ARNOLD & PORTER LLP

Nathan W. Gross

Zoning and Land Use Specialist Nathan_Gross@aporter.com

Not Engaged in the Practice of Law

202.942.5956 202.942.5999 Fax

555 Twelfth Street, NW Washington, DC 20004-1206

May 10, 2007

Carol J. Mitten, Chairman D.C. Zoning Commission 441 4th Street, N.W. Suite 210S Washington, D.C. 20001

> R.E: **Post-Hearing Submission** Zoning Commission Case No. 06-45

> > (Highlands Addition PUD)

Dear Ms. Mitten and Members of the Commission:

At the conclusion of the public hearing on Case No. 06-45, the Zoning Commission directed the applicant to submit several items to the record. These items are submitted herewith, as follows.

- 1. **Affidavit of Maintenance of Posting.** This was submitted to the record on May 2, 2007. A copy is attached in Exhibit A.
- **Green Communities.** Attached as *Exhibit B* is a memorandum and checklist setting forth the Green Communities Criteria and a preliminary assessment of the potential application of these criteria to Highlands Addition. Although the applicant has not committed to meeting the Green Communities Criteria, the applicant estimates that the PUD project would score 32 "optional" points.
- Construction Management Plan. A proposed Construction Management Plan is 3. attached as Exhibit C.
- Stormwater Management Plan. On May 9, 2007 the civil engineer and principa's met with the senior staff at the Department of Health. The positive results of that meeting are described in the memorandum attached as Exhibit D. As stated at the public hearing, the applicant will ensure that the PUD project complies with the city's stormwater management requirements.
- Advisory Neighborhood Commission ("ANC") 8E. The Zoning Commission asked the applicant to work with ANC 8E to submit an additional statement to the record indicating the vote of the ANC in support of the application, which will enable the Zoning SION ZONING COMMISSION

District of Columbia

EXHIBIT NO.44

-1-

New York London

Century City

Brussels

Commission to accord "great weight" to the ANC's position. The ANC's supplemental letter of May 2, 2007 is attached as Exhibit E.

- October 2, 2006. As requested by the Commission, the applicant has distributed copies of the DDOT report to the two neighbors who testified in opposition at the hearing. Copies of the certified mail receipts for this purpose are attached in *Exhibit F*. Also included in this exhibit is a copy of the applicant's October 2, 2006 letter to neighbors. The letter came after a series of community meetings with neighbors, especially those on Foxhall Place concerned about extending that street through the PUD site to 9th Street, S.E. The letter addresses this issue in traffic terms and also responds to neighbors' concerns about potential crime, loss of parking spaces on the cul-de-sac and potential vibration effects of construction of the PUD.
- 7. **Traffic Calming.** The issue of through traffic coming to Foxhall Place was discussed at the public hearing. The applicant is aware of DDOT's traffic calming guidelines and process and is willing to work with DDOT and the Foxhall Place neighbors in an assessment of potent al traffic calming techniques suitable to this situation. A copy of the DDOT standards and process is attached as *Exhibit G*.

We hope these responses fully comply with the Zoning Commission's requests.

Sincerely, ARNOLD & PORTER LLC

Cynthia A. Giordano

Matum Suoss

Nathan W. Gross, AICP

Cc: Advisory Neighborhood Commission 8E

Office of Planning

Enclosures

Exhibit A: Affidavit of Maintenance of Posting

ARNOLD & PORTER LLP

Nathan W. Gross Zoning and Land Use Specialist Nathan_Gross@aporter.com

Not Engaged in the Practice of Law

202.942.5956 202.942.5999 Fax

555 Twelfth Street, NW Washington, DC 20004-1206

May 2, 2007

Zoning Commission for the District of Columbia 441 4th Street, N.W. Suite 210 Washington, D.C. 20001

Re:

Zoning Commission Case No. 06-45

(Highlands Addition PUD)

Certification of Maintenance of Posting

Dear Members of the Commission:

I hereby certify that from March 13, 2007, when I posted the zoning placards at the subject property, until the public hearing on April 26, 2007, the placards were regularly inspected. A total of four placards were replaced.

Sincerely,

ARNOLD & PORTER LLP

Nathan W. Gross, AICP

District of Columbia: SS

Subscribed and sworn to before me, in my presence,

day of Mar

Linda L'addison, Notary Public My Commission Expires June 14, 2010 D.C. OFFICE OF ZONING

2007 MAY -2 PM 1: 34

Exhibit B: Green Communities Criteria



TORTI GALLAS AND PARTNERS, INC.

MEMORANDUM

Date: May 1, 2007

From: Highlands PUD Applicant

To: District of Columbia Zoning Commission

Re: Highlands Addition Green Communities Criteria

The DC Green Building Act, Bill 16-515, applies to city funded affordable housing (minimum 20% construction cost) beginning in FY 2010. These projects will be required to satisfy all mandatory requirements set forth in the Green Communities Criteria, as well as earn 25 "optional" points.

The criteria are divided into eight categories:

- 1. Integrated Design Process
- 2. Location and Neighborhood Fabric
- 3. Site Improvements
- 4. Water Conservation
- 5. Energy Efficiency
- 6. Materials Beneficial to the Environment
- 7. Healthy Living Environment
- 8. Operations and Maintenance

As requested by the Zoning Commission, attached is a preliminary assessment of the potential application of the Green Communities Criteria to Highlands Addition. Please note that the applicant chose not to pursue certification through the Green Communities program, and the checklist attached is provided for informational purposes only, based on the schematic design of the project at this time.

Based upon this preliminary assessment, the Highlands Addition project would meet many of the mandatory requirements, and score 32 "optional" points.



No.	ltem Title	Possible Points	Yes	Maybe	No	Cost Impact	
INTEG	RATED DESIGN PROCESS						
1.1	Green Development Plan	Mandatory	Y			none	Documents and certifies green strategies
LOCAT	ION AND NEIGHBORHOOD FABRI	С					
2.1a	Srnart Site Location - Proximity to Existing Development	Mandatory	Y		· 	none	Site has access to existing roads, water, sewer and other infrastructure
2.1b	Smart Site Location - Protecting Environmental Resources	Mandatory	Υ			none	Alleys & parking pads within 100' of wetland; Bldg footprints greater than 100' from wetland
2.1c	Smart Site Location - Proximity to Se vices	Mandatory	Y			none	Not mandatory on previously developed infill sites; located within 1/4 mile of park and place of worship
2.2	Compact Development	Mandatory	Y			none	Requires 10du/ac for new townhouses, , 6 du/a for semi-detached, net of dedicated open space and public streets. Site gross density is approx. 15 du/a, net density is approx. 21 du/a
2.3	Wa kable Neighborhoods	Mandatory	Y			none	Provide sidewalks; make streets minimum allowable widths; consider stormwater strategies
2.4a	Smart Site Location - Make use of Passive Solar Heating/Cooling	5			Z		Build ng orientation difficult to apply to whole neighborhood on existing infrastructure
2.4b	Smart Site Location - Grayfield, Brownfield or Adaptive Reuse Site	10	10		ļ	none	Infill Site - verify definition with Green Communities
2.5	Compact Development	5	5			none	Net density must exceed 10 du/a; our net density is 21 dua/a
2.6	Wall able Neighborhoods	5	5			none additional	Provide at least 3 sidewalk connections to adjacent neighborhood development
2.7	Transportation Choices	12	12	,		none	Site within 1/4 mile of bus service



