

BOARD OF ZONING ADJUSTMENT  
FOR THE DISTRICT OF COLUMBIA

Application of Friends of St. Patrick's Episcopal Day )  
School LLC pursuant to 11 DCMR § 3104.1 for a Special )  
Exception for a Theoretical Lot Subdivision and a Private ) No. 17429  
Middle and High School in the R-1-B District at Premises )  
1801 Foxhall Road, N.W. (Square 1346, Lots 825, 826, )  
and 827). )  
\_\_\_\_\_ )

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D.C. OFFICE OF ZONING

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**REQUEST FOR PARTY STATUS**

Pursuant to 11 DCMR § 3106, the Colony Hill Neighborhood Association ("CHNA") and its individual members whose names and addresses are identified below (hereinafter referred to collectively as "CHNA"), hereby file this motion to appear as a party in opposition to the above-captioned application filed by Friends of St. Patrick's Episcopal Day School, LLC, and St. Patrick's Episcopal Church and Day School (collectively, "Applicants"). Applicants are seeking a special exception to construct a new middle school and high school for 540 students and staff, and a theoretical lot subdivision to construct 28 new single-family homes on a 17.3-acre parcel of undeveloped land abutting Foxhall Road, the Glover-Archbold Park, and Whitehaven Park known as "the Brady Estate."

**Interests of Colony Hill Neighborhood Association**

CHNA is a voluntary association of the residents of the Colony Hill neighborhood of Washington, D.C., a small residential neighborhood situated between Reservoir Road, Foxhall Road and Glover-Archbold Park, which is accessed off Foxhall Road and Reservoir Road by Hoban Road and 45<sup>th</sup> Street. CHNA was formed in 2003 to represent the interests of the residents of Colony Hill on matters affecting the neighborhood as a whole. Each of the following identified individuals is a member of CHNA who owns

BOARD OF ZONING ADJUSTMENT  
District of Columbia  
CASE NO. 17429  
EXHIBIT NO. 37

property and resides within 200 feet of the property that is the subject of this application.

and is uniquely and adversely affected by the above-captioned application:

Richard C. Loeb  
1808 Hoban Road, N.W.  
Washington, D.C. 20007

Patricia Hass  
1815 - 45th Street NW  
Washington, D.C. 20007

Camille Cameau  
1717 Foxhall Road, N.W.  
Washington, D.C. 20007

William Maroney  
1731 Hoban Road, N.W.  
Washington, D.C. 20007

Ellen and Andrew Kentz  
1808 45<sup>th</sup> Street, N.W.  
Washington, D.C. 20007

Samuel H. Barnes  
1801 Hoban Road, N.W.  
Washington, D.C. 20007

Winifred Portenoy  
1804 Hoban Road, N.W.  
Washington, D.C. 20007

Yves Rovani  
1800 Hoban Road, N.W.  
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William Kaye  
1820 45<sup>th</sup> Street, N.W.  
Washington, D.C. 20007

Harry Teter  
4512 Hoban Road, N.W.  
Washington, D.C. 20007

Sydney Ferguson  
4508 Hoban Road, N.W.

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**District of Columbia**

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*original*

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Washington, D.C. 20007

Harry Balch  
1726 Hoban Road, N.W.  
Washington, D.C. 20007

While CHNA is not unalterably opposed to the development of a private school on the Brady Estate, the development proposed by the Applicants -- a middle school and a high school for 540 students and staff and 28 new luxury homes -- is too intense for the proposed site without substantial, enforceable mitigation. The existing roadway network -- most notably, the dangerously-congested Foxhall Road -- cannot support the number of trips likely to be generated by such an intensive use, and the site is poorly served by public transportation.<sup>1</sup> Nor does the proposal adequately take into account the ecological sensitivity of the site, which contains protected wetlands, trees, and wildlife, and is adjacent to federal parkland and a historic neighborhood. Despite good faith efforts by CHNA over the course of the past year to negotiate a meaningful concession package, Applicants' proposed mitigation package lacks meaningful, enforceable mitigation commitments to reduce objectionable impacts. For that reason, CHNA wishes to participate as a party in opposition to the application. CHNA will be represented in this proceeding by Andrea C. Ferster, 1100 17<sup>th</sup> Street, N.W. 10<sup>th</sup> Fl., Washington, D.C. 20036. A letter authorizing the undersigned counsel to represent CHNA in this proceeding is attached hereto.

**CHNA Will Be Uniquely, Distinctly, and Adversely Affected by the Application**

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<sup>1</sup> There is no Metrobus or Metrorail service on Foxhall Road. Only the D3/D6 bus line, which operates with headways of 20 or 40 minutes, provides even proximate bus service. See Application, Exhibit F, at 12.

The application, if granted, will result in objectionable impacts to CHNA and its individual members. As a result of their close proximity to the development site, CHNA and its individual members will be more significantly, distinctively, and uniquely affected in character and kind by the proposed application than other persons in the general public. The objectionable impacts that will be experienced by CHNA and its members include traffic, visual, noise, and environmental impacts.

a. Traffic impacts

By far the most severe impact on CHNA and its members resulting from the application is traffic. The development will bring hundreds of additional trips onto Foxhall Road, a narrow, congested minor arterial roadway with poor sight distances, and other already-congested intersections. As the attached report by CHNA's traffic consultant indicates, the Applicants' traffic impact study relies on flawed assumptions and presents a misleading picture that understates the actual traffic impacts from the development proposal. See Report of Joe Mehra to ANC 3A, attached as Exhibit 1. Notwithstanding the Applicants' optimistic assumptions of trip reductions through carpooling and traffic demand management plans, they have offered no realistic plan for reducing the number of trips generated by the proposed private schools with 540 students and staff in this neighborhood.

It is worth noting that that the Applicant's own traffic reports indicate that the Level of Service ("LOS") at key intersections has substantially deteriorated since 2000, when the special exception for the Field School was approved, which is located a short distance north of the Brady tract on Foxhall Road and has a maximum enrollment of 320. For example, the intersection at Foxhall Road and Garfield Street, at the time the Field

School was approved, was a LOS “C” for the morning peak hour, and a LOS of “B” for the non-peak hour, denoting “moderate to light congestion,” and the intersection at Foxhall Road and Whitehaven Parkway was designated as a LOS “A” for all times of the day. BZA Order in Application No. 16559 of the Gwendolyn Cafritz Foundation/Field School, at 9 (Dec. 19, 2000). The Applicant’s traffic study indicates that both of these intersections now operate at a LOS of “D” during all times of the day, representing a significant deterioration in LOS. See FOSP Pre-hearing Submission, Exhibit H, at 5. Similarly, at the time the Field School application was approved in 2000, the LOS for the Foxhall Road and “W” Street was represented to be a LOS of “A” at all times of the day in 2000. BZA Order in Application No. 16559, at 9.

The background traffic conditions today present a seriously different picture than the background conditions when the Field School’s smaller school was approved. According to the Applicant’s own transportation study, “[i]t is difficult to turn onto Foxhall Road from either direction on W Street during peak hours due to high traffic volumes on Foxhall Road and limited sight distances” and “[e]astbound and westbound W Street traffic operates near or at capacity at a LOS “E” or “F” during commuter peak hours.” FOSP Application, Transportation Impact Study, Exhibit F, at 17. This represents a very substantial deterioration in LOS since the approval of the Field School special exception.

Moreover, the Applicants’ proffered traffic demand management plan is meaningless since the plan fails to commit to any specific level of maximum trips, nor does it contain any incentives or mandatory requirements for participants aimed at achieving targeted carpool/shuttle service goals. It also does not include a firm cap on

the number of inbound rush hour vehicle trips which the school may generate. In particular, it is essential to place a specified cap on enrollment at level lower than 440 students and link the school's ability to increase enrollment in the future to the full 440 desired to the achievement of these trip reduction goals and commitments, before the full school population is authorized, as was done with the Field School. Attached hereto as Exhibit 2 is CHNA's draft proposal for traffic demand management measures, the adoption of which is minimally necessary to address the traffic impacts from the schools.<sup>2</sup>

The Applicants make no effort to mitigate the impacts of cut-through traffic within Colony Hill, resulting from vehicles seeking to bypass congestion on Foxhall Road by using Hoban Road or 45<sup>th</sup> Street to and from Reservoir Road or Foxhall Road, despite the fact that the Applicants' own origin and destination study acknowledges this is already an existing problem for the neighborhood. Nor do the Applicants even attempt to propose any "traffic demand management" techniques to address the impact of 28 new single family houses.

To the contrary, by locating the access for the 19 new houses in the proposed theoretical subdivision plus the 9 additional houses proposed on matter of right lots off Hoban Road, the proposal will actually direct traffic into Colony Hill by extending 45<sup>th</sup> Street into the site from Hoban Road, thereby doubling the number of cars passing through Colony Hill each day, and exacerbating the delays experienced by CHNA residents at the already difficult and dangerous intersections at Hoban Road and Reservoir Road and at 45<sup>th</sup> Street and Foxhall Road. This planned access, through the extension of 45<sup>th</sup> Street, is directly contrary to the Comprehensive Plan Objectives, which

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<sup>2</sup> All CHNA's proposals are currently in draft form and are incomplete. Final proposals will be submitted by CHNA in advance of the hearing.

explicitly state “[t]he preference for dedicated but unimproved rights-of-way in Ward 3 is that they be used as parkland.” Ward 3 Comprehensive Plan, § 1404.6. CHNA has proposed an alternate access plan for the theoretical lot subdivision that would mitigate these impacts and be more consistent with the Comprehensive Plan, a copy of which is attached hereto as Exhibit 3.

b. Visual Impacts.

Designed in the 1930s, Colony Hill consists of 41 houses, most of which were designed by renowned architect Horace Peaslee in a mix of architectural styles from New England, Georgian, Federal, and Grecian designs. The fronts of the homes in Colony Hill are modest in scale and size, oriented to the tree-lined streets, and proportioned to harmonize with the landscaped streetscape. The neighborhood is considered to be eligible for listing in the National Register of Historic Places. Absent adequate architectural restrictions on the new houses, particularly those built on Hoban Road, the new houses will be incompatible with and diminish the historic character of Colony Hill., and as a result, will reduce property values for Colony Hill residents as well as present a significant visual intrusion.

While Applicants’ pre-hearing submission generally acknowledges the need for such architectural restrictions, the Applicants thus far have failed to commit to any specific design criteria or architectural controls, or to a method for enforcing these controls. Attached hereto as Exhibit 4 is a set of architectural controls that are necessary to protect the character of Colony Hill, and ensure that the visual and historic character of the neighborhood is not compromised by the development of luxury “McMansions” on the lots on Hoban Road.

c. Environmental Impacts.

While the Applicants tout their efforts to preserve already-protected trees and avoid direct encroachment on federally-protected wetlands, there is little acknowledgement of the indirect impacts on ecologically sensitive resources on and adjacent to the site as a result of the intensive construction and development on the site. The proposal fails to contain the kind of environmental commitments that one might expect in developing a site of this sensitivity, which represents one of the City's rapidly diminishing green spaces.

In particular, the Applicants propose to preserve a mere 1.53 acres of the 17.3 acre site as open space. This is in fact no concession at all, inasmuch as this area contains federally protected wetlands, and therefore cannot be developed without the permission of the Army Corps of Engineers, whose authority to permit any development is narrowly circumscribed by the Clean Water Act. As noted below, this is inconsistently with the Ward 3 Comprehensive Plan, which repeatedly stresses the importance of preserving Ward 3's open spaces. See, e.g., Ward 3 Comprehensive Plan, § 1406.4(c). At a minimum, a second, environmentally sensitive spring house dell, which is slated to be bulldozed to make way for a sports field, should be preserved as part of an adequate storm water management system, as well as on the incorporation of Low Impact Development techniques.

Likewise, Applicants' promises not to remove trees that are already protected by the D.C. Urban Forest Preservation Act fail to recognize the adverse effects from the substantial de-vegetation of this wooded site, and the resulting impacts on the adjacent

wetlands and watersheds. Notably, the pre-hearing submission fails to include a copy of the arborist report upon which the Applicant purports to rely.

d. Other objectionable impacts.

Notably absent from the application are construction management. Reasonable, binding restrictions on hours of construction, noise, truck traffic, and other impacts need to be imposed on the Applicants as a condition of any zoning approval in order to protect agreed to between Colony Hill and other adjoining neighborhoods during the 5 or more years of construction of the school and the houses.

Applicants proposed Operations Plan (Pre-hearing Submission, Exhibit J) fails to contain sufficient commitments to protect Colony Hill from the impacts from the operation of the school, and particularly the use of the playing field and other outdoor places, or to mitigate the noise, traffic, and lights from the school that could have a significant negative impact on the quality of life in Colony Hill. Attached as Exhibit 5 is a draft construction and operations plan proposed by CHNA, which contains essential neighborhood protections, and without which CHNA and its members will be significantly, adversely affected by the application.

e. Consistency with the Comprehensive Plan

Permitting an additional private school to be located in the neighborhood already saturated with schools (6 within a half mile of the site) will further erode the residential character of Foxhall Road and result in loss of open space and natural areas, contrary to the goals and objective of the D.C. Comprehensive Plan. D.C. Comprehensive Plan, §§ 1102.1, 1400.2. None of the new housing is being targeted for low and moderate-income households or for the elderly, which is the goal for new residential development in Ward

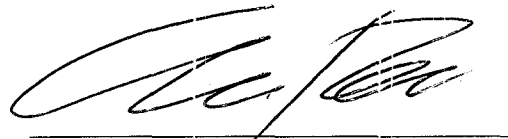
3. Id., §§ 1402.3(b). The site, which is not metro-accessible, is not considered a Housing Opportunity Area, and therefore is subject to the general goal that development in non-housing opportunity areas should be carefully controlled, and avoided in “inappropriate locations.” Id. §§ 1409.4(a), 1409.4(c)(5). All told, the mitigation offered by the Applicants does not conform to the dictates of the Ward 3 Comprehensive Plan. Id. § 1409.8(c).

The Ward 3 plan particularly stresses the importance of “[m]inimizing any development adjacent to or proximate to the ward’s stream valley parks (e.g., . . . and Glover Archbold Park.” Id. § 1403.7(a)(3). “All discretionary construction approvals should be conditioned on an affirmative answer to the question: does the proposed project provide a new gain for the ward environmentally? Id. § 1403.7(b). Here, the answer is an unqualified negative.

### **Conclusion**

For the foregoing reasons, CHNA’s request for party status should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Ferster', written over a horizontal line.

Andrea C. Ferster  
1100 17th Street, N.W., 10th Fl.  
Washington, D.C. 20036  
(202) 974-5142

February 14, 2006

## CERTIFICATE OF SERVICE

I hereby certify that, on February 14, 2006, a copy of the foregoing Request for Party Status was served by mail on, or as otherwise indicated:

Phil Feola  
Pillsbury Winthrop Shaw Pittman  
2300 N Street, N.W.  
Washington, D.C. 20037-1128

Alma Gates  
ANC 3D  
4911 Ashby Street, N.W.  
Washington, D.C. 20007

Maxine Brown-Roberts  
D.C. Office of Planning  
801 North Capitol Street, N.E.  
Washington, D.C. 20001

  
Andrea C. Ferster

**Colony Hill Neighborhood Association**  
**1820 Forty Fifth Street N.W.**  
**Washington D.C. 20007-2070**

February 13, 2006

Geoffrey Griffis, Chairman  
Board of Zoning Adjustment  
441 4<sup>th</sup> Street, N.W. Suite 210  
Washington, D.C. 20001

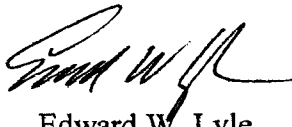
RE: BZA Application No. 17429  
(Application of Friends of St. Patrick's  
Episcopal Day School, LLC)

Dear Chairman Griffis:

This is to inform the Board of Zoning Adjustment that the Colony Hill Neighborhood Association will be represented by Andrea Ferster, Esq. in connection with the above-referenced application.

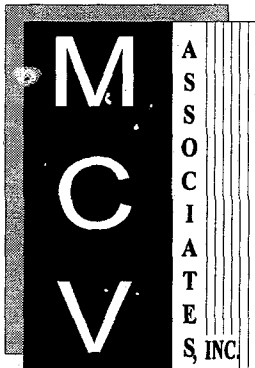
Should you have any questions concerning the foregoing, I can be reached at (202) 783-8716 or by e-mail at [ewlyle@att.net](mailto:ewlyle@att.net).

Sincerely,

A handwritten signature in black ink, appearing to read "Edward W. Lyle", with a stylized flourish at the end.

Edward W. Lyle  
Vice President

## **EXHIBIT 1**



4605-C Pinecrest Office Park Drive  
Alexandria, Virginia 22312-1442  
(703) 914-4850  
FAX (703) 914-4865  
Email - mcv@mcvainc.com

**PLANNING . ENGINEERING . INFORMATION TECHNOLOGY**

## TESTIMONY AT ANC - JANUARY 4, 2005

I am Joe Mehra, President of MCV. I am a licensed professional engineer with over 30 years of transportation engineering experience. I have reviewed the traffic study and the Technical Appendix prepared by Wells and Associates (dated September 7, 2005), in their pending application to the Board of Zoning Appeals for development of the former Brady estate. I will present my more general comments first.

