

Testimony of Alma Hardy Gates
Chair, Advisory Neighborhood Commission 3D
July 18, 2006

Good Afternoon Chairman Griffis and members of the board. My name is Alma Gates and I live at 4911 Ashby Street, NW.

A "Quote of the Day" in the Washington Post caught my eye – "As density grows, that creates issues. It comes down to rage, tremendous human rage."¹ Much of the angst surrounding this Application might have been avoided had the developer worked positively with the community. The recent Friends of St. Patrick's Application is an outstanding example of community and applicant working through controversial aspects that allowed the case to be brought to the table without contest. It was a pleasure for the ANC to be a part of that Application.

The application put forward by Dorchester Associates is about density. It is about development in an R-1-A District protected by a tree and slope overlay. It is about the subdivision of a single lot into thirteen parcels. And, it is about covering those lots with a substantial amount of impervious surface.

Mr. Bender met with ANC 3D on three occasions. Two letters outlining the deliberations and vote of the commission are on file with the Office of Zoning. Both letters oppose the proposed development because it maximizes lot coverage and impervious surface coverage; removes more trees protected by the overlay than permitted; does not address the public safety of Chain Bridge Road; does not adequately address slope protection; fails to provide information on the integrity and capacity of the drainage pipe that will carry water off the subject property; fails to address erosion and sediment control; and, fails to address the impacts of the development on adjacent neighbors, Battery Kemble Park and Chain Bridge Road.

At a minimum, the applicant has not submitted material that discusses the phasing of construction, where vehicles will be stored on site, provision to ensure tree roots will not be compacted as heavy equipment travels across the site; how boring for the installation of the proposed stormwater management system will not impact critical root zones; an erosion and sediment control plan is missing, as is an outline of the provisions of a homeowners association with covenants, conditions and restrictions; and, street lighting within the development and potential impacts from lighting on adjacent neighbors and Chain Bridge Road. These elements should be fully addressed prior to application approval. A letter requested at the April 11 hearing from Mr. Bender's engineer certifying that the hill behind lots F and G has not been provided.²

¹ PG County Police Chief Melvin C. High, seeking to explain the rise in the number of slayings in the country in 2005.

² Testimony, April 11, 2006, pages 251-252, lines 17-3.

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Several other areas of this application that appear to be in conflict with the overlay or lacking.

The February 6, 2006, DDOT Second Supplemental letter approving the site plan [for two 20 ft. wide lay bys] only addresses changes to the development driveway. The letter is incomplete as DDOT does not address public safety on Chain Bridge Road, a narrow former indian trail that “has existed in its current form since Colonial times.”³ DDOT based its approval on driveways that are wider than provided. The intersection formed by the main driveway from the property and Chain Bridge Road should be of serious concern for DDOT because sections of this road, especially near the proposed site, are so narrow that two cars can just pass each other and most cars use the center of the roadway in this area. The main entrance to the property is on a blind curve and from a public safety perspective requires further study by DDOT. The houses proposed for lots 3, 4, A and B may well impede lines of sight along this narrow roadway. The house on Lot 3 exceeds 100 feet in length, and Lot A will have an 8 foot wide driveway that exits directly onto Chain Bridge Road. These facts were not addressed in the DDOT report.

Title 11 §1565 is explicit on tree preservation and removal. This application requires the removal of eight trees larger than 38” while only three trees of that size are permitted to be removed on a single lot in this overlay district. It appears the Office of Planning based its opinion on the subdivided property; but, there are four separate parcels and eight trees are proposed for removal. On Parcel 12/294, where Lots A through I are located, four trees are slated to be removed; and, on Parcel 12/293 where Lots 1 through 4 are located, four more trees are slated to be removed. While the demise of these trees is known, it seems fairly clear that many of the trees left standing may ultimately succumb to the undue stress placed on them over a lengthy construction period.

The Applicant has been given an opportunity to present a newly created Woodland Restoration Plan where some replacement hardwood trees are listed. Given the proposed development is in a tree and slope overlay, replacement of hardwood trees is essential and critical to the preservation of the area’s character. So, a total of 28 circumference inches in hardwood trees is proposed for placement across the 13 lots – that is 14, 2 inch trees. These new trees in total do not equal the circumference of one of the eight 38” trees proposed for removal.

