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

RECEIVED
D.C. OFFICE OF ZONING
2005 MAR -4 PM 1:38

March 3, 2005

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

RE: Application # 17276
Hearing Date: March 8, 2005

Dear Mr. Griffis:

Advisory Neighborhood Commission 3D held its regularly scheduled meeting March 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 February 23 and March 2, 2005, and meeting notices were posted in the ANC area. The commission was in receipt of the new BZA filing submitted by Robins, Kaplan, Miller & Ciresi LLP on March 2, 2005, and passed the following motion by a vote of 8-0-0:

It is apparent that the plans originally submitted to the ANC by Phillips Park, LLC, have substantially changed. In light of this fact, ANC 3D respectfully requests that the case be remanded to it for de novo review.

In the event that that is not possible, we hereby submit the following additional conditions for the BZA to consider in its consideration of this matter.

Therefore, Advisory Neighborhood Commission 3D asks that the Board of Zoning Adjustment afford its 8-0-0 vote the great weight to which it is entitled under District of Columbia law.

Sincerely,

Alma H. Gates

Alma H. Gates
Chair, ANC 3D

Enclosure (1)

BZA
Case No. 17276
Exhibit No. 51

Board of Zoning Adjustment
District of Columbia
CASE NO. 17276
EXHIBIT NO. 51

Supplementary Conditions for the Proposed Phillips Park Development,
2101 Foxhall Road, N. W., Washington, D. C.
Advisory Neighborhood Commission 3D
March 2, 2005

In view of the latest plans, the ANC passed the following supplementary conditions to protect public lands, trees and slopes as natural amenities, and the quality of life of immediate neighbors and our community. These conditions complement those that the ANC previously presented. They relate to grading, stormwater management, tree conservation, enforceability, construction management and a contingency in the event the developer faces financial reversals and is unable to complete the project.

Grading Plan

The latest plans show about 1000 feet of roads on slopes that exceed 20 percent—that is, a 20-degree incline. This system will require extensive grading, which will increase stormwater runoff, tree loss, and sedimentation and pollutants into the wetlands area of the national parkland. We have yet to see soil and geologic engineering data in reference to the grading plan. A conservation biologist with experience in a variety of southern forest ecosystems, both uplands and wetlands, has strongly recommended that the developers minimize topographic alterations, remove roads on steep slopes, and buffer wetlands with water-tolerant species such as sweet bay magnolia. Thus, the following condition is necessary:

Phillips Park, LLC will publicly release its grading plan for peer-review by an independent grading and engineering expert before approval.

RECEIVED
D.C. OFFICE OF ZONING
2005 MAR -4 PM 12:26

Stormwater Management Plan

We are hearing confusing and conflicting information about the stormwater management plan. Is the system that the Field School built "the standard" for others? If so, what will become of neighbors literally downstream if the Phillips project implements the same system for 16 acres? It appears that a 30-foot slope will be created near the wetland and the stormwater management area. This is a likely source of considerable sediment, with runoff going down into a steep street instead of trickling into the wetland. The following conditions to prevent further flood damage to neighbors and to protect wetlands on National Park Service property adjacent to this proposed development are proposed:

Phillips Park, LLC will publicly release a stormwater management plan for peer-review by an independent stormwater expert before approval. Issues required to be addressed include: a) assurance that the filtration system can handle a so-called 100 year storm; b) calculations for maximum and minimum stormwater discharges into the wetland; c) documentation of the efficacy of the system in filtering road salt, oil and petroleum products, and other pollutants; d) alternative to adding a large

amount of fill around the wetland; and e) other related issues including the feasibility of a rain garden system on each lot.

Phillips Park LLC will enter the wetlands area and stormwater management area into a conservation easement with the National Park Service, the Potomac Conservancy, and The Nature Conservancy. A 100-foot buffer will protect the wetland.

The continued life and health of the wetlands area must be guaranteed.

Trees and Parkland

One Member of the BZA dryly noted that on different drawings, trees in this project "move." We are told that a chestnut oak tree more than 150 inches in circumference is scheduled to be destroyed for a house to be built on lot A-13. The BZA member suggested eliminating this lot as unsuitable for development. It appears to be at the headwaters of the wetland. Some trees appear to be missing on the inventory, or counted when in fact they are dead. We have yet to receive an assurance that roads, retaining walls, and other structures will not be placed so close to trees such as poplars, beeches, and certain oaks that they experience a slow death. Federally protected migratory birds and their nests and food sources have not been surveyed on the proposed development or adjoining property, including the parkland. Thus, we propose as a condition that:

Phillips Park LLC will conduct a new tree inventory and survey, available to all interested parties before the BZA before the project will be approved.

Phillips Park LLC will use native trees and shrubs for landscaping.

Parkland will be protected by a 100-foot building setback.

Tree maintenance, protection of specimen trees and replacement requirements need to be overseen by a registered arborist and conditioned to ensure that all provisions of the Urban Preservation Act of 2002 (Tree Bill) are implemented if not exceeded.

Enforceability

With regard to this development and others, it has become clear that BZA and ANC conditions are difficult to enforce and that innocent citizens usually suffer the consequences. Given the evolving nature of the project and its proponents, it is wise to incorporate protective conditions for approving this development:

Violation of any conditions adopted by the Board of Zoning Adjustment shall be accompanied by clear sanctions and procedures for harmed parties to redress their injuries. Written and enforceable agreements with this developer shall accompany any BZA approval of this special exception. Such agreements shall be reached with Mrs.

Hardy, the "W Street neighbors," Friends of Whitehaven Park, and the National Park Service.

Phasing of the project and a contingency plan need to be established to direct how any unfinished work and open land will be addressed should the owners not complete the entire development project.