### A. The Traffic Impacts From the Pending Proposals

#### 1. Impacts from the Proposed Middle/Upper School

The proposed development (based on Wells Report) will increase the traffic on Foxhall Road by over 15 percent in the peak hour. Several of the intersections on Foxhall Road are currently operating at unacceptable conditions. The increase in traffic will make the operating conditions worse. Some motorists are projected to experience delays of over 57 seconds due to the development proposal. The peak hour levels of service (LOS) will drop one level at several locations (for example from LOS E to LOS F or from LOS C to LOS D). No mitigation is provided by the development proposal at any "existing location", they are only providing for access to the school and the residential development.

If the vehicle trip generation were computed based on the Institute of Transportation Engineers (ITE) Handbook, the development proposal would increase the traffic on Foxhall Road by over 20 percent. Consequently, the delays to motorists and the levels of service will be even worse.

#### 2. Impacts from the Proposed Residential Development

The application to the BZA envisions 28 homes in a new residential development in the southern part of the former Brady tract. As currently proposed, all traffic from this development would enter from Foxhall at the intersections of 45th Street and Hoban Road and proceed through the adjacent community of Colony Hill. Given that Hoban

Road is currently one way eastbound, all such traffic would exit Colony Hill either at 45th Street and Foxhall Road or Hoban and Reservoir Roads.

Having traffic exit from the new development in this way, however, would pose the following very significant problems:

- a. Approximately 280 daily vehicle trips will be added to Hoban Road and 45<sup>th</sup> Street every weekday.
- b. There will be a significant increase in delay to residents of Colony Hill as they exit on Hoban Road at Reservoir Road and 45<sup>th</sup> Street at Foxhall Road. Based on the Wells Report this delay is currently averaging 35 seconds per vehicle. With the increase in traffic from the proposed development this could increase to over 40 seconds per vehicle.
- c. There is a drop in the level of service on Hoban Road at Reservoir Road based on the Wells Report (from a LOS C to LOS D).
- d. Wells origin-destination survey showed a significant amount of cut-through traffic in Colony Hill. This cut-through traffic will increase over time as Foxhall Road and Reservoir Road become more congested with the proposed development. This will further increase delays to the Colony Hill residents as they exit on to Foxhall Road and/or Reservoir Road.
- e. Alternative access to Foxhall Road are available from the proposed residential development. One of these alternatives should be implemented.

## B. The Wells Traffic Study and Technical Materials

### 1. General Comments

As will be discussed below, the Wells study repeatedly minimizes in one way or another, the likely impacts of the proposed school and residential development on current and future traffic conditions. As a result, the overall study seriously underestimates the amount of traffic that will likely result on both Foxhall Road and adjacent communities from the proposed development. Further, as noted above, no mitigation is provided by the development proposal at any "existing location".

### 2. Specific Comments

a. Wells collected the existing traffic data at several intersections on November 16, 2004. This data was input in to the Highway Capacity Manual method to compute levels of service. The peak hour factor (phf) of 0.92 was used for most intersections and for all approaches. A phf of this length is not appropriate for those approaches that have a high number of school trips (such as White Haven Parkway or the Fields School Driveway) which have a very distinct short peak; for those intersections and approaches, a lower peak hour factor should be used. For example, the phf at Fields School Driveway is 0.55, but 0.92 was used. The use of a higher phf tends to mask the actual level of service by averaging traffic over a longer period of time, and makes it look better.

b. The future traffic on Foxhall and on Reservoir Road consists of the existing traffic, normal growth in through traffic, traffic from other developments and the St. Patrick's proposed development traffic. Existing traffic is expected to increase due to new developments elsewhere in the City and the region and general traffic growth trends. This growth in traffic is based on past trends or through regional travel demand models. Wells has assumed a 1% per year growth in the study area including Foxhall Road, which is a total growth of 8% through the year 2012 (when the school is set to open). This is a very low growth rate, especially on Foxhall Road. Traffic data collected on Foxhall Road over time shows a 4.5 percent annual growth on Foxhall Road between 1999 and 2004. Using this historic growth rate will result in a 36 percent increase in traffic versus the assumed 8 percent. Obviously, the future levels of service will be much worse than computed by Wells.

c. Residential trip generation - Wells has used 0.71 trips and 1.0 trip per dwelling unit for the proposed 28 homes, resulting in 21 and 28 vehicle trips during the AM and PM peak hours. Using the data included in the traffic report, after subtracting the cut-through traffic in Colony Hill, shows that Colony Hill generates more than one trip per dwelling unit during the AM and PM peak hours. Assuming the proposed development is similar in trip characteristics, the proposed residential trips have been underestimated by Wells. Therefore, more traffic from the proposed development will be exiting from Hoban Road on to Reservoir Road, resulting in greater delays at the unsignalized intersection.

The consultant conducted an origin-destination survey to determine the amount of cut-through traffic in Colony Hill, which is already a major problem. This cut-through will increase over time as Foxhall Road becomes more congested. The traffic analysis conducted by Wells should have incorporated an increase in cut-through traffic on Hoban Road at Reservoir Road. This will further increase the delays to Colony Hill residents as they leave their homes in the morning.

d. Travel Demand Management (TDM) Program - The TDM program is very vague, and, as is, is unlikely to adequately control trips to and from the school. Moreover, some of the assumptions are questionable and will in fact result in higher vehicle trips, to and from the school, than computed by Wells.

- Average vehicle occupancy of 1.75 for middle school may be achievable but use of the same rate for a high school where many students may elect to drive "alone" is highly questionable.

- The TDM program assumes that only 20% of the high school students will drive to school and the assumption that pretty much all will bring one additional student each in their vehicle is questionable. Students have after school activity that may not be the same for both students. Therefore, the level of carpooling is unsubstantiated, particularly in the afternoon.

- The assumption that 30% of the students will use the shuttlebus is highly questionable. There are two buses available and they make a total of seven round trips -- one would make four trips and the second three in a one hour period. The report fails to specify

the pick up locations or the time allotted for each round trip from these locations. Given the congested traffic conditions during the morning, three or four round trips, in one hour is overly optimistic. Secondly, the report appears to assume that students using the shuttlebus are coming to school about an hour before the school starts. What happens on rainy/snow days, days when students have projects to bring to school, or the students are running late?

- 3% of the faculty/staff is shown as taking the shuttlebus to and from the school. Does the shuttle bus operate during the off-peak hours since Wells report states that no faculty or staff will arrive during the AM peak hour.

e. The school access plan reduces the two lane northbound Foxhall Road to a single lane just north of the new school driveway. The merging traffic from two lanes to one lane will cause traffic to back up through the intersection if sufficient merging distances are not provided. This needs to be addressed. It is conceivable that northbound Foxhall road will operate as a single lane through the intersection and not as two lanes.

f. The levels of service at the new school entrance and Foxhall Road is based on a phf of 0.92. A more realistic phf should be used due to the fact that students arrive at one time. Similar phf should be used at other intersections that have a significant student traffic.

g. The projected levels of service is LOS E and F at several intersections and the associated delays represent increases over the background conditions, signifying that the FOSP is responsible for the increase in delays. In one case the LOS E in the background conditions drops to a LOS F with FOSP. The most impact (in terms of levels of service) is at the intersection of Reservoir Road and Hoban Road, where the LOS C in the background conditions drops to a LOS D with FOSP during the AM and PM peak hours. No mitigation is provided for the increased traffic impacts caused by the development proposal.

In conclusion, the Wells traffic analysis shows that the traffic impact of allowing the residential portion of the development to access Hoban Road will result in a drop in level of service at the intersection of Hoban Road and Reservoir Road. If the traffic analysis was revised based on the comments listed above, the delays to Colony Hill residents at Reservoir Road will be significantly higher than shown in the traffic study. Alternative access plans that provide direct access to Foxhall Road have been developed and should be explored for implementation.

## **EXHIBIT 2**

## CHNA TRAFFIC MANAGEMENT PROPOSAL

1. The enrollment at the school shall be capped at 320 students. The maximum number of faculty and staff shall be 74.
2. The school may not permit more than 106 vehicles to enter the school property during the morning peak hour, 7:30 to 8:30 am.
3. As a grade is added each year, the expansion will be contingent on the school's success in meeting its vehicle targets during the morning peak hour.
4. The faculty and staff must arrive at the School prior to 7:30 am.
5. All faculty, staff, visitors and students must park on the School's campus.
6. Any student dropped off at the School must be part of a carpool.
7. No student may drive to the School.
8. Students, faculty and staff will be strictly prohibited, at all times, from parking on the residential streets around the campus, even if permitted by a Ward 3 residential zone sticker.
9. The School shall encourage the use of public transportation as the primary means of accessing the School. Shuttle bus service will be provided for students to and from Foggy Bottom Metro, Tenleytown Metro and Friendship Heights Metro.
10. The School will ensure that at least 50% of its students use the shuttle service to and from School each day.
11. The School will expand the shuttle bus service to other remote pick-up points at off-street locations within established parking lots. These pick-up points must be monitored by School staff and/or volunteers.
12. The required shuttle bus routes shall be described in the School traffic management plan which shall be distributed to the Colony Hill Neighborhood and ANC 3D for review and comment.

13. The School shall require carpooling and vanpooling from Metro stations for major evening and weekend events.
14. The traffic management plan shall become part of the enrollment contract between the School and parents, by which the parents shall agree to be bound by its punishments which may include warnings, monetary fines, disciplinary action and expulsion from the School.

## **EXHIBIT 3**

## COLONY HILL NEIGHBORHOOD ASSOCIATION

### **Diagrams for Discussions with the Friends of St. Patrick's Episcopal Day School, LLC**

The Friends of St. Patrick's Episcopal Day School, LLC ("FOSP"), together with St. Patrick's Episcopal Church and Day School ("St. Patrick's School"), have filed an application for two special exceptions with the Board of Zoning Adjustment ("BZA") to develop the former Brady estate at 1801 Foxhall Road N.W. Under that proposal, a new residential community would be constructed on the lower portion of the tract, with its sole entrance and exit being at the intersection of Hoban Road and 45<sup>th</sup> Street N.W. Immediately to the south of, and adjacent to, this new tract would be the existing residential community of Colony Hill, which was built in the 1930s and early 1940s.

At the same time, the proposal would also establish a new middle and upper school for St. Patrick's School on the northern portion of the tract, with a single entrance and exit opposite the main entrance to the German Embassy on Foxhall Road at a new signalized intersection.

The residents of Colony Hill, organized as the Colony Hill Neighborhood Association ("CHNA"), are not opposed to a new residential community and a new upper/middle school per se, but they are opposed to certain aspects of the application as filed. Among other things, CHNA opposes the placement of the sole entrance and exit for the new residential community at 45<sup>th</sup> Street and Hoban Road. CHNA also opposes the creation of a new signalized intersection for the school opposite the German Embassy and believes that an entrance/exit at the intersection of Whitehaven Parkway and Foxhall Road is a very viable alternative for the new school.

To these ends, CHNA met with representatives of FOSP and St. Patrick's School on December 28, 2005 and discussed ways in which the existing application to the BZA might be modified. Diagrams used by CHNA in that oral discussion are found in Part I hereafter.

FOSP responded to CHNA's alternatives in written and oral comments to CHNA representatives on January 11, 2006. CHNA understands that DDOT already has a copy of these comments.

On February 9, 2006, CHNA responded to FOSP's comments with a set of written comments of its own that were supplemented by new diagrams.

Since their meeting on December 28, 2005, these two parties have not modified the positions they took at the start of these discussions.

**DRAFT**

CHNA DIAGRAMS

DECEMBER 28, 2005 DISCUSSION WITH FOSP

Diagram 1: Existing Foxhall  
Whitehaven intersection and  
rights of way.

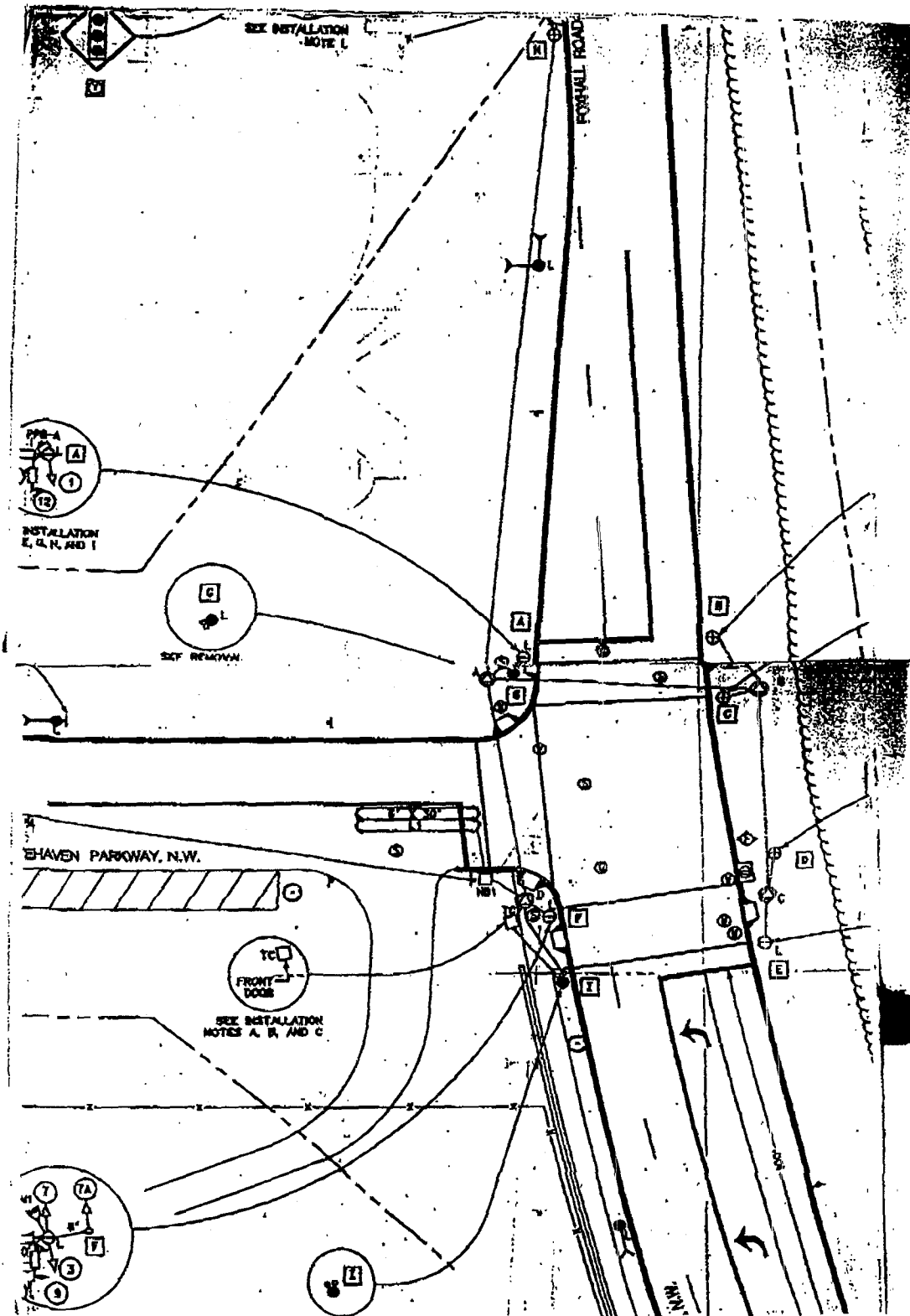
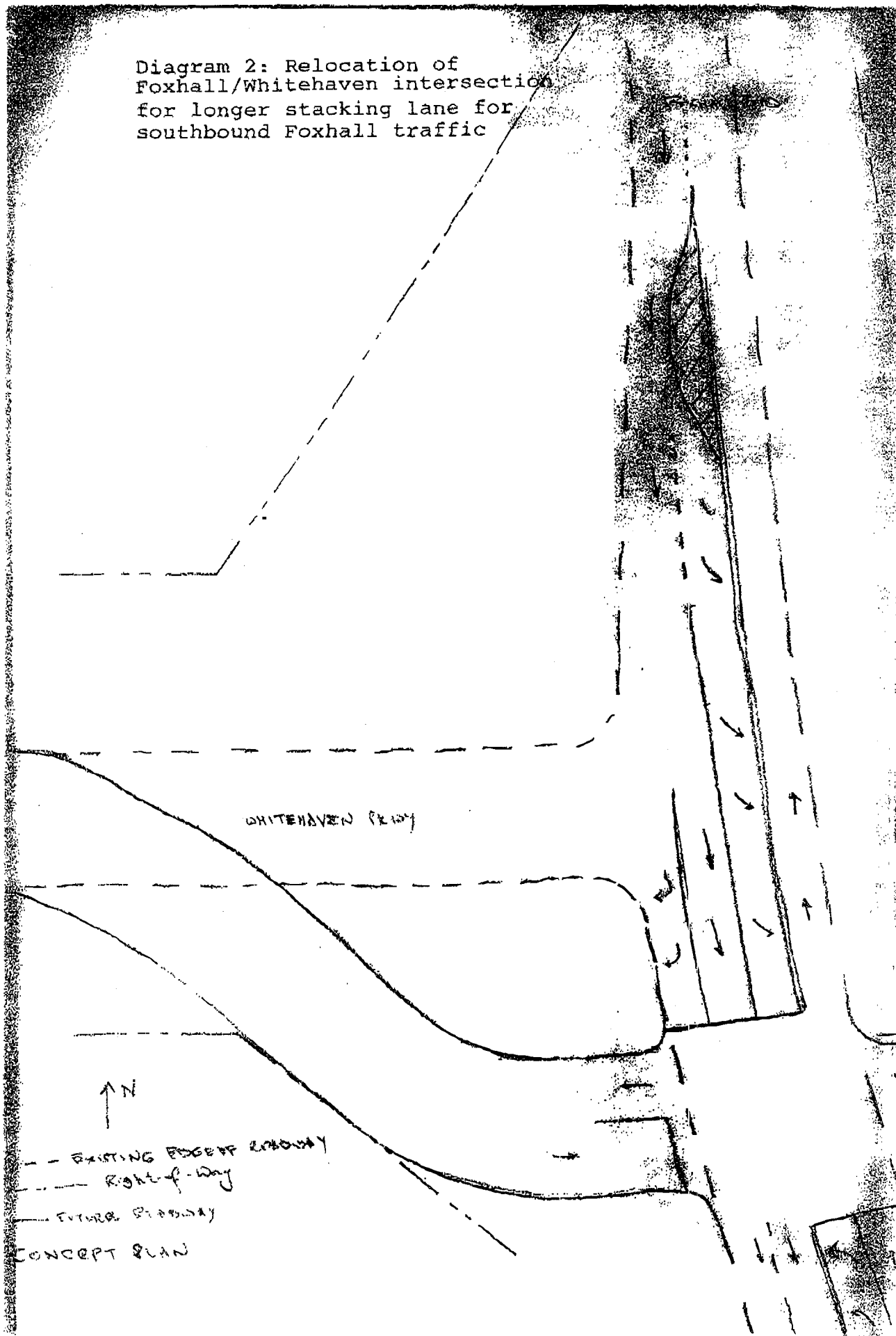