EIM	PROVEMENTS						
3.1	Environmental Remediation	Mandatory	Y			none additional	Conduct Phase I Environmental Site Assessement; abate hazerds
3.2	Ercsion and Sedimentation Control	Mandatory	Υ			none	Required for construction in DC
3.3	Surface Water Management	5		M			Capture first 1/2 hour of rainfall in 24 hour period
_	Storm Drain Labels	2		M		none	Label storm drains as "Oxon Run Drainage - No Dumping"
TER	CONSERVATION						
4.1	Waler-Conserving Appliances and Fixtures	Mandatory	Y			cost premium	Water Conserving Appliances: 1.6 gpf WC, 2.0 gpm shower, 1.5 gpm kitchen faucets, .5 gpm bathroom faucets
4.2	Water-Conserving Landscaping	Mandatory	Υ			none	drought tolerant species,
4.3	Efficient Irrigation	Mandatory	Y			none	Design no permenant irrigation system, or use captured rainwater or wastewater
ERG	Y EFFICIENCY						
5.1	Efficient Energy Use	Mandatory		M		similar to other projects	Achieve HERS score of 86 or higher (Energy Star level)
5.2	Energy Star Appliances	Mandatory	Y	·		none additional	Provide Energy Star clothes washers, dishwashers, and refrigerators
5.3	Efficient Lighting	Mandatory		W		~\$200/unit	Energy Star light fixtures; daylight monitors and cut- off hoods on outdoor lights Energy Star Advanced Lighting package requires all ceiling fans and 50% of fixtures in high-traffic areas to be Energy Star and 25% in medium to low use areas.
5.4	Electricity Meter	Mandatory	Υ			none	Individually meter all units
	Additional Reductions in Energy Use	15			N	cost premium	Exceed Energy Star Standards; 5 pts per 1 point in HERS score (5% reduction increments)
5.6	Photovotaic (PV) Panels	15			N	cost premium	Not very applicable to rowhouse residential application



	IAL BENEFICIAL TO THE ENVIROR Recycled Content Material	NMENT 14		М			Potential use of recycled
	Ce tified Wood	10		IVI	N	large cost	Use of certified wood
6.3	Water-Permeable Walkways and Parking Area	10			N.	cost premium	Porous concrete or asph in new roads or sidewalk (50% of paved areas); potential maintenance issue
6.4a	Reduce Heat-Island Effect - Roofing	5			N		roof difficult to implement
6.4b	reduce Heat-Island Effect - Paving	. 5			N		grid paving or shade 30°
ALTI	HY LIVING ENVIRONMENT			L			of arriant pound arong
7.1	Paints and Primers	Mandatory	Ŷ			none additional	Low VOC - readily attainable due to market saturation
7.2	Adhesives and Sealants	Mandatory	Y			none additional	Low VOC - readily attair able due to market saturation
7.3	Composite Wood	Mandatory		M		cost premium	products (e.g. plywood
7.4	Carpet	Mandatory	Y			none additional	Green Label Carpet; do use carpet in wet areas
7.5	Exhaust Fans	Mandatory	Y			none additional	Design direct vent exhautans in bathrooms and a gas ranges
7.6	Ventilation	Mandatory		M		minimal	Design 15 cu/min fresh ventilation rate with med system and natural ventilation
7.7	HVAC Sizing	Mandatory	Y			potential savings	Appropriately size HVA0 equipment per ACCA Manual, Parts J and S
7.8	Water Heaters	Mandatory	Y			none additional	Provice floor drains at water heaters, or provide tankless WH
7.9	Cold Water Pipe Insulation	Mandatory		M		\$200/unit	To prevent condensation and mold formation, insulate cold water suppipes, avoid plumbing in exterior walls
7.10	Materials in Wet Areas	Mandatory	Υ			none	Specify durable, moisturesistant materials in tub/shower enclosures
7.11	Base ments and Concrete Slabs	Mandatory	Y			none	Properly drain to lowest level of concrete; vapor barrier under all slabs, waterproof exterior of foundation walls



7.12	Surface Water Drainage	Mandatory	Υ			none	Proper surface drainage away from windows, walls, and foundations
7.13	CO Sensors in Garages	Mandatory		M		minimal	Provide CO sensors in enclosed garages, as well as exhaust fan for integral garages; provide continuous air barrier between living space and garage
7.14	Clothes-Dryer Exhaust	Mandatory	Y			none	Clothes dryer exhausts to outdoors
7.15	Integrated Pest Management	Mandatory		М		\$200/unit	Sea all wall, floor, and joint penetrations with low-VOC caulk
7.16	Lead-Safe Work Practices	Mandatory	Υ			none	N/A
7.17a	Healthy Flooring Materials - Alternative Sources	5			N		Use non-vinyl, non-carpet floor coverings in all rooms; difficult in rental bedrooms
7.17b	Healthy Flooring Materials - Reducing Dust	2			N	several thousand \$/du	Install whole-house vacuum system with high-efficiency particulate air filtration
OPERA	TIONS AND MAINTENANCE						
	Owner's Manual	Mandatory		M		none additional	
8.2	Resident's Manual	Mandatory		M		none additional	
	Owner Orientation	Mandatory		M		none additional	
MIN RE	QUIRED "OPTIONAL" PTS Project Point Total	25	32				

Exhibit C: Construction Management Plan

CONSTRUCTION MANAGEMENT PLAN

In an effort to mitigate any adverse impact on the surrounding neighborhood resulting from construction activities associated with the Highland Addition project, the Developer, CEMI-NMI Highlands LLC (hereinafter the "Developer") agrees to implement the following Construction Management Plan.

