

**HOA DOCUMENTS, ARCHITECTURAL GUIDELINES AND CCRs
FOR THE FOXHALL DEVELOPMENT PROJECT**

September 2, 2005

I. HOMEOWNERS ASSOCIATION:

A homeowners association (the "Association") for the Foxhall development will be established. This will be accomplished by (i) the filing Articles of Incorporation for the Association with the District of Columbia Department of Business and Consumer Affairs, (ii) the adoption of Bylaws by the Association, and (iii) the election of directors and officers for the Association.

The Association's organizational documents will set forth, among other things, (1) the procedures by which the Architectural Review Committee is established, (2) how this Committee will adopt the architectural guidelines, and (3) how this Committee will review proposals submitted to it by lot owners. (See discussion in II below.)

Additionally, all twenty-eight (28) lots in the Association will be encumbered by covenants, conditions and restrictions ("CCRs") set forth in a comprehensive Declaration which will be recorded with the District of Columbia Recorder of Deeds. Moreover, the Declaration will also include unique restrictive covenants only affecting the nine (9) Hoban Road lots and establishing certain specific architectural standards. (See discussion in III below.)

II. ARCHITECTURAL GUIDELINES:

The purpose of the architectural guidelines (the "Guidelines") is to help maintain an architectural quality and continuity between the proposed residential development and the already established, existing communities of Wesley Heights, Spring Valley and Colony Hill nearby. This encourages a sense of neighborhood, and aims to recognize, protect and enhance those built and natural features that make the combined neighborhood unique, and to enhance the community's overall value.

Furthermore, its purpose is to provide guidance to homeowners, architects and landscape architects working in the community through the common use of architectural scale, proportions, elements and materials. This is not intended to produce stylistic conformity but visual harmony.

These Guidelines shall be used by the Architectural Review Board of the Association to guide and judge the conformity of proposed improvements to the community. The Architectural Review Board shall have the exclusive right to assess and enforce these standards.

The Guidelines are intended to guide the character of the initial development and subsequent changes over time. They address the siting of homes, the materials that may be used for the structures themselves, the landscaping, exterior lighting and all improvements.

They are intended to enhance, not replace the obligatory regulations that have bearing on the community, such as zoning or building restrictions.

BZA
CASE No. 17429
EXHIBIT No. 10

Board of Zoning Adjustment
District of Columbia
CASE NO. 17429
EXHIBIT NO. 10

A. COLONY HILL:

Colony Hill is a neighborhood currently consisting of 41 homes, bounded by Foxhall Road to the west, Reservoir Road to the south, Glover Archibald Park to the east and part of Hoban Road to the north. The development of the neighborhood was started in 1931 by Harry K. Boss of the builders Boss and Phelps. It is immediately adjacent and to the south of the Friends of St. Patrick's Residential Development.

According to the original brochure published by Boss and Phelps, the goal was to create "a smart village of early American and Georgian homes". The houses were to depict either the "puritanical stateliness of New England, or the breadth and cordiality of the South". The original architect was Horace W. Peaslee and landscape architect Rose Greely, both well-known and respected practitioners. The brochure predicted that the development would contain "about seventy homes of Early American and Georgian design."

B. THE EXISTING HOUSES IN COLONY HILL:

As stated in the brochure, the houses represent various interpretations of the "colonial and Georgian" styles. Most of the houses are designed so that the principal ridge line of the roof runs parallel to the street, however a few gables face the street. Most have a two-story, central mass. The rooflines although similar, vary in height and pitch. Most of these main masses comprise between three to five bays. Most front doors face the street, sheltered by a variety of small porticos or door surrounds. A few houses have side entries, with garden walks or courts. Garage doors are typically set back from the road. Roofs are mostly gabled, with the occasional hipped exception. Most houses have dormers bringing light into attic stories.

Most are faced in brick, predominately a burgundy red brick. Some have clapboard details, but a few frame houses exist. Most brick houses are left natural, but several are painted. Two notable exceptions to the general massing and materials found in the neighborhood are the neo-Grec houses at 1727 Hoban Road and 4407 Hadfield Lane, both have prominent gables facing the street and are of framed construction.

The older houses are mostly found on lower Hoban Road and Hadfield Lane. Most of the house have been expanded and added onto over the years, mostly in the rear. Much of this expansion has been in keeping with the original housing styles.