Diagram 2: Relocation of  
Foxhall/Whitehaven intersection  
for longer stacking lane for  
southbound Foxhall traffic



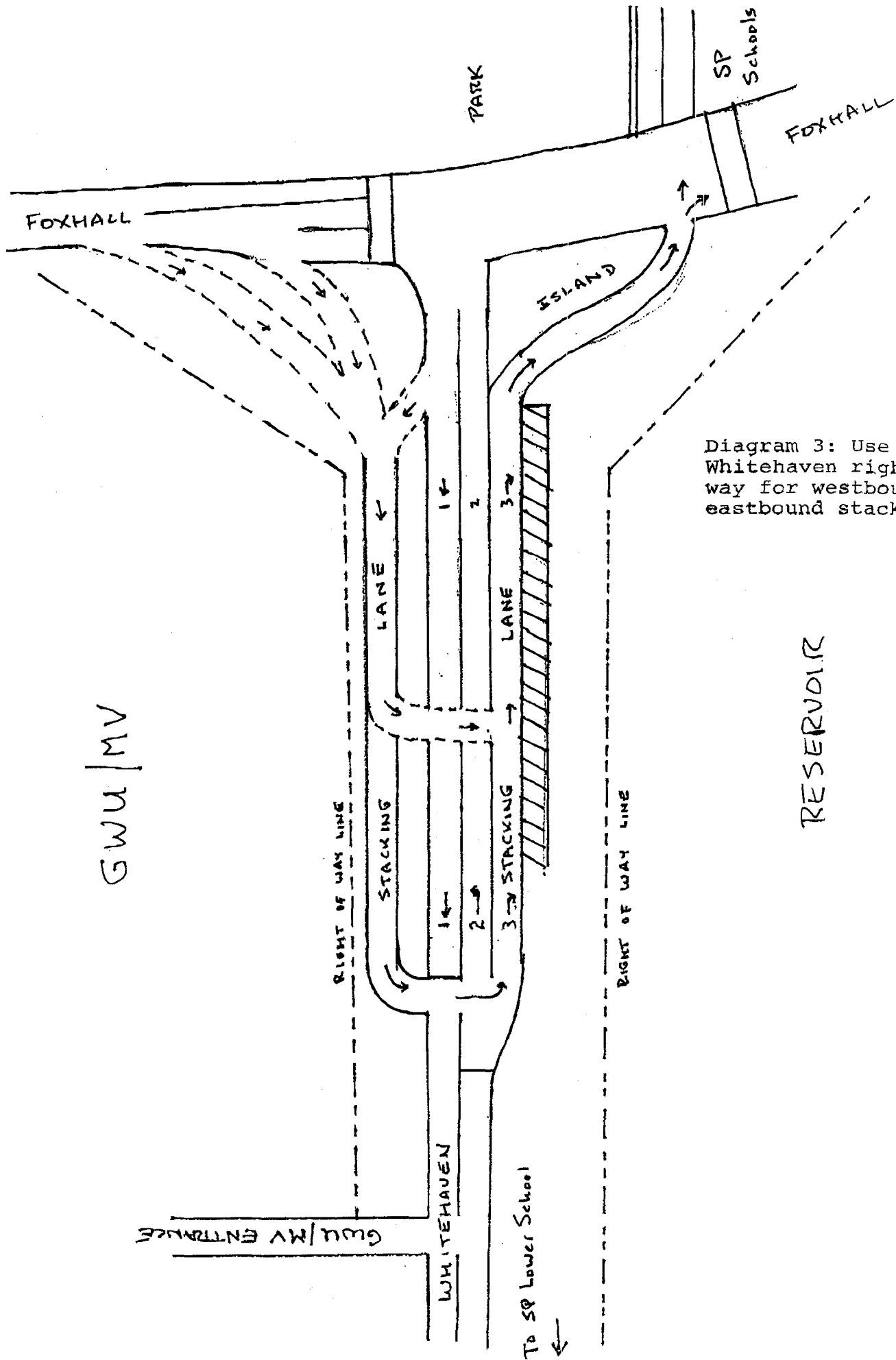


Diagram 3: Use of Whitehaven right of way for westbound-eastbound stacking

Diagram 4: Revised  
plan for SP Middle  
and Upper Schools

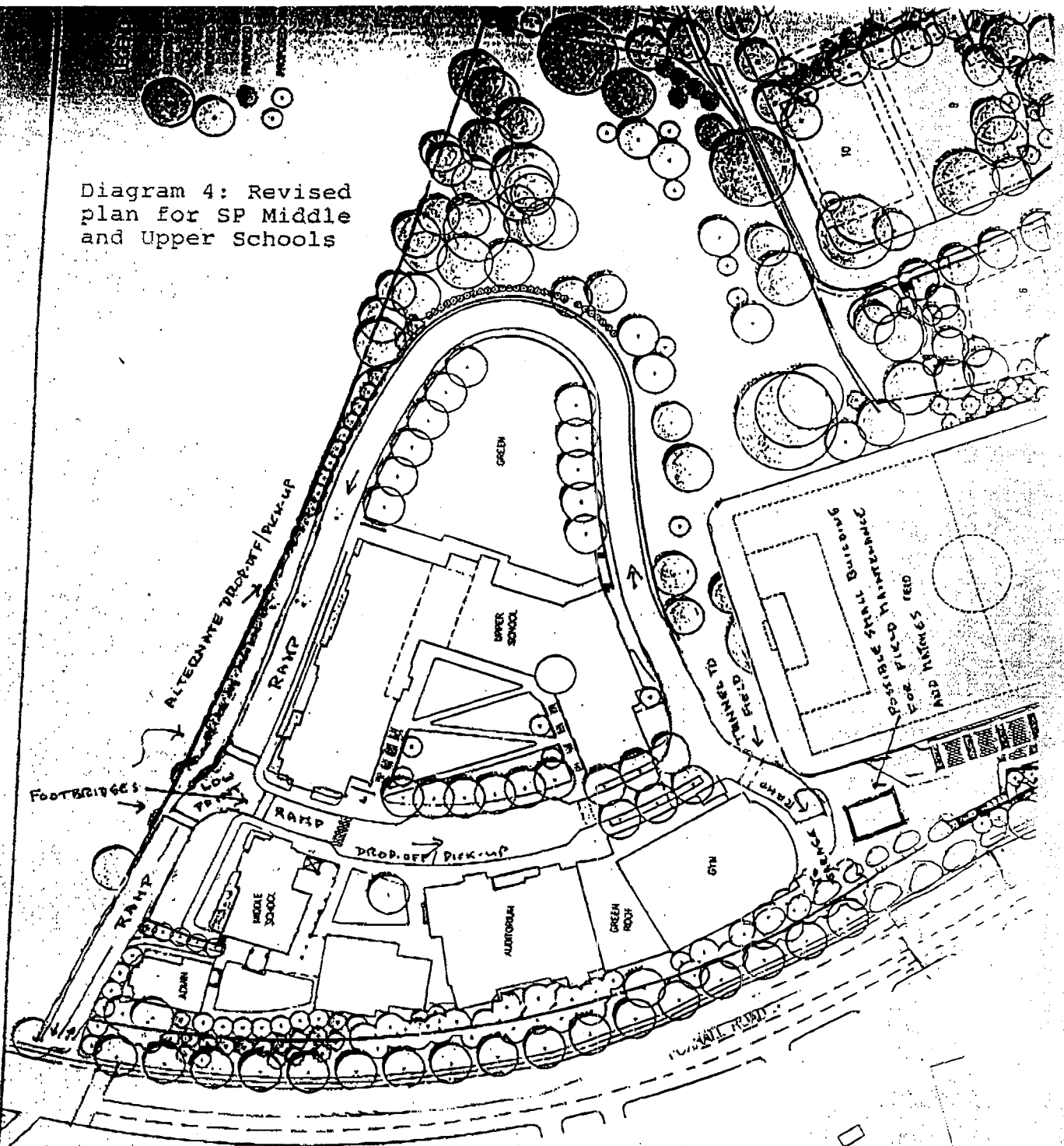
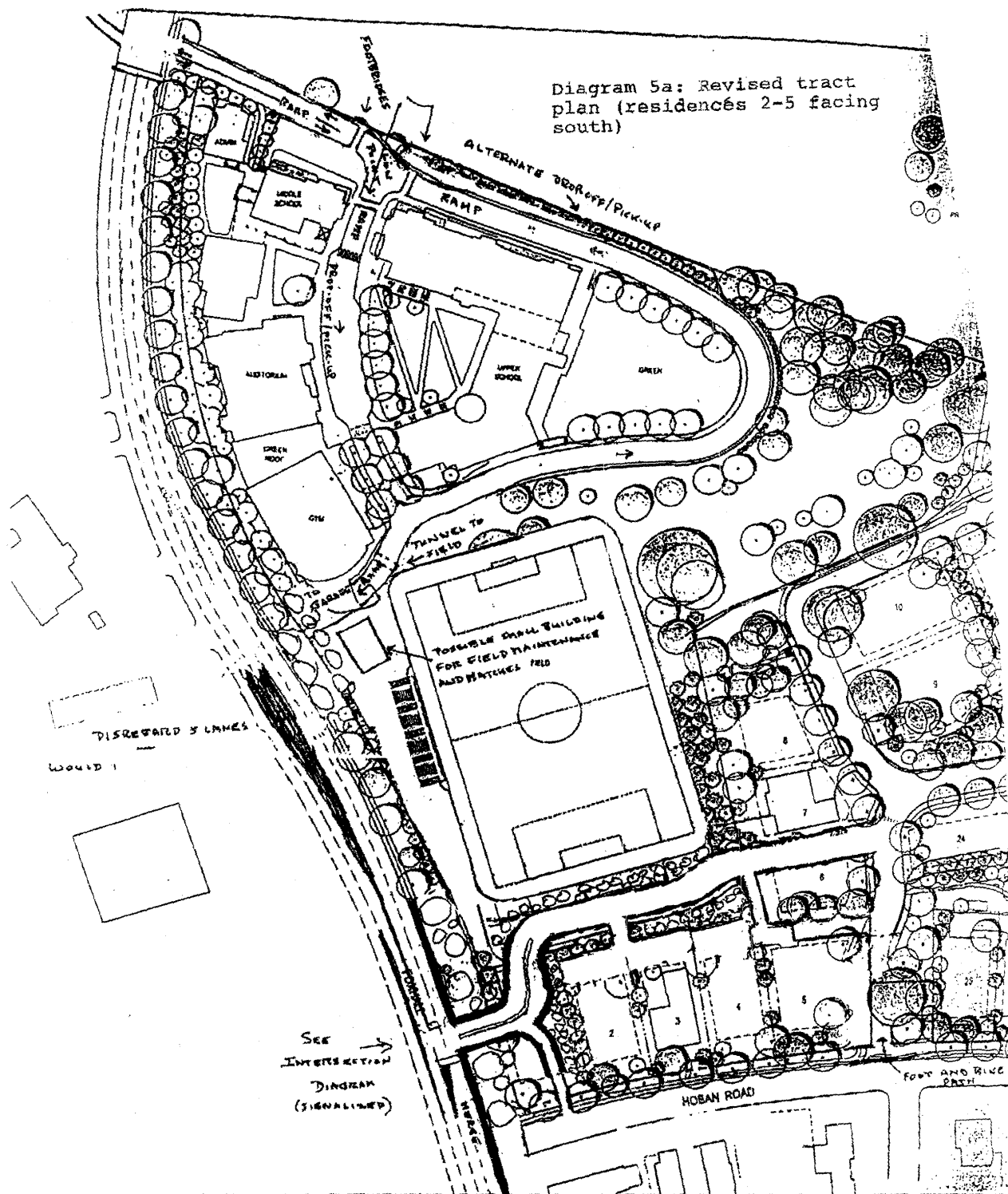
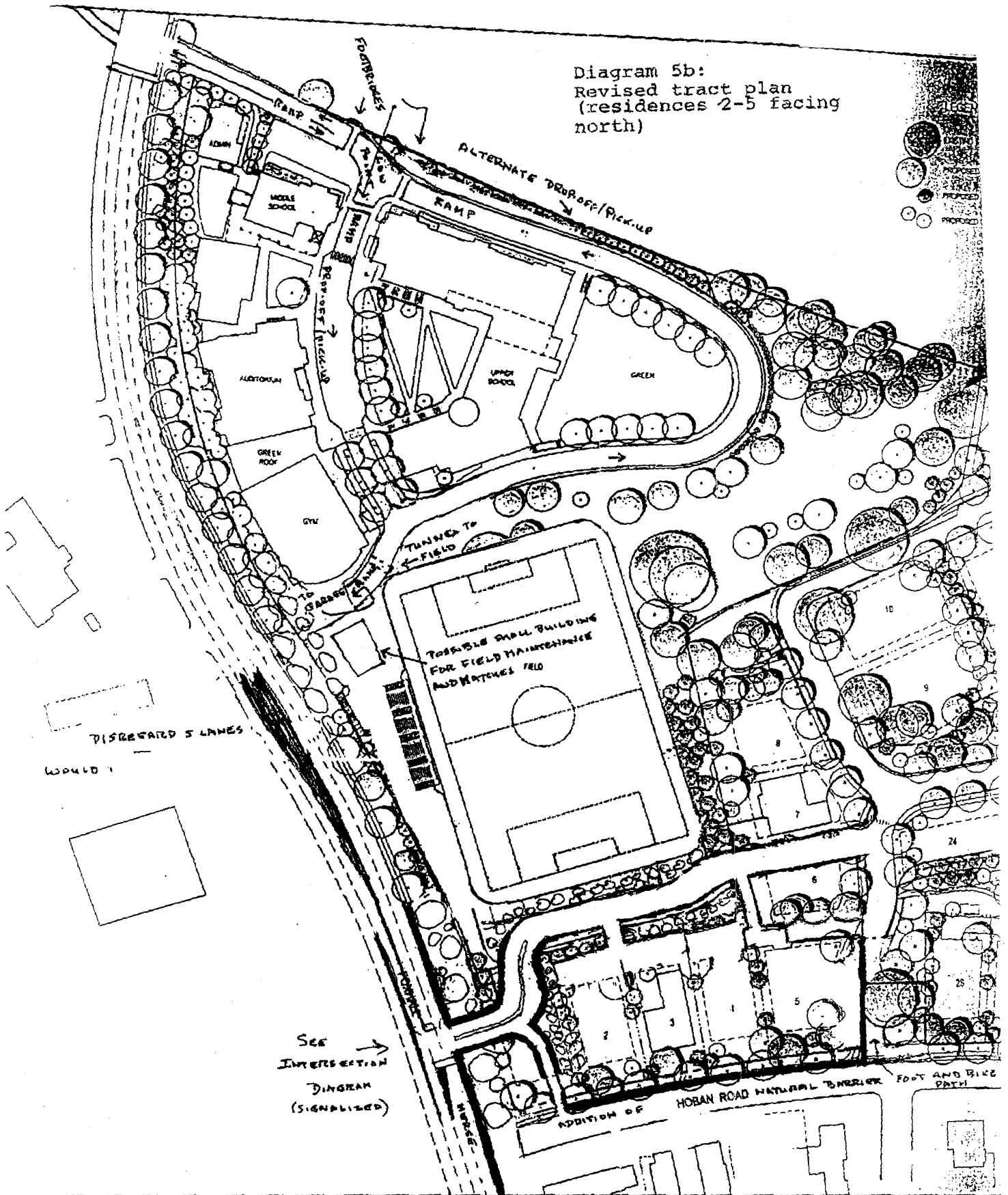


