GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Ellen McCarthy, Interim Director, OP

DATE: February 8, 2005

SUBJECT: BZA Case #17276, Special Exception for a theoretical lot subdivision

I. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

Although the Office of Planning generally supports the direction of this proposal, OP cannot at this time make a recommendation because the applicant has revised the site plan and OP has not yet been provided with the final application.

II. APPLICATION-IN-BRIEF

Location 2101 Foxhall Road NW
Square 1346, Lot 822; ANC 3D

Applicant: Richard Nettler and Jeannine Rustad, Robins, Kaplan, Miller & Cressi LLP, on behalf of the owner, Raha III, Inc. and contract purchasers, Phillips Park LLC.

Zoning: R-1-A

Proposal: Subdivision of a lot into 46 lots for development as detached dwellings.

Relief Sought: Special Exception pursuant to §3104.1, for a theoretical lot subdivision for 34 of the lots, pursuant to §2516.

III. AREA AND SITE DESCRIPTION – Refer to Location Plan; Site Plan, and Photos, Attachments I, II and III

Square 1346 is located in Ward 3, at the intersection of Foxhall Road NW and W Street NW. To the north of the site is detached residential development. Directly to the east is an unopened section of 44th Street NW, currently containing a walking path that connects the end of W Street to Glover Archbold Park, National Park Service Land. To the south of the property is additional NPS land (Whitehurst Parkway) and beyond that, currently undeveloped property owned by St. Patrick's Episcopal Church. Mt. Vernon College is across Foxhall Road to the west.

The site is about 16 acres in size. It was formerly developed as the "Dunmarlin" estate for the Phillips family, with a dwelling and associated accessory buildings. Most of the former development has been demolished and removed, and the site is largely wooded over. The terrain undulates, but generally slopes down from the northwest to the southeast corner where there is a drainage channel with a small creek that eventually feeds into Glover Archbold Creek.

IV. PROJECT DESCRIPTION – refer to revised site plan, Attachment IV

The original application was for the creation of 47 lots with private internal roads accessed from Foxhall Road at one point and W Street from two points. The application has since submitted a pre-hearing statement that amended the proposal to eliminate one lot and one

Board of Zoning Adjustment
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EXHIBIT NO. 29

BZA
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vehicular access from W Street. OP has been informed that the applicant is intending to further amend the proposal, as a result of discussions with the ANC and community groups. As of the time of drafting this report, however, OP had not received detailed analysis of this new option other than a site plan.

The current proposal is to subdivide the property into 46 lots, including 4 conforming lots facing Foxhall Road, 9 conforming lots facing W Street, and 33 lots facing new, internal, private roads. The new internal roads would also provide driveway access to the conforming lots – there would be no individual driveways from existing streets. The internal road system has been laid out to reflect, to some extent, the existing topography. Although the roads would be private, they would be constructed to District standards, and would be accessible to the public – the applicant is not proposing a gated community. There would be one new access from Foxhall Road at the center of the site, and one new access to W Street, in line with the existing Foxboro Place to the north. A number of the more significant existing trees would be preserved, as would an existing small creek area, adjacent to the underground storm water detention area with park space on top. Additional green space would be provided at the center of the site and at the intersection of Foxhall Road and W Street. The most recent site plan submitted to the ANC at its last meeting, attached as Attachment I, appears to further increase the size of the wetland area and buffer and to reduce the amount of pavement by decreasing the length of some of the internal road loops, and adds one lot facing W Street while removing one internal theoretical lot.

Detailed analysis of the most recent site plan had not been provided to OP as of the date that this report was required to be filed. OP is also understands that discussions with the National Park Service (NPS) and Department of Health (DOH) are continuing. Under the previous site plan, the new lots varied in size from about 8,100 square feet to almost 20,000 square feet, permitting a correspondingly varied house size and form. The current plan appears to provide even greater variety, with a number of smaller lots within the lower loop of the private streets, and a number of quite large lots backing onto NPS land to the south and east. The applicant has noted to OP that all of the lots would provide the minimum 7,500 sq.ft. area and 75 foot width, but such analysis has not been provided as of the date of this report. Although individual houses for each lot have not been designed (sample home designs were submitted with the application), each lot provides an adequate, conforming building envelope, and the applicant is retaining, by covenant, design review of each proposed new dwelling against building and landscape guidelines. A copy of the landscape guidelines was provided in the pre-hearing statement. The applicant is also establishing a "no build" covenant along the rear 25 feet of the lots that back onto the parkland. OP supports this initiative but has not been provided with a copy of this document.

