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Board of Zoning Adjustment
District of Columbia
CASE NO. 17276
EXHIBIT NO. 22A3

Street Traffic Studies, Ltd.

MEMORANDUM

January 31, 2005

To: Richard B Nettler, Esq.
Robins, Kaplan, Miller & Ciresi, LLP

From: Stephen G. Petersen, P.E.

Subject: Dunmarlin Traffic Report - Prepared by Gorove/Slade & Associates, Revised January 13, 2005

At your request, I have reviewed the traffic report prepared for the proposed Dunmarlin development on two separate occasions. The first report was prepared in October 2004. In response to this report I submitted to the developer a series of observations that are included in the Appendix of the current report along with the consultant's responses. With the release of the second report I have again reviewed it for content and an adherence to generally accepted practice with regard to traffic impact studies.

Overall, I believe the revised version of the report describes the effect on traffic of the proposed Dunmarlin development in an accurate and professional manner. I concur with the findings and believe the proposal to allow trips generated by the existing development along W Street and Foxboro Place to access Foxhall Road via Dunmarlin is appropriate and desirable. Such a connection provides an alternative path for the residents on these two streets who wish to go south on Foxhall Road and avoid the conflicts at the existing W Street intersection.

In regard to the trips from W Street and Foxboro Place that desire to south on Foxhall Road, my personal preference would be to recommend that left turns from westbound W Street be prohibited and to require all these movements to be made via the access through Dunmarlin. Although this is a modest movement, it is also the one that can cause the most delay to drivers who may have to wait for a left turn to clear so that they can make the predominant movement which is a right turn. Such a prohibition would also remove a movement that conflicts with the eastbound right turn from the west leg of W Street, the heaviest of the three eastbound movements (thru, right and left).

cc: Alma Gates, Chair, ANC 3D

16626 S. Westland Drive • Gaithersburg, Maryland 20877
Telephone 301.948.1754 • FAX 301.258.0558

PROFESSIONAL HISTORY

Stephen G. Petersen, P.E.
Traffic Planning and Engineering Consultant

Mr. Petersen was educated as a civil engineer and received his BCE in 1953 from Rensselaer Polytechnic Institute in Troy, New York. After graduation he took a position with a consulting engineering firm in Boston, Massachusetts. This engagement was interrupted by two years of service in the United States Army. Upon discharge, he returned to the original employer at a job site in Watertown, New York.

This early professional experience generated a desire for additional education that prompted an application to and subsequent enrollment in the Yale Bureau of Highway Traffic, New Haven, Connecticut. In 1957, after graduation with a Certificate in Highway Traffic, Mr. Petersen took a position with the New Jersey Bureau of Traffic Safety. His responsibilities were to provide advice and counsel to municipalities in northern New Jersey relative to solving safety problems and evaluating the need for traffic controls including traffic signals. Based upon the findings of his field studies, he then prepared functional plans and recommendations to address the problems.

After three years in New Jersey, Mr. Petersen was recommended to become the first Staff Engineer at the Institute of Traffic Engineers, the professional society for the traffic engineering profession located in Washington, D.C. This was an opportunity for exposure to the full cross section of the technical activities in which the Institute and its members were engaged. These activities included not only traffic operations, but planning, design and administration as it applied to the whole field of traffic and transportation engineering. Three years later, he was appointed as the Executive Secretary.

In 1965, Mr. Petersen felt the need to return to active professional practice and became employed by Alan M. Voorhees & Associates, a firm specializing in transportation planning throughout the United States. Over a period of six years he participated in numerous traffic engineering and planning studies particularly in the central business districts of cities such as Schenectady, New York, Memphis, Tennessee, and Roanoke, Virginia. This experience led to Mr. Petersen's decision to enter private practice in 1971. However, during this period he also acquired additional credentials by seeking and securing his MCE degree from the Catholic University of America, in 1968, as well as becoming registered as a Professional Engineer in New York, New Jersey, Maryland, Virginia and the District of Columbia.

The practice Mr. Petersen initiated in 1971 led to engagements in a wide variety of assignments involving traffic planning and engineering for both public and private clients. His practice evolved during the next six years to the point where he established Street Traffic Studies, Ltd. in 1977. The firm's practice continued to cover the same aspects as his private practice, but evolved to the point where it became noted as a support service for the development industry during the building boom of the 1980s. These years included numerous occasions when he was called upon to present findings of his work as an expert witness before regulatory bodies and the courts in Maryland, Virginia, Pennsylvania and the District of Columbia.

As his professional practice evolved, he was elevated to Fellow status in the Institute of Transportation Engineers and to Member in the American Society of Civil Engineers, professional societies related to his work.

Mr. Petersen may be reached at 16628 S. Westland Drive, Gaithersburg, Maryland 20877, by telephone at 301-948-1754, by fax at 301-258-0558 or by E-mail at StrtTrfc@concentric.net

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PITCHFORDASSOCIATES
arboriculture + environmental consulting

January 31, 2005

Mr. Richard Nettler, Esq.
Ms. Jeannine Rustad, Esq.
Robins, Kaplan, Miller & Ciresi, LLP
1801 K Street, NW
Washington, D.C. 20006-1307

Dear Mr. Nettler and Ms. Rustad:

With this letter, I would like to reiterate my experience with and perceptions of the tree protection issues on the Dunmarlin at Phillips Park project.

I have surveyed the tree resource on this 16-acre parcel on several occasions. My survey was, I believe, the third such survey to be prepared for this property. During my inspections, I reviewed the tree preservation recommendations made by representatives of both ESA, Inc and Macris, Hendricks & Glascock, P.A.

I agreed with all of the proposed tree preservation candidates and, in fact, added an additional 15 mature trees to their lists. This brought the total targeted for preservation to 74 trees. I chose these trees based upon their size, condition, estimated longevity and suitability given the existing site plan. Based upon these parameters, I feel very confident that all of these trees can be preserved and that they will remain viable for many years to come.

It is important to note that I have concentrated on preserving groupings of trees versus focusing on individual specimens. I take this approach for several reasons. Principal among these is that oftentimes groupings of trees can be preserved with a critical root zone that is quite similar in size to that of an individual tree. Also, there is the added benefit of wind buffering provided by groupings of trees. A group of trees will act to buffer each other from the potential for wind damage including windthrow. I have raised this issue in a previous letter to the owners.

I should also mention that during my survey, I do take great care to inspect each tree to insure that no root or trunk rot pathogens are active which could lead to windthrow problems after construction of the homes.

In a recent meeting with representatives from the architectural firm of Barnes/Vanze, I was shown a different configuration for the road that runs along a section of the southernmost boundary. This new loop was proposed as a means to help in the tree preservation efforts. I am very encouraged by this new design as it allows for increased clearance from the large trees on the neighboring property, and will likely be more

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advantageous for preserving trees # 58, 60-62 and 75 and 76. It is a very encouraging sign that these site plan changes to aid in tree protection are being considered early in the process.

In summary, although I am fairly new to this project, I am already extremely encouraged by the owner's commitment to protect as many mature trees as possible. I truly believe that through my survey, and those of ESA and MHG, that we have chosen the best preservation candidates on this site. And, given the owner's level of commitment to integrating mature trees into the final site plans, I am confident that this project will be regarded as the model for tree preservation and housing development in Washington, D.C.

I look forward to working with you and your staff on this project.

Sincerely,

Keith C. Pitchford
ISA Certified Arborist, MA-0178
MD Tree Expert, #589
MD Licensed Forester, #675

Keith C. Pitchford
Pitchford Associates, LLC
2213 40th Place, NW, #1,Washington, D.C. 20007
202-333-3851 / kptrees@comcast.net

Registration	1991-present, ISA Certified Arborist MA-0178 1989-present, Maryland, Licensed Tree Expert-#589 2004 – Maryland, Licensed Forester #675
Years of Experience	14 years ISA certified arborist, 15 years as a consulting arborist. 15 years Licensed Tree Expert in Maryland.
Work experience	President/Arborist, Pitchford Associates, 1997-Present, Washington, DC Arborist/V.P., Branches Etc., Inc. Tree Experts, 1989-1996, Takoma Park, MD
Education	University of Colorado, B.A., Environmental Conservation, 1980 Yale University, Masters of Forest Science, 1984

Selected projects for Keith Pitchford

Architect of the Capitol, Washington, D.C.
September 2003

Hazard tree evaluation of larger trees on the main campus of the U.S. Capitol grounds. Project will involve the assesment of all trees larger than 16" of diameter to assess their hazard potential.

Architect of the Capitol, Office of the Landscape Architect of the Capitol
Capitol Square Perimeter Security Project and Vistor's Center Project,
Washington, D.C.
March 2000- Present

Project arborist responsible for all aspects of specimen tree identification and protection efforts on US Capitol grounds. Pre-construction root zone examinations, preparation of tree care specifications, training classes for contractors, root zone protection area establishment, archival photography of entire project, selection and oversight of sub-contractors.

Tudor Place Historic Home and Garden, Washington, D.C.
June 2003

Prepared a hazard tree evaluation for several large trees located on the perimeter of the property. Detailed report included mycological analysis, photographs and management recommendations.

Casey Trees Endowment Fund, Washington, D.C.
June 2002 – Present

Have provided many hours of consulting to this new not-for-profit foundation established in Washington. Conducted workshops for training with their 'Citizen Forester' program. Also, co-authored training materials for this program and also to educate student interns and citizens who conducted the street tree inventory during the summer of 2002. Serve on their Technical Advisory Board.

District of Columbia, Urban Forestry Administration, Washington, D.C.
August 2003 – Present

Selected by the UFA to serve on their newly formed Technical Advisory Board. This six-member board will advise the UFA and Mayor on recommendations for street tree management throughout the District.

Dumbarton Oaks Library Extension Project, Washington, D.C.
July 1999 – Present

Consultant to James Urban Landscape Architecture. Responsible for all aspects of tree inventory, specimen tree identification, site analysis and environmental monitoring during all phases of construction. Project will involve the construction of a new library and archive within the historic gardens of Dumbarton Oaks.

At present this project involves the tree inventory, soil moisture monitoring through a series of 40 permanent soil moisture meters and pre-construction tree treatments. Long-term tree preservation work will begin when the final architectural drawings are complete and a final site plan is produced.

Washington National Cathedral
National Cathedral School Field House Project, Washington, D.C.
September 1998 – Present

Project arborist for construction projects on Washington National Cathedral campus including school expansion and installation of underground field house. Responsibilities include specimen tree identification, pre-construction meetings with contractors, construction mitigation efforts and project oversight. Provide on-going arboricultural consulting to Director of horticulture and grounds maintenance.

Construction activities have been completed on the underground field house for the National Cathedral School and are nearly complete for the Beauvior School. Both efforts involved tree preservation efforts including initial inspections, preparation of specifications and site visits during construction to inspect tree preservation efforts undertaken by the National Cathedral grounds staff.

Downtown Silver Spring Development Project, Silver Spring, Maryland
September 1998 – Present

Project arborist to James Urban Landscape Architecture (JULA). Provided initial tree inspections and pre-construction treatments for all trees impacted by this multi-phased downtown development project. Duties included assisting JULA in the preparation of tree preservation specifications. Oversight of tree preservation treatments.

National Japanese American Memorial Project, Washington, DC
August 1999 – Present

Arboricultural consultant to James Urban Landscape Architecture. Prepared tree inventory, tree care specifications and oversight during construction operations. Project included development of small corner park and installation of new curbing.

VMS, Inc. National Highway System Asset Management Project, Washington, DC
July 2000 – Present

Pitchford and Associates was selected by VMS, Inc. of Richmond, VA to be a subcontractor in their management of the National Highway System Asset Preservation project for Washington, DC. Duties include management training on modern arboriculture including power point presentation, tree inventories, preparation of arboricultural specifications, bid meeting consultation, oversight of all arboricultural treatments and the establishment and maintenance of tree care treatment data base.

Mayor Anthony Williams transition team, Washington, DC
December 1998

Keith Pitchford was chosen by newly elected DC Mayor Anthony Williams to be chair of the Tree Resource Study Group within his transition team This group was to exhaustively investigate the operations of the DC Tree and Landscape Division. A team of local experts and concerned citizens were assembled to author a state of the urban forest report for newly elected Mayor Anthony Williams.

