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Mr. Griffiths

July 31, 2006

BZA # 17309

Ms. Elizabeth Wiener
Northwest Current
5185 MacArthur Blvd. NW, Suite 102
Washington DC 20016

Dear Ms. Wiener:

Thanks so much for your article on the Bender real estate issue, which appeared on 7/26.

I want to describe one of the main reasons Mr. Bender should not be allowed to build 13 houses on Chain Bridge Road. It would mean that tradesmen and guests visiting the proposed 13 houses will have no place to park. This will mean they will have to park along Chain Bridge Road, a narrow road, lined by trees, with no sidewalks or curbs for most of its length. The property, which Mr. Bender now owns, is located on a dangerous blind curve. Allowing the parking of cars and trucks along the side of the road will reduce this narrow, two-lane road to one lane. Such a situation would invariably produce congestion, and the hazard of accidents involving pedestrians, who walk up and down the road, among them the elderly and children. Please write another article addressing this hazardous aspect of Mr. Bender's proposal.

Enclosed is a copy of my testimony before the BZA on April 11, 2006. I have lived on this street for 55 years and would hate to see its peaceful state endangered by the expansion plans of Mr. Bender.

Sincerely,

Richard England
Richard England

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17309

EXHIBIT NO. 155

Enclosure

Cc: Robert Sussman, Spence Spencer, Geoffrey Griffis

Board of Zoning Adjustment
District of Columbia
CASE NO. 17309
EXHIBIT NO. 155

TESTIMONY OF RICHARD ENGLAND

HEARING OF BOARD OF ZONING ADJUSTMENT

April 11, 2006



My name is Richard England. I have lived at 2832 Chain Bridge Road NW for the last 54 years. My home is fewer than 100 yards up the hill from the property formerly owned by the late H. Gabriel Murphy.

Chain Bridge Road is a very narrow, winding road. The section of the road, which abuts the Murphy property, is a sharp, blind curve. For the safety of pedestrians and motorists, vehicle-parking should not be permitted on that stretch of the road, at any time. Parking on either side would impede access for emergency vehicles – fire trucks, ambulances, and police cars. Even with no vehicles parked along the side of the road, cars driving in opposite directions, passing each other, must drive with extreme caution.

Mr. Bender's plan is to erect 13 houses on the former Murphy property, with almost no provision for off-street parking for visitors and tradesmen. Homeowners along Chain Bridge Road are experienced with the effects of haphazard road-side parking. There is an entrance to Battery Kemble Park on Chain Bridge Road. People come to the Park for recreational reasons, such as snow-sledding in winter. They park their cars illegally along both sides of road, which creates a dangerous situation.

If Mr. Bender were to reduce the number of houses he proposes to 4 or 5, there would be ample room on his land for ^{off-street} safe parking, as well as such amenities as a swimming pool and a tennis court. If he were to revise his plans downward, instead of having his neighbors opposing his project, he would have their support.

Trees may undo 13-home subdivision

By ELIZABETH WIENER
Current Staff Writer

NW Current
7-26-06

As debate over Morton Bender's plan to build 13 large houses on Chain Bridge Road continues, the battle between developer and anxious neighbors is focusing on trees — and whether Bender's plan would violate a zoning overlay designed to protect them.

At last week's D.C. Board of Zoning Adjustment hearing — the second in a series of zoning hearings — the city's top arborist argued emphatically that building 13 houses on the 3.5-acre wooded tract would jeopardize the long-term viability of many more trees than the

nine or 10 that would be cut down to make way for houses and driveways.

"If you grant a special exception to this project, there's not really much my organization can do," said Earl Eutsler, head of the city's Urban Forestry Administration, a part of the D.C. Department of Transportation. "If two years later, people are living happily in homes surrounded by dead trees — who has failed? There'll be no way to turn back the clock."

Eutsler said installation of driveways and storm-water management devices, as well as foundations for the new houses, would harm the root systems of many

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trees on the tract. "To achieve the results of tree protection mandated in the overlay, a redesign would be required," he told the board.