V. PUD 81-1P

The Zoning Commission, through Order 351 (September 10, 1981) gave first stage approval for subdivision of the site (exclusive of the 3 acre Dunmarlin home site) to a maximum density of 63 detached and rowhouse units accessed from private internal roads with principal entrance from Foxhall Road. The order also required the design of all access points to be developed in consultation with the DDOT prior to second stage approval, a 30' minimum setback from any boundary line abutting Whitehaven Park, Glover Archbold Park, or the unopened 44th street right-of-way; and a scenic easement to be conveyed to the NPS to protect the tree canopy and to minimize visual impacts on the parks.

The order was extended on two occasions for a period of two years each, but was eventually abandoned. According to the applicant, a subsequent proposal for 24 conforming detached dwellings with associated recreation space received Large Tract Review approval, but also was allowed to lapse.

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The site is within the "Whitehaven Woods" Housing Opportunity Area. "*where the District expects and encourages either new housing or rehabilitated housing*" (Comp Plan Section 1118.6).

1409 WARD 3 LAND USE

1409.4 Residential neighborhood objectives, policies, and actions are as follows:

*(a) The Land Use Element designates four (4) housing opportunity areas in Ward 3 (Miller Tract in Spring Valley, Tenleytown Metro Station Area, **Whitehaven Woods along Foxhall Road**, and Friendship Heights at Wisconsin and Western avenues). Infill development and future breakup of the few remaining large estates present the only other important potentials for residential development in the ward. Much of this is likely to be controversial - a reason to do the following:*

(1) Encourage interest in and direct development to the housing opportunity areas...

The property is designated "low density" residential (single-family detached and semi-detached housing as the predominant uses) on the Comprehensive Plan Generalized Land use Map. The proposal would not be contrary to this designation.

VII. AREA ZONING

The property is zoned R-1-A, one family detached residential. The surrounding area is zoned R-1-A and R-1-B, or is unzoned Federal parkland.

VIII. REQUESTED ZONING RELIEF (refer to Project Profile, Attachment V)

1. Special Exception - Number of Principal Buildings Per Lot (Theoretical Lot Subdivision)

In addition to creating 13 conforming lots fronting Foxhall Road and W Street NW, the applicant is proposing a theoretical lot subdivision to create 33 lots for development fronting private streets. As these lots do not have frontage on a public road, §2516.1 of the Zoning Regulations provides that "*If approved by the Board of Zoning Adjustment as a special exception under § 3104, two (2) or more principal buildings or structures may be erected on a single subdivided lot, subject to the provisions of this section.*"

2516.2 This section applies to construction on a lot that is located in, or within twenty-five feet (25 ft.) of a Residence District.	The subject site is within a residential district.
2516.3 In addition to other filing requirements, the applicant shall submit to the Board, with the new application, four (4) site plans for all new rights-of-way and easements, and existing and preliminary landscaping and grading plans with approximate building footprints; provided:	Information provided as part of the application and the pre-hearing statement has been further revised in accordance with a site plan viewed by the ANC but not submitted to the Office of Planning as of the date of this report.
(a) The applicant shall also submit, either with the original application or at a later time, final landscaping and grading plans and two (2) sets of typical floor plans and elevations; and	Final landscape and grading plans, reflecting the most recent site plan, have yet to be submitted.

(b) If the applicant elects to submit the plans referenced in paragraph (a) of this subsection at a later date, the Board's original approval shall be conditional, subject to a later public hearing and final decision on the project as a whole.	The applicant has submitted landscape and grading plans, as well as sample home designs, reflecting the original proposal. The revised plans have not been submitted to OP.
***2516.4** The number of principal buildings permitted by this section shall not be limited; provided, that the applicant for a permit to build submits satisfactory evidence that all the requirements of this chapter (such as use, height, bulk, open spaces around each building, and limitations on structures on alley lots pursuant to § 2507), and §§ 3202.2 and 3202.3 are met.*	All of the theoretical lots shown in the pre-hearing statement site plan provide the required site area and width, as well as a building envelope that provides the required setbacks. The applicant has advised OP that all of the lots in the most recent site plan will also provide the required area and width. The proposed use – detached dwellings – is a permitted one.
***2516.5** If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply*	The 33 internal theoretical lots do not have frontage on a public street, so the following provisions are applicable to those lots.
(a) The front of the building shall be the side upon which the principal entrance is located;	All buildings on the theoretical lots front onto private streets, with pedestrian and vehicular entrance on that façade. The conforming lots provide pedestrian entrances from Foxhall Road and W Street and vehicular access from the private streets. One of these lots – lot 13 on the site plan – will require a driveway easement across Lot 12 to provide access from the private street, in conformance with community wishes that there be no lots with vehicular access from W Street.
(b) Open space in front of the entrance shall be required that is equivalent ... to the required rear yard in the zone district in which the building is located ...;	The required rear yard setback in this zone is 25 feet minimum. The proposed lot configuration provides for front yards of 25 feet minimum on all 46 lots.
(c) A rear yard shall be required; and	The proposed lot configuration provides for a conforming rear yard on each lot.
(d) If any part of the boundary of a theoretical lot is located in common with the rear lot line of the subdivided lot of which it is a part, the rear yard of the theoretical lot shall be along the boundary of the subdivided lot.	The applicant notes that the development conforms to this requirement.
***2516.6** In providing for net density pursuant to § 2516.11, the Board shall require at least the following:*	
(a) The area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required by this title;	The applicant notes that the development conforms to this requirement, and that each of the proposed lots provides a conforming area without including road area.

