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November 26, 2003

CHRISTOPHER H. COLLINS
202-457-7841

Internet Address:
Chris.collins@hklaw.com

BY HAND

D.C. Zoning Commission
441 – 4th Street, N. W.
Room 220 South
Washington, D.C. 20001

2003 NOV 26 P 12:35

Re: Zoning Commission Case No. 03-24 –
D.C. Kalorama Group

Honorable Members of the Commission:

On behalf of the Applicant, this letter is in response to the request made by the Commission at the public meeting of November 12, 2003 to specifically identify the recipients of the $90,000 fund earmarked by the Applicant for public benefits to the community. After the Zoning Commission's public meeting, and at the request of the Applicant, ANC 2D conducted an accelerated process to solicit, collect and evaluate applications for funding from community groups. The ANC then made several timely recommendations to the Applicant.

The Applicant wishes to thank ANC 2D for establishing and conducting a process to collect and evaluate proposals for the public benefit funding, and then making recommendations to the Applicant. After full evaluation of the ANC recommendations, the Applicant has determined to distribute the $90,000 as follows:

1. Friends of Mitchell Park, Inc. (FOMP) - $75,000.

FOMP is comprised of volunteer members of the local community, who have been working cooperatively with the D.C. Department of Parks and Recreation and the Department of the Interior for the last several years to renovate and rehabilitate Mitchell Park, a neighborhood park located within the boundaries of ANC 2D. Mitchell Park is bounded by 23rd and S Streets and Bancroft Place, N.W. in Sheridan Kalorama. Renovation work is ongoing, but during the budget phase several key portions of the plan

ZONING COMMISSION
District of Columbia
Case 03-24
Exhibit 41

ZONING COMMISSION
District of Columbia
CASE NO.03-24
EXHIBIT NO.41

were eliminated. This grant will serve to restore several of those items which were eliminated, as follows:

(a) $50,000 - This portion of the grant will be used exclusively for the purchase of six (6) circular teak benches to be placed in a quiet reading area, a setting that has previously not been available in the park. The total base cost of the benches is $24,132 ($4002 per bench). In addition, two (2) circular teak tree benches would be purchased and installed at a cost of $20,000 ($10,000 per bench). Some modifications from the standard sizes must be made by the manufacturer to fit the designated spaces. Modifications and delivery fees will bring the total cost of these benches to $50,000.

(b) $25,000 – This amount will be used exclusively toward the purchase and installation of a poured-in-place safety surface on the playground. This state of the art surface has been adopted by the National Park Service for use in playgrounds in federal parks. The District has not yet adopted this as a standard surface, and instead continues to use mulch. The safety surface is more expensive to install, but less expensive to maintain. The bid for the purchase and installation of the safety surface is $51,200. The Applicant's $25,000 grant will be matched by a grant from the Interior Department, thus yielding $50,000 to be used for that purpose.

The availability of matching funds for this project from the Department of the Interior actually increases the total value of the grant to FOMP from $75,000 to $100,000.

This grant to FOMP is consistent with Section 2403.13 of the D.C. Zoning Regulations. Specifically, the park is within ANC 2D and there is a clear public policy relationship between the PUD proposal and the off-site benefit. The PUD will add up to six (6) residential households in the Sheridan Kalorama community. The renovation and restoration of Mitchell Park will provide opportunities for active and passive recreation for all residents of ANC 2D, including the future residents of the subject property. In addition, while "open space" on the subject site (albeit private open space) is being replaced with new construction, the existing public open space in Mitchell Park is being enhanced for the enjoyment of the entire community.

2. Sheridan Kalorama Call Box Restoration Committee ("Committee") - $15,000.

The Committee was formed in response to a program called "Art on Call", sponsored by the D.C. Heritage Tours and Coalition, the D.C. Commission on the Arts and Humanities and the Downtown Business Improvement District, to identify, protect, renovate and reuse the City's fire and police call boxes throughout the City. The call boxes themselves have been removed, but the call box stands continue to exist. In this program,

DCDPW will repair, strip and paint existing police and fire call boxes, and the Heritage Tourism Coalition will, in its own words, coordinate community efforts to convert these structures into "true neighborhood icons . . . turning this historic street furniture into showcases for the unique history and culture of" the various communities throughout the District. Attached hereto is a description of the Art on Call program, as well as an article which appeared in The Washington Post describing the program.

