner Green asked to delete HPA #446, the rear addition at 504 Fern Place, NW She also asked to delay, until the November 2007 public meeting, a discussion and possible vote on ANC 4B's notification problems with the Historic Preservation Review Board

2 In a unanimous show-of-hands vote, the Commission agreed to Commissioner Palmer's motion and adopted the minutes from the September 27, 2007 public meeting

3 In a 7-0-1 show-of-hands vote, the Commission agreed to Commissioner Palmer's motion to grant \$4,000 to the Friends of Emery (Recreation Center) for uniforms for the Emery Divas Cheerleading Team Commissioner Hughes explained that she is using the full \$2,000 earmarked for ANC 4B05 grants, and that Commissioners Grant (4B03) and Palmer (4B06) were each contributing \$1,000 of the grant funds available for their SMDs

Emery Divas Coach Brenee Taylor-Burke explained that the group has 40 girls, but only parts of 10 uniforms The D C Department of Recreation will not pay for uniforms, she said The grant would pay for 30 complete uniforms and would buy pieces to complete the existing ten uniforms A complete "Pee Wee" uniform costs \$95 and a complete "Senior" uniform costs \$150 The uniforms will stay with the team when current members leave, the coach said

4 In a 6-2 roll call vote, the Commission adopted Commissioner Jones' motion to support the request of the Douglas Development Corporation for special exceptions to build two apartment buildings (about 76 units in total) on Willow and Maple Streets, NW (BZA Case Number 17679)

(more)


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Adopted Minutes - October 25, 2007
ADVISORY NEIGHBORHOOD COMMISSION 4B - page two

Voting "yes" to the motion were Commissioners Grant, Hughes, Palmer, Jones, Jefferson and Sloan Commissioners Green and Wheeler voted "no "

The Commission heard presentations from Mr Paul Millstein, a representative of the developer, Douglas Development, the developer's attorney, and the project's architect

Mr Millstein noted that Douglas made several design changes since its last presentation before ANC 4B, including a wider public walkway through the project. He said that the developer will put covenants on the historic bungalows to require that they are for residential use only. 

The Commission also heard from Mr Jack Werner, a nearby resident who opposes the project due to massing, drainage and environmental concerns, among others Mr Werner showed the Commission a petition signed by about 20 of his neighbors who agree with him He also said that Douglas allowed the bungalow homes to decay to the point where one home has to be dismantled He said that he is one several neighbors who have filed as opposing parties in the case

Commissioner Grant said that neighbors who are concerned should have attended the Commission's meeting

Commissioner Jones said that Douglas Development representatives worked with the community, met with neighbors, and adjusted the proposal to try to address concerns

Commissioner Green noted that, for the record, ANC 4B rents office space from Douglas Development

The Commission adopted the following resolution, as moved by Commissioner Jones,

"In the matter of Douglas Development at 3357 Square, ANC 4B states the following

WHERE AS Douglas Development has consistently negotiated with HPRB about their project and kept the Takoma community informed and involved

WHERE AS the special exceptions are a result of a request from the community and HPRB to preserve, renovate, and move the historic houses on the lot

WHERE AS the Douglas Development has fully immersed itself into the community during community events, hosting meetings and gatherings making Douglas Development a part of the Takoma community and will continue to participate in the community

WHERE AS Douglas Development has stated that they will participate in the continued streetscape improvement in and around the Takoma metro station

(more)

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Advisory Neighborhood Commission 4B

WHERE AS Douglas Development and HPRB have properly informed the affected ANC (4B07) in a timely manner of all matters dealing with the development

BE IT THEREFORE RESOLVED, ANC 4B approve the special exceptions for the Square 3357 matter-of-right development and the affected ANC 4B07 commissioner represent ANC 4B in all matters dealing with this development.