(b) Notwithstanding any other provision of this title, each means of vehicular ingress or egress to any principal building shall be twenty-five feet (25 ft.) in width, but need not be paved for its entire width;	The applicant notes that the development conforms to this requirement, in that the private roadways are within a 25-foot wide right-of-way.
(c) If there are not at least two (2) entrances or exits from the means of ingress or egress, a turning area shall be provided with a diameter of not less than sixty feet (60 ft.); and	The development conforms to this requirement in that there are no portions of the development that have only one means of egress (i.e. a cul-de-sac).
(d) The requirements of paragraphs (b) and (c) of this subsection may be modified if the Board finds that a lesser width or diameter will be compatible with, and will not be likely to have an adverse effect on, the present character and future development of the neighborhood; provided, that the Board shall give specific consideration to the spacing of buildings and the availability of resident, guest, and service parking.	The applicant has not requested any modification to sections (b) and (c) above.
***2516.7** Where not in conflict with the Act to Regulate the Height of Buildings in the District of Columbia ... the height of a building governed by the provisions of this section, in all zone districts shall be measured from the finished grade at the middle of the front of the building.*	The applicant has noted that all dwellings will be required to conform to the zoning regulation height limit of 40 feet, measured in accordance with this provision. Any deviation from this would require separate BZA review of a building height variance request.
***2516.8** The provisions of this section shall also apply to buildings erected under the terms and conditions of § 410, relating to a group of one-family dwellings, flats, or apartment houses, or a combination of such buildings.*	This section is not applicable in this case, as the site is within the R-1-A zone district, and §410 applies to the R-4 and R-5 districts only.
***2516.9** The proposed development shall comply with the substantive provisions of this title and shall not likely have an adverse effect on the present character and future development of the neighborhood.*	The proposal appears to substantially comply with zoning regulations, and, overall, should have minimal adverse impact on the surrounding community. By providing a new, safer access from Foxhall Road and allowing public access through the site, the development may improve access to existing houses on the north side of W Street NW. The applicant has worked with the ANC, the community, and the National Park Service to minimize potential negative impacts.
***2516.10** Before taking final action on an application under this section, the Board shall refer the application to the D.C. Office of Planning for coordination, review, and report, including:*	OP forwarded the application to various District departments and agencies for comment. All comments are based on the application drawings, rather than those of the pre-hearing statement or the revised site plan.

(a) The relationship of the proposed development to the overall purpose and intent of the Zoning Regulations, and other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government; provided, that the planning considerations that are addressed shall include, but not be limited to:	OP analysis of the application against the zoning regulations is provided throughout this report. In summary, OP believes that the proposal conforms to the purpose and intent of the zoning regulations and Comprehensive Plan. No relief from zoning regulations, other than the special exception relief for the theoretical lots, is requested by the applicant.
(1) Public safety relating to police and fire concerns;	The Metropolitan Police Department (MPD) conducted a traffic survey on Foxhall Road, noting that excess speed is common. However, the MPD did not note whether the proposal, which includes a reconfiguration of Foxhall Road to provide better access, would improve or worsen traffic conditions, and OP did not receive clarification. OP did not receive comments from the Fire and Emergency Medical Services Department (FEMS).
(2) The environment, relating to water supply, water pollution, soil erosion, and solid waste management;	OP did not receive comments from the Department of Public Works or the Department of Health, although OP has been advised that the applicant has been consulting with DOH on wetlands issues. The applicant has worked with the Army Corps of Engineers to determine wetlands issues, and have preserved a small drainage channel and natural wetlands area in the southeast corner of the site – the most recent site plan expands this area and creates a wider buffer between it and future building sites. Directly adjacent to it will be the on-site underground storm retention area, designed to naturally filter to acceptable levels storm water runoff for a 15-year peak discharge, in accordance with District regulations. The developer will also be required to address soil erosion during the construction of roads and individual houses.
(3) Public education;	OP did not receive comments from DC Public Schools. As part of the earlier 1981 PUD, DCPS noted that the then proposed 63 housing units would have minimal impact on the public school system.
(4) Recreation;	The Department of Parks and Recreation (DPR) notes that they maintain a neighborhood park at W and 45th Street with a small playground, and, further to the south but within walking distance, Hardy Recreation Center's soccer field, basketball court, tennis courts, picnic area, and multi-purpose room. With regard to the proposal, DPR notes concern related to maintenance of, access to, and landscaping for the public spaces proposed. The applicant has noted that these spaces will be maintained by the homeowners association, will be accessible to the general public not just to residents of the enclave.