Professional appointments

Technical Advisory Board, Urban Forestry Administration, D.C. DDOT
Technical Adviosry Board, Casey Trees Endowment Fund, Wash. D.C..0

Arborist

A. Review of Plans

B. Lack of Adverse Impact

- Recommendations for Preservation of designated trees
- New plantings
- Park land

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Dunmarlin at Phillips Park

Landscape Design Guidelines

Introduction

The landscape of Dunmarlin at Phillips Park has been designed to emulate the significant nature of the neighboring communities such as Wesley Heights and Spring Valley. Although we found invasive outgrowth of non-endemic species, as well as considerable neglect, care has been exercised to areas that have been preserved in order to maintain an established and mature landscape setting for the neighborhood. New natural areas including a signature boulevard shall compliment such a park-like environment. Additionally, significant open spaces for proper storm water management practice offer additional planting opportunities.

Site Planning

Proper site planning is crucial to the success of the residence and the neighborhood in which it belongs. Each home should be sited to respond directly and positively to topography and vegetation. Homes should be chosen to suit these conditions. The development will respect a 25' front-yard building setback, in addition to the DCMR regulations for rear and side yard setbacks.

The following regulations apply:

- The siting of the home should respect and compliment the siting of adjoining properties so that all properties work together as a visual unit.
- All homes should be sited within the building envelope.
- Buildings shall be sited to protect and preserve all trees as indicated on the site plan.
- A site plan must be submitted for approval to the Architectural Review Board prior to any development of the lot. The site plan must include existing and proposed topographic contours, the location and size of existing trees, the location of the house, out-buildings, driveways, walks and parking areas in their final location.
- The siting of the home is to occur in a manner that maximizes the preservation of healthy, special trees. A list of suggested species and forbidden invasive plants is provided in the Appendices.

Tree Pruning and Removal

No pruning or removal of tress from the lot can be done prior to the staking out and approval of the house on the site.

A ISA Certified arborist shall provide a Tree Protection Plan, in conjunction with a Landscape Plan, for approval.

Tree protection fencing must be provided around all trees. Fencing shall be marked at the drip line of the trees. No storage of materials or pedestrian and vehicular traffic is permitted within this zone. Tree pruning and construction access within these areas can be granted during construction with approval by the Architectural Review Board if site access is limited.

Tree pruning shall be executed in a manner that preserves the natural character of the tree. The practice of "topping" is forbidden. Tree pruning must be executed by a licensed arborist. Any pruning work must be approved on site by the Architectural Review Board.

Landscape Development

The following are the Landscape Design Guidelines for development around the home/residence:

- Patios, terraces, and walks should be of stone or brick. Conventional wood decks are prohibited. Terraces are preferred.
- Sensitivity to compatible exterior material on the home. Walls and piers should be of native fieldstone, brick (painted or natural), or stucco. Freestanding walls should be veneered on both sides. Retaining walls may be of concrete but must be veneered with one of the above materials. Caps for walls should be of natural stone or brick and will have a minimum thickness of one and one half inches.
- All landscape materials must conform to the regulations set out in the Architectural guidelines including colors and sizes.
- All side and rear yard fences shall be metal. Wood stockade style fences are prohibited. Iron is a preferred material to aluminum.
- Fences in the side and rear yard shall be no greater than 6' in height. These fences are discouraged in situations other than for safety, pet containment, and screening.
- There shall be no front yard fences. Front yard perimeter landscaping shall be no greater than 4' in height.
- Driveways should be of brick, cut stone, concrete with a pea gravel finish, or asphalt with an applied washed gravel topping.
- All art visible from outside of the lot is to be approved by the Architectural Review Board.

- It is recommended that the homeowner secure the service of a Landscape Architect.

Recommended Plants

Ground Covers and Vines

Boston Ivy	Parthenocisus tricuspidata
Climbing Hydrangea	Hydrangea anomala subsp. petiolaris
Virginia Creeper	Parthenocisus quinquefolia
Bignonia	Bignonia capreolata
Trumpet Creeper	Campsis radicans
Clematis	Clematis species
Pachysandra	Pachysandra terminalis
Native Climbing Hydrangea	Decumaria Barbara
Mondo Grass	Ophiopogon japonica
St. John's Wort	Hypericum calycinum
Sweet Pepperbush	Clethra alnifolia
Virginia Sweetspire	Itea virginica
Mountain Laurel	Kalmia latifolia
Wax Myrtle	Myrica pennsylvanica
Spicebush	Lindera benzoin

Small Trees

Fringe Tree	Chionanthus virginicus
Eastern Redbud	Cercis canadensis
Whitebud	Cercis canadensis "Alba"
Flowering Dogwood	Cornus florida
Japanese Snowbell	Styrax japanicus
Magnolia	Magnolia species
Japanese Stewartia	Stewartia psuedocamellia
Sassafras	Sassafras albidum
American Hornbeam	Carpinus caroliniana
Hop Hornbeam	Ostrya virginica

Large Trees

Oak	Quericus species (no Quercus palustris)
American Beech	Fagus grandifolia
Ash	Fraxinus species
London Planetree	Platanus x acerifolium
American Linden	Tilia Americana
Yellowwood	Cladrastis kentuckea
Sweet Gum	Liquidambar styraciflua
Black Gum	Nyssa sylvatica
Hickory	Carya species
Dawn Redwood	Metasequoia glyptostroboides
Southern Magnolia	Magnolia grandiflora

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Beverly A. Tew, AICP

Project Director

Education

M.P.A./1989/Urban & Regional Planning/University of South Florida
B.A./1983/Political Science/University of South Florida

Registration

American Institute of Certified Planners: #11105

Affiliations

American Institute of Certified Planners, Member
American Planning Association, Member
Maryland Chapter of the American Planning Association, Member
Urban Land Institute, Member
National Community Development Association, Member
Council for Urban Economic Development, Member
Association of Eminent Domain Professionals, Member

Capabilities

Ms. Tew has more than 21 years of experience in public and private sector planning and community development management. She has an extensive understanding of master planning and land development processes, including a comprehensive and diverse background in site planning and design; short and long-range comprehensive planning; creation of land development regulations; neighborhood and downtown revitalization; and, creation and implementation of Community Redevelopment Agency programming. Ms. Tew has a strong quantitative and analytical background and proven project management experience. She has been an Expert Witness in Courts of Law and has a thorough understanding of Law governing growth and development related issues.

Experience

Project Director, Greenhorne & O'Mara, Inc. Responsible for public and private sector project management as it relates to land planning services. Specific duties include project management and technical responsibilities related to master planning, facilities planning, site design, comprehensive planning, and expert testimony work. Ms. Tew represents clients in front of Planning Boards, Boards of Adjustment, and City and County Councils when seeking project approvals. Ms. Tew also provides expert witness testimony for the Planning and Landscape Architecture Department.

Director, Planning and Community Development, City of Winter Haven, FL. Responsible for all administrative and technical functions of Planning, Community Development, Code Enforcement, the Community Redevelopment Agency, and Development Services. Managed the development and implementation of department goals, objectives, policies, and priorities; established, within City policy, appropriate service and staffing levels; and allocated project resources accordingly. Developed Project Scopes of Work, procured construction contracts, and

managed contract, design and construction documents. Assured that technical, administrative, and scheduled project targets were met within established City Policy and in accordance with applicable professional standards, design control procedures, and design guidelines. Also responsible for grants administration including, but not limited to, the Community Development Block Grant Program and State Housing Initiatives Partnership.

Manager, Planning and Development Services, Bromwell & Carrier, Inc. (BCI), Lakeland, FL. Created and managed this Engineering firm's first Planning and Development Services Division. Served as Project Manager for large-scale projects involving all disciplines related to land planning, development, and revitalization. Directed all services related to land planning and development including, but not limited to, site selection and feasibility; master site planning and design; formulation and oversight of technical land use and land use/transportation corridor analysis and planning studies; formulation of recommendations and alternative courses of action; through to permitting and construction documents. As a project team member experienced in PD&E Studies, Environmental Impact Studies, Market and Economic Feasibility Studies. Provided expert witness testimony for both government agencies and private property owners in eminent domain, condemnation, and takings proceedings.

Senior Associate, Powell, Fragala and Associates, Inc. Coordinated technical work requirements and consultant work efforts. Analyzed physical and environmental features of a site; identified development capacity and described site limitations; developed alternative conceptual planning concepts; translated development programs into detailed land-use and site plans; and assisted in the preparation of illustrative quality presentation site plan graphics. Also conducted planning studies and formulated results and recommendations.

Market Analyst, Heartland Private Industry Council. Researched and maintained local demographic, socio-economic, employment, and housing data. Analyzed data and estimated future projections for local housing and labor market needs. Marketed program services to a five County region and secured additional grant dollars to further agency programming.

Cheng-Ho Lin, P.E.

Senior Project Manager

Education

B.E.C.E./1976/Civil Engineering/Tamkang University
M.S.C.E./1981/Construction Management/University of Florida

Registration

Affiliations

Capabilities

Frank C. Lin, P.E., a senior project manager at G&O, has more than 23 years of experience in professional engineering and construction management and in the planning, design and management of civil engineering projects including site development, infrastructure, roadway, utilities.. Mr. Lin's technical expertise includes the preparation of feasibility studies, site development plans, roadway design, grading plans, sediment and erosion control plans, wetland mitigation, flood plain studies, scour analysis, stormwater management, critical area compliance, and utility design. He is experienced with the site related permits for all aspects of land development. Mr. Lin has designed municipal facilities including water system upgrades, sewer extension design, and road improvements. He has prepared commercial SDP, minor subdivision, final road plans. He is experienced with the design for newly constructed and renovated facilities. Mr. Lin is familiar with Federal, state and local design specifications and criteria, Baltimore County Development Process and the Critical Area regulations for the State of Maryland. Mr. Lin's responsibility includes senior project management, contract administration, cost estimating and scheduling. His experience includes design, and construction assistance of projects including site development, roadways, professional buildings, shopping centers, warehouses, schools, subdivisions, and public utilities and facilities. He designed various BMP's, including wet pond with extended detention, grass channel, pocket sand filters, perimeter filters, bio-retention, and underground pipe detention. Mr. Lin is knowledgeable of bid preparation, feasibility studies, grading plans, sediment and erosion control plans, flood plain study, stormwater management plans/waivers, and utility designs. He assisted clients/owners in filing for site related permits for all aspects of land development. He prepared commercial SDP, Minor Subdivision, Final Road Plans (including storm drain, water & sewer, record plats, reports, storm water management, as-built certification). Mr. Lin is permitted for MDE's SWM and NOI, and Chesapeake Bay Critical Area 100% Reduction Compliance.

Experience

MASTER RESUME

Henson Ridge Phase II, Mid-City Urban, LLC, SE Washington, D.C. Working as Senior Project Manager with responsibility for Engineering - Grading, erosion & sediment control, stormwater management, drainage design, water & sewer design. Permitting and Approval Processing- through DC DOH, DCRA, DC WASA

Heritage Reserve, Mid-Atlantic Companies, Brandywine, Prince George's County, MD. Senior Project Manager with responsibility for client relations, budgeting, change orders, billing, scheduling, and QA/QC., project progress management, review and approval processing on this 209 lots residential subdivision project.

Saddle Creek, Mid-Atlantic Companies, Brandywine, Prince George's County, MD. Senior Project Manager with responsibility for client relations, budgeting, change orders, billing, scheduling, and QA/QC., project progress management, review and approval processing on this 389 lots residential subdivision project.

Potomac Chemical Feed Facilities Bridging Services, Washington Suburban Sanitary Commission. Senior Project Manager with responsibility for data gathering, collecting existing utility information, coordinate and oversee soil boring, test pitting, and coring; and Functional Criteria Report. Also responsible for evaluating and recommending the alignment and structure feasibility for a proposed chemical feed system.

Greenbelt Main Post Office, U.S. Postal Service, City of Greenbelt, MD. Project Manager for five-acre post office project for the. Responsibilities included: Engineering - Grading, erosion & sediment control, stormwater management, drainage design, water & sewer design, public road improvement, and traffic control plan; and Permitting and Approval Processing- WSSC, Maryland Department of the Environment (MDE), City of Greenbelt, and utility companies; and Preparation of bidding documents, specifications, and construction cost estimates.

Rockville High School Modernization, Montgomery County Board of Education, City of Rockville, MD. Project Manager for 30-acre school renovation project. Responsibilities included engineering - grading, erosion & sediment control, stormwater management, drainage design, water & sewer design, public road improvement, and traffic control plan; permitting and approval processing- WSSC, MDE, City of Rockville, and utility companies; and Preparation of bidding documents, specifications, construction cost estimates, construction services.

KMS Professional Building, Howard County, Maryland. Project Manager for commercial building site development John Knuson. Responsibilities included: engineering, grading, erosion & sediment control, stormwater management, drainage design, and water & sewer design; permitting and approval processing- through Howard County government, Howard County Soil Conservation District and Preparation of bidding documents, specifications, construction cost estimates, construction assistance services.