Diagram 5a: Revised tract plan  
plan (residences 2-5 facing  
south)

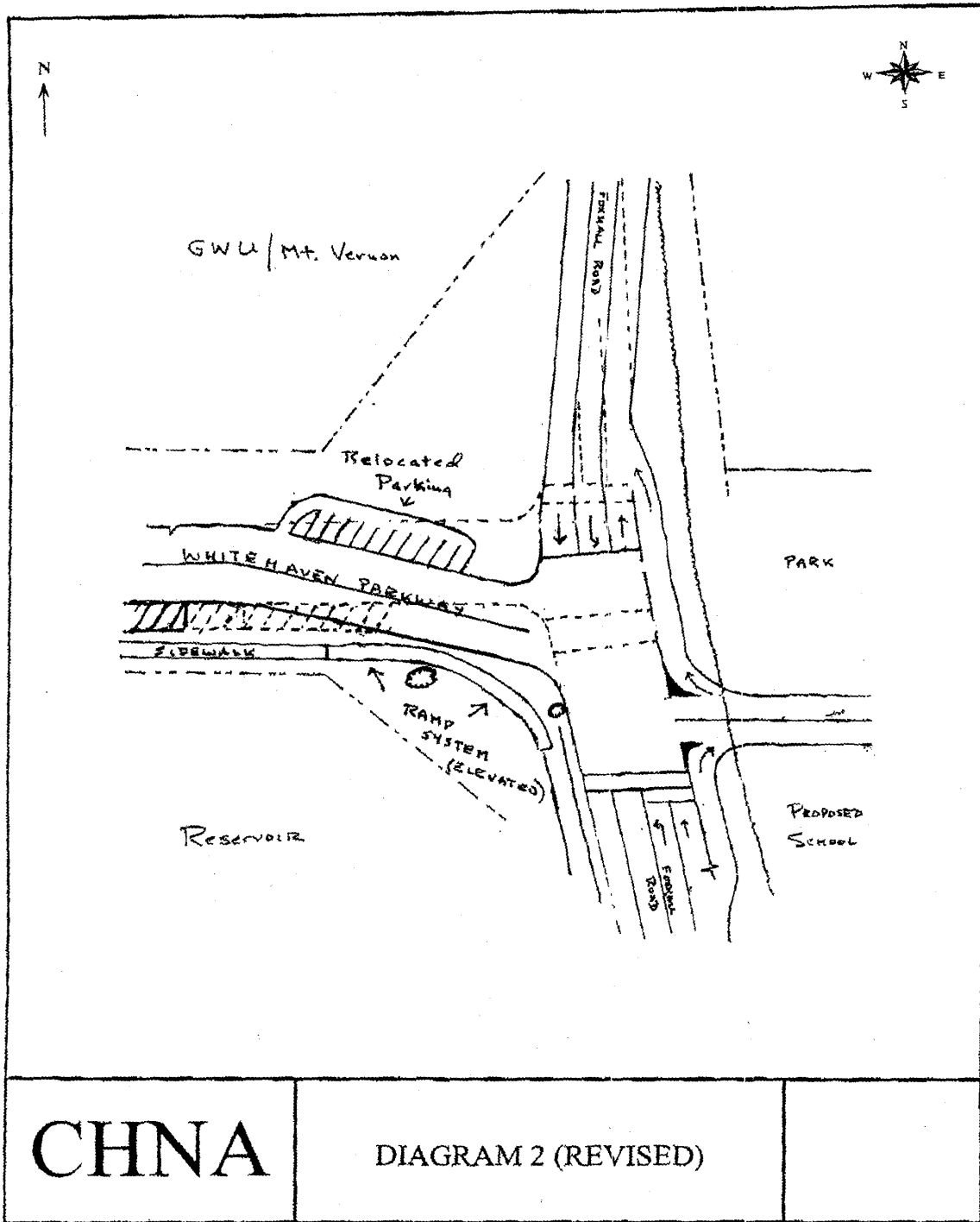


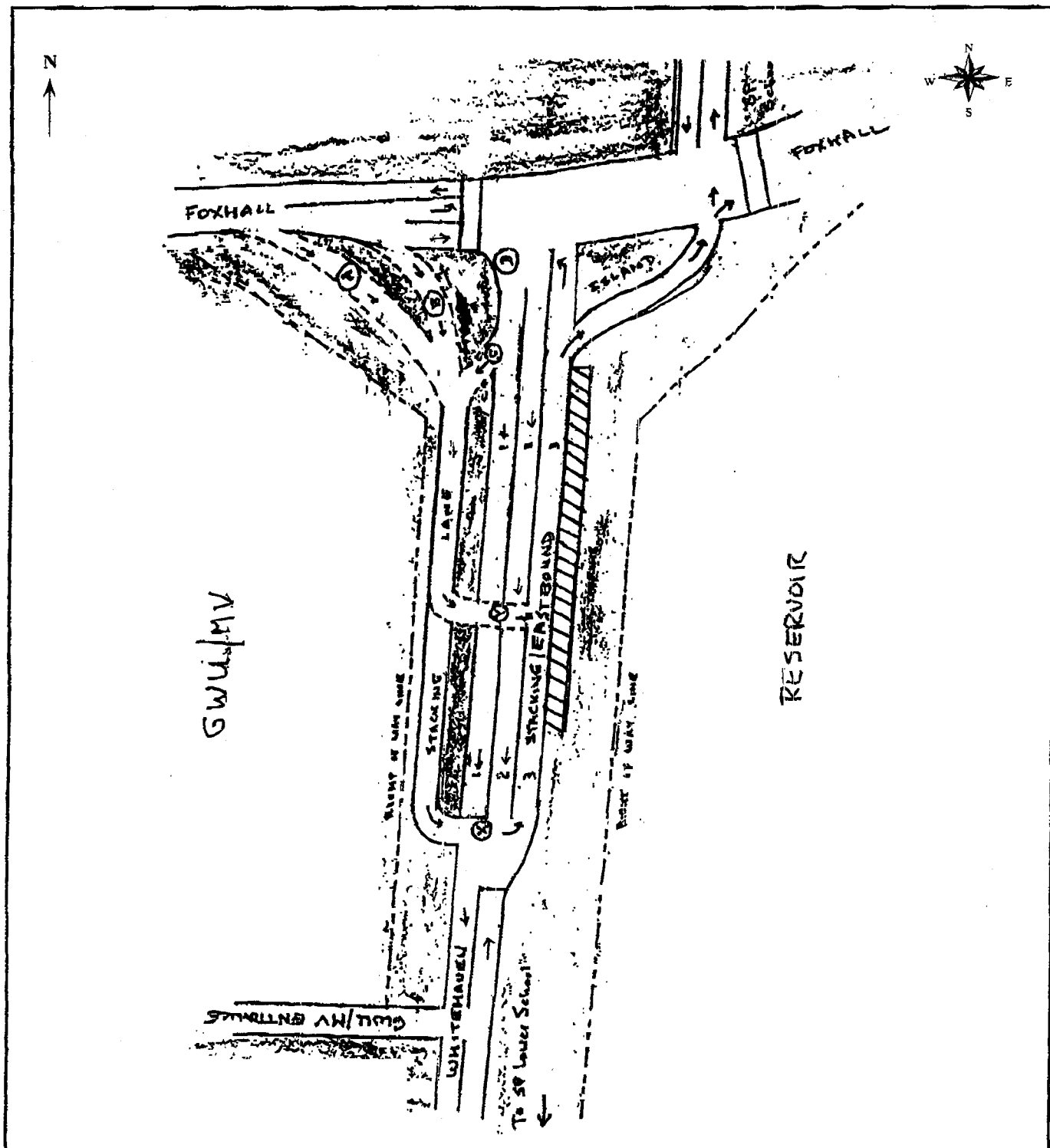


**DRAFT**

CHNA REVISED AND ADDITIONAL DIAGRAMS

SUBMITTED TO FOSP FEBRUARY 9, 2006



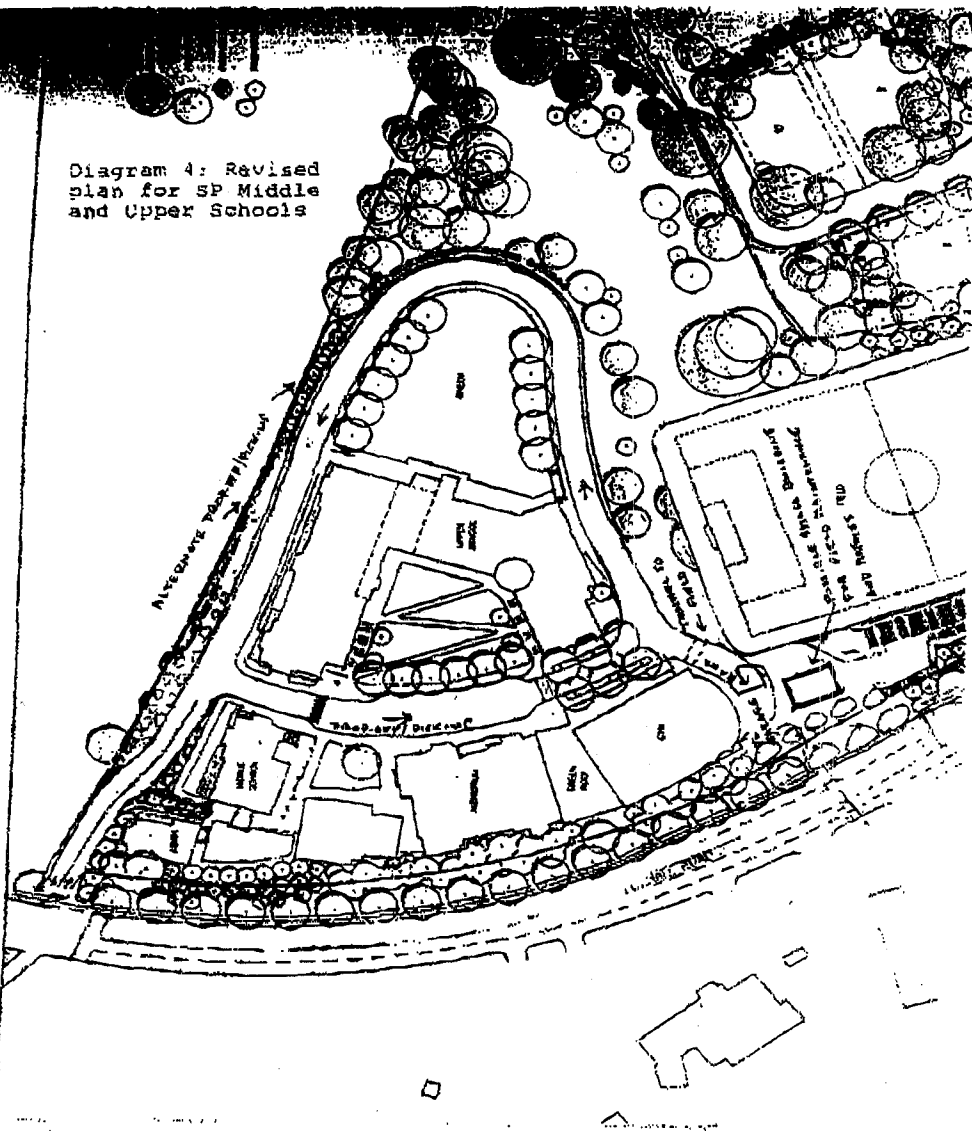


CHINA

DIAGRAM 3  
(Revised)



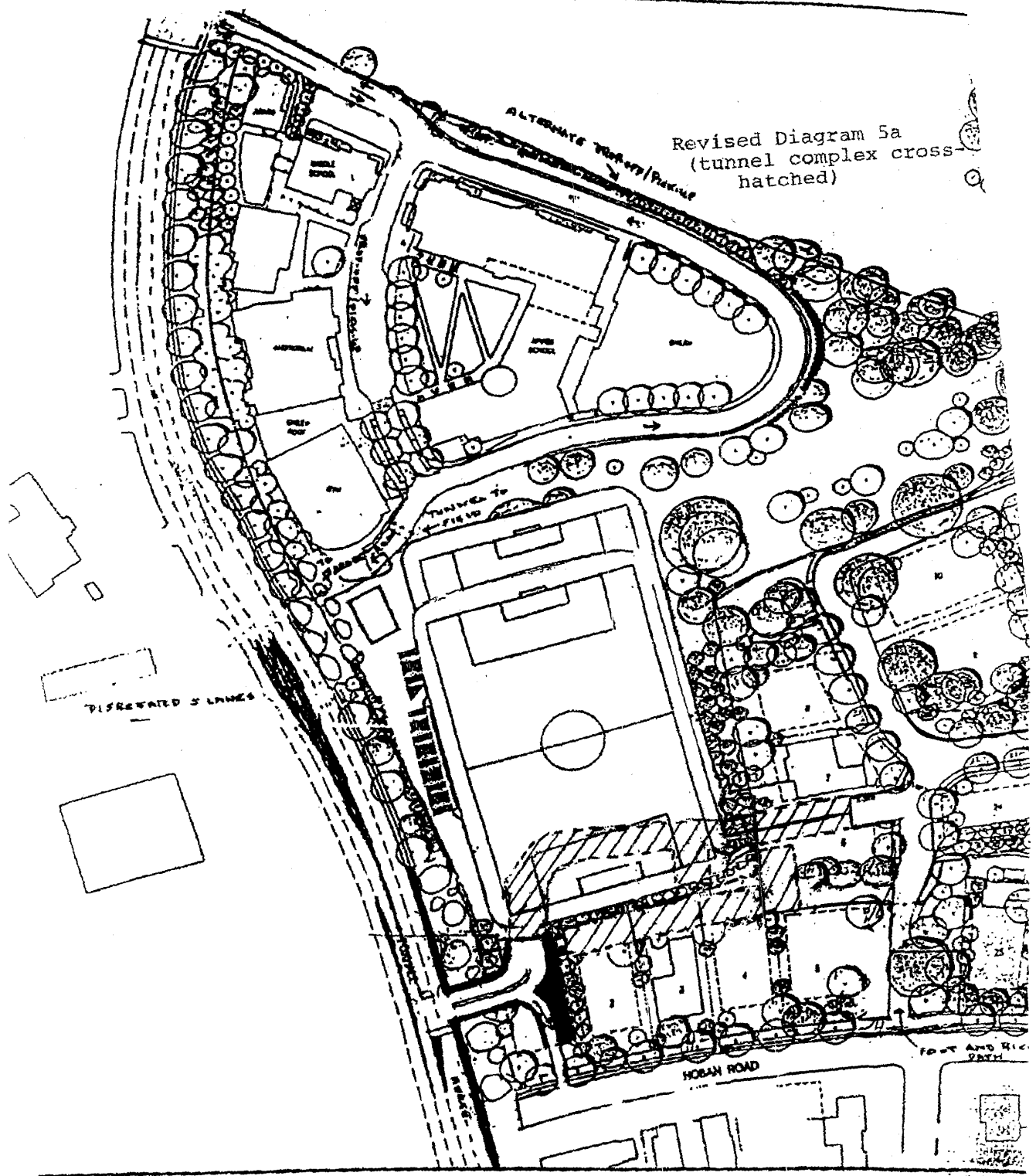
Diagram 4: Revised  
plan for SP Middle  
and Upper Schools



