STATEMENT TO BZA Re: CASE # 17276

Dear Mr. Griffis and members of the Board:

We live on W Street and Foxboro Place and are the neighborhood and neighbors who border the Phillips Estate on the North. We are united in the concerns expressed in this letter regarding the development of the Phillips Estate.

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.**

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.**

BZA
17276
Board of Zoning Adjustment
District of Columbia
CASE NO. 17276
EXHIBIT NO. 46

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. Mr.Visnic's departure presents a significant uncertainty with respect to the assurances that we have been given regarding the quality of the development. Given the past failed attempts to develop this piece of property, we would hope that the BZA would require more information about the legal commitment of the key players to deliver this project as it is being described. The owners/partners in Raha III and Phillips Park LLC are unknown to us at this time.

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. 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**.

Our paramount concern, **traffic safety**, however, remains to be addressed. This is how we see the situation:

Current Traffic Conditions on Foxhall Road Are Dangerous

- Two lanes, narrow, curvy, hilly & downright dangerous
- Per DDOT Palisades Traffic Impact Study, August 2002: "Foxhall Road carries over 16,000 two-way daily vehicles. This is a large number of vehicles for a two-lane road."
- Average speed is well in excess of posted 25 mph (confirmed by police officer)
- Has become a major commuter route between Northern Virginia and Bethesda
- GWU's purchase of Mt. Vernon College and the Field School relocation to the Cafritz Estate added significant traffic and congestion subsequent to the Palisades Traffic Study conclusion noted above.
- Corner of Foxhall Road and W Street is one of the most dangerous intersections in the City; Palisades Traffic Study projected a Level of Service (LOS) degradation from B to F (failure) if no potential improvements made, **and** this conclusion was based on data that did not include the Phillips Estate or the Brady Estate (assumed mayoral mansion with impact equal to that of 3 single-family homes)
- Metropolitan Police Department (MPD)'s traffic survey on Foxhall Rd. noted that excess speed is common. Police Officer says "more dangerous than other roads in the area" as he observed 2 accidents within 41 minutes directly in front of proposed Phillips Estate entrance;

Additional Development will Exacerbate the Traffic Problem

Ingress and egress to Foxhall Road from the developments located on Phillips Estate & Brady Estate (total of 32 acres) will further exacerbate the problem if not properly provided for, transforming a dangerous situation into a possible deadly situation.

- Phillips Estate - 47 Luxury Homes on 16 acres (owned by Rafiq Hariri)
  Seeking BZA approval – **Hearing continuing on 2/22/05**
- Brady Estate – Owned by Friends of St. Patricks; high school and some private residences are planned for the 16.5 acres

Phillips Estate Developer's Proposed New Foxhall Rd Access – 400 Ft. south of intersection of W Street & Foxhall Rd.- Does Not Eliminate Hazard

- Gorove/Slade Traffic Impact Analysis' justification for new access point included:
  a) it would eliminate the driveways of the by-right units directly onto Foxhall Road
  b) would be better than having access from W Street as was called for in the original site plan
- Flaws in Gorove/Slade argument: Though new access is better than W Street or 4 more direct driveways onto Foxhall, this "solution" remains highly problematic
  a) Line of sight problem due to berm on east side of Foxhall Rd.
  b) Similar configuration at Whitehaven and Foxhall Rd and accidents continue with speeders abusing "turning" lane

- We believe that DDOT's approval of this "solution" was hasty. The Palisades Traffic Study in 2002 supported a traffic signal at Foxhall Rd and W St. but, per the ANC, an agreement between GWU/Mt. Vernon & the community

precluded installation of that light. So now the logic being applied is that since the new access road is near the W Street intersection, DDOT should approve an on-demand light. Arguably the new access road is safer with a traffic signal than without one, **but that is not the relevant question.** The relevant question is where should the access road be located? Let's not answer the question based on a 2002 study which did not assume a development on the Phillips Estate or the placement of a high school and residences on the Brady Estate. Creating another bad intersection to accompany the one at W Street is not a solution.

