Chandra Hardy
2001 Foxhall Road, NW, Washington DC, 20007

February 8, 2005

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

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Dear Mr. Griffis,

Re: Application #17276
Hearing date: 2/15/05

In order to address the major impact of the proposed development on me as the adjacent property owner, I have attached a list of reasonable conditions for the consideration of the Board of Zoning Adjustment.

I am seeking the support of the BZA in attaching these and other conditions to protect me from the potential adverse impact of the proposed development on the quality of my life and the value of my property. It is my hope that these reasonable conditions will be included in a binding agreement between me and the developers.

Sincerely,
Chandra Hardy
Chandra Hardy

BZA
Case No. 17276
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO. 17276
EXHIBIT NO. 28

February 8, 2005

REASONABLE AND NECESSARY CONDITIONS FOR NEIGHBORING PROPERTIES RELATING TO THE PROPOSED CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT AT 2100 FOXHALL ROAD, NW, WASHINGTON DC.

In order to rightfully address the major impact on the property adjacent to the planned residential development at 2100 Foxhall Road NW where over 46 (12 matter of right) homes will be built on approximately 16 acres, the owner of the adjacent property, Mrs. Chandra Hardy hereby requests the following reasonable conditions irrespective of whether she supports or opposes the final proposal of this residential development that is seeking government approval.

A sketch showing the physical connection of the adjacent property at 2001 Foxhall Road to the impending construction zone is given in Annex 1.

The reasonable conditions that are sought are to be included in a binding agreement between Mrs. Hardy and the developer, First Capital LLC or Phillips Park LLC include:

Perimeter Fence

The National Park Service has asked the developers to install a permanent perimeter fence along the boundary with Whitehaven Park and I would like similar protection.

1. I would like the developers to install the same perimeter fence along the boundary of my property and to landscape the area around the fence with large trees, mixed vegetation and shrubs of my choice to provide security and privacy;
2. I would like to share the cost with the developers of installing the perimeter fence along that section of the boundary of the park that runs along my property;
3. I would like the permanent perimeter fence to be installed at the earliest possible date and no later than immediately after the clearing and re-grading of the land and before the construction of homes begins.

Tree Protection

Provision that the final development plan will not create a legal nuisance by killing or otherwise damaging several old trees that I have enjoyed for 27 years and which provide shade, beauty and a buffer along the border of my backyard and the development .

The developers must bear the cost of the removal and replacement of any of the trees on my property that die or are damaged by their construction for a period of up to 10 years from the end of the construction.

The developers will also bear the cost of any damage to property or life caused by trees that die or are damaged by their construction.

Street Lighting on the Private Roads

To minimize the nuisance caused by lights and traffic, the developers will
1. use driveway lighting only, as much as possible;
2. ensure that the focus of the street lighting is directionally down lit, muted and turned away from my house.

Protection during the period of Construction

The developers should provide a **Construction Management Plan** showing inter alia:

1. That the parking of construction vehicles, the vehicles of construction workers, trailers, toilets, storage buildings etc will be located out of sight of my house at 2001 Foxhall Road.
2. The location of construction roads on the property
3. That work on the building site will not begin before 7.00am and will end no later than 4.00pm. No work should take place on weekends or on holidays.
4. A provision requiring the installation of a substantial buffer such as a covered chain link fence between the construction site and my property during the land preparation phase to provide adequate security.
5. Provide a 24 hour hotline during construction to respond to questions from the neighbors.
6. Ensure that construction vehicles use only the existing entrance to the development at 2100 Foxhall Road and not the proposed new entrances on W Street and on Foxhall Road.
7. A provision regarding remediation or payment for damage during construction including (a) damage to my house and possessions due to dirt, dust, sand etc. requiring the need for exterior painting, window cleaning, excessive dust in the house etc. (b) any other physical harm to the property reasonably associated with construction activities.
8. To minimize the adverse impact of the view of an undeveloped building site on the potential sale value of my house over the next several years, the developers will (i) delay the removal of trees that provide a protective barrier to the extent possible; (ii) soon after the re-grading work is completed, restore the landscape by planting trees, laying down grass and trimming the bushes to provide an attractive view and significant landscape buffers to the construction site.
9. Provide a **Construction Schedule** showing the plan for the sequencing of the building of the homes on the property.
10. Schedule the construction of the homes directly in front of my property for the later stage of the construction period so that so that I could continue to enjoy the trees and landscape for awhile longer and be less exposed to noise and dust pollution.
11. The developers will take steps to mitigate the noise and dust pollution that will result from the re-grading of 16 acres and the clearing of trees and bushes on the

property such as sequencing the work in stages and providing adequate protective barriers.

12. Provide information to Mrs. Hardy on changes in the Construction Plan that could impact her property.

Relations with the Community

The developers will agree to hold regular scheduled monthly meetings with the neighbors and the community during the period of construction to brief them on the construction schedule and to listen to their concerns. These meetings could take place on the GWU/Mt. Vernon campus or at the Palisades library.

Settlement of Disputes

The developers will agree to procedures for the mediation and the settlement of disputes to avoid recourse to legal actions in the form of injunctions to stop work or litigation.