CHINA

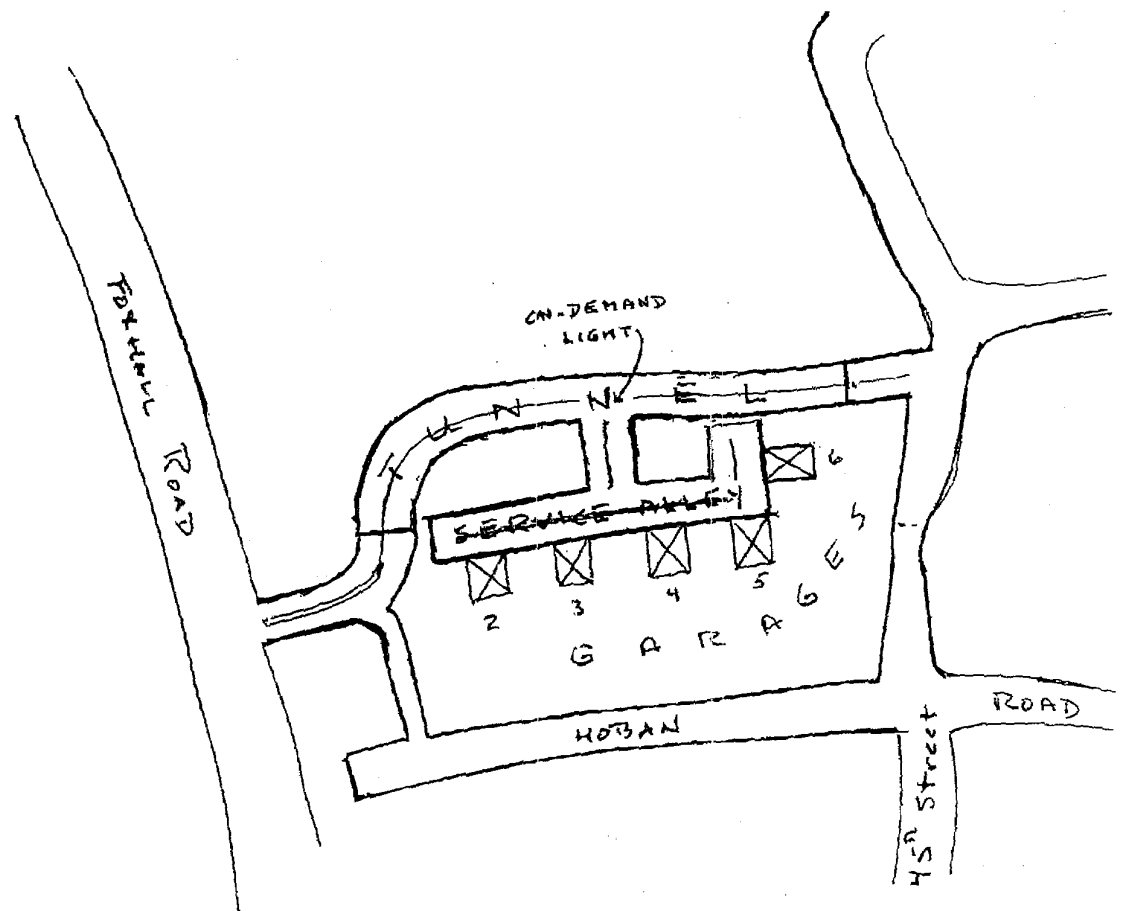
DIAGRAM 4 (REVISED)  
(4a)

Revised Diagram 5a  
(tunnel complex cross-hatched)



NEW DIAGRAM 5c

Schematic showing tunnel, service alley and  
garages for lots 2-6.

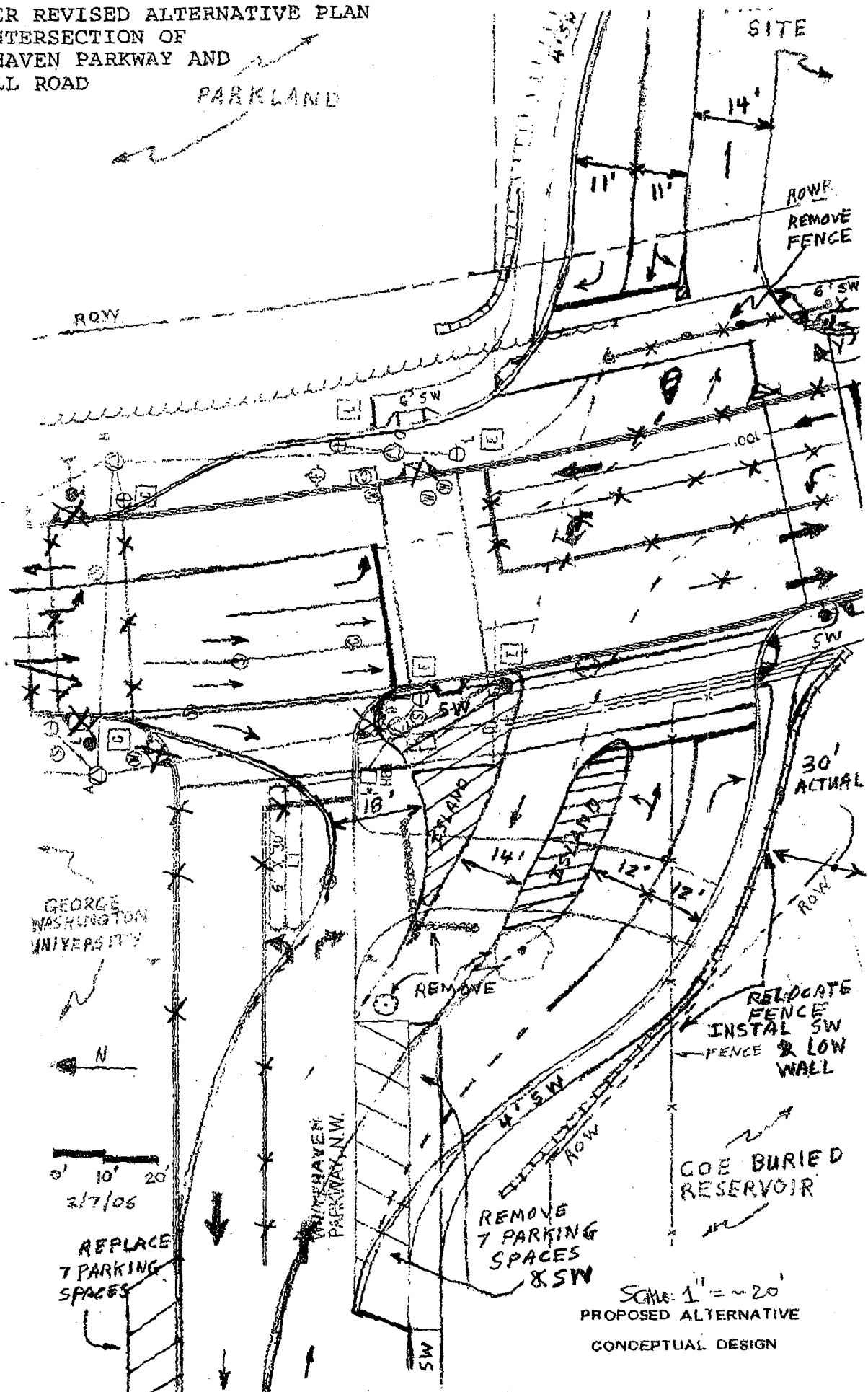


CHNA ADDITIONAL DIAGRAMS  
DEVELOPED AFTER FEBRUARY 9, 2006

SCHEMATIC OF  
PROPOSED DEVELOPMENT  
OF BRADY TRACT AND EXISTING  
COLONY HILL NEIGHBORHOOD



FURTHER REVISED ALTERNATIVE PLAN  
FOR INTERSECTION OF  
WHITEHAVEN PARKWAY AND  
FOXHALL ROAD



**Response to Comments of Friends of St. Patrick's School  
Regarding the Alternate Development Plans of the  
Colony Hill Traffic and Access Subcommittee**

**Background:**

On December 27, 2005, the Traffic and Access Subcommittee (the "Subcommittee") of the Colony Hill Neighborhood Association ("CHNA") submitted a series of alternatives to the current development plan of the Friends of St. Patrick's Episcopal Day School, LLC ("FOSP", with the school hereafter designated as "SP" or the "School") for a middle and upper school as part of the St. Patrick's educational complex.. FOSP's plan is set forth in the application that FOSP and the School currently have on file at the District of Columbia Board of Zoning Adjustment ("BZA").

To illustrate these alternatives, the Subcommittee presented the current right of way map showing the intersection of Foxhall Road and Whitehaven Parkway in the northwest section of Washington D.C. This map was designated "Diagram 1" and was presented for informational purposes only. The Subcommittee next presented diagrams, designated "2" and "3," illustrating in two different ways how a stacking lane might be situated for traffic coming southbound on Foxhall Road and intent on turning left into the school at the Foxhall/Whitehaven intersection. The Subcommittee then presented diagrams, designated "4a" and "4b," illustrating how traffic might flow on the upper/middle school campus if the main entrance to the middle/upper school campus were located at that intersection. Finally, the Subcommittee presented diagrams, designated "5a" and "5b," illustrating how FOSP's plans for a new residential community immediately south of the middle/upper school campus might be revised to create a new entrance and exit for this community on Foxhall Road.

On January 11, 2006, FOSP presented its reactions to the Subcommittee's alternative plans in a meeting with the Subcommittee and in a document entitled "Consideration of Colony Hills Access Committee's Traffic Proposal of 12/27/05." In its commentaries, FOSP continually referred to the Subcommittee's alternatives as "proposals," as though they were being submitted for examination and judgment by FOSP. They are not. The burden is not on the Subcommittee to present acceptable proposals to FOSP. The burden, rather, is on FOSP to present plans that are acceptable to the community. The Subcommittee believes that FOSP has not yet done that, and the Subcommittee's alternatives are presented in a spirit of cooperation to find solutions that both FOSP and the community can accept.

The Subcommittee has reviewed and investigated FOSP's remarks, revised its alternative plans in some respects, and now presents this response. FOSP's remarks will be presented in italics, followed by the Subcommittee's response.

## **Subcommittee Diagram 1**

As noted, Diagram 1 consists of a right of way diagram that the Subcommittee obtained from the repository of such diagrams within the District of Columbia government.

*This [right of way] is clearly shown to cross both the property used by the GW campus at Mount Vernon on the North and the Army Corps of Engineers ("ACE") for the Reservoir on the South. The [right of way] is shown crossing the ACE fence enclosing the existing Reservoir.*

The Subcommittee has presented its Diagram 1 to show the boundaries of the rights of way for Whitehaven Parkway and the intersecting part of Foxhall Road. The Subcommittee believes that Diagram 1 remains an authoritative statement in this regard. If FOSP can obtain another document that it believes better establishes these boundaries, the Subcommittee would appreciate receiving a copy of it.

## **Revised Subcommittee Diagram 2**

This diagram shows the use of an "S" curve to relocate the Whitehaven/Foxhall intersection approximately 90 feet to the south of its current location and bordering the right of way south of Whitehaven.

*There is not enough available land for the road; it is shown running actually through the existing Reservoir structure. The Reservoir "The Washington Aqueduct's First High Service Reservoir," is an 80-year-old, 22-million-gallon concrete structure, which relies on gravity retaining walls and a levee-like earthen structure for its integrity. The toe of the slope of this earthen structure is currently about 60 feet south of the existing road, and the Reservoir itself projects about 20 feet into the [right of way]. The effect of the proposed roadbed, as shown, undermines the earthen structure at its corner, destroying the integrity of this Public Facility. To avoid this conflict, the roadbed could only move approximately 40 feet to the south of the existing Whitehaven Parkway.*

By our measurements, the nearest (underground) part of the Reservoir is approximately 70 feet – not 60 feet - south of the existing Whitehaven Parkway. Upon reflection, however, we agree that the roadbed could move only about 40 feet to the south of the existing Parkway. We have therefore prepared a Revised Diagram 2 showing this alignment. In this revised diagram, the "S" curve has been eliminated and a simple re-alignment of Whitehaven has been accomplished to move the road southward 40 feet at the point where it meets Foxhall Road.

*This new road would then neither align with the School Property nor create a long enough southbound left-turn lane to provide adequate stacking room for motorists turning left off Foxhall Road into the School Property.*

We agree that the new road would not align across Foxhall Road with the School Property. What would be created is an offset intersection that would nevertheless be fully functional in serving as an entrance to the School Property. There are many examples of offset intersections in Washington D.C. and other cities. An example is found, for instance, at 38<sup>th</sup> Street and Reservoir Road, where 38<sup>th</sup> Street is offset to an entrance to Georgetown Hospital. The intersection is perfectly functional.

The intersection would also provide more than adequate stacking room for southbound traffic seeking to turn left into the School Property. This could be done by re-angling the existing lanes to the northeast, creating a third lane on Foxhall north of Whitehaven Park, and taking advantage of a generous right of way shoulder on the east side of Foxhall. The western-most lane would continue southbound for through traffic at Whitehaven Parkway. The middle lane would become a southbound stacking lane for left-turn traffic into the School. The eastern lane would be for northbound through traffic. Please see Revised Diagram 2. This three-lane arrangement could be extended northward to accommodate a stacking lane of 10 or more automobiles before Foxhall reverts to being a single lane northbound and a single lane southbound. In no instance would land in Whitehaven Park be affected. Land a short distance further north on Foxhall would be affected, but only within the currently designated right of way.

In creating a southbound stacking lane that could accommodate 10 or more cars, whereas FOSP plans for only seven at its location opposite the German embassy. Even at seven, this is far greater stacking capacity than FOSP has stated it believes will be necessary for a stacking lane, even for peak hour traffic at the middle and upper schools.

*There is a steep bank up towards the South [sic] of the existing Whitehaven/Foxhall intersection. This relocated roadbed is shown cutting into this sharp grade difference. Even if the Reservoir did not exist and the lane was available for use, the grading consequences would be extreme. There would have to be a retaining wall for the full 150 foot-length varying from five to fifteen feet in height, right against the roadbed. Three large, specimen trees in public space would be lost, with diameters of 51", 58" and 36" respectively.*

By limiting the relocation southward of Whitehaven to 40 feet, these problems are largely eliminated. The Subcommittee believes that the maximum retaining wall at any point would be 4-5 feet and in most places would be considerably less than that. This realignment would also not impact two if not all three of the referenced specimen trees.

We note that, by comparison, FOSP's proposed entrance across from the German Embassy would eliminate three trees deemed of special significance by FOSP's arborist. See Figure 2.2 on page 2-18 of FOSP's Environmental Assessment.

*The arrangement of the roadbed right against the [right of way] and the new retaining wall leaves [sic] no room for the public pedestrian sidewalk on the south side of Whitehaven Parkway. There are currently pedestrian sidewalks on both sides of Whitehaven Parkway. The sidewalk on the south side of Whitehaven Parkway will be*

*used in the future by St. Patrick's students, faculty, and staff, and others, walking between the existing lower school campus and the proposed middle/high school campus.*

*The south side sidewalk is the main pedestrian connection between the existing Lower School and Chapel and the proposed middle/high school campus. Under the [Subcommittee alternative plan], all pedestrian traffic would have to cross Whitehaven Parkway somewhere west of this intersection and cross back over southward again somewhere further east, perhaps within the new School Property. This would be inconvenient at best and both dangerous for pedestrians and cause traffic delays, at worse, especially at peak drop-off and collection times. The FOSP Access Plan, which places the new School entrance across from the German Embassy, avoids these problems by separating the middle/high school vehicular traffic from the pedestrian traffic at the Whitehaven Parkway intersection.*

As shown in Revised Diagram 2, a new pedestrian crossing of Foxhall Road would be installed at the southern edge of the new Whitehaven/Foxhall intersection. Individuals wishing to go from the Saint Patrick's middle/upper school to the lower school would use a path south and west of SP's proposed Administration Building to get to this crossing. Once across Foxhall, they would utilize a metal or wooden ramp structure to go around a tree immediately west of the sidewalk and would proceed from there to the existing sidewalk down to the lower school.

*There is currently diagonal public parking on the south side of Whitehaven Parkway, which was installed by St. Patrick's. While not required to meet the lower school's parking requirement, it is nonetheless a vital part of the successful traffic management plan currently in place at St. Patrick's. At least 100 feet, or some 15 diagonal spaces would be lost due to the [Subcommittee's...] road realignment. Currently, this parking is only restricted [sic] for St. Patrick's use during school hours and is used by teachers, administrators, parent volunteers, and visiting parents. After school hours the general public, including the German Embassy, and visitors to GW, are free to use the space. Therefore, eliminating these spaces will push more parkers into the community.*

As seen in the Subcommittee's Revised Diagram 2, some of the referenced parking spaces would indeed be eliminated in realigning Whitehaven southward by 40 feet as it intersects Foxhall. Those spaces and many more, however, would be established on the northern side of Whitehaven opposite many of the existing spaces.

These new spaces, furthermore, would have an important advantage over the existing parking spots. To use the existing spaces, drivers are required to back their vehicles into the spaces. This often stops eastbound traffic on Whitehaven while a vehicle backs into a space. If new spaces were built on the northern side of Whitehaven, however, that shoulder is wide enough that a service lane could also be built that would allow incoming traffic to enter that lane from Whitehaven, proceed along the northern edge of the spaces, and from there turn southbound and enter any of the parking spaces. In this way, automobiles would not hold up westbound traffic on Whitehaven while they back into

parking spaces, yet they could later exit forward onto Whitehaven just as now happens from the spaces on the southern side of Whitehaven.

