

November 8, 2005

Mr. Morton Bender
c/o Mr. Norman M. Glasgow, Jr., Esq.
Holland and Knight, Suite 100
2099 Pennsylvania Avenue, NW
Washington, D.C. 20006

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2005 NOV 14 PM 4:29

Re: 2762 and 2800 Chain Bridge Road, NW (BZA
Application No. 17309)

Dear Mr. Bender:

It is our understanding that you requested a postponement of the July BZA hearing on application No. 17309 in order to reevaluate your plans in light of the concerns raised by the community and various DC Government entities. Over four months have passed since the Board granted this extension and the new hearing date of January 10, 2006 is rapidly approaching. We have not yet received any information about your revised plans and thus have been unable to provide any feedback. As we have stated previously, we believe that a constructive dialogue about development of the old Murphy property on Chain Bridge Road would be beneficial to all parties and we continue to stand ready to engage in that dialogue.

You have requested approval for a theoretical subdivision of 3.5 acres into lots for thirteen large homes, containing, on average, 8400 square feet of interior living space. The Chain Bridge Road/University Terrace Preservation Committee, Palisades Citizens Association, and Advisory Neighborhood Commission (ANC) 3-D have expressed concern about the harmful effects of a development on that scale. The basis for this concern has been communicated to you on several occasions. As we have emphasized, your proposed development poses a serious risk of many protected trees being destroyed, of adjacent homeowners suffering flood damage from inadequate storm-water management, and, overall, of the unique character of our neighborhood suffering from an intrusive new presence.

In the interests of a constructive dialogue, the Committee has developed a set of principles and concepts that it believes should govern

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17309
EXHIBIT NO. 73

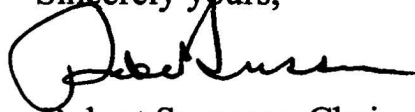
Board of Zoning Adjustment
District of Columbia
CASE NO. 17309
EXHIBIT NO. 73

#73

development of the former Murphy property. These are presented in the enclosed memorandum.

The Committee is available to meet at your convenience to discuss these principles in greater detail.

Sincerely yours,

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

Robert Sussman, Chair
CBR/UT Preservation Committee

cc: Mr. Geoffrey Griffis (Chair, BZA)
Alma Gates (Chair, ANC 3-D)
Maxine Brown-Roberts (OP)
Patrick Canavan (Director, DCRA)
John Patrick Brown, Esq.

Design Principles for Development of the Old Murphy Property (2762 and 2800 Chain Bridge Road)

Chain Bridge Road is a curving, narrow and hilly street distinguished by its semi-rural, park-like appearance and beautiful trees. Its historical values are notable. Its Eastern side adjoins Battery Kemble Park, a 56-acre site managed by the National Park Service and originally the location of a Civil War battery. Across from the Park entrance is an old African-American schoolhouse that is listed on the District of Columbia and National Registers of Historic Places and occupies the site of a former wood-frame structure built after the Civil War for the children of liberated slaves. Chain Bridge Road in its current configuration dates back to colonial days, and the cemetery along its lower southwest boundary has the remains of former slaves and freedmen. The density of development on Chain Bridge Road is low; most of the houses sit on large and heavily wooded lots.

The old Murphy property at 2762 and 2800 Chain Bridge Road, consisting of the 3.5 acres now proposed for development plus the half-acre schoolhouse site, is by far the largest undeveloped property not only on Chain Bridge Road but in the entire Palisades. In the hands of a single owner for over fifty years, its largely undeveloped state (its one home, hidden in the far back, has now been removed) has complemented and enhanced the rustic quality of the neighborhood. Development of this property calls for care and restraint, in recognition of the property's unusual topography and the need for tree preservation, effective storm-water management, and protection of the rustic character of the neighborhood and Battery Kemble Park. The topography is characterized by distinct north and south plateau areas, and marked by an abrupt change of grade between these plateaus and another abrupt change of grade at the property's eastern boundary and along its southern and western boundaries. As a result, a number of abutting lots sit several feet below the property and are bordered by steep slopes that could collapse during construction or following flooding.

To meet concerns of the community, the Committee thinks it imperative that the property be developed in accordance with the following principles:

Observing a proportionality in keeping with limitations of the site and the character of the neighborhood. Given the many large lots in the neighborhood and its rustic and wooded character, substantially fewer homes on much larger lots are called for as opposed to a maximalist plan of development that seeks to put on the property the largest number of large houses physically practicable.

Preserving, even improving upon, Chain Bridge Road's character as a green, park-like, semi-rural neighborhood. This will mean fewer homes and careful screening, not necessarily to hide the homes but to soften their outlines and avoid any untoward obtrusiveness.

Providing a comfortable cushion against fatal damage to protected trees and against erosion and storm-water runoff doing major damage to the properties of abutting neighbors.

Preserving and enhancing historic values, particularly where the schoolhouse and the Park are concerned.

