Mr. Geoffrey Griffis
Chairperson
Board of Zoning Adjustment
441 4th Street, NW
Washington, DC 20001

RE: BZA Case # 17276
2101 Foxhall Road, N.W.; Square 1346, Lot 822 (the "Phillips Estate")
Hearing Date: February 15, 2005

Dear Mr. Griffis and members of the Board:

We live on W Street and Foxboro Place and are the neighborhood and neighbors who abut the Phillips Estate on the North and are those closest to and most affected by the development of the property, which is bordered on the West by Foxhall Road, on the South by a strip of parkland and the Brady Estate, and on the East by Glover Archibald Park. We are united in the concerns expressed in this letter regarding the development of the Phillips Estate.

RECOMMENDATIONS TO THE BZA:

1. **We urge the BZA to make a condition for approval of the development safe, adequate egress onto Foxhall Road. Further development should not be permitted until a prudent plan is approved by the appropriate authority for such egress based on a sound, comprehensive study of Foxhall traffic. Additional residents should not be placed in the same peril as those who currently live on the East side of Foxhall Road on W Street. To date, the solution put forward by the developer is incomplete and inadequate. We advocate reconsideration of the Whitehaven solution. If this recommendation is not incorporated into the BZA order, we believe that the new development will have a significant adverse impact on the traffic safety of Foxhall Road.**
2. **We urge the elimination of the recently proposed 9th house on the South side of W Street. (Public Notice for Hearing on application #17276 noted 12 houses, 8 on W St. and 4 on Foxhall Rd., as "matter-of-right". The 9th house on W Street increases the total to 13 houses).**
3. **We urge the creation of a mechanism for formal coordination between our neighborhood and the developer/builder.**

BACKGROUND

We do not oppose, in principle, the development of the Phillips Estate. We have realized for some time that the property would not remain in its undeveloped state forever. From the first time we met as a group after hearing rumors of the development, we have taken a pragmatic approach to our dealings with the development and the developer.

From the outset, we identified **three principle concerns** and communicated them to the developer. The paramount issue for us is **traffic safety**, including ingress and egress to and from the development and traffic on Foxhall Road. Second, we are concerned with **preserving the character of our neighborhood**. Third, we are concerned about **the density of the development.**

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We have met with the developer and his team on a number of occasions. We were appreciative of the presentations that were made to us regarding the specific details of the development and the apparent willingness of the developer to listen to us and address our concerns. **We have, however, recently been distressed to find out that two significant changes were made between the first presentation to the ANC in early January and the final ANC meeting earlier this month when the ANC conditionally endorsed the project**.

RECENT CONCERNS

The **first change** is the apparent departure of Ted Visnic as the developer/builder for the project. In all of our meetings, the record of Ted Visnic as a developer/builder of high quality projects was extolled and Mr. Visnic presented to us a development philosophy with which we were generally comfortable. We have only recently learned that he is no longer involved and have been given no information about who will replace him or how the new developer/builder's approach might differ from that of Mr. Visnic. This presents a significant uncertainty with respect to the assurances that we have been given regarding the quality of the development.

The **second change** is a decision to put a ninth house along the South side of W Street: this would add a second house at the bottom of W Street between the park and the access road from the development to W Street. We have stressed in all of our meetings with the development team that the density of the houses along W Street is a very important issue. In each of the plan variations discussed with us to date, there have always been only 8 developable lots located on W Street. We were pleased that the original plan to have two entrances from the development onto W Street was modified to provide for only one entrance. However, even when that change was made, the number of lots remained at 8. To find out that a ninth lot is to be added without consulting us is clearly a breach of the commitment made to us by the developer to discuss with us any change that would impact W Street. This raises the concern that consultation with us will be seen by the developer as being only that which is necessary to get BZA approval for the project and not the continuing relationship that had previously been promised.