(5) Parking, loading, and traffic;	Although the final design of individual units is not part of this proposal, the applicant is proposing at least two on site spaces per unit, with additional parking on driveways possible. The applicant's traffic impact analysis, prepared by Gorove / Slade Associates, notes that the proposal is preferable to by-right development as it eliminates direct driveway access from the conforming lots to existing streets, and provides a new egress from Foxhall Road which provides better site-lines than the current W Street / Foxhall Road intersection, and can be designed to better accommodate turning traffic. The District Department of Transportation (DDOT) has noted concurrence with this plan, in particular that the project will not affect existing level of service of the surrounding street system.
(6) Urban design; and	The form of development – detached dwellings on relatively large lots – is in character with the surrounding community. Internalizing the lots so that they face on private streets is not out of character, and is desirable from a traffic management point of view. Provided that there is no future "gating" of the community, OP has no major concerns with the relationship of the proposal to the overall urban fabric.
(7) As appropriate, historic preservation and visual impacts on adjacent parkland;	No historic resources have been identified in this area, and the site is not within a historic district.
(b) Considerations of site planning; the size, location, and bearing capacity of driveways; deliveries to be made to the site; side and rear yards; density and open space; and the location, design, and screening of structures;	• Driveways – The internal roads would be designed to District standards and would accommodate the low level of traffic anticipated for this number of houses. Driveways to individual houses would all be accessed from the private internal streets. • Deliveries – As the proposal is for a low-density detached residential development, deliveries would be minimal, and would be accommodated by the road and driveway system proposed. • Density and Open Space – The applicant is proposing considerable shared and on-site (setback) open space. The density, at less than 3 units per acre, is low and in keeping with the neighborhood. The average lot area (for the pre-hearing statement plans) of over 11,000 square feet is greater than the minimum lot area required in the R-1-A zone (7,500 sq.ft.). The setbacks ensure that each house will be well set back from the street, from each other, and from the park space.

(c) Considerations of traffic to be generated and parking spaces to be provided, and their impacts;	The applicant's traffic impact study indicates that the proposed development would be designed to mitigate existing and potential traffic problems, a conclusion with which DDOT concurs. A greater than required amount of parking would be provided.
(d) The impact of the proposed development on neighboring properties; and	The applicant appears to have made a concerted effort to consult with local proposed development has been designed to reflect neighborhood development characteristics. As noted throughout this report, the development would result in minimal traffic impacts, and for some existing residents, may be beneficial. OP also understands that the applicant is continuing discussions with NPS, neighbor to the east and south, to minimize potential impacts on park space.
(f) The findings, considerations, and recommendations of other District government agencies.	Additional comments of District departments and agencies are provided in Section X and throughout this report.
***2516.11** The Board may impose conditions with respect to the size and location of driveways; net density; height, design, screening, and location of structures; and any other matter that the Board determines to be required to protect the overall purpose and intent of the Zoning Regulations.*	The applicant has proposed a number of appropriate conditions, mainly related to building and landscape siting and design. As noted below in Section IX of this report, the ANC has also attached a number of conditions to its approval, some related to off-site and environmental issues. The Board may wish to consider conditions within the Order such that: • the applicant ensures that the private streets remain open and accessible to the public and that no form of gate or other deterrent is permitted, in perpetuity; • the applicant ensures that development on each of the conforming lots will provide pedestrian access from the existing street (Foxhall Road or W Street NW). • the applicant agrees to provide or require adequate protection measures to ensure minimal soil erosion into the natural drainage channel during the construction of roads and houses, and to ensure that trees to be retained are protected by properly installed fencing to prevent accidental damage or the placement of material or equipment within their drip lines during construction; and • the homeowners' agreement ensures adequate maintenance of public green space, roads, and the storm water management system in perpetuity.

With regards to the Special Exception test of §3104:

Will the special exception be in harmony with the general purpose and intent of the Zoning regulations and Maps?

The proposed theoretical lot subdivision would not be contrary to the purpose or intent of the zoning regulations, as each of the lots being created would provide greater than the minimum lot area and width required in this zone, and the form of the private streets and housing development is in keeping with both the zoning and the character of the area.

Will the special exception adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps?

OP does not feel that the proposed form of subdivision layout would adversely affect the surrounding neighborhood. From the outside, the development will be consistent in form with other development in the area. Road improvements may benefit access to some existing houses.

