

Exhibit A

The undersigned certify that they are owners in fee simple of the property to be subdivided and are in peaceful occupation thereof; that there are no pending suits or actions that affect title to the property; that parties to any deeds of trust have hereon indicated their assent; and that there are no interests or claims affecting title to the property other than such deeds of trust. The undersigned hereby subdivides Lot 22, Square 2041 (Block 213 Page 23) into three lots and requests that this subdivision be recorded in the Office of the Surveyor of the District of Columbia.

WITNESSES

OWNERS

SOAPSTONE VALLEY VENTURES, LLC

Ad. P...
WITNESS SIGNATURE

B.A. N...
WITNESS SIGNATURE

[Signature]
ROBERT A. GOTTFRIED, PRESIDENT

Subscribed and sworn before me this 3rd day of MAY 2018

Nancy B...
Notary Public

10/10/20
My Commission Expires

(NOTARY SEAL)

NUMBER OF TRUSTS: 1

ASSENT BY TRUSTEES:

[Signature]
David T. Granj
Revere Boat

SURVEYOR'S OFFICE, D.C.

Made for: DAVID C. LANDSMAN
Drawn by: L.E.S. Checked by: AS, BM
Record and computations by: B. MYERS
Recorded at: 2:55 PM on JUNE 6, 2018
Recorded in Book 214 Page 23 ER-18-03219
Scale: 1 inch = 30 feet File No. 18-28631

OFFICE OF TAX AND REVENUE

5/11 2018

I certify that the following statements relating to this subdivision are correct.

- 1. Ownership agrees with our records: 5/16/18 OS
- 2. Real estate taxes are paid to: 9/30/18 OS
- 3. There are no unpaid assessments: 5/1/18 OS

[Signature]
Chief Assessor, Assessment Division

I acknowledge for the owners that this is not a tax certificate as intended by D.C. Code Section 47-405.

[Signature] Agent

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

6/5 2018

I certify that this subdivision complies with all applicable provisions of DCMR11, Zoning Regulation of the District of Columbia.

Zoning District: R-8

[Signature]
Zoning Administrator

DEPARTMENT OF THE ENERGY & ENVIRONMENT (DOEE)

June 1st 2018

I certify that this subdivision complies with all applicable provisions of DCMR20, Chapter 31 - Flood Hazard Rules, of the District of Columbia.

Flood Zone & Flood Elevation: N/A

[Signature]
DOEE Official

[Signature]
HISTORIC PRESERVATION

OFFICE OF THE SURVEYOR

JUNE 6 2018

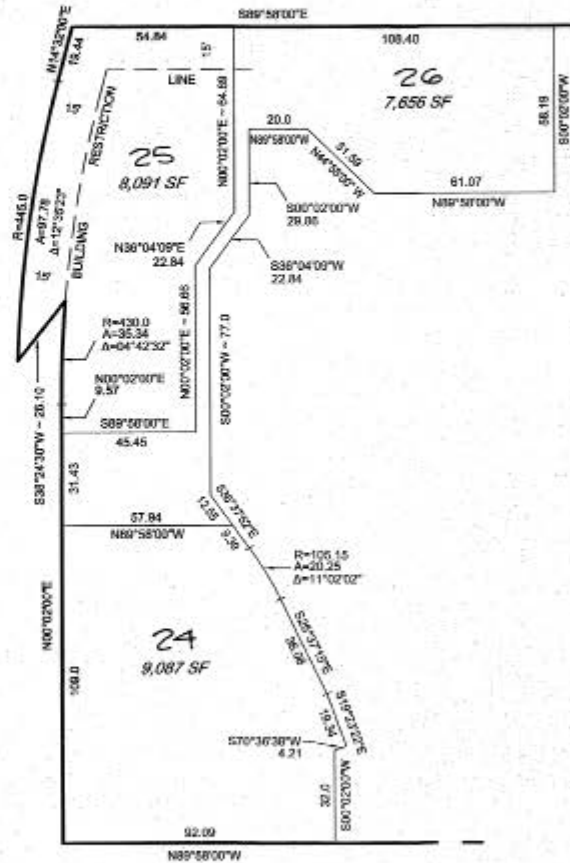
I certify that this plat is correct and is hereby recorded.

[Signature]
FOR Surveyor, D.C.

**SUBDIVISION
SQUARE 2041**

APPLETON STREET, N.W.

32nd STREET, N.W.



ALBEMARLE STREET, N.W.

Exhibit B



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

May 18, 2018

David C. Landsman, PE, Prof. LS
CAS Engineering-DC, LLC
1001 Connecticut Avenue, NW, Suite 401
Washington, DC 20036

Re: 3113 Albemarle Street, NW
Lot 0022, Square 2041, Forest Hills
Zoning Confirmation

Dear Mr. Landsman,

This letter will confirm the substance of the discussion with my staff for the PDRM on May 1, 2018. As presented during the meeting, the site currently is comprised of a vacant record lot in Square 2041. The subject property is in the R-8 Zone (Forest Hills / Tree and Slope Protection Overlay). The project proposes to subdivide the property and construct three new, single-family detached dwellings on the property with pools, terraces, walks, and access off of an existing shared driveway. As discussed, I confirm the project's compliance with respect to the zoning criteria under 11 DCMR as follows:

Applicable Zoning Criteria Analysis

Criteria	DCMR Reference	Allow./Req.	Prov.-Lot A	Prov.-Lot B	Prov.-Lot C
Lot Frontage	11DCMR D-303	56.25 feet	109.0 feet	>97.8 feet	108.4 feet
Lot Dim.	11DCMR D-502.1 (area and width)	7,500 sf 75 feet	9,087 sf 109.0 feet	8,091 sf 139.1 feet	7,656 sf 108.4 feet
Building Height	11 DCMR D-503.1	40 feet 3 stories	<40 feet 3 stories with cellar	<40 feet 3 stories with cellar	<40 feet 3 stories with cellar
Lot Occ.	11 DCMR D-504.1	30%	25.6%	27.6%	22.2%
		At grade patios, walls, driveways, pools, etc. do not count. House, covered patios/porches, elevated (>4' above grade) patios/terraces, etc. count.			
Front Yard	11 DCMR D-505	(see below)	0 ft.	15.0 ft.	4.0 ft.

Setback:

As discussed, I have previously confirmed that there is currently no front setback range on Appleton Street, NW, as only one house currently fronts on Appleton Street, NW within this block. Assuming Lot C is constructed prior to the building on Lot B, I re-confirm that there is no front yard setback for Lot C. Once the building on Lot C is constructed a range will be established for Lot B between the house on Lot C and the existing house at 3120 Appleton Street, NW. Lot A fronts on 32nd Street, NW. No houses currently front or exist along 32nd Street, NW in this block, therefore there is no front setback for Lot A.

Criteria	DCMR Reference	Allow./Req.	Prov.-Lot A	Prov.-Lot B	Prov.-Lot C
Rear Yard	11 DCMR D-506	25 ft.	25.7 ft. (Avg)	52.7 ft.	26.6 ft.
Side Yard	11 DCMR D-507	8 ft. ea. 24 ft. agg.	10 ft. min. 24 ft. agg.	8.5 ft. ea. 24 ft. agg.	8 ft. ea. 24 ft. agg.
Pervious Surface	11 DCMR D-508	50% min.	50.8%	52.5%	52.1%
Pervious surface includes pervious pavement, lawn areas, and decks over grade that do not preclude the infiltration of water into the soil below, and green roofs.					

Tree Protection requirements under 11 DCMR D-509.1 do not apply to this Square 2041. Professional certification of work on slopes or highly erodible land requirement under 11 DCMR D-509.2 applies and must be demonstrated with building permit submittals.

Accessory Apartment Provisions:

The project contemplates features of an accessory apartment within the main building in the cellar. Pursuant to 11 DCMR U-253.7, an accessory apartment in the main building must meet the following criteria:

Main building minimum gross floor area = 2,000 sq. ft. (11 DCMR U-253.7(a))

Accessory building may not occupy more than 35% of the gross floor area of the house (11 DCMR U-253.7(b))

If an additional entrance to the house is created it shall not be located on a wall of the house that faces a street if accessing the accessory apartment (11 DCMR U-253.7(c)).

Please let me know if you have any further questions.

Sincerely,



Matthew Le Grant
Zoning Administrator

DISCLAIMER: This letter is issued in reliance upon, and therefore limited to, the questions asked, and the documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is **NOT** a "final writing", as used in Section Y-302.5 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), nor a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations, but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter based on the information submitted for the Zoning Administrator's review. Therefore this letter does **NOT** vest an application for zoning or other DCRA approval process (including any vesting provisions established under the Zoning Regulations unless specified otherwise therein), which may only occur as part of the review of an application submitted to DCRA.

Attachments –

Subdivision Sketch dated 4/2018

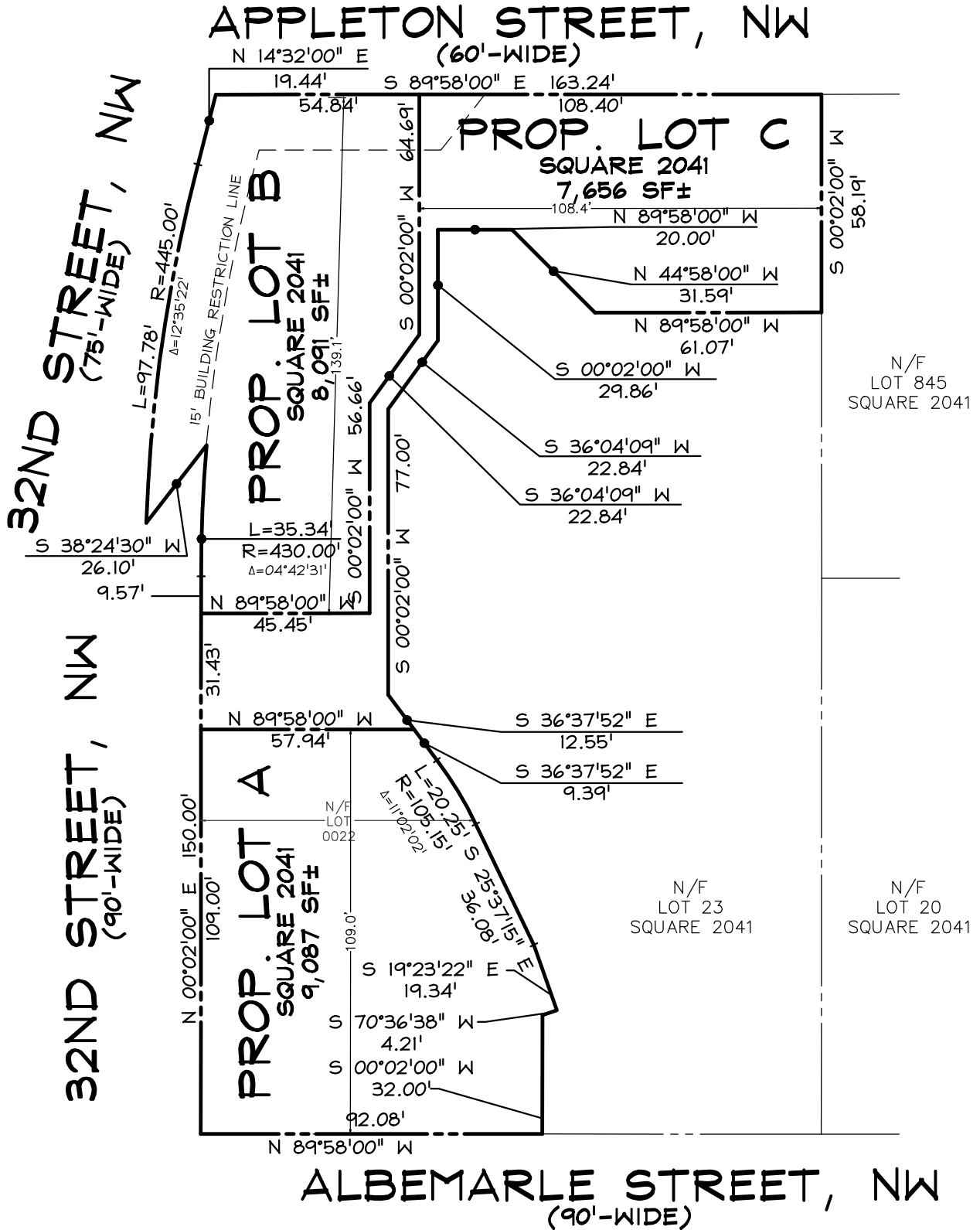
Concept Plans dated 4/20/18

Zoning Technician: Ramon Washington

File: Det Let re 3113 Albemarle Street, NW to Landsman on 5-18-2018

Proposed 3-Lot Subdivision
N/F Lot 0022, Square 2041

Prepared for:
Soapstone Valley Ventures, LLC



GENERAL NOTES

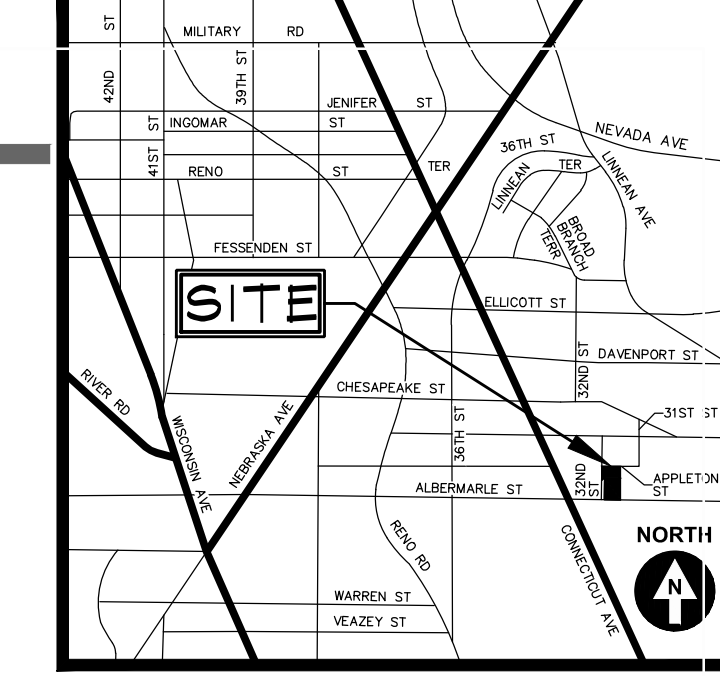
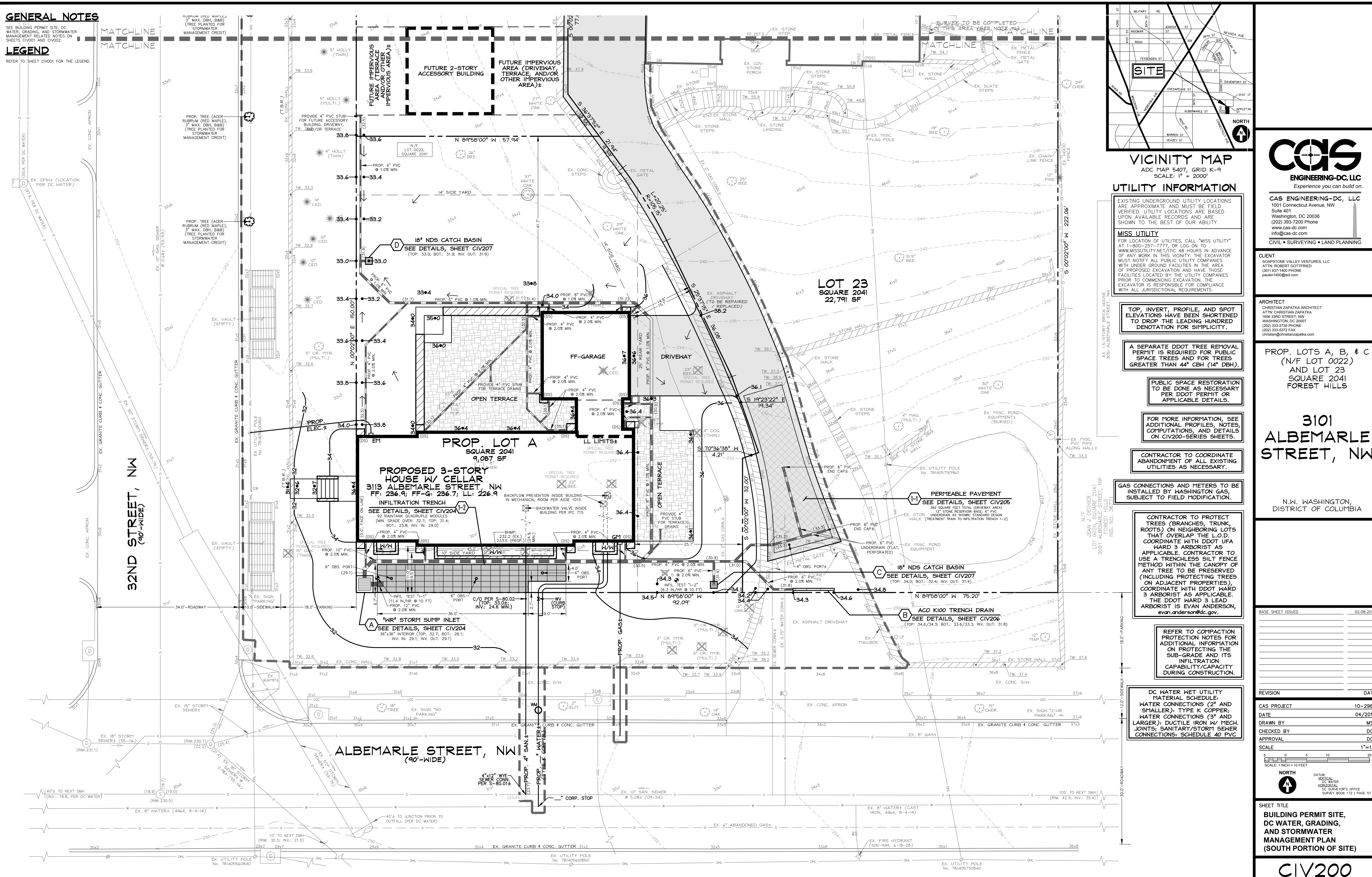
SEE BUILDING PERMIT SITE, DC WATER, GRADING, AND STORMWATER MANAGEMENT RELATED NOTES ON SHEETS CIV001 AND CIV002.