The Committee has inventoried the sixteen (16) police and fire call boxes in ANC 2D, and plans to restore them in connection with this program. The theme chosen by the Committee is a historic walk through Sheridan Kalorama. The program envisions the installation of art work on the exterior, together with historic documentation within the area formerly occupied by the call box itself, to convey a sense of the history of the Sheridan Kalorama community.

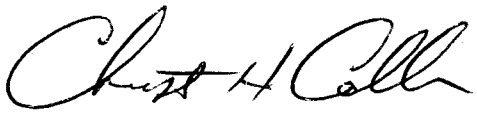
The Committee is in the early stages of this effort, and is currently in the process of identifying and retaining an artist for this purpose. The program provides a grant of $250 per call box, and this money, together with the grant by the Applicant herein to be used exclusively for this purpose, will provide the Committee with the necessary funds to begin this unique community effort. Additionally, these funds will help to empower this new community organization, serving a goal specified by the ANC and endorsed by the Applicant - motivating more members of the community to participate in its stewardship and future well-being.

This proposal is also consistent with Section 2403.13 of the Zoning Regulations, in that all of the call boxes to be restored are in ANC 2D, and there is a clear public policy relationship between the PUD proposal and the off-site benefit. Specifically, the existing historic building on the subject property played an important role in the history of the community, and the building will be undergoing a complete renovation under the auspices of the HPRB, to return the building to its original residential use. Historic preservation is an important part of this PUD project, and the Sheridan Kalorama Art on Call program is a unique and innovative way to promote an appreciation of the historic aspects of this community.

Attached hereto are letters to the two organizations, countersigned by the appropriate individuals, agreeing to accept the funds for the purposes enumerated herein. If the Commission approves these two organizations as appropriate recipients of the funds as outlined herein, the Applicant will deliver the funds for these purposes. Because of the likelihood that the Applicant's Lender may not fund this public benefit until after the building permit is issued for the condominium building, the Applicant requests that the Commission condition the approval upon delivery of the funds within a certain period of time after issuance of the building permit for the condominium building, (e.g. 60 days), or for ease of enforcement, that the delivery of funds be made a condition of issuance of the Certificate of Occupancy for the condominium building.

Respectfully submitted,

HOLLAND & KNIGHT LLP

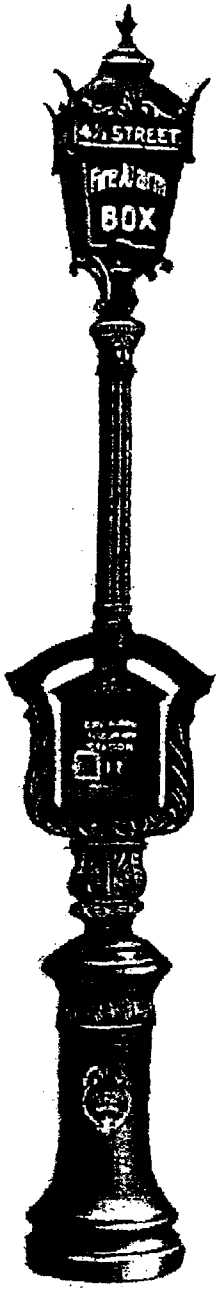


Christopher H. Collins

CHC/skp
Enclosures

cc: Sandy Permutter, ANC 2D 01
MaryEva Candon, ANC 2D 02
Betsy Santalarsci, President
Friends of Mitchell Park, Inc.
D. Philip Baker, Chair
Sheridan Kalorama Call Box Restoration Committee
Heidi Li Feldman

1140751_v2



Art on Call!

Request for Proposals

Historic Washington's Fire & Police Call Box Project

DC Heritage Tourism Coalition's
Plan for Rejuvenation and Neighborhood Involvement

Introduction

In response to citywide enthusiasm, the DC Heritage Tourism Coalition (DCHTC), the DC Commission on the Arts and Humanities (CAH), and the Downtown Business Improvement District are working to identify, protect, renovate, and reuse the city's fire and police call boxes, which are currently abandoned and deteriorating.

The Department of Public Works will repair and strip lead-based paint from the call boxes, and HTC will coordinate community efforts to convert the boxes into true neighborhood icons. The DCHTC encourages established, non-profit neighborhood groups to participate in Art on Call, turning this historic street furniture into showcases for the unique history and culture of your community.

The Art on Call call boxes will link art and history. Artists will decorate the box exteriors and historians will provide documents for the interiors such as old photographs, quotes from long-time residents, poems that capture the spirit of the place, or notes on historic events or personalities.