IX. ADVISORY NEIGHBORHOOD COMMISSION (ANC) COMMENTS

The applicant most recently presented its proposal to ANC3C at its January 5, 2005 meeting. Subsequently, the applicant presented its revised site plan at the February 2, 2005 ANC meeting. The ANC adopted a unanimous motion of support for the revised proposal, with a number of conditions, most of which are outside the scope of the BZA to require:

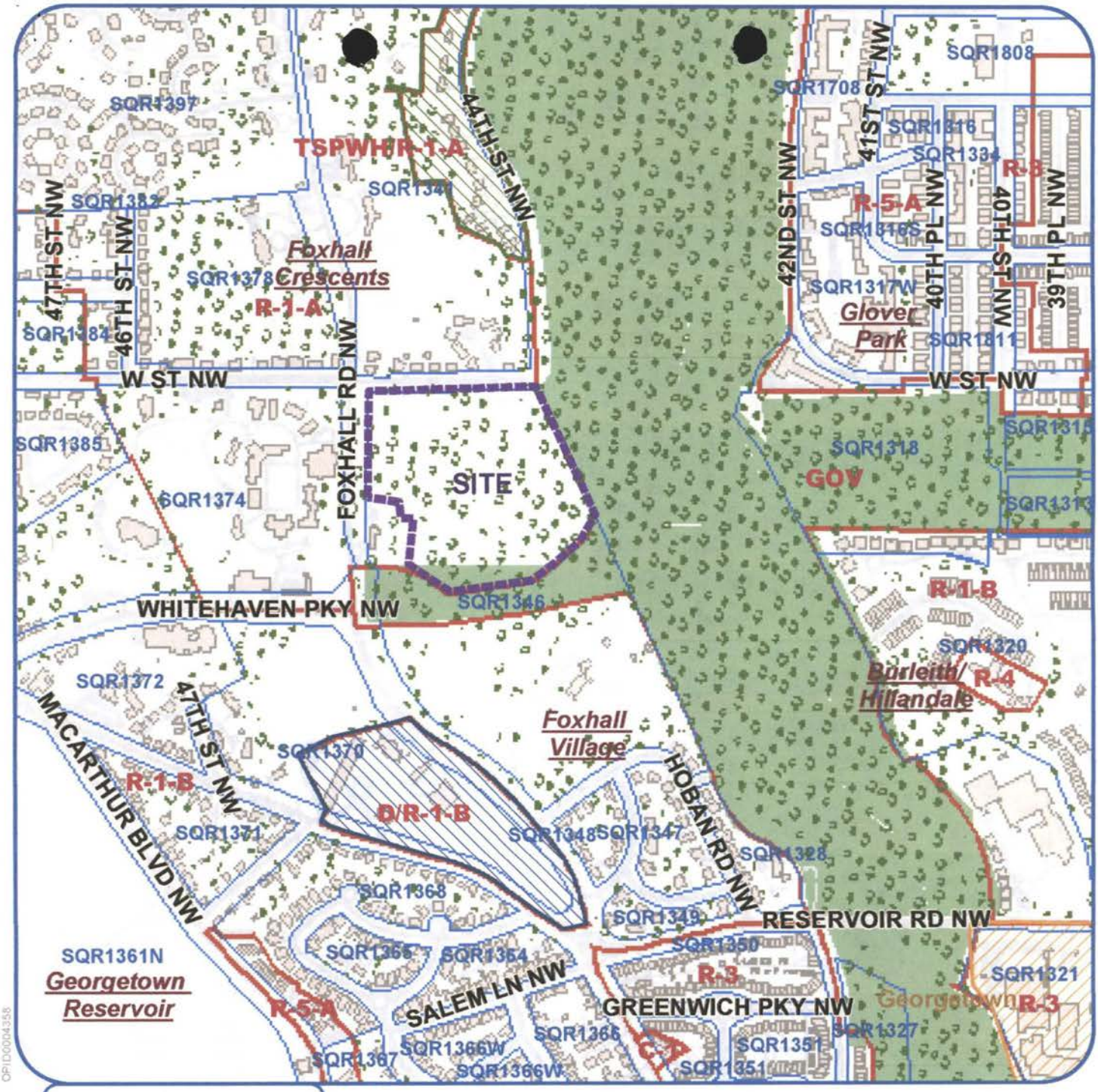
- the owner relinquish and transfer to the NPS any rights to the unopened 44th Street road allowance, should this be closed – as it is not on-site, this issue appears to OP to be outside the scope of the BZA to require;

- the applicant to work with DDOT to ensure that any sidewalk built along Foxhall Road not denigrate the earth berm of the neighbor to the west – as it is not on-site, this appears to be an issue which is outside the scope of the BZA to require. As there are a number of schools and other public buildings in the area, OP would support the provision of a sidewalk to encourage safe pedestrian access through the neighborhood;

- the applicant consult DDOT on the installation of an on-demand light at the new Foxhall Road entrance – OP would support this request and would encourage the applicant to continue its discussions with DDOT;

- the ANC would prefer that swimming pools not be allowed outside the building footprint (i.e. not allowed in the rear yard setback) – OP supports this direction, and would encourage the applicant to restrict structures, retaining walls, and swimming pools and tennis courts within their proposed 25 foot covenant area along the NPS lands to minimize potential disruption to the park space.