LEGEND

REFER TO SHEET CIV001 FOR THE LEGEND.

MATCHLINE
MATCHLINE

MATCHLINE
MATCHLINE



VICINITY MAP
ADC MAP 5407, GRID K-9
SCALE: 1" = 2000'

UTILITY INFORMATION

EXISTING UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AND MUST BE FIELD VERIFIED. UTILITY LOCATIONS ARE BASED UPON AVAILABLE RECORDS AND ARE SHOWN TO THE BEST OF OUR ABILITY.

MISS UTILITY
FOR LOCATION OF UTILITIES, CALL "MISS UTILITY" AT 1-800-252-7777, OR LOG ON TO WWW.MISSUTILITY.NET/TC 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDERGROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH ALL JURISDICTIONAL REQUIREMENTS.

TOP, INVERT, PROFILE, AND SPOT ELEVATIONS HAVE BEEN SHORTENED TO DROP THE LEADING HUNDRED DENOTATION FOR SIMPLICITY.

A SEPARATE DDOT TREE REMOVAL PERMIT IS REQUIRED FOR PUBLIC SPACE TREES AND FOR TREES GREATER THAN 44" CBH (14" DBH).

PUBLIC SPACE RESTORATION TO BE DONE AS NECESSARY PER DDOT PERMIT OR APPLICABLE DETAILS.

FOR MORE INFORMATION, SEE ADDITIONAL PROFILES, NOTES, COMPUTATIONS, AND DETAILS ON CIV200-SERIES SHEETS.

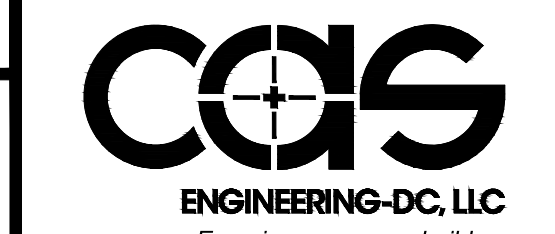
CONTRACTOR TO COORDINATE ABANDONMENT OF ALL EXISTING UTILITIES AS NECESSARY.

GAS CONNECTIONS AND METERS TO BE INSTALLED BY WASHINGTON GAS, SUBJECT TO FIELD MODIFICATION.

CONTRACTOR TO PROTECT TREES (BRANCHES, TRUNK, ROOTS) ON NEIGHBORING LOTS THAT OVERLAP THE L.O.D. COORDINATE WITH DDOT UFA WARD 3 ARBORIST AS APPLICABLE. CONTRACTOR TO USE A TRENCHLESS SILT FENCE METHOD WITHIN THE CANOPY OF ANY TREE TO BE PRESERVED (INCLUDING PROTECTING TREES ON ADJACENT PROPERTIES). COORDINATE WITH DDOT WARD 3 ARBORIST AS APPLICABLE. THE DDOT WARD 3 LEAD ARBORIST IS EVAN ANDERSON, evan.anderson@dc.gov.

REFER TO COMPACTION PROTECTION NOTES FOR ADDITIONAL INFORMATION ON PROTECTING THE SUB-GRADE AND ITS INFILTRATION CAPABILITY/CAPACITY DURING CONSTRUCTION.

**DC WATER WET UTILITY MATERIAL SCHEDULE:
WATER CONNECTIONS (2" AND SMALLER): TYPE K COPPER;
WATER CONNECTIONS (3" AND LARGER): DUCTILE IRON W/ MECH. JOINTS; SANITARY/STORM SEWER CONNECTIONS: SCHEDULE 40 PVC**



CAS ENGINEERING-DC, LLC
1001 Connecticut Avenue, NW
Suite 401
Washington, DC 20036
(202) 393-7200 Phone
www.cas-dc.com
info@cas-dc.com
CIVIL • SURVEYING • LAND PLANNING

CLIENT
SOAPSTONE VALLEY SURVEYS, LLC
ATTN: ROBERT GOTTFREED
(301) 937-1400 PHONE
paulen1400@aol.com

ARCHITECT
CHRISTIAN ZAPATKA ARCHITECT
ATTN: CHRISTIAN ZAPATKA
1655 33RD STREET, NW
WASHINGTON, DC 20007
(202) 333-2718 PHONE
(202) 333-5372 FAX
christian@christianzapatka.com

PROP. LOTS A, B, & C (N/F LOT 0022) AND LOT 23 SQUARE 2041 FOREST HILLS

3101 ALBEMARLE STREET, NW

N.W. WASHINGTON, DISTRICT OF COLUMBIA

REVISION	DATE

CAS PROJECT	10-296D
DATE	04/2018
DRAWN BY	MSL
CHECKED BY	DCL
APPROVAL	DCL
SCALE	1"=10'
SCALE: 1 INCH = 10 FEET	
<small>DATUM: MEDIAN DC WATER HORIZONTAL DC SURVEYOR'S OFFICE SURVEY BOOK 17-1 PAGE 57</small>	

SHEET TITLE
BUILDING PERMIT SITE,
DC WATER, GRADING,
AND STORMWATER
MANAGEMENT PLAN
(SOUTH PORTION OF SITE)

CIV200

P:\2010\102260_3101 Albemarle Street, NW\6 Drawings\102260_CivSet\19.dwg, 5/5/2018 10:11:11 AM, © 2018 CAS Engineering and CAS Engineering-DC, LLC

GENERAL NOTES

SEE BUILDING PERMIT SITE, DC WATER, GRADING, AND STORMWATER MANAGEMENT RELATED NOTES ON SHEETS CIV001 AND CIV002.

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CONTRACTOR TO COORDINATE ABANDONMENT OF ALL EXISTING UTILITIES AS NECESSARY.

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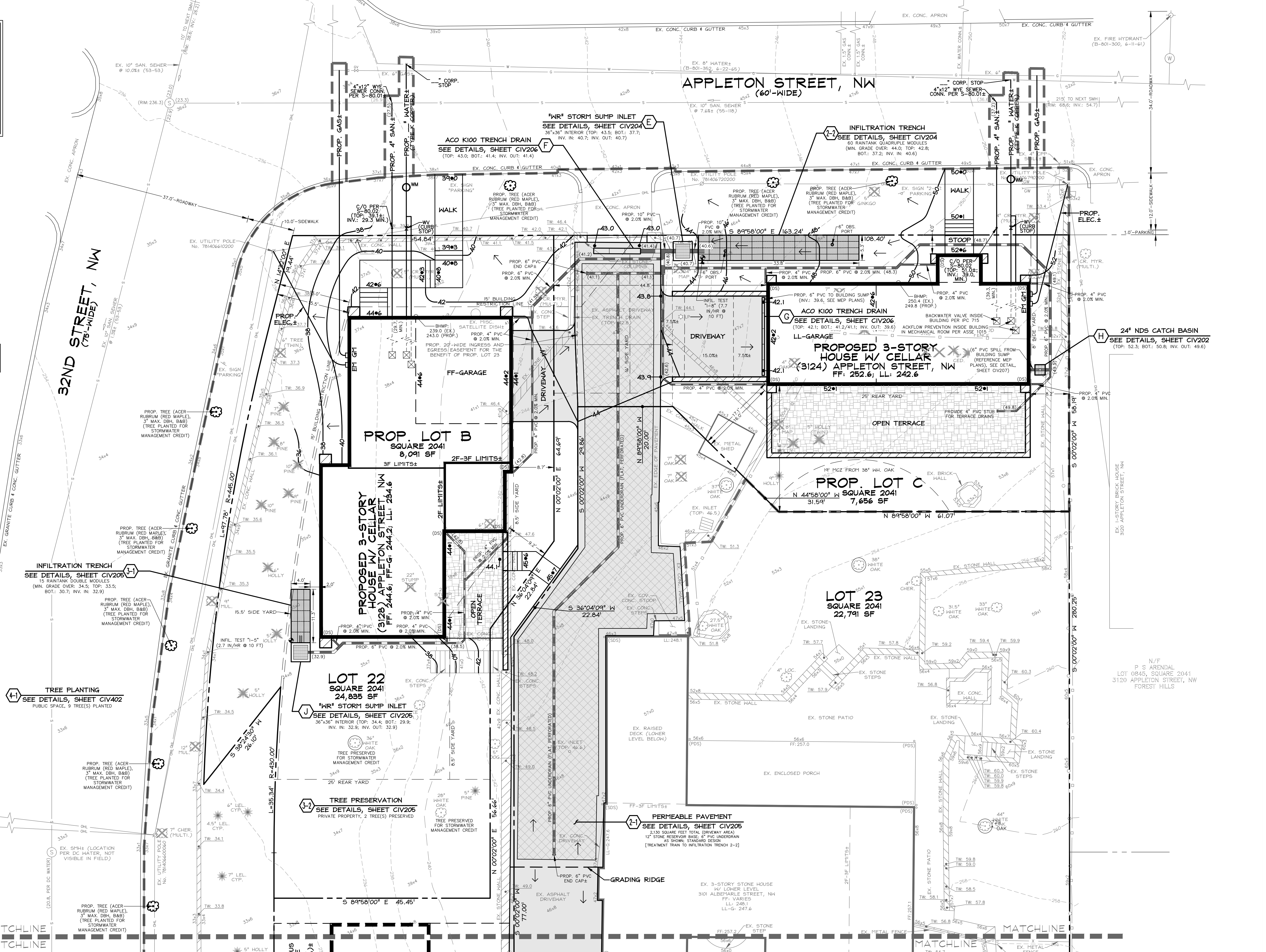
REFER TO COMPACTION PROTECTION NOTES FOR ADDITIONAL INFORMATION ON PROTECTING THE SUB-GRADE AND ITS INFILTRATION CAPABILITY/CAPACITY DURING CONSTRUCTION.

DC WATER WET UTILITY MATERIAL SCHEDULE: WATER CONNECTIONS (2" AND SMALLER): TYPE K COPPER; WATER CONNECTIONS (3" AND LARGER): DUCTILE IRON W/ MECH. JOINTS; SANITARY/STORM SEWER CONNECTIONS: SCHEDULE 40 PVC

NOTE: CONSTRUCTION OF 3124 APPLETON STREET, NW MUST BE PERFORMED BEFORE CONSTRUCTION OF 3126 APPLETON STREET, NW.

LEGEND

REFER TO SHEET CIV001 FOR THE LEGEND.



CAS ENGINEERING-DC, LLC
1001 Connecticut Avenue, NW
Suite 401
Washington, DC 20036

CLIENT
SOAPSTONE VALLEY VENTURES, LLC
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(301) 937-1400 PHONE
paulen1400@aol.com

ARCHITECT
CHRISTIAN ZAPATKA ARCHITECT
ATTN: CHRISTIAN ZAPATKA
1656 3RD STREET, NW
WASHINGTON, DC 20007

PROP. LOTS A, B, & C
(N/F LOT 0022)
AND LOT 23
SQUARE 2041
FOREST HILLS

3101 ALBEMARLE STREET, NW

N.W. WASHINGTON, DISTRICT OF COLUMBIA

BASE SHEET ISSUED 02.08.2017

REVISION DATE

CAS PROJECT 10-296D

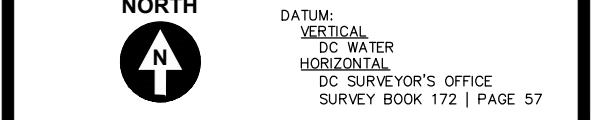
DATE 04/2018

DRAWN BY MSL

CHECKED BY DCL

APPROVAL DCL

SCALE 1"=10'



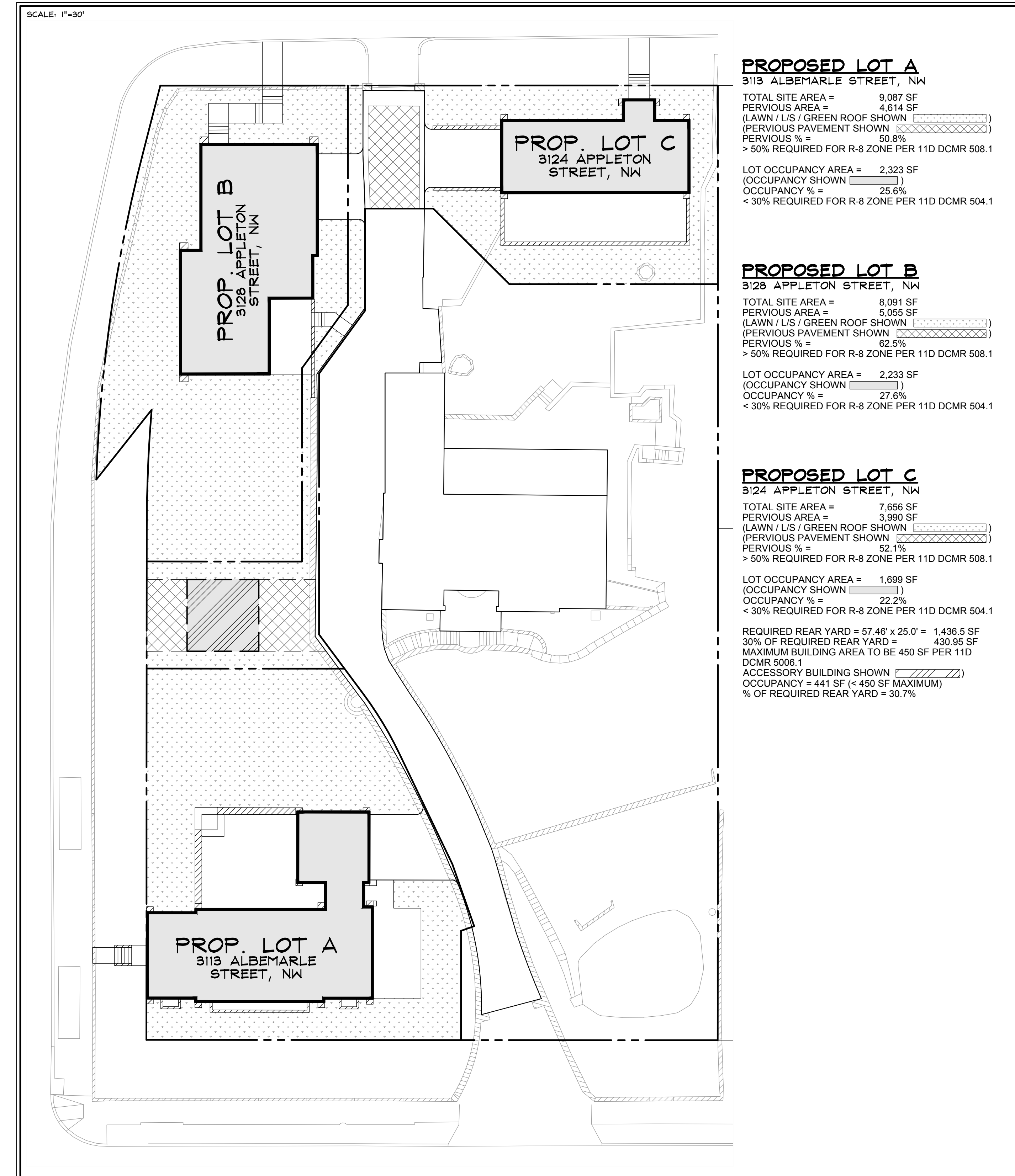
SHEET TITLE
BUILDING PERMIT SITE, DC WATER, GRADING, AND STORMWATER MANAGEMENT PLAN (NORTH PORTION OF SITE)