*The southbound turn lane on Foxhall Road to the north of the proposed light is similar in length to the one shown in the FOSP Access Plan, but it is located in the portion of Foxhall Road that is narrowed to only one single, unobstructed southbound lane. In the unlikely event that the turn lane was full, another car planning to turn left would bring all southbound traffic to a standstill. In the FOSP Access Plan, however, the proposed left-turn lane is located at a section of Foxhall Road that is four lanes across. Therefore, in the FOSP Access Plan, the [stet*

As noted above, this narrow portion of Foxhall can be widened through the creation of a third lane on the eastern side of the existing road. The current right of way on this side would permit that lane to extend northward sufficiently far that the new middle lane thus created could be converted into a southbound stacking lane. This lane could accomodate 10 cars or more seeking to turn left into the School Property at the revised Whitehaven/Foxhall intersection.

*Northbound traffic slowing and turning into the [Subcommittee's...] new entrance into the middle/high school campus also impedes and potentially stops all northbound traffic in a similar way, because there is only one northbound lane at this point as well. Once again, this vulnerability does not exist in the FOSP Access Plan, which constructs the northbound right-turn lane into the middle/high school campus on the section of Foxhall Road that is four lanes across, thereby leaving the remaining two northbound lanes unobstructed.*

This statement is factually incorrect. The FOSP plan does not have a separate northbound right turn lane on Foxhall. The right turns are made from the right lane, leaving only one northbound lane unobstructed.

For the Subcommittee's alternative plan, this problem is overcome in Revised Diagram 2 by creating a new entering lane on the east side of Foxhall Road south of the revised Whitehaven/Foxhall intersection. The existing right-of-way in this area would permit not only such an additional lane, but also continuation of the sidewalk currently proposed for the east side of Foxhall in this area. Alternatively, the sidewalk could stop at the planned pedestrian entrance/exit to the upper/middle schools. None of the planned buildings of these schools would be affected by these suggestions.

*It is doubtful that emergency vehicles will be able to safely navigate the [Subcommittee's...] "s" curves and the acute turn from Foxhall Road southbound onto Whitehaven Parkway.*

As noted above, the "S" curve previously proposed has been replaced by a simple realignment of Whitehaven Parkway that brings it to Foxhall at a point approximately 40 feet south of the existing intersection. It would be fully available to emergency vehicles.

### **Subcommittee Diagram 3**

Given the advantages of Revised Diagram 2, the Subcommittee is placing its other stacking proposal in Appendix A hereafter. The Subcommittee still believes this proposal is workable. It would, however, take more planning than would the alternative shown in Revised Diagram 2.

### **Subcommittee Revised Diagram 4a**

As shown on the Subcommittee's original and Revised Diagram 2, the entrance to the proposed middle and upper schools would utilize a revised intersection at Whitehaven Parkway and Foxhall Road rather than FOSP's proposed new signalized intersection on Foxhall Road at the German Embassy. By avoiding the need for a new signalized intersection on Foxhall, the Subcommittee's alternative would not further complicate the use of Foxhall Road for motorists and pedestrians in this area. FOSP, however, has the following concerns with this plan as it concerns traffic flow on the middle/upper school campus:

*The [Subcommittee's plan] provides very little stacking room within the single-lane loop road before the primary, safe drop-off location. Specifically, the [Subcommittee's] proposed stacking lane will be approximately 160 feet in length, and will be able to hold only six cars (at 25 feet per car).*

The Subcommittee's plan provides more stacking room and greater flexibility in the use of stacking lanes than does FOSP's proposal. First, as noted above, the Subcommittee's plan would allow for potentially a much longer stacking lane on Foxhall Road southbound than does FOSP's proposal. Second, regarding the stacking lane on the upper/middle school campus, the Subcommittee noted in presenting its original plan to FOSP that two stacking queues – one for peak-hour traffic, one for non-peak traffic – could be used. For non-peak traffic, a shorter queue could be used that would allow automobiles to enter the middle/upper school campus and subsequently turn right into the "loop" proposed by FOSP. They would then discharge passengers at the same central point that FOSP's on-campus stacking lane would provide. This is the 160-foot stacking lane referenced in FOSP's comment immediately above.

As noted earlier to FOSP, however, the Subcommittee's plan provides for a second, much longer stacking lane for peak periods. During these periods, cars would again enter the middle/upper school campus at the Whitehaven/Foxhall intersection and turn right into the Loop road. This time, however, they would not be allowed to stop at the central drop off point. Rather, they would be required to go around the loop and drop off passengers on the northern or northeastern part of the loop – wherever the school desired. In this way, this expanded on-campus stacking arrangement could accommodate as many if not more automobiles during peak periods than is being proposed by FOSP.

*Cars planning to enter the underground parking garage in the morning are forced to travel through these short drop-off/pick-up lanes, which is undesirable.*

In the Subcommittee's original and revised Diagram 4a, the entrance to the garage would be moved from its location from its location in FOSP's proposal: i.e., immediately adjacent and north of the proposed middle school. The Subcommittee would place it immediately south of the proposed gym. Both locations would be accessed from and feed back into the Loop road.

FOSP comments above that vehicles wishing to enter the underground parking garage in the morning would be disadvantaged in that they would have to proceed through the central drop-off and pick up points on the middle/upper school campus.

This disadvantage could be easily avoided. As noted above, the Subcommittee's plan contemplates that vehicles would not be allowed to stop at the central drop-off and pick-up point during peak hours. Instead, they would be required to proceed through this point without stopping. Automobiles wishing to access the garage would simply turn right off the Loop road shortly thereafter.

If there is any disadvantage for cars wishing to access the garage in the morning hours, it is found in FOSP's plan. Any vehicle wishing to do this would have to enter the campus at the proposed new intersection, then proceed all the way around the Loop road before it could access the garage north of the proposed middle school building. This would be a far longer trip on campus than under the Subcommittee's proposal.

*The [Subcommittee's plan] only provides for one lane in and out. This is contrary to the FOSP Access Plan, which provides for one lane in and two lanes out. The [Subcommittee's Plan] does not provide for separate left and right turn exit lanes. Therefore, the [Subcommittee plan] increases the likelihood that exiting traffic would back up into the drop-off zone.*

Here again, FOSP's comment only illustrates an advantage of the Subcommittee's plan. Under FOSP's plan, two exit lanes are needed because the exit is so close to the central pick-up/drop-off point that back-ups to that point would happen frequently without the two exit lanes. By contrast, the Subcommittee's pick-up and drop-off points are much farther from the exit point at the Whitehaven and Foxhall intersection. For non-peak hours, automobiles using the central pick-up/drop-off point would be required to traverse the Loop road before exiting. So no backup is realistically possible. For peak hours, the alternate pick-up and drop-off point on the northern side of the loop could be positioned sufficiently far to the east or southeast to avoid any backup problems from automobiles waiting to exit the campus at Whitehaven/Foxhall.

To further facilitate the exiting of cars under the Subcommittee's plan, the Subcommittee has added a service lane for exiting traffic going northbound on Foxhall Road. This lane would permit several northbound cars to move into this lane before merging with Foxhall traffic. This service lane eliminates the need for a second exiting lane from the school. when combined with a left-turn-only phase in the light cycle for traffic exiting

southbound on Foxhall. During that phase, automobiles queued to exit from the school and wishing to make a left turn onto Foxhall southbound would proceed into the intersection and do so. Vehicles in that same queue wishing to proceed north on Foxhall would move into the service lane and from there onto Foxhall. During the left-turn phase, that is, traffic exiting the school would do so unimpeded in both southbound and northbound directions from a single outbound lane. The same could be effectuated if a traffic control officer were stationed near the exiting point and allowed outbound cars from the school to turn left or right as they wished. One basic objective here would be to prevent pedestrian traffic from attempting to cross Foxhall Road on the south side of this intersection while exiting cars were attempting to turn southbound on Foxhall.

*[The Subcommittee's] "alternate drop-off/pick up" location to the North allows for more stacked cars in the loop, but is dangerous because half the children would have to cross two lanes of traffic to get to class.*

FOSP's own plan is not without concern in this regard. While that plan provides drop-off points on both the east and west side of the loop road, there will always remain a realistic possibility that carpooling students will exit their cars on the "wrong" side and wind up in the middle of the loop road in the face of oncoming traffic. Indeed, if a vehicle is occupied merely by a driver and two students, the temptation will be there for one of those students to exit toward the middle rather than side of the loop road, especially if that student is late for class. When students and vehicles are mixed as tightly as they are under either FOSP's or the Subcommittee's plan, the danger will always be thereof an impulsive act that results in tragedy. Since the "children" in these cars will be older than their lower school counterparts, however, they will hopefully exercise greater caution in these situations. The Subcommittee presumes that St. Patrick's will also provide on-campus traffic police to deal with such situations, mitigating the chance of injury under either plan.

*The [Subcommittee's] pedestrian footbridges shown can only be built rising up from grade over traffic lanes and will be rarely used. Furthermore, the proposed footbridges would be visible from Whitehaven Park.*

*The [Subcommittee's] proposed road grades down in the campus "low point" are steep and cannot go below the footbridges shown.*

In initially presenting Diagram 4a to FOSP, the Subcommittee incorporated a depressed roadway and footbridges overhead to separate automobile traffic in the Loop from students needing to cross that Loop road. The Subcommittee emphasized at the time that the use of such a depressed roadway and footbridges was merely an optional feature of its plan – to be adopted or not as SP prefers. As discussed above, students can equally be protected when crossing the Loop road by on-campus traffic police. Since FOSP did not respond positively to the use of a depressed road and overhead bridges, the Subcommittee has eliminated those features from its Revised Diagram 4a. As in FOSP's plan, all traffic flow in this Revised Diagram 4a would be at ground level except for that going in and out of the underground garage.

*These road grades change the grading relationship with Whitehaven Park. The [Subcommittee's...] new roadway in the NW corner will end up showing more retaining wall along that elevation. The [Subcommittee's...] roadbed is also pushed up right against the Park, leaving no room for planting outside of the walls to mitigate these views from the Park.*

The first two sentences in this comment are vague and unsubstantiated, and it is difficult for the Subcommittee to ascertain whether FOSP is alleging any negative effects from the Subcommittee's plan that are at all significant. Do the referenced "road grades" refer to the ramps in the Subcommittee's original Diagram 4a? As noted, they have now been eliminated. Even if the "road grades" refer to something else, the Subcommittee is uncertain how much FOSP believes grading relationship will "change" and what kind of change will be brought about. For all that can be discerned, any changes may be minimal or even positive.

Similarly, the second sentence above says the "new roadway...will end up showing more retaining wall." How much? Is any significant negative effect being alleged? FOSP does not elaborate.

As for the third sentence's comment about the absence of planting to mitigate the effects of the retaining wall, the Subcommittee believes that formal planting outside the retaining wall will only emphasize the presence of the retaining wall. The Subcommittee believes it would be better to let the park gradually minimize the wall's presence through natural but regulated encroachment.

*The [Subcommittee's...] descending ramp location to the underground parking shown behind the gymnasium cannot be built without cutting into the existing Foxhall Road embankment. Moving the gymnasium to another location cannot work either because the locker-rooms in the lower-level of this building support the field's users.*

The comment also suffers from vagueness and lack of substantiation. FOSP alleges that the Subcommittee's proposed ramp into the underground garage will cut into the existing Foxhall Road embankment. Even if this statement is literally true, how much encroachment is being alleged and how serious does FOSP believe this to be? FOSP does not say.

Furthermore, the Subcommittee believes that this statement is refuted by FOSP's own Park Plan (Diagram A-3.1 in the SP/FOSP proposal). That Plan clearly shows a width of approximately 40 feet between the base of the embankment and the western gymnasium wall. Part of this 40-foot width is in the public right of way, but it is far below the grade of Foxhall Road and the Subcommittee believes it would be reasonably possible to obtain governmental permission to situate the entrance/exit ramp in this area. This is all the more the case because the surface that would be excavated to built this ramp would be considerably below and to the east of the surface of the Foxhall Road embankment. Furthermore, the width of this entrance/exit ramp would be considerably less than the 40-

foot available width. This can be seen on many FOSP diagrams by comparing this 40-foot width with the width of the entrance/exit ramp being proposed by FOSP, which is found in the northwest corner of this same Park Plan immediately east of the proposed Administration Building.

*Moving the [soccer] field northward [in the Subcommittee's plan] chokes the dell down from 80 to 30 feet in width. The remaining 30 feet of the dell would be approximately 25-feet deep, thus creating a "canyon" effect that would be unsightly, dangerous and could require filling.*

*This directly kills five specimen trees in the dell.*

*The [Subcommittee plan] results in a "channel" effect that essentially makes the dell lost for the full width of the field, shortening it by 120 feet or 20% in length.*

*This effect would kill an additional two to three specimen trees.*

The first sentence in these cited passages is simply false. Moving the soccer field northward would affect only the upper, less defined part of the dell, and thus the entire dell would not be reduced by more than half. As quoted in another passage immediately above, FOSP itself estimates this affected area to be only 20 percent of the length of the dell.

The Subcommittee notes also that construction of the soccer field *as proposed by FOSP* will eliminate most of the natural features of the southwestern sector of the dell. The result will be a man-made intrusion that bifurcates the upper dell in order to construct the northeastern corner of the soccer field. See, for instance, the topographical map of the site used in preparing FOSP's Conceptual Sediment Control Plan – the last plan shown in Appendix B of FOSP's application to the BZA. The Subcommittee's plan does go further into the dell than does FOSP's but only, in a sense, after the original proposal by FOSP eliminates much of the character of that area of the tract. Rather than saying that the Subcommittee's plan would shorten the dell by 20% in length, it is more accurate to say that the combination of FOSP's plan and the Subcommittee's plan would result in this loss. And if a "canyon" effect were to be created as a result, it could be landscaped if needed, with or without filling, to be more consonant with the surrounding terrain – much as the rest of the tract will be modified for the same purpose.

Even at that, any loss would result from the replacement of one natural feature by another, rather than by the injection of any man-made object into the area. And even under the Subcommittee's plan, the most defining features of the dell would be retained to the east and northeast of the soccer field. The principal design feature of the tract – separating the proposed school and the proposed residential community by a green space of natural features – would also be retained almost entirely.

The Subcommittee's move of the soccer field northward also would require the removal of some additional special trees north of FOSP's plan. As an offset, however, that same

move northward would save roughly the same number of special trees that FOSP's plan would sacrifice to build the southern end of the soccer field. See FOSP's Environmental Assessment at pp. 2-17 – 2-19..

Furthermore, the Subcommittee's purpose in moving the soccer field northward must also be taken into account. This was done in the Subcommittee's plan to allow a street to be constructed to the south of the soccer field for traffic entering and exiting the proposed residential development. That roadway is needed to bring the new residential traffic directly out on Foxhall Road. The alternative, as shown in FOSP's plan, would bring that traffic through the streets of Colony Hill, but then out to Foxhall or Reservoir Roads at intersections that already present acute traffic problems. Any consideration of the Subcommittee's move of the soccer field northward, therefore, must take into account the benefits to be gained elsewhere in the community.

Please note below, however, that the Subcommittee is today also presenting a Revised Diagram 5a that would move the soccer field back to almost its original location.

*In addition, the [Subcommittee's...] new roadbed threatens the existing special trees in Whitehaven Park near the NW corner of the school property.*

Here again, FOSP's comment is vague and unsubstantiated in saying that the new roadbed would "threaten" the existing special trees in Whitehaven Park. What exactly is being alleged by "threaten"? FOSP does not elaborate. An examination of Whitehaven Park just north of the school entrance/exit road reveals no trees of any sort – much less special trees – within 15 feet of the suggested location of that "NW corner."

*The net effect of the [Subcommittee's plan] substantially downgrades the utility, clarity, safety and success of the internal road loop, drop-off/pick-up and parking sequence of the FOSP Access Plan. Importantly, the (Subcommittee's plan) also has damaging environmental and engineering consequences.*

To the contrary, the Subcommittee's alternative to FOSP's Access Plan substantially improves that Plan in various ways. It does so while almost entirely retaining the natural terrain features and building initiatives proposed by FOSP. It would not change any of the building construction plans proposed by FOSP except to relocate the entrance/exit to the proposed underground garage. Additional space would be opened northwest of FOSP's proposed stadium seats that could be used for another structure. The Subcommittee notes that FOSP's plan provides no facilities other than stadium seats for the maintenance of the soccer field or for interscholastic games and other special events on that field.

#### **Subcommittee Revised Diagram 4b**

This revised diagram is the same as Revised Diagram 4a except that a roundabout would be utilized rather than the "low point" and bridges of the Subcommittee's initially-proposed Diagram 4a, and traffic on the Loop road would flow clockwise rather than

counterclockwise in FOSP's proposal and the Subcommittee's "4a" alternatives above. Given that much of Revised Diagram 4b is identical or similar to that of Revised Diagram 4a, FOSP makes the same criticisms in connection with both 4a and 4b. Where this is the case, the Subcommittee's responses under Revised Diagram 4a will be equally applicable here. It is only where FOSP has commented on areas in which 4a and 4b differ that the Subcommittee will now comment.