"Don't kill the trees before you protect them," board chair Geoffrey Griffis said, making sure he understood the arborist's argument.

Bender's attorney, Norman Glasgow, protested repeatedly that the development complies with a 1999 tree-and-slope overlay and that Eutsler had offered no "objective criteria" to measure potential tree damage or how to prevent it. The city arborist's criticisms are "just somebody's subjective view," Glasgow said to the board.

The hearing will continue Sept. 19, when Bender's panel of experts will rebut testimony offered by a similar panel of experts — arborist, architect, traffic expert, storm-water engineer — assembled by the Chain Bridge Road/University Terrace Preservation Committee.

Bender's plan to build 13 houses on the hilly Murphy estate, which overlooks Battery Kemble Park, has galvanized neighbors since he bought the property four years ago. The project is couched as a "theoretical lot" subdivision, with the houses clustered on three flatter areas of the property and two driveways emptying onto Chain Bridge Road.

But unlike in many development

fight, traffic issues have taken a back seat to questions about density, preservation of trees and prevention of run-off to the already eroded streams that cut through the area on their way to the Potomac River.

In response to criticism at an initial hearing in April, Bender's team came in with a new "naturalistic" landscaping plan and some revisions to the construction plans to keep disturbances away from trees.

Architect Stan Androulis said he is proposing reducing the size of some basements, moving some driveways and putting in raised bridges over some low areas to protect root systems of vulnerable trees. Two contemporary houses would have green roofs, he said.

Landscape architect Lauren Wheeler detailed a new plan for the wooded areas, focused on retaining existing trees, removing invasive plants and adding native trees like tulip poplars and hemlocks. Very little space would be devoted to individual lawns, she said.

That pleased the zoning board. "It's a vast improvement," said member John Parsons.

But it did not please Eutsler. Bender simply could not fit 13 large houses, the necessary drives, retaining walls and storm-water management devices on the 3.5-acre property without harming many trees, the city arborist said.

Bender's experts said they would comply with the overlay, with only nine trees intentionally removed for

construction. The overlay allows removal of three large trees per lot, and Glasgow said the property consists of four separate "parcels."

But neighbors testified that two of the parcels are tiny and treeless, leaving nine large and healthy trees to be removed from the other two. "Any way you do the math, that violates the overlay," said Robert Sussman, a next-door neighbor and chair of the Chain Bridge Road/University Terrace Preservation Committee.

Eutsler stuck to the long-term issue: "Unintentional damage" from digging, paving and building would eventually destroy so many trees that the plan would violate the 1999 overlay designed to protect them, he said. He also said preservation of "a rare array" of 16 tall beech trees that line an existing driveway should be "non-negotiable."

"You see them from the [Battery Kemble] Park, driving down Chain Bridge. This is exactly what the overlay regulations are designed to preserve," he said.

But perusing Bender's plan, Eutsler said that of the less-healthy beech trees, "not a single specimen appears to escape without some root-zone assault," from foundations, driveways or storm-water management devices.

Glasgow asked repeatedly what "objective" standards Eutsler was relying on for his assessment. "We're getting criticized where there are no standards."

"I'd be happy to review [Bender's tree protection plans]," Eutsler replied. "There are accepted practices to discern whether your plan is credible."

His arguments seemed to impress the board.

Chair Griffis noted that the zoning board usually does not rule on "construction means and methods." But because of the zoning overlay's tree preservation requirements, Griffis said, the board must consider "tree preservation as it relates to construction — to see if what is being proposed here doesn't fail before it's even implemented."

The city Office of Planning offered "general support" for the development, with a recommendation to remove one house from the plan and provide more information on tree protection.

Witnesses against the plan included NBC News correspondent Andrea Mitchell, who lives in a restored farmhouse just down Chain Bridge Road. Mitchell said she helped win approval of the 1999 overlay. "This is the gravest challenge yet to the character of the street and the park," she told the zoning board.

In response to a question about whether any development would be acceptable, Mitchell said, "I could imagine half-a-dozen homes that respect the wooded nature. I cannot imagine how 12 or 13 houses could comply with the overlay. That's why we first sought the overlay."