CIV201

STORMWATER MANAGEMENT STRUCTURE SCHEDULE

NUMBER(S)	TYPE / SPECIFICATION	TOP ELEV.	INV. IN	INV. OUT	BOTTOM
H-1 PRIVATE	PERMEABLE PAVEMENT, PERVIOUS PAVERS - STANDARD DESIGN 392 SQUARE FEET, DRIVEWAY AREA (ALBEMARLE STREET, NW SIDE) SEE DETAILS, SHEET CIV205	VARIABLES	N/A	33.3	N/A
H-2 PRIVATE	INFILTRATION TRENCH (88 RAINTANK QUADRUPLE MODULE UNITS) SEE DETAILS, SHEETS CIV203 AND CIV204	31.4	29.0	N/A	25.8
H-1 PRIVATE	PERMEABLE PAVEMENT, PERVIOUS PAVERS - STANDARD DESIGN 2,130 SQUARE FEET, DRIVEWAY AREA (APPLETON STREET, NW SIDE) SEE DETAILS, SHEET CIV205	VARIABLES	N/A	41.1	N/A
H-2 PRIVATE	INFILTRATION TRENCH (60 RAINTANK QUADRUPLE MODULE UNITS) SEE DETAILS, SHEETS CIV203 AND CIV204	42.8	40.6	N/A	37.2
H-1 PRIVATE	INFILTRATION TRENCH (15 RAINTANK DOUBLE MODULE UNITS) SEE DETAILS, SHEETS CIV203 AND CIV205	N/A	N/A	N/A	N/A
H-2 PRIVATE	TREE PRESERVATION 2 TREE(S), SEE NOTES SHEET CIV206	N/A	N/A	N/A	N/A
H-1 PUBLIC SPACE	TREE PLANTING 10 TREE(S), SEE NOTES SHEET CIV403	N/A	N/A	N/A	N/A
A PRIVATE	CSSI GROUP, INC. 36"x36" STORM SEWER SUMP INLET WITH LIGHT-DUTY, NON-TRAFFIC BEARING LID FOR YARD AREA SEE DETAIL, SHEET CIV204	32.7	29.1	29.1	26.1
B PRIVATE	ACO K100 TRENCH DRAIN WITH HEAVY-DUTY, TRAFFIC BEARING GRATE FOR DRIVEWAY AREA SEE DETAIL, SHEET CIV207	34.8/34.3	N/A	31.8	33.9/33.3
C PRIVATE	NDS 18"x18" CATCH BASIN WITH LIGHT-DUTY GRATE FOR YARD AREA SEE DETAIL, SHEET CIV207	34.0	N/A	31.4	32.4
D PRIVATE	NDS 18"x18" CATCH BASIN WITH LIGHT-DUTY GRATE FOR YARD AREA SEE DETAIL, SHEET CIV207	33.0	N/A	31.9	31.9
E PRIVATE	CSSI GROUP, INC. 36"x36" STORM SEWER SUMP INLET WITH LIGHT-DUTY, NON-TRAFFIC BEARING LID FOR YARD AREA SEE DETAIL, SHEET CIV204	43.5	40.7	40.7	37.7
F PRIVATE	ACO K300 TRENCH DRAIN WITH HEAVY-DUTY, TRAFFIC BEARING GRATE FOR DRIVEWAY AREA SEE DETAIL, SHEET CIV207	43.0	N/A	41.4	41.4
G PRIVATE	ACO K100 TRENCH DRAIN WITH HEAVY-DUTY, TRAFFIC BEARING GRATE FOR DRIVEWAY AREA SEE DETAIL, SHEET CIV207	42.1	N/A	39.6	41.2/41.1
H PRIVATE	NDS 24"x24" CATCH BASIN WITH LIGHT-DUTY GRATE FOR YARD AREA SEE DETAIL, SHEET CIV207	52.3	N/A	49.6	50.8
J PRIVATE	CSSI GROUP, INC. 36"x36" STORM SEWER SUMP INLET WITH LIGHT-DUTY, NON-TRAFFIC BEARING LID FOR YARD AREA SEE DETAIL, SHEET CIV205	34.4	32.9	32.9	29.9

PERVIOUS AREA AND LOT OCCUPANCY CALCULATIONS FOR COMPLIANCE WITH 11 DCMR (R-3 ZONE)



STATEMENT BY PERSON RESPONSIBLE FOR MAINTENANCE

THE UNDERSIGNED AGREES TO MAINTAIN AND OPERATE THE STORMWATER BEST MANAGEMENT PRACTICES (BMPs), STORMWATER INFRASTRUCTURE, AND LAND COVERS IN SUCH A MANNER AS TO COMPLY WITH THE PROVISIONS OF CHAPTER 5 OF TITLE 21 OF THE DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS (DCMR).

RESPONSIBILITY FOR MAINTENANCE AND OPERATION MAY BE TRANSFERRED TO ANOTHER ENTITY UPON WRITTEN NOTICE TO THE WATERSHED PROTECTION DIVISION OF THE DISTRICT DEPARTMENT OF THE ENVIRONMENT FROM THE UNDERSIGNED AND THE ENTITY ASSUMING RESPONSIBILITY. THIS NOTICE MUST CERTIFY THAT THE TRANSFER OF RESPONSIBILITY FOR MAINTENANCE AND OPERATION IS IN COMPLIANCE WITH 21 DCMR CHAPTER 5.

SIGNATURE OF THE PERSON RESPONSIBLE FOR MAINTENANCE _____

NAME AND TITLE _____
FOR: SOAPSTONE VALLEY VENTURES, LLC
10740 BALTIMORE AVENUE
BELTSVILLE, MARYLAND 20705
ADDRESS _____

DATE _____ PHONE NUMBER _____

STATEMENT BY THE PROFESSIONAL ENGINEER IN THE DISTRICT OF COLUMBIA

THIS IS TO CERTIFY THAT THE ENGINEERING FEATURES OF ALL STORMWATER BEST MANAGEMENT PRACTICES (BMPs), STORMWATER INFRASTRUCTURE, AND LAND COVERS (COLLECTIVELY THE "FACILITY") HAVE BEEN DESIGNED/EXAMINED BY ME AND FOUND TO BE IN CONFORMITY WITH MODERN ENGINEERING PRINCIPLES APPLICABLE TO THE TREATMENT AND DISPOSAL OF STORMWATER POLLUTANTS. I FURTHER CERTIFY THAT THE FACILITY HAS BEEN DESIGNED IN ACCORDANCE WITH THE SPECIFICATION REQUIRED UNDER CHAPTER 5 OF TITLE 21 OF THE DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS. IT IS ALSO STATED THAT THE UNDERSIGNED HAS FURNISHED THE APPLICANT WITH A SET OF INSTRUCTIONS FOR THE MAINTENANCE AND OPERATION OF THE SITE'S FACILITY.

SIGNATURE OF THE PROFESSIONAL ENGINEER _____

DAVID C. LANDSMAN, PE PER00954
NAME D.C. REG. NO.

CAS ENGINEERING-DC, LLC
1001 CONNECTICUT AVENUE, NW, SUITE 401
WASHINGTON, DC 20036
ADDRESS _____

(202) 393-7200 PHONE
(301) 607-8045 FAX
DATE PHONE NUMBER

AS BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

WITHIN 21 (TWENTY-ONE) DAYS AFTER COMPLETION OF CONSTRUCTION OF THE STORMWATER DISCHARGE FACILITY, PLEASE SEND THIS PAGE TO THE WATERSHED PROTECTION DIVISION OF THE DISTRICT DEPARTMENT OF THE ENVIRONMENT.

- STORMWATER DISCHARGE FACILITY INFORMATION:
SOURCE NAME: _____
SOURCE LOCATION: _____
CITY: _____
DCRA PERMIT NO.: _____
DATE ISSUED: _____
- AS BUILT CERTIFICATION:
I HEREBY CERTIFY THAT ALL STORMWATER BEST MANAGEMENT PRACTICES (BMPs), STORMWATER INFRASTRUCTURE, AND LAND COVERS HAVE BEEN BUILT SUBSTANTIALLY IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS AND THAT ANY DEVIATIONS NOTED BELOW WILL NOT PREVENT THE SYSTEM FROM FUNCTIONING IN COMPLIANCE WITH THE REQUIREMENTS CHAPTER 5 OF TITLE 21 OF THE DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS WHEN PROPERLY MAINTAINED AND OPERATED. THESE DETERMINATIONS HAVE BEEN BASED UPON ON-SITE OBSERVATION OF CONSTRUCTION, SCHEDULED AND CONDUCTED BY ME OR BY A PROJECT REPRESENTATIVE UNDER MY DIRECT SUPERVISION. I HAVE ENCLOSED ONE SET OF AS-BUILT ENGINEERING DRAWINGS.

SIGNATURE OF ENGINEER _____ NAME _____ D.C. REG. NO. _____

COMPANY NAME _____

COMPANY ADDRESS _____

DATE _____ PHONE NUMBER _____

SUBSTANTIAL DEVIATIONS FROM THE APPROVED PLANS AND SPECIFICATIONS (ATTACH ADDITIONAL SHEETS IF REQUIRED).



CLIENT
SOAPSTONE VALLEY VENTURES, LLC
ATTN: ROBERT GOTTFRIED
(301) 937-1400 PHONE
paulen1400@aol.com

ARCHITECT
CHRISTIAN ZAPATKA ARCHITECT
ATTN: CHRISTIAN ZAPATKA
1666 38RD STREET, NW
WASHINGTON, DC 20007
(202) 333-2718 PHONE
(202) 333-5372 FAX
christian@christianzapatka.com

PROP. LOTS A, B, & C
(N/F LOT 0022)
AND LOT 23
SQUARE 2041
FOREST HILLS

3101
ALBEMARLE
STREET, NW

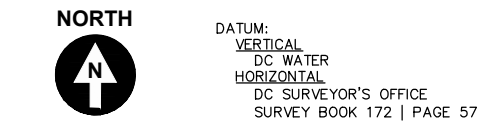
N.W. WASHINGTON,
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BASE SHEET ISSUED 02.08.2017

REVISION DATE

CAS PROJECT 10-296D
DATE 04/2018
DRAWN BY MSL
CHECKED BY DCL
APPROVAL DCL
SCALE AS SHOWN

SCALE: 1"=10 FEET



SHEET TITLE
BUILDING PERMIT SITE AND STORMWATER MANAGEMENT DETAILS

CIV202

Exhibit C

District of Columbia Office of Planning



May 10, 2017

Advisory Neighborhood Commission 3F
4401-A Connecticut Avenue NW, Box 244
Washington, DC 20008-2322

Re: Historic Landmark Application #16-16
Ambassador Romuald Spasowski House
3101 Albemarle Street NW
Square 2041, part of Lot 839
Affected Advisory Neighborhood Commission: 3F

Dear Commissioners:

Enclosed is a copy of the District of Columbia Historic Preservation Review Board's decision to designate the property referenced above as a historic landmark in the D.C. Inventory of Historic Sites. Under the Board's Rules of Procedure, this decision becomes final when copies are mailed to the parties in the case. The property is now protected by the D.C. Historic Landmark and Historic District Protection Act of 1978.

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia. The Review Board appreciates the role of Advisory Neighborhood Commission conveying the opinions of the community on this matter.

For additional information please call the Historic Preservation Office at (202) 442-8800.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Dennee', written over a white background.

Tim Dennee
Landmarks Coordinator



DESIGNATION
Of the District of Columbia

HISTORIC PRESERVATION REVIEW BOARD
In Historic Landmark Case No. 16-16

Ambassador Romuald Spasowski House
3101 Albemarle Street NW
Square 2041, part of Lot 839

The Historic Preservation Review Board, having held a public hearing on April 27, 2017 on an application for historic designation of the Romuald Spasowski House, 3101 Albemarle Street NW, designated the property a historic landmark to be entered into the DC Inventory of Historic Sites, with a period of significance extending from 1979 to 1981, the dates of occupancy by Polish Ambassador Romuald Spasowski until his dramatic defection. The Board also recommended forwarding the nomination to the National Register of Historic Places.

Historic and Architectural Background

The dwelling at 3101 Albemarle Street NW is a stately two-story, central-passage-plan, Colonial Revival-style, stone house constructed in 1926 in the emerging suburban neighborhood of Forest Hills. Constructed for owners Howard and Katie Fulmer as a single-family dwelling, it sits high upon a hill on the north side of Albemarle Street, one block east of Connecticut Avenue and facing the trail entrance to the Soapstone Valley. In 1979, the house was purchased by the Polish government at the encouragement of then-ambassador Romuald Spasowski, a lifelong diplomat and member of the Communist Party of Poland, who was fulfilling his second tour of duty as ambassador to the United States.

When Spasowski arrived in Washington in 1978 for this second tour, his family occupied the “cramped suburban apartment” provided by the Polish government for previous ambassadors. Spasowski soon realized that the Polish chancery on 16th Street was essentially a “security espionage unit” where the servants and staff were reporting back to the KGB. Suffocated by Soviet surveillance and by their cramped quarters, the Spasowskis insisted that the Polish government provide an official residence for them. The government purchased the house at 3101 Albemarle Street, and for the next two years, it would serve as home to the Spasowskis, as well a “safe house” for them during the “Polish Crisis,” until the ambassador defected to the United States in 1981. The house was then vacant until 1988, but for the following two decades, it again served as the official Polish ambassador’s residence.

Once an ardent communist, Spasowski’s loyalty to the party had begun to waver even before his return to the United States, a sentiment that would become more entrenched with the rise of the Solidarity Movement, which Spasowski saw as symbolizing the best aspirations of the Polish people. As his loyalties continued to shift and Spasowski became concerned about his privacy and safety at the Polish Embassy building, the ambassador increasingly sought refuge at his

Albemarle Street residence. There Spasowski kept a safe for official and personal documents and met secretly with diplomats of western European countries to discuss the state of the Solidarity Movement and ways to aid the struggling Polish people.

In December 1981, as the Polish Crisis reached a head and President General Jaruzelski declared martial law in Poland, Romuald Spasowski defected to the United States, becoming the highest ranking diplomat to do so during the Cold War. The actual defection occurred on December 19, 1981, when Spasowski phoned the State Department from the home to request political asylum. Over the next several hours, the ambassador and his wife packed their belongings with District police and FBI agents standing guard around the residence, and then escorting them to a safe house. Three days later, President Ronald Reagan personally and officially granted the Spasowskis asylum, "welcoming them to America as genuine Polish patriots." Romuald Spasowski died in 1995. Since his death two films have been produced based on the story of the defection.

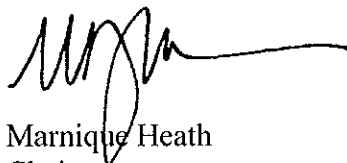
Evaluation

The Ambassador Romuald Spasowski House at 3101 Albemarle Street meets D.C. Designation Criterion A (events), as it was the site of events that contributed significantly to the heritage, culture and development of the District. In particular, the property was the scene of one of the most significant and dramatic diplomatic events in the history of the Cold War, when Polish Ambassador Romuald Spasowski defected to the United States from the home. Until that time, it house had been Spasowski's refuge from prying eyes.

The property also meets D.C. Criterion C (individuals) for its association with the lives of persons significant to the District of Columbia, namely that of Romuald Spasowski, a distinguished diplomat and member of the Polish Communist Party who applied for political asylum while in Washington, D.C. during his term as ambassador to the United States. Spasowski, whose defection provided the Reagan administration with a Cold War public relations victory, then worked with the Reagan and Bush administrations toward better conditions for the Polish people and improved political relations between the United States and Poland. In 1987, six years after his defection, Spasowski was present with President Reagan at the ceremony marking the end of U.S. sanctions against Poland.

The period of significance of the property is 1979 to 1981; the duration of the Spasowskis occupancy of the house.

For the reasons cited above, the property also meets National Register Criteria A and B, with politics and government as the areas of significance. The property also meets National Register Criterion Consideration G for exceptional significance, for its association with Romuald Spasowski and his defection, a person and an event of national and international import.



Marnique Heath
Chairman

Exhibit D

The undersigned certify that they are owners in fee simple of the property to be subdivided and are in peaceful occupation thereof; that there are no pending suits or actions that affect title to the property; that parties to any deeds of trust have herein indicated their assent; and that there are no interests or claims affecting title to the property other than such deeds of trust. The undersigned hereby subdivides Lots 839 and 840, Square 2041 into two Lots and Square 2041 and requests that this subdivision be recorded in the Office of the Surveyor of the District of Columbia.

WITNESSES

OWNERS

SOAPSTONE VALLEY VENTURES, LLC

Cynthia Long
WITNESS SIGNATURE

Robert A. Gottfried
ROBERT A. GOTTFRIED, PRESIDENT

Michael E. Blum
WITNESS SIGNATURE

Subscribed and sworn before me this 29th day of AUGUST 2017

Henry M. Farnat
Notary Public My Commission Expires 5-26-2018



NUMBER OF TRUSTS: 1

ASSENT BY TRUSTEES:

Ben [Signature]

SURVEYOR'S OFFICE, D.C.

Made for: DAVID C. LANDSMAN
Drawn by: L.E.S. Checked by: ZS/MS
Record and computations by: B. MYERS
Recorded at: 9:05 AM on SEPTEMBER 13, 2017
Recorded in Book 213 Page 23 SR-17-07043
Scale: 1 inch = 30 feet File No. 17-27776

OFFICE OF TAX AND REVENUE

9/6/ 2017

I certify that the following statements relating to this subdivision are correct.