Ruby Tuesday's Restaurants, Pennsylvania and Virginia. Project Manager for restaurant site developments for Ruby Tuesday's, Inc. Responsibilities included: Feasibility study, engineering, Grading, erosion & sediment control, stormwater management, drainage design, and water & sewer design; Permitting and Approval Processing- through the jurisdictional review agencies and Preparation of bidding documents, specifications, construction cost estimates, construction assistance services.

Alban Tractor, Howard County, Maryland. Project Manager for industrial site development for Alban Tractor. Responsibilities included: Engineering, Grading, erosion & sediment control, stormwater management, drainage design, gabion wall design, flood plain study, and water & sewer design; Permitting and Approval Processing- through Howard County government, Howard County Soil Conservation District, SHA Access Permit and Preparation of bidding documents, specifications, construction cost estimates, construction assistance services.

Savannah Heights Apartments, Townhouses and Apartment Complex, AHD, Inc. , SE Washington, D.C. Working as Senior Project Manager with responsibility for Engineering - Grading, erosion & sediment control, stormwater management, drainage design, water & sewer design. Permitting and Approval Processing- through DC DOH, DCRA, DC WASA.

Washington Hospital Center Substation, Washington Hospital Center, Washington, D.C. Working as Senior Project Manager with responsibility for Engineering - Grading, erosion & sediment control, stormwater management, drainage design, water & sewer design, Permitting and Approval Processing- through DC DOH, DCRA, DC WASA.

Kennedy Center Security Barrier, U.S. National Park Service, Washington, D.C. Working as Senior Project Manager with responsibility for grading, erosion & sediment control. Permitting and Approval Processing- through DC DOH, DCRA, DC WASA.

Towson University Center of Arts, University of Maryland, Towson, MD. Project Manager for the university renovation project. Responsibilities included: Engineering - Grading, erosion & sediment control, stormwater management, drainage design, water & sewer design; Permitting and Approval Processing- through Baltimore City, Baltimore County, MDE, and utility companies; and Preparation of bidding documents, specifications, construction cost estimates, construction assistance services.

Knight Parking Garage, Annapolis, Maryland. Project Manager for the new parking garage building. Responsibilities included: Engineering - Grading, erosion & sediment control, stormwater management, drainage design, water & sewer design and utility ductbank; Permitting and Approval Processing- through Anne Arundel Count Soil Conservation District, and utility companies; and Preparation of bidding documents, specifications, construction cost estimates, construction assistance services.

GSA Regional Office Building, General Services Administration, Washington, D. C. Project Manager for site renovation bridging documents. Responsibilities included: Engineering - Grading, erosion & sediment control, stormwater management, drainage design, water & sewer design, and LEED compliance; Permitting and Approval Processing- through DC DOH, DCRA, DC WASA; and Preparation of bidding documents, specifications, construction cost estimates, construction assistance services.

Wax Museum, Lowe Enterprises Mid-Atlantic, Inc. , Washington, D. C. Project Manager for a six-acre site for supermarket, restaurants, retails, condominium, and offices. Responsibilities included: Engineering, Grading, erosion & sediment control, stormwater management, drainage design, water & sewer design, and LEED compliance; Permitting and Approval Processing- through DC DOH, DCRA, DC WASA; and Preparation of bidding documents, specifications, construction cost estimates, construction assistance services.

Montgomery Meadows, NV Homes, Howard County, MD. Project Engineer for this 375 acres subdivisions project. Responsibilities included: Engineering, grading, erosion & sediment control, stormwater management, flood plain study, wetland mitigation, drainage design, water & sewer design; Permitting and Approval Processing- through Howard County government, Howard County Soil Conservation District, MDE, Corps of Engineers.

Crystal Spring Section, Burton Construction, Inc. , Howard County, MD. Working as Project Engineer for the subdivision project. Responsibilities included: Engineering, grading, erosion & sediment control, stormwater management, flood plain study, drainage design, water & sewer design; Permitting and Approval Processing- through Howard County government, Howard County Soil Conservation District.

Taylor Farm Sections I and II, Taylor Farm Development, Howard County, MD. Working as Project Engineer for the subdivision project. Responsibilities included: Engineering, grading, erosion & sediment control, stormwater management, scour analysis, drainage design, water & sewer design; Permitting and Approval Processing- through Howard County government, Howard County Soil Conservation District.

Pine Ridge Apartments, Taylor Farm Development ,Howard County, MD. Working as Project Engineer for the apartments project. Responsibilities included: Engineering, grading, erosion & sediment control, flood plain study, gabion wall design, drainage design, water & sewer design; Permitting and Approval Processing- through Howard County government, Howard County Soil Conservation District.

Pine Orchard Pumping Station, Howard County, MD. Project Manager for a pumping station site development. Responsibilities included: Engineering, Grading, erosion & sediment control, stormwater management, drainage design, and water & sewer design; Permitting and Approval Processing- through Howard County government, Howard County Soil Conservation District and Preparation of bidding documents, specifications, construction cost estimates, construction assistance services.

West Nottingham Academy Drainfield, Cecil County, MD. Working as Project Manager for the septic drainfield project for the West Nottingham Academy. Responsibilities included: Engineering, grading, erosion & sediment control, drainfield design; Permitting and Approval Processing- through MDE in Cecil County.

St. John's Archeology Site, St. Mary's College, St. Mary's County, MD. Working as Project Manager for the site improvement project for the Maryland State Department of General Services. Responsibilities included: Engineering, grading, erosion & sediment control, stormwater management pond relocation, critical area compliance and mitigation; Permitting and Approval Processing- through MDE and Chesapeake Critical Area Commission.

Honeygo Sewer Interceptor, Baltimore County, MD. Working as Project Manager for the sewer extension project for the Baltimore County. Responsibilities included: Feasibility study, engineering, grading, erosion & sediment control; Permitting and Approval Processing- through Baltimore County Government.

Maier's Bakery, Dorsey Search, MD. Working as Project Manager for the site development project for the Maier's Bakery. Responsibilities included: Engineering, grading, erosion & sediment control, stormwater management, regional swm pond retrofitting, MDSHA channel evaluation, MDSHA Access Permit; Permitting and Approval Processing- through Anne Arundel County and MDSHA.

Boston Street Condominium, Baltimore City, MD. Working as Project Manager for the condominium project. Responsibilities included: Engineering, grading, erosion & sediment control, critical area compliance, gabion wall design, drainage design, water & sewer design; Permitting and Approval Processing- through Baltimore City government.

Naval Medical Center, in Bethesda, MD. Working as Project Manager for the site improvement project for the U.S. Navy. Responsibilities included: Engineering, grading, erosion & sediment control, drainfield design; Permitting and Approval Processing- through MDE.

Carroll Park Softball Fields and Skate Park, Baltimore City, MD. Working as Project Manager for the park development project for the Baltimore City Department of Recreation and Park. Responsibilities included: Engineering, grading, erosion & sediment control, stormwater management, drainage design, water & sewer design; Permitting and Approval Processing- through Baltimore City government.

Gwynns Fall Trails, Baltimore City, MD. Working as Project Manager for the trail extension project for the City of Baltimore. Responsibilities included: Engineering, grading, erosion & sediment control, stormwater management, drainage design, MDSHA Access Permit, bridge scour analysis, flood plain study; Permitting and Approval Processing- through Baltimore City government.

Deerfield Adult Care Center, Baltimore County, MD. Working as senior Project Engineer for the project. Responsibilities included: Engineering, grading, erosion & sediment control, stormwater management, drainage design, water & sewer design; Permitting and Approval Processing- through Baltimore County government.

Hampstead Elementary School, Carroll County Board of Education, Hampstead, Carroll County, MD. Working as Project Manager for the project. Responsibilities included: Engineering, grading, erosion & sediment control, stormwater management, wetland mitigation, drainage design, water & sewer design; Permitting and Approval Processing- through Carroll County government, Carroll County Soil Conservation District.

Largo Town Centre Park, Prince George's County, MD. Project Manager for new park project. Responsibilities included: Engineering - Grading, erosion & sediment control, stormwater management, drainage design, water extension; Permitting and Approval Processing- Prince George's County Department of Environmental Resources, Prince George's County Soil Conservation District, WSSC, and utility companies, Maryland-National Capital Park & Planning Commission; and Preparation of bidding documents, specifications, construction cost estimates.

Millennium Trail, City of Rockville, MD. Project Manager for trail extension from MD-28 at MD-355 to MD-28 at Gude Road. Responsibilities included Engineering - Trail alignment, grading, erosion & sediment control, stormwater management, drainage design, and cost estimates; and Permitting and Approval Processing- City of Rockville and utility companies.

Vier's Mills Elementary School Renovation, Montgomery County Board of Education, Montgomery County MD,. Project Manager for school renovation project. Responsibilities included Engineering - Grading, erosion & sediment control, stormwater management, drainage design, and cost estimates; Permitting and Approval Processing- Montgomery County Department of Permitting Services; and Preparation of bidding documents, specifications, and construction cost estimates.

Adelphi Elementary School, Prince George's County, MD. Project Manager for softball field project. Responsibilities included Engineering - Grading, erosion & sediment control, stormwater management, and drainage design; Permitting and Approval Processing- Prince George's County DER, Prince George's County Soil Conservation District and MNCPPC; and Preparation of bidding documents and specifications.

Northeast Youth Tennis Center, District of Columbia. Provided Engineering - Grading, erosion & sediment control, stormwater management via D. C. Sandfilter and Bioretention, drainage design, and water & sewer design; Permitting and Approval Processing- DC Water & Sewer Authority, DC Department of Health; and Preparation of bidding documents, specifications, construction cost estimates, construction services, RFI, and as-built certification.

Civil Engineers

I. Review of Plans

A. Storm Water Management
B. Wetlands/Environmental

II. No Adverse Impact

A. Storm Water
B. Parks
C. Wetlands

13

Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 351*
CASE NO. 81-1P
September 10, 1981

Pursuant to notice a public hearing of the District of Columbia Zoning Commission was held on July 13, 1981. At that hearing the Zoning Commission considered an application from Laughlin, Jennifer, and Mrs. Duncan Phillips for preliminary approval of a planned unit development (PUD), under Article 75 of the Zoning Regulations of the District of Columbia. The hearing was conducted under the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The subject property constitutes 13.67 acres of the total of 16.37 acres owned by the Phillips Family located at the southeast corner of the intersection of Foxhall Road and W Street, N.W. The PUD site includes lots 806,812,815,817 and a portion of Lot 816 in Square 1346, excluding 2.70 acres located in the northwest corner of lot 816 upon which the existing residence of Mrs. Duncan Phillips is located.

2. The site is split zoned with 12.37 acres in the northern portion of the site located in the R-1-A Zone District and 1.3 acres in the southern portion of the site located in the R-1-B Zone District. The applicants do not request a change of zoning.

3. The R-1-A District permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot area of 7,500 square feet, a minimum lot width of seventy-five feet, a maximum lot occupancy of forty percent, and a maximum height of three stories/forty feet. The R-1-B District permits matter-of-right development of single family residential uses for detached dwellings with a minimum lot area of 5000 square feet, a minimum lot width of fifty feet, a maximum lot occupancy of forty percent, and a maximum height of three stories/forty feet. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to impose development conditions, guidelines, and standards which may exceed or be lesser than the matter-

* NOTE: This order was amended by Z.C. Order No. 374 dated 5-24-82.

of-right development standards identified above.

4. The original application proposed to construct a residential development consisting of a mixture of seventy detached, semi-detached, and row single-family dwellings, each on a separate assessment and taxation lot. The project included space for a swimming pool and two tennis courts, clustered housing arrangements, open spaces, and off-street parking spaces totalling 203.

5. The PUD site is presently undeveloped. It is a relatively steeply sloping site with several open areas and several densely wooded tree stands. The lowest elevation of the site is located at the southeast corner, the area to which approximately eighty percent of the site naturally drains.

6. The subject site is bounded on the north by W Street, N.W., and by the residence of Mrs. Duncan Phillips. To the north of W Street is a neighborhood of single-family detached homes. The site is bounded on the east by the 44th Street right-of-way and on the south by Whitehaven Parkway. Glover Archbold Park is located to the east of the 44th Street right-of-way. Immediately to the west is Foxhall Road and a single-family dwelling. Mount Vernon College is located across Foxhall Road to the west.

7. The land use pattern of the immediate area consists of institutional uses and residential neighborhoods which generally conform with existing R-1-A and R-1-B Zone Districts. There are several embassies and chanceries in the area, including the Embassy of Belgium, the Embassy and Chancery of the Federal Republic of Germany, and the Embassy of Singapore. Recent development in the area include new residential developments, such as Hillandale, Foxhall Crescents, the Cloisters, and Foxhall Terrace.