Storm Water Management:

1. **On the construction site:** I would like provisions that the developer will ensure that storm water from the building site is drained away from my property, and to be permitted to have engineers review the plan for storm water management to ensure that this condition is met **at the design and land preparation phase of the construction.**

2. **Along Foxhall Road:** Over the past few years, I have had a permanently wet basement and destroyed walls because of the rise in the water table and the poor drainage conditions along Foxhall Road from the Field School.

I would like the developers to work with the Department of Transportation to ensure that in the planned re-construction and repair of Foxhall Road, 1 that the section between Whitehaven Parkway and W street is re-graded to ensure that the storm water flows into the drains and not across my driveway and property causing severe erosion; 2. that a buffer be created in front of my property and driveway to guide the storm water into the drains.

Chandra Hardy

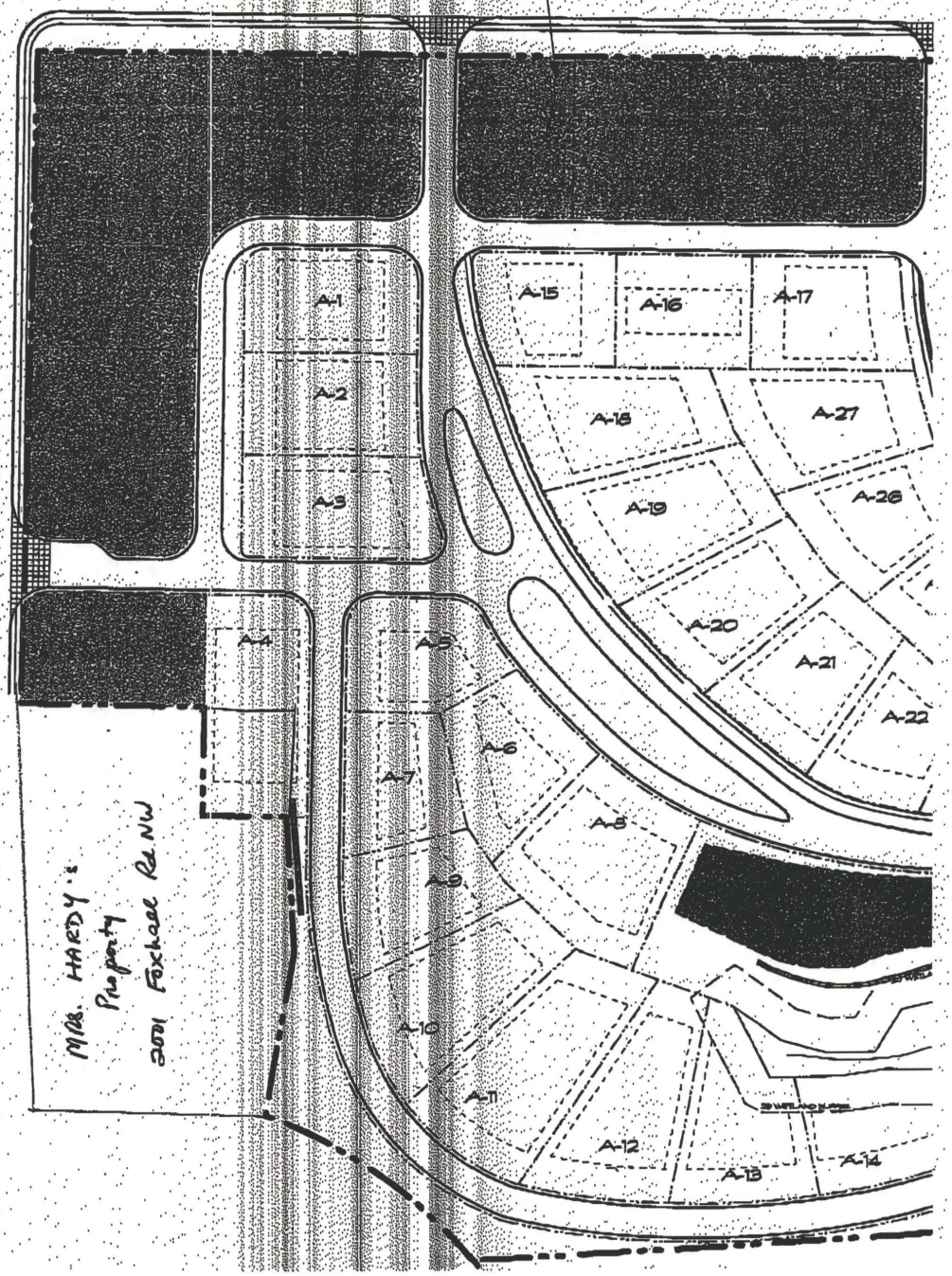
Chandra Hardy
2001 Foxhall Road, NW
Washington DC, 20007

#17276

2100 Foxhall Rd.
Partial Lot Plan

Annex I

MOR LOTS



February 8, 2005

TO: Mr. Geoffrey Griffis
Chair, Board of Zoning Adjustment
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Washington DC 20001

FAX: 202-727-6072

FROM: Chandra Hardy
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No. of pages: 6 (incl. cover)

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