- 1 Ownership agrees with our records: 9/6/2017 NO
- 2 Real estate taxes are paid to: 9/30/2017 NO
- 3 There are no unpaid assessments: 9/6/2017 NO

For [Signature]
Chief Assessor, Assessment Division

I acknowledge for the owners that this is not a tax certificate as intended by D.C. Code Section 47-402.

[Signature] Agent

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

9/11/ 2017

I certify that this subdivision complies with all applicable provisions of DCMR11, Zoning Regulation of the District of Columbia.

Zoning District: R-8
[Signature]
Zoning Administrator

DEPARTMENT OF THE ENERGY & ENVIRONMENT (DOEE)

Sept. 7th 2017

I certify that this subdivision complies with all applicable provisions of DCMR20, Chapter 31 - Flood Hazard Rules, of the District of Columbia.

Flood Zone & Flood Elevation: X / N/A
[Signature]
DOEE Official

9-7- 2017

[Signature]
HISTORIC PRESERVATION

OFFICE OF THE SURVEYOR

SEPTEMBER 13 2017

I certify that this plan is correct and is hereby recorded.

[Signature]
Surveyor, D.C.

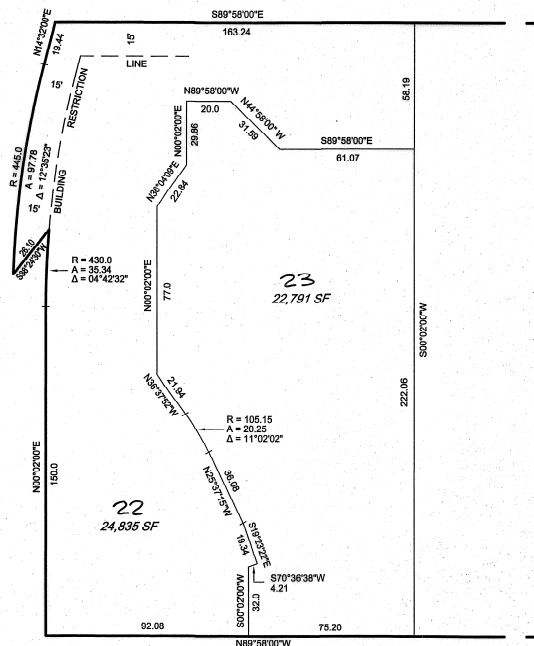
SUBDIVISION
SQUARE 2041

APPLETON STREET, N.W.

32nd STREET, N.W.

32nd STREET, N.W.

ALBEMARLE STREET, N.W.



839, 840

Exhibit E

LEAH & CYRUS FRELINGHUYSEN
3115 APPLETON STREET, N.W.
WASHINGTON, D.C. 20008

February 5, 2018

BY EMAIL

Mr. Joel Lawson
Associate Director, Development Review
District of Columbia Office of Planning
1100 4th Street NW, Suite 650
Washington, DC 20024
Joel.Lawson@dc.gov

RE: Z.C. Case No. 17-22 – Soapstone Valley Ventures LLC’s Application to the D.C. Zoning Commission for Review and Approval of a Consolidated Planned Unit Development and Amendment to the Zoning Map (Nov. 20, 2017)

Dear Mr. Lawson,

We write regarding the Planned Unit Development (PUD) Application submitted by Soapstone Valley Ventures LLC with respect to the property known as Square 2041, Lots 22 and 23, which includes the historic landmark at 3101 Albemarle Street N.W. (the Property). We reside within 200 feet of the Property, and we intend to apply for party status in this case.

We understand that the Office of Planning (OP) is responsible for reviewing the PUD Application and preparing a “Setdown Report” for the Zoning Commission that includes whether a PUD application is: “(a) Not inconsistent with the Comprehensive Plan; (b) Consistent with the purpose of the PUD process; and (c) Generally ready for a public hearing to be scheduled.” 11-X DCMR § 308.1. As explained more fully below, this PUD is neither consistent with the purpose of the PUD process, nor is it consistent with the Comprehensive Plan. One need only review a map of the surrounding area to recognize just how out of character this project is with the neighborhood. There are *no row houses* in the R-8 zone, and it should remain that way. Nor are six houses ever crammed into a lot that would support two detached houses. We have conveyed to the Applicant our concerns about this development, which the Applicant drew up before obtaining any input from neighbors or the ANC. But our concerns have fallen on deaf ears.

I. The PUD Conflicts with the Goals of the Current Zoning Regulations

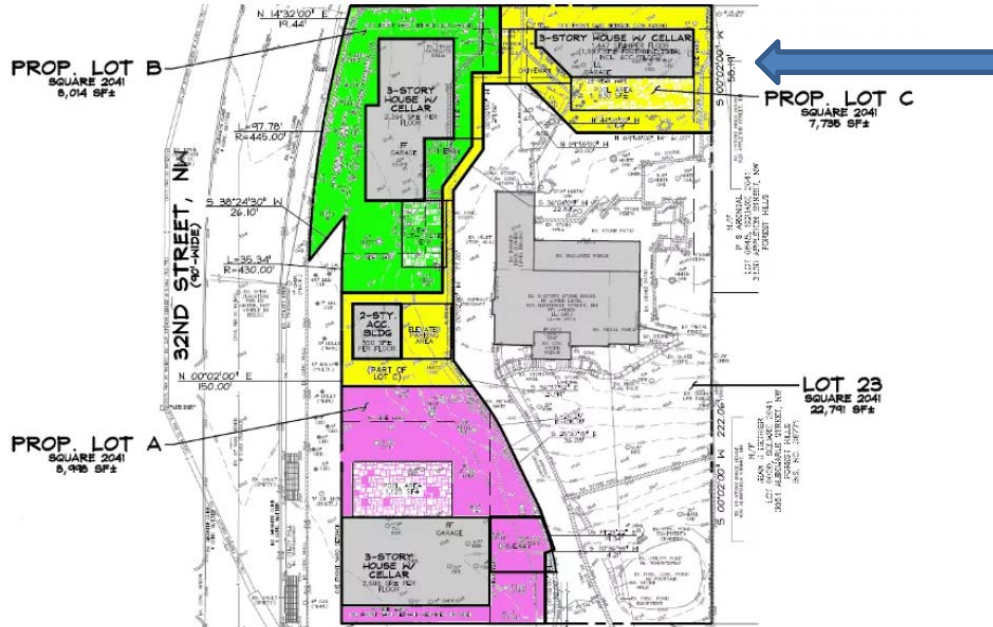
Attached please find a copy of an email we provided to the Commissioners of the Advisory Neighborhood Commission 3F in December of last year, explaining various reasons for our opposition to this project. *See Attach. 1*. As indicated in the email, the plan for the Property goes entirely against the zoning regulations that apply to the R-8 zone. And the relevant regulations regarding PUD applications indicate that “the PUD process shall not be used

to circumvent the intent and purposes of the Zoning Regulations, or to result in action that is inconsistent with the Comprehensive Plan.” 11-X DCMR § 300.2.

II. The PUD is Not Consistent with the Purpose of the PUD Process

With respect to whether this particular PUD is consistent with the purpose of the PUD process, we do not think it is. For example, it is arguable whether the PUD Process should even be invoked in these circumstances, given the size of the Property. Moreover, we understand that “[t]he purpose of the planned unit development (PUD) process is to provide for *higher quality development* through flexibility in building controls, including building height and density, provided that a PUD: (a) Results in *a project superior to what would result from the matter-of-right standards*; (b) Offers a commendable number or quality of meaningful public benefits; and (c) Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.” 11-X DCMR § 308.1 (emphases added).

As an initial matter, to determine whether this PUD Application would result in “higher quality development” or “a project superior to what would result from the matter-of-right standards,” *there must be an understanding of what development would be permitted on the Property as a matter-of-right*. Otherwise, it is presumably impossible to evaluate whether the proposed project is “superior.” During discussions with neighbors and the ANC, the Applicant provided a rendering of what supposedly could be built as a matter-of-right: three detached houses on three separate lots, one lot which appears to be the result of creative gerrymandering.¹



We disagree that the above rendering actually reflects what could be built as a matter-of-right. For example, the property highlighted in yellow shows a house built with a “10.6’ FRONT

¹ See <http://www.foresthillsconnection.com/news/updated-3101-albemarle-townhome-developers-seek-zoning-relief-and-reveal-plans-if-thats-denied/>

YARD SETBACK.” However, R-8 zoning regulations require a front yard setback “within the range of existing front setbacks of all residential buildings within the R-8 through R-10 zones, *on the same side of the street in the block where the building is proposed.*” 11-D DCMR § 505.1 (emphasis added). The only other house on the south side of Appleton Street is marked by a blue arrow above and has a much larger setback, as explained in our neighbors Rita and Poul Arendal’s email dated January 25, 2018. *See* Case No. 17-22, Ex. Nos. 11 and 11A. In order to evaluate this project, therefore, at least some additional information is needed to determine what exactly could be built as a matter-of-right, especially given certain unique elements associated with the Property, such as the existing historic building and all of the land surrounding it, which the Applicant acknowledges includes steep slopes and numerous heritage trees. *See* Applicant St. at 7 (“The unique features of the Property, includ[e] variation in topography, and the existence of heritage trees...”).

On a related point, the PUD includes what is titled “ANNOTATED TABULATIONS OF ZONING DATA AND PUBLIC BENEFITS.” Case No. 17-22, Ex. No. 2A. The first of the tables purports to show the requirements for the “Proposed Zoning” (R-3) next to what is proposed by the “Project Design.” Yet if the PUD process is designed to determine whether what is proposed is superior to what may be done as a matter-of-right, then the table should show how what is proposed compares to *existing* zoning regulations (R-8), not *proposed* zoning regulations (R-3). Indeed, some of what the Applicant is proposing requires relief from the *proposed* zoning regulations. *See* Applicant St. at 7 (“Additionally, the Applicant requests flexibility from the theoretical lot development standards of Section 305.3 of Subtitle C of the Zoning Regulations.”). Specifically, the Applicant requests relief for the “lot width and area, side yard, and front setback requirements” for an R-3 district, which are already much less stringent than R-8 requirements. *Id.* at 8. The need for this relief strongly suggests that the PUD, whether intentionally or not, will result in circumvention of the intent and purposes of the zoning regulations.

There appear to be at least a few other potentially problematic aspects of the PUD. The Applicant states that the PUD will cover both Lots 22 and 23, but the eastern lot (Lot 23) with the historic landmark is already protected. *See* D.C. Office of Planning Letter to ANC 3F (May 10, 2017) (“The property is now protected by the D.C. Historic Landmark and Historic District Protection Act of 1978.”). Thus, the only “development” that will actually occur will be on the western lot (Lot 22), as shown in the Application. *See, e.g.,* Case No. 17-22, Ex. No. 2I1. In other words, the Applicant appears to have unnecessarily but deliberately included Lot 23 in this PUD.

The exclusion of Lot 23 would have a significant impact on various aspects of the PUD Application. For example, the Applicant already acknowledges that this PUD fails to meet the minimum land area for a PUD under 11-X DCMR § 301.1, which is two acres.² *See* Applicant St. at 7. Even when Lot 23 is *included*, the entire area of the PUD is a meagre 1.09 acres, well short of the two acre minimum. *See* Case No. 22-17, Ex. 2I1 (Architectural Plans – Part 1). However, without Lot 23, the remaining land area plummets to just 24,835 SF, which is barely

² Two acres is 87,120 SF. *See* <https://en.wikipedia.org/wiki/Acre> (showing an acre is 43,560 SF).

over half an acre.³ Given the Applicant's gross failure to meet the minimum PUD land area, the Applicant's request for waiver cannot survive.⁴

The Applicant's other zoning calculations are similarly skewed if Lot 23 is excluded, as it should be. For example, the Applicant has calculated the lot occupancy based on the square footage of both Lot 22 and Lot 23, the latter which consists entirely of the historic landmark building and the land surrounding it. But if the relevant zoning requirement calculations are based on the features of Lot 22 alone, the project's lot occupancy is actually 33% (8,305 SF / 24,835 SF) rather than 25% (11,687 SF / 47,626 SF), as indicated in the Application. *See* Applicant St. at 3; Ex. No. 211. This means the proposed development exceeds the lot occupancy standard for the existing zone (R-8), which is 30%.⁵

In sum, use of the PUD process in these circumstances would circumvent the zoning regulations for the Forest Hills neighborhood, which exist to “[p]reserve and enhance the park-like setting” of Forest Hills and “[l]imit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings or construction and the existing neighborhood.” 11-D DCMR § 500.1. Although the Applicant really seeks to develop only a single lot, an adjoining lot with a building that has been designated an historic landmark has been included as part of the PUD, possibly to increase the prospects for succeeding in obtaining approval for this project. This attempt to rely on the PUD process to do an end run around the zoning regulations should not be permitted.

III. The PUD Fails to Provide Any Significant Public Benefits or Amenities

As we discussed in our email to the ANC, the public benefits offered by the PUD are neither quantitatively nor qualitatively significant. “Public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title.” 11-X DCMR § 305.2. Benefits *must* meet the following criteria: (a) “be tangible and quantifiable items”; (b) “be measurable and able to be completed or arranged prior to issuance of a certificate of occupancy; (c) “primarily benefit a particular neighborhood or area of the city”; and (d) not constitute monetary contributions except in certain circumstances. *See* 11-X DCMR § 305.3. And “[a] project amenity is one (1) type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience, or comfort of the project for occupants and immediate neighbors.”

³ According to the Applicant's Conceptual By-Right Site Development Plan, Lot 22 could be divided into three lots: (1) Plot A (8,998 SF), Plot B (8,014 SF), and Lot C (7,735 SF), which totals 24,747 SF. *See* <http://www.foresthillsconnection.com/news/updated-3101-albemarle-townhome-developers-seek-zoning-relief-and-reveal-plans-if-thats-denied/>. However, the Applicant's Application to Amend the Zoning Map indicates Lot 22 is 24,835 SF. *See* Case No. 17-22, Ex. No. 2B (indicating Lot 22 is 24,835 SF and Lot 23 is 22,791 SF).

⁴ We strongly disagree that the Applicant has met the standard for waiver, which requires a showing that “the development is of *exceptional merit*” and “is in *the best interests of the District of Columbia* or the country” and “at least eighty percent (80%) of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto.” 11-X DCMR § 301.3. The Applicant's claim as to exceptional merit falls short, as discussed below in the context of the project's lack of consistency with the Comprehensive Plan and lack of any truly valuable benefits or amenities.

⁵ <http://handbook.dcoz.dc.gov/zones/residential/residential-2/r-8/>

11-X DCMR § 305.10. The Zoning Commission “shall deny a PUD application if the proffered benefits do not justify the degree of development incentives requested (including any requested map amendment).” 11-X DCMR § 305.11.

The benefits and amenities offered in this instance fail to meet the necessary criteria. The Applicant claims to offer benefits such as housing, superior urban design and architecture, streetscape plans, etc. *See* Applicant St. at 10-13. We discussed these in our email to the ANC but once again address each of these “benefits” below. We do not believe the Applicant has established that the relative value of these benefits and amenities outweigh the extreme relief requested and the unacceptable impact on the surrounding area, including the historic landmark building.

Housing – The relevant regulations indicate that there is a benefit resulting from housing that “[e]xceeds the amount that would have been required through matter-of-right development under existing zoning[.]” 11-X DCMR § 305.5(f). Yet by this standard, every PUD that proposes more housing than would be permitted as a matter-of-right represents a benefit. And in the context of the Forest Hills neighborhood, more is not more; less is more. Otherwise, taking this idea to its extreme, one might argue that each lot in the neighborhood should be subdivided to provide more housing. The Applicant also claims that the “homes will include design features to support seniors who wish to age in place, including elevators.” Applicant St. at 10. To the extent the Applicant is suggesting that housing associated with the proposed project qualifies as “senior housing,” there is no way to verify whether such features are actually included or whether the housing will actually be made available to seniors.

Superior Urban Design and Architecture – Whether a particular design is “superior” seems difficult, if not impossible, to measure. After all, beauty is in the eye of the beholder. Yet the Applicant claims that the “detailed plans, elevations, and renderings” show that the “proposed Project exhibits many characteristics of exemplary urban design.” Applicant St. at 10. While the plans appear very detailed, these plans are not “tangible or quantifiable” at this stage. According to the Comprehensive Plan, urban design refers to the “design and appearance of physical space [which] can create connections or barriers.” Comp. Plan § 900.1. As discussed more in the following section, creating a virtual “wall” of buildings around an historic landmark creates a barrier at the very entrance—or some might say “gateway”—to the Forest Hills neighborhood. It is hard to understand how such a plan amounts to superior urban design, no matter what the design. We would rather see one or two detached homes that are more congruous with the houses along Appleton and Albemarle Streets.