8. In a plan filed at the public hearing, the applicants proposed to develop sixty-three single-family residential units, including forty-two attached units and twenty-one detached units. This sixty-three unit plan is referred to as the "Preferred Site Plan". It is a revision of the seventy unit plan submitted in the original application on January 19, 1981, which is known as the "Illustrative Site Plan". The applicants modified the seventy unit plan to accommodate the concerns

of citizens groups, neighbors and governmental agencies. The sixty-three unit plan was introduced as an amendment to the seventy-unit plan at the public hearing.

9. In addition to reducing the total number of units, as compared to the seventy-unit Illustrative Site Plan, the Preferred Site Plan retains more of the existing trees on the site, reduces the amount of grading and preserves more of the natural slopes on the site. The tennis courts and swimming pool, shown in the Illustrative Site Plan, have been eliminated in the Preferred Site Plan to allow for a greater amount of open space and tree protection. In the Illustrative Site Plan access to the site was provided by an entrance on W Street, N.W., with a secondary, emergency-only entrance on Foxhall Road. To lessen traffic impact on W Street, the Preferred Site Plan provided for a re-designing of the emergency-only access on Foxhall Road shown on the Illustrative Site Plans to a general entrance with movement limited to right-turn in, and right-turn out as shown on the Preferred Site Plan.

10. The Preferred Site Plan includes sixty-three units with a mixture of row, semi-detached and detached houses in the center of the site and detached houses on the periphery of the site. Forty-two attached units are to be grouped in clusters in the interior of the site. There will be a private yard, entrance and two garage parking spaces for each unit. An additional two parking spaces will be available in the driveway of most of the units. There will also be seventy-five additional spaces available on the streets of the project. The twenty-one detached units will be located on the perimeter of the site. The overall density of the development will not exceed 0.4 FAR, the lot occupancy will not exceed twenty-two percent and no building will exceed forty feet in height.

11. The applicants propose to complete the first-step approval process and then choose a developer to participate in the second-step application. It is contemplated that the attached units will be designed, constructed, and marketed by the developer. Detached units will either be built by the developer or sold as lots to individual persons, who will develop their own homes under the PUD standards. In both cases, individual assessment and taxation lots will be sold to purchasers who will acquire a fee simple interest in their residences. The balance of the property will be owned in common by the residents of the development and will be managed by a homeowners' association.

12. The applicants have applied to the D.C. Department of Housing and Community Development for review of the site plan under the Mayor's Large Tract Development Review Process.

13. The site is well suited for a PUD and could be developed under existing zoning for a maximum of seventy units. Only under a PUD would it be possible to avoid alteration of steep slopes which characterize the site's topography, avoid removal of existing trees, preserve open areas, minimize grading, and create a storm water detention pond.

14. An evaluation of topography, soils, and subsurface conditions on the site indicated that the property is suitable for residential development with proper provisions for erosion control and storm water management.

15. No rare, endangered, threatened, or protected species of plant life were found on the site, nor do rare, endangered or threatened species of animal life inhabit the site. Development of the site can take place without threat to any protected species or species' habitat.

16. There are no buildings or structures on the site designated as historic landmarks, nor is the site part of any historic district.

17. The applicants propose to protect forty-one percent of the site's existing healthy trees with a trunk diameter of five inches or greater at chest height. The applicants demonstrated at the public hearing that this would be impossible under matter-of-right development.

18. The applicants propose to build a storm water detention pond in the southeast corner of the site, the location to which approximately eighty percent of the site drains. The applicants indicated that District of Columbia regulations require that a storm water detention pond, if provided, be capable of accommodating a "fifteen-year" storm. The pond proposed by the applicants is designed to accommodate a twenty-five year storm, and can safely discharge a one hundred year storm. The pond is also designed to trap pollutants, which are to be cleaned out of the pond periodically.

19. The Preferred Site Plan locates detached units on the periphery of the site. Along the eastern border of the site, setbacks of these units will be varied in order to reduce the impact of these units on the view from Glover-Archbold Park. In addition, placing detached units on the periphery of the site will allow the PUD to blend with neighboring houses.

20. The estimated annual District of Columbia tax revenues from the subject development, including real estate taxes, income taxes, and sales taxes will far exceed any costs this development may place on the District of Columbia Government, based on the projected cost of providing the PUD residents with police protection, fire protection, recreation services, and library service. The impact on the public school system will be minimal, as D.C. School officials estimate that house-holds with incomes similar to those expected in the project send school-aged children to private schools.

21. The applicants, through testimony presented by their traffic expert, indicated that all streets, sidewalks, and parking areas within the property will be private. All services such as trash collection, snow removal, maintenance of streets and sidewalks, maintenance of forest areas and landscaped areas will be managed by the homeowners' association. The configuration and design of internal roadways of the project will allow for traffic movement within the site and onto nearby streets and the roadway system has received the approval of D.C. Department of Transportation and the D.C. Fire Department.

22. The traffic expert further testified that the parking on site will be adequate to accommodate the needs of all residents and their guests.

23. In the Preferred Site Plan, the applicants, proposed a site access plan which included an entrance on W Street and an entrance on Foxhall Road designed to allow only right turns into the site from Foxhall Road and right turns out from the site onto Foxhall Road. The traffic expert indicated that this plan had been designed after consultations with neighborhood groups and the D.C. Department of Transportation. He also indicated that, according to this plan, the site generated traffic at the intersection of Foxhall Road and W Street will be at acceptable levels of service during morning and evening peak hours. He testified that the level of traffic would not require the installation of a traffic signal at this intersection solely to serve the PUD and that the installation of a traffic signal at Foxhall and W Street, N.W. would improve movement of traffic from W Street to Foxhall Road. The applicants expressed willingness to pay the cost of the installation of such a signal.

24. The applicants stated their willingness to work with the National Park Service (NPS) on the details of a scenic easement to be granted to the NPS protecting the tree canopy of the site and the view of homes from the Glover-Archbold Park.

25. The applicants propose to apply to the District of Columbia Government to close the 44th Street right-of-way adjacent to the site. Upon closure of the 44th Street right-of-way, the applicants propose to convey their interest in the right-of-way to the NPS with an easement of at least twenty-five feet to be granted to the D.C. Department of Enviornmental Services for fewer access and maintenance.

26. The Office of Planning and Development (OPD) by memorandum dated June 3, 1981 and by testimony presented at the public hearing, indicated that "the OPD is of the opinion that this project is fully consistent with the objectives of Articles 75 of the Zoning Regulations. The synthesis of sensitive land use planning, imaginative design and technical competence which is evident in the proposal will ensure an environment which is vastly superior to that likely to occur if the site were to be developed as a matter-of-right. It is also apparent that in the evolution of the project's design that the concerns of the community, neighbors and government officials involved in the project have been addressed in a forthright manner." The OPD recommended approval of the application, subject to conditions, guide lines, and standards as proposed and refined in its summary/ abstract memorandum dated August 3, 1981.

27. The D.C. Department of Transportation (DCDOT) by memorandum dated June 15, 1981 and by testimony presented at the public hearing, indicated that the proposal by the applicant to install a traffic signal at the intersection of W Street and Foxhall Road, N.W. was not warranted. The DCDOT was prepared to concur with the proposed development provided that:

    a. The operation of the driveway will not result in a safety hazard on Foxhall Road.

    b. The applicant will dedicate to the city a strip of land approximately 200 feet long and of sufficient width for a right turn storage lane from north-bound Foxhall Road to the proposed driveway. The facility will consist of 100 feet of paralled land plus 100 feet of approach taper. This will serve to separate through traffic from local traffic destined for the site.

c. The operation of the driveway will be designed to physically restrict development traffic to right-in and right-out, only.

The DCDOT recommended that the applicant work with it in designing the driveway to obtain DCDOT approval. The DCDOT agreed, at the request of the Zoning Commission, to study the feasibility of using the Foxhall Road access as the main ingress and egress for the site.

28. The D.C. Fire Department, through the report of the OPD indicated that both the original plan and the alternate plan have been reviewed by the Fire Department. Either proposal is acceptable to the Fire Department from the standpoint of fire safety. The emergency access and the cul-de-sacs were designed in conjunction with the Fire Department's recommendations. The Fire Department has requested that the specific design of the emergency access, if approved, be submitted to them for review. Water pressure in the area is adequate and the Department has reviewed the location of fire hydrants in the development.

29. The D.C. Department of Environmental Services (DES), by memorandum dated May 12, 1981, and by reference in the OPD report, indicated that DES has no objection to the proposed development. If 44th Street is closed, DES will require an easement of at least twenty-five feet for access and maintenance of an existing sewer. Sewer and water facilities are available to the site and the DES was pleased that the storm water management pond will be part of the proposed development.

30. The D.C. Department of Recreation, by report dated May 20, 1981, by reference in the OPD report and by report dated June 2, 1981, indicated that the "proposal will provide benefits to the city well in excess of those likely from a matter-of-right subdivision". The Department preferred the original site plan, in lieu of the revised site plan, because it favored the inclusion of tennis courts and a swimming pool as part of the development package, and an area with play apparatus for small children.

31. The D.C. Department of Housing and Community Development (DHCD) by memorandum dated June 17, 1981 and by reference in the OPD report, had no objection to the proposed PUD. The DHCD noted that because the alternate proposal places fewer houses adjacent to the existing parkland, it is preferable to the original plan. The DHCD also noted that the proposals meet the letter and intent of the Large Tract Development Regulations.

32. The National Capital Planning Commission (NCPC), by letter dated April 3, 1981, indicated its interest in the application because of concerns relative to the federal interests. By testimony presented at the public hearing, the NCPC, by representative, indicated that Federal interests have been adequately considered at this stage of the PUD process.

33. Advisory Neighborhood Commission 3D, by letter to the Zoning Commission dated July 2, 1981, indicated that the ANC fully supported the proposed development and commended the applicants' efforts in working with citizen groups and individuals in the design of the project.

34. The Coalition for Planned Environmental Development (CPED), by testimony presented at the public hearing, supported the application. The CPED retained the professional services of an architect who worked with the applicants in designing the Preferred Site Plan along lines acceptable to CPED. The CPED indicated that it has worked with the applicants toward the resolution of several issues, including the number and location of units, tree and slope preservation, and the access to the site. The CPED reached an agreement, with the applicants which has the concurrance of several citizen organizations in the area, includings the Committee of 100, the Palisades Citizens Association, the Wesley Heights-Spring Valley Citizens Association and the North Foxhall Road Citizens Association. All of these organizations support the proposed development. The CPED Applicants Agreement dated June 10, 1981, provides that CPED will support the plan submitted by the applicants and that the applicants will continue to work closely with CPED.

35. The neighbor whose property abuts the project site on Foxhall Road appeared as a party in favor of the application. He has also concurred in the CPED agreement.

36. Several neighbors to the PUD site, who are residents of W Street and Foxboro Place directly to the north of the site, appeared as parties in opposition to the application. There was also one person who testified in opposition. The only objection these parties had to the proposed development concerned the site access system, specifically, the restriction of the Foxhall Road access to right-turn-in and right-turn-out and the resulting flow of all of the PUD's south-bound traffic through W Street with a left-hand turn at the intersection of Foxhall Road and W Street. The parties' chief concern was that W Street, because of its steep grade and the configuation of Foxhall Road, would become backed-up whenever snow or ice

were present on the roadway. The residents presented no expert testimony on the access issue, but related past conditions on W Street.

37. The parties in opposition requested that left-hand turns be permitted at the site's Foxhall Road access and that a traffic signal be installed at that intersection, if necessary.

38. The D.C. Department of Transportation, by the testimony at the public hearing, agreed to study the installation of a traffic signal at both the Foxhall Road access and the intersection of Foxhall Road and W Street in the second-stage PUD application. The Commission requested the D.C. Department of Transportation to prepare a report on the possibility of a left turn directly onto and off of Foxhall Road from the subject site. This study is to be completed by the time of the Stage-Two application.

39. The Commission finds that in response to the site plan preferences of the Departments of Housing and Community Development, and Recreation, the provision of large areas of common open space adds to the environmental quality of the development and that active recreation facilities are less critical than protecting existing trees.

40. The Commission finds that ingress and egress issues have yet to be resolved. Such issues can be resolved with the assistance of the DCDOT during the second-stage processing of this application.

CONCLUSIONS OF LAW

1. The planned unit development process is an appropriate means of controlling development of the subject site. Control of development of the site is essential to ensure compatibility of the project with the neighborhood and to ensure the implementation of many amenities proposed for the project.

