Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

February 4, 2005

Mr. Geoffrey Griffis
Chair
Board of Zoning Adjustment
441 4th Street, NW
Suite 210-S
Washington, DC 20001

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RE: Application # 17276
Hearing Date: 2/15/05

Dear Mr. Griffis:

Advisory Neighborhood Commission 3D held its regularly scheduled meeting February 2, 2005, at Sibley Memorial Hospital's Ernst Auditorium with a quorum (4) present at all times. Notice of the meeting appeared in the Northwest Current on January 26 and February 2, 2005, and meeting notices were posted in the ANC area. On the agenda was consideration of the application of Phillips Park, LLC successor to First Capital Trust LLC and T.M. Visnic Custom Home Builders LLC, for a special exception to allow theoretical lots for 34 single-family detached dwellings (the project also includes 12 matter of right single-family detached dwellings) under section 2516, in the R-1-A District at premises 2101 Foxhall Road, NW. (Square 1346, Lot 822.)

The February 2, 2005, meeting marked the third appearance before Advisory Neighborhood Commission 3D by the applicant. Previous meetings were held December 1, 2004, and January 5, 2005. The commission was not informed before the February meeting that there had been a change in the applicant and the enclosure letter that accompanied the new application incorrectly listed the new applicant. As a result, the chair expressed reluctance to move the application forward to the BZA based on late changes; the fact that the development of 16 acres along Foxhall Road is of paramount concern to the community; the proposed 16 acre tract of land is one of two premier tracts remaining in the city; and, the builder/developer, known for his quality workmanship and who brought significant credibility to the project and comfort to the community, is no longer an applicant or member of the development team. Previous presentations to community groups and the commission were made by his well credentialed development team but at the February commission meeting the new applicant was unable to offer the same level of comfort as there is no builder/developer on the application. Richard Nettler, attorney for the applicant, informed the commission that the original developer/builder is

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still negotiating with the owners and is not off the project. Based on that information, consideration of the application continued.

ANC 3D voted 6-0-0 to approve the application of Phillips Park, LLC for a special exception with conditions. (Approval was based on site plan BVA 2.2.05 a copy of which is enclosed.)

The architect and former builder/developer met with residents of W Street and Foxboro Place prior to the January meeting and agreed to remove one of the proposed development entrances along W Street and to place the matter of right houses along W Street on their lots so they would not square off against the fronts of houses on W Street and driveways would be placed to the interior of the development. Residents of W Street and Foxboro Place would be permitted to access Foxhall Road at the new entrance proposed for Dunmarlin.

Previous meeting discussions focused on the overall development project known as Dunmarlin, which is located just south of the Field School that sits atop the area's watershed. Field School continues to experience major problems due to the failure of its stormwater management plan although the school has been in operation since September of 2002. The commission expressed concern that if an inadequate stormwater system were to be implemented for Dunmarlin and fail, it would have significant impact on the property's natural wetland and Glover-Archbold Park that is situated along the property's eastern boundary. Preservation of mature trees on the heavily wooded property was also cited as a concern by the commission.

Traffic on Foxhall Road and environmental impacts to the property's natural wetland and the adjacent Federal parkland were the focus of the commission's February discussion.

The traffic report, one of several prepared by Gorove/Slade and verified by Street Traffic Studies, Ltd, suggests that traffic in the area will improve due to the proposed new Dunmarlin access road on Foxhall Road and the interconnectivity between Dunmarlin and the existing residences on W Street. Some members of the commission questioned that suggestion, however, Mr. Slade proffered that "tweaking" the light at the Field School, which currently operates "on demand" would provide more spacing between cars on Foxhall Road thus allowing cars exiting south from the Dunmarlin access road an opportunity to escape. This would purportedly also provide cars traveling east on W Street unopposed turning opportunities. The commission was unwilling to support the proposed change to the light at Field School as it would impact other areas of Foxhall Road and lengthy discussions had taken place during the Field School case with regard to the timing of that light. Discussion of an additional "on demand" light at the entrance to Dunmarlin followed. The commission noted that traffic warrants for the intersection of W Street and Foxhall Road had been done for the Palisades Traffic Study but an agreement between GW/Mt. Vernon and the community precluded installation of that light. As the W Street intersection is in close proximity to the new Dunmarlin access road it was suggested, and the owners agreed, to pursue with DDOT the installation of an "on demand" light at the intersection of Foxhall Road and the access road to Dunmarlin.