- the future homeowners' association consider a policy that prevents the use of harmful chemicals in lawn care, in consideration of, and to further protect, the wetland area – while OP strongly supports this direction, it would appear to be outside the scope of the BZA to direct, or for the district to administer over time.



OPID0004358

Legend

- Property Squares
- Zoning Districts
- National Parks
- Wooded Areas
- Georgetown

Overlay Zones

- TSPWH
- Diplomatic

Location Plan - BZA Case # 17276
201 Foxhall Road NW - LOCATION PLAN

★ ★ ★ **Government of the District of Columbia**
Anthony A. Williams, Mayor

Office of Planning ~ November, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Feet
0 500 1,000

N



Attachment I



SHOWING PRE-HEARING STATEMENT SITE PLAN

Legend

- Property Squares
- Zoning Districts
- National Parks
- SITE

N

Site Plan - BZA Case # 17276
2101 Foxhall Road NW

★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ January, 2005

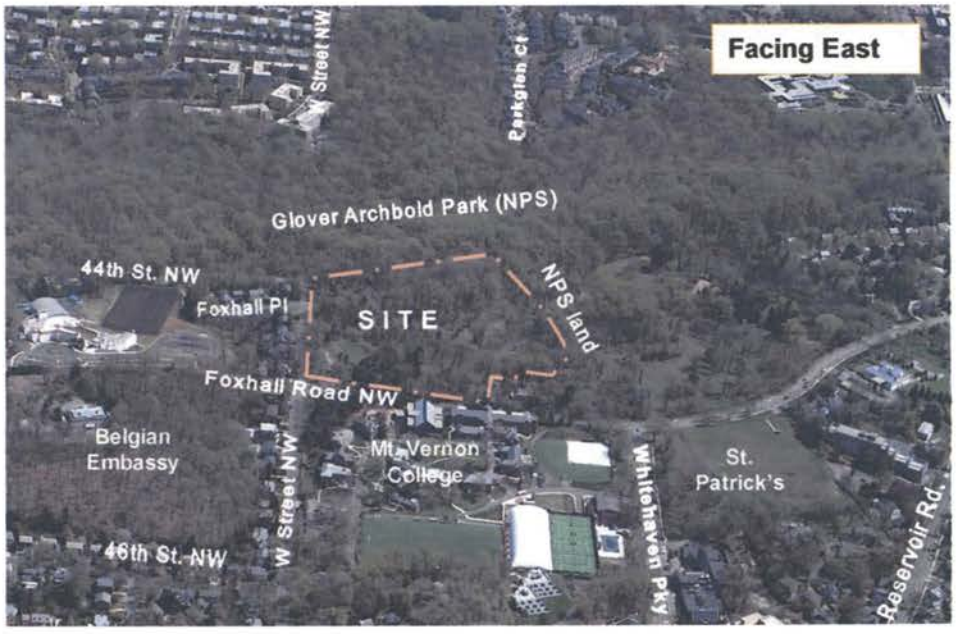
This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Feet

0 100 200 300

Attachment II


Foxhall Pl
42nd St. NW
40th St. NW
W Street NW
W Street NW
Mt. Vernon College
SITE
Glover Archbold Park
NPS land
Foxhall Road NW
St. Patrick's
Parkglen Ct
Holan Rd NW
45th St NW
Hadfield Ln
Kenmore Dr
Salem Lane NW
Greenwich Pkwy
44th St. NW
Reservoir Rd.
Facing North


Facing East
W Street NW
Parkglen Ct
Glover Archbold Park (NPS)
44th St. NW
Foxhall Pl
SITE
NPS land
Foxhall Road NW
Belgian Embassy
W Street NW
Mt. Vernon College
Whitehaven Pkwy
St. Patrick's
Reservoir Rd.
46th St. NW

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.

ATTACHMENT H

Standard	R-1-A Zone Regulations	Proposed[1]	Variance
Dwelling Type:	Detached dwellings with frontage on and access from a public road	46 detached dwellings; 33 with no frontage on a public road and accessed from a private road	**BZA approval of theoretical lot subdivision required**
Height (§400.1)	40 feet max.	to be determined[2]	No relief requested
Stories (§400.1)	3 stories max.		No relief requested
Lot Area (§401.3)	7,500 sq.ft. min.	7,500 sq.ft., min.[3]	No relief requested
Lot Width (§401.3)	75 ft. min.	75 feet minimum [3]	No relief requested
Floor Area Ratio: (§402.5)	None prescribed	to be determined[4]	No relief required
Lot Occupancy: (§403.2)	60% max.	to be determined[5]	No relief requested
Rear Yard: (§404.1)	25 feet min.	to be determined[6]	No relief requested
Side Yard: (§405.2)	8' min.	to be determined[4]	No relief requested
Open Court Width (§406.1)	4" / ft. of ht.; 6' min.	to be determined	No relief requested
Closed Court Width (§406.1)	4" / ft. of ht.; 5' min.	to be determined	No relief requested
Closed Court Area (§406.1)	2 X width^2; 350 sq.ft. min.	to be determined	No relief requested
Parking: (§2101.1)	1 / unit min.	applicant has indicated 2 on site spaces per unit min.	No relief requested
Road Width: (§2516.6(b))	25' right-of-way min.	25' min.	conforming