1. Community Contact Information

- a. **Developer's Representative.** The Developer will designate a representative ("Representative") to be the key contact for interaction with Advisory Neighborhood Commission ("ANC") 8E and members of the community. The Representative will be accessible during all business hours. At any time construction activity is occurring on the construction site, the Representative or his/her designee shall be available by telephone to receive complaints or other communications from ANC or members of the community. The name and work telephone number of the Representative or his/her designee shall be conspicuously posted on the construction site and shall be readily available to members of the community. In addition, a name and telephone number of a person designated by the Developer to contact in case of emergency during hours in which no construction activity is occurring shall be readily available to members of the community.
- b. **Developer's Representative Duties.** The Representative and his/her designee will be able to answer questions and receive comments about the site activities, address any concerns ANC 8E and members of the community might have throughout the construction process, and have authority to remedy promptly violations of this Construction Management Plan. If requested by ANC 8E, the Representative shall attend a meeting of the ANC or other neighborhood groups.

2. Construction Activity Standards

a. Compliance with D.C. Laws.

The Developer will require that all their personnel and vendors, including supply and service vendors, comply with all applicable District of Columbia Municipal Regulations applicable to hours of work, noise, dirt, trash, and public health and safety.

b. Site Management.

- (i) The Developer will erect and maintain construction fencing barricades in order to screen and secure the site during the construction process. The Developer and its contractors will work with the Department of Consumer and Regulatory Affairs to maintain temporary storm water management systems throughout the Project's construction until such time as the permanent facilities are constructed, approved and functioning.
- (ii) A minimum amount of lighting, directed away from residential properties, will be provided at the construction site at night. These lights will be sufficient to provide necessary security and to comply with federal and municipal safety standards.

- (iii) Construction storage and trailers shall be limited to the construction site. There shall be no staging in any manner on the surrounding public neighborhood streets.
- c. Cleanliness. During the construction period, the Developer will remove rubbish and construction debris from the. The Developer will monitor and police such areas daily to ensure cleanliness. All excavation or back fill trucks will be covered before proceeding from the construction site onto City streets. Dust and debris will be removed from the surrounding neighborhood streets on an as needed basis.
- **d. Pest Control.** The Developer will undertake a program of pest control to ensure that no increase in pest activity occurs during the construction period.

e. Work Hours.

- The D.C. Construction Codes permit construction work Monday through (i) Saturday from 7:00 a.m. until 7:00 p.m., with other hours by special permit as necessary. However, the Developer will confine construction work on Saturday from 9:00 a.m. until 5:00 p.m. If foul weather occurs in the previous week, allowable hours for construction work shall be extended to 7:00 a.m. until 7:00 p.m. on Saturdays. Work is restricted to the interior of the project on Sundays and may only take place from 9:00 a.m. until 4:00 p.m., as long as such work only creates a low noise impact. All trucks for delivery of all materials, construction or otherwise, will arrive, depart and operate on the construction site only during the foregoing hours. If other hours are required for special construction projects at the site, such as site utility work, the Developer will give ANC-8E, and other community representatives designated by ANC-8E, special notification of such work, at least one (1) week prior to the commencement of such work.
- (ii) The Developer will make good faith efforts to limit work that is likely to disturb the residents of the adjacent neighborhoods to weekdays, except where limitations on work during the week or special portions of the construction require work on Saturdays and/or Sundays.
- (iii) The Developer will not permit any activity on the construction that generates sound levels in excess of sixty decibels (60 db) or otherwise is likely to significantly disturb the residents of the adjacent neighborhoods prior to 7:00 a.m. or after 7:00 p.m. on weekdays, prior to 9:00 a.m. or after 5:00 p.m. on Saturdays, and at any time on Sundays.
- f. Contractors and Subcontractors. The Developer will require that all contractors and subcontractors be contractually required to follow the terms of, and comply with, the policies set forth in this Construction Management Plan. The Developer will also require that all contractors and subcontractors use only licensed vehicles and drivers and that they comply with all D.C. traffic laws and regulations.

g. Traffic, Loading, and Parking.

- (i) All entrances and exits for construction-related vehicles and trucks shall be from ______. No construction vehicles or heavy equipment operators will be allowed to access the construction site from Foxhall Place during construction. All construction contracts will include a \$5,000 fine for each instance that this prohibition is violated, the proceeds of which will be donated to the Foxhall Place neighbors for a community project of their choice. (Won't this turn them into vigilantes? I would just state the amount of the fine, but I have no experience with const. mgt.)
- (ii) Parking for all contractors, sub-contractors and construction workers will be provided for on the construction site. No construction related parking will be permitted on neighborhood streets.

3. Surveys of Adjacent Properties

- a. The Developer will conduct pre-construction surveys (to include interior and exterior walls, floor slabs and ceilings) of all houses located within the perimeter shown on the attached Exhibit A (the "Adjacent Properties") prior to the commencement of construction work. The surveys all include photographs and/or videotapes and a written narrative, a copy of which shall be provided to the applicable property owners.
- Indemnification. Developer shall indemnify, defend and hold the adjacent property owners harmless from and against any and all demands, liability, loss, damage, lien, claim, injury or expense whatsoever (including, without limitation, reasonable attorney's fees and costs) for personal injury, death or property damage caused by or arising from the performance of the construction work on the Highlands Addition site. This indemnity will survive for a period of one year following substantial completion of the construction work in accordance with the District of Columbia Construction Codes as evidenced by the final inspection sign-off by the District of Columbia.

Exhibit D: Stormwater Management Plan



Memorandum

FROM: Jagdish Mandavia, PE

DATE: May 10, 2007

CC: Timothy Karikari,

Abdi Musse

Development Team

SUBJECT: Highland Additions, Zoning Commission Case 06-45

Planned Unit Development (PUD)

As a result of a request for clarification from the DC Zoning Commission during our client's public hearing considering its PUD application on April 26, 2007, we organized a meeting with officials from the DC Department of Environment, Watershed Protection Division ("DDOE") and the principals of the development team. The issue needing clarification was a determination that the storm water management plan designed by our firm would meet the current DDOE requirements with respect to stormwater management, quantity and quality control.

The meeting was held on Tuesday, May 8 at 11am in Room 5028 D at 51 N Street, NE. In attendance were Mr. Timothy Karikari, Chief of the Watershed Protection Division, Mr. Abdi Musse, Environmental Engineer, Watershed Protection Division, Mr. Michael Alexander of New Market Investors, LLC, Mr. Knox Hayes of DC Housing Authority and myself.

During the meeting we presented and reviewed the plans developed to address the on-site stormwater management quality and quantity controls for the Highland Additions project. LSA presented its calculations with respect to the computed runoff for the 15 and 100 year storm events. In reviewing the calculations, all in attendance generally agreed that the proposed development seem to more than adequately address the stormwater management quantity and quality control requirements of DDOE.

Following DDOE's request, LSA has computed the runoff for the 15 and 100 year storm events under the existing and proposed conditions utilizing the TR-55 methodology. Based on the results of the 15 and 100 year storm events, it is evident that the proposed development complies with DDOE's stormwater management quantity control requirements. As far as quality control is concerned, our plan proposes quality control catch basins for the public streets and alleys (vehicular impervious areas) and recharge cells for private lots. DDOE staff

agreed with these facilities for addressing the quality control requirements for this development and will review the details during the plan approval phase.