Optimal Solution

- A traffic light was recently installed at the "T" intersection where Whitehaven Parkway dead ends into Foxhall Road to accommodate traffic entering St. Patricks and GWU Mount Vernon Campus

- This intersection is located directly between the Phillips Estate and the Brady Estate at the point where there is a narrow sliver of property (referred to as Whitehaven Park) owned by the U.S. Park Service (Lot 804) running from Foxhall Road through to Glover Archibald Park

- Fact: the U.S. originally purchased this land (about 4 acres) from the Brady family estate in 1948 for the very purpose of extending Whitehaven Parkway across Foxhall Road to serve as a connector road between Arizona Ave. & the Rock Creek and Potomac Pkwy. Later the land was deeded to the National Park Service. (NPS)

- After months of contentious debate over a second access to Foxhall Road for the mayoral mansion on the Brady Estate, **all parties reached agreement on extending Whitehaven across Foxhall onto NPS land.** Originally the Casey Mansion Foundation sought the entire NPS 4 acres for access into the Brady Estate. Then NPS proffered an access easement for a small portion of the four acres in return for a conservation easement on the mansion property itself. The final **resolution** was that NPS transferred jusrisdiction (but not ownership) over 1.8 acre to the District government. The District would have leased the land to the Casey Mansion Foundation for a second access off of Foxhall Rd. Step two was never implemented as the Casey Mansion Foundation abruptly sold the property to another party. **However,**
  - **a)** Foxhall Community Citizens Association (FCCA) voted to support this jurisdiction transfer
  - **b)** Three environmental organizations – Defenders of Wildlife, Audubon Naturalist Society and Friends of Whitehaven Park eventually supported the solution but asked for a park on the site, saying, "But we believe the achievement of a large new park may help to balance the loss of Whitehaven parkland and **would be an acceptable political compromise."**

- Developer of the Phillips Estate apparently recognized that the safest location for the principal ingress and egress to their development would be to extend Whitehaven along the South side of the Phillips Estate so that the light at Whitehaven could be used, however, the developer told us that they were advised by NPS and the ANC "not to go there" as it would be too contentious.
- Other groups have also recognized this natural ingress/egress for the Phillips Estate. A group within the FCCA which

originally opposed the access for the Brady Estate through the NPS land, noted, "Carving out parkland for an access road for the mayor's mansion opens the door to residential construction of the 15-acre Hariri tract. A plan dating from the mid-1980's shows a planned access road across the parkland to the Hariri land at the same point the foundation proposes a road."

- The sliver of Park Service property is overgrown and dangerous in its current condition. Allowing it to be used as a safe point of access for both the Phillips and Brady developments would be in the best interest of traffic safety and would also provide a safe, accessible entry point to Glover Archibald Park.

Any objective review of this situation would conclude that this is the only solution that would not further exacerbate the already dangerous traffic condition on this section of Foxhall Road, but timing is difficult because no plans have been submitted by the Friends of St. Patricks regarding the development of the Brady Estate.

This solution has the support of both the residents of W Street and Foxhall Road, which borders the Phillips Estate on the North, and the **Colony Hill Neighborhood Association,** which is comprised of the residents whose property borders the Brady Estate on the South.

Though this solution requires **patience** and **earnest negotiation** on the part of several government agencies (federal and local), several citizen associations and at least two developers, we are asking all the stakeholders to make such an effort. For the safety of the current and future residents as well as the children who will be attending the neighborhood schools, our efforts could be well rewarded.

RECOMMENDATIONS TO THE BZA:

1. We urge the BZA to postpone its decision on the Phillips Estate in hopes of precluding an inadequate piecemeal response to the traffic problems raised by the Phillips Estate development, a "solution" which would be very difficult to reverse in the future. The postponement would provide time for all concerned parties of the Foxhall Road area to attempt to find a comprehensive solution which could provide benefits and safety for all concerned.

A postponement would also give the applicant an opportunity to complete whatever legal arrangements need to be made so that the owners and developers can be more fully introduced to the BZA and the neighborhood.

Additionally, a postponement would also give the applicant an opportunity to submit the final plans required under the Zoning Regulations and noted by the Office of Planning as not yet available.

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.**

Margaret R Brady FOR

Certain Residents of 4400 Block of W St. NW
and Foxboro Place NW