Step One:

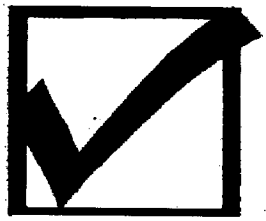
Inventory Your Boxes!

The first step in saving call boxes is a neighborhood survey of existing boxes. Your survey will identify the location and type of call boxes and whether a box is already 'adopted' by local schools or others. Many non-profit neighborhood groups have already surveyed their call boxes, so check with callboxes@aol.com to see if a group is currently working with the program and is in need of additional help, artists, historians, or individual box adoptions.

Next, organize interested local citizens, artists, and those who know the community's history to plan which boxes you'd like to adopt and how they can best reflect the spirit and history of your neighborhood.

It is estimated that some 1,500 boxes remain within the city limits. They have been found in all quadrants of the city.

Organizations can obtain a copy of the standardized survey form in Microsoft Excel format by contacting **callboxes@aol.com**, by calling 202-661-7581, or writing to the DCHTC at 1250 H Street, N.W., Suite 850, Washington, DC 20005. Or visit: **dcheritage.org** !



Step Two:

Complete the Attached Form to Request Funding!

Beginning in the spring of 2002, the Art on Call Review Committee of artists, historians, and civic leaders will meet three times annually – in the fall, winter, and spring – to evaluate proposals and release up to $250 per call box to non-profit participating organizations.

We will supply a simple, small brass plaque appropriate in size for a Call box that will include the DCHTC and the CAH names and a blank area for local funders, community organization names, or contact information for you to customize and apply to the Call Box. Plaques will not necessarily be integral to the design, but rather encouraged to be applied to the base or other inconspicuous area of the box.

Funding Criteria

The committee looks for high quality, creative proposals that reflect the history and spirit of their specific neighborhoods. The committee will give preference to parties willing to adopt a series of boxes. Proposals will be judged on the basis of:

Artistic Quality. Including personal artistic vision, relation to the site or neighborhood, unique design and lasting material.

Historical Accuracy. Interest, relationship to the historic and/or current neighborhood culture, quality of vintage photographs, and relevance to local political, social, cultural, economic, or architectural elements.

Durability and Appropriateness of Materials. Maintaining the integrity of the call box form; attachments are possible only if they enhance rather than detract from the call box design.

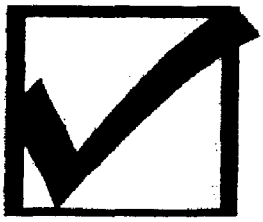
Specific Requirements:

DCHTC has obtained permission from the Department of Public Works and others to be able to allow citizens to work on the call boxes. The existing fire and police call boxes are owned by the city of Washington and require individual public space permits with proper myriad approvals if work on the boxes is performed outside this program.

Funds dispensed through this program have been raised by a variety of funding entities, all of whom require that funds be awarded to an IRS certified 501 c (3) non-profit organization.

Funds up to $250 per box are available for materials, artist, historian, or other documented project fees. A match of this amount is expected from in-kind services (donated time) or actual cash match from local entities.

Submitting organizations should demonstrate a community outreach program has taken place to involve and inform community residents about the program.



Step Three:

Funding Form!

Please submit this application form to the DCHTC along with plans, sketches, illustrations, slides, or other materials that will properly convey your Call Box design. Submissions need not be fancy or to scale, but should convey to the Review Committee your overall scheme or theme, individual box design, and historic inclusion: text, photocopied images of vintage photographs, or similar material.

Contact Paul Williams, Art on Call Program Manager, at **Callboxes@aol.com** if you have any questions with regard to submitting materials, or to request a graphic version of a Police or Fire Call Box on which you can construct your submission. You can also request an electronic version of this form!

We are dedicated to making this a simple application process!

It is acknowledged that some neighborhood groups are submitting funding requests for certain numbers of their total boxes that might not include all boxes at this time: subsequent submittals are allowed for remaining groups of boxes!

Review of submissions will take place three times per year, so you can submit any time!



City Heritage,

Hidden in Plain View

Activists Want to Remove Rust, Put Old Street Alarm System to New Use

By D'Vera Cohn
Washington Post Staff Writer
Thursday, January 17, 2002; Page DZ06

A century ago, they were neighborhood lifelines to the firehouse and the police station, but now most are battered or rusted hulks. Soon, though, hundreds of former D.C. police and fire call boxes will be resurrected as exhibits of local culture and history.