5) In a unanimous show-of-hands vote, the Commission adopted Commissioner Green's motion on the ANC 4B04 vacancy The adopted motion states that "ANC 4B is not announcing the election for the ANC 4B04 seat at this time due to the knowledge that candidates are challenging the Board of Elections and Ethics practices and the problem with the deadline for submission of petitions falling on the Columbus Day holiday, a day when the office was closed "

6) In a unanimous show-of-hands vote, the group agreed to Commissioner Wheeler's motion to adjourn The meeting adjourned at about 9 30 p m

Reports and Discussions

1) Treasurer Palmer distributed the draft Third Quarterly Report (April, May, June 2007) and Fourth Quarterly Report (July, August, September) 2007

The draft Third Quarterly Report shows an opening balance of \$42,880 16 and disbursements of \$6,115 42, with a closing balance of \$31,363 57 The draft Fourth Quarterly Report shows an opening balance of \$31,363 57 and disbursements of \$6,042 79, with a closing balance of \$25,300 78. No action was taken to accept the reports Treasurer Palmer asked the Commission to review them

2 MPD Officer Heather Straker spoke about a series of purse snatchings that are targeting Spanish-speaking and Ethiopian women She introduced Captain Theresa Weedon, newly assigned to the 4th District, who will help oversee PSAs 01, 02 and 05

3 A representative from the Fugitive Safe Surrender Program described the program, which will run from November 1 through November 3 at the Bible Way Church, 1100 New Jersey Avenue. The program is designed to give those with outstanding warrants for nonviolent crimes an opportunity to speak to an attorney and a judge

4 D C City Council Members Muriel Bowser and Phil Mendelson, along with D C Department of Youth and Rehabilitative Services Director Vince Schiraldi and Whittier Elementary School Principal Dr Nicole Clifton, discussed ways to address on-going problems with youth and car theft and answered questions Earlier this year several people were seriously injured in front of the school when struck by a car driven by a young adult with teenage passengers

(more)

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Adopted Minutes - Advisory Neighborhood Commission 4B
October 25, 2007 - Page 4

The group discussed possible solutions, including tougher penalties, speed humps, and better programs for those at Oak Hill, the institution for young offenders. Council Members Bowser and Mendelson asked to return to ANC 4B to discuss proposed legislation.

Commissioner Jones asked that the minutes include her objections to the timing of the discussion of this item. She asked to change the order of the agenda so representatives from the Douglas Development Corporation could speak first, noting their need to leave early. Chair Hughes said the agenda had been adopted and denied Commissioner Jones' request.

5 Commissioner Grant said that the D C Board of Alcoholic Beverage Control has ruled that Safeway can sell beer and wine at its store at 6500 Piney Branch Rd, NW and that the sale would begin in January. Richard Holzsager, of Piney Branch Rd, NW, said there is a request for reconsideration and the Board's decision is not final.

6 Commissioner Sloan said he is investigating bulk mailing costs.

7 Commissioner Hughes said she visited the Lamond Branch Post Office and saw immediate improvements in the service. Two windows were staffed and pens and pencils were available to customers, she reported.

— Submitted by Sara Green, Secretary

YAHOO! MAIL

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BZA #17679

Subject: RE Historic Bungalows at Willow/Maple Street Project

Date: Tue, 22 Jan 2008 14:47:37 -0500

From: "Paul Millstein" <PMillstein@douglasdev.com>

To: "Sara Green" <ancsaragreen@yahoo.com>

CC: "Faith Wheeler" <fewdcc@aol.com>, "Faith Wheeler" <fewdcc@gmail.com>, "Jack Werner" <jfwerner@climate.org>



I will check with Chip and let you know



Paul Millstein

Douglas Development Corporation

702 H Street Suite 400
Washington, DC 20001

202 638 6300 phone
202 638 0303 fax

pmillstein@douglasdev.com

From: Sara Green [mailto:ancsaragreen@yahoo.com]
Sent: Tuesday, January 22, 2008 1:48 PM
To: Paul Millstein
Cc: Faith Wheeler, Faith Wheeler, Jack Werner
Subject: Historic Bungalows at Willow/Maple Street Project

Hello Mr Millstein

Would you please contact me with a status report on the covenants for the historic bungalows on the Willow/Maple project? It's important that we have these in place

Many thanks --- Sara Green, 202 829-8802

Sara Green, ANC 4B01
See my website
<http://ANCSaraGreen.org>

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CLASSIC

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Date: Sat, 29 Dec 2007 13 17 47 -0800 (PST)

BZA #17679

From: "Sara Green" <ancsaragreen@yahoo.com>**Subject:** Covenant - Bungalows**To:** "Paul Millstein" <pmillstein@douglasdev.com>**CC:** "Jack Werner" <jfwerner@climate.org>, "Faith Wheeler" <fewdcc@aol.com>, "Faith Wheeler" <fewdcc@gmail.com>, "Sabrina Baron" <sbaron@starpower.net>, ljpearsall@aol.com

Hello

Could you give us an update on the covenant to be placed on the historic bungalows (and their land) that would limit their use to residences only?