1 Information provided by the applicant

2 Height is to be measured in accordance with §2516.7, from the finished grade at the middle of the front of the building.

3 The applicant has verbally noted to OP that all of the lots in the revised site plan would provide the required amounts, but the data had not been supplied to OP as of the date of this report. Zoning regulation would permit as many as 68 lots on the amount of land devoted to individual lots; the applicant is proposing 46 (67% of permitted).

4 In the original application, house plans were provided for 5 conceptual unit types varying in size from 3,668 to 6,050 sq.ft. each, including finished basement area. FAR will vary with the unit type chosen for each of the lots, and could be greater than that of the conceptual building plans.

5 Based on the submitted plans, the maximum possible lot occupancy (largest house footprint on the smallest lot) would be approximately 34%, although this does not include possible accessory buildings.

6 Conceptual site plans indicate conforming building envelopes.

Agency Comments

Metropolitan Police Department (MPD) (letter attached)

Department of Housing and Community Development (letter attached)

In summary, the DCHD notes support for the proposal.

Fire and Emergency Medical Services Department (FEMS) (phone conversation)

By phone, the FEMS Department noted that, if any of the new streets are longer than 150 feet, a turnaround or a new hydrant will be required.

DC Department of Transportation (DDOT) (letter attached)

In summary, DDOT notes:

- concurrence with the applicant's traffic management plan;
- support for the proposed reconfiguration of Foxhall Road, to add turning lanes at the new access point;
- that the proposal would not substantially affect existing level of service of the surrounding street system.

DC Department of Parks and Recreation (DPR) (via email)

DPR maintains a neighborhood park at W and 45th Street with a small playground and additional passive recreation space. Further to the south but within walking distance is Hardy Recreation Center's soccer field, basket ball court, tennis courts, picnic area, and multi-purpose room.

With regard to the proposed development at 1201 Foxhall Road - Dunmarlin at Philips Park, the DPR has the following comments and concerns on the proposed park spaces:

- Who will maintain the passive park space at W and Foxhall Road, the interior boulevards, and the buffer spaces? DPR often gets requests to maintain parkland and open space outside its property portfolio and needs to have on file contact information for the entity responsible for maintaining these spaces.
- Will the general public have access to the park at W and Foxhall Road or is use restricted to Dunmarlin at Philips Park residents? This small park and adjacent foot path will be a critical link between residents of surrounding Foxhall Crescents to the streets of Dunmarlin at Philips Park and ultimately the Archibald Glover Park tributary.
- DPR strongly encourages the use of native plants and practical design that responds to the park spaces anticipated use.

ATTACHMENT I

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Joel Lawson
Development Review Specialist
Office of Planning

FROM: Lawrence C. Cager, Jr.
Deputy Director for Development Finance

DATE: January 6, 2005

SUBJECT: Department of Housing and Community Development (DHCD) Review of BZA Application No. 17276 – 2101 Foxhall Road NW

DHCD has reviewed the above referenced BZA Application you sent by e-mail on December 27, 2004. This memorandum offers comments on the BZA application. After staff review of the application materials, DHCD supports the BZA Application No. 17276 for the following reasons:

1. The proposed project site, the Phillips Estate, is a vacant treed, sloping woodland located next to Glover Archbold Park (National Park Service land).
2. The Applicant proposes to subdivide the site into 47 single family lots and has been working with the neighborhood and the National Park Service (NPS) to place the proposed lots and the roads that will serve them in a way that best respects the sloping wooded topography of the site. The 47 lots consist of 12 lots that will have street frontage and 35 lots that will front on private streets to be created on the site (requiring BZA approval of the "theoretical lot" subdivision).
3. The proposed development will be served by three major private streets that have been located in close coordination with the NPS to minimize the amount of grading necessary on the sloping terrain and to protect the stream/wetland at the southern portion of the site. The private streets will be built to meet DC Department of Transportation standards for public streets.
4. The project proposes to construct a new wetlands area to manage stormwater on the site. The wetlands will be located at the southern end of the site next to an existing stream/wetlands area that will be retained. The new private street at the southern end of the site will be carried over the existing stream/wetlands by a new stone bridge structure.