The Highland Additions site plan design addresses the stormwater management quantity and quality control requirements of the DDOE - Watershed Protection Division utilizing recharge cells and/or other low impact development techniques.

Based on the techniques discussed in yesterdays meeting, Highland additions proposed development addresses the stormwater management quantity and quality control on-site. According to LSA calculations which were generally summarized during our meeting, the post-developed runoff from the Highland Additions site will actually be less than or equal to the predeveloped condition, thus, addressing quantity control requirements. Quality control requirements are met through the use of recharge cells and other low impact development techniques for the rooftop runoff and quality control catch basins address the runoff from the vehicular impervious areas.

In summary, the current site plan will need no revision in order to meet DDOE's stormwater management requirements. The DDOE staff was very helpful and is looking forward to the project moving forward. They looked with anticipation to receiving the full construction documentation that will accompany the developer's building permit application.



"Jagdish Mandavia, P.E." <imandavia@lsassociates.net

05/09/2007 02:52 PM

To <MikeA@NewMarketInvestors.com>

cc <MikeA@NewMarketInvestors.com>, "Knox Hayes" <KHAYES@dchousing.org>, <Nathan_Gross@aporter.com>

bcc

Subject Highland Additions - Consolidated PUD Zoning Commission Case 06-45

Mike, Knox.

Please comments onthis before I finalize this report in memeo format per your suggestions.

Thank you for meeting with us to discuss teh above referenced project on a short notice. Present at this meeting were Mr. Timothy Karikari, Mr. Abdi Musse, Mr. Knox Hayes (DHA), Mr. Mike Alexander (NMI) and Jagdish Mandavia (LSA).

Based on our discussion of yesterday, LSA has computed the runoff for the 15 and 100 year storm events under the existing and proposed conditions utilizing the TR-55 methodology, per your request.

Highlanc Additions design will address the quantity and qaulity control issues per the DDOE - Watershed Protection Division requirements utilizing recharge cells or sandfilters, or other low impact development techniques.

Based on the techniques discussed in yesterdays meeting, Highland additions proposed development will address the stormwater management quantity and quality control on-site for both the 15 and 100 year storm events. The Post developed runoff from the site will be less than or equal to the pre-developed condition. Thus, addressing the quantity control requirements. As far as quality control is concerned, recharge cells will with utilized to address the quality control requirement from the rooftops and quality control catch basins for the runoff from the vehicular impervious areas.

Thus, addressing your comments on the above referenced project. Please let me know if you have any questions on this.

Thank you,

Jagdish Mandavia, P.E.
Associate:
Loiederman Soltesz Associates, Inc.
2 Research Place, #100
Rockville, MD 20850
Ph: 301-948-2750

Fax: 301-948-9067

Exhibit E: Advisory Neighborhood Commission 8E





Sandra "S.S." Seegars

Advisory Neighborhood Commission 8E02 1107 Savannah St., SE, Washington, DC 20032 202.581.6616

May 2, 2007

HR Crawford, CEMI, Inc. 916 Pennsylvania Ave., SE Washington DC 20003

Dear Mr. Crawford,

This letter is regarding Advisory Neighborhood Commission 8E's support for your project in Washington Highland - boundaries are:

North - Valley Avenue

East - 9th Street

South - rear of houses on Xenia Street

West- 8th Street

At the time of the vote, there were actually 5 commissioners in office. The vote to support the project was unanimous. On more than one occasion, Commission 8E discussed the project at the regular public meeting. You attended meetings to present the progress of the project. Each time, flyers were distributed throughout the SE area. The chairperson made sure that the areas adjacent to the project - Foxhall Rd, Valley Ave., 9th St. and Xenia St. - received flyers, hoping they would come out if they had any concerns. The only person who attended the meetings was a constituent on Xenia St., who was concerned about the rear of her home being completely blocked by the new development.

The initial vote took place in 2005, which was unanimous. All commissioners continue to support this project. Please accept this letter in lieu of minutes from the meetings, as well as an official statement acknowledging the support for your project.

Sincerely.

Sandra "S.S." Seegars Commissioner ANC BE

sender LS. Lee jaw

Exhibit F: Community Information



New Market Investors LLC

www.newmarketinvestors.com

8603 Westwood Center Drive, Suite 250 Vienna, VA 22182

i i	nsmittal	☐ FedEx Via: ☐ UPS ☑ US Mail
May 3.	200.	Hand
Ī	Nir. Christopher Garrett 566 Foxhall Place S.E. V/ashington, DC 20032	From: Tsebelu Edae New Market Investors, LLC 8603 Westwood Center Drive, Suite 250 Vienna, VA 22182 Phone: 703-356-6008 Fax: 703-356-4767
Subjec	t: Copies of DDOT Report & October	2, 2006 Letter_Highland Addition
Dear M	Ir. Garrett:	
	enclosed the following two documents 3, 2007.	as requested in PUD public hearing for Highland Addition on
	OT report to the Zoning Commission on ober 2, 2006 letter sent to Faxhall Resid	
	nave any questions, please feel free to	call me at 703-356-6008.
Sincere	ely,	U.S. Postal Service
Will Sugar .	u Edue Manager	CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)
A CONTRACTOR OF THE PARTY OF TH	ewmsirketinvestors.com	For delivery information visit our website at www.usps.coms
		Postage \$ \$0.37 0245
		Certified Fee \$2.40 55 Return Receipt Fee \$0.100 Postmark Here
		Restricted Delivery Fee (Endorsement Required) \$0.100
		Total Postage & Fees \$ \$3.27 05/04/2007
		Street, Apt. No.; or PO Box No. 566 Foxhall Place S. E.
		PS Form 3800, August 2006 See Reverse for Instruct



New Market Investors LLC

www.newmarketinvestors.com

8603 Westwood Center Drive, Suite 250 Vienna, VA 22182

	srnittal		☐ FedEx Via: ☐ UPS ☑ US Mail
May 3, 2	007		Hand
Te	Ms. Karlene Armstead 559 Foxhall Place S.E. Washington, DC 20032	From:	Tsebelu Edae New Market Investors, LLC 8603 Westwood Center Drive, Suite 250 Vienna, VA 22182 Phone: 703-356-6008 Fax: 703-356-4767
	: Copies of DDOT Report & October	72, 2006 Letter_H	ighland Addition
l have e April 26,		as requested in PU	UD public hearing for Highland Addition on
	Freport to the Zoning Commission on per 2, 2006 letter sent to Faxhall Resid		mpact Study.
If you ha	ave any questions, please feel free to	call me at 703-356	3-6008.
		CERTIF	stal Service To FIED MAIL TO RECEIPT Mail Only; No Insurance Coverage Provided) information visit our website at www.usps.com arriNnc 10052 A 1 1 50.87 (1245)