EXPLANATION OF PRINCIPAL CONCERNS

Now, with respect to our three principal concerns:

We believe that, with the exception of the two issues raised above regarding Mr. Visnic's involvement and the addition of one house along W Street, our concerns about preserving the character of our neighborhood and the density of the development have been addressed, so long as the plan presented to us by the development team is **scrupulously adhered to**. The limitation of the number of homes, the lot sizes, the setback of the houses along W Street, the creation of a buffer between the houses and W Street, the placement of all driveways facing the interior of the development, the Foxhall Rd access to the construction staging area and the creation of a park on the northwest corner of the property have been significant positive factors in influencing our view of the development plan. We urge that the additional house added along W Street be removed and that the BZA require the developer to address specifically the issues arising from the departure of Mr. Visnic and a plan for continuing consultation with our neighborhood. We urge that consultation include involvement of a representative from our neighborhood to participate in the review and comment on the architectural designs that will be approved prior to submitting plans for a building permit. Other issues which have not been presented to the

immediate neighbors are a site grading plan, a construction management plan, and storm water management measures. The continued consultation between us and the developer must be a meaningful process in acknowledgement that our neighborhood is the only neighborhood directly impacted by the development.

Our paramount concern, **traffic safety**, however, remains to be addressed. Foxhall Road is a traffic nightmare. It is narrow, curvy, hilly and downright dangerous. To dismiss the development of the Phillips Estate as not having "a perceptible effect" on Foxhall Road traffic is simply incorrect. Those of us who live in neighborhoods along Foxhall Road have seen piecemeal solutions to the ever increasing traffic issues that we face. First was the acquisition of Mount Vernon College by George Washington University followed closely by the development of the Cafritz Estate by the Field School. At that time we urged the City to conduct a comprehensive traffic study leading to the development of a long-term traffic plan for Foxhall. We knew then that it was only a matter of time until there would be some development of the Phillips and Brady Estates, which could only add to the traffic woes. That time has now arrived and we are far worse off. In the intervening years, the traffic on Foxhall Road has increased dramatically to a volume for which it was never designed. It has become a major commuter route from Northern Virginia to Northwest DC and Bethesda/Chevy Chase. The posted speed of 25 miles per hour is honored only in the breach. The proposed 46-house development on the Phillips Estate, new middle and high schools for St. Patricks, and the potential of additional homes being built on the Brady Estate will further exacerbate the situation.

This situation cries out for a comprehensive approach to solving the problem. Should there be some limitation on commuter use of Foxhall? Should there be a prohibition of the use of Foxhall by the tourist buses that increasing use Foxhall as a shortcut to downtown? We are joined in this concern by the **Colony Hill Neighborhood Association** whose homeowners abut the Brady Estate to the South and which will be the neighborhood most affected by the development of the Brady Estate. The traffic problems on Foxhall Road can no longer be ignored. Numerous accidents have occurred along the stretch of Foxhall Road between Reservoir Road and Loughboro due to the combination of poor lines of sight and the amount and speed of the traffic. As an example, exiting W Street from either direction onto Foxhall Road is extremely dangerous. The approach in both directions is up hill and requires drivers to almost put the noses of their cars out onto Foxhall to be able to see. During morning and evening rush hours, it is not uncommon to have to wait for several minutes to get a small break in traffic to be able to make the turn. We have a fundamentally unsafe situation and now is the time to address it - if not now, when? Only after a young driver is killed, not because of drinking and driving, but because the City of Washington, D.C. will have abdicated its responsibility to provide safe roads?

As to the specific traffic issue with the development of the Phillips Estate, we are perplexed. The entrance onto Foxhall from W Street does not safely accommodate the existing level of traffic and certainly not more traffic. The developer originally planned to try to follow the plan that had been developed when the Brady Estate was being contemplated for the Mayor's home – to have the City acquire the sliver of parkland between the Brady and the Phillips Estates and use it to extend Whitehaven across Foxhall to the East in order to allow traffic from the development to enter Foxhall at the light at Whitehaven. This would be by far the safest route for traffic from both Phillips Estate development and the traffic associated with development of the Brady Estate by the Friends of St. Patricks to enter or exit from Foxhall Rd. However, the developer advised us that he had been told by the U. S. Park Service and by the ANC "not to go there" because it was too controversial. Upon our inquiry to the ANC, we were told the same thing. We expect

that the developer also anticipated that any such proposal would delay the approval of the development.