5. The proposed development will contribute substantially to economic development for the District by adding 47 high-end-of-the-market single family houses to the District tax base.

ATTACHMENT VI

METROPOLITAN POLICE

Second Police District

3320 Idaho Avenue, Washington D.C., 20016 (202) 282-0042 FAX (202) 282-0196

January 17, 2005

MEMORANDUM

TO: Mr. Joel Lawson
Development Review Planner
District of Columbia Office of Planning

THRU: Commander
Second District

THRU: Assistant District Commander
Second District

SUBJECT: BZA Application 17276 – 2101 Foxhall Road, Northwest

On Wednesday, December 29, 2004, correspondence was received by this department from you requesting our comments regarding the BZA Application 17276 – 2101 Foxhall Road, Northwest. Your department was tasked with providing a review of any zoning adjustment application from a law enforcement prospective and how the proposed development would effect traffic, crime and patrol. (Attachment #1) This correspondence was forwarded to Lieutenant Jeannie M. Sullivan assigned to Patrol Service Area (PSA) 205 for comment.

Officer Anthony McElwee is currently the assigned traffic officer for PSA 205. Officer McElwee conducted a traffic study that revealed the following. Foxhall Road, Northwest, is a two lane roadway running predominately in a North and South direction. Foxhall Road, Northwest, experiences a heavy volume of traffic and congestion in both directions during the morning and evening rush hours. Officer McElwee conducted a traffic survey at the intersection of Foxhall Road, Northwest, and "W" Streets, Northwest, on the following dates Friday, January 7, 2005, Monday, January 10, 2005, and Thursday, January 13, 2005. The times the traffic was monitored were from 7:30 a.m. to 10:30 a.m. (morning rush hour) and 4:00 p.m. to 6:30 p.m. (evening rush hour). The posted speed limit is twenty-five miles per hour. Officer McElwee while utilizing radar equipment found the highest speed to be forty- five miles per hour, twenty miles over the posted speed limit. Officer McElwee issued thirty-one notices of infractions for speed violations during this time period. (Attachment #2)

There are approximately two officers per tour of duty patrolling PSA 205; the proposed development would increase the calls for service for these officers.

In closing, this area is known for its large population of wildlife residing in this wooded area. This area is known to be the home of a rare albino deer. This development would have an impact on the wildlife. I would recommend the Environmental Protection Agency, the National Wildlife Federation and the Nature's Conservancy be contacted to conduct studies concerning the environmental impact on this planned development regarding the wildlife and plant life residing in this wooded area.

If I can be of further assistance please contact me at (202) 282-0050. Officer Anthony McElwee can be contacted at (202) 282-0070.

Sincerely,

Jeannie M. Sullivan

Jeannie M. Sullivan
Lieutenant

ATTACHMENT VI

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION

Transportation Policy and Planning Administration

Memorandum

TO: Jerrily R. Kress, FAIA
Director, Office of Zoning

FROM: Kenneth G. Laden
Associate Director

DATE: January 31, 2005

SUBJECT: BZA Application No. 17276 – 2101 Foxhall Road, NW – Request for Special Exception

The District of Columbia Department of Transportation (DDOT) has reviewed the above project, which entails the construction of 35 single-family homes on a theoretical lot. The proposed project will also include 12 matter-of-right, single-family homes.

The project is located on the southeast corner of the intersection of W Street and Foxhall Road, NW. The Department has reviewed the traffic study conducted by the applicant, which indicates that the proposed development would generate approximately 34 vehicle trips during the a.m. peak hour and 47 vehicle trips during the p.m. peak hour. We note that trip generation rates used for the proposed development (ITE Trip Generation Manual) are higher than normally used for similar development in the District. Therefore, future traffic conditions could be better than projected in this study.

DDOT concurs with the applicant's capacity analysis and the level of service (LOS) computations that show acceptable levels of service except for the stop sign controlled east and westbound approaches of W Street to Foxhall Road in the a.m. peak hour. To mitigate this undesirable condition at the intersection of W Street and Foxhall Road, the applicant is providing a new full access driveway from Foxhall Road to be located approximately 400 feet south of the intersection of W Street and Foxhall Road.

The driveway will include a southbound left turn lane and a separate left turn lane exiting the proposed development. We note that this proposed access point on Foxhall Road would operate at an acceptable level of service. DDOT supports this new driveway and conditions it support of the project to the full implementation of the access driveway. All

conditions it support of the project to the full implementation of the access driveway. All design and construction within the public space shall be reviewed and approved by the Department. In addition, the project will construct a series of internal private roadway, which will provide internal circulation and access to each dwelling unit.

The addition of this project will not substantially affect the existing level of service of the surrounding street system. From a transportation standpoint, the project will not have an adverse impact on the area road network. Accordingly, DDOT supports the project.