March 25, 2005

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BY HAND
Mr. Richard Nettler
Robins, Kaplan, Miller & Ciresi LLP
Suite 1200
1801 K Street, NW
Washington, DC 20006-1307

RE: BZA Application #17276
2101 Foxhall Road, NW; Square 1346, Lot 822

Dear Mr. Nettler:

Attached you will find a Construction Management Plan (CMP) signed by a representative of The W Street Neighbors, by Mrs. Chandra Hardy and by the Chair of ANC 3D. To comply with directions given by Geoffrey Griffis, Chair of the Board of Zoning Adjustment, the parties bordering the project and a representative of the ANC met and came to joint agreement on the attached CMP which is being forwarded to you for implementation by your clients, Phillips Park, LLC. We request that you submit a copy of the CMP document as an attachment to your Findings of Fact, Conditions of Law due into the BZA by close of business March 28, 2005.

Sincerely,

Louis Nevins
W Street Neighbors
3D

Chandra Hardy
2001 Foxhall Road, NW

Alma H. Gates
Chair, ANC

✓ Cc: Geoffrey Griffis

BZA
Case No. 17276
Exhibit No. 56

Board of Zoning Adjustment
District of Columbia
CASE NO. 17276
EXHIBIT NO. 56

CONSTRUCTION MANAGEMENT PLAN
DUNMARLIN AT PHILLIPS PARK
BZA APPLICTION # 17276
2101 Foxhall Road, NW; Square 1346, Lot 822

1) Prior to the commencement of any construction, a management plan for wildlife preservation shall be instituted in cooperation with the Fish and Wildlife Administration.

2) A licensed arborist shall be on site during construction to ensure the survival of all privately owned trees and those designated permanent to the development site. The developers shall bear the cost of removal and replacement for any tree on private property that dies or is damaged during the period of construction and for a period of five years following the completion of the project.

3) Hours of operation shall be 7:00 AM to 4:00 PM Monday through Friday. There shall be no work on weekends or Federal holidays.

4) The construction site entrance shall be exclusively from Foxhall Road between "Lots 2 and 3" as identified on the February 28, 2005, Preliminary Grading Plan for Dunmarlin at Phillips Park. Use of W Street for parking by construction workers or for staging of construction vehicles shall be strictly prohibited throughout the life of the construction.

5) The construction staging area shall be south of lots designated "A-1, A-2 and A-3" as identified on the February 28, 2005, Preliminary Grading Plan for Dunmarlin at Phillips Park, and shall be surrounded with mature 12 foot tall Foster Holly and Blue Spruce trees and an 8 foot high fabric-covered chain link fence on the staging area side to provide visual protection for the residents of W Street during the construction phase. The fabric fence covering shall be forest green in color.

6) Identical buffering of trees and a high fabric-covered chain link fence shall be provided for all exposed project areas that are visible from or abut property at 2001 Foxhall Road, NW, that is owned by Chandra Hardy. In addition, a permanent black

wrought-iron perimeter fence of her choice will be installed along the property line between the Phillips Park project and 2001 Foxhall Road to separate the existing residence from development intrusion. Unobtrusive driveway down-lighting shall be installed along the project roadway in areas bordering neighbors' properties.

7) Visual and physical buffering and protection of immediate neighbors shall be maintained and remain in place until completion of construction.

8) Lighting of the construction site shall be unobtrusive from all immediate neighbors' properties.

9) All private properties shall be protected from any construction impacts. These shall include but not be limited to dirt, noise, noxious odors, water pollution and vibrations. Notice of any property damage shall be investigated within eight hours by the contractor/builder and immediate restoration of property shall be done to the satisfaction of the homeowner.

10) Periodic interior and exterior window and house washing, cleaning and painting, if necessary, shall be provided to the immediate neighbors to eliminate construction dust, dirt and damage.

11) W Street shall be kept clean and measures shall be taken to protect the neighbors from the spread of construction dirt.

12) W Street vehicular access to and from the neighborhood residences shall be maintained at all times.

13) A twenty-four hour hotline shall be established and maintained for the duration of the construction.

14) A 24 hour security guard shall be on the premises at all times.

15) The construction site trash, waste material and miscellaneous debris shall be contained, and site dumpsters shall be emptied as often as necessary to

maintain a site clean of debris. Food waste shall be secured in animal proof containers for pick-up and removal.

16) Immediate notice shall be provided to all neighbors before any hazardous material is brought to or stored on the site.

17) A DDOT-approved truck protocol and route shall be established. All trucks entering the property shall use only the designated entrance between "Lots 2 and 3" as identified on February 28, 2005, Preliminary Grading Plan for Dunmarlin at Phillips Park. All trucks exiting the property shall be covered, brushed and hosed.

18) Foxhall Road shall be restored to the same condition as at the start of construction, or if interim improvements are made, then to that condition, or better, when related project utility and construction work is completed. At the end of construction DDOT shall be notified and the restored road condition shall be approved.

19) Monthly meetings shall take place including the contractor/builder, the immediate neighbors, interested parties and ANC 3D at the Palisades Library. Timely announcements, arrangements and scheduling of monthly meetings shall be the responsibility of the contractor/builder.

20) A process for mediation and, if necessary, arbitration shall be agreed to, to ensure expeditious dispute resolution arising from the development project. Developer shall pay 100 percent of such costs.

In the event that the entire project as presented to the BZA and if approved by the BZA is begun but not completed or completed in a timely manner, the developer shall be required to leave a tidy, landscaped, attractive, vehicular accessible and safe site including the traffic safety features described in the BZA filing. If there are any adverse consequences impacting the adjacent neighbors properties, the developer shall be responsible for making restitution to those residences. Developer/builder shall purchase insurance to ensure funds are available from start

of project until 5 years after project's completion, or until disputes arising from project are resolved to cover adverse consequences of project. The conditions outlined in this Construction Management Plan shall be agreed to by Phillips Park LLC, the immediate neighbors and ANC 3D and enforceable by the Department of Consumer and Regulatory Affairs of the District of Columbia.

Louis Nevins	Chandra Hardy	Alma H. Gates
W Street Neighbors	2001 Foxhall Road	Chair, ANC 3D