Streetscape Plans – In terms of streetscape plans, the Applicant touts the “most important” benefit to be the addition of a sidewalk along the eastern side of 32nd Street NW. There is already a sidewalk on the western side of that street, and creating another sidewalk will actually reduce the amount of greenery and open space along that block, diminishing the park-like atmosphere of the neighborhood that begins when one drives along Albemarle and crosses or turns left onto 32nd Street. As for improving the barricade to Soapstone Valley Park, that undertaking seems to be the responsibility of the relevant government agency rather than the Applicant.

Site Planning, and Efficient and Economical Land Utilization – Similar to the “Housing” benefit, the Applicant argues that the Property is “underutilized and fails to capitalize on the amount of land and its prominent location near Connecticut Avenue.” Applicant St. at 11-12. In this case, “utilization” is nothing more than a euphemism for increased—and unwelcome—density. As for capitalizing on the location near Connecticut Avenue, there can be no doubt that this PUD is focused on maximizing profit for the Applicant to the detriment of the broader community. Otherwise, the Applicant might consider a project more in line with the houses along Appleton or Albemarle Streets. And whatever may be gained in efficient use of land will certainly be forever lost in visual appeal, as an historic building becomes blocked from view. We do not view “economical land utilization”—higher-density development—creeping east into Forest Hills as a benefit.

Environmental and Sustainability Benefits – The Applicant claims there will be environmental benefits, including the creation of a park for general public access. Such a park, in our view, would not benefit the neighborhood. Current residents of the neighborhood can already make use of the Forest Hills Park & Playground just a block north. And a public park would be less of an amenity for prospective residents of the houses built on the Property than private backyards. The Applicant also claims that “planting of trees and shrubs” will yield “a significant net gain of plantings.” Applicant St. at 12. There is no way to measure whether this is true. And the benchmark of comparison is what would exist if matter-of-right development were to occur, which likely would be at least as good as the Applicant’s plan.

Historic Preservation – The Applicant’s attempt to include the benefit of “historic preservation” as part of this PUD should be rejected. The historic landmark has already been preserved. The development that Applicant proposes is on land next to the designated building. As explained below, the Applicant’s development plan actually has a negative impact on the historic landmark by closing it off from view and placing unsuitable row houses next to it.

Comprehensive Plan – The Applicant also claims there are unnamed benefits and amenities because the project advances certain goals and policies of the Comprehensive Plan. See Applicant St. at 13. Without some articulation of what these benefits or amenities are, it is impossible to determine whether they meet the relevant criteria.

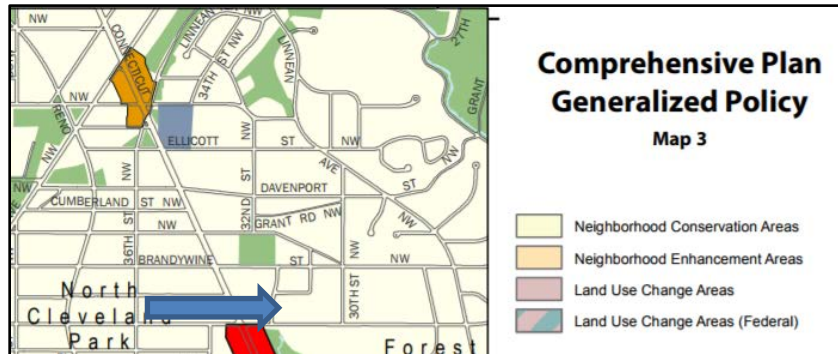
IV. The PUD is Not Consistent with the Comprehensive Plan

Contrary to what is stated in the Application, generally speaking, the proposed project is *not* consistent with the guidance set forth in the Comprehensive Plan. While it may be possible to cherry-pick from the various competing policies set forth in the Comprehensive Plan to reach a different conclusion, as the Applicant argues, we strongly believe that, on balance, the project is actually inconsistent with many of the objectives of Comprehensive Plan, particularly the emphasis on preserving neighborhoods and limiting incompatible development. Once again, one need only take a step back and consider the project as a whole in the context of the city, the Forest Hills neighborhood generally, and the immediately surrounding streets to recognize this project clashes with the established character of the area.

A. Citywide Elements

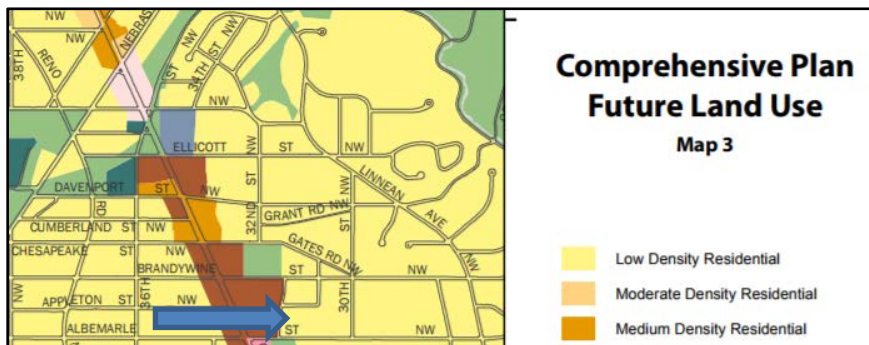
1. Framework Element

Under the Comprehensive Plan, the “Generalized Policy Map and Future Land Use Map are incorporated as part of the document [the Plan] and provide *the foundation for land use decision-making and zoning.*” Comp. Plan § 108.3 (emphasis added). As shown below, the Generalized Policy Map (GPM) indicates that the Property at issue falls within a Neighborhood Conservation Area.⁶



“The *guiding philosophy* in Neighborhood Conservation Areas is to *conserve and enhance* established neighborhoods.” Comp. Plan § 223.5 (emphases added). These Neighborhood Conservation Areas, according to the GPM, have “[l]imited development and opportunities” that “are small in scale” and “new development and alterations should be compatible with the existing scale and architectural character of each area.” *Id.*

The Applicant argues that the proposed project is a “quintessential Neighborhood Conservation Area development.” Applicant St. at 15. We strongly disagree. Cramming five row houses and a single detached house into an area that is just more than half an acre located next to an historic landmark neither conserves nor enhances the neighborhood. The proposed row houses are also not compatible with the existing scale of houses in the area, especially the historic landmark in the adjacent lot. In short, the project clearly conflicts with the GPM.



The project also conflicts with the Future Land Use Map (FLUM), as shown above.

⁶ <https://planning.dc.gov/sites/default/files/dc/sites/op/publication/attachments/Policy3.pdf>

The FLUM indicates that the Property falls within a Low Density Residential area. The Low Density Residential “designation is used to define the District’s single family neighborhoods” that include “[s]ingle family detached and semi detached housing units with front, back, and side yards.” Comp. Plan § 225.3. Specifically, the Property falls within the R-8 zone, which is one of the three zones that make up the Forest Hills Tree and Slope Protection Residential House zones, along with zones R-9 and R-10. *See* 11-D DCRM § 500.1. We discussed many of the R-8 zoning requirements in our letter to the ANC. *See* **Attach. 1**.

The Applicant seeks to re-zone the Property to R-3, which falls within the Medium Density Residential category. *See* Comp. Plan § 225.4 (“The R-3, R-4, R-5-A Zone districts are generally consistent with the Moderate Density Residential category”); 11-D DCRM § 300.6-7. This re-zoning is wholly inconsistent with the FLUM. “The R-3 zone is intended to permit attached rowhouses on small lots.” 11-D DCRM § 300.7. Indeed, the R-3 zone is not even contemplated as part of the Forest Hills Tree and Slope Protection Residential House zone, which includes zones R-8, R-9, and R-10. A developer’s attempt to re-zone the Property to R-9 or R-10 would likely be met with resistance, given that the entire area east of Connecticut Avenue NW and north of Albemarle Street NW falls within the R-8 zone, yet the Applicant claims re-zoning the Property to R-3 is consistent with the FLUM. There is no basis for such a claim when the FLUM designates the Property as Low Density Residential rather than Medium Density Residential.

2. Land Use Element⁷

The Applicant contends that the project advances various policies of the Land Use Element, including the goals of infill development and neighborhood beautification. *See* Applicant St. at 15-16. Again, we disagree. Given the large scale of and high density associated with the project, both of which are inconsistent with the surrounding neighborhood, including the adjoining historic landmark, the Applicant’s argument falls flat.

Infill development is only supported to the extent it is “compatible in scale with its surroundings and consistent with environmental protection and public safety objectives.” Comp. Plan § 307.2. Importantly, “infill development must be sensitive to neighborhood context. High quality design standards should be required, the privacy of neighboring structures should be respected, and density and scale should reflect the desired character of the surrounding area.” Comp. Plan § 307.3. Moreover, Policy LU-1.4.1 specifically directs that “development should complement the established character of the area and should not create sharp changes in the physical development pattern.” Comp. Plan. § 307.5.

The established character of the area consists of detached houses on large lots. A collection of row houses would be completely out of place. And there will be a sharp change in the development pattern if there are five row houses and a detached house almost entirely surrounding an historic landmark. In addition, the proposed single family house will likely compromise the privacy of the existing house located at 3120 Appleton Street NW.

⁷ The Comprehensive Plan Policy IM-1.3.4 indicates that “since the Land Use Element integrates the policies of all other District element, it should be given greater weight than the other elements.” Comp. Plan. § 2504.6.

Other policies highlight how this PUD cannot be reconciled with the Comprehensive Plan. For example, Policy LU-1.4.3 instructs that we must “[e]nsure that the *zoning of vacant infill sites* is compatible with the prevailing development pattern in surrounding neighborhoods.” Comp. Plan. § 307.7 (emphasis added). As explained above, the proposed re-zoning of the Property to the R-3 zone is not compatible with the surrounding neighborhood. The Applicant’s claims regarding infill development are therefore misguided.

The Applicant’s arguments regarding beautification are similarly misguided. The Applicant cites an excerpt of Policy LU-2.2.4, which in its entirety reads: “Encourage projects which improve the visual quality of the District’s neighborhoods, including landscaping and tree planting, façade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements.” Comp. Plan § 310.5. The Applicant claims that “landscaping and improvements to the public realm adjacent to the Project . . . will improve the existing conditions at the Property and in the neighborhood.” Applicant St. at 16. This is simply not true.

Forest Hills enjoys a park-like atmosphere due to its many trees and also has a significant quantity of steep slopes and open spaces. The goal of establishing the Forest Hills Tree and Slope Protection Overlay District was to preserve and enhance the atmosphere created by these unique features. *See* 11-D DCRM § 500. The area where the Applicant intends to cram five row houses and a single detached house is currently vacant and in a completely natural state, full of grass, plantings, mature trees, and wildlife. For example we have repeatedly spotted a red-tailed hawk that appears to frequent the Property:



In an ideal world, the Property would remain undeveloped as a yard for the historic landmark. We understand that will not happen. Yet the Applicant cannot honestly claim this project will “beautify” that area. The most that one can hope for is minimal development to preserve the park-like setting of the neighborhood. Any landscaping proposed by the Applicant will be no more than lipstick on a pig.

Various other policies set forth in the Land Use Element highlight how the project is inconsistent with the Comprehensive Plan, including the following:

- Policy LU-2.1.1: Variety of Neighborhood Types. “The positive elements that create the identity and character of each neighborhood should be preserved and enhanced in the future.” Comp. Plan § 309.5. Forest Hills took its name from the positive elements associated with the neighborhood that will be compromised by this development.
- Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods. “Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to ‘create successful neighborhoods’ in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others.” Comp. Plan § 309.8. In the case of this Property, while some development is bound to occur, the goal of “efficient land use” espoused by the Applicant must not override considerations of conservation, especially for a property that stands on the boundary of the neighborhood and has been called the “gateway” to Forest Hills. One must not lose the forest for the trees.
- Policy LU-2.1.5: Conservation of Single Family Neighborhoods. “Protect and conserve the District’s stable, low density neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single family neighborhoods in order to *protect low density character, preserve open space, and maintain neighborhood scale.*” The Applicant’s proposed re-zoning of the Property and development of row houses on what is currently open space directly conflicts with this policy. And the requested re-zoning of the Property is entirely inconsistent with the surrounding neighborhood. If granted, this request would likely set a disastrous precedent for future development in the Forest Hills neighborhood.

3. Other Elements

The Applicant also claims the project is consistent with policies set forth in other parts of the Comprehensive Plan, such as Transportation, Housing, Environmental Protection, etc. We respond briefly to certain of the Applicant’s statements regarding these policies:

Transportation – The Applicant cites Policy T-1.1.4: Transit-Oriented Development in support of the project. This Policy focuses on “investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points.” Comp. Plan § 403.10. The Applicant’s project has nothing to do with investments in such improvements. Similarly, the Applicant cites Policy T-1.2.3: Discouraging Auto-Oriented Uses, which discourages “certain uses, such as ‘drive-through’ businesses or stores with large surface parking lots, along key boulevards and pedestrian streets[.]” Comp. Plan § 404.8. Those uses have no real bearing here. To the extent the Applicant is seeking credit for not including any curb cuts in the proposed plan, whatever development takes place on the vacant western lot (Lot 22) could necessarily make use of the pre-existing driveway that runs the entire length between the lots to

avoid making curb cuts. Finally, the Applicant cites Policy T-2.4.1 and T-2.4.2, related to Pedestrian Network (aka sidewalks) and Pedestrian Safety. *See* Comp. Plan §§ 410.5-410.6. While we certainly would welcome an additional sidewalk on the east side of 32nd Street, there is already one on the west side that most pedestrians use. Moreover, the project will do nothing to alleviate vehicular traffic in the area, which is already extremely congested. There are very rarely vacant parking spots on either side of 32nd Street or along Appleton Street. At best, therefore, this project will have a neutral or negative impact on traffic conditions in the neighborhood, assuming future residents park their cars within the bounds of the Property.

Housing – The Applicant cites policies H-1.1.1: Private Sector Support and H-1.1.3: Balanced Growth in support of the PUD. The former policy, however, specifically states that while new housing is encouraged, that housing must be “consistent with District land use policies and objectives.” Comp. Plan § 503.2. As discussed above, the proposed project is not consistent with land use policies and objectives, and housing that is not appropriate for the neighborhood should not be encouraged. As for the need to promote “balanced growth” that is discussed in the latter policy, the policy suggests that there must be a balanced supply of low-density, medium-density, and high-density housing. In other words, the policy appears to be emphasizing that there should not just be a focus on high-density development. Here, the Applicant is focused on getting the maximum use (and making the maximum profit) out of the Property by seeking to re-zone the Property to medium-density. Yet there is already high demand for low-density housing, which can be met by developing detached homes on the Property in accordance with current R-8 zoning regulations.

Historic Preservation – First, it should be emphasized that the building on Lot 23 has already been preserved through a process that we understand was begun before the Applicant took ownership of the Property. And our understanding is also that it was not directly through the Applicant’s efforts that the building received its historic designation, although the Applicant should be commended for not opposing those efforts.

Second, the Applicant cites HP-2.4.1, HP-2.4.2., and HP-2.4.3 in support of the PUD. HP-2.4.1: Rehabilitation of Historic Structures is not really applicable in this situation because that policy’s focus is the design review process for historic buildings. We certainly agree that there should be an effective design review process for any work that is done on the historic landmark building located on the Property (or next to the Property, depending on whether one views this PUD as actually encompassing Lot 23). But we are unaware of this PUD requesting any design review for the historic landmark. If the Applicant is planning to undertake renovation of the historic landmark as part of this PUD, those plans should be disclosed.

The policy HP-2.4.2: Adaption of Historic Properties for Current Use is also inapplicable, as the historic landmark was previously used for residential purposes and apparently will continue to be used for residential purposes. Finally, we agree that various points set forth in HP-2.4.3: Compatible Development should be heeded: “Preserve the important historic features of the District while permitting *compatible new infill development*. [... and] Ensure that new construction repair, maintenance, and improvements are *in scale with and respect historic context* through sensitive siting and design and the appropriate use of materials

and architectural detail.” Comp. Plan § 1011.8 (emphases added). As discussed above, the construction of row houses is not compatible with the neighborhood and the landmark building.

The Applicant conspicuously fails to address at least one other policy within the Historic Preservation Element that is directly on point. HP-2.5.6: Historic Open Space instructs that there should be an effort to “[r]etain landscaped yards, gardens, estate grounds, and other significant areas of green space associated with historic landmarks whenever possible. If development is permitted, retain sufficient open space to protect the setting of the historic landmark and the integrity of the historic property.” Comp. Plan § 1012.7. Aside from the already-preserved eastern lot (Lot 23), this project will not retain much of the estate grounds or green space associated with the historic landmark. Indeed, placing so many structures around the historic landmark, which blocks it from view, fails to respect the historic context or integrity of the landmark. The estate grounds are an important part of the Property, which has been described as typifying “the large and unique country estates constructed on large plots of land that stood as an exception to the standard patterns of suburban development during the 1920s.”⁸

Environmental Protection – The Applicant also cites a few policies related to the Environmental Protection Element, such as E-1.1.2: Tree Requirements in New Development and E-1.1.3: Landscaping. The land to be developed is currently in a pristine natural state with many trees, including six heritage trees.⁹ The Applicant claims this project will preserve “significant portions of the existing tree canopy, including heritage trees.” Applicant St. at 17. Unfortunately, the Applicant does not provide details regarding how many non-heritage trees, including “special trees” will be retained.¹⁰ But the project appears likely to eliminate most if not all of the trees that are not heritage trees. And depending on efforts that are made during construction, this project may even compromise the heritage trees, especially those closest to buildings.¹¹ As for other relevant policies, the Applicant does not mention E-1.4.1: Conservation of Steep Slopes and E-1.4.2: Management of Uplands Along Stream Valleys. The Property has steep slopes running down from the historic landmark, including one that generally divides Lot 22 and Lot 23. Any development should ensure the slope is stabilized. *See* Comp. Plan § 606.3 (“Strongly discourage development on steep slopes (i.e., greater than 25 percent), such as those found along stream valleys in Upper Northwest and Southeast DC. Planning and building regulations should ensure that any construction on such slopes is sensitively designed and includes slope stabilization measures.”).