I realize that you have been away, but we've been talking about the covenants for several months, so it is important to get them filed as quickly as possible. Also, I would like to have a copy of the document, and I'm sure that HTI would also like to see them as well.

Thank you, and have a happy New Year — Sara Green

Sara Green, ANC 4B01
See my website
<http://ANCSaraGreen.org>

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BZA #17679

1 member of this Commission and one of the two
2 who voted against the plan, the proposal.

3 MS. BEMAN: Good afternoon. My
4 name is Ann Beman. I live at 6808 Laurel
5 Street, which is on a block adjacent to this
6 block in question. I've lived there for 15
7 years.

8 I would like to note that there
9 was another neighbor here also in opposition.
10 she was here at nine o'clock this morning and
11 apparently had to leave. It's sometimes
12 difficult to do what we need to do to speak up
13 and be heard about what our wishes are.

14 CHAIRPERSON MILLER: What's her
15 name for the record.

16 MS. BEMAN: Colette Zerle. I
17 believe she was on the petition that Jack
18 Werner gave you.

19 CHAIRPERSON MILLER: Okay.

20 MS. BEMAN: Do you want to go
21 first?

22 MS. WHEELER: Sure, okay. I do

1 want to certainly acknowledge the several
 2 incarnations that have been made of this
 3 proposal, and the accessibility of Paul
 4 Millstein for those who can and who are not
 5 traveling considerably on their job, as Jack
 6 Werner is. I know how difficult that is, and
 7 you do have to keep your job. So that's a
 8 main priority, needless to say.

9 And I certainly appreciate the
 10 considerations and the changes that have been
 11 made in this particular incarnation, for
 12 example, widening the public walkway, let's
 13 see, decreasing the number of units, in fact,
 14 from 80, which was the number approved by
 15 HPRB, and placing covenants on the three
 16 bungalows.

17 I do want to emphasize that. That
 18 was something that was particularly
 19 emphasized, and I do want to be sure that that
 20 is going forward and that it will be done.
 21 That is covenants to restrict them to
 22 residential use in the future.

1 That is a concern because just up
2 several blocks from us we see the effect of
3 large buildings going up in a formerly
4 residential area, which are now nail salons
5 and funeral homes and that sort of thing. And
6 that does happen. It's not just somebody's
7 imagination. It does happen, and we do
8 steadfastly want to maintain the residential
9 character of our community.

10 I do want to emphasize as I said,
11 I guess, initially that I am speaking as a
12 private citizen in this particular case. As
13 you know, probably know, the area around the
14 Metro station was down in the heels for a
15 long, long time, at least three decades, which
16 is about when I moved in 29 years ago, into
17 Takoma. I've been in D.C. since 1962. I
18 chose to live in D.C. and then I chose to live
19 in Takoma because of its character.

20 And I want very much to maintain
21 the character and make it, of course, much,
22 much more attractive and welcoming as well,

J. 15/14

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1 which is part of the reason why I moved there,
2 moved here.

3 I want to, I think, point out
4 three issues that I think need a little bit
5 further explanation. One, the point that
6 Maxine Brown-Roberts in the Office of Planning
7 made about the 305 housing units that the
8 Planning Office indicated in the Takoma
9 Central Plan in 2002, which was then picked up
10 by the Takoma transportation study in 2003,
11 projecting that that would be the number
12 attained by the year 2012.

13 Right now in the year 2007 we have
14 411 units, that is, 411 either built or
15 approved to be built. So the number is
16 marching on, and that does not include, in
17 fact, the 86 townhouses that were approved by
18 the WMATA Board of Directors this past
19 Thursday. It still has another step to go
20 specifically with the FTA since it is also
21 federally financed, the WMATA --

22 CHAIRPERSON MILLER: is it your