2. The development of this PUD carries out the purposes of Article 75 to encourage the development of well planned residential developments which will offer a variety of building types with more attractive and efficient overall planning and design without sacrificing creation and imaginative planning.

3. The PUD is compatible with the District of Columbia's Goals and Policies Act of 1978 and is compatible with city-wide and neighborhood goals, plans and programs. It will promote efficient and economical utilization of land, attractive urban desing, provision of desired public spaces and

improved circulation while assuring the protection of the public health, safety, welfare and convenience.

4. Approval of the application would be consistent with the purposes of the Zoning Act.

5. The proposed application can be approved with conditions which would ensure that development would not have an adverse impact on the surrounding community.

6. The approval of the application would promote orderly development and conformity with the entirety of the District of Columbia Zone Plan, as embodied in the Zoning Regulations and Maps of the District of Columbia.

7. The Zoning Commission has accorded to the Advisory Neighborhood Commission 3D the "great weight" to which it is entitled.

DECISION

The only major contested issue in the subject application relates to the access to the subject property, and the impact of restricting southbound traffic to use of W Street to get into and out of the development. The Commission believes that the applicant, working with its traffic experts, the D.C. Department of Transportation and the affected parties in opposition, can develop a plan which adequately address the traffic impact on W Street. The Commission, however, cautions the applicant that, if a plan is not developed which minimizes the traffic impact on W Street to the Commission's satisfaction, denial of the entire application at the second stage may result.

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission hereby orders approval of the preliminary application for a Planned Unit Development for 13.67 acres of property in Square 1346, Lots 806,812, 815,817 and a portion of Lot 816 (excluding 2.70 acres in the northwest corner), as shown on Site Boundary dated July, 1981 prepared by Douglas M. Detwiler and Associates, Inc., Exhibit No. 52 submitted into the record on July 13, 1981, subject to the following guidelines, conditions and standards:

1. The property shall be developed under the existing R-1-A and R-1-B zoning.

2. The use of the property shall be limited to single-family dwellings and may also include other buildings and structures accessory and incidental to the main use of the property, including recreational and storage facilities.

3. The overall density of the planned unit development shall not exceed 0.4 FAR. The maximum number of dwelling units shall not exceed sixty-three.

4. The maximum height of any building shall not exceed forty feet. If the second stage application proposes that a building which is adjacent to Glover-Archbold or Whitehaven Parks will have a height facing the park in excess of thirty feet, then the applicant shall demonstrate to the Zoning Commission the effect that such height will have on the adjacent park.

5. The overall lot occupancy for the planned unit development shall not exceed twenty-two percent.

6. A minimum of twenty-eight percent of the site shall remain as common open space.

7. The minimum number of parking spaces shall be 201 including, a minimum of two off-street spaces per dwelling unit, for a total of 126 spaces, and a minimum of seventy-five spaces on the interior streets for use by visitors.

8. All interior roadways shall be private streets and shall be designed in accordance with any applicable D.C. Department of Transportation and Fire Department standards.

9. Access to the planned unit development shall be from Foxhall Road and "W" Street. It is the intention of the Zoning Commission that as much traffic as possible enter and exit directly from Foxhall Road, with the amount of traffic using "W" Street kept to a minimum. The proposed design of all access points, including channelization, traffic signals, pavement markings, and other details shall be developed by the applicant in consultation with the D.C. Department of Transportation and the parties who appeared before the Zoning Commission. The proposed design shall be included in the second-stage application, and shall be

subject to approval by the Zoning Commission. Failure to develop a design which adequately addresses the Commission's concerns to minimize the traffic impact on "W" Street may lead to denial of the second stage application.

10. Landscaping shall be carried out in accordance with the general landscaping plan shown on Exhibit No. 41-B of the record. Similar types of plant materials may be substituted for those plant materials listed. Additional quantities of planting material may be added to the plan. All significant trees to be saved, including those located on individual lots, shall be depicted. The landscaping plan shall also show the location, height and type of all fences proposed to be erected.

11. The final design of the project shall be based on the Preferred Site Plan marked as Exhibit No. 41-B of the record. The second stage application shall include detailed architectural, landscape, grading, surface drainage and utility plans. The location of all houses and related structures, paved areas and other site structures shall be shown in the second stage plans.

12. No building or structure shall be closer than thirty feet to the boundary of the site where that boundary abuts Whitehaven Park, Glover Archbold Park and the existing right-of-way of 44th Street, N.W. That thirty foot setback may be adjusted by the Commission upon consideration of the second stage application if strict adherence to the setback would cause destruction of significant trees or other adverse environmental consequences.

13. The second stage application shall include a construction management plan which shall describe development phases, construction access, storage and staging areas, and tree protection methods.

14. The second stage application shall show proposed utility easements and proposed scenic easements.

15. The second stage application shall include illustrative unit plans, proposed development standards for the detached homes, and proposed sample covenants regarding architectural controls, easements and methods for maintenance of common open space areas. The second stage application shall also include design standards to be applicable to the lots upon which custom homes are to be constructed.

16. The applicant shall, after consultation with the National Park Service, submit with the second stage application a

draft scenic easement to be conveyed to the National Park Service. The purposes of such easement shall be to protect the tree canopy on the entire site and to minimize the visual impact of houses from Glover-Archbold and Whitehaven Parks.

17. Upon final approval of the planned unit development, the applicant shall apply to the District of Columbia Government to close the 44th Street right-of-way. Upon closure of 44th Street, the applicant will convey its interest in the right-of-way to the National Park Service, with an easement of at least 25 feet to be granted to the D. C. Department of Environmental Services.

18. No site grading or other change in the existing character of the property, including removal of existing trees or vegetation, shall take place prior to approval of the detailed site and landscaping plans by the Zoning Commission in the second stage proceeding.

19. This approval is valid for a period of one-year from the effective date of this order. Within that period, the applicant shall file a second-stage application if this first stage approval is to remain in effect.

Vote of the Commission taken at the public meeting of August 13, 1981: 3-0(Lindsley Williams, John G. Parsons and Walter B. Lewis, to approve with conditions-Ruby B. McZier, not voting not having participate in the case and George M. White, not present not voting).

WALTER B. LEWIS
Chairman
Zoning Commission

STEVEN E. SHER
Executive Director
Zoning Secretariat

This order was adopted by the Zoning Commission at its public meeting held on September 10, 1981 by a vote of 3-0(John G. Parsons, Lindsley Williams, and Walter B. Lewis, to adopt - Ruby B. McZier, not voting not having participated in the case, and George M. White, not present, not voting).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective on 25 SEP 1981.

* NOTE: This order was amended by Z.C. Order No. 374 dated 5-24-82.

Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 374

CASE NO. 81-1P

May 24, 1982

On September 10, 1981, by Z.C. Order No. 351, the District of Columbia Zoning Commission granted preliminary approval to the application of Mrs. Duncan, Jennifer Stats and Laughlin Phillips for a Planned Unit Development (PUD) for Lots 806, 812, 815, 817, and a portion of Lot 816 in Square 1346 located at the southeast corner of the intersection of Foxhall Road and W Street, N.W. to allow the construction of a sixty-three dwelling unit housing development. Paragraph 7501.67 of the District of Columbia Zoning Regulations states that the first stage approval shall be valid for a period of one year, unless extended by the Zoning Commission.

By letter dated April 23, 1982, counsel for the applicants requested that the Commission extend the validity of the approval of the PUD granted on September 10, 1981. The letter stated that the current economic conditions affecting the housing industry have created a situation in which there are no developers who are able to join with the Phillips family and make the second stage application within one year. Those developers who are large enough to undertake the project are currently holding significant amounts of unsold inventory and are financially incapable, although not uninterested, in proceeding at this time.

The Zoning Commission is mindful of the current unfavorable economic climate for the housing industry. The Commission also understands the budgeting, marketing and other development constraints associated with a housing development. The Commission believes that an extension of time, as requested by the applicants is not unreasonable, that the rationale for granting approval for the PUD has not significantly changed, and that there will be no adverse consequences incurred by accommodating the request.

It is therefore hereby ordered that the validity of Zoning Commission Order No. 351 is EXTENDED for a period of two

years, until September 25, 1984. Prior to the expiration of that time, the applicants shall file an application with the Zoning Commission for final approval for the PUD, if they desire that Z.C. Order No. 351 remain valid and in effect.

Vote of the Commission taken at the public meeting held on May 24, 1982: 4-0 (Walter B. Lewis, Lindsley Williams, George M. White, and John G. Parsons, to extend - Ruby B. McZier, not present not voting.

WALTER B. LEWIS
Chairman
Zoning Commission

STEVEN E. SHER
Executive Director
Zoning Secretariat



ZONING COMMISSION

CASE No. 81-1P

EXHIBIT No. 67

EXHIBIT NO. 99

CASE NO. 81-18

ZONING COMMISSION

SUMMARY OF EXPECTED COSTS FOR COMMUNITY SERVICES

(CONSTANT 1980 DOLLARS)

	COSTS TO CITY*
POLICE PROTECTION	$39,750
FIRE PROTECTION	13,860
RECREATION AND OPEN SPACE	5,670
LIBRARY SERVICE	2,580
	$61,860

TOTAL ESTIMATED DISTRICT OF COLUMBIA TAX REVENUES FOR THE PUD, 1980

(CONSTANT 1980 DOLLARS)

REAL ESTATE TAXES	$ 338,940
INCOME TAXES	1,072,370
SALES TAXES	28,600
TOTAL GROSS REVENUE	$1,439,910
TAXES PAID LAST YEAR	32,810
NEW REVENUE	$1,407,100

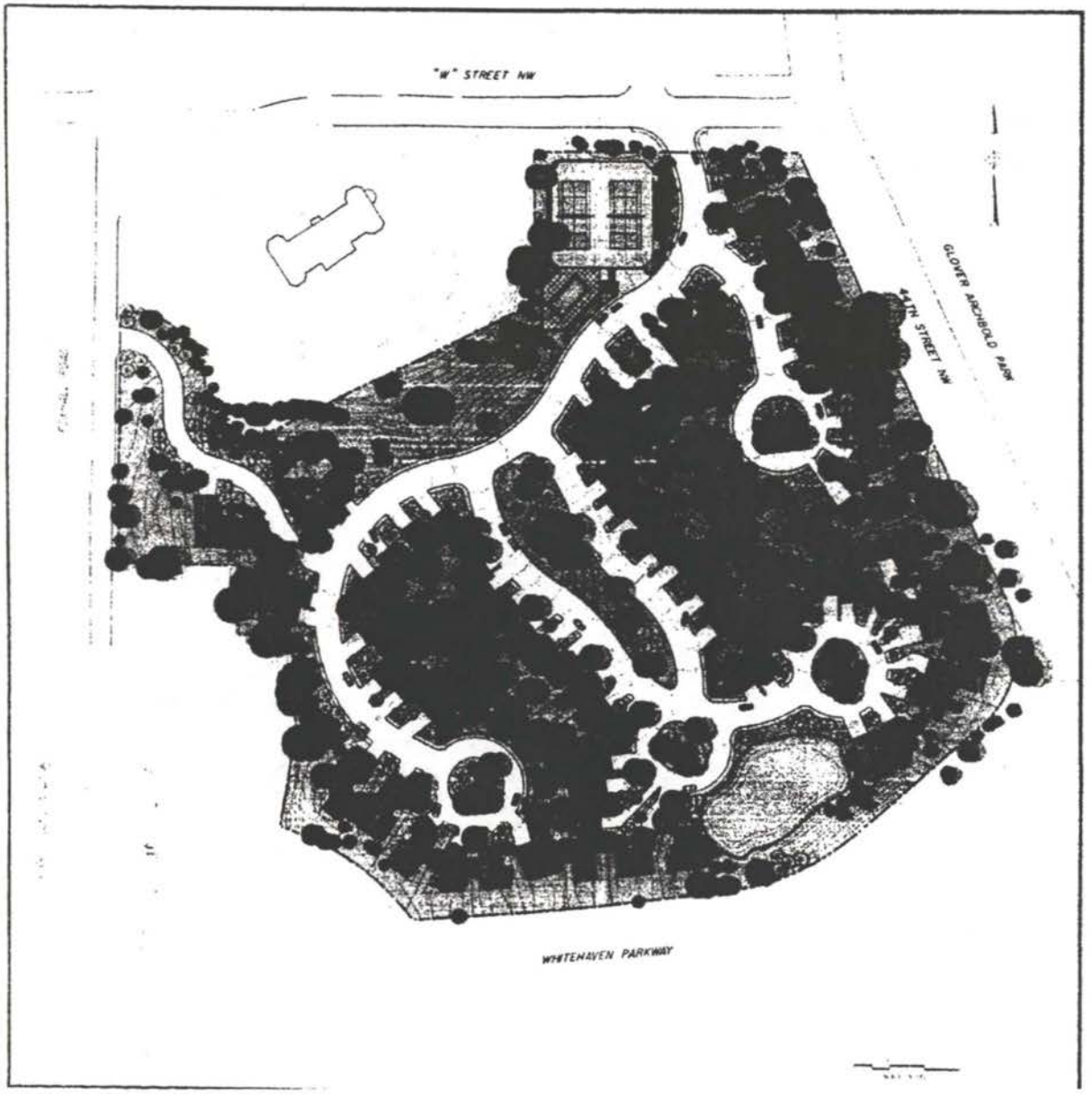
NET REVENUE FROM ALTERNATIVE PUD PLANS

	63-UNIT PLAN	70-UNIT PLAN
REAL ESTATE TAXES	$ 338,940	$ 388,730
INCOME TAXES	1,072,370	1,223,510
SALES TAXES	28,600	31,780
GROSS REVENUE	$1,439,910	$1,644,020
TAXES PAID LAST YEAR	(-) 32,810	(-) 32,810
NET REVENUE	$1,407,100	$1,611,210
CITY EXPENDITURES	(-) 61,860	(-) 68,740
NET REVENUE LESS EXPENSES	$1,345,240	$1,542,470