*The [Subcommittee's...] clockwise loop road has a major point of conflict: Unlike the FOSP Access Plan, departing traffic crosses, or conflicts with, arriving traffic. Alternatively, the FOSP Access Plan has a continuous loop road.*

According to the FOSP Traffic study, a maximum of 132 vehicles will depart from the school during the PM peak hour. At that time, according to FOSP, a total of 56 vehicles will be entering the school. In other words, the conflict exists between 56 incoming vehicles and the outgoing vehicles. A roundabout can very easily accommodate these volumes without any problems and have a very good level of service.

*The [Subcommittee's...] small roundabout would fail if arriving or departing traffic backs up into the roundabout, which could cause back-ups on Foxhall Road.*

In a roundabout, the incoming traffic will have priority, since it will be in the roundabout when the exiting traffic merges. The exiting traffic must yield to traffic in the roundabout. Therefore, there will not be backups on Foxhall Road. The Subcommittee would appreciate clarification of how exiting traffic might back up into the roundabout and thus cause back-ups on Foxhall Road.

### **Subcommittee Revised Diagram 5a**

The Subcommittee will first respond to FOSP's comments on this Diagram, and then the Subcommittee will submit a Revised Diagram 5a in response to other comments it has received. The Subcommittee has decided not to pursue at this time the development plan shown in its Diagram 5b – which would have had the new homes on Hoban Road above 45<sup>th</sup> Street face north rather than toward Colony Hill.

#### **a. Response to FOSP Comments**

The Subcommittee notes that, in its comments on this Revised Diagram 5a, FOSP lists as "pros" – that is, desirable features – the following elements:

- *Colony Hill's traffic remains at status quo.*
- *All cars entering or leaving the new development would do so from Foxhall Road.*
- *Foxhall Road has no net increase in intersections.*
- *The existing intersections leaving Colony Hill would not receive any additional traffic.*

*- As with the FOSP Access Plan, the new houses could be largely constructed from the interior of the FOSP property.*

In declaring that these are desirable features of the Subcommittee's initial Diagram 5a, FOSP is agreeing with the Subcommittee's position on these features and implicitly noting that its own plan is deficient where it does not incorporate them. The Subcommittee appreciates FOSP's willingness to endorse these positions.

Nevertheless FOSP has the following comments about the Subcommittee's initial Diagram 5a:

*The [Subcommittee's plan] creates a separate enclave out of the new Residential Development. This violates the sound planning principles followed in Washington DC and promoted by the Office of Planning.*

If by "separate enclave," FOSP means a community that has only one entrance and exit, then FOSP's proposal is a "separate enclave" proposal. It would create a new community that has only one entrance and exit – at 45<sup>th</sup> Street and Hoban Road. Unfortunately, putting an entrance and exit there would force traffic through Colony Hill and exacerbate the already-serious problems now found at the exit points where Colony Hill's streets intersect with arterial roadways.

*The [Subcommittee's...] entry road into the FOSP's development runs directly in toward the side of the first house in the development before turning sharply left to go around the house. It will look and feel like a back entry into a private estate, not a public road.*

To the contrary, such an entrance will look like the front entry into a private estate if a high mound were to be placed north-south just to the west of lot 2, and various evergreen trees were placed on the westward slope of that mound so that incoming drivers could see nothing but this natural feature. This would be especially the case since any property on lot 2 would be to the east and downslope of this location, and thus all the less visible to drivers coming from the west. Similarly, a high hedge or other evergreen barrier might also run along Foxhall Road, and the effect would be like some entrances to exclusive private enclaves in Palm Beach, Florida. It would take time to grow these hedges, true, but the effect would be striking even at the beginning, and all the more so as the years go by. On initial and Revised Diagram 5a, these features are designated by a heavy black line.

*The [Subcommittee's plan] makes no attempt to integrate the proposed development's road network into the existing road grid of Washington D.C.*

Yes it does. The Subcommittee's plan integrates that road network into the existing road grid of Washington D.C. at a designated entrance/exit point on Foxhall Road. The Subcommittee's plan does not, however, attempt such integration by connecting with the

streets of Colony Hill due to already-existing problems at the entrance/exit points of that community.

*The [Subcommittee's plan] forces the first four or five houses in the Residential Development to be constructed on double-frontage lots, which is both confusing and poor planning.*

In the Subcommittee's original Diagram 5a, the houses in question would front on Hoban Road. In the rear, they would be serviced by an alley and would be separated by the road in back by a thick hedge or other natural barrier. Given that only 24 or so other houses would be using that road in back, effects from that traffic would largely go unnoticed.

The Subcommittee still believes this alternative plan is very viable. In light of FOSP's continued concern about this proposal, however, the Subcommittee has prepared another one. It is found below ("Going Underground").

*The existing public road network within Colony Hill can easily support the projected traffic increases created by the proposed 28 homes. This was affirmed by DDOT upon reviewing the FOSP access plan. The [Subcommittee's...] changes are not warranted by accepted traffic-planning criteria.*

The Subcommittee is not asserting that Colony Hill's streets could not support such additional traffic. The Subcommittee is asserting that such additional traffic would exacerbate dangerous conditions at Colony Hill's entrance and exit points on Foxhall and Reservoir Roads. There is a safer way to deal with the additional traffic that the Residential Development would generate, and that is to bring it out on Foxhall Road. At the entrance/exit point suggested by the Subcommittee, both the Subcommittee's traffic engineer and that employed by FOSP agree that no traffic light or other special measure would be needed for traffic associated with the proposed Development.

*The [Subcommittee's plan] creates confusion and raises safety questions. For example, an unfamiliar driver potentially could turn in, get confused, and stop at the split in the new road. The [Subcommittee's plan] only provides room for one other car behind it. Therefore, one lost driver could quickly cause a back-up that could spill onto Foxhall Road.*

The Subcommittee expects that, if the entrance/exit to the new Residential Development were placed on Foxhall Road in accordance with initial and Revised Diagram 5a, the developers of that new residential tract would clearly have its entrance presented in a very elegant and exclusive way, thus discouraging the general public from entering. Thus it is unlikely that any driver would turn in there without being familiar with that entrance/exit. If that did happen, the driver would proceed into the new entrance and either go right into Colony Hill or go left into the new development. Either way, this scenario is no different from a lost driver turning off an arterial road onto a street and suddenly realizing that he did not know where he is. If he can't turn around immediately – which he couldn't at the entrance/exit advocated by the Subcommittee – he would

simply proceed forward until he came to a place where he could better address his situation and eventually get straightened out.

*Emergency vehicles trying to access either the FOSP's Residential Development or Colony Hill would have to negotiate the tight curves and raised concrete median. A hook and ladder truck and several other fixed-chassis emergency vehicles cannot make these turns. Also, a broken-down vehicle in the [Subcommittee's...] new inbound lane into the FOSP's Residential Development would restrict all access there for emergency and other vehicles.*

Given that the Subcommittee's plan contemplates the elimination of Lot 1, which is approximately 70 feet wide, the width of that lot plus the adjacent right of way width on Foxhall Road, would provide enough room to design entranceways that would allow emergency vehicles to make turns in getting into either the new Development or into Colony Hill. Also, the barrier proposed in the middle of the entrance road could be set to allow a hook and ladder truck or other emergency vehicle to drive over it if necessary. A 6" curb should serve both purposes nicely.

As for broken-down vehicles, they would have to be pushed for only a very short distance until the entrance lane started going down, either at the start of the right fork into Colony Hill or the start of the left fork into the new community. In either case, the car could then roll for a distance until it found a temporary resting place.

*The existing public intersection at Hoban Road and Foxhall Road is clear, safe, and works well. Closing Hoban Road and offering this contorted alternative creates a dangerous intersection.*

To the contrary, traffic coming south on Foxhall and turning left at Hoban often enters and proceeds through Colony Hill at excessive speeds due to the width of Hoban Road and the fact that it is one-way eastward at that point. These factors promote very dangerous conditions for pedestrians or other bystanders in the roadway. As for the "contorted alternative" presented by the Subcommittee, its roadways and turns would be wide enough for emergency vehicles. Thus it would not be very contorted.

*The [Subcommittee's plan] would require dropping two lots; #1 to allow the new, forced access road and #6 to allow the access road down into the loop road within the new Residential Development. This increase in density would result in more difficult grading and the loss of seven to nine special trees, including a few of the large conifers above the now-pressured lots ## 7 and 8.*

The Subcommittee's plan would require dropping only lot #1 to create the entrance/exit for the Residential Development. As shown on initial Diagram 5a, lot #6 would continue to exist. It would merely be relocated so that it is south of the Subcommittee's entrance/exit road rather than north of the service alley in FOSP's proposal. There would be no increase in density on the tract. If anything, the Subcommittee's original Diagram 5a would allow lots ## 2, 3 and 4 to be greater in north-south length and lot #5 to be

greater in east-west width when compared to FOSP's proposal. As a result, housing density would be less in the Subcommittee's original plan than in FOSP's proposal. These advantages are even more pronounced in the Subcommittee's revised Diagram 5a, discussed below.

Finally, as to the loss of trees, the Subcommittee notes that some special trees would be lost in connection with the entrance/exit arrangement for its plan. The Subcommittee also notes in FOSP's Environmental Assessment that roughly the same number of special trees would be lost in connection with FOSP's proposed entrance/exit to the school and its proposed entrance to the Residential Development.

Indeed, to put FOSP's allegations of tree loss in perspective, FOSP admits at p. 2-\_\_ of its Environmental Assessment that its development of the tract will entail the loss of considerably more than half of the 287 special trees on the property. More particularly, in connection with the nine lots on Hoban Road and the proposed service road immediately to the north, there appear to now be approximately 76 special trees. The Subcommittee understands that FOSP proposes to save only five special trees in its development plan.

The Subcommittee can only estimate these tree numbers at present because, in spite of repeated requests to see the report of FOSP's arborist, FOSP has continued to effectively deny this request. FOSP has told the Subcommittee that the report of its arborist is contained in its FOSP's application to the BZA and other places. In fact, no such report is found in those locations.

The Subcommittee therefore renews its request at this time to be provided a copy of the report submitted to FOSP by its arborist and, indeed, to be provided with a copy of any documents submitted by anyone to FOSP or its agents in which special trees are identified and discussed in connection with development of the proposed middle/upper school and the proposed residential homes.

## **b. New Proposals**

At this point, the Subcommittee would like to suggest two additional alternatives to the plan that FOSP now has under consideration at the BZA.

### **1. Shortening the Soccer Field**

As the Subcommittee understands FOSP's current plan, its proposed soccer field would be 107 yards long. Even if seven yards were eliminated from the field on its southern edge, the resulting field would still be a regulation soccer field. Eliminating the seven yards and shortening by four yards the north-south length of lots 2-4 – i.e., utilizing four yards that are in the service road under FOSP's proposal - would create enough space for the Subcommittee's entrance/exit road to the new community. This is true even if FOSP's proposed entrance at the German Embassy were adopted

rather than Whitehaven/Foxhall, and even if the northern edge of the soccer field were placed as it is in FOSP's current proposal.

The new residential community would then be laid out as in the Subcommittee's Diagram 5a.

## **2. Going Underground**

The Subcommittee turns now to the Revised Diagram 5a that it is submitting today. FOSP and its associates have noted their concerns about any development plan that places new homes between Hoban Road and the Subcommittee's entrance oad to the proposed new residential community. The Subcommittee is now presenting a plan that not only addresses this concern but provides other very significant benefits to SP/FOSP as well.

In the Subcommittee's original Diagram 5a, the proposed new homes on Hoban Road above 45<sup>th</sup> Street (lots 2-4) would have faced toward Colony Hill and had a 15-20 foot natural barrier of hedges or trees in the back separating these properties from the main service road into and out of the other new residential homes. Lot 5 would not have had this barrier, but would have been separated from that road by Lot 6. FOSP continues to believe this is not enough to deal with the "front-back" traffic problem.

To understand the Subcommittee's revised response to this concern, please look at the Subcommittee's original Diagram 5a. It shows the proposed main entrance/exit road on a generally east-west axis. Branching off this road to the south would be a service entrance for lots 2 and 3. At the base of this service entrance, running parallel with the road, are the areas that under FOSP's plan would have been conscripted for a service road for these lots and also lots 4 and 5..

Now envision putting this infrastructure underground. Use essentially the same basic configuration as shown on the Subcommittee's original Diagram 5a by constructing a east-west tunnel for the main entrance/exit road. Have that east-west tunnel lie either on essentially the same horizontal access as for the main road in the Subcommittee's original Diagram 5a, or, alternatively, slightly north of that road. The determining factor here would be how far the tunnel would have to move northward to get down to the desired grade before it could turn eastward onto its east-west axis. Next, have a parallel underground service alley connect this main road to underground garages for houses 2-6. Connect this service alley to the main entrance/exit road at one signalized intersection, again underground.

Above this complex, move the soccer field southward almost to its position in FOSP's proposal, thereby reducing the field's intrusion into the dell. The underground entrance/exit tunnel would run under the southern portion of the field as relocated.

Since the service road in FOSP's proposal and main entrance-exit road in the Subcommittee's original proposal are now both underground, lots 2 through 7 could be larger than they are now under either FOSP's or the Subcommittee's original proposal.

Also, more special-value trees on these lots will be saved under this revised alternative, and the appearance of this general area would be more natural and uninterrupted except for the ha-ha wall at the south end of the soccer field.

Finally, air emissions would be reduced by channeling entering/exiting traffic belowground, with the potential for the mixing of such emissions with other air supplies before the result is allowed to surface.

Finally, to get back to the original concern, there would be no "back street" to be seen or experienced in the rear of the proposed new houses on Hoban Road above 45<sup>th</sup> Street.

Even better, there also would be no service alley.

### **The Trombone Alternative**

In response to the “trombone” alternative in the Subcommittee’s Diagram 2, FOSP sees problems involving confusion and danger, on the one hand, and traffic on the other. Responses will be presented first to the “confusion and danger” concerns.

*This design is highly unorthodox and, to our knowledge, has not been constructed in the District of Columbia or elsewhere. Moreover, constructing such a complex intersection on a public road in an effort to try and ameliorate a possible problem that at most exists for two hours a day for less than three quarters of the year could violate the tenets of sound traffic engineering. Even with high-voltage lighting (which such a design would require), it is likely, if not certain, that some motorists traveling will be disoriented or confused about what is expected of them. These motorists likely would slow down or stop unexpectedly, which could lead to conflicts or accidents.*

To FOSP’s first remark – that this kind of arrangement is unorthodox and has not been constructed in the District of Columbia or elsewhere – the Subcommittee answers that even if this were true, that would not be a reason for rejecting such a design outright. If new thoughts and arrangements were to be rejected merely because they are without precedent, we would not have progressed beyond the Stone Age.

Beyond that, FOSP’s allegation that this arrangement is without precedent is simply not true. The Subcommittee’s design is a variant of “jug handle intersections” that are often found in New England and elsewhere. Motorists wishing to make a left turn at such intersections are required to exit the road to the right, then veer around to the left until they are perpendicular to their original roadway. Usually they are required to stop at that point before completing the left turn from that roadway as originally intended by the driver.

As for FOSP’s allegation that this arrangement “could” violate tenets of sound traffic engineering, FOSP is not even alleging here that the arrangement “would” violate such tenets, assuming there could be some agreement as to how such tenets would apply in this instance. First of all, this arrangement would not be used for just two hours a day. It would likely be used heavily in both the morning and afternoon on each school day during the school year. Many streets in the District of Columbia and elsewhere are used far less.

As to FOSP’s allegation that such an arrangement would require high voltage lighting, FOSP makes this allegation only in passing and provides no support for it whatsoever. Furthermore, the need for a particular level of lighting on roadways is primarily

determined by the needs of motorists to see clearly at the point in question, not by how many motorists are present there.

Finally, regarding FOSP's allegation that some motorists will be disoriented or confused about what is expected of them, this is a general allegation with no support. The Subcommittee is assuming here that FOSP's concern is set forth the subsequent paragraphs of FOSP's comments in this section, and the Subcommittee will now address those. If FOSP is referring to something else, the Subcommittee would be glad to consider any additional concerns once they are presented by FOSP.

*There are a minimum of two, possibly three, different road openings proposed here from Whitehaven Parkway onto Foxhall Road. As we understand it, at least one would require their own traffic controls (i.e., signals stop signs, or traffic control officers), which would need to be located only about 60 feet apart.*

In the Subcommittee's Diagram three, there are only two "road openings... from Whitehaven Parkway onto Foxhall Road." One consists of a left-turn lane from Whitehaven for traffic wishing to proceed north on Foxhall. The other consists of a right turn lane for traffic wishing to go southbound. Both "openings" would be controlled by the same light cycle and show the same red, yellow or green signals at all times – even if multiple lights were used at this intersection to assure that all motorists were receiving that signal at the same time. Beyond this, the Subcommittee does not understand FOSP's comment here.

