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BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

STATEMENT OF REASONS IN SUPPORT OF AN APPLICATION FOR A THEORETICAL LOT SUBDIVISION AT
2101 FOXHALL ROAD, N.W.; SQUARE 1346, LOT 822

This Statement of Reasons is submitted on behalf of the applicant, First Capital Trust, LLC and T.M. Visnic Custom Home Builders, L.L.C. (the "Applicant"), contract purchasers for the subject property from Raha III, Inc.

THE PROPERTY & SURROUNDING NEIGHBORHOOD

Current Use of the Property. The subject property, which is located at 2101 Foxhall Road, N.W., Square 1346, Lot 822 (the "Property") is currently vacant and unimproved, with the exception of several concrete foundations of the former mansion on the Property.

Property Description. The Property is quite large, containing 713,016 square feet, or just over sixteen (16) acres. The Property, which is a sloping site with a mixture of open areas and some tree stands, is bordered by W Street, N.W. to the north, a portion of 44th Street, N.W. to the west, Federal Park land, known as the Glover Archbold Park to the east and south, and Foxhall Road, N.W. to the west. The Property is irregularly shaped, as Lot 818 is carved out of the southwest corner. There is 781.56 feet of frontage on W Street, N.W., 476.73 feet of frontage along Foxhall Road, N.W., and 566.09 feet along 44th Street, N.W. Although this portion of 44th Street, N.W. is a platted, dedicated street, which contains a District of Columbia Water and Sewer Authority ("WASA") maintained sanitary sewer main, it is unpaved.

The Property contains 36,633 square feet of natural wetlands area, comprised of 14,975 square feet of wetlands and 21,658 square feet of wetlands buffer (collectively referred to as the "wetlands preserve area"). These figures have been confirmed by a formal nontidal wetlands jurisdictional determination performed by the US Army Corps of Engineers. The Corps agreed with the wetland delineation and report prepared by ESA, Inc., one of the Applicant's consultants, that wetlands/waters are limited to a natural stream system in the southern portion of the tract. The remains of a water pumping and storage system that was historically used to provide well water to the Phillips Estate, and which is associated with the natural, cold groundwater seep, occurs in the head of the natural stream system. The Applicant, in working with the U.S. Army Corps of Engineers and National Park Service, is proposing to set aside 37,708 square feet for open space and parks within the Property for the preservation of the natural habitat and for storm water management. Approximately 16,500 square feet of this open space is located adjacent to the wetlands preserve area. *See* Exhibit I. Thus, the total natural area including both the wetlands preserve area and the adjoining park area is 53,133 square feet or approximately 1.2 acres

BZA
Case No. 17276
Exhibit No. 6

Board of Zoning Adjustment
District of Columbia
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Prior Uses and Approvals for the Property. The Property is the former site of "Dunmarlin", constructed in 1949 for Duncan and Marjorie Phillips, the founders of the Phillips Collection museum near Dupont Circle. Dunmarlin was razed in approximately 1988, and the Property has stood vacant since that time.

In 1981, Laughlin, Jennifer, his wife, and Mrs. Duncan Phillips filed an application with the Zoning Commission for approval of a planned unit development (Zoning Commission Case No. 81-1P)(the "Phillips PUD") on former Lots 806, 812, 815, 817 and a portion of 816. The land subject to the Phillips PUD included 13.67 acres of the Property, excluding the Dunmarlin site, which contained approximately 2.7 acres. At the time, the site was split zoned, with 12.37 acres in the northern portion zoned R-1-A and 1/3 acre in the southern portion zoned R-1-B. The Phillips PUD originally proposed a mixture of seventy (70) detached, semi-detached and row, single-family dwellings, with space for a swimming pool and two tennis courts. Zoning Commission Order No. 374 approved the Phillips PUD with sixty-three (63) single-family residential units, including forty-two (42) attached units (to be located in the center of the site) and twenty-one (21) detached units (to be located on the periphery of the site) on 13.67 acres.