Where these Principles Lead

These principles strongly argue for a development plan built around the concept of a *peripheral greenway*. Significantly, 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.

This greenway, of a variable depth always sufficient to include all steep contours, would begin along Chain Bridge Road at the eastern boundary of the schoolhouse, continue down to include the southern boundary, then swing back along the western and northern boundaries of the property.

We see the greenway as essential to compliance with the Chain Bridge Road/University Terrace Tree and Slope Overlay and to effective storm-water management.

By the count of Mr. Bender's project arborist, the 3.5-acre tract contains 64 trees large and mature enough to qualify for special protection under the Overlay. Yet the proposed plan to subdivide the 3.5 acres into 13

lots averaging just a bit more than the required minimum of 9500 feet each, together with the new streets, would effectively cover the entire property. The large homes planned for these lots, along with the impermeable surfaces associated with them, would in many cases take up nearly half of each lot, for a total new hardscape of over 62,000 square feet -- more than an acre and a half of impervious surface, not counting any paved surfaces for required access and egress. In addition, the Committee's arborist has advised us that the footprint of these houses would result in fatal damage to the root systems of nearly all of the protected trees, causing their death and removal in violation of Overlay requirements.

But by going to a smaller number of much larger lots that make room for a greenway, several important things are accomplished.

Tree Preservation. About half the mature trees on the property would be in the greenway, including over a third of the very largest trees. All these trees are on or very near steep and unstable slopes. Also, the greenway would harbor the most important clustering of trees on the property, especially along the property's southern boundary where at the moment five homes are planned. Our arborist reports that virtually none of the trees currently on the site could survive this construction activity. In addition, a reduced scale of development and a greenway could be coupled with preservation of the stately beech trees that line both sides of the existing entrance lane into the southern part of the property, as discussed more fully below.

Storm-water Management. By reducing the number of lots substantially, creating the greenway would bring a corresponding reduction in impermeable ground surface and lessen the potentially severe problem of storm-water management now foreseen by our consultants. The six or seven home sites currently planned for the property's southern and western tier would occupy much of the greenway we propose and would be built across terrain contours. We see only trouble if that should occur. Indeed, effective storm-water management and tree preservation call for placement of home sites on the stable, level, and largely treeless areas of the two plateaus. Again, just as in tree preservation, creating the greenway and thus precluding development on steep slopes would allow a necessary cushion against storm-water runoff and resulting damage.

Screening the development from Battery Kemble Park and neighboring properties. Creation of a greenway can serve both to protect existing trees and to allow the planting of many new trees (more than 350 new trees of “significant caliper” will be planted at Phillips Park). Such plantings would be of particular importance along the more than 500 feet of frontage on Chain Bridge Road, directly opposite Battery Kemble Park. The lower part of this frontage has a good many trees already but much of the frontage north of there would benefit from new plantings. Battery Kemble is heavily frequented in all seasons and many visitors use the path opposite the site running along and above Chain Bridge Road. Appropriately screened and reduced in scale, the Bender development could be compatible with the special character of the Park.

Turning to *historic preservation*, while the previous owner of the schoolhouse, Gabriel Murphy, kept it well preserved for over half a century, he also kept the entire site strictly private and off limits to the public. This tradition could be turned around by making the schoolhouse building, with a suitable historical marker, a focal point for that part of the project that takes place on the north plateau area. Visitors might enter the property by the schoolhouse driveway from Chain Bridge Road. The schoolhouse is now barely visible from the road, and with more convenient access for visitors, its historic designation would receive greater public recognition.

The Committee's serious reservations regarding overzealous subdivision could be overcome if the project is pursued at an appropriate scale and with all due concern for tree preservation, storm-water management, and compatibility with the character of the neighborhood. For example, regarding access off Chain Bridge Road by way of the existing gate and beech-tree lined lane, the Committee could support granting a limited exception to the usually strict width requirement in order to allow one-way access or egress to the property, in the context of a revised project plan with significantly fewer houses, preservation of protected trees and a greenway that provides a buffer zone for Battery Kemble Park and abutting homes.

The Committee takes no position at this time on the appropriate number of home sites. This is a choice and responsibility that belongs to the applicant. However, we believe strongly that the number of houses should not be determined arbitrarily but should be dictated by the design principles outlined above. Of necessity, creation of a greenway, preservation of

protected trees and respect for the existing scale and character of the neighborhood would require a plan with significantly fewer houses than the thirteen now proposed.

An advantage of substantially fewer home sites is that prospective lot buyers, pondering whether to commit three or four million dollars to a new home in the subdivision, might back off from a situation where the bedlam of new home construction can be expected to continue for five years or longer. Also, some buyers might be pleased at the prospect of being part of a small community of families that might create for themselves the kind of neighborhood tennis court and swimming pool association enjoyed by a half-dozen families just to the south of the Bender property. The tennis court that is a part of the schoolhouse property might figure as a key to such an arrangement.