Now, joined by the Colony Hills Neighborhood Association, we urge consideration of this alternative. In the long term, it would be by far the safest. Our research indicates that it would also be consistent with the original intent for use of this sliver of land when it was purchased from the Brady Estate – it was intended to be used to extend Whitehaven (just as we propose) to connect to the then planned construction of 44th Street. Only after that plan was abandoned, was the land transferred to the Park Service. This sliver of property is now over grown and is of little practical use by those who would urge that it be preserved as a means of ingress and egress to Glover Archibald Park. One of the principal points raised by those previously opposing the extension of Whitehaven was that the extension would facilitate development of the Phillips Estate. That will now occur whether or not Whitehaven is extended. Ingress and egress to Glover Archibald Park would be far better served by extending Whitehaven to the East of Foxhall Road, which would allow safe pedestrian access to the Park.

The Phillips Estate development proposes an exit onto Foxhall in the center of the development a few hundred feet up the hill from the light at Whitehaven and a few hundred feet down the hill from the intersection of W Street and Foxhall and from the light at the Field School. While the line of sight may be slightly better than the line of sight at W Street, it still presents an unsafe situation particularly with traffic turning South on Foxhall from the development. The ANC recommended that an "on demand" light be placed at the entrance to enhance safe egress. If implemented, this would be but another stopgap measure. However, we were previously advised that the DDOT would not approve a light at that location because of proximity to the lights at Whitehaven and at the Field School and line of sight issues. The proposed third light would be precluded by prevailing standards used to make decisions regarding placement of traffic lights. What has changed? As far as we know, nothing has changed. We are not convinced that the developers have come up with suggestions that adequately ensure residents can safety turn out of the development. We would urge again that the City seek a comprehensive solution now – the problems will only get worse without it.

CONCLUSION

In closing, we again reiterate that we do not oppose the development of the Phillips Estate, in principle, but believe that the overall traffic issue on Foxhall Road must be addressed in conjunction with the development. We are concerned that the development not adversely impact our neighborhood and to some extent the developer has accommodated this, except as we have noted. As a condition of approval, we want a continuing and meaningful dialogue with the developer and the homeowners who live in the development. We must have a comprehensive solution to the traffic issues arising from the development of both the Brady and the Phillips Estates. The City owes it to its citizens to correct a hazardous condition that is worsening by the day. In addressing the traffic problem we would urge that strong consideration be given to effecting the Whitehaven proposal that we and others have made.

Respectfully Submitted,

Residents of the 4400 block of W Street, NW and Foxboro Place, NW

Enclosures: Party Status Application; Addendum of Summary of Requested Conditions

Residents of the 4400 block of W Street, NW and Foxboro Place, NW

(Signature) James B Ellis & Margaret R Brady

(Print Name) James B. Ellis II MARGARET BRADY

(Address) 2202 FOXBORO PL.

Signature) Agnes Schulz James P Schulz

(Print Name) Agnes Schulz & James P. Schulz

(Address) 2206 Foxboro Pl

Signature) S. Kalman Kolansky M.D.

(Print Name) S. KALMAN KOLANSKY M.D

(Address) 4911 W STREET N.W. WASH DC 20007

Signature) Ellen J Kolansky

(Print Name) ELLEN J. KOLANSKY

(Address) 4911 W Street NW, D.C. 20007

Signature) Louis H Nevins & Mary M. Nevins

(Print Name) LOUIS H NEVINS

(Address) 2208 FOXBORO PL. N.W.