A review of the revised stormwater conceptual plan, dated June 20, 2006, shows the same pipes crisscrossing the development site that were shown in the April submission. Their implementation will likely permanently damage the delicate root systems of many trees identified for preservation. Therefore, it is reasonable to conclude that the proposed stormwater conceptual plan is in direct conflict with the overlay meant to “preserve the natural topography and mature trees to the maximum extent feasible in a residential neighborhood.”

³ Pre-hearing Statement of Opponent, April 11, 2006, page 2. It was also noted on historic maps from the latter half of the 19th century as The Road to Chain Bridge and during the Civil War Era as Fort Kemble Road. during the period of the Civil War.

Major surface areas will be disturbed as the stormwater management plan is implemented, water, sewer and utilities are installed, and houses and driveways are constructed. A diagram of the limits of disturbance is absent. The Bureau of Environmental Quality visited the site last July and signed off on the proposed best management practices provided the following conditions are incorporated into the project's final design: "1) To prevent shear stress of the soil, the partial infiltration/exfiltration systems should be placed away from slopes; and, 2) To prevent in-stream erosion and stream bank erosion, the post development peak discharge should not exceed the two-year pre-development peak discharge." That review considered the capture of water resulting from an increase in impervious surface area, its flow off site, the placement of trenches, etc., and whether or not the soil would percolate; but, there is no indication that a full geotechnical report was performed that would indicate whether or not the proposed infiltration trenches would be located in fill dirt or if they will perform as predicted.

In testimony on April 11, Mr. Afful, the Applicant's civil engineer, spoke about water from the front of the properties sheeting onto Chain Bridge Road. As you know this road is rather fragile, narrow, winding and does not have any curb or gutter. Water from additional impervious surfaces that is not properly managed will have impacts to road integrity and the edges of Battery Kemble Park.

Impacts to visual enjoyment of Battery Kemble Park are of concern just as visual impacts to parkland were of concern in the recent Economides case. It is obvious from the Site Sections that anyone on the park path directly across the road will be looking into a solid wall of houses rather than the woodland that currently lines the opposite side of Chain Bridge Road. The four houses planned along the front of Chain Bridge Road will tower over the park and road. Remember, the house on Lot 3 will exceed 100 ft. in length and have the impact of a large billboard perched on the hillside above the park. The proposed development is in conflict with the purpose of the Overlay District that is meant to "prevent significant adverse impact on adjacent open space, parkland, streambeds, or other environmentally sensitive natural areas."

One year ago, the Board of Zoning Adjustment considered another theoretical lot subdivision within ANC 3D – Phillips Park. While smaller in scale, the Dorchester subdivision is situated on a narrow, windy road; it abuts Federal parkland, the property is steeply sloped in areas and boasts many mature trees, however, the major difference is, the subject theoretical lot subdivision is located in a zone district protected by a tree and slope overlay. In the Phillips Park BZA Order the applicant was required "to establish a tree preservation and screening area adjacent to the national parklands."⁴ To help mitigate impacts, the Chain Bridge Road/University Terrace Preservation Committee has suggested the creation of a "peripheral greenway." They note, "the BZA has embraced a considerable greenway in approving the Phillips Park project on Foxhall Road, which is especially notable inasmuch as this site is not subject to the restrictions of a Tree and Slope Overlay."

⁴ Application No. 17276 of Phillips Park, LLC, Decision and Order, April 5, 2005, Condition 5, page 16.

Application No. 17309 presents the BZA with a unique, yet excellent test case. Its outcome will determine whether or not tree and slope overlays are meaningful. In making its decision, the Board must exercise substantial discretion to ensure the provisions of Section 1565 are met, consider what is “reasonable,” and recognize there are ways to preserve what is unique about this property while balancing the stresses that exist between good planning and overdevelopment.