The Phillips PUD was abandoned, and, in 1988, the then-owner of the Property proposed a new project that was reviewed under the Large Tract Review procedures of the Office of Planning. That proposal provided for twenty-four (24) single family detached dwelling, two tennis courts, and maintained Dunmarlin and surrounding site as a separate 3-acre lot. That proposal expired, as the current owner of the Property did not pursue the development upon his purchase of the Property.

The Surrounding Neighborhood. The area surrounding the Property consists of institutional uses and residential neighborhoods. And, as indicated above, the Glover-Archbold Park on portions of the east and south also surrounds the Property.

With regard to the institutional uses surrounding the Property, Mt. Vernon College, now owned by George Washington University, is located to the west of the Property in Square 1374 and directly across Foxhall Road. The Belgium chancery, which is located on a twenty (20) acre parcel of property, is also located across Foxhall Road in Square 1378, just north of the intersection of Foxhall Road and W Street, N.W. To the south of the Mt. Vernon College site, in Square 1372, is St. Patrick's Episcopal Church and Day School, which has a premises address of 4700 Whitehaven Parkway. To the west of St. Patrick's is the Lab School of Washington, which fronts on both Whitehaven Parkway, N.W. and McArthur Boulevard, N.W. Further south along Foxhall Road, in the D/R-1-B zone district, is the German Embassy. The embassy has frontage on both Reservoir Road, N.W. and Foxhall Road, N.W., with driveway access off of Foxhall Road, N.W.

The "Friends of St. Patrick's" recently purchased the property to the immediate south of the Property – 1801 Foxhall Road, N.W. – reportedly to be used for either an

expanded middle school or a high school. The Field School is located to the north of the Property in Square 1341.

Surrounding residential neighborhoods include the Foxhall Crescents development to the northwest, as well as Wesley Heights and Spring Valley.

PROPOSED USE OF THE PROPERTY

The Applicant is prosing a theoretical lot subdivision to divide the interior Property (*i.e.* those portions of the Property that do not abut a street, as defined by the zoning regulations) into thirty-five (35) assessment and taxation lots. Additionally, the Applicants will build twelve (12) matter-of-right homes along Foxhall Road and W Street, N.W. The matter-of-right houses will include seven (7) along W Street, N.W., one at the corner of Foxhall Road and W Street and four (4) along Foxhall Road. The development will be named Dunmarlin At Phillips Park ("Dunmarlin").

Design Principles. The proposal is the product of much study and consultation with neighboring property owners and District officials, so as to be sensitive to the surrounding neighborhood, as well as the resources on the site. The formulation of Dunmarlin has been guided by a number of strong design principles, as well as taking cues from some of the nearby overlay zones adopted by the Zoning Commission.

The Applicants have looked for neighborhood compatibility and will protect the evolutionary nature of this community by way of regulations, controls and compatible design guidelines. *See* Exhibit L. Furthermore, as demonstrated by the attached exhibits, the project concept promulgates larger lots than those in the immediate adjoining neighborhoods. Further, the Applicant intends to set new standards for infill urban opportunities by going beyond established forestry guidelines, storm water management, and securing the legacy of the finest possible architecture.

Storm Water Management. The Applicant has, from the outset, recognized the special environmental qualities of the Property and surrounding area. As noted above, the Applicant has agreed to set aside 37,708 square feet as open space and parkland; thus bringing into the development similar elements of the neighboring park surroundings. In coordination with the U.S. Army Corps of Engineers and the National Park Service, the Applicant's civil engineers shall design a storm water management system that considerably mitigates the current impact of the proposed development on the adjoining parkland and surrounding neighborhood, in accordance with District of Columbia Regulations. The storm water management preliminary design objective is to create no more impact on the surrounding area than the current natural status of the Property. That is, it is the intent of the Applicant to neutralize any impact of the property development. To achieve this objective, the storm water management design concept includes quantity management in an underground, large diameter storage pipe array and an underground structural sand filter quality control facility. This concept is similar to the storm water management system successfully constructed at the nearby Field School. The surface

area above these underground storm water management facilities will be used for community open space, maintained in a "village green" like setting overlooking the natural wetland area.