The Property is also located directly upland of where the Soapstone Valley stream emerges, such that the land from the Property drains into the stream, which is a reason for concern. *See* Comp. Plan § 606.4 (“Protect stream valley parks by limiting construction,

⁸<https://planning.dc.gov/sites/default/files/dc/sites/op/publication/attachments/3101%20Albemarle%20Nomination.pdf>.

⁹ Two heritage trees appear to be located on Lot 22, while four are on Lot 23. *See* Case No. 22-7, Ex. No. 217 at 7. This indicates “TP” (Tree Protection) for a total of five trees on Lot 22 and five trees on Lot 23.

¹⁰ “The removal of Special Trees requires a Special Tree Removal Permit. Heritage trees in healthy condition cannot be removed.” <https://ddot.dc.gov/page/ddot-special-tree-removal-permit>

¹¹ The Construction Guidelines for Tree Protection published by the D.C. Dep’t of Transportation Urban Forestry Administration highlights the threats that trees face as a result of construction: https://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/guidelines_tree_protection_during_construction.pdf

requiring sensitive design, and retaining vegetation on adjacent upland properties. *Development of land draining to stream valleys shall be managed* as needed to protect flora, fauna, and water quality; *prevent erosion and siltation of streams*; minimize intrusion of views from the parks; and retain a green buffer between the built environment and these natural areas.”) (emphases added). The Applicant’s Environmental Analysis does not seem to address the impact of this project on the Soapstone Valley stream. But given the location of the Property, any development—and less is preferable to more—should be closely monitored to prevent environmental degradation of any kind. *See, e.g.*, Comp. Plan § 616.3 (E-3.4.1: Mitigating Development Impacts) (“Construction practices which result in unstable soil and hillside conditions or which degrade natural resources without mitigation shall be prohibited.”); Comp. Plan § 619.8 (E-4.2.4: Control of Urban Runoff) (“Continue to implement water pollution control and ‘best management practice’ measures aimed at slowing urban runoff and reducing pollution, including the flow of sediment and nutrients into streams, rivers, and wetlands.”); Comp. Plan § 2300.9 (“development on the fringes of the parks [in Rock Creek West] has caused erosion and diminished water quality and views in some places”). The Soapstone Valley trailhead is just south of the Property, and there have been reports of erosion issues along the trail and with respect to Soapstone Valley’s stream banks.¹²

Parks, Recreation, and Open Space – The Applicant cites PROS-3.1.6: Compatibility with Parklands in support of the PUD. PROS-3.1.6 instructs: “Maintain and design public and private development adjacent to the edges of open spaces and parks to be compatible with these parklands and improve park access and safety.” Comp. Plan § 812.14. The Applicant claims that “The Project’s proximity to Rock Creek Park also showcases its importance of providing low-density housing and adaptive reuse of a historic resource that is ‘compatible with [the] parkland.’” Applicant St. at 17. To the extent the Applicant is arguing that the project is “compatible” with the park, that claim is highly debatable. First, to reiterate, the Applicant has proposed to re-zone the Property to the R-3 zone to permit construction of row houses, and as explained above, the R-3 zone falls within the Moderate (aka medium) Density Residential category. *See* Comp. Plan § 225.4. So the Applicant’s statement that the project will provide “low-density housing” is inaccurate. However, we agree that low-density housing would be more compatible with the park than medium-density housing. The more structures that are built on the Property at the expense of natural, open spaces, the less compatible the Property will be with the parkland. One might also argue that the project conflicts with PROS-3.1.4, which provides, in part: “Ensure that development adjacent to stream valley corridor parks does not compromise visual and ecological values and access to natural and forested areas.” Comp. Plan § 812.12.

The Applicant also cites PROS-4.3.3: Common Open Space in New Development, which suggests: “Provide incentives for new and rehabilitated buildings to include ‘green roofs’, rain gardens, landscaped open areas, and other common open space areas that provide visual relief and aesthetic balance.” Comp. Plan § 819.5. The Applicant states that the project will “preserv[e] the trees and natural topography of the Property.” Applicant St. at 18. As discussed above, besides the two heritage trees on Lot 22, only a few other trees appear designated to survive this proposed project. *See* Case No. 17-22, Ex. No. 217. The trees on Lot 23 appear to fare better as there is no development on that lot, unless the health of those trees ends up

¹² <http://www.foresthillsconnection.com/news/the-soapstone-valley-trail-is-endangered/>

compromised by the construction of the detached house in the northeast corner of Lot 22. The Applicant also overlooks PROS-4.3.5: Residential Yards, which indicates: “Recognize the value of residential yards as a component of the city’s open space system and discourage increased coverage of such areas by buildings and impervious surfaces.” Comp. Plan § 819.7. All of the area around the historic landmark was originally a “residential yard,” and a developer who had the best interests of the neighborhood in mind might consider building a single detached home (or possibly two) on Lot 22, preserving the maximum amount of open space. But constructing five row houses and a detached house on that lot flies in the face of this policy.

Urban Development – The Application states that the project furthers the goals of the Urban Design Element. First, Applicant cites UD-1.2.1: Respecting Natural Features in Development. *See* Applicant St. at 18. Regarding the “natural topography” of the site, almost all of the proposed development is the western portion of Lot 22, which is already level. In other words, the natural topography of the land means that no grading would be required anyway. The issue of whether the project “retains the existing trees” has already been covered. The Applicant only proposes to retain a few trees other than those that must be retained by law. Second, the Applicant cites UD-2.2.1: Neighborhood Character and Identity: “Strengthen the defining visual qualities of Washington’s neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context.” Comp. Plan § 910.6. Again, this infill development project fails to fit within the broader neighborhood context. A development like this is unprecedented in Forest Hills.

Several other policies within the Urban Development Element merit mention:

- Policy UD-1.2.4: View Protection: “Recognize and protect major view in the city, particularly characteristic views of city landmarks, and views from important vantage points. Recognize the importance of views to the quality of life in the city and the identity of Washington and its neighborhoods.” Comp. Plan § 904.6.
- Policy UD-1.4.2: City Gateways: “Create more distinctive and memorable gateways at points of entry to the city, ***and points of entry to individual neighborhoods*** and neighborhood centers. Gateways should provide a sense of transition and arrival, and should be designed to make a strong and positive visual impact.” Comp. Plan § 906.8 (emphasis added).
- Policy UD-1.4.3: Avenue/Boulevard Vistas and View Corridors also encourages: “***Protect views and view corridors*** along avenues/boulevards, particularly along streets that terminate at important civic monument or ***that frame distant landmarks***. Vistas along such streets should be accentuated by creating more well-defined street walls, improving landscaping, and requiring the highest architectural quality as development takes place.” Comp. Plan § 906.0 (emphases added).

Various views will be spoiled from many angles by this development project, including views of the historic landmark. Most importantly, the view that emphasizes the park-like setting of Forest Hills as one enters the “gateway” of the neighborhood along Albemarle Street will be completely transformed (for the worse), as follows:



Of course, we and our neighbors are also dismayed by the prospect of looking out of our windows and seeing a hodgepodge of buildings blocking the historic landmark, as shown below on the left, rather than the image on the right.



B. Area Elements

On the whole, the proposed project is also not consistent with the policies set forth in the Rock Creek West (RCW) Area Element portion of the Comprehensive Plan. The project clashes with the prevailing feature of residential land use the RCW Area Element and the Forest Hills neighborhood: single family detached homes. Indeed, the RCW area is dominated by detached homes. “Of the residential acreage, 80 percent is developed with single family detached homes.” Comp. Plan § 2302.2. In the R-8 zone, those single family detached homes are permitted on “large lots” of at least 7,500 SF.¹³ The project will also will diminish the natural environment of

¹³ <http://handbook.dcoz.dc.gov/zones/residential/residential-2/r-8/>. It also bears noting that if the property were located further east of Square 2041, the minimum lot width increases to 9,500 SF. *See id.*

the area, which is otherwise enhanced by the Soapstone Valley Park directly south of it. As stated in the RCW Area Element overview:

The preservation and improvement of the natural environment is also a high priority in Rock Creek West. The community is fortunate to have one of the densest tree canopies in the city, several community gardens, the Capital Crescent Trail, and more park and open space acreage than any other Planning Area in the city. However, ***development on the fringes of the parks has caused erosion and diminished water quality and views in some places***. Tree and slope overlay zones have been created in several locations to address this issue.

Comp. Plan § 2300.9 (emphasis added). Once the empty lot west of the historic landmark (Lot 22) is developed in a manner entirely inconsistent with the R-8 zone, there will be no going back. And such a development will set a terrible precedent for other “vacant” or “underutilized” lots in the area. This could eventually prove disastrous for the neighborhood.

Despite the above, the Applicant cites various policies from the RCW Area Element in support of the PUD Application. First, the Applicant claims the project will “develop underutilized land with residential houses of a similar character to those in the surrounding neighborhood, respecting the scale and density of the area.” Applicant St. at 18 (citing RCW-1.1.1). Simply not true. The proposed buildings are not “residential houses of a similar character to those in the neighborhood.” There are ***no row houses*** in the R-8 portion of the Forest Hills neighborhood east of Connecticut Avenue. As such, they are totally out of character. For similar reasons, and as previously explained, the project also does not respect the scale and density of the area because it seeks to introduce medium-density housing where there is exclusively low-density housing. Moreover, RCW-1.1.1 goes on to state that “Future development in both residential and commercial areas must be carefully managed to address infrastructure constraints and ***protect and enhance the existing scale, function, and character of these neighborhoods***.” Comp. Plan § 2308.2 (emphasis added).

Second, the Applicant argues the project will “promote the Element’s focus on preserving historic estates.” Applicant St. at 18 (citing RCW-1.1.10 and RCW-1.2.5). Yet the historic landmark has already been preserved. And one of very policies cited by the Applicant detracts from the argument that development will further the goal of preservation. Policy RCW 1.1.10: Conservation of Historic Estates states:

Conserve the historic estates in the neighborhoods west of Rock Creek Park, including those that are formally landmarked and those that may be eligible for landmark status. Require that the future use of these sites is compatible with their landmark status and ***protects the integrity of their*** architectural and ***landscape design***. In the event of development does occur, ***it must be sensitive to surrounding natural areas and adjacent low density residential uses***, and not harm historic resource on the site. The use of conservation easements to protect open space on these properties should be considered.

Comp. Plan § 2308.11 (emphases added). Whether the architecture and landscape design of this project complements the historic landmark is debatable, but the project certainly is not low density and has a significant negative impact on natural areas around the historic landmark, at least in Lot 22.

Third, the Applicant references RCW-1.2.5: Historic Resources, which encourages what has already occurred: conservation of the historic landmark on the Property. Meanwhile, the Applicant fails to include Policy RCW-1.2.2: Scenic Resource Protection, which emphasizes “[c]onserv[ing] *the important scenic and visual resources of Rock Creek West, including ...* Neighborhoods developed on hilly terrain on or near stream valley such as Barnaby Woods, *Forest Hills*, Hawthorne, Spring Valley, and Woodland-Normanstone[.]” Comp. Plan § 2309.2. “Any future development adjacent to these areas must be designed to respect and maintain their parklike settings, and conserve their environmental quality.” *Id.* The “parklike setting” of the neighborhood will suffer from this project and would be better preserved by a matter-of-right development that does not include row houses.

One additional policy that merits mention is RCW-1.1.12: Congestion Management Measures. Comp. Plan § 2308.13 (“When planned unit developments are proposed in these areas, require traffic studies which identify the mitigation measures that must occur to maintain acceptable transportation service levels”). As mentioned above, the streets surrounding the Property have congestion issues caused by street parking and a high volume of traffic during rush hour. Parking is difficult to find along 32nd Street or Appleton Street, as shown in these images taken from Google Street View:



The addition of six single family homes will most likely exacerbate the situation, especially if the families have more than one car and only a single on-site parking spot. It therefore may be necessary to obtain a traffic study to determine whether any mitigation measures are needed for this project to proceed.

* * *

To conclude, we moved our family to this neighborhood less than a year ago, attracted by the peaceful, park-like atmosphere and the spacious lots with single detached homes on them. We viewed the historic landmark and its surrounding land as an asset to the neighborhood. And when we learned the Property had been sold, we hoped that whoever purchased the Property would come up with a plan that respected the setting of the historic landmark and develop the western lot in an appropriate manner. Needless to say, therefore, we were shocked to learn of the

Applicant's development plan and dismayed when the Applicant filed the PUD without taking into consideration virtually any of the concerns raised by us and other neighbors. As we have indicated during discussions with the Applicant, we would be supportive of development that complies as much as possible with the existing zoning regulations. But the PUD in its current form is entirely inconsistent with the current zoning regulations, the atmosphere of the neighborhood, and, indeed, the Comprehensive Plan. Accordingly, we urge the Office of Planning to conduct a thorough review of the PUD and trust that you ultimately will reach a similar conclusion.

Please do not hesitate to contact us if you have any questions regarding these comments.

Sincerely,

Leah & Cyrus Frelinghuysen

Leah & Cyrus Frelinghuysen

cc

3F01 – David Dickinson
3F02 – Shirley Adelstein, Treasurer
3F03 – Naomi Rutenberg
3F04 – Deidre Brown
3F05 – Andrea Molod, Secretary
3F06 – Bill Sittig
3F07 – Patrick Jakopchek, Vice Chair
commissioners@anc3f.com

Attachments:

1. Email from L. & C. Frelinghuysen to ANC 3F (Dec. 4, 2017).

From: Frelinghuysen, Cyrus T.
To: "Rutenberg, Naomi (SMD 3F03)"; Lucie Patton; Lenora Cole Alexander; Scott Seay; Brent Lee; Dorothy Fall; Paquita Attaway; Max Hirshfeld; Nina Hirshfeld; Rita Arendal; Poul Arendal; Shilpa Patel; Jean-Jacques Dethier; Andrew Orlin; Jane McDonald; Jim Hostetter; Zona Hostetter; Barbara Gold; Cyrus Ariaban; Joel Swerdlow; Ann McAllister; Deadre R. Henderson; John MacAvoy; Marjorie Share; kathrynharlee@gmail.com; Leah Frelinghuysen; Jane Solomon; Paulen1400@aol.com; Robert Gottfried; "Naomi Rutenberg"
Cc: commissioners@anc3f.com; <berlin@mqberlin.com>; "Theresa Cameron"
Bcc: Frelinghuysen, Cyrus T.
Subject: RE: Community Meeting to Discuss PUD for 3101 Albemarle Street NW
Date: Monday, December 04, 2017 9:13:16 PM
Attachments: image005.jpg
image006.jpg
image007.jpg

Naomi, ANC Commissioners & Neighbors,

Naomi, thank you for providing this additional information.

Reading your email below, however, the two of us were struck by one particular statement that perhaps signals that you or other members of the ANC might be considering supporting this PUD in its current form. This would be extremely disappointing because we understand the ANC is given "great weight" in this process. Specifically, you mention: "As PUDs go, this one is small and asking for very little relief. So on that measure the benefits do not have to be great." We and others who live right near this property strongly disagree that this PUD is "small" or "asking for very little relief." The relief being sought is actually very substantial, as set forth in the PUD. The PUD goes entirely against the letter and intent of the Forest Hills zoning regulations.

As you know, the property at issue falls within the Forest Hills Tree and Slope Protection (FHTSP) R-8 zone, which is "intended to permit **detached houses on large lots**": <http://handbook.dcoz.dc.gov/zones/residential/residential-2/r-8/>

The purposes of the R-8 zone are to:

- (a) **Preserve and enhance the park-like setting** of designated neighborhoods bounded by Connecticut Avenue and Thirty-Second Street on the west, Rock Creek Park on the east, Fort Circle National Park and Nevada Avenue, N.W. on the north, and Melvin C. Hazen Park and adjacent to streams and parks on the south, **by regulating alteration or disturbance of terrain, destruction of trees, and the ground coverage of permitted buildings and other impervious surfaces.** It includes Soapstone Valley Park as well as Melvin C. Hazen Park;
- (b) **Preserve the natural topography and mature trees** to the maximum extent feasible in the Forest Hills neighborhoods;
- (c) **Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas;** and
- (d) **Limit permitted ground coverage of new and expanded buildings and other construction,** so as to encourage a general **compatibility between the siting of new buildings or construction and the existing neighborhood.**

The PUD accomplishes none of the above. On the contrary, the plans for the property appear to conflict with these goals. The plans will significantly diminish the park-like setting that begins when one drives east from Connecticut Avenue along Albemarle Street by increasing housing density while decreasing the number of trees and open spaces. The property stands on the boundary of the R-8 zone and acts an "entrance" to the Forest Hills neighborhood. The property includes the historically-designated house that sits upon the top of a hill on the east side of the property with steep slopes from the house leading down to undeveloped park-like areas where many mature trees, including so-called "heritage trees," as well as a pond, are located. The plans will alter the natural topography, threaten many mature trees, and eliminate open space by cramming multiple row houses into a space where one or two detached houses would comfortably conform with the zoning regulations and be more compatible with the existing neighborhood. There may also be other as-yet unidentified environmental issues that are implicated by the development of the property, given its size and location across from the Soapstone Valley Park trailhead and proximity to Soapstone Creek.