Signature) Cesare Calari

(Print Name) CESARE + JENNIFER CALARI

(Address) 2205 FOXBORO PL NW WASHINGTON DC 20007

Signature) E. Mark Borthwick

(Print Name) E. Mark Borthwick

(Address) 4407 W St, DC 20007

Signature) Rebecca Lescaze

(Print Name) Rebecca Lescaze

(Address) 4407 W St NW Wash. DC 20007

Signature) Jessie M. Harris

(Print Name) Jessie M Harris

(Address) 4401 W St. NW DC 20007

Signature) Patricia Maloney Markun

(Print Name) Patricia Maloney Markun

(Address) 4405 W St. N.W. David J Ma
DAVID J MA

Signature)_____

(Print Name)_____

(Address)_____

Signature)_____

(Print Name)_____

(Address)_____

Form 140
(Revised 03/15/02)

Case No. 17276

PARTY STATUS APPLICATION

Notice: Click Here for Application Form Instructions

Name:* Certain Residents of 4400 block of W St. NW and Foxboro Place, NW (Margaret Brady)

Address:* 2202 Foxboro Place NW City:* Washington State:* DC Zip:* 20007

Phone:* (202)333-8975 Fax: (202)342-9164 Email: mbrady@mba1981.hb

I, hereby request to appear and participate as a party. Signature: Margaret R Brady Date:* 02/15/05

Will you appear as a(n) ☐ Proponent ☑ Opponent Will you appear through legal counsel ☐ Yes ☑ No

If yes, please enter the name and address of such legal counsel.

Name:

Address: City: State: Zip:

Phone: Fax: Email:

Please answer all of the following questions referencing why the above person should be granted party status.
(If you require additional space, please attach an additional sheet.)

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?*

The residents of the 4400 block of W Street and Foxboro Place are the only residents who are directly affected by the action requested in that our neighborhood is directly adjacent to the Phillips Estate on the North and we must exit or enter our neighborhood from an intersection (W Street) on Foxhall Road. There is only one other District resident who has property (one home) abutting the Phillips Estate, and this home faces Foxhall Road.

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)*

We are all property owners of the residences in which we live on either the 4400 block of W Street or Foxboro Place.

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferable no farther than 200ft.)*

Our neighborhood is directly across W St. from the property that is the subject of the application, a distance of approximately 20-30 feet.

4). What are the environmental, economic or social impacts that are likely to affect the person and or the person's property if the action requested of the Board is approved or denied?*

The manner in which the development proceeds will have a direct effect on the character of our neighborhood and, even more importantly, will further exacerbate an already serious traffic problem facing those residents who live adjacent to this stretch of Foxhall Road.

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied *

The manner, methods and timing of the actual construction of the homes in the development will directly affect the quality of life in our neighborhood for the term of the construction which will likely span 3-5 years. Since the 4400 block of W St is a deadend, and Foxboro Place is a cul-de-sac on the deadend, our only current route out of the neighborhood is Foxhall Road.

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public. *

Since Foxhall Road is our only access to and from our neighborhood, and our property is directly adjacent to the property being developed, our neighborhood is significantly and uniquely affected in a way that no other resident of the District is affected.

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ADDENDUM

SUMMARY OF REQUESTED CONDITIONS FOR BZA APPROVAL OF THE DEVELOPMENT OF THE PHILLIPS ESTATE BZA CASE # 17276

1. The construction of a safe and adequate egress onto Foxhall Road in accordance with a correct, objective and comprehensive traffic study of Foxhall Road from Reservoir Road to Loughboro Road including the consideration of the Whitehaven solution and approved by the District of Columbia Department of transportation.

2. The elimination of the recently proposed 9th house on the South side of W Street. (Public Notice for Hearing on application #17276 noted 12 houses, 8 on W St. and 4 on Foxhall Rd., as "matter-of-right".)

3. The creation of a mandatory approvals board consisting of one or more representative(s) from our neighborhood and the developer/builder for formal review and approval of the developer's work including but not limited to: quality and scale of residences, architectural design, site grading and landscaping, exterior and site lighting, miscellaneous neighborhood issues, construction management, and environmental issues.

4. The developer/builder shall provide a comprehensive Construction Plan that is acceptable to the neighborhood including all aspects of the work and identifying any temporary construction impacts. This shall include but not be limited to on-site management of truck access, materials storage, construction staging area and trailers, modification of traffic patterns, access and egress from the neighborhood, noise, dirt, damage to public roads or private properties. A mechanism shall be established to report any damage or negative impacts to the neighborhood as a result of the construction and the responsible party shall be required to immediately redress the problem.