34	CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)								
UT S	For delivery information visit our website at www.usps.com								
33	Postage	\$	\$0.87	(/245					
. 85	Certified Fee		\$2.40	55					
0003	Return Receipt Fee (Endorsement Required)		\$0.00	Postmark Here					
	Restricted Delivery Fee (Endorsement Required)		\$0.00						
3450	Total Postage & Fees	\$	\$3.27	05/04/2807					
7002	or PO Box No. 55	9 F	exhau	Armstead Place S.E. C- 20032 Sec Reverse for Instructions					

CEMI-NMI Highlands LLC

916 Pennsylvania Ave., SE Washington, DC

October 2, 2006 Via Hand Delivery

Ms. Sterling Johnson 557 Foxhall Place, SE Washington, DC 20032

To the Residents of Foxhall Place, SE Washington, DC:

Description of the September 27, 2006 Meeting

A significant number of residents from the Foxhall Place neighborhood attended an open meeting at the Walter E. Washington Community Center on Wednesday, September 27 from 6 PM to 7:30PM. The neighbors met the development and architectural team and reviewed the history of the proposed Highland Additions project. The meeting was called following a local community presentation made by the development team on September 21, 2006 where Foxhall neighbors indicated strong disagreement with a component of the proposed site plan.

At the outset of this meeting, it became very clear that the Foxhall neighbors strongly felt they had not been afforded adequate participation in the development site planning process. Despite the development team's efforts to be as inclusive as possible during the series of three community planning meetings held at a local community center, the Foxhall neighbors communicated that they felt they were not allowed adequate influence and participation in the process. The development team committed to hear their concerns and give prompt responses to their questions.

The Foxhall neighbor's primary concern is the proposed opening of Foxhall Place, from its current terminating cul de sac, through to 9th Street, SE. Other than this extension of Foxhall Place, it was the sense of the development team that the Foxhall neighbors generally support the redevelopment of the Highland Additions into a single family home community, but we will continue to hear their concerns and recommendations throughout the plan approval process.

Status of the Highland Additions Site Plan

The site plan we presented is not final. Foxhall neighbors have ample additional opportunities to have their concerns voiced. Additional public hearings will be held at the ANC and the DC Zoning Commission. The development team will meet with Foxhall neighbors as frequently as they desire. However, we have been instructed by the DC Housing Authority and the DC Office of Planning that the proposed site plan does meet our primary goal of connecting the neighborhood. It has taken us quite a lot of hard work over that last few years to develop the site plan with a long term vision of what is best for the entire neighborhood.

The governing principle of designing a well-connected neighborhood, as directed by the DC Office of Planning and the DC Housing Authority, is to develop streets within the neighborhood that form a connected network that disperses traffic by providing a variety of vehicular and pedestrian routes to any destination.

This letter is intended to respond to the primary reasons given by the Foxhall neighbors to the development team as to why they do not want Foxhall Place extended to 9th Street.

Concern: Extending Foxhall Place Will Bring More Crime

The development team does not believe that the proposed redevelopment will bring more crime to the Foxhall neighbors. We believe the opposite will occur. The development will bring 110 new home-owning families to the neighborhood. These new homeowners will be as concerned about the safety of their kids and their property as our Foxhall reighbors. The new Highland Addition site is pedestrian friendly, with sidewalks and street lights that will bring more eyes on the street and more vested community members.

I: was made very clear that the Foxhall neighbors view the cul de sac as a buffer zone providing relief from the high crime zone permeating the Condon Terrace/8th Street area. The development team agrees that Foxhall has enjoyed relatively less criminal activity than some of their neighbors, but we do not agree that this lower level of criminal activity can be totally ascribed to the presence of the cul de sac; we feel the fact that the Foxhall neighbors are a home-owning community with a real stake in their future, with constant eyes on the street and a concern for the safety of their neighbors is a primary cause. It is a fact that as the percentage of homeowners residing in a neighborhood increases, crime decreases. The Highland Addition redevelopment will massively rearrange and improve the neighborhood's homeownership percentage.

The overall crime rate in neighborhoods which undergo the type of transformation that Highland Additions redevelopment proposes invariably decreases. We are not naive; crime is unacceptably high in the surrounding neighborhood and the redevelopment of this ten acre site will not stop the drugs and murders that plague the area. We respectfully ask the Foxhall neighbors to consider whether crime around the Wheeler Creek redevelopment has increased or decreased since it opened. We ask whether crime

has increased or decreased at the Walter E. Washington Estates redevelopment. Many members of the development team remember very well the state of affairs during the height of the Valley Green/Skytower days. The turnaround in the neighborhood at Wheeler Creek and Walter E. Washington Estates since redevelopment is nothing short of miraculous. Why can't we expect similar results from our redevelopment?

If there are efforts you are involved in relating to crime prevention that we could help out with, please let us know. We want to develop a positive working relationship. Crime will be as important an issue to the new members of the redevelopment as it is to our Foxhall neighbors. We will have a private security contractor during development and, if you approve, we will extend the scope to include Foxhall Road. We could introduce your new neighbors to Foxhall neighbors at meetings and encourage working together (kids sports, daycare, Neighborhood Watch, carpooling, senior activities, etc).

Concern: Extending Foxhall Place Will Bring More Traffic

The traffic pattern that will be created by the Highland Additions redevelopment is important to all the neighbors. The DC Department of Transportation ("DDOT") has been working directly with the development team for over two years now, with the intention of developing a site plan that is pedestrian friendly and safe for vehicular traffic. We were required by DDOT to engage a certified traffic engineer, Wells and Associates, LLC to conduct a comprehensive traffic study which gauges the impact the new development will have on the neighborhood. The study concludes that the new site handles its vehicular traffic appropriately, employs appropriate traffic calming strategies and insures required pedestrian safety measures. DDOT has reviewed the results of the study. A copy of the Traffic Forecast and the Level of Service report from that study is enclosed for your review and comment. If you would like, we will invite the staff from Wells & Associates LLC to our next meeting to be available to discuss traffic patterns and calming devices.

As the Foxhall neighbors review the proposed site plan, we hope that you will appreciate how the Foxhall extension provides many of you with a new and more convenient access to major neighborhood streets. Residents living on the eastern side of Foxhall Place will be welcome to drive through the new extension to 9th Street, which provides much more immediate access to Valley Ave., Wheeler Road and Southern Ave. You will no longer have to turn your car around at the existing cul de sac or reverse the direction of your east facing car; simply drive right through the new street to 9th Street. Residents on the eastern side of Foxhall Road will enjoy slightly better emergency vehicle access, as a result of the more direct route provided by your new access to 9th Street.