After cleaning and priming, they will be turned over citywide to neighborhood groups will transform them into funky works of art, micro displays about bygone days or other interesting "street furniture."

The city recently awarded a contract to Unity Construction to remove lead paint from 500 salvageable boxes and apply primer, probably turning them temporarily gray. The one-year, $255,000 contract also includes relocating 25 boxes and compiling a list of call box locations throughout the city. Work is to begin this spring.

"They are a little bit of history in everyone's backyard," said Dan Tangherlini, the city's transportation director, whose department awarded the contract.

The contract capsyears of effort by a local history coalition and a downtown business group. The call box backers persuaded the city to abandon efforts two years ago to remove the boxes and instead seek bids to renovate them. The first proposal for bids received no takers, which stalled work for months.

"Some neighborhoods have wanted to do it for 20 years," said Paul K. Williams, the project's chief evangelist for the D.C. Heritage Tourism Coalition. "I've been to 40-some neighborhoods across the city, and no matter where I've been, I haven't had any resistance to this."

No one knows how many call boxes are left, but about 800 have been included in a survey by the coalition, an umbrella organization of local history groups that is coordinating the project. The coalition is trying to promote tourism and pride in neighborhoods outside the monument district, and Williams noted that call boxes are scattered through the city, with the exception of the Palisades neighborhood, where all are believed to be gone.

Except for San Francisco, most big cities removed call boxes soon after the introduction of a 911 emergency phone system, Williams said. But for many years, the District lacked money to remove its boxes systematically. Some have been ripped out by road contractors, builders or errant cars.

Williams said about two dozen neighborhood areas, roughly two-thirds of the city, have signed up to participate, and he expects that more will do so now that the cleanup contract has been awarded. To fix up the boxes, neighborhood groups can apply for $250 to $500 grants, which they must match with money or labor. The money, a grant from the D.C. Council on the Arts and Humanities, will pay to salvage 150 boxes a year.



The results will range from the traditional to the avant-garde, in keeping with each neighborhood's self-image. Some will use the boxes to display poems by residents. Some boxes will highlight local history. The most typical use, Williams said, will be a historic neighborhood photograph and caption placed inside the frame of the box.

Capitol Hill is the most ready-to-go neighborhood, Williams said. The Capitol Hill Restoration Society has identified 10 boxes as starters and has specific projects in mind for each.

The idea, said Nancy Metzger, chairman of the society's historic district committee, is to "introduce elements of the neighborhood history that tend to get forgotten" as well as "revitalizing these wonderful little pieces."

On Eighth Street SE, for example, a box will include a bas-relief sculpture of Benjamin Latrobe, the Capitol architect who also designed the main gate at the Navy Yard. Will Fleishell, a federal artist, has done a wood prototype of a Latrobe call box that includes engraved tobacco leaves and corn, which were among Latrobe's signatures.

A box at Pennsylvania Avenue and Seventh Street SW will honor an elementary school formerly on the site of Hine Junior High.

A group from the U Street neighborhood will also try to emphasize bits of history beyond the more familiar themes of Duke Ellington, the Lincoln Theater or Howard University.

With 17 call boxes available, the idea is to mention "scarce, obscure facts" that offer a perspective on how the neighborhood has changed, said Tania Shand, a Capitol Hill staffer and coordinator of the U Street Call Box Project.

"For a lot of the folks who are doing this, it is a kind of a thrill," she said. "One person found there was a small baseball field on Westminster [Street]. Go figure! Who knew?"

On a larger scale, the downtown Business Improvement District has plans to restore 50 call boxes within the area bounded by 16th Street NW, Interstate 395, Massachusetts Avenue and Constitution Avenue. Half of the boxes are in place, and the rest will be imported from other neighborhoods.

The tentative plan is to have one box for each of the 50 states, "a way to find a touch of home in Washington," said Anne-Marie Bairstow, the Business Improvement District's director of transportation and special projects.

The business group had planned to use the boxes as an outdoor fire museum featuring vignettes, people or famous fires, but that idea may be reconsidered because of the attacks of Sept. 11. Bairstow said the group is eager to start work quickly.

The city's first fire call boxes were installed in the 1860s, with police boxes following two decades later. They were often installed on ornate poles, and all were equipped with gas lamps on top. By the mid-1920s, there were 1,500.