As you know, zone R-8 development standards include the following:

- Maximum building height/stories: 40 ft. / 3 stories
- Minimum lot width / area: 75 ft. / 7500 sq. ft.
- Maximum lot occupancy: 30%
- Front set back: Within the range of existing front setbacks of all structures on the same side of the street
- Rear yard: 25 ft.
- Side yard: 8 ft.
- Minimum pervious surface: 50%

It is also important to note that the PUD Application was originally drafted with minimal input from the neighbors who reside closest to the property and has undergone **virtually no changes** since that first draft. After the plans were unveiled in July, various neighbors met with PG and Bobby Gottfried on multiple occasions to discuss their plans for the property, but the only change we understand was made was to shrink the size of the single family house. More importantly, following those meetings, a consensus had emerged among the neighbors that any development should necessarily comply with the applicable zoning and other relevant regulations, which we understand would only allow two detached single family houses on the western half of the property. While your email below suggests the property could somehow be gerrymandered into three 7,500 sq. ft. lots by right, there are many heritage trees north of the historically-designated house that hopefully would prevent such an outcome, which would only further erode the park-like setting of the neighborhood.

With respect to the benefits of this PUD, as you suggest in your email below, in this case, the benefits are not “great”; indeed, we cannot discern anything positive about this PUD for us or the neighborhood:

- **Housing:** Whether “housing” is a benefit cannot be evaluated without some context. In this case, housing that is completely out of character with the neighborhood and runs afoul of the zoning regulations cannot be considered a “benefit” to the public, especially when “housing” is plentiful in the apartment buildings along Connecticut Avenue. Otherwise, why not divide up Soapstone Valley Park and start developing housing there? There is simply no basis for increased density in the form of row houses in the R-8 zone.
- **Superior Urban Design and Architecture:** Whether the project exhibits “superior urban design and architecture” necessarily entails a subjective analysis. However, the zoning regulations specifically underscore the emphasis for detached homes on large lots and the preservation of a “park-like” setting that is somewhat antithetical to the concept of urban design. And there is no need for public spaces in this specific location, especially given the existence of the Forest Hills Playground a block north and the Soapstone Valley Park to the south.
- **Streetscape Plans:** There is already a sidewalk on Albemarle Street and the western side of 32nd Street, such that there is no real need for a sidewalk on the eastern side of 32nd Street. The other benefits included in the PUD really have nothing to do with the property itself, such “improving the barricade at the park south of the Property.” These are issues for DDOT or the National Park Service to address.
- **Site Planning, and Efficient and Economical Land Utilization:** This benefit appears closely related to the “housing” benefit. Yet again, there is a subjective evaluation being made in the PUD that “more is better.” On the contrary, less would be better for the neighborhood. Even if the property could somehow be carved up to support three detached homes on 7,500 sq. ft., that should not necessarily be the goal. Even a cursory review of an aerial map of the neighborhood shows the zone requirements have been strictly applied, resulting in single family houses on large lots, one facing the street to the north (e.g., Appleton) and one facing the street to the south (Albemarle). Here, in addition to the historically-designated house, two detached single family houses would be more appropriate and would likely fully comply with the zoning regulations.
- **Environmental and Sustainability Benefits:** With respect to environmental benefits, the PUD once again discusses public spaces that are not needed, as explained above. And one need not be an environmental engineer to recognize that the best outcome for the environment would be a development plan with the smallest footprint. Yet instead this project seeks to squeeze six houses into an area that currently
- **Historic Preservation:** The preservation of the historically-designated building on this property has little to do with this PUD, as that designation has already occurred. And while we appreciate that the Gottfrieds did not oppose that designation, their current plan would completely obscure views of the historically-designated building from nearly every angle. And the proposed development will also destroy the distinct nature of the designated property, as set forth in the application for historic designation: “Remaining **distinct from the surrounding Forest Hills neighborhood**, the property typifies **the large and unique country estates constructed on large plots of land** that stood as **an exception** to the standard patterns of suburban development during the 1920s.”
<https://planning.dc.gov/sites/default/files/dc/sites/op/publication/attachments/3101%20Albemarle%20Nomination.pdf>
 We would be interested in learning how the design standards and guidelines of the D.C. Historic Preservation Office might impact this PUD and whether historic preservation review is required for this development.

Comprehensive Plan: The PUD repeatedly states that this development is consistent with the Comprehensive Plan, when the opposite is true. This project is **not** consistent with the Comprehensive Plan or the Future Land Use Map. The PUD appears to analyze this issue as if the property were already part of the R-3 zone. It is not. Row houses may be appropriate in an R-3 zone, but they are not appropriate in the R-8 zone, which is entirely unique to Forest Hills. Unsurprisingly, a review of a map of the R-8 zone shows that there are no row houses east of Connecticut Avenue in the R-8 zone.

It is difficult to capture in writing the devastating impact that this type of excessive development could have on the Forest Hills neighborhood. We bought our home and moved our family to Forest Hills less than a year ago specifically because of the low density atmosphere created by single detached homes on large lots. We moved away from high density row houses. Now we face the prospect of five row houses crammed into a single lot across the street from our house. We suggest that each Commissioner visit (or revisit) the property to better appreciate its layout and features, so that the ANC may properly assess the propriety of this proposed development. There is a naturally tranquil "park-like" atmosphere that exists as you head east from Connecticut Avenue along Albemarle Street that would forever be spoiled if this development were to move forward.

We will also send a similar email to Mr. Lawson and copy you.

Best regards,
Leah & Cyrus Frelinghuysen

Cyrus T. Frelinghuysen

Associate Attorney

Winston & Strawn LLP
1700 K Street, N.W.
Washington, DC 20006-3817

D: +1 202-282-5890

F: +1 202-282-5100

[Bio](#) | [VCard](#) | [Email](#) | [winston.com](#)



From: Rutenberg, Naomi (SMD 3F03) [mailto:3F03@anc.dc.gov]

Sent: Thursday, November 30, 2017 6:51 PM

To: Lucie Patton <Lucie.patton@pamam.net>; Lenora Cole Alexander <mooniedear@live.com>; Scott Seay <jscottseay@yahoo.com>; Brent Lee <somnig@aol.com>; Dorothy Fall <dofall@verizon.net>; Paquita Attaway <paquita.attaway@gmail.com>; Max Hirshfeld <MAX@maxpix.com>; Nina Hirshfeld <nina@maxpix.com>; Rita Arendal <rarendal@gmail.com>; Poul Arendal <Poul.arendal@gmail.com>; Shilpa Patel <spatel3051@gmail.com>; Jean-Jacques Dethier <dethierjj@gmail.com>; Andrew Orlin <andreworlin@starpower.net>; Jane McDonald <Jmcdonal@afcio.org>; Jim Hostetler <jimhostetler@verizon.net>; Zona Hostetler <zonairr@aol.com>; Barbara Gold <barbaragold88@gmail.com>; Cyrus Ariaban <cyrus@cnaengineering.com>; Joel Swerdlow <joel@jswerdlow.com>; Ann McAllister <akmcallister728@yahoo.com>; Deadre R. Henderson <drhend22@gmail.com>; John MacAvoy <Bigmacscd@aol.com>; Marjorie Share <marjorie@mlshare.com>; kathrynharllee@gmail.com; Frelinghuysen, Cyrus T. <CFrelinghuysen@winston.com>; Leah Frelinghuysen <leah.frelinghuysen@gmail.com>; Jane Solomon <jmansour@igc.org>; Paulen1400@aol.com; Robert Gottfried <rgottfried@gmail.com>; 'Naomi Rutenberg' <nrutenberg@gmail.com>

Cc: commissioners@anc3f.com; <berlin@mgberlin.com> <berlin@mgberlin.com>; 'Theresa Cameron' <tcameron@vannessmainstreet.org>

Subject: Re: Community Meeting to Discuss PUD for 3101 Albemarle Street NW

Dear Neighbors,

I wanted to share with you some information from the Office of Planning (OP) regarding the PUD review timing and from the Zoning Administrator at Deputy of Consumer and Regulatory Affairs (DCRA) regarding the site subdivision under the current zoning.

PUD Review: Joel Lawson, who will oversee OP's review of the PUD application will be back in the office on December

11. He will assign the application to one of the staff who will do the initial review which will then be discussed by the office. This review focuses mainly on the completion of the application and its contribution to the city's comprehensive plan. They are interested in neighborhood input on any aspect of the plan, positive or negative. Comments can be sent to Joel Lawson Joel.lawson@dc.gov. I would appreciate if you would cc me. I recommend sending your comments in the the next four weeks or so as OP does their review. I also plan to set up a meeting with Joel after our December 14 meeting to share the views from that discussion.

OP may communicate with the developer during the review process and point out elements in the application that are missing or elements that could be strengthened. Ultimately, OP will make a recommendation to the Zoning Commission (ZC) whether their should be a hearing ("set-down") on the application. My understanding is that they generally make this recommendation unless the application is faulty and the developer is non-responsive.

Next is a preliminary hearing by the Zoning Commission. This meeting is public but they do not accept public (oral) testimony at this meeting. However, written comment can be submitted to the ZC prior to this preliminary hearing. This is an opportunity for the developer and other interested parties to hear the ZC's preliminary thoughts--what they like and what they do not. After the preliminary hearing, the developer may revise their application. It is most likely at this time, when the application is quite final, that the ANC will put forward a resolution for discussion and vote at a meeting. Ultimately, there will be a Public Hearing, which includes presentations by the applicant and testimony from OP and other District agencies, the ANC, community groups, and individuals who wish to testify

The timing of all of the above depends on a) how quickly or not the city agencies move and b) whether or not the developer revises the application in response to agency feedback and how quickly that happens. I will keep you abreast of the schedule as it becomes known.

Many of you have asked questions about whether the community benefits proffered in the PUD application are sufficient. There are a couple of answers to the question for OP and ZC. One is do the benefits balance the zoning relief being requested. This is an art, not a science. As PUDs go, this one is small and asking for very little relief. So on that measure the benefits do not have to be great. However, OP and ZC are also interested in the community view of the benefits. I would really appreciate hearing from you regarding the benefits being offered. And this is still a work in progress. If you have ideas about benefits that might be attached to this project, please bring them up and we can talk with Soapstone Valley Ventures (and the city as appropriate, e.g., DDOT regarding the Soapstone Stream overlook).

Site Subdivision: As requested at the October ANC, meeting, I asked for guidance on the viability of the proposed division of the non-historically preserved plot into three lots. I sent the plan to Matt LeGrant, Zoning Administrator, Dept of Consumer and Regulatory Affairs (DCRA) to review and asked his view of the viability of this subdivision. Here is his response:

Although I am not familiar with this pending Zoning Commission PUD case, I looked over the materials that you provided to me. I need to preface my comments that I have not done a full analysis of the Alternate development proposal for the "Conceptual By-Right Site Development Plan" as shown in the attachment dated 10-17-17; however, my brief assessment found that the [proposed lot configuration](#) for three lots, for a single family house apiece, in the subject R-8 [Forest Hills Tree and Slope] zone, all three proposed lots do meet the minimum zoning regulation requirements for lot dimensions, including the minimum lot size of 7,500 sqft; the minimum street frontage length of 56.25 feet; and the minimum lot width of 75 feet (as measured 30 feet from the street frontages in accordance with Section C-304.1).

The process for doing the subdivision is that that site plan is submitted to the Zoning Administrator who examines whether it conforms with the zoning code and, if it does, certifies the plan. Even though the site adjoins a property with historic preservation, the Historic Preservation Office is not involved.

Glad to answer questions if I can or get the information for you!

Regards, Naomi

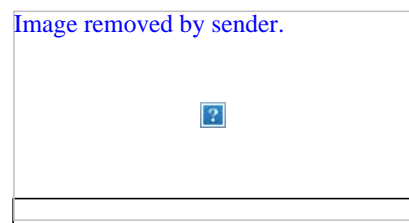
Naomi Rutenberg
ANC Commissioner, 3F03
3F03@anc.dc.gov

From: Rutenberg, Naomi (SMD 3F03) <3F03@anc.dc.gov>
Sent: Wednesday, November 29, 2017 9:43 AM
To: Lucie Patton; Lenora Cole Alexander; Scott Seay; Brent Lee; Dorothy Fall; Paquita Attaway; Max Hirshfeld; Nina Hirshfeld; Rita Arendal; Poul Arendal; Shilpa Patel; Jean-Jacques Dethier; Andrew Orlin; Jane McDonald; Jim Hostetler; Zona Hostetler; Barbara Gold; Cyrus Ariaban; Joel Swerdlow; Ann McAllister; Deadre R. Henderson; John MacAvoy; Marjorie Share; kathrynharlee@gmail.com; Frelinghuysen, Cyrus T.; Leah Frelinghuysen; Jane Solomon; Paulen1400@aol.com; Robert Gottfried; 'Naomi Rutenberg'
Cc: commissioners@anc3f.com; 'Theresa Cameron'; <berlin@mgberlin.com>
Subject: Re: Community Meeting to Discuss PUD for 3101 Albemarle Street NW

Dear Neighbors,

You can find the plans for 3101 here:

https://drive.google.com/file/d/1CobApi5l0a_q23gl9Bt_QeYkGf16fHPK/view?usp=drive_web



[Soapstone - 3101 Albemarle - Plans.pdf](#)

drive.google.com

Another way to access all of the the materials submitted is through the DC Office of Zoning website:

https://app.dcoz.dc.gov/Content/Search/ViewCaseReport.aspx?case_id=17-22

[DCOZ Case Report](#)

app.dcoz.dc.gov

Simple easy-to-use jQuery plugin for custom tooltips

The case number is 17-22.

If you are interested in requesting party status to the review of the application, the information for requesting that status is here:

<https://dcoz.dc.gov/page/party-status-request>



[Party Status Request | dcoz](#)

dcoz.dc.gov

Home > Participating in an Existing Case > Party Status Request.
Instructions for Form 140 - Party Status Request. Person vs. Party in a Proceeding:

Regards, Naomi

Naomi Rutenberg
ANC Commissioner, 3F03
3F03@anc.dc.gov

From: Rutenberg, Naomi (SMD 3F03)

Sent: Tuesday, November 28, 2017 5:46:49 PM

To: Lucie Patton; Lenora Cole Alexander; Scott Seay; Brent Lee; Dorothy Fall; Paquita Attaway; Max Hirshfeld; Nina Hirshfeld; Rita Arendal; Poul Arendal; Shilpa Patel; Jean-Jacques Dethier; Andrew Orlin; Jane McDonald; Jim Hostetler; Zona Hostetler; Barbara Gold; Cyrus Ariaban; Joel Swerdlow; Ann McAllister; Deadre R. Henderson; John MacAvoy; Marjorie Share; kathrynharlee@gmail.com; Frelinghuysen, Cyrus T.; Leah Frelinghuysen; Jane Solomon; Paulen1400@aol.com; Robert Gottfried; 'Naomi Rutenberg'

Cc: commissioners@anc3f.com; 'Theresa Cameron'; <berlin@mgberlin.com>

Subject: Community Meeting to Discuss PUD for 3101 Albemarle Street NW

Dear Neighbors,

Soapstone Valley Ventures has filed their Planned Unit Development (PUD) application with the Zoning Commission. A copy is attached. I am writing to invite you to a community meeting with ANC 3F to discuss the application. Please circulate this invitation to others who might be interested. The meeting was also announced at the November 21 ANC meeting.

I would appreciate if you would let me know if you plan to attend. The meeting place is currently for the Van Ness Main Street office as it is near to many of you. However, if we think that there will be a large number of people attending, I will look into moving the venue to Forest Hills of DC at 4901 Connecticut Ave.

Community Meeting to discuss Planned Unit Development application

December 14th, 6:30 PM

Van Ness Main Street UDC (next to Acacia Bistro)

4340 Connecticut Ave. NW

I have reached out to the Office of Planning and to Zoning Administrators at DCRA to follow up on questions that have been asked of the ANC about the PUD and site. I will let you know what we learn.