The new residents of the Highland Additions redevelopment will use the Foxhall extension to 9th Street as their most convenient access to Valley Ave., Wheeler Road and Southern Ave. It is very unlikely that the new homeowners will drive the much longer distance a trip down the existing Foxhall Place to Xenia Street to Valley Ave. would require. It will probably happen on occasion, however. If there are issues you are not

satisfied with regarding your existing street improvements (walks, streetlights, signage) we would be very interested in hearing what we could do to help.

It is likely that the current Foxhall neighbors will use the proposed new extension much more that the residents of the new development will use the existing Foxhall Place. This will be one of the benefits of interconnecting the neighborhood.

The development team has met with the senior staff of the DC Office of Planning ("OP") a number of times: first when we began the site planning process and recently when we felt we had developed a complete site plan. Once we heard of your objection to the Foxhall Road extension, we took your observations to the OP senior staff asking what their opinion would be if we did not connect Foxhall Road. We were informed that OP supports street connectivity and felt like our plan did a good job of accomplishing that mission, particularly given our topography. It is unlikely that we would be able to achieve connectivity anything like the proposed plan, even if we scrapped the whole effort and started completely over (which would be enormously expensive and time consuming). They encouraged us to take your point of view into consideration, which we are doing through this dialogue and future meetings and discussions we intend to have with our new neighbors.

Concern: Loss of the Cul de Sac will Decrease Parking Spots Available

The existing cul de sac currently provides the Foxhall neighbors with four or five extra parking spaces, which would not be available if the road is extended as provided for in the proposed site plan. The new road extension will provide nearly 20 additional onstreet parking spots on each side of the new street. These new spots are available to the public and we would welcome our Foxhall neighbors to their use. In addition, eliminating the parking of vehicles on the cul de sac and replacing that parking with onstreet parking parallel to the street would provide a cleaner, more organized street presentment. If there is anything you might suggest we do to help with the parking situation on the cul de sac, we are ready to listen and help as much as we can.

Additional Concerns: Construction Implications

Not specifically related to the Foxhall Place extension, but noted during the last meeting were two additional concerns. The first concern related to insuring that Foxhall Place homes near the construction site would not be damaged by any vibration caused by the proposed construction. The second was a fear that construction contractors would use Foxhall Place as an entryway for heavy vehicles and equipment. We have been assured by the construction professionals that the building systems selected will not cause damage to nearby properties. As additional insurance, we have instructed the project manager, Tsebelu Edae, (703) 356-6008, tse@newmarketinvestors.com to prepare an assessment of the physical condition of the nearby homes prior to construction start with each resident able to review, comment and sign off on the pre-construction condition so as to secure clear evidence of any damage caused once construction begins. We commit to ban any and all construction vehicles and heavy equipment operators from using

Foxhall Place during construction. We have instructed the architectural manager, Erin Christensen, (301) 588-4800, <u>echristensen@tortigallas.com</u> to insure that all construction contracts include a \$5,000 fine for each instance this promise is violated. Any fines received will be transferred to the Foxhall neighbors.

Summary

The development team was very much caught off guard by the reaction of the Foxhall neighbors to our proposed extension of Foxhall Road. We apologize for advancing the plan as far as we have without re-confirming your approval. We sincerely believe that extending Foxhall Road is the best solution, but we don't know it all. Please consider our response and let's meet in a few days over at the Walter E. Washington Community Center on a night that is convenient.

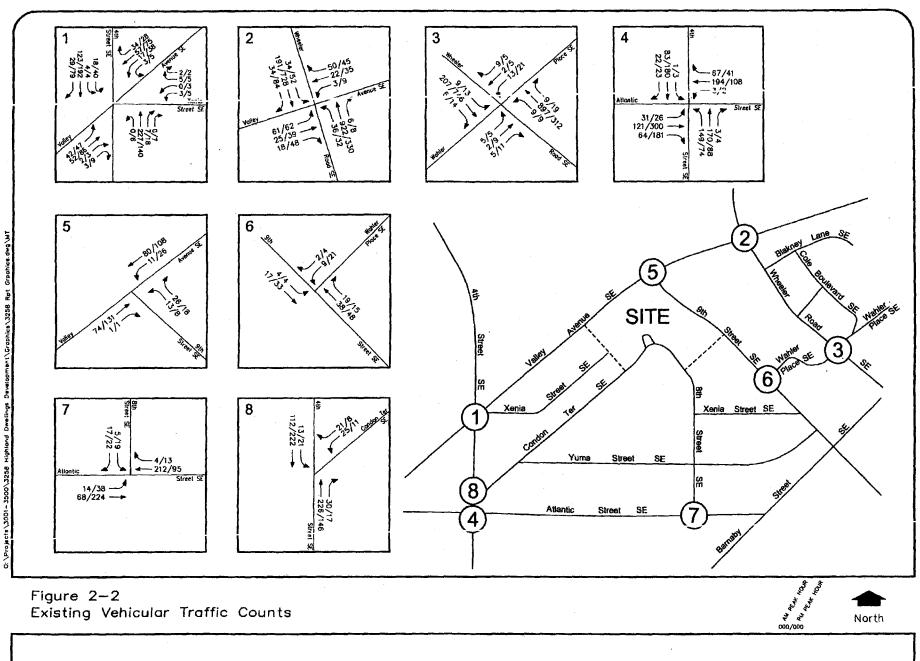
Very truly yours,

HR Crawford

Project Developer

Attachments:

Wells & Associates, LLC Traffic Study Reports
Highland Additions Site Plan Overlayed with Existing Site