In conclusion, the ANC found the proposed development is too intense for the property. It proposes maximizing density where minimizing is indicated. It fails to respect the natural topography of the area and to protect the natural slopes that surround a major portion of the property. It will destroy a significant number of mature trees. It will have significant impact on adjacent neighbors, Chain Bridge Road and Federal parkland. It is in conflict with the purpose of the Overlay District that is meant to “prevent significant adverse impact on adjacent open space, parkland, streambeds, or other environmentally sensitive natural areas.” The Applicant has failed to meet its burden of proof and approval should not be granted.

**Bender Revisions to Plans for 2800 Chain Bridge Road
Specs by Lot (Revised 7/14/06)**

Lot	1	2	3	4	A	B	C	D	E	F	G	H	I
Lot Size (sq. ft)													
Minimum Required	9,500	9,500	9,500	9,500	9,500	9,500	9,500	9,500	9,500	9,500	9,500	9,500	9,500
Provided	9,563	9,588	9,693	9,589	9,522	9,803	9,777	12,001	9,529	9,569	10,619	10,429	9,517
% of Minimum Required	99%	99%	98%	99%	100%	97%	97%	79%	100%	99%	89%	91%	100%
Lot Occupancy (Maximum 30%)													
Maximum Permitted	3,167	3,167	3,167	3,167	3,167	3,167	3,167	4,000	3,150	3,150	3,540	3,476	3,150
Provided	2,895	2,524	2,787	2,229	2,499	2,440	3,121	3,575	2,933	2,426	2,874	3,070	2,589
% of Maximum Permitted	91%	80%	88%	70%	79%	77%	99%	89%	93%	77%	81%	88%	82%
Impervious Surface (Maximum 50%)													
Maximum Permitted	4,782	4,794	4,847	4,795	4,761	4,902	4,889	6,001	4,765	4,785	5,310	5,215	4,759
Bender Provided	4,143	3,312	4,186	3,480	3,392	4,681	4,561	5,418	3,525	4,076	3,626	4,098	3,204
% of Bender Permitted	87%	69%	86%	73%	71%	96%	93%	90%	74%	85%	68%	79%	67%
Shared Impervious Coverage 11,736 sf of 143,190 sf													
Total Impervious Coverage is 63,375 or 44.3%													
Average Lot Width (ft)													
Minimum Required	75	75	75	75	75	75	75	75	75	75	75	75	75
Provided	113.2	91.8	107.2	75.8	77	112.1	78.6	75.8	90.9	80.2	93.8	76.5	88.9
% of Required	1.51	1.22	1.43	1.01	1.03	1.49	1.05	1.01	1.21	1.07	1.25	1.02	1.19
Building Area (sq. ft.)													
Cellar	1,875	1,575	2,368	1,555	841	752	2,897	556	1,231	1,412	1,600	2,026	217
Basement	0	0	0	422	0	1,672	0	1,825	1,043	718	250	0	1,673
Ground Floor	2,797	2,119	2,817	2,229	2,499	2,440	2,242	3,209	2,531	2,362	2,400	2,906	2,412
Second Floor	2,530	1,994	2,615	2,204	2,169	2,440	2,011	3,209	2,067	2,130	2,100	2,906	2,132
Third Floor	1,120	939	0	1,123	1,211	1,563	1,358	1,437	0	0	0	1,769	0
Total Square Feet	8,322	6,627	7,800	7,533	6,720	8,867	8,508	10,236	6,872	6,622	6,350	9,607	6,434
Building Height (ft.)													
Elevation at Grade	289	289.5	290.5	270.25	247.5	263	266	265	267	267.5	267	270	269
Elevation at Front Door	291	292.5	292	277	250	268.5	272	267.5	269	269	268	272	280.5
Elevation at maximum height	312	323	312.5	308	279	300.5	302	298.5	290	290	297	306	303.5
Maximum height minus grade at front door	21	30.5	20.5	31	29	32	30	31	21	21	29	34	23
Feet from grade to top floor ceiling	23	33.5	22	37.75	31.5	37.5	36	33.5	23	22.5	30	36	34.5
Street Frontage (estimate)	0	0	90	110	110	160	0	0	0	0	0	0	0
Inferred non-house impervious coverage													
Impervious Surface Area Minus First F floor area (sq.f	1,346	1,193	1,369	1,251	893	2,241	2,319	2,209	994	1,714	1,226	1,192	792

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