*It would be difficult, confusing, and dangerous to indicate to and force southbound Foxhall Road motorists planning to make a left turn into the middle/high school campus to actually turn right into the Subcommittee's proposed stacking lanes. While it may be possible to "train" St. Patrick's parents, students, faculty and staff, the first-time or occasional visitor to the middle/upper school campus would expect to turn left directly into the site rather than turn right into Whitehaven Parkway, make a U-turn on Whitehaven Parkway, bear right and then cross Foxhall Road. Those motorists attempting to turn left directly from Foxhall Road likely would conflict with northbound left turns or block southbound through traffic on Foxhall Road.*

First, the arrangement in question would be used only during hours of morning and afternoon peak traffic at the middle and upper schools. At those times, however, the Subcommittee understands FOSP's concern about "untrained" passengers wishing to turn left into the middle and upper schools. The Subcommittee doubts that there would be very many "untraineds" wishing to make this turn during the peak periods. A solution, therefore, would be to allow "untraineds" to do exactly what they are requesting: i.e., to make the turn from a middle, southbound stacking lane on Foxhall that is shown on Diagram 3. The "trained" members of the SP community, on the other hand, would be required to use the stacking lanes shown in Diagram 3. The Subcommittee assumes that FOSP would have a traffic enforcement officer stationed at this intersection to address any problems that might arise in this and other contexts.

During non-peak hours, any southbound motorist on Foxhall would be allowed to make a left-hand turn from the stacking lane on Foxhall.

*The westward-moving stacking lanes essentially need to make a U-turn across the two or three lanes of Whitehaven Parkway to go back eastward over Foxhall Road toward the middle/high school campus.*

Agreed. But requiring traffic to cross over its original roadway is done every day at jughandle intersections. The only difference here is that such traffic would then complete, in effect, a U turn rather than proceeding straight. And completing a U-turn would pose no problem because eastbound traffic on Whitehaven would be stopped while this maneuver was completed.

*This could only be accomplished with a three-way stop on Whitehaven Parkway, probably controlled by police officers during peak hours.*

Agreed. In originally presenting this plan to FOSP, the Subcommittee specified that two traffic control officers would be desirable to run the “trombone” arrangement. Insofar as SP currently employs traffic control officers in connection with its lower school traffic, the Subcommittee fully expects that SP would do no less regarding its middle and upper school traffic.

*Certainly only experienced, upper-school car-poolers and shuttle-bus drivers could possibly navigate the Subcommittee’s proposed alternative. Left turns off Foxhall Road southbound onto the middle/high school campus would still be attempted frequently.*

As noted above, left turns directly from Foxhall could indeed be permitted for “untrained” drivers moving southbound. This exception could accommodate whatever members of the SP community are new to the stacking system. To make sure that no one in the community takes advantage of the system over time, however, it could be policed very simply by requiring all vehicles coming to any school at SP to have an identification decal with a number on it. The traffic control officer would take the number of any vehicle not using the designated system and pass it to appropriate SP officials for further action.

*Moreover, the Subcommittee’s proposed alternative will have a negative effect on the existing, successful lower school campus carpool system as used today. St. Patrick’s lower school currently uses three lanes of Whitehaven Parkway for its carpool system. Specifically, one lane holds the carpool line, one lane allows for traffic west to MacArthur, and one lane allows for traffic east to Whitehaven Parkway. An important part of what makes the carpool system work would be lost since the Subcommittee’s proposed “trombone” stacking system cannot accommodate the traffic from both campuses.*

The Subcommittee accepts FOSP’s point. A solution would be to convert the middle lane on Whitehaven as shown in Diagram 3. In that Diagram, the middle lane would be

used for eastbound traffic wishing to turn north onto Foxhall. In the Subcommittee's Revised Diagram 3, this lane would be converted to accommodate *westbound* through traffic and allow SP to use the lane on the northern side of Whitehaven for its lower school traffic. The existing eastbound lane would now be used for all eastbound traffic, but would split as it approached Foxhall to accommodate those wishing to turn north or south onto Foxhall. Please see Revised Diagram 3.

Now the Subcommittee will turn to the "Traffic Problems" stated by FOSP.

*Northbound traffic on Foxhall Road faces similar challenges. The northbound motorists slowing down to make right turns into the middle/high school campus would cause a slow down northbound among motorists with whom they would share a single lane on Foxhall Road. This would slow down all northbound traffic on Foxhall Road, or even stop it if a pedestrian were crossing at the Subcommittee's entrance to the middle/high school campus.*

The Subcommittee accepts FOSP's point. The Subcommittee would address this problem by adding a service lane on the east side of Foxhall Road to accommodate northbound traffic wishing to turn into the school. The public right of way at this point on Foxhall Road is 40 feet, easily accommodating such a lane. The existing embankment at this point would also accommodate such a lane. Please see Revised Diagram 2.

*The left turns onto Whitehaven Parkway from northbound Foxhall Road, would face two traffic signals 60 feet before they could turn.*

Those motorists on Foxhall wishing to make a left-hand turn onto Whitehaven would come to an offset intersection that would likely have lights on the south side of the intersection and perhaps another light in the middle of the intersection showing the same signal at all times. Left-turn traffic would be led through the turn by "puppy feet" painted on the intersection. At all times these left turn drivers would know where to proceed through the intersection and what the signal is – red, yellow or green – at any particular time. This would not be a difficult maneuver to accomplish.

This concludes the Subcommittee's responses to FOSP's comments. While the Subcommittee's "trombone" proposal may initially seem complex, the Subcommittee believes it can be implemented in reasonable time if SP educates those in its community as to what is required and then takes reasonable steps to enforce its instruction. When using this system as the Subcommittee has revised it above, no change would be required in the driving habits of those not in the SP community. The only way the system would break down, therefore, is if SP fails to teach and enforce it vis-à-vis members of its own community.

## **EXHIBIT 4**

## CHNA PROPOSED HOBAN ROAD RESTRICTIONS

1-13-06

Colony Hill is an existing, established neighborhood of 42 homes designed in Colonial and Georgian styles. In order to promote compatibility between new construction contemplated on Hoban Road and the existing character of Colony Hill, the Colony Hill Neighborhood Association (CHNA), The Friends of St. Patrick's (FOSP), and the Developers (Elm Street Development, Michael Harris Development) and their replacements, successors or assigns have agreed that the following restrictions be imposed on the matter-of-right lots on Hoban Road.

- 1) Houses located on Hoban Road (the "Houses") shall have vehicular access to garages from the interior of the site and not Hoban Road.
- 2) The front elevation of Houses (the "Front Elevations") will be sited a minimum of 25' from the front lot line (the "Voluntary Setback"). Porches, porticoes and stoops may extend into the Voluntary Setback up to a maximum of 6'. There shall be no porches, and porticoes shall not exceed one story (plus a roof thereto) and shall not be wider than 18 feet. Sideyard setbacks shall be a minimum of eight feet, subject to encroachments permitted under governing zoning ordinances (including, without limitation, fireplaces and areaways).
- 3) The Front Elevations shall have a maximum width of 51'. A minimum of 60% of the width of the Front Elevation shall be no greater than 30' from the front lot line, except that for corner lots at Hoban and 45<sup>th</sup> this minimum shall be 30%. Exceptions to this requirement may be made in order to save existing trees or for the curvature of Hoban Road. For purposes hereof, the Front Elevation shall not include any one story building elements. ) Front doors, defined for these purposes as main entrance doors, shall face Hoban Road, any extension of 45<sup>th</sup> Street or at angle presenting itself to both Hoban Road and any extension of 45<sup>th</sup> Street. Front doors shall not be fenestrated more than 35%, except for any transom, sidelight and/or storm door.
- 5) Exterior walls of any House shall consist of brick or stone, and may also include precast, concrete, stone or wood window features such as keystones, sills and/or surrounds. For brick houses, a stone water table is permitted. Tan, brown and white brick selections are prohibited. Only one brick selection shall be permitted on any House, provided however, any brick selection is permitted inherent variations in colors, such as flashing, burning and sand. Wood siding, cementitious siding or panelized wood are only permitted on a one story building element. At least one (1) House, but not more than three (3), shall be painted brick with the initial construction. Except for those Houses with painted brick, grout color shall neither be identical to the brick color nor white. No adjacent houses

shall have painted brick, and no more than two (2) stone houses are permitted on Hoban Road, one (1) to the west of 45<sup>th</sup> Street and one (1) to the east of 45<sup>th</sup> Street.

- 6) All Houses shall be two (2) story homes (exclusive of any basement level, attic level, or any architectural feature such as a parapet). Except for Lots 5 and 6, a roof ridge parallel with the Front Elevation shall also be parallel with Hoban Road. Roof pitches facing Hoban Road shall be a maximum of 9:12, except that this maximum roof pitch shall not apply to roofs on porches, porticoes, bay windows, dormers, gables or other similar structures. All Houses as planned shall have (a) a maximum height of 20.5 feet as measured from the first floor elevation to the primary flat ceiling of the second floor, although variations in this limitation not exceeding 12" as actually constructed shall not be deemed a violation of this maximum, and shall have (b) a measurement from the first floor elevation to the peak of the roof that shall be no more than 35'. The height of any gable on the front elevation shall not exceed 10' as measured from the eave or soffit to the peak of the gable.
- 7) The primary roof materials for Houses shall be natural or artificial slate. Metal roofs are permitted on minimal areas, such as porches, bay windows, ridge vents, dormers, crickets, etc., and metal or composition roofs are permitted on flat roof areas.
- 8) A maximum of 30% of any Front Elevation may be fenestrated (the "Glazing Percentage"). The Glazing Percentage shall be equal to the quotient obtained by dividing (a) the area of all Front Elevation window openings ( a "Window Opening") and door penetrations as measured from brick/precast to brick/precast (i.e. inclusive of wood framing and casing, mullions and other dividing elements and glazing, but excluding pilasters or other trim features attached over the face of the brick) by (b) the area of the Front Elevation equal to the product of (i) the width of the Front Elevation multiplied by (ii) the height of the Front Elevation as measured from the first floor elevation to the eave of the roof. For the purposes hereof, windows in dormers shall not be deemed a Window Opening and there shall be no limitation on fenestration of any one story building element. (See Exhibit 1.) A maximum of three (3) dormers are permitted above the Front Elevation provided that no single dormer may be wider than 10% of the width of the Front Elevation or have a peak which is higher than 11' above the eave or soffit.
- 9) Individual windows on the Front Elevations (a "Window") shall have vertical and not horizontal proportions and be operable double hung, provided, however, (a) any window component of a bay window may have horizontal proportions and may have fixed windows and (b) decorative Windows, such as palladian windows, transoms, octagons, half or full rounds, are permitted.. A maximum of five Window Openings shall be permitted across the second story.

- 10) Any Window Opening shall not exceed 4 feet in width and 8 feet in height, unless the individual windows or other glazing are ganged together so that there is a minimum width of 3" between the glazing of adjacent windows.
- 11) Windows shall have a minimum "lite" configuration of 6 over 6 unless such Window is a fixed window component of a bay window. Any individual "lite" opening of any Window shall not exceed 16.5" in height or width of glazing as measured from the inside edge of muntin to the inside edge of muntin.
- 12) No two or more Front Elevations shall be identical.
- 13) A majority of the Front Elevations of the Hoban frontage lots will incorporate some use of shutters, to include at least two (2) Front Elevations west of 45<sup>th</sup> Street and two (2) Front Elevations east of 45<sup>th</sup> Street.
- 14) A six-foot wide sidewalk shall be constructed in front of each lot facing Hoban Road.
- 15) For each lot facing Hoban Road, at least one (1) new street tree shall be planted along the public right-of-way, and there shall be at least one (1) new tree, in addition to any saved trees, planted in the front yard of each such lot.
- 16) Initial foundation landscaping shall consist of a majority of evergreen materials.
- 17) No fences shall be located closer to Hoban Road than the furthest side corner of the Front Elevation. Handrails and other rail systems are permitted on leadwalks, stoops, porches and porticos.
- 18) There shall be no free-standing mailboxes in the front yards of the Houses, unless required by the Postal Service.
- 19) The Developers shall utilize "Washington Globe" or equivalent street lights along Hoban Road to the extent additional street lighting is required, and provided such light fixtures are permitted by any governing authority.
- 20) All utility lines on Hoban Road, both existing and new, will be buried. This requirement shall not apply to transformers, junction boxes, pedestals, or other utility structures if they must be above ground for proper operation.

## **EXHIBIT 5**

## St. Patrick's Day School/ Residential Development Construction and Operations Plan

### I. Construction

#### A. Staging

1. The School/Developer will, to the extent practical, confine construction traffic to the site. Residential construction will be staged from the athletic field. However, the final build out of the homes may be staged from the two lots immediately next to the athletic field (but not along Hoban Road) if the timing of construction is such that the field is in use by the school.
2. All parties recognize that work on the streetscape (e.g. sidewalks, curbs, tree planting/removal, stoops, lead walks, utility hook-ups, etc.) on Hoban Road, completing the last few houses in the development, and burying underground utilities (if this turns out to be possible) will cause a limited amount of construction traffic on Hoban Road. The Hoban Road houses will be constructed from within the FOSP site to the maximum extent possible.
3. The construction entrance will be at the existing Brady entrance. It may move to the new School entrance once the new entrance is open. The School/Developer agrees that, to the extent practical, construction traffic existing the site will turn right and travel north on Foxhall, away from Hoban Road. School/Developer will provide a flagman for construction vehicles entering/leaving the site as needed to maintain safe ingress/egress. All vehicles that travel south on Foxhall will be prohibited from traveling through Colony Hill. Violators of this provision will be subject to the same penalties referenced in item 4, following.
4. Developer will install a comprehensive sign package to direct traffic and clearly inform all subcontractors, through preconstruction meetings and periodic training that no traffic, except as discussed in #2, is permitted on Colony Hill streets. Developer will include a specific clause in each subcontractor's contract stipulating that failure to follow these instructions may result in the cancellation of their contract.

#### B. Noise

1. All parties wish to complete the construction project as expeditiously as possible. To that end, construction will be

permitted during hours permitted by District of Columbia regulations.

2. The School/ Developer will work to ensure that the most onerous work, from a noise standpoint (including pile driving, jack hammering, and other activities generating a similar noise volume), is not scheduled on Saturdays and not scheduled before 8AM weekdays. School/Developer will notify CHNA in advance about noisy work (as defined in this paragraph) to be conducted on a Saturday or before 8AM weekdays. For the nine lots on Hoban Road, construction work on Saturdays may not begin before 8 AM.

## II. Parking

A. The School will require all students, employees, and visitors to park on campus, even if they have a valid Ward 3 parking sticker. This includes anyone attending an event held at the school.

B. The School may use its parking spaces on the Whitehaven campus, if necessary, to provide event parking.

C. The School shall establish a parking sticker program. Students who qualify will be required to register their vehicles, and a parking sticker will be issued. No student can drive to school without a permit. Parking stickers may not be issued to students under 17 years of age.

D. Students violating these requirements are subject to suspension of their driving privileges, and suspension from school.

E. Students and/or parents failing to abide by the parking requirements may be denied reenrollment to the school.

## III. Field Use

A. Games will not be permitted to start on the athletic field after 6PM. No athletic events will be held on Sundays unless required by the athletic league for a particular sport, or unless on an emergency basis agreed to in advance by CHNA. CHNA will be notified in advance of all Sunday games.

B. The School will not request lights on the field.

C. The School will ensure that safety lights on the field are shielded and not shining directly on Colony Hill residences.

D. The School will permit CHNA residents to use the field, and to walk the grounds, during reasonable hours and subject to reasonable rules and

regulations, when the field and grounds are not being used by the School. CHNA resident use is for unorganized casual activities.

#### E. Rental of Fields

1. The School will not rent the athletic field to outside groups.

### IV. Other Issues

#### A. Meetings

1. School/Developer will organize meetings to ensure open and ongoing communications with the CHNA.
2. During the construction of the campus, and the housing project, meetings will be scheduled monthly. This can be a combined meeting when both the school and housing are underway.
3. The School will organize regular meetings, post construction, not less than semi-annually to maintain open communications with the community. The School and residents agree that there may be times when more frequent meetings are necessary and they will work together to schedule these meetings as appropriate.
4. During construction, the School/ Developer will establish a 24 hour hot line with a live or on call operator or with an answering service for residents to report issues or problems during and after construction. The School/Developer shall publicize the hot line number and post it prominently at the site.

#### B. Evening events

1. The School will limit outdoor evening events (non-athletic) beginning after 7PM to four per year. For indoor events beginning after 7PM, all parking will be on the Foxhall campus (or in the event additional parking is needed, on the Whitehaven campus). The School will enforce against external parking.

#### C. Outside use of buildings

1. Use of School facilities by outside parties will be limited to those related to St. Patrick's Episcopal Church. The Church will inform CHNA in advance of these activities.

#### D. Deliveries

1. Where possible, deliveries to the School will be scheduled outside of peak traffic hours (as defined in the Traffic Demand Management Plan)

#### E. Residential Signage

1. Developer agrees that all residential signage will conform to District of Columbia regulations.