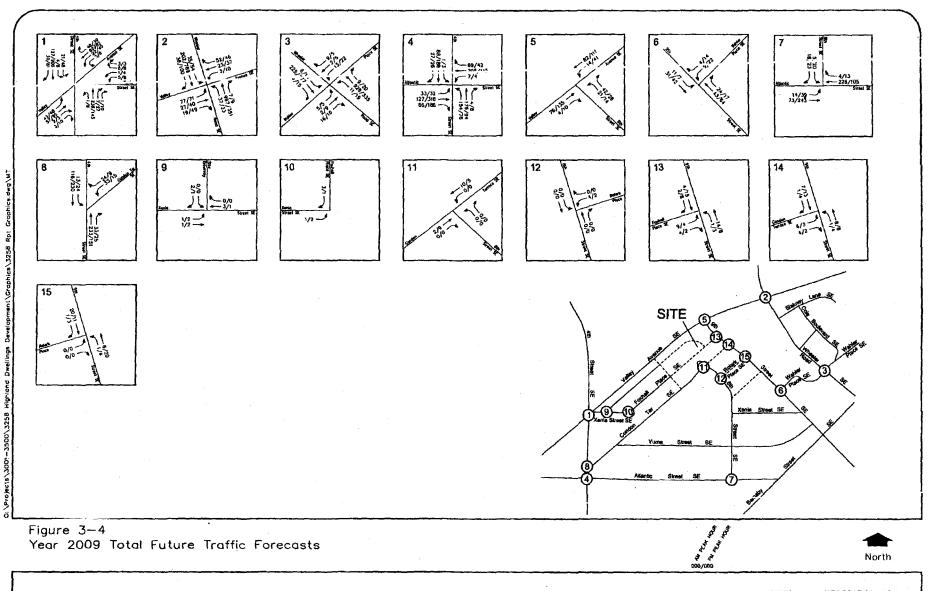
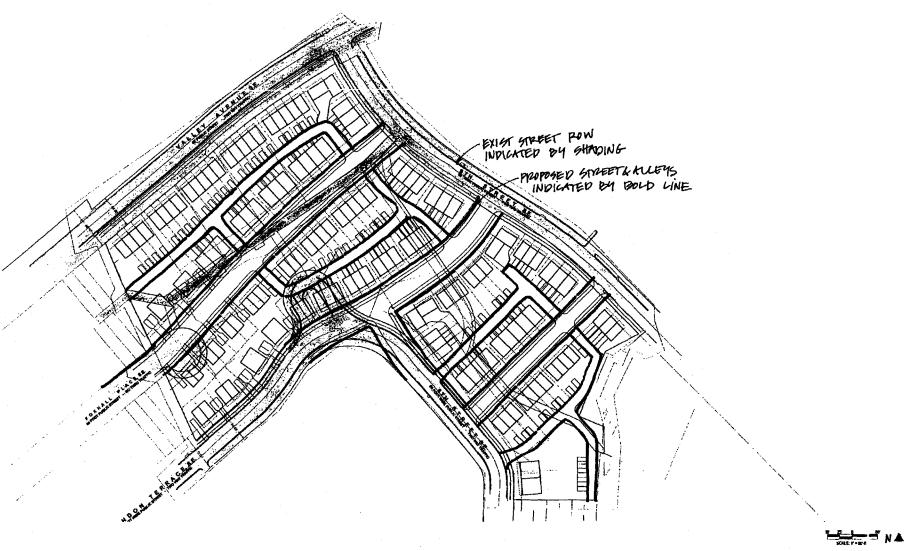


Table 3-1 Highland Dwellings Development
Intersection Level of Service Analysis 1.2.3

Intersection Level of Service Analysis 1, 2, 3	-							
Intersection	Control	Approach	Existing AM	<u>- 2006</u> PM	Backgrou AM	nd <u>- 2009</u> PM	Total Futu AM	<u>re - 2009</u> PM
4ch Street/Vailey Avenue/Xenia Street	Signal	EB	D (43.9)	D (47.1)	D (50.1)	D (45.5)	D (47.4)	D (43.9)
1. TO SUCROTAINS ATTEMBACING SUCCE	g	WB	D (38.2)	D (46.6)	C (41.2)	D (49.4)	D (42.6)	D (47.5)
		NB	A (2.2)	A (3.8)	A (2.1)	A (4.1)	A (6.5)	A (7.7)
		SB	A (5.4)	A (8.1)	A (5.3)	A (8.7)	A (6.2)	A (9.3)
· ·	i i	NWB	D (\$0.3)	D (47.2)	D.(50.6)	D (46.8)	D (47.4))	D (48.6)
		Overall	8 (16.8)	C (22.1)	B (18.7)	C (23.2)	C (20.7)	C (23.6)
Vailey Avenue/Wheeler Road	Signal	EB	D (38.1)	C (32.2)	D (41.7)	D (35.8)	D (44.0)	D (S1.5)
		MB	D (36.2)	D (36.8)	D (36.2)	D (36.9)	D (36.1)	D (36.7)
		NB	A (5.0)	A (3.6)	A (5.1)	A (3.7)	A (5.2)	A (3.8)
	l i	SB	A.(3.4)	A.(4.8)	A.(3.4)	A.(5.0)	£.(3.5)	∆ (\$.1)
		Overall	(B.8) A	A (9.2)	A (9.1)	A (9.6)	A (9.7)	B (11.4)
3. Wheeler Road/Wahler Place	Signal	es.	D (44.3)	D (41.7)	C (34.9)	D (35.4)	D (41.4)	D (38.7)
·		WB	D (45.3)	D (42.8)	D (35.5)	D (36.5)	D (41.8)	D (39.5)
	1 1	NB	A (1.9)	A (1.9)	A (5.1)	A (3.7)	. A.(2.7)	A (2-6)
		SB Owent	A.(2.1)	A.(1.2)	A.(3.5)	A.(4.7)	4.(1.8)	A.(1.2)
		Overali	A (3.2)	A (3.8)	A (5.7)	A (5.9)	A (4.0)	A (4.9)
4. 4th Street/Atlantic Street	Signal	EB	A (6.4)	A (7.1)	A (6.4)	A (7.7)	A. (6.5)	A (8.0)
		WB	A (6.6)	A (4.6)	A (6.7)	A (4.9)	A. (6.8)	A (5.0)
		NB SB	F (112.1) C (29.8)	F (82.2) D (43.8)	F (139.6) C (27.7)	F (81.4) D (43.7)	F (38.0) C (31.3)	E (79.0) D (38.4)
		Overall	D (46.7)	C (24.2)	E (56.5)	C (26.3)	E (55.4)	C (25.1)
			- ()	- ()	1 - (30.3)	- (20.5)	. (J (23.1.)
Modified Signal Timings	Signal	EB			A (8.9)	A (9.7)	A (14.0)	A (9.9)
		₩B			A (9.4)	A (5.9)	8 (15.0)	A (5.9)
	1	NB SB	NA	NA.	B (19.8)	B (19.3) B(18.7)	A. (9.5)	B (19.3) <u>B(18.7)</u>
		Overall	-		B (13.3)	B (12.5)	£.(7.2) B (11.9)	B (12.6)
5. 9th Street/Valley Avenue	All-Way	EBTR	A [7.6]	A [8.0]	A [7.6]	A [8.1]	A [7.6]	A [8.1]
	Stop	WBLT	A [7.7]	A [8,1]	A [7.7]	A [8.2]	A. [7.8]	A [8.3]
		NBLR	A [7.2]	A [7.4]	A [7.4]	A [7.5]	A. [7.4]	A [7.6]
6, 9th Street/Wahler Place	All-Way	WBLR	A [7.2]	A [7.4]	A [7.3]	A [7.5]	A. [7.2]	A [7.3]
	Scop	NBTR	A [7.1]	A [7.2]	A [7.1]	A [7.4]	A [7.1]	A [7.4]
		SBLT	A [7.2]	A [7.3]	A [7.2]	A [7.4]	A. [7,3]	A [7.4]
7. 8th Street/Atlantic Street	Stop	EBLT	A [1.4]	A [1.3]	A (1.3)	A [1.3]	A.[1.3]	A [1.3]
7. OUI SIZEEVALUIUR SCREET	344	WETR	A [0.0]	A [0.0]	A [0.0]	A [0.0]	[0.0] A	A [0.0]
		SBLR	B [10.3]	B [10.6]	B (10.1)	B [10.8]	8 (10.2)	B [10.9]
8. 4th Screet/Condon Terrace	Stop	WBLR	B [11.6]	B [11.9]	8 [11.5]	B [12.0]	B [13.9]	8 [12.7]
]	NBTR SBLT	A [0.0] A [0.9]	A [0.0] A [0.8]	A [0.0] A [0.9]	A [0.0] A [0.8]	A. [0.0] A. [0.9]	A [0.9]
			1, [2.7]	7. [0.0]	7 (0.7)	F. (0.0)	7. [0.7]	7. (0.7)
9. Site Driveway/Xenia Street	Scop	WBLTR			1		/، [8.3]	A [8.3]
	[NBLTR	NA NA	NA	NA NA	NA ·	A. [0.0]	A [0.0]
		SBLTR	 		 		A. [0.0]	A [3.6]
10. Xenia Screet/Foxhall Place	Stop	WBLTR			1		/. [8.3]	A (8.3)
		SBLTR	NA NA	NA .	NA NA	NA	A. [7.2]	A [0.0]
			T T					······································
11. 8th Street/Condon Terrace	Stop	EBLT			 		V [0.0]	[0.0] A
	i l	WBTR NRI R	NA	NA	NA.	NA	V [0'0]	A [0.0] A [0.0]
	 	NBLK	 		 		V [0'0]	A [0.0]
12. 8th Street/Rolark Place	Stop	WBLR	NA NA	NA.	NA.	NA	[2.8] ^	A [8.5]
		SBLT	1.0	: ••	144	144	A [0.0]	A [0.0]
13. 9th Screet/Excended Foxhall Place	Stop	EBLR	1				, m	4 m 41
13. 701 SCREWERGER POKREN PECE	, AOP	NRLT	NA.	NA	NA.	NA	∧ [8.6] ∧ [0.5]	A [8.6] A [2.0]
		SBTR			"	. •	/ [0.0]	A [0.0]
			Γ					
14. 9th Street/Extended Condon Terrace	Stop	EBLR					A [8.6]	A [8.6]
		NRLT	NA.	NA	NA.	NA	∧ [0.8]	A [2.4]
		SBTR	 		 		A [0.0]	A [0.0]
15. 9th Screet/Rolark Place	Stop	NRLT				***	V [1'0]	A [1.2]
		SBTR	NA	NA	NA NA	NA	∧ [0.0]	A [0.0]
Notes:								