Fire boxes, which were painted red, were activated by a lever that dialed a number that was unique to the fire station and told the truck operators where they needed to go. Police boxes, painted blue, had similar levers that allowed the public to report emergencies, but they were also equipped with rudimentary telephones. Officers used them to check in with the station while making neighborhood rounds.

Call box use dwindled as home telephone service spread. The fire boxes were destroyed or abandoned after the city's 1968 riots. By the mid-1970s, when the 911 system came into use, police boxes became history, too.

Now, the boxes are often unnoticed, blending into the streetscape. Older D.C. residents remember what they were used for, but others have no idea.

Still, Williams said, the project's organizers want to ensure that there is no confusion or misunderstanding about the boxes' purposes when they are restored.

"We have to make it look not too much like a call box," he said, because the city does not want a situation where "someone runs to it in trouble and opens it and finds a piece of artwork inside."

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November 25, 2003

CHRISTOPHER H. COLLINS
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Internet Address:
Chris.collins@hklaw.com

VIA E-MAIL

Ms. Betsy Santalarsci, President
Friends of Mitchell Park, Inc.
2210 Wyoming Avenue, N.W.
Washington, D.C. 20008

Re: Zoning Commission Case No. 03-24
2126 Wyoming Avenue PUD and Rezoning

Dear Ms. Santalarsci:

On behalf of the Applicant in the above-referenced Planned Unit Development Application, this is to confirm that the Applicant will grant to Friends of Mitchell Park, Inc. the sum of $75,000.00 to be used solely for the following purposes:

1. $50,000.00, to be devoted exclusively to the purchase of six (6) circular teak benches and two (2) circular teak tree benches for installation in Mitchell Park, plus necessary modifications to the standard sizes of these benches in order to fit the designated spaces in the park, as well as costs for shipping and delivery of the benches.

2. $25,000.00, to be devoted exclusively toward the purchase of a safety surface for the playground area, in lieu of the standard mulch surface that is typically used by the Department of Parks and Recreation. It is our understanding that this $25,000.00 grant will facilitate a matching grant of $25,000.00 from the Interior Department for this safety surface. These funds together will cover almost 100% of the cost of the safety surface for the playground area.

These funds will be delivered to FOMP within ninety (90) days after completion of the PUD process and recordation of the PUD covenant in the land records of the District of Columbia. Upon receipt of the funds, FOMP will execute an acknowledgement of receipt, which the Applicant will then deliver to the Zoning Commission to indicate delivery and acceptance.

Please indicate your concurrence by signing a copy of this letter in the space provided below, and returning it to me by fax by close of business on Tuesday, November 25, 2003. My fax number is 202-419-2737.

Very truly yours,

Christopher H. Collins

CHC/skp

CONFIRMED:

FRIENDS OF MITCHELL PARK, INC.

By: Betsy Santalarsci
Betsy Santalarsci, President

Date: 11-25-03

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CHRISTOPHER H. COLLINS
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Internet Address:
Chris.collins@hklaw.com

November 25, 2003

VIA E-MAIL

Mr. D. Philip Baker, Chair
Sheridan Kalorama Call Box Restoration Committee
2126 Connecticut Avenue, N. W.
Apartment 34
Washington, D.C. 20008-1729

Re: Zoning Commission Case No. 03-24
2126 Wyoming Avenue PUD and Rezoning

Dear Mr. Baker:

On behalf of the Applicant in the above-referenced Planned Unit Development Application, this is to confirm that the Applicant will grant to the Committee the sum of $15,000.00 to be used solely for the restoration of police and fire call boxes within the boundaries of Advisory Neighborhood Commission 2D, as part of the city's Art on Call project, under the auspices of the D.C. Heritage Tourism Coalition and the D.C. Commission on the Arts and Humanities.

These funds will be delivered within ninety (90) days after completion of the PUD process and recordation of the PUD covenant in the land records of the District of Columbia. Upon receipt of the funds, you, on behalf of the Committee, will execute an acknowledgement of receipt, which the Applicant will then deliver to the Zoning Commission to indicate delivery and acceptance.

Please indicate your concurrence by signing a copy of this letter in the space provided below, and returning it to me by fax by close of business on Tuesday, November 25, 2003. My fax number is 202-419-2737.

Very truly yours,

Christopher H. Collins

CHC/skp

CONFIRMED:

SHERIDAN KALORAMA CALL BOX
RESTORATION COMMITTEE

By: D. Philip Baker
D. Philip Baker, Chair

Date: November 25, 2003

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