C. ARCHITECTURAL REVIEW COMMITTEE:

The Architectural Review Committee will review submissions of all proposed improvements for compliance with the Guidelines. It will issue detailed responses to these submissions and issue letters of disapproval and requirements for re-submittal and/or approval as appropriate. It will be empowered to enforce the requirements of the Guidelines.

D. ARCHITECTURAL GUIDELINES, OVERVIEW:

The proposed new community is designed to be comprise low-density single-family houses, organized around a flowing, looped block connected to the existing street grid at 45th Street and Hoban Road. The new streets follow the sloping contours of the site. The community is organized around this central loop road and has three integral, open green areas. The streets all have sidewalks on one side and crosswalks designed to foster pedestrian activity and neighborhood interaction.

The housing styles allowed are typical of those found in the nearby, established Washington DC garden suburbs. At their foundations are the traditional styles found throughout New England, and the south. These must be interpreted in a traditional manner, subject to the appropriate use of the elements, proportions and details of the original styles and these standards.

The Guidelines will cover a variety of elements, including:

Site Elements

- Setbacks
- Grading
- Façade alignment
- Fences
- Retaining walls
- Sidewalks
- Driveways
- Leadwalks and steps
- Landscaping
- Tree Preservation
- Mailboxes
- Site lighting
- Decks and patios
- Transformers and pedestals

Building Materials and Elements

- Exterior walls
- Fenestration
- Windows
- Doors
- Roofs
- Chimneys
- Stoops
- Porches and porticos
- House lighting
- Garage doors

2005 SEP -9 PM 1:37

III. COVENANTS, CONDITIONS AND RESTRICTIONS:

A. GENERAL CCRS:

All twenty-eight (28) lots in the Foxhall development will be made subject to restrictive covenants typically found in a homeowners association. For example, the CCRs will establish that (i) the lots may only be used for residential purposes, (ii) no billboards or signs may be displayed from any lot, (iii) no commercial or industrial vehicles may be parked on the Association's property, (iv) no livestock or poultry may be raised, bred or kept on the lots, (v) rubbish and trash must be regularly removed from the lots, and (vi) no noxious or offensive activities may be carried on from any of the Lots. These general CCRs shall run with the lots – i.e., all subsequent lot owners will be bound to these CCRs. A lot owner who violates any of these CCRs will be subject to legal action.

B. HOBAN ROAD LOTS:

In additions to the general restrictive covenants discussed above, the nine (9) Hoban Road lots will be made subject to the following additional restrictive covenants:

- 1) Vehicular access to garages shall to be from the interior of the site and not Hoban Road.
- 2) Units will have a minimum 25' front yard building restriction line (measured from the front lot line to the principal front facade of the unit). Porches and stoops may extend into the 25' front yard up to a maximum of 6'.
- 3) A minimum of 30% of the front facade will be on or within 5' of the front building restriction line. Exceptions to this requirement may be made by the Architectural Review Committee in order to save existing trees or for the curvature of the street.
- 4) Front doors will face either Hoban Road or the extension of 45th Street.
- 5) Exterior walls shall consist of brick. At least one, but not more than three, will be painted brick with the initial construction.
- 6) All major roof ridges will be parallel with Hoban Road with pitches of 6:12 minimum. Maximum floor to ceiling heights are 10' on the first floor, 9' on the second floor and 8' for any attic space (all heights are $\pm 3''$). Interior volume or architectural spaces (such as foyers and tray ceilings) are excluded from this requirement.
- 7) Primary roof materials will be natural or artificial slate. Metal roofs are permitted on minimal areas, such as porches, bay windows, crickets, etc.
- 8) A maximum of 30% of any façade facing Hoban Road may be fenestrated.
- 9) Windows facing Hoban Road must have vertical and not horizontal proportions and be operable double hung. Decorative windows such as transoms, octagons, half or full rounds, are also permitted.

- 10) Window openings facing Hoban Road may not exceed 4' wide by 10' tall, unless ganged together through the use of muntins with a minimum width of 3".
- 11) Windows and fenestrated doors facing Hoban or 45th Street shall be divided into openings no larger than 24" in height or width by muntins or mullions.

Again, these specific restrictive covenants against the Hoban Road lots will run with the land and the lot owners (and future owners of these lots) will not be legally allowed to construct, change or renovate the lots in a manner inconsistent with these covenants.

U.S. DISTRICT COURT
2005 SEP -9 PM 1:38