<sup>Besed on as Synchro version 6
Numbers in bracieta, (), represent control delay in seconds per vehicle for unsignalized intersections.
Numbers in perembess, (), represent control delay in seconds per vehicle for signalized intersections.</sup>



x 2000 Torti Gallas and Partners i Inc. I 1300 Spring Street, 4th Ploot, Silver Spring, Maryland 20910 301.588.480п

PROPOSED STREET LALLEYS 15 JUNE 2006

HIGHLANDS ADDITION

THE CEMI-NMI
TORTI GALLAS AND PARTNERS, INC.

Exhibit G: Traffic Calming

DISTRICT OF COLUMBIA TRAFFIC CALMING POLICIES AND GUIDELINES

2002



Dan Tangherlini, Acting Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA Anthony A. Williams, Mayor

- A traffic calming study shall be the basis for deciding the appropriate measure(s) for a situation.
- DDOT may consider the deployment of a traffic calming measure on a trial basis. All such deployments should be evaluated for effectiveness within three (3) months of installation.
- Only traffic calming measures approved by DDOT shall be considered for implementation in the City.

GUIDELINES

The Transportation Policy and Planning Administration (TPPA) and Traffic Services Administration (TSA) shall recommend traffic calming measure(s) based on a traffic calming study that will consider the guidelines (or criteria) outlined below. TSA shall review and approve the traffic calming recommendations provided in the study. Periodically, TPPA and TSA will review these guidelines to determine whether they are appropriate for current conditions.

- Traffic calming measures implemented at intersections and on roadways shall not result in lowering the overall level of service below "D".
- Physical traffic calming measures (such as speed bumps/humps) should generally not be considered on:
 - (i) Emergency and evacuation routes
 - (ii) Roadways with grades of 7% or more
 - (iii) Arterials or collector streets
 - (iv) Through truck routes
- TPPA shall conduct a traffic calming study if at least 35% of residents in the problem area support such a request with the concurrence of the area's ANC.
- The implementation of any traffic calming measure should have the support of at least 65% of the residents within the study area with the concurrence of the area's ANC.

- Traffic calming measures should be considered if the average daily traffic (ADT) exceeds 1,500 vehicles per day (vpd) or if the peak hour volume is greater than 150 vehicles for the roadway. However, if the ADT exceeds 5,000 vpd, traffic calming measures should not be considered.
- When the 85th percentile speed on a street segment exceeds the posted speed limit by at least 10 mph, traffic calming measures should be considered.
- Traffic calming measures shall have no significant adverse impact on fire, police and ambulance services.
- DDOT officials shall define the study area based on the traffic calming application submitted, in collaboration with the ANC.
- Traffic calming measures could be justified if cut-through volumes represent at least 30% of the total daily traffic for local streets
- Crash (accident) data for the most recent three years should be analyzed by type, severity, location, roadway condition, and time of crash. Accident rates should be considered significant when there are 3 or more reported cases involving pedestrian, bicycle and automobiles along a local residential street within a one year period.
- In cases where parking may have to be removed, the effect(s) on other parking facilities within the neighborhood as well as alterations to traffic patterns should be analyzed.

TRAFFIC CALMING PROCESS

(1) Request Procedure

Requests for a traffic calming study must be initiated through ANC's (and with their concurrence) with the support of at least 35% of the households on the block(s) where the device is requested. A formal request should be submitted using the form attached on page A-1 (see center pages).

Within four (4) weeks after submittal of a complete application, DDOT and the ANC shall organize a neighborhood meeting where traffic problems, issues and solutions shall be discussed. DDOT shall address possible solutions to traffic problem(s) and offer residents the opportunity