NET ANNUAL REVENUE TO THE DISTRICT OF COLUMBIA FROM WHITEHAVEN WOODS PUD

(CONSTANT 1980 DOLLARS)

NET REVENUES	$1,407,100
TOTAL EXPENSES	(-) 61,860
NET INCOME TO CITY	$1,345,240



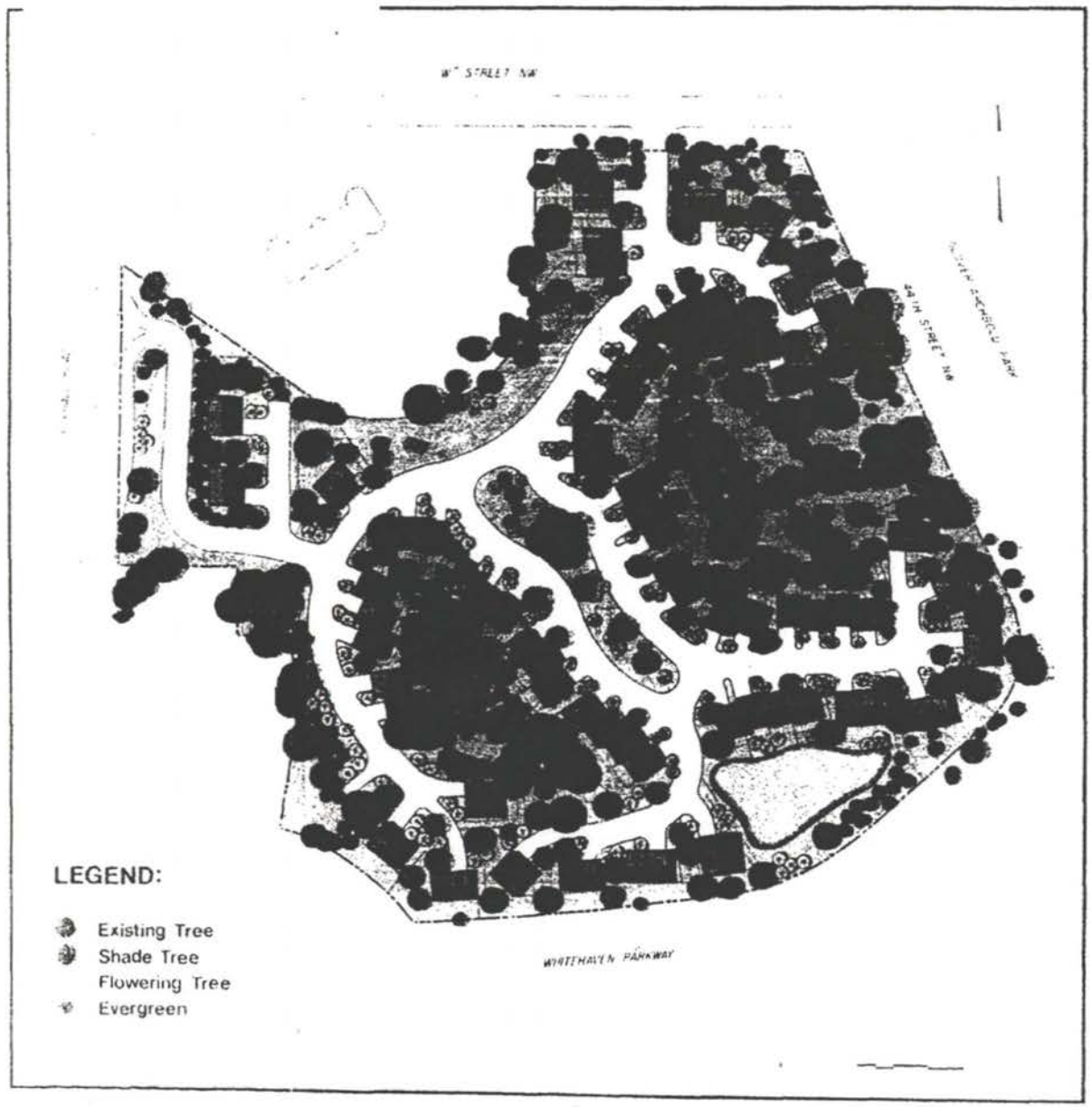
Whitehaven Woods

Planned Unit Development
Washington, D.C.

SASAKI ASSOCIATES, INC.
Washington, D.C.
Date: January 1981

Illustrative Site Plan

Exhibit No. 1



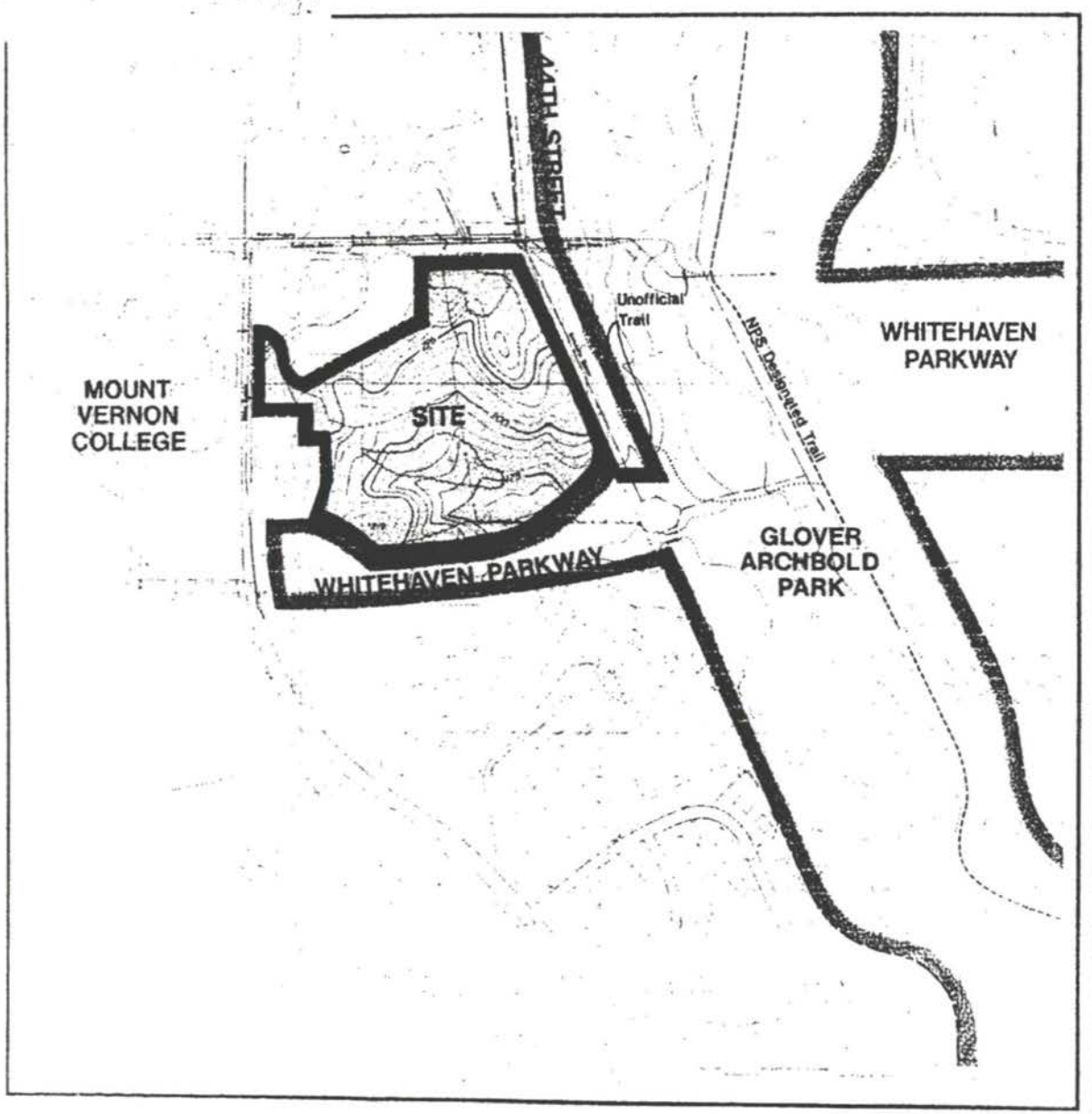
Whitehaven Woods

Planned Unit Development
Washington, D.C.

SASAKI ASSOCIATES, INC.
Washington, D.C.
Date: July, 1981

Preferred Site Plan

Exhibit No. 1A



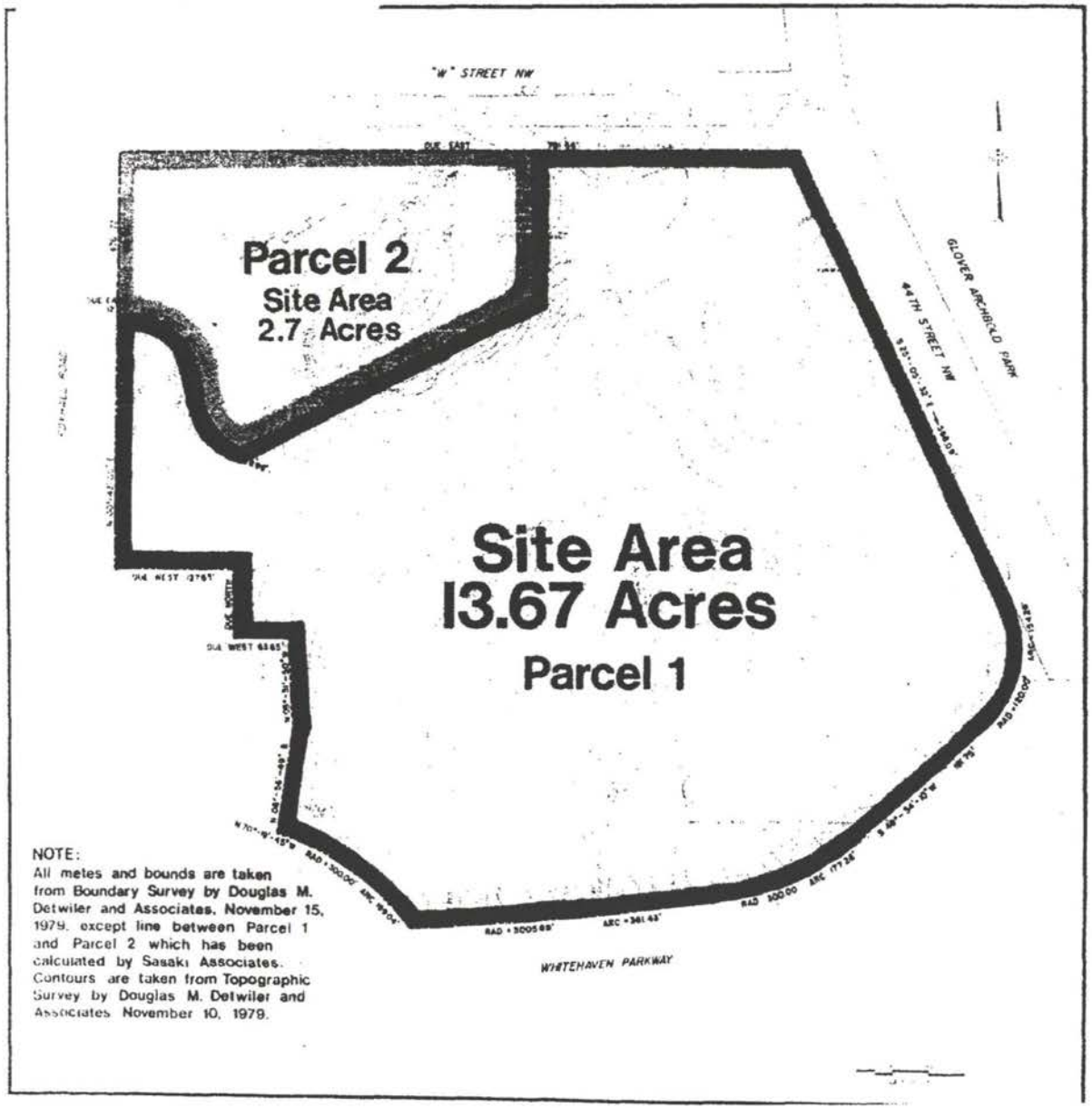
Whitehaven Woods

Planned Unit Development
Washington, D.C.

SASAKI ASSOCIATES, INC.
Washington, D.C.
Date: January 1981

Site and Vicinity

Exhibit No. 2



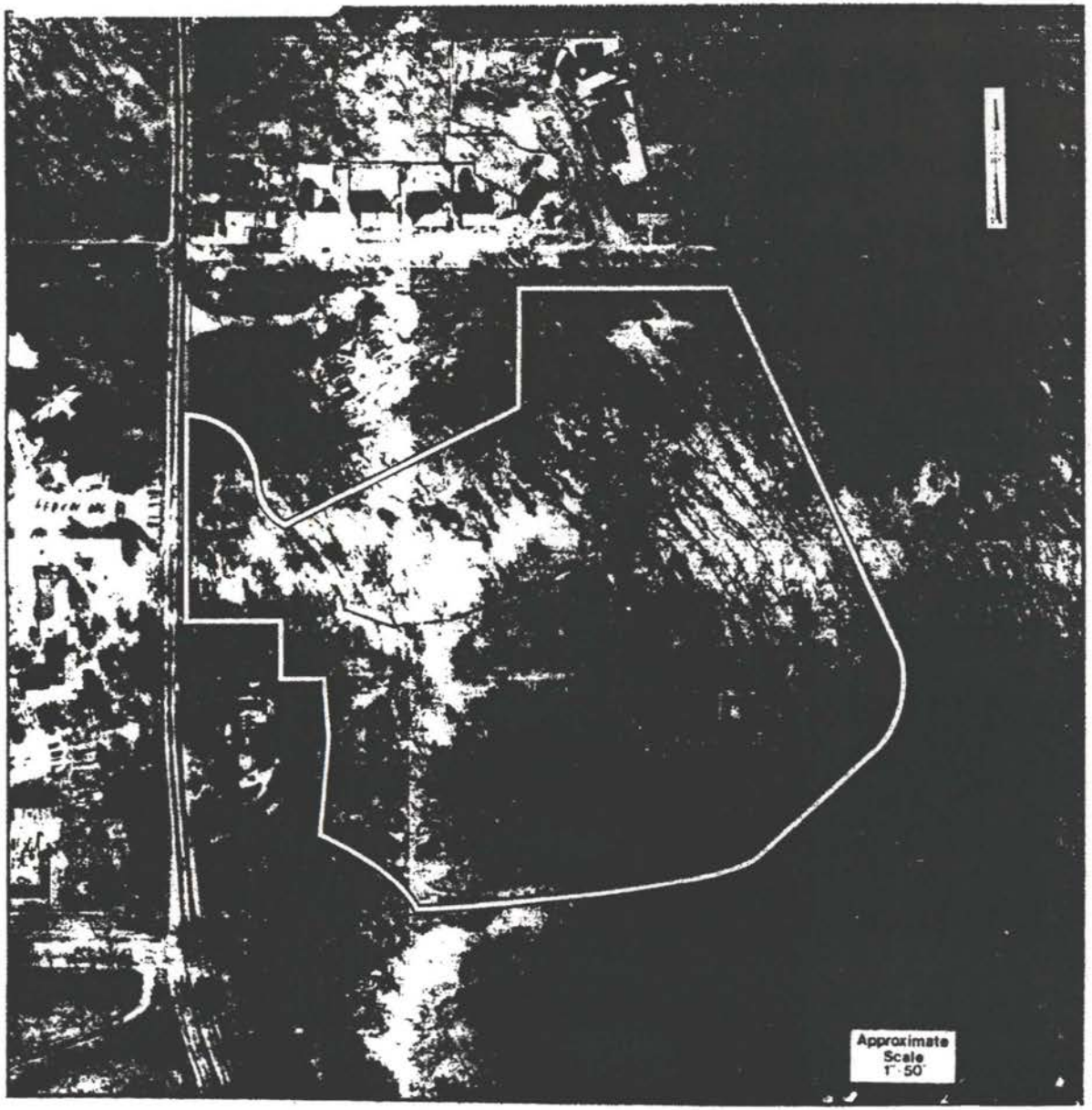
Whitehaven Woods

Planned Unit Development
Washington, D.C.

SASAKI ASSOCIATES, INC.
Washington, D.C.
Date: January 1981

Topography and Site Boundary

Exhibit No. 3



Whitehaven Woods

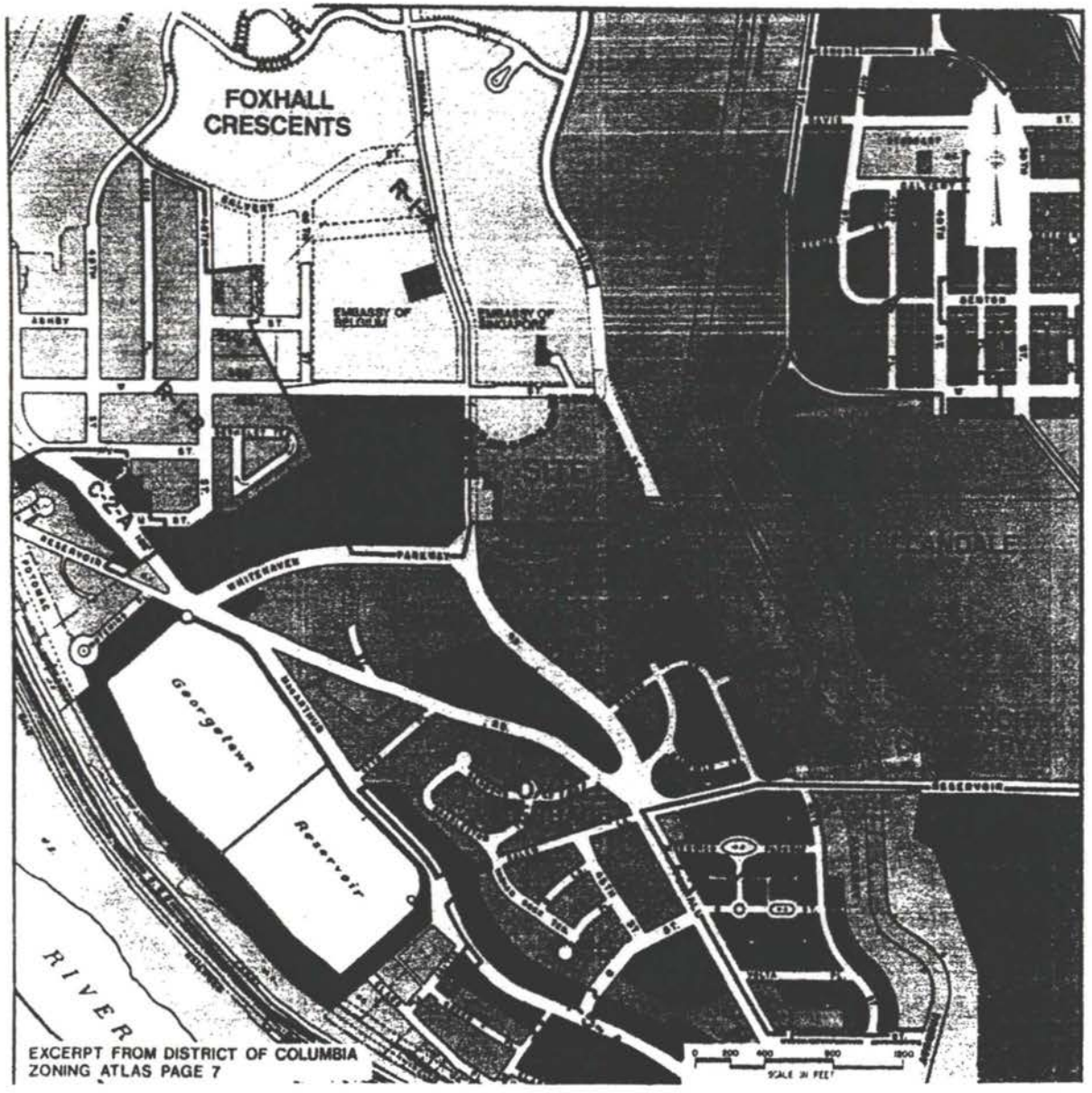
Planned Unit Development
Washington, D.C.

SASAKI ASSOCIATES, INC.
Washington, D.C.
Date: January 1981

Site Aerial Photograph

Photo Date: 1974

Exhibit No. 4



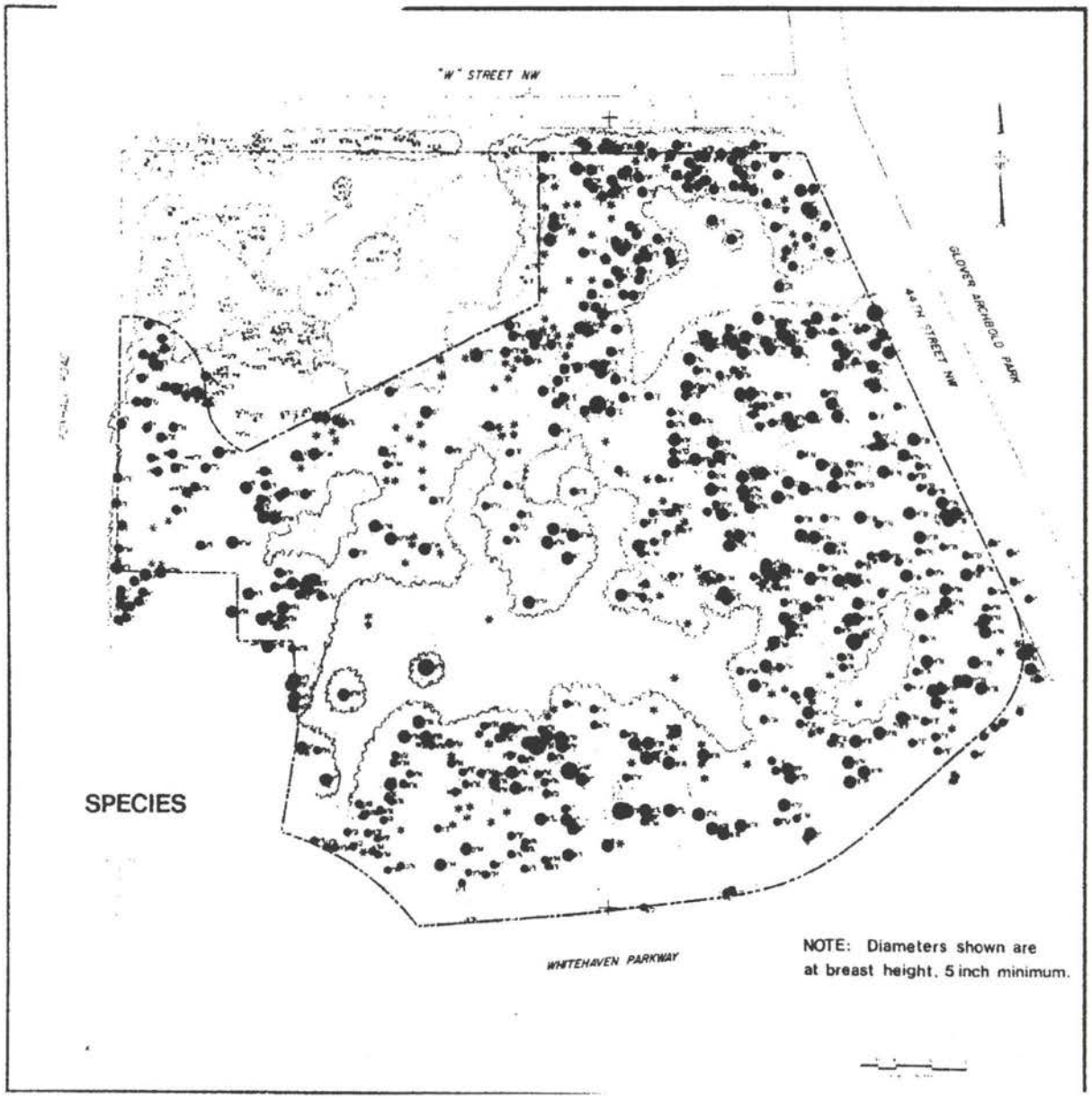
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Washington, D.C.
Date: January 1981

Site Locus and Zoning

Exhibit No. 5



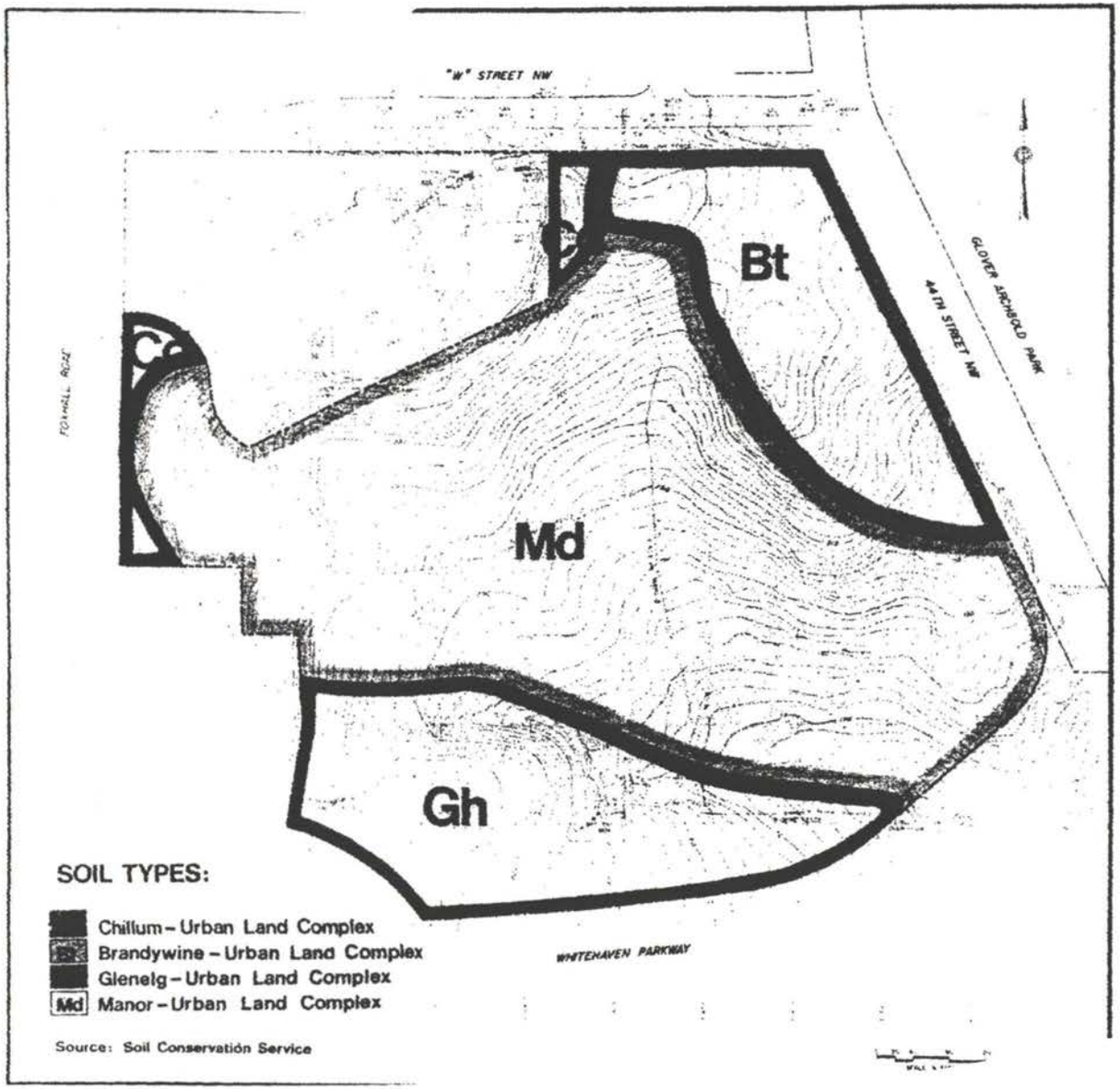
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Washington, D.C.
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Existing Trees

Exhibit No. 6

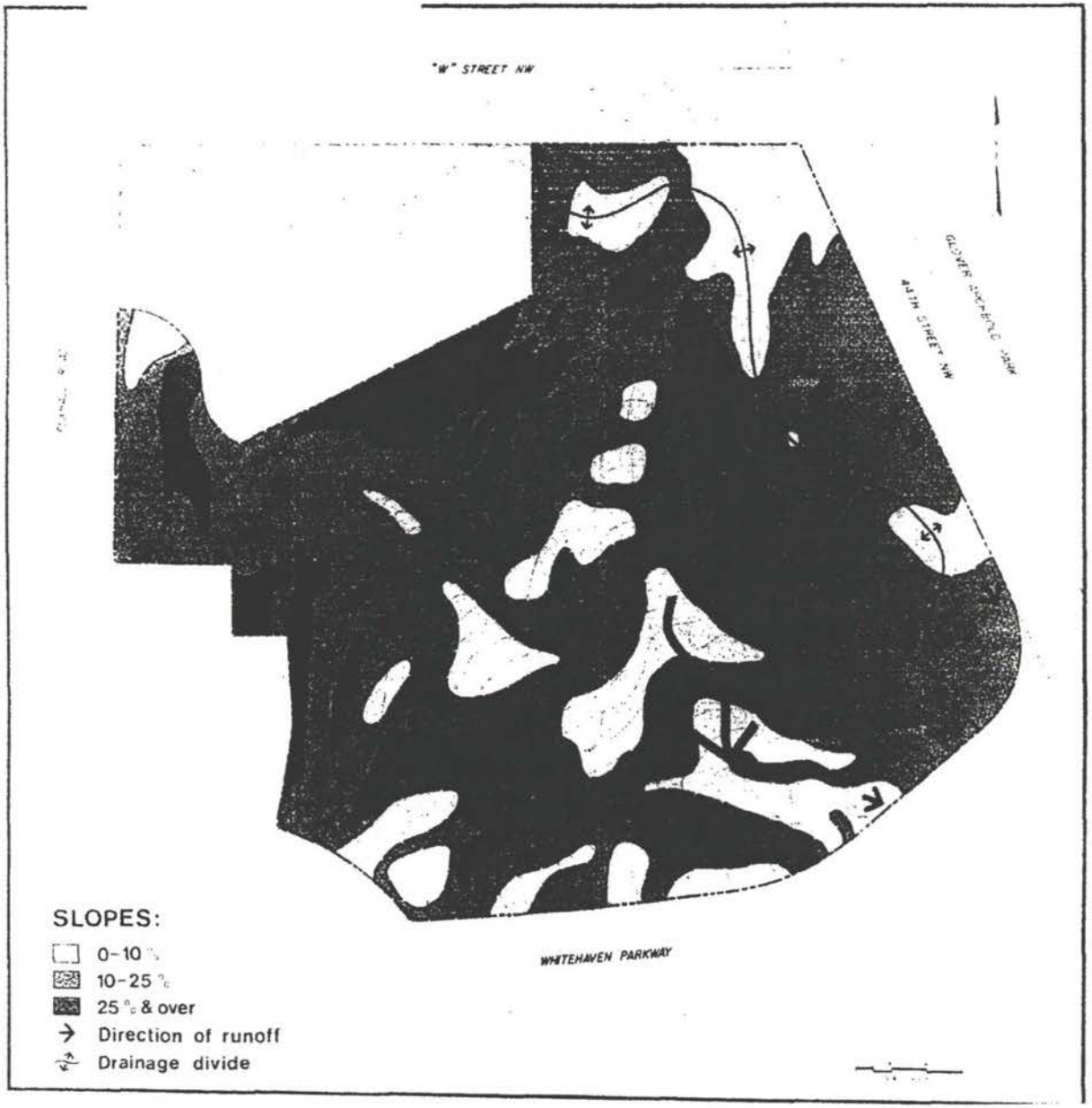


Whitehaven Woods

Planned Unit Development
Washington, D.C.

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Washington, D.C.
Date: January 1981

Soil Analysis



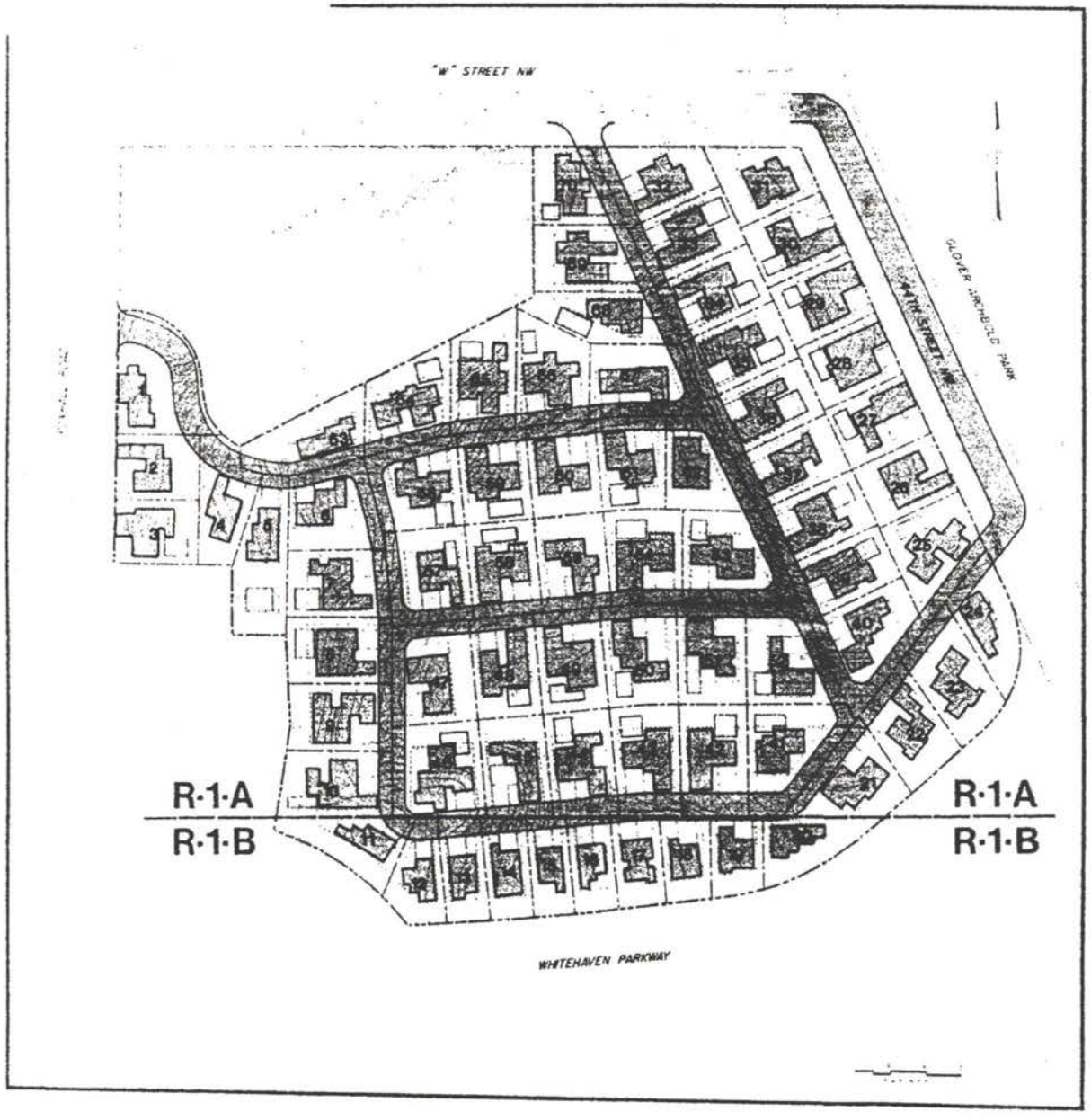
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Planned Unit Development
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Slope Analysis & Drainage

Exhibit No. 8



Whitehaven Woods

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Date: January 1981

Matter-of-Right Development

Exhibit No. 9