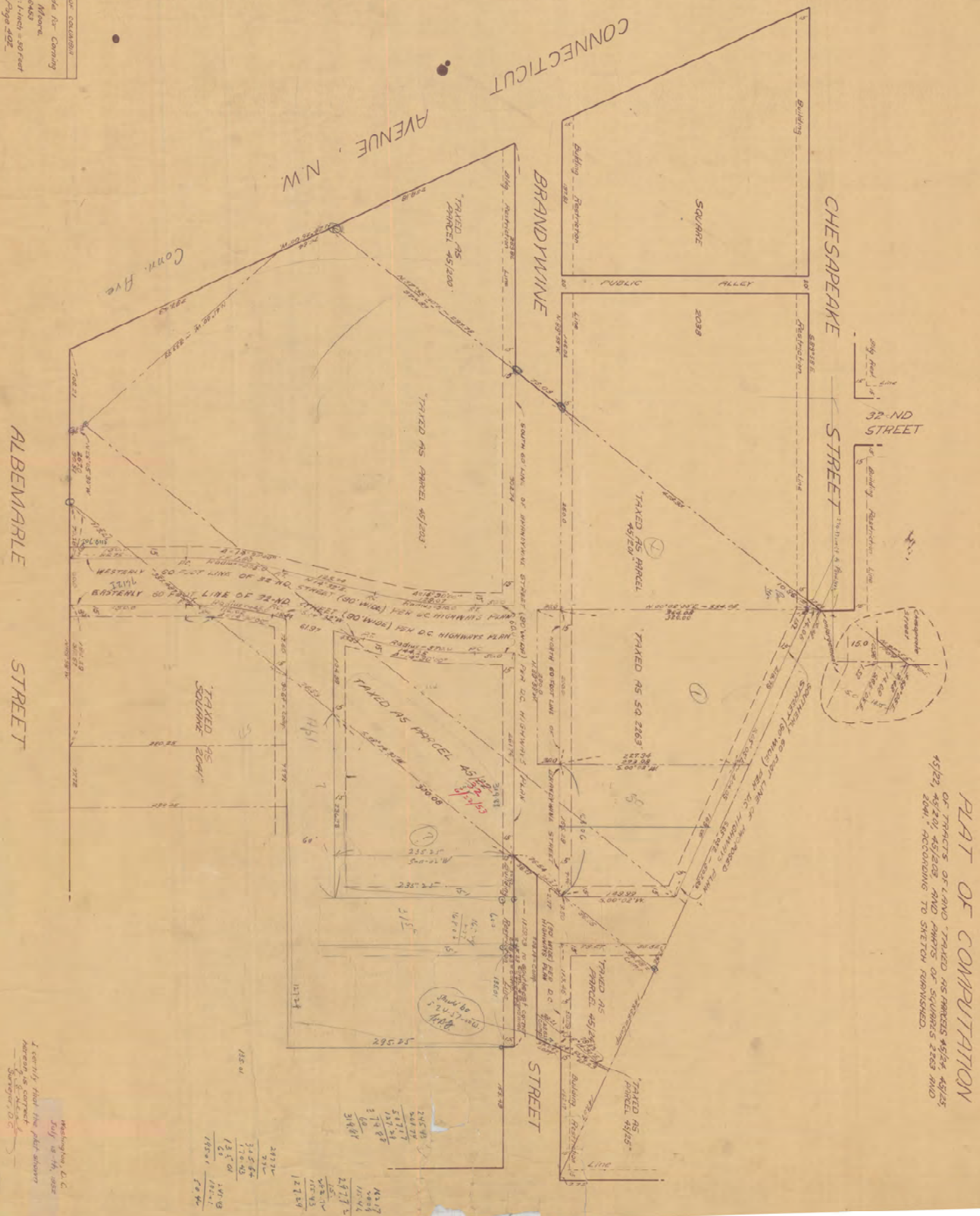
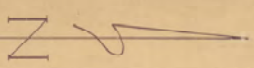
I look forward to seeing you. Regards, Naomi

Naomi Rutenberg
ANC Commissioner, 3F03
3F03@anc.dc.gov

Exhibit F

STANDARD OFFICE SURVEYOR OF CALIFORNIA
 Computation and check of
 by K.T. KAC Made for County
 of San Diego S.O. 6483
 Drawn by R. B. B. B. Scale 1 inch = 30 feet
 Recorded in Survey Book 162 Page 312
 Map Number 2822

1/2
 1/4
 1/8
 1/16



PLAT OF COMPUTATION
 OF TRACTS OF LAND "TAXED AS PARCELS 45/204, 45/205,
 45/206, 45/207, 45/208, AND PARTS OF SQUARES 2803 AND
 2804" ACCORDING TO SKETCH FURNISHED.

2872V	217V
315.64	170.45
135.01	147.18
155.01	127.84

295.91	217.75
241.77	170.45
521.77	147.18
217.88	127.84
319.81	

I certify that the plat shown
 herein is correct
K.T. KAC
 Surveyor of C.

Washington, D. C.
 July 12 - 14, 1922

Exhibit G

On Sep 28, 2018, at 7:46 PM, Rutenberg, Naomi (SMD 3F03) <3F03@anc.dc.gov> wrote:

Dear Neighbors,

I am sure some of you have been wondering what is happening with the plans for 3101 Albemarle St NW. I am writing to share with you three developments.

1. The former Polish Ambassador's residence has been sold by Soapstone Ventures to a private individual who intends to renovate the mansion, working with the Historic Preservation Review Board, and live there. Worked has started on the ground floor addition and will then extend into the original house.
2. Soapstone Valley Ventures has decided to withdraw their PUD application. They have obtained building permits for one house on the lot at the corner of Albemarle and 32nd St. Christian Zapatka is the architect. The house will be built by right, no zoning exemptions or use of public space are being requested by the developers. Access to the house will be from the current driveway off Albemarle, under an easement granted by the new owner. The property behind the house, approximately the corner of 32nd and Appleton, will be used as the construction staging area. Some site work will begin the week of October 2. Depending on weather, construction should last for 8-10 months. The developers will post on the site an information board with contacts for questions or concerns.
3. The plans for the remainder of the property are still under development.

If you have questions about the plans for the property, I encourage you to contact Robert Gottfried rgottfried@gmail.com or PG Gottfried paulen1400@aol.com. If the questions are of a more general nature regarding the neighborhood, I am glad to try to help.

Regards, Naomi

Naomi Rutenberg
ANC Commissioner, 3F03
3F03@anc.dc.gov

Exhibit H

From: [LeGrant, Matt \(DCRA\)](#)
To: [Frelinghuysen, Cyrus T.](#)
Cc: leah.frelinghuysen@gmail.com; [Callcott, Steve \(OP\)](#); [Eutsler, Earl \(DDOT\)](#)
Subject: RE: 3101 Albemarle Street NW
Date: Friday, October 19, 2018 5:07:05 PM
Attachments: [image015.png](#)
[image006.png](#)
[Concept Plans dated 4-20-2018.pdf](#)
[Subdivision Sketch dated 4-2018.pdf](#)
[Det Let re 3113 Albemarle Street NW to Landsman on 5-16-2018.pdf](#)
[Square 2041 Subdivision \(3\).png](#)

Cyrus Frelinghuysen
Winston & Strawn LLP

In response to your email below I am providing you with a copy of my Determination Letter [and its attachments] regarding this matter that my office issued on 5-18-18 to David Landsman, who is a Civil Engineer for the project. Following the issuance of the letter, and as you know, the property owner proceeded to obtain a record lot subdivision on 6-6-18 [re-attached] for the creation of three lots, including Lot 26 that you are asking about. That letter addresses several of the questions that were raised including:

Compliance with Lot Size Requirements: As noted in the letter, all of the three lots were found to comply with the applicable zoning requirements that are listed for minimum lot area, lot width, and lot frontage. In particular, "Lot C" [which is now numbered Lot 26], has 7,656 square feet of area where a minimum of 7,500 square feet is required. Lot 26 also meets the minimum lot width and lot frontage requirements at 108.4 feet.

Ability to site a house on Lot 26, given Front Yard Setback requirements and Heritage Tree location: On page 2 --that is labeled CIV201 of the Attachment named "Concept Plans dated 4-20-2018.pdf" -- development of what is now Lot 26 is shown as "Proposed 3- story house with cellar". No building permit for that proposed development has yet been submitted to DCRA. As noted at the bottom of Page 1 of the letter, there is currently no front yard setback on Appleton Street but a front yard setback would be established depending on the timing or sequence of the development of Lots 25 and 26. At the time of a building permit application, compliance with the front yard setback provisions of the subject R-8 [Forest Hills] zine, under D-505.1 of the Zoning Regulations would be evaluated. In terms of possible impacts on a Heritage Tree, such impacts would be evaluated by the Urban Forestry Division of the District's Department of Transportation [UFD-DDOT]. I am cc'ing DDOT State Forester Earl Eutsler of that office so that he is aware of your concern.

Impacts of Tree Removal at 3101 Albemarle St NW on Heritage Tree: As noted above, possible impacts on a Heritage Tree are evaluated by UFD-DDOT. I left a voicemail today for Earl Eutsler of that office to address your concerns.

Process to Challenge the Subdivision: Any decision of my office is appealable to the DC Board of Zoning Adjustment or BZA. The regulations governing appeals, including the timeframe to file an appeal, are set forth in Subtitle Y, Chapter 5, Section 500 of the Zoning Regulations. See: https://dcoz.dc.gov/sites/default/files/dc/sites/dcoz/publication/attachments/Subtitle%20Y_0.pdf . The process of how an appeal occurs is further described in the DC Office of Zoning's website under <https://dcoz.dc.gov/node/1211521>.

Please let me know if this addresses your questions.

Matthew Le Grant | Zoning Administrator, Office of the Zoning Administrator

Department of Consumer and Regulatory Affairs
Matthew.legrant@dc.gov | 1100 4th St SW, DC 20024
main: 202.442.4576 | desk: 202.442.4652
dcra.dc.gov



From: Frelinghuysen, Cyrus T. [mailto:CFrelinghuysen@winston.com]
Sent: Wednesday, October 17, 2018 11:26 AM
To: LeGrant, Matt (DCRA)
Cc: leah.frelinghuysen@gmail.com
Subject: RE: 3101 Albemarle Street NW

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Mr. LeGrant,

I'm writing at the suggestion of Steve Callcott of the HPO regarding the subdivision of property associated with 3101 Albemarle Street. In June of this year, the single western lot connected to that property was subdivided into three lots, as shown in the attached. As you can see from the subdivision, the owner essentially circumvented the lot size requirements by creating a gerrymandered lot (marked 26) that has multiple potential zoning issues. Moreover, having reviewed the zoning map of the area, it appears this type of gerrymandered lot does not exist anywhere else in the surrounding neighborhood, if anywhere, and has the potential to create bad precedent for development of other properties in the area.

Please let us know whether there is a process by which to challenge this subdivision, as that is something other neighbors and we are considering. We also believe that it would be nearly impossible to site a house on the lot marked 26 that complies with the zoning requirements, given the setback needed in the front and the heritage trees located in the back. We would like to ensure that whoever is responsible for approving any building on that lot is aware of the situation. As shown in the attached photo, in the last two weeks, the owner has been cutting down numerous trees, and we are concerned the activities may threaten the health of the heritage trees that surround the historically designated building at 3101 Albemarle Street NW.

If it would be easier to discuss on the phone, please let me know.

Thanks for your assistance,
Cyrus

Cyrus Frelinghuysen

Winston & Strawn LLP
D: +1 202-282-5890

winston.com



From: Callcott, Steve (OP) <steve.callcott@dc.gov>
Sent: Tuesday, October 2, 2018 3:06 PM

To: Frelinghuysen, Cyrus T. <CFrelinghuysen@winston.com>
Cc: leah.frelinghuysen@gmail.com
Subject: RE: 3101 Albemarle Street NW

Matthew LeGrant (matthew.legrant@dc.gov) is the Zoning Administrator for the DC Department of Consumer and Regulatory Affairs.



Steve Callcott • Deputy Preservation Officer
DC Office of Planning
1100 4th Street SW, Suite E650 • Washington, DC 20024
202.741-5247
steve.callcott@dc.gov
planning.dc.gov

From: Frelinghuysen, Cyrus T. <CFrelinghuysen@winston.com>
Sent: Tuesday, October 2, 2018 3:04 PM
To: Callcott, Steve (OP) <steve.callcott@dc.gov>
Cc: leah.frelinghuysen@gmail.com
Subject: RE: 3101 Albemarle Street NW

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Steve,

Thanks for your email. It's disappointing to hear that HPO does not seem to have any control over what may be built on land surrounding an historic landmark. As I mentioned to Gabriela, HPO did "sign off" on the subdivision of the western lot, as shown in the attached. If HPO "has no review or regulatory authority over these activities," whom should we contact about zoning issues related to the subdivision that has taken place?

Regards,
Cyrus

Cyrus Frelinghuysen

Winston & Strawn LLP
D: +1 202-282-5890

winston.com

WINSTON
& STRAWN
LLP

From: Callcott, Steve (OP) <steve.callcott@dc.gov>
Sent: Tuesday, October 2, 2018 2:33 PM
To: Frelinghuysen, Cyrus T. <CFrelinghuysen@winston.com>
Cc: leah.frelinghuysen@gmail.com
Subject: FW: 3101 Albemarle Street NW

Gabriela Gutowski in our office forwarded me your email regarding the subdivision at 3101 Albemarle. While the land making up the lots that have recently been re-subdivided were historically part of the 3101 Albemarle property, this land was subdivided out of the landmark site prior to the designation of the property. We are aware of the recent re-subdivision of this adjacent property and the intent to build on these lots, but as the property is not part of the designated site, our office has no review or regulatory authority over these activities.



Steve Callcott • Deputy Preservation Officer
DC Office of Planning
1100 4th Street SW, Suite E650 • Washington, DC 20024
202.741-5247
steve.callcott@dc.gov
planning.dc.gov

From: Frelinghuysen, Cyrus T. [<mailto:CFrelinghuysen@winston.com>]
Sent: Tuesday, October 02, 2018 10:45 AM
To: Gutowski, Gabriela (OP) <gabriela.gutowski@dc.gov>
Cc: Leah Frelinghuysen <leah.frelinghuysen@gmail.com>; 'cfrelinghuysen@yahoo.com' <cfrelinghuysen@yahoo.com>
Subject: 3101 Albemarle Street NW

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Ms. Gutowski,

I'm writing to follow up on the voicemail I just left you. First, thank you for returning my call yesterday. Second, as I mentioned on my voicemail, the property at issue does have a historic designation (3101 Albemarle St. NW). And what has happened is that the lot adjoining 3101 Albemarle, which was completely empty and originally part of the historic property, has been subdivided in such a way that it will significantly diminish the historic property. Specifically, as shown in the attached image, the large lot was subdivided into three smaller lots. The only way the owner could reach the required 7500 square feet minimum for the lot marked 26 was to create a gerrymandered lot that has multiple potential zoning issues. More importantly, however, building almost any structure on Lot 26 would completely block views to and from the historic building. As shown in the attached photo, over the last two days, the owner has been cutting down numerous trees, and we are concerned the activities may threaten the health of the heritage trees that surround the historic building. We were wondering if HPO was aware of all of this when it approved the subdivision.

There is a significant backstory here, as explained in my attached letter that I sent to the Office of Planning back in February. (The owner applied for a PUD, but has since abandoned that effort.)

Please give me a call back when you have time to discuss.

Thanks,
Cyrus

Cyrus Frelinghuysen

Winston & Strawn LLP

D: +1 202-282-5890

winston.com



From: Microsoft Outlook **On Behalf Of** Gutowski, Gabriela
Sent: Monday, October 1, 2018 2:17 PM
To: Frelinghuysen, Cyrus T. <CFrelinghuysen@winston.com>
Subject: Voice Mail (47 seconds)

Hi it's Gabriela from the historic preservation office returning your call I listen to your message and I'm not the correct person for you speak to you that we sign off on all subdivisions in the entire city and we do that because we regulate subdivision in historic districts are an individual eight landmarks buildings if your neighbor is not in a historic district or as an individual landmark then we sign off on it no problem because that's all we are reviewing for is the historic designation.

As far as lot size is in zoning regulation preservationist overview for that that's a question for is downing if you feel there's a discrepancy I need to reach out to them my number is [\(202\) 442-8839](tel:(202)442-8839).

Preview provided by Microsoft Speech Technology. [Learn More...](#)

You received a voice message from Gutowski, Gabriela at [\(202\) 442-8839](tel:(202)442-8839).

Caller-Id: [\(202\) 442-8839](tel:(202)442-8839)

The contents of this message may be privileged and confidential. If this message has been received in error, please delete it without reading it. Your receipt of this message is not intended to waive any applicable privilege. Please do not disseminate this message without the permission of the author. Any tax advice contained in this email was not intended to be used, and cannot be used, by you (or any other taxpayer) to avoid penalties under applicable tax laws and regulations.

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Let your voice be heard! Tell us what you want to see in our DC Public School Chancellor by filling out this [survey](#). Learn more about the Chancellor search by visiting ourschools.dc.gov

Exhibit I

Square 2041, Lot 26 (3124 Appleton Street NW)

