KNOLLWOOD NEIGHBORS

Stephenson Lane ♦ 29th Street ♦ Tennyson Street ♦ 29th Place ♦ 28th Place ♦ Oregon Avenue
Nebraska Avenue ♦ Rittenhouse Street

October 26, 2004

By Hand Delivery

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 Fourth Street, N.W. – Suite 210S
Washington, D.C. 20001

Re: Knollwood Military Retirement Residence Application No. 17055 (Square 2339, Lot 3), PROPOSED CONDITIONS OF BZA APPROVAL

Dear Chairman Griffis and Members of the Board:

At the October 12, 2004 rebuttal hearing in this case, the Army Distaff Foundation/Knollwood ("Knollwood") and Knollwood Neighbors ("Neighbors") reached a basic agreement regarding the construction and landscaping of Knollwood's proposed addition of an Alzheimer's unit and an apartment complex, which has since been signed by both parties.

Neighbors understand this Development Agreement ("Agreement") is being submitted to the Board of Zoning Adjustment ("BZA") by Knollwood as the BZA considers the terms of its Order regarding the above-mentioned application. Neighbors also understand that Knollwood is submitting proposed conditions to be included in this Order. Neighbors concur with the proposed conditions with two caveats.

First, and most importantly, Neighbors note that this Agreement supports the construction plans that were submitted by Knollwood on October 12, 2004, but does not endorse the landscaping plan, that include the meandering wall, which is referred to either in Exhibit Number 130 and/or 155. As the direct testimony of our expert arborist, Keith Pitchford, discussed, the meandering wall contained in Knollwood's landscaping plan may seriously compromise effective screening

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of the building and may also endanger deciduous trees that are part of the Rock Creek Park ecosystem.

Accordingly, Neighbors request that the BZA avoid any endorsement of the flawed landscaping plans and instead provide in the forthcoming Order that further improvements in landscaping are necessary to mitigate any adverse impacts from Knollwood's project on the surrounding environment and on neighboring properties. Specifically, Neighbors request that, instead of referring to the landscaping plan that has been submitted by Knollwood, the following language, taken from Section 3 of the Agreement, be included in the BZA's forthcoming Order in this case:

> "Screening, preservation of existing mature deciduous trees, and landscaping are important conditions of our approval. We note that the parties have agreed to the following terms, and incorporate these terms into our Order:
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> a. Transplanted screening trees are especially vulnerable during the initial years after transplantation, and planting screening trees in locations exposed to sunlight is an essential condition for the success of transplantation, as well as their long term viability. Therefore, Knollwood shall place transplanted screening trees in locations that minimize potential damage to all mature deciduous trees in woodlands and green buffer identified as preservation candidates.
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> b. Knollwood shall use its best efforts so that screening trees at time of installation shall be of sufficient height and quantity to fully screen the view of the building
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> c. Knollwood agrees to consult, in a timely manner, with the Neighbors' designated arborist in all material aspects of the landscaping, including, but not limited to, the planting of screening trees between the building and Stephenson Lane and 29th Street, and Tennyson; establishing the height and variety of trees (and other landscaping materials); the placement of new trees and other landscaping material; supervising the planting of screening trees; preserving existing mature deciduous trees during construction, and maintenance and replacement of landscaping after construction. Knollwood will consult with the arborist in determining a reasonable landscaping budget and maintenance frequency and procedures to maintain the new landscaping and replace new landscaping that has died. This will be designated as a separate line item in the Knollwood budget. Knollwood Neighbor's arborist is permitted to observe the implementation of the landscaping on site.
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> d. Knollwood agrees to maintain the existing berm to the extent possible between Stephenson Lane, 29th Street, and the new building. To this end, the building shall be constructed according to the plans submitted to the BZA on October 12, 2004. Construction and landscaping plans shall also include appropriate construction and tree protection techniques, identified by Knollwood's landscape architect (in consultation with Knollwood Neighbor's arborist), so as to protect the berm and newly planted trees. In addition, Knollwood shall take appropriate measures necessary to protect existing, mature, deciduous trees during

construction. Singled out for special protection shall be the large white oak tree and the weeping cherry tree on the 29th Street side of the berm. Knollwood's landscape design architect will work with the Knollwood Neighbor's arborist to ensure no major, mature trees are unintentionally lost as a direct result of construction.

e. After construction, the frequency of maintenance and maintenance procedures, especially those pertaining to transplanted trees, shall be determined in consultation with Knollwood Neighbors' designated arborist."

We appreciate your consideration of these conditions, which we believe will help protect the environment in the neighborhood surrounding Knollwood.

Second, in order to avoid confusion and duplication of efforts by the parties to the Agreement, Neighbors request that the BZA acknowledge that the Advisory Committee suggested by the ANC is the Liaison Committee established in the Agreement to facilitate communication between Knollwood and Neighbors, as well as the other communication and dispute resolution mechanisms contained in the Agreement.

Sincerely,

/s/

Larry Fenster

Larry Fenster
President

cc: ANC 3/4G
General Donald Hilbert
Paul Tummonds
Richard Nettler
Jeannine Rustad

PROPOSED CONDITIONS OF BZA APPROVAL OF BZA APPLICATION NO. 17055

For the reasons stated above, the Board concludes that the applicant has met its burden of proof. It is hereby ORDERED that the application is GRANTED, subject to the following CONDITIONS:

1. The project will include an addition to the existing continuing care retirement community on the property consisting of 25 new dementia/Alzheimer's units accommodating 27 residents, 22 new independent living units, the creation of a new vehicular emergency entrance/exit and vehicular right turn only exit for residents of Knollwood onto Tennyson Street, and revised parking facilities, which shall be constructed in accordance with the plans and materials submitted into the record as Exhibit Numbers 130 and 155.

2. The new building addition, parking area, and vehicular emergency entrance/exit and vehicular right turn only exit for Knollwood residents onto Tennyson Street shall be screened from neighboring properties by the planting of trees and landscaping, consistent with the plans and materials submitted into the record as Exhibit Numbers 130 and 155.

3. The Tennyson Street vehicular access point shall be restricted to: (a) ingress/egress by emergency vehicles if access at Oregon Avenue is temporarily blocked and (b) right-turn-only egress by Knollwood residents. Appropriate methods shall be used to restrict the capability of non-emergency vehicles to turn left onto Tennyson Street or to use this entrance while proceeding from west to east along Tennyson Street. The Applicant agrees to remove the right-turn-only capability of the exit at such time as a

stop sign is erected by the District Department of Transportation at the intersection of Oregon Avenue and Tennyson Street.

4. The Applicant shall establish an Advisory Committee composed of representatives of the community surrounding Knollwood including, but not limited to, (a) one representative from the ANC, (b) one representative each from Stephenson Lane, 29th Street, Tennyson Street, Rittenhouse Street, Nebraska Avenue and 28th Place or 29th Place, (c) and Knollwood's Executive Director or a representative of the Executive Director. The Advisory Committee shall meet on a regular basis to discuss and to make recommendations concerning construction operations and the operations of Knollwood impacting the community.

5. No blasting shall be permitted on the property.

6. The Applicant shall include noise abatement measures in the general design of the building, including providing sound absorbing material in the wall section of the mechanical penthouse.

7. The number of residents shall not exceed 318 persons.

8. The Knoll House shall continue to be used for administrative purposes and staff residential use.

VOTE:

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Decision and Order.

ATTESTED BY: _____

JERRILY R. KRESS, FAIA

Director, Office of Zoning

FINAL DATE OF ORDER:_____