A new site plan (BVA 2.2.05) was presented at the meeting and it was upon this plan that the commission based its decision to support the application. The architect informed the commission that the new plan was developed in cooperation with community representatives who had expressed concern about the impacts of the development on the wetland and adjacent Federal parkland. He noted that the southern boundary road and bridge over the wetland shown at TAB 3 of the February submission had been eliminated and that the new site plan would provide greater protection to the wetland area and preserve several additional stands of old trees. The commission was also informed that the owners have agreed to relinquish their rights to the paper road (44th Street) along the eastern boundary of the property and will pursue a transfer of jurisdiction of the paper road to the National Park Service.

As the development team is not known at this time and a new application was delivered twenty-four hours prior to the ANC meeting, the commission felt it necessary to place conditions on their approval of the special exception. These were discussed at the meeting and agreement was reached between the commission and the applicant on the following conditions for BZA Application No. 17276:

The Subject Property and Surrounding Area

Applicant agrees to: Relinquish all rights/claims to the undeveloped portion (paper road) of 44th Street that abuts the property at 2101 Foxhall Road; remove the concrete slabs and other remnants of the old road bed along the paper road; and, work in collaboration with the National Park Service to ensure that the District of Columbia transfers jurisdiction of that portion of 44th Street (the paper road) to the National Park Service.

Applicant agrees to place covenants on the Deeds of Sale of properties that border on federal parkland that prohibit the placement of structures within the rear yard setback.

Applicant agrees to require that all swimming pools are constructed within the allowable lot footprint.

Applicant agrees to require the Dunmarlin Homeowners Association to institute a policy that would prohibit the use of harmful chemicals/pesticides on properties within the development to ensure further protection of the natural wetlands.

Impacts on Use of Neighboring Property

Applicant agrees to work with DDOT to maintain or improve the natural earthen berm fronting on 2001 Foxhall Road and ensure that it is minimally disturbed if Foxhall Road is reconfigured for the purpose of installing traffic improvements including a traffic signal, an additional traffic lane and a sidewalk.

Traffic Impacts

Applicant agrees not to recommend to DDOT a right turn only policy from the east side of W Street.

Applicant agrees not to request that DDOT fully signalize the traffic light on Foxhall Road at Field School. (See BZA Order No. 16559.)

Applicant agrees to work closely with DDOT and to assume all costs related to the installation of a new "on demand" traffic light at the proposed new Dunmarlin entrance on Foxhall Road. (The warrants for the nearby W Street intersection were done by DDOT in connection with the 2002 Palisades Traffic Study.)

In conclusion, Advisory Neighborhood Commission 3D asks that the Board of Zoning Adjustment afford its 6-0-0 vote to approve the application of Phillips Park, LLC successor to First Capital Trust LLC and T.M. Visnic Custom Home Builders LLC, the great weight to which it is entitled under District of Columbia law.

Sincerely,

Alma H. Gates

Alma H. Gates
Chair

Enclosure (1)

Cc: Richard B. Nettler

Site Plan

The larger lot size on a steeper site allows more natural grading and green space between houses.

The much reduced southern loop still services the lots in this area but reduces the amount of paved area, saves a number more valuable mature trees, and removes any construction from the wetlands.

Tree Preservation

This revised plan saves 10 more valuable, mature trees than the last plan.

All small trees of value within the wetland and buffer will be saved. This is true elsewhere in the development as well, wherever possible, aided by the larger lot sizes.



FURTHER ENVIRONMENTAL MODIFICATIONS to DUNMARLIN

1" = 200'

BVA 2-2-05

Environmentally Sensitive Development

On a private site being considered for development, the environmentally most valuable areas and their connection to the park are being specifically preserved. Substantial environment to sustain all native species will continue to exist within the development and the parks immediately adjacent to it.

The wetland area and buffer, the storm water management area, the corner park at Foxhall and W Street and the teardrop islands along the interior road, combine to create a substantial green finger of almost 3 acres of open space that connects the park system to the heart of our development.

We propose that the NPS required fence will not cross the wetland area.