The Applicant has discovered that, as a result of a long-standing leaky municipal water line, the site's ecosystem has been artificially modified, resulting in over 3 acres of non-natural wetlands. These wetlands are being fed by water containing high levels of chlorine and fluoride. The Applicant has already initiated actions, in consultation with the U.S. Army Corps of Engineers, the National Park Service, the District of Columbia Water and Sewer Authority ("WASA") and the District of Columbia government, to correct this situation at its source. Once the water main break is isolated and repaired, the area of artificial wetlands will begin to dry out and revert back to uplands.

All of the proposed homes will be served by public water lines and sanitary sewers extended from the existing infrastructure in Foxhall Road, W and 44th Streets, N.W. These new utilities will be designed to meet WASA's requirements and once completed will be maintained by WASA.

Recognizing the Special Nature of the Property and Surrounding Area, the Applicant has Opted to Forgo Over Forty Percent (40%) of the Full Development Potential of the Property. The full development potential for the Property is seventy-three (73) homes, consisting of twelve (12) matter of right homes and sixty-one (61) theoretical homes, which is calculated as follows:

Gross Lot Area:	713,016 square feet
Roads & Circulation:	84,000 square feet
Natural Wetlands:	36,633 square feet[1]
Open Space/Parks:	37,708 square feet
Net Developable Area:	554,683 square feet

554,683 ÷ Min. Lot Size of 7,500 square feet = 73 Lots

However, given the desire that Dunmarlin be compatible with the surrounding neighborhood, as well as the focus on the environmental aspects of the development, the Applicant is proposing to forgo almost forty-three percent (total forgone is 42.6%) of the potential theoretical lots.[2] In order to ensure that the development is environmentally sensitive, in addition to the land set-aside for open space, parkland and protected

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[1] The wetlands area breaks down as follows:

Wetlands Area-	14, 975 square feet or 0.34378 acres
Wetlands Buffer Area-	21,658 square feet or 0.49720 acres
Total Wetlands and Buffer Area-	36,633 square feet or 0.84098 acres

[2] The Applicants are foregoing over thirty-five percent (35%) of the full development potential, including the matter of right lots

wetlands, the Applicant has created large lots with restricted development areas. The average lot size in Dunmarlin will be 10,775 square feet, well above the required 7,500 square feet and larger than the average lot in the surrounding residential neighborhoods.

Tree Preservation. For the purposes of complying with the DC Tree Ordinance, a survey of all trees 17.5-inches in diameter and larger has been prepared by the engineering firm of Macris, Hendricks & Glascock. The ordinance requires financial and/or mitigation planting compensation for the removal of these "special" trees. Since the language of the ordinance does not fully articulate factors of relative health, weedy and non-native species, the development team has, therefore, refined the tree survey to consider the arboricultural and silvicultural degree of health on a scale of good, fair, poor and dead, consistent with standards of the International Society of Arboriculture. Dead and dying trees and trees that are ailing and failing (ranked as poor, based on crown spread, terminal dieback, lean, vine intrusion and rot) are not included in mapping and calculations for ordinance compliance.

An altogether separate survey of "specimen" trees was performed by ESA. The purposes of this survey was to document and field-locate all trees of any size, but primarily large, healthy, open grown hardwoods, which would become amenities to land development when saved as individuals or in groupings, groves or clusters. This plan documented a total of 60-trees, which land planners will attempt to save where and as possible, through the site plan process.

The only woodlot that occurs on the property is confined to the east boundary of the tract (an area of dry side-slopes, shallow soils and occasional rock outcroppings), abutting Glover Archbold Park and the 44th Street right-of-way. This approximate 4-acre woodlot contains an estimated 230 trees per acre. The dominant tree species is white oak, with typically 7 per acre, averaging 29-inches diameter. Observed over story species included white oak, tulip poplar, hickory, northern red oak, American beech and black oak. Under story and secondary tree and shrub layer included black locust, sassafras, black gum, Norway maple, boxelder, white ash, red maple, black cherry, spicebush, viburnum and privet. Groundcovers included greenbrier, poison ivy, mile-a-minute, wineberry, Virginia jumpseed, Virginia creeper, English ivy, pokeweed, Asiatic dayflower, garlic mustard, gill-over-the-ground and mugwort.

As a result of these studies, the Applicant has devised a preliminary plan to preserve the forested nature of the Property by maintaining and protecting the most desirable trees on the Property and planting a large amount of new, indigenous trees. The findings of the initial tree surveys revealed invasive outgrowth of non-endemic species, as well as considerable neglect. Despite these findings, care has been exercised to areas that will be preserved in order to maintain an established and mature landscape setting for the neighborhood. Of the 107 trees on the Property in good condition, forty (40) are slated for preservation. An additional eleven (11) fair condition and seven (7) poor condition trees are slated for preservation because of their habitat enhancing qualities within the natural wetland area. A total of fifty-eight (58) existing trees are slated for

preservation and 196 new trees will be planted, resulting in a total of 254 trees, well above the existing number of healthy trees. The Applicant intends to make every reasonable effort to save the existing trees slated for preservation.

Environmental Studies. ESA, Inc., one of the Applicant's consultants, performed an environmental assessment of the 16-acre Phillips Estate through the month of September 2004. Based on their field and document review, the site appears to be fundamentally free of natural resource threats, concerns or hazards, less the following issues, and a few unknowns.

Several historic aerial photographs and topographic mapping suggest that the site has not been modified or graded, and remains structurally similar to mapping dating back to the 1870's. Concerns that have been observed are currently being addressed.

Water testing was performed in wetlands, wet soils and streams to evaluate the threat of fecal contamination from failed or failing septic fields of the former Phillips Estate or the septic field in active use by an adjacent home located immediately south, on Foxhall Road. It is assumed that the Phillips Estate septic field (where ever it may occur) is off-line and non functional and that the Foxhall residence septic field is functioning properly (although not currently known where the septic field is located).

The remains of a circular road bed, fill dirt for road bedding and culvert occur within the tract and show on historic mapping. The majority of this road was never formalized (paved) and may have been used to service the pump-works of the well pump house.

Based on previous water main pressure tests, it appears that the problem of artificial wetlands may be an issue of internal water service lines that may have not been properly documented and turned off, allowing for upwards of 17-years (since the time that the home was razed, in 1986-1987) of subterranean flow and the subsequent creation of artificial wetlands.

The Applicant's land planners are aware of natural resource amenity versus constraints issues of wetlands/waters, spring seeps, stream valley buffers, steep slopes, highly erodible soils, rock outcrops, specimen trees, and are attempting to prepare designs that are sensitive to preserving the best of the natural areas, as and where possible. The land development team is committed to various forms of ecological restoration to enhance all areas proposed for retention and preservation, including, but not limited to invasive plant management on-site and within portions of parklands, if allowed.

The land planning team is preparing a conceptual storm water management design, which will include quality and quantity (volume and velocity) controls in compliance with current standards of 1-year management control and an assortment of stacked, tiered, best management practices. Infiltration will be designed to pre-treat

runoff and promote groundwater recharge/discharge. Pre-treatment forebays will trap sediment, trash and organic/inorganic pollutants, and the train of BMP's will include a landscaped dry/wet pond, prior to discharge to the receiving stream.

Traffic. The Applicants have retained the firm of Gorove-Slade to perform a traffic study of the impact of Dunmarlin, as proposed. Prior to conducting the preliminary study, Gorove-Slade met with DDOT in order to determine DDOT's concerns for the traffic impact. A result of the preliminary studies is that traffic generated by Dunmarlin will only increase Foxhall Road traffic adjacent to the site by less than three percent (3%) during the AM and PM rush hours. This slight impact on the residential traffic will be more than offset by a proposed new access point that will increase the safety and efficiency of Foxhall Road. In addition, the approval of the subdivision will ensure that the matter of right lots will use the proposed internal access roadways, reducing the potential number of driveways directly on Foxhall Road

SPECIAL EXCEPTION CRITERIA

Section 3104.1 of the Zoning Regulations permits the Board to grant special exceptions, pursuant to the following:

> Pursuant to authority contained in the Zoning Act of June 20, 1938 (52 Stat. 797), as amended, the Board is authorized to grant special exceptions, as provided in this title where, in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in this title...

In short, the Board is empowered to grant a special exception where it finds

(1) The proposed use is in harmony with the Zone Plan and Zone Maps;
(2) The proposed use is not likely to adversely affect the use of neighboring property.

The Board's discretion in reviewing an application for a special exception is limited to a determination of whether the Applicant has complied with requirements of the section. If the Applicant meets this burden, the Board ordinarily must grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695, 698 (D.C. 1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973). Moreover, while "the applicant is not charged with considering every option that any party in opposition might conceptualize," it must show

that its use is not likely to have the adverse impacts that the Board is tasked to consider. *Don't Tear it Down, Inc. v. District of Columbia Dept. of Hous. And Community Dev.*, 428 A.2d 369, 379 (D.C. 1981). In other words, the Board's function is to determine whether a reasonable accommodation has been made between the applicant and the neighbors, which does not interfere with the legitimate interests of the latter. *Glenbrook Road Associates v. Board of Zoning Adjustment*, 605 A.2d 22, 32 (D.C. 1992) citing *Cornell University v. Bagnardi*, 68 N.Y.2d 583, 589, 503 N.E.2d 509, 511, 510 N.Y.S.2d 861, 866 (1986).

Filing Requirements. Section 2516.3 requires that an application for a theoretical lot subdivision include site plans for all new rights-of-way and easements, and existing and preliminary landscaping and grading plans with approximate building footprint, as well as final landscaping and grading plans and two (2) sets of typical floor plans and elevations. The latter may either be filed with the application or at a later time. In compliance with this requirement, included with this application are preliminary site plans showing: (1) existing conditions; (2) proposed conditions; (3) proposed Site Plan; (4) preliminary landscape plan; (5) typical house plans samples; (6) lot planting schematic; (7) landscape design guidelines; (8) storm water management design; (9) water and sewer connections; (10) street cross sections; and a preliminary traffic study.

Requirements for a Theoretical Lot Subdivision. The requirements for a theoretical lot subdivision are set forth in sections 2516.6 through 2516.11 of the zoning regulations. As outlined below, the application meets these requirements:

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.

As noted above, the Applicants have forgone almost forty-three percent (43%) of the potential theoretical lots in the development. This has been accomplished, in part, by creating larger lots than required. Thus, homes will easily meet the open space requirements for each lot, as illustrated on the site plan (Exhibits H & I). Additionally, each house will meet the height, setback and bulk requirements of the zoning regulations for property in an R-1-A district.

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:

(a) The front of the building shall be the side upon which the principal entrance is located;

The building sites have been designed in compliance with this

requirement.

(b) Open space in front of the entrance shall be required that is equivalent either to the required rear yard in the zone district in which the building is located or to the distance between the building restriction line recorded on the records of the Surveyor of the District of Columbia for the subdivided lot and the public space upon which the subdivided lot fronts, whichever is greater;

Front yards of at least twenty-five feet (25') are being provided for each lot.

(c) A rear yard shall be required; and

Rear yards of at least twenty-five feet (25'), and more, are being provided for 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 rear yards for proposed lots A28 through A34 comply with this requirement (Exhibits H & I).

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;

As depicted on the site plan, roadways are not included in the theoretical lots.

(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;

As depicted on the site plan, all dedicated right-of-ways (*ie., private* roadways plus sidewalks) are at least twenty-five feet (25') wide.

(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

Currently, three (3) entrances/exits to the development are proposed.

(d) The requirements of paragraphs (a) 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.

No modifications are required.

2516.7 Where not in conflict with the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (2001) (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.))), 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.

All homes proposed for the development will comply with the height requirements of the zoning regulations.

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 provision is not applicable, as the development is in the R-1-A district and not in the R-4 or R-5 districts.

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 development complies with all applicable provisions of the zoning regulations. As illustrated above, great care has been taken by the Applicants to ensure that the development will not have an adverse effect on the surrounding neighborhood, whether in terms of storm water management, density, traffic or landscaping.

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:

(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:

(1) Public safety relating to police and fire concerns;

(2) The environment, relating to water supply, water pollution, soil erosion, and solid waste management;

(3) Public education;

(4) Recreation;

(5) Parking, loading, and traffic;

(6) Urban design; and

(7) As appropriate, historic preservation and visual impacts on adjacent parkland;

(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;

(c) Considerations of traffic to be generated and parking spaces to be provided, and their impacts;

(d) The impact of the proposed development on neighboring properties; and

(e) The findings, considerations, and recommendations of other District government agencies.

The Office if Zoning is responsible for forwarding the application to the Office Of Planning. However, during the initial planning stages the Applicants have consulted with the Office of Planning, as well as the Department of Transportation, including the Forestry Administration, and the National Park Service.

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.

Not applicable at this time. Indeed, as indicated in Exhibit L to this application, the Applicants have created a set of guidelines that will stringent conditions for the use and enjoyment of the Property in a manner which is sensitive to the landscape, the adjacent properties and Park and other property owners.

THE DEVELOPMENT TEAM

Developer/Builder - T.M. Visnic Custom Home Builders, L.L.C. Visnic has built more than 150 custom homes throughout the Washington Metropolitan area and is recognized as a local and national leader in artful custom home development and construction. In addition to building custom home in the area's prestigious communities,

Visnic is best known for its exclusive development of Marwood, the Estate of Colonel Grady H. Gore in Potomac Maryland. Visnic has been the recipient of many honors and awards, including two (2) "Best in America Living Awards (BALA)" from the National Association of Home Builders and *Professional Builder* magazine and two (2) "Environmental Builder of the Year" awards from the Suburban Maryland Building Industry Association.

Engineers: MHG - Macris, Hendricks & Glascock, PA(Civil/Surveyors)
GOROVE/SLADE Assocs., Inc. (Traffic Engineers)
ESA - Environmental Systems Analysis, Inc. (Environmental)
SCHNABEL Engineering, LLC. (Geotechnical)

Architects: BARNES-VANZE Architects (Lead Architects)
GRAHAM Landscape Architecture (Site Planners & Landscaping)
Glenn Chen Fong, AIA (Consultant)

CONCLUSION

For the foregoing reasons, it is respectfully submitted that, upon receipt of all of the Applicants' proof and all other support of record for the special exceptions requested, such relief be granted.

Respectfully submitted,
ROBINS, KAPLAN, MILLER & CIRESI, LLP

By: _____
Richard B. Nettler
Jeannine Rustad

EXHIBIT LIST

A. ALTA Survey (Including legal Description and Vicinity Map)

B. D.C. Survey

C. Baist Atlas Map of Square 1346

D. Aerial Photograph (Property boundary highlighted)

E. Zoning Map (Property outlined)

F. Photographs of the Property

G. Site Plans of Existing Conditions (Topographic Plan)

H. Proposed Site Plan

I. Preliminary Landscape Plan (Colored)

J. Typical House Plans Samples

K. Lot Planting Schematic

L. Dunmarlin at Phillips Park – Landscape Design Guidelines (preliminary)

M. Civil Engineering Plans – Storm water, water & sewer

N. Street Cross Section Plans

O. Traffic Impact Analysis, Gorove/Slade Associates, Inc., October 7, 2004

P. Phase I Environmental Site Assessment for Phillips Estate, Environmental Systems Analysis, Inc., September 2004

Q. Phillip's Estate Wetland/Waters Jurisdictional Determination (Color), Environmental Systems Analysis, Inc., September 17, 2004 (rev. 9/28/04)

R. Phillips Property Tree Inventory (list and survey)

S. Phillips Property